
MONDAY, FEBRUARY 21, 2005

COUNTY OFFICES CLOSED-PRESIDENTS DAY

TUESDAY, FEBRUARY 22, 2005

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioner Watne and Brenneman, and Clerk Robinson were present.

Chairman Hall opened the public comment on matter within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

MONTHLY MEETING W/ JIM ATKINSON, AOA

This meeting was not held.

PRELIMINARY PLAT: KOESTER MEADOWS

Present at the February 22, 2005 9:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Assistant Pence Planner Peggy Goodrich, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Donna Lynn Koester, John East, Ava Jorgenson, Pat Zinke, and Clerk Moser.

Goodrich reviewed the application submitted by Donna Koester for preliminary plat approval of Koester Meadows, a minor subdivision that will create one single-family residential lot with a remainder. The lot will be 10.56 acres in size and will be served by an individual well and septic system. The subdivision is located between Demersville and Lower Valley Roads. The property is zoned both R-2 and SAG-5 in the Lower Side.

Commissioner Watne made a **motion** to Staff Report #FSR-05-02 as Findings of Fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the requested variance. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

TUESDAY, FEBRUARY 22, 2005
(Continued)

Commissioner Watne made a **motion** to approve the Preliminary Plat of Koester Meadows subject to 8 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: PATYK

Present at the February 22, 2005 9:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Assistant Pence, Planner George Smith, and Clerk Moser.

Smith reviewed the Lake and Lakeshore permit application submitted by Steve Patyk, to demolish and remove existing crib dock. All materials from the dock and foundation will be removed from the Lake and Lakeshore Protection Zone. Dock will be replaced with a steel piling/frame dock with plastic lumber decking, of the same F-shape and gross dimensions. Dock will extend 60 feet from shore and be 4 feet wide. Top leg will be 26 feet long and 8 feet wide, and lower leg will be 26 feet long and 3 feet wide, forming a slip 26 feet by 12 feet. The slip will be covered by a new wood boat cover. Total impervious cover of 838 sq ft is within allowance for residential dock, and the boat cover is consistent with existing docks in the neighborhood. Staff recommends approval. General discussion was held.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLP-05-02 subject to 21 conditions and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

MEETING W/ JED FISHER WEED/PARKS & MAINTENANCE RE: CONCRETE BARRIERS

Present at the February 22, 2005 10:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Assistant Pence, Weed and Parks Director Jed Fisher, and Clerk Moser.

Commissioner Watne made a **motion** to approve removing the concrete barriers from the Justice Center parking lot. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/ JUSTIN MORRIS, EXTENSION SERVICE

Present at the February 22, 2005 10:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Extension Agent Justin Morris, and Clerk Moser.

Discussion was held relative to Montana Master Gardener program, the effort to contact 71 individual agricultural producers throughout the county, the annual mint meeting, the selection of the new office assistant with the starting date of March 7th, and the future plans for the Extension Office, including First Detector Training, meeting with NRCS, Initial Pesticide Applicator training, Montana Master Gardner Program.

10:00 a.m. Commissioner Brenneman to attend Flathead Basin Commission meeting (till 5:00)

PUBLIC HEARING: POLITICAL SIGNS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the February 22, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, Deputy County Attorney Jonathan Smith, and Clerk Moser.

No one from the public in the audience, Chairman Hall closed the public hearing.

Commissioner Watne made a **motion** to approve the political signs text amendment. No second. Motion fails.

MID-POLICY YEAR VISIT W/ GREG JACKSON, MACo JPIA

Present at the February 22, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Assistant Pence, Greg Jackson, Kim Thomas and Robin Boon of Western States Insurance, Clerk and Recorder Paula Robinson, Human Resource Director Raeann Campbell, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Greg Jackson – Basically the reason that Robin, Kim and I are here, and Robin Boon is the local insurance agent, I represent the Association of counties property and liability pool. Flathead County has been a member now I think this is your third year in the program. You have been a member of the work comp trust since 1985 or 1986. The reason we are here now is because at this time every year, beings it is half way through the policy year, we come to visit, and give you an idea of what it going to be happening, as far as the upcoming renewal, effective July 1st, on the property and liability side of things. Also to answer any questions that you have or any concerns that you may have, in regards to any claims, or anything else that is going on. Of course Robin and Kim are here to have there input as well, in regard to what is going on with the program, or if they have any thing that they want to talk about. I have a short agenda here for you. I hope you don't mind. It is just a brief agenda that some of the items that I would like to go over.

First off just let me update you on the status of the board of Trustees. Mike and Joe for your information both pools are managed by a board of trustees that are comprised, at least on the property and liability side, six county commissioners and Gordon Morris, the executive director of MACo. The composition of the existing property and liability board of trustees is comprised of two elected executive committee member of MACo. The other four commissioners are elected at large for three year terms. Vern Pederson, who has been one of our board members for years, lost his election, so effective January 1st the trustees had to appoint someone to fill out Vern's slot, until the annual convention in September. They selected Gary Felsted from Rosebud County to fill out Vern's slot. The other thing that may change the composition of the trustee's, is that we just added Yellowstone County about three weeks ago. As a result of that Bill Kennedy, who is the current president of MACo, has an opportunity to sit on the board, beings that he is president of MACo. He has not decided to do that yet, because he would only be on the board for six months, until the annual convention, then he would have to go off, because he would be pass president. I know it sounds complicated, but just to let you know what is going on there. Your current board of trustees as it stands right now is: Doug Caricker, who is your first VP of MACo, from Hill County, John Crinckey, who is your second VP, he is from Carbon County, The four members at large are Gary Felsted, from Rosebud County, Mike Murrey, from Lewis and Clark county, Ted Kaufman, from Madison County, and Carol Brucker, from Sanders County, and than Gordon Morris of course. Those are your board of Trustee members at this time. They are the ones that make the decisions, relative to what is going to be happening, as far as renewals, any change of program structure, pricing, or what have you.

TUESDAY, FEBRUARY 22, 2005
(Continued)

First off I would just like to go over, every November and December the trustees are presented and actuarial study and an audit. For the audit, for the last completed financial year, which in this case was '03-'04, and then the actuarial study they estimate, or try to project, what our future losses are going to be for the upcoming years, based on past losses. I think that it is important, because this information is the basis of which our trustees make the decision on what we should do, as far as pricing increases, or no increases, or coverage changes, or what have you. The bar chart that you see, which is on the second page, is from our actuarial study. I would like to just note the last column of the last '02-'03 year, which is the last completed claims year, there projecting, based on our last loss in increases in exposures, that we are going to pay out about 2.9 million in property and liability claims. The dark area of that bar is what has actually been paid in reserve to date, as of the date of this report. The light area is what they are guessing may be out there, as far as losses we don't know about, or claims we have that may blow up on us. We have a couple of those that I will mention in a minute. That is called IBNR, incurred but not reported. In that we have to project what our potential losses may be. They are projecting that we are going to spend about 2.9 million that year. That year we collected about 3.2 million. Even if the worst case scenario should happen for that year, we should be okay, relative to how much we collected. It probably won't end up that way. Actuaries are pretty conservative in their estimates. Their history has shown that if they project a certain amount, usually the following year drop down, based on what their projections are. Norm Grosfield, who is our legal council, has never believed in incurred but not reported. He thinks it means incurred but not really there. The thing is that, I will give you a couple of examples that have helped changed his mind. If you want to turn to the backside of that page, that is a page from our audit. Just to identify a couple of things, remember this is the financial audit for the '03-'04 year. The other thing that the actuary does is they estimate how much reserve we need to pay all open claims for all of the years. That figure is then put into the liability side of our balance sheet. If you go down to the bottom, where it says note one, if you notice under the year '03, our total reserves that were estimated for that year was about 5 million, if you go right next to it you can see that the reserve for losses is about 7 million, about 2 million dollars than the previous year. The reason for that is that we had four claims that we ended up paying about 1.6 million more than what was reserved. There is some IBNR right there. Four claims, four in '98 and one in 2000, and one in 2001, two of those claims had three things in common, jailors, female prisoners, and sexual abuse. Both of those cases the county, or sheriff, or whatever did not do a background check on the jailors. Both of those cases those jailors had some pretty shady background, as far as sexual behavior was concerned. We had reserved here, we paid up here. The third claim was also a jail claim, which happened in Hill County, where the city police of Havre arrested an individual whom they thought was intoxicated. They brought him to the county jail, and he laid there for a couple of days without any medical attention. Once he did receive medical attention they determined he had severe brain damage. In fact he had been injured, and had not been intoxicated. As a result of that, we had it reserved at X and we spent Y. The fourth claim was kind of unique in the sense that it started out in a work comp claim and ended up being a liability claim. We had a volunteer nurse, who was on an ambulance crew, on her way to a call, when the ambulance wrecked. She was hurt quite severely. As a public safety volunteer she was eligible to receive work comp benefits, which she did, about 70,000. Her attorney filed a lawsuit, a liability lawsuit against, alleging that in fact her injuries resulted from the negligence of the driver, therefore she was eligible to receive a liability judgment. We denied on the basis that work comp is one final remedy. That case went all the way to the Supreme Court. The Supreme Court says no. They said that being that she was a volunteer, and not an employee, that she was in fact due to receive an auto liability judgment, based on the negligence of the driver. We ended up reserving that at fifty thousand and ended up settling at three hundred and fifty thousand. In addition to that we ended up reimbursing the work comp trust by seventy thousand. There are the four claims that resulted in about 1.6 million, or there about, more than we had reserved for. As a result of that, the actuary, say we need to adjust your overall reserves from five million to seven million. It can go the other way. Between now and the end of March we found three claims where in fact we had in reserved at 1.3 million and we ended up paying three hundred thousand, because we either settled them, or they were dismissed. It can go the other way. It is a snap shot in time. We are going to have an update done on the actuarial study before any decisions are made on pricing, which the trustees will make the first week in April. The time line for that is that they will decide on the renewal option the first week in April, then I will schedule meeting for the end of April to the first of May. You will know what your renewing premium will be May 1.

If you look at the bottom results you can see the bottom line impact is that our overall surplus dropped from 2.3 million down to about 670 thousand. We want to stay at a surplus of about 2.3 million. We want that as our bench mark. I am sure that the trustees will be looking at an increase in the liability/loss assessment this year. The liability/loss fund assessment is part of your premium. It is only a portion of your premium. The rule of thumb is, and this is just standard, don't hold me to this, but if we increase the liability/loss fund by twenty percent your overall bottom line would increase about 10 percent. If we increase it 10 percent your overall bottom line would increase by five percent. Your bottom line increase would be about half of what we increase the liability loss fund. The reason is to shore up that surplus situation. We have been told that we will not have a property rate increase this year. The last three years we have had. We have just gone through a very difficult and frustrating appraisal cycle. We finally got the property policies for this year the last part of January, because we had to make sure that all of the entities values, abilities, and contents were correct based on the appraisals. It has been indicated to us that we will not have a property rate increase this year. That is good news.

Based on the actuarial study, and based on the results of the audit, the trustees will be looking at some kind of adjustment in that liability loss figure. Remember the liability loss fund are dollars, self insured dollars, that Flathead puts into the pot of 3.2 million, that we collect every year to pay claims. Your portion is based on your exposures, your past claims history. You have not been in the pool long enough for that adjustment, you have to be in three years or more for that adjustment to take place. You will have an idea of what your overall renewal will look like by May 1, and Robin will know well before that, I am sure they will keep you up to speed on what it going on.

Second item on the agenda, real briefly, is the reason that this item of use of county facilities is on the agenda is because that in some counties, not necessarily Flathead, you have a pretty active fairground, you have a lot of activity out there. Some counties do not require proof of insurance or user agreements, when someone is using their facilities. I agreed to put this on the agenda, because there was some discussion in the trustee to mandate. In other words if you had a group, or an individual, using your facility and they cause a claim, than we are not going to provide coverage to you, if you do not require proof of insurance, or make sure they have proof of insurance, or whatever. I don't agree with that, because each county is different. I agreed to at least bring the subject up, ask what you are doing in regard to use of your facilities. Talking to Robin, and knowing what has been going on here for years, I think you have a pretty good handle on that, as far as requiring groups have proof of insurance, and things of that nature.

Robin Boon – Some departments better than others. There are some departments that don't actually insist on it. I think we should stress that.

Commissioner Hall – I think Robin, that if you could, I would like you to, at your earliest convenience, sit to down with Mr. Pence and just share with him so of those thoughts, and so of those department issues. I am in agreement with Robin. Mandated is not a bad idea. I know that Jay does a good job out there.

Robin Boon – That would be a department that does good.

TUESDAY, FEBRUARY 22, 2005
(Continued)

Commissioner Hall – I am all for it.

Greg Jackson – I did insert some samples. There is one user's agreement in here, fairgrounds rental agreement; this is a sample from Roosevelt County, over in the eastern part of the state. I think that it incorporates a lot of the positive attributes of that type of agreement. Some of the things are specifically Roosevelt. Rose Bud County, Fergus County, Hill County, or course the bigger counties, have pretty active fair grounds, or pavilions, or some building that is always in use, not only by groups, and organizations, but maybe also by individuals. It is internally, you can set your own standards, and your own policies and procedures, as long as you know that whoever is using your facility has some kind of liability coverage, because if not than the county is primary. We have quite a few examples of that. Absent of any coverage by that group the county is going to be the primary provider, or insurer of any claim that comes down the pike. We will defend you guys, but we will not defend those groups.

Robin Boon – You don't make any mention in here what the recommended, or what you want to see.

Greg Jackson – Good point Robin. Right now our liability limits are statutory, seven hundred thousand per claim, and a million and half per occurrence, those are the statutory limits for public entities. Until the legislator changes them by two thirds vote, or the Supreme Court changes it, that is what they are, so therefore that is what our limits are. It is very difficult for private carriers, I think, to do a split. What we would recommend in lieu of that is the million dollars per occurrence limit. If they want more than that than they can get a million dollar umbrella, and at least have two million in place, which would come close to the million and a half per occurrence. I think a million would be more than fair.

Commissioner Hall – I believe that everybody that has a booth at the fair has to have a million dollar.

Robin Boon – It is a source of contention every year. I am glad you bring that up, because I am sure you guys get phone calls in the spring, because there is someone there that is just a little mom and pop outfit, and they are only going to be there for seven days, and how horrendous it is for you to insist on these million dollar limits, they get very upset about it. Those are the kinds of folks that could have a claim, and if we do not insist on it, we will be the ones that will take that on. I know it seems unfair, but we really have to mandate that that is the way it has to be.

Greg Jackson – You could make us the bad guys. I remember going to Mussel Shell one time and meeting with the fair board, and the commissioners, and basically making the same speal. Their was a headline in the round up paper saying Insurance man keeps activities from fairground, or something like that. We will take the heat. It is only to protect you, and to protect the groups. The organizations have to understand that their personal assets are hanging out there.

Commissioner Brennehan – How much does a million dollar policy cost for mom and pop.

Kim Thomas – We actually have done that as an accommodation to the county. We have written those special policies for the short period of time that they need them, and are charging around one hundred and sixty dollars. That is the best we can do. We actually think that that is pretty good.

Robin Boon – They can get the policy anywhere, they don't have to buy it from our agency. I think we, by far, have the cheapest deal, and really that is strictly as an accommodation to the county, because I think you will find a lot of carriers that do the minimum five hundred bucks. It is that much to issue a policy.

Greg Jackson – That is a good premium. Any question that you have or anything more that you need to go over. Like I said I think you guys have it pretty well in hand. Robin has been your agent for a very long time. She has always kept pretty well heard on everything going on around here. I have on the agenda volunteer coverage, this is just a point of clarification. Under the manuscript, let me also note that our policy is manuscripted, it is not belong to any company, it is our policy, for liability purposes. Under our named insurers volunteers are covered for liability, so long as volunteering on behalf of Flathead County. There is no classification of who is covered and who is not, any volunteer. That does not apply to work comp coverage. Fire districts carry their own coverage. If you have fairground volunteers, if you have senior citizen volunteers, or museum volunteers, or even your appointed board members are not covered for work comp purposes. Sometimes there is some confusion there. They are covered for liability. I know that work comp trust is going to be considering extending to all volunteers, no matter what they are. They have done that, they have met two or three times over the last eighteen years on that, but have not decided to extend to other volunteers.

Claims administration, I just want to let you know that there was a proposal on the table to bring claims in house. Currently both trusts are contracting with ASC for claims administration. As of last week, at the mid winter meeting, we had a joint trustee meeting, they have tabled basically the claims coming in house. Associated with that was a proposal to build a new building in order to bring those folks over, either a twin building next to where we are at, or a brand new building, sell the one we are in now and build a brand new building. That has been tabled, until such time, I think there was too much going on in regard to what is happening on the MACo side, because Gordon will be retiring effective January 1 of 2006. There are some concerns that if we start bringing claims in house, and building a new building, it might get a little complicated, from a time frame stand point. What they have done, is said that they will table that until such time as we get settled in with a new exec and then perhaps bring it up again.

Robin Boon – That is something I would sure like to voice my opinion. I would be very much in favor of you doing that. As I am listening to what the makeup of the board of trustees is there are more smaller counties there than larger ones. I would think that the larger counties that are in a similar boat as Flathead County, we have a lot more claims. That is one area that we could see a lot of improvement made.

Greg Jackson – I agree with you one hundred percent. I think that one of the benefits that I would see is that we have been trying to get a claims reporting system, a web based claims reporting system, up and going for three years now. Nothing has happened. We are gradually getting the bigger counties by the way on line. We have to do it one at a time, because it is pretty complicated. If we had claims in house, and more control, and put the money up front to do it right, we could get it done in a years, without waiting three to four years to get the thing up and running. Like Robin said a county you size, she needs to know, and you need to know, the status of your claims, what is open, what is out there, what is continuing, and what the status is. We don't have the right now. Unless we call and ask specifically, what if you have a special request or something. Since this has been tabled I am going to make the effort to get at least the larger counties on line. I know that Steve Irwin of Cascade is online now. He said that it works pretty well for him. That is about all I have. If you have any questions, or if anything comes up, just

TUESDAY, FEBRUARY 22, 2005
(Continued)

call Robin, she know this program pretty good, and if she can not answer she can get a hold of me. If I don't answer within twenty five minutes, I get a reminder.

Robin Boon – You have not changed the language here on employees having insured, there just is not anything new here, that the county still has protection for any autos that they borrow, but we are not giving protection to employees. Again just to be reminded that, when we are working at it from the Risk Management Committee side, to just remind employees that the county does not back up their coverage for them. The county has coverage, but that is another reason we try to discourage employees from using their own vehicles on county business.

Commissioner Hall – What is going on with the, I believe we qualified for a risk management type program, or we asked from MACo to participate in, and I was very much in favor of doing that, and we discovered it was not going to cost us astronomical amounts of money to do that? Can you give us a report on that Raeann?

Raeann Campbell – We are going to have a meeting, I think on the 3rd of March, with a couple of members of the state agency.

Robin Boon – We have met with the state, and their representatives that will be assisting in that study.

Commissioner Hall – I am looking forward to that. I think that any time we can help our department heads, and our county government, that is growing.

Robin Boon – You heard some of the claims that Greg was discussing, those High dollar amounts. In particular it is really important to bring the sheriffs department on line, in compliance, that they are abiding by the same department as any other departments, and all other policies. They really are probably our highest profile department in the municipality for causing new claims, the opportunity that those could go into a federal court system.

Greg Jackson – Speaking of that, just let me inform the commissioners that, I think that as of the end of this month we have joined with the league of cities and towns in funding a law enforcement trainer type person at the law enforcement academy in Helena, who specifically is to concentrate on local government law enforcement. This person is going to go beyond shoot and chase training. It is going to be more training on how deputies should handle domestic abuse situations, intoxicated individuals, like we had up in Havre, because there are certain statutes that they have to follow when they come across an intoxicated individual. This person also, on of his or her responsibilities, is to come to you locally, spend a day and do training on site here with your sheriffs department, and in consultation with your sheriffs, on what he or she thinks they need, relative to their whole operation. That would include jails. We are really excited about it. We are kicking in about seventy grand for this. We want to see some results. I don't know how it is going to work. I don't know if it is going to be based on your request, or the Sheriffs request, or if it going to be just a standard itinerary that this person comes around to each entity. I think that that is going to be work. That person will be available to Flathead County, and the Sheriff here for any type of law enforcement training. There will be a notice going out on that.

Commissioner Hall – My understanding was that, in the beginning that not all of the counties were going to be a part of this. It was just going to be a few.

Robin Boon – You mean the particular, the sharp thing, the municipality having the top safety level that we are shooting for, because that is different from.

Commissioner Hall – That is not what I am talking about.

Raeann Campbell – The thing that you are talking about there are just the two counties in it.

Robin Boon – Yes, we are the big one on the small one is the Broadwater.

Commissioner Hall – I think that that is another thing that Mike Pence can put down on his things to do, is to work with the Sheriff. They are a pretty independent group there. I don't know what kind of training he does for his people. I am sure he has training in place for dealing with these things. I am hoping that that would be a good working relationship there.

Greg Jackson – Just one other item and that is legislation. There are just a couple pieces of legislation you should be aware of, that the trust, our trust, the property and liability pool, has introduced, and is going through the legislator session right now. One is clarifying and simplifying the fidelity bond statutes. Right now, or in the past, if you were elected as a county elected official, or a city elected official, under the old statute you should have, I think this is the way it is, you should have signed an affidavit, signed your bond, and had the county attorney sign it. I don't think that that happens. What we are doing is just simplifying, just basically saying, that all county city elected officials have to be bonded for the faithful performance of their duties, and that that bond can be provided by a surety company, an insurance company, and or a pool. You already have the coverage. We already provide it through travelers, including the Treasurer. It is just that the statute was unclear, because last time it was clarified was in the 1930's. It is very complicated. It has gone through the Senate. Senator Magnun from Great Falls, or from Cascade County is the one carrying it. It has gone through the Senate, and I don't anticipate any problems in the House. That is simply all it does, it just modernizes it, and brings it up to date. The other thing that we are working on, this is a bigger bite to chew off I think, is with the league of cities and towns, it is because of the intoxicated individual situation, under current statute if a law enforcement person comes upon an intoxicated individual it is their responsibility to get that person to rehab. In Hysham Montana where do you go to get this person to rehab. What we are trying to do is trying to establish immunity for our law enforcement personnel, in those kinds of situations. In order to do that we need two thirds vote of the legislator. That is a big chunk to bite off, but we are going to try and do that.

Commissioner Hall –Two thirds of those legislators are from small counties.

Greg Jackson – It is a lot of responsibility on our law enforcement people out there, to make those kinds of determinations and decisions, but that is state law.

Commissioner Brenneman – I see that up until about '94 the average claim paid, for the year, was about half a million. Since then it has gone dramatically higher.

TUESDAY, FEBRUARY 22, 2005
(Continued)

Greg Jackson – We have added Flathead County. We have added Gallatin County. We have added Pondera County. Exposure has increased.

Commissioner Brenneman – Okay, it is an increase in business.

Greg Jackson – We are right now at forty eight counties. We started out with fourteen. We have been gradually increasing those counties, plus in 1993 we added special districts to the program. Currently we have an excess of two hundred and twenty some special districts, which includes the four airport authorities, including Glacier International. We don't do the airport aircraft liability, but we do the buildings, the general premise liability, auto, errors and omissions, those kinds of things. Our exposure base, that is another thing that the actuary looks at too, Joe. Your exposure base goes up. What they use is budgets. We started out with maybe twenty, thirty million dollars worth of budget expenditures, we are now up to, after you guys and Gallatin came in, now after Yellowstone is in. That is one thing that I wanted to mention to you, and I think Robin and I have talked about this, is for the larger counties we are trying to develop some kind of system, on an underwriting approach, where you can increase your deductibles, become more on the self insured side of things, and we act more as an excess carrier. We are doing that with Yellowstone. Right now they have a two hundred and fifty thousand dollar SIR. We sit above them. Your highest deductible right now, you are at the minimums. At the renewal, if you want to, we can take a look at increasing your deductibles by line of coverage. Gallatin County currently has twenty five thousand per occurrence deductible for law and E&O. Lewis and Clark has ten thousand. Cascade has ten thousand. You're at the minimum of three, three, one, and one. That will effect your overall liability loss fund assessment. The more deductible, the more risk you take, and the less amount we charge for liability loss fund. You might want to talk about that. Robin might want to talk to you about that. We can certainly, for your renewal, provide those options to you, for higher deductible ranges. We established an underwriting system with Yellowstone, because they wanted to stay at two hundred and fifty thousand, that is a big chunk, they are taking a big chunk. They were self insured before, with a two fifty. Their excess increased by two hundred percent. That is why they decided that they better look. We have made arrangements with them, in regard to handling the claims within that two fifty by themselves. They report to us periodically. Anything that is a head injury, or a death, they automatically report it to us for that kind of thing. We can work with you on those things. I know that the larger counties are interested. At least Gallatin, I know Robin you indicated that you might be interested in taking a look at going up the pike, if you would, as far as becoming more self insured.

Commissioner Hall – Missoula County is not a part of our pool?

Greg Jackson – They are not part of either the work comp trust, or the PNC trust. They are self insured for everything. Yellowstone was for property and liability. Missoula is the only one out there now that is self insured.

Commissioner Hall – Just for your information, not that it means anything really, but Howard had a very active role in when he came in. He was on the board of trustees.

Commissioner Brenneman – I see back here, as far back as '96-'97 there is still this little IBNR thing. How far back can people go to file claim? Is that what that reflects?

Greg Jackson – That reflects, there are still some open claims there. Some reserves I should say. There are some reserves sitting there. It depends Joe, and I am not an attorney, if the county attorney is here he probably knows more than I, I think three years some liability claims, seven years.

Jonathan Smith – Most negligence, three years. If you had a contract it could go up to eight years. They can file a civil suit, it can happen in '96, filed in '99, and nothing happens for several years, if the attorney's are not pushing it.

Commissioner Brenneman – At least than you would have an idea as to if it is outstanding, or potentially outstanding. It would be a little bit hard to predict. You can not close your years out very quickly can you.

Greg Jackson – Not if there is big claim sitting there with a big reserve. They usually don't close that out until such time as it is either dismissed, settled, or it goes away. You know it has been filed, because you have some reserve there.

Commissioner Brenneman – The examples you gave all had to do with law enforcement, and emergency services, do you have an idea of what percentages of claims have to do with those two things.

Greg Jackson – Law Enforcement claims probably, paid out in reserve, we call that incurred, you have to included not only paid out but reserve, because you don't know, you still have that money set aside to do something with, unless the things is settled, 6-7 years ago probably sixty percent of our claims cost was law enforcement related. Last year it was ten percent. Of that ten percent ninety nine percent were jail. Errors and omissions, wrongful terminations, employment liability claims, that is up there, as far as dollar amount.

Commissioner Brenneman – So there has been a change.

Greg Jackson – Employee Liability claims, like wrongful termination, wrongful hiring's, are always expensive, because on those claims you are averaging about fifty percent of your total claims cost are the defense, paid to attorneys. That is always pretty stable. If I had my chart for the last annual report, I would say, still general liability claims, which are property damage, or bodily injury, or personal injury to a third party, those are the higher percentage. Probably not the higher dollar amount, but the higher frequencies. Auto liability is a high frequency. Property is a big part of it. Property claims are different, in the sense, and those include the physical damage on your vehicles by the way, don't have a long history to them. Usually when you have a property claim we pay the thing and get it taken care of, there is not a whole lot of extended IBNR. I would say in sequence of the highest cost claims, or the highest percentage of where we spend our money, general liability, errors and omissions, which included employment and liability claims, the other thing under errors and omissions that we pay, we pay defense for subdivision claims. As far as I know other pools have a cap on it, like a ten thousand or a twenty five thousand sub limit. We do not. We provide defense for if you get sued by the developer, and or by the land owners, on a subdivision case. Zoning, that is another high cost on the E&O side. Than probably next would be property, because we have a fifty thousand self insured retention. The pool pays fifty thousand of any property loss, than it goes into the excess. Than I would say probably auto, law enforcement, even those big claims, those jail claims jumped up on us, the overall all cost we spend on law enforcement has gone down over the years.

Commissioner Brenneman – So they are doing a good job.

**TUESDAY, FEBRUARY 22, 2005
(Continued)**

Greg Jackson – Yes! There has been an establishment of jail policies and procedures on a volunteer basis, it is not mandatory. I think too that there has been a lot of good training on the law enforcement side, more and more all of the time. We have seen a direct reflection of that. Jack Holstrom, who is our personal services administrator, has done a good job, in at least keeping the number of claims down, on employment liability, although we have to defend those things, and they are expensive to defend. At least we keep them from getting into an award or a trial situation.

Commissioner Hall – That is something that I think that we in Flathead have done a good job with. Our human resource person really helps us. Everything we do with employees and issues goes through your office, through Jack. Basically they have told us that if you don't, forget it.

Greg Jackson – That is a good point Gary, and I want to remind you that there is the hammer clause, in the policy, that basically say that if you have an employment situation that you are aware of, and you seek Jacks advise, you don't follow it, then the trustees have the option of not indemnifying. We will defend, but they have the option of not indemnifying in those situations. I know that Jack has indicated that Flathead County has worked really well with him on situations. To answer your question, I wish I had my chart with me. You have severity, which is dollars spent, and frequency, which is number of claims, usually they are different. Generally speaking those are what we spend most money on.

Commissioner Brenneman – I have one more, purely hypothetical question, we don't have anything like this in our county, but if you have a bridge that is inspected on a regular basis, by the state, the bridge does not hold up, there is some kind of a, the bridge falls down, it is a county bridge, is the state liable or are we as a county.

Greg Jackson – You would probably both be names and I guess we would have to determine. We would defend you, for a liability claim, in that situation, work it out with the state. I don't know, it depends on the circumstances. Most cases, have you had any claims like that, do you know?

Robin Boon – We have not. We have had some bridges closed. Other than some kids diving off of the pillars.

Commissioner Hall – A lady fell through the old Red Bridge in Columbia Falls the other day.

Greg Jackson – All of the claims that I can recall Joe, in that kind of situation, where trucks have fallen through county bridges, the truckers have been liable, because they are over weight. Just about everyone that I can remember. I can not recall any claims, due to liability situations, where the county has been named, or has had to pay, for injury or death. Actually there is one. Ravalli County, where a motorcycle hit a pothole on the bridge, was pretty severely injured. That was a county liability, because of the maintenance of the road I think, more so than anything. It was not actually the bridge, it was the maintenance of the road going over the bridge. I don't know to answer your question. Both would be named.

BOARD APPOINTMENT: KALISPELL AIR PARK ZONE OF INFLUENCE COMMITTEE AND COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

Present at the February 22, 2005 11:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to appoint George Smith and Tom Sands to the Kalispell air Park Zone of Influence Committee. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to appoint Lindy Key to the Columbia Falls City County Planning Board. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: 457 DEFERRED COMP PLAN/M. PENCE

Present at the February 22, 2005 11:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Assistant Pence, and Clerk Moser.

Assistant Pence explained his request for him to be able to be a part of the 457 deferred comp plan.

Commissioner Watne made a **motion** to adopt Resolution 1798. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1798

WHEREAS, the Board of Commissioners received a request from Michael Pence (Employee), who will begin employment with Flathead County (Employer) on February 22nd, 2005 as County Administrator for the creation of a 457 Deferred Compensation Plan administered by ICMA Retirement Corporation;

WHEREAS, the Employee will be rendering valuable services to Employer; and

WHEREAS, the establishment of a deferred compensation plan for Employee serves the interests of Employer by enabling it to provide reasonable retirement security for Employee, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Board of Commissioners has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives; and

WHEREAS, the Board of Commissioners desires that its deferred compensation plan be administered by the ICMA Retirement Corporation, and that some or all of the funds held under such plan be invested in the Vantage Trust Company, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Commissioners of Flathead County hereby adopts the deferred compensation plan (the "Plan") in the form of the ICMA Retirement Corporation Deferred Compensation Plan and Trust, attached hereto as Appendix A

**TUESDAY, FEBRUARY 22, 2005
(Continued)**

BE IT FURTHER RESOLVED that the Board of Commissioners hereby executes the Declaration of Trust of the Vantage Trust Company, attached hereto as Appendix B, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the Vantage Trust Company.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

BE IT FURTHER RESOLVED that the Plan will not offer a Sidecar IRA program.

BE IT FURTHER RESOLVED that the Flathead County Human Resource Officer shall be the coordinator for this program; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the Vantage Trust Company; shall cast, on behalf of the Employer, any required votes under the Vantage Trust Company; carry out Administrative duties, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

Dated this 22nd day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By/s/Robert W. Watne
Robert W. Watne, Member

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

CONSIDERATION OF NOTICE OF PASSAGE: NORTH STAR PROPERTIES/EVERGREEN & VICINITY ZONING DIST

Present at the February 22, 2005 11:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797DG) on January 25, 2005 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential).

The boundaries of the area proposed to be changed from R-2 to R-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for large tract residential development in suburban areas, beyond sanitary sewer and/or water lines, to providing for a residential district with minimum lot areas, wherein development will require all public utilities and all community facilities, and in which two-family dwellings are permitted. Minimum lot size would decrease from 20,000 square feet in the R-2 zone to 5,400 square feet in the R-5 zone.

The regulations defining the R-2 and R-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Evergreen and Vicinity Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 22nd day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Gary D. Hall
Gary D. Hall, Chairman

By/s/Kimberly Moser
Kimberly Moser Deputy

Publish on February 26 and March 5, 2005.

**EXHIBIT A
NORTHSTAR PROPERTIES LLC
ZONE CHANGE R-2 TO R-5**

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District near the intersection of Harmony Road and Solberg Drive. The subject property may be described as portions of Lots 22 and 23 of Hoiland-Day Acres, a subdivision in Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject property is also known as 312 Solberg Drive.

**TUESDAY, FEBRUARY 22, 2005
(Continued)**

**12:00 p.m. Annual "Brown Bag" Luncheon w/ Flathead County Planning Board
5:00 p.m. Commissioner Watne to attend Refuse Board meeting at Solid Waste Dist Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 23, 2005.

WEDNESDAY, FEBRUARY 23, 2005

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioner Watne and Brenneman, and Clerk Robinson were present.

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

PUBLIC HEARING: GRIZZLY BASE LANE ROAD NAMING

Present at the February 23, 2005 9:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

No one present in the audience, Chairman Hall closed the public hearing.

Commissioner Watne made a **motion** to approve Resolution 1799. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1799

WHEREAS, Flathead County has proposed to name a private road generally running southerly, easterly then northerly off La Brant Road and located in the East ½, Section 36, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on February 23, 2005 concerning the proposal, after publication and mailing of notice thereof on February 8, 2005 and February 15, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Grizzly Base Lane**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly, easterly then northerly off La Brant Road and located in the East ½, Section 36, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Grizzly Base Lane**.

BE IT FURTHER RESOLVED that the naming of **Grizzly Base Lane** shall be effective on February 23, 2005.

Dated this 23 day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Gary D. Hall
Gary D. Hall, Chairman

By /s/Robert W. Watne
Robert W. Watne, Member

By /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

CONSIDERATION OF MEDICAL LEAVE EXTENSION/ P. RENFRO

Present at the February 23, 2005 9:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to approve the Medical Leave Extension for P. Renfro. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

9:30 a.m. Commissioner Brenneman to attend LEPC Executive Committee meeting @ Justice Center

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WAST DIST

Present at the February 23, 2005 9:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Director of Solid Waste Dave Prunty, and Clerk Moser.

**WEDNESDAY, FEBRUARY 23, 2005
(Continued)**

Discussion was held relative to Dave Prunty Gave Assistant Pence an outline on Solid Waste, West Glacier Land fill site and the moving of the waste on to county property and off of the private land owners property, upcoming liner construction, landfill expansion project and the lag in the time line, Columbia Falls container site hours and the effects of those hours, the location of the Kila container site and the possibility of moving that site, decrease in the January volumes and the prediction that this year with beat all time highs for volume, last year was 116,000 tons of waste coming in to the site, the amounts that come in from where and brought in by whom, recent potential property purchases, the current call for bid for a new vehicle, and the current finances.

MONTHLY MEETING W/ KIM CROWLEY, LIBRARY

This meeting was not held.

PRELIMINARY PLAT: JELLY BELLY SUBDIVISION

Present at the February 23, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planner Traci Sears-Tull, Planner BJ Grieve, and Clerk Moser.

Sears-Tull reviewed the application submitted by Margaret Rowland for preliminary plat approval of Jelly Belly Subdivision, a minor subdivision that will create three single-family lots with a remainder. The subdivision is located in the Somers area approximately 9.5 road miles south of Kalispell. The property is unzoned. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-05-01 with the corrected lot sizes as Findings of Fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve Preliminary Plat of Jelly Belly Subdivision subject to 11 conditions. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

PUBLIC HEARING: GROSS ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the February 23, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planner BJ Grieve, and Clerk Moser.

No one present in the audience to speak, Chairman Hall closed the public hearing.

Commissioner Watne made a **motion** to approve Resolution 956BJ. Commissioner Hall **seconded** the motion. **Aye** - Hall, Watne. **Nay** - Brenneman. Motion carried by quorum.

RESOLUTION NO. 956 BJ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 23rd day of February 2005, concerning a proposal by Guy Gross to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on February 6 and February 13, 2005;

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Bigfork Area Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Bigfork Area Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Bigfork Area Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders within the Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 23rd day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By/s/Robert W. Watne
Robert W. Watne, Member

**WEDNESDAY, FEBRUARY 23, 2005
(Continued)**

ATTEST:
Paula Robinson, Clerk

By: _____
Joseph D. Brenneman, Member

By/s/Kimberly Moser
Kimberly Moser Deputy

**EXHIBIT A
GUY GROSS
REQUEST FOR ZONE CHANGE FROM AG-40 TO SAG-5
STAFF REPORT #FZC-04-32
JANUARY 19, 2005**

Located and Legal Description of Property:

The property proposed for rezoning is located between Mud Lake and Echo Lake at the intersection of Mud Lake Road and Black Bear Lane. The property can be legally described as Assessor's Tracts 2+, 2C, 1B, 1BB and 1BBA in the North half of Section 10, Township 27 North, Range 19 West P.M.M., Flathead County.

Commissioner Watne made a **motion** to approve notice of passage and authorize the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall, Watne. **Nay** - Brenneman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
BIGFORK AREA ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 956BJ) on February 23, 2005, to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural):

The boundaries of the area proposed to be amended from AG-40 to SAG-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-40 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 23rd day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

By/s/Gary D. Hall
Gary D. Hall, Chairman

Publish on February 27 and March 6, 2005.

**EXHIBIT A
GUY GROSS
REQUEST FOR ZONE CHANGE FROM AG-40 TO SAG-5
STAFF REPORT #FZC-04-32
JANUARY 19, 2005**

Located and Legal Description of Property:

The property proposed for rezoning is located between Mud Lake and Echo Lake at the intersection of Mud Lake Road and Black Bear Lane. The property can be legally described as Assessor's Tracts 2+, 2C, 1B, 1BB and 1BBA in the North half of Section 10, Township 27 North, Range 19 West P.M.M., Flathead County.

FINAL PLAT: LSL SUBDIVISION

Present at the February 23, 2005 10:45A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Assistant Pence, Planner Kirsten Holland, Eric Mulcahy, and Clerk Moser.

Holland reviewed the application submitted by Sands Surveying for final plat approval of LSL Subdivision, a four-lot residential and commercial subdivision. The property is located immediately northwest of the intersection of Montana Highway 40 and Dillon Road, approximately three miles west of Columbia Falls in Section 9, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana. The property is unzoned. Staff recommends approval.

**WEDNESDAY, FEBRUARY 23, 2005
(Continued)**

Commissioner Watne made a **motion** to approve the subdivision improvement agreement and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the final plat of LSL Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MILL CREEK ZONE CHANGE/HOLT ZONING DIST

Present at the February 23, 2005 10:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

General discussion was held.

Commissioner Watne made a **motion** to adopt Resolution 533AC. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 533 AC

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the on the 6th day of January, 2005, concerning a proposal by Mill Creek Land, LLC to change the zoning designation in a portion of the Holt Zoning District from SAG-5 (Suburban Agricultural) to R-2 (Residential);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Holt Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., adopted a resolution of intention (Resolution No. 533 AB, dated January 6, 2005) to change the zoning designation in a portion of the Holt Zoning District from SAG-5 (Suburban Agricultural) to R-2 (Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on January 11 and January 18, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and adopts this resolution to change the zoning designation in a portion of the Holt Zoning District, as described on Exhibit A, from SAG-5 (Suburban Agricultural) to R-2 (Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 9327013500, in the Flathead County Clerk and Recorder's Office.

DATED this 23 day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By/s/Robert W. Watne
Robert W. Watne, Member

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

**EXHIBIT A
MILL CREEK**

Location and Legal Description of Property:

The property is located in the Holt Zoning District, just west of Bigfork, and is situated northwest of the intersection of Chapman Hill Road and Holt Drive. The subject properties may be described as Tracts 10A, 10AA, and 10AB in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: HARBOR SPRINGS ZONE CHANGE/HOLT ZONING DIST

Present at the February 23, 2005 10:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

General discussion was held.

Commissioner Watne made a **motion** to adopt Resolution 533AE. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**WEDNESDAY, FEBRUARY 23, 2005
(Continued)**

RESOLUTION NO. 533 AE

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the on the 6th day of January, 2005, concerning a proposal by Harbor Springs, LLC to change the zoning designation in a portion of the Holt Zoning District from SAG-10 (Suburban Agricultural) to R-2 (Residential);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Holt Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., adopted a resolution of intention (Resolution No. 533 AD dated January 6, 2005) to change the zoning designation in a portion of the Holt Zoning District from SAG-10 (Suburban Agricultural) to R-2 (Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on January 11 and January 18, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and adopts this resolution to change the zoning designation in a portion of the Holt Zoning District, as described on Exhibit A, from SAG-10 (Suburban Agricultural) to R-2 (Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 9327013500, in the Flathead County Clerk and Recorder's Office.

DATED this 23 day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Gary D. Hall
Gary D. Hall, Chairman

By/s/Robert W. Watne
Robert W. Watne, Member

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

**EXHIBIT A
HARBOR SPRINGS**

Location and Legal Description of Property:

The property is located in the Holt Zoning District, just west of Bigfork, and is situated northeast of the intersection of Chapman Hill Road and Holt Drive. The subject properties may be described as Tract 6 in Section 25 and Tract 18 in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF PRINTING BIDS: WEED, PARKS AND MAINTENANCE DEPT.

Present at the February 23, 2005 10:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner made a **motion** to approve the bid and from Northstar Printing in the amount of \$192.00 for Spray Report Forms and in the amount of \$216.00 for Record Forms for the Weed Department. Commissioner **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the bid from Great Northern Printing in the amount of \$143.73 for envelopes for the Weed department. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the bid from Cenveo in the amount of \$1,624.50 for envelopes, from Big Sky Business Forms in the amount of \$467.50 for 5,000 3-part NCR, 8-1/2x11 Case Information, drilled for Justice Court. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE : EMPLOYER ADOPTION AGREEMENT / VEBA

Present at the February 23, 2005 10:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the employer adoption agreement and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**WEDNESDAY, FEBRUARY 23, 2005
(Continued)**

Commissioner Brenneman made a **motion** to approve Voluntary Employee's Beneficiary Association Health Benefit Plan and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the Flathead County Deputy Sheriffs' Association and Flathead County Sheriff's Employees' Association union agreement. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve Resolution 1800. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

MEETING W/ MDOT UPDATE AND REVIEW

Present at the February 23, 2005 11:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, two unidentified MDOT employees, and Clerk Moser

General discussion was held relative to the Old Steele Bridge, the four way intersection on Fairway and the possibility of a stop light, Fanko lane passing zone, Shady Lane corner progress, CTEP funding, census based future road plans and the need to move on some projects before the next census, Whitefish Stage road curves and ditches and the process in addressing those problems, the potential two rivers project right-a ways, the upcoming by-pass plans, the courthouse couplet time line.

11:00 a.m. County Attorney meeting at the County Attorneys Office.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 24, 2005.

THURSDAY, FEBRUARY 24, 2005

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

No meeting scheduled

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 25, 2005.

FRIDAY, FEBRUARY 25, 2005

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

12:00 p.m. Commissioner Hall to attend Legislative luncheon at Central School Museum

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 28, 2005.