

BIG HORN COUNTY BOARD OF COUNTY COMMISSIONERS

121 3rd St W
Room 301
Hardin, MT 59034



Members

Sidney Fitzpatrick, Chairman
George Real Bird III, Member
Larry Vandersloot, Member

BIG HORN COUNTY BOARD OF COUNTY COMMISSIONERS MINUTES June 16, 2022 9:00 AM

1. Employee Updates and Claim Approvals - 9:00am
2. Call to Order - 9:30am
3. Roll Call

Victoria Olsen, Detention Administrator, Mike Opie, Accounting, Lance Pederson, Legal Counsel, Jay Harris, County Attorney, Lindsey Fox, Human Resources, Bill Hodges were also in attendance.

4. Approve Minutes and Supporting Documents
5. Old Business

Detention cook

Victoria Olsen, Detention Administrator, gave quick update on the dispatch manager position and they will be using the same job description from before, the advertisement will be put out sometime next week. Lindsey Fox, Human Resources, presented paper work for the new Detention Cook position at \$18/hr. Commissioner Vandersloot asked about hours. Victoria says that will still have to be figured out once they decide which meals they want to serve hot. Victoria leaves the meeting.

-Execute CDBG & Coal Board Grant: for Hospital

Bill Hodges, Public Health, gave overview on CDBG for the Hospital software upgrade. Since they are a sub-recipient of the county they will need an interlocal agreement and the environmental review. The board appointed Bill to take care of both documents. Bill leaves meeting. Rochelle Schoppe and Dulcie Bear Dont Walk join meeting.

AI Rapaz - Bid Approval

The commissioners moved on to the bid approval for the Big Horn Industries roof to TW Clark for \$379,700. Next they moved on to the Little Horn Center renovation. That also went to TW Clark for \$249,000.

6. New Business

-BHC Attorney Jay Harris

Undersheriff Leroy Not Afraid enters the meeting. Jay Harris, County Attorney, starts discussion over a settlement case against a county employee. Commissioner Vandersloot would like more info and to

reschedule this discussion when more information is available. Mr. Harris moves onto asking if a county officer is on duty and a complaint is received if there is a policy that if an employee seeks legal counsel should the county attorney still provide the service if it involves the county attorney's office or should the individual seek outside counsel due to conflict? If there is no such policy then should there be? Lance Pederson suggests sending the question to the Attorney General in Helena. Mr. Harris believes this can be resolved here with the commissioners and shouldn't have to send the question to Helena. Mr. Harris then asks Undersheriff Leroy Not Afraid the cost of outside counsel. Undersheriff Not Afraid responds with \$2000 retainer fee and \$250 hourly. Mr. Harris reiterates his question of whether or not the county should provide for outside counsel if his office has conflict. Commissioner Vandersloot asks Mike Opie, Accountant if money can be transferred from the county attorney's fund to the Sheriff's fund for the fees. Mike states funds can be transferred from the general fund to sheriff's fund, and an adjustment can be made to the attorney's fund to reflect the deduction for the fees, and that would be up to the commissioners. Mr. Harris points out he's recently had cost savings and if there needs to be a spending authorization he can agree to it. Commissioner Real Bird also points out that the County Attorney has \$5000 in his budget for contracted services and only 8% has been used. Commissioner Real Bird asks if the request is to authorize payment for the \$2000 retainer fee. Mr Harris asks again if the county will pay for employees outside legal counsel? Commissioner Vandersloot ask Mark Parker for his opinion. According to Mr. Parkers research he wasn't able to find any case law but he sees if it is in the best interest of the county the individual should have representation if there could be civil ramifications for the county. Commissioner Vandersloot motions to resolve that the county moves for the County Attorney to expend up to \$2000 for legal fees and indemnify the board. Mr. Parker will work with Mr. Harris and the outside attorney to write up an agreement. Commissioner Vandersloot withdraws motion.

Rochelle Schoppe, regarding letter. Jay Harris, BHC Attorney.

Mr. Harris moved on to the issue of the filing fee for the deceased Deputy County Attorney. He stated MCA 13-10-325:

Withdrawal from nomination. (1) (a) A candidate for nomination or a candidate for election to an office may withdraw from the election by sending a statement of withdrawal to the officer with whom the candidate's declaration, petition, or acceptance of nomination was filed. The statement must contain all information necessary to identify the candidate and the office sought. Unless filed electronically with the secretary of state, the statement of withdrawal from nomination must be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the filing is made.

(b) A candidate may not withdraw after the candidate filing deadline established in **13-10-201(7)**.

(2) Filing fees paid by the candidate may not be refunded.

Mr.Harris clarifies that in the first sentence, it states if a person "withdraws as a candidate" there has to be intent to start a withdraw process, withdraw has intent and there was no intent. Mr. Harris explains this statute does not apply, as a withdraw has intent but the language does not reach tragedy. Commissioner Fitzpatrick asked Lance Pederson what he was able to find out. Lance contacted Secretary of States office and they brought up the statute previously stated, but did not say anything about death. Commissioner Vandersloot asks what the repercussions could be, since the law is not clear. Lance says SOS could ask for the money back. Commissioner Vandersloot asks Kevin Gillen his opinion. Mr. Gillen clarifies the situation and gives his opinion that if the law is not clear in this situation, then the honorable thing would be to refund the fee.

-Eshan King regarding Dog's seized by County in 2021. Jay Harris, BHC attorney.

Mr. Harris moves on to the dog and horse issue and the costs that have been incurred from seizing

the animals. Mr. Harris says they are close to a settlement in the case and any money expended will be paid back in retribution. Mike Opie and Jay Harris will handle this in terms of money.

-Re:Security Camera System for Library Building

Discussion ensued over the need for cameras at the library due to recent criminal activity. Commissioner Real Bird would like the Library Board to come in to discuss the cameras. Peri will get quote for those cameras and cameras at the fairgrounds and set up a meeting.

-Approve Tax Abatement: Cannon Services

Mike Opie presents tax abatement for Cannon Industries.

-Ambulance Write Off's

Mike Opie goes over Ambulance write offs. For January \$520,000, for February \$371,000, and March \$147,000, for a total of \$2,682,000.

-FAA Grant

Mike Opie would like to reschedule this discussion for Monday June 20th.

7. Public Comments
8. Discussion
9. Adjourn