

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA
Held in July, 2015**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on July 1, 8, 15, and 29, 2015. Unless indicated, all Commissioners were present.

TAX ABATEMENTS APPROVED – July 1, 2015

Commissioner Hoppes moved to approve tax abatements/cancellation #982-984

<i>NUMBER</i>	<i>REASON</i>	<i>CANCEL</i>	<i>ADD</i>	<i>PARCEL #</i>
982	Settlement agreement	\$2,526.52		660100
983	Settlement agreement	\$5,171.50		660000
984	Settlement agreement	\$6,553.09		660200

Commissioner Kuka seconded. Motion carried.

Also in attendance was Buck Traxler, Editor of The Independent Observer.

RESOLUTION BANNING OPEN BURNING – ADOPTED – July 1, 2015

PONDERA COUNTY MONTANA

RESOLUTION #1 - 2015/16

BANNING OPEN BURNING

WHEREAS, Pondera County routinely issues burning permits for the open burning of yard debris, stubble, grass, weeds and other miscellaneous wood/lumber products which can result in large planned fires; and

WHEREAS Pondera County is currently experiencing extremely dry weather conditions, high fuel levels and no prediction of moisture/rain in the foreseeable future; and

WHEREAS these conditions dramatically increase the chances of wildfires in Pondera County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that:

1. All open burning permits are suspended until conditions improve and this ban is lifted;
2. There will be no open burning permitted in the county.
3. Conditions will be monitored daily and restrictions will be lifted when deemed safe by fire officials.
4. Campfires allowed only in approved fire pits
5. There are no restrictions on using fireworks although fireworks are prohibited on all state and federal lands.

Adopted this 1st day of July, 2015, as moved by Commissioner Hoppes, seconded by Commissioner Kuka, and passed on a full vote of the board. Effective on passage and approval.

BOARD OF COMMISSIONERS

Pondera County, Montana

/s/ Sandra J. Broesder
Sandra J Broesder, Chairman

/s/ Janice Hoppes
Janice Hoppes, Member

Attest: /s/ Kody Farkell
Kody Farkell, Clerk & Recorder

/s/ Thomas A. Kuka
Thomas A Kuka, Member

RESOLUTION DECLARING PROPERTY SURPLUS – ADOPTED – July 1, 2015

PONDERA COUNTY

RESOLUTION #2 – 2015/16

DECLARING PROPERTY SURPLUS AND SETTING SALE

WHEREAS, pursuant to Section 7-8-2211, MCA, Authorization to sell and exchange county property, the Board of Pondera County Commissioners declares the following personal property belonging to the County as surplus property which is not necessary to the conduct of county business or the preservation of its property:

Rotary mower	International tractor
(2) 1978 Chevy gravel trucks	7' Sweeper
Tractor w/Cab	1974 Ford water truck
Truck – hot mix	1963 Ford oil distributor
Disc blades	International Tractor w/roll bar
Auger post	Ford Tractor w/roll bar
Air compressor	1973 Ford fuel truck
Ridge mulcher	Case tractor
I-H rotary mower	Homemade post pounder
Danhauser post auger	Schulte mower
Post pounder	2005 Ford F350 pickup box

WHEREAS, the Commissioners have determined it is in the best interests of the County to sell the item at online public sale by public auction through the State of Montana; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners:

- 1) hereby declares the property listed above as surplus property which is not necessary to the conduct of county business or the preservation of its property,
- 2) directs the property be sold at online public auction through the State of Montana; and

ADOPTED this 1st day of July, 2015, as moved by Commissioner Kuka, seconded by Commissioner Hoppes, and passed on a full vote of the board. Effective on passage and approval

PO BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Sandra J Broesder
Sandra J. Broesder, Chairman

/s/ Janice Hoppes
Janice Hoppes, Member

ATTEST:

/s/ Kody L Farkell
Kody L. Farkell, Clerk and Recorder

/s/ Thomas A Kuka
Thomas A. Kuka, Member

DISCUSSION ON DROUGHT MEETING – July 1, 2015

Commissioners met with the Farm Service Agency on June 30 to discuss the effects of the current drought conditions. Commissions sent a letter of support for emergency haying of CRP and will continue to monitor the drought levels.

Also in attendance was Buck Traxler, Editor of The Independent Observer.

COUNTY COMPENSATION BOARD WORK MEETING CONDUCTED – July 1, 2015

Attending: Commissioners Broesder, Kuka and Hoppes, Clerk and Recorder Kody Farkell, Sheriff Carl Suta, Treasurer Jeanne Moon, County Attorney Mary Ann Ries, Clerk of District Court Laurie Eisenzimer, and citizen members, Dan Majerus and John McFarland.

Pursuant to 7-4-2503(4), Montana Code Annotated, county governments are required to appoint a county compensation board to prepare a compensation schedule for the elected county officials for the succeeding fiscal year. Also, in accordance with 7-4-2503(4), the Clerk and Recorder prepared and presented a worksheet showing salary comparisons to other counties as well as the City of Conrad and the Clerk of the Conrad School District and other demographics of the counties. The Board reviewed the worksheet.

The cost-of-living adjustment (COLA) for governments has been set at 1.6% for fiscal year 2015-16.

Dan Majerus moved to recommend up to a 1.6% increase in the elected official salary as well as a 0.8% raise; equating to a \$0.50/hour increase for hourly employees, County Attorney Ries seconded. Motion carried.

INCREASE OF SUPERINTENDENT OF SCHOOL CONTRACT AMOUNT – July 1, 2015

Commissioner Kuka moved to increase Superintendent of Schools monthly contract for Lynn Utterback to \$1,165 per month. Commissioner Hoppes seconded. Motion carried.

DATE, TIME, AND PLACE FOR READINGS OF LITTER ORDINANCE AND DECAY ORDINANCE SET - July 1, 2015

Commissioner Hoppes moved to set July 22, 2015 as time for the first reading and August 5, 2015 as the time for the second reading of the proposed litter and decay ordinances. Both readings will take place at 10:00 a.m. in the Commissioner's office. Publication will be in the Independent Observer and The Valerian. Commissioner Kuka seconded. Motion carried.

Also in attendance was Buck Traxler, Editor of The Independent Observer.

BID OPENING FOR TREE REMOVAL AT CONRAD AIRPORT – July 8, 2015

Bids were opened for the removal and disposal of trees at the Conrad airport and an adjacent private property.

Gimpy's Tree Service \$1,300

Services to be completed by July 20, 2015

Commissioner Kuka moved to accept the bid for tree removal from Gimpy's Tree Service. Commissioner Broesder seconded. Motion carried.

Commissioner Hoppes was Absent.

Also in attendance was Buck Traxler, Editor of The Independent Observer.

REQUEST FOR TEMPORARY COUNTY ROAD (MORTON AVENUE IN DUPUYER) CLOSURE APPROVED – July 8, 2015

The Dupuyer Community Club has requested permission for temporary closures of the county road (Morton Avenue) for outdoor events on August 1. Commissioner Kuka moved to approve the request. Commissioner Broesder seconded. Motion carried.

Commissioner Hoppes was Absent.

Also in attendance was Buck Traxler, Editor of the Independent Observer.

APPOINTMENT OF DEPUTY FIRE WARDENS – July 15, 2015

Commissioner Kuka moved and Commissioner Hoppes seconded to appoint Rita Swanson and Scott Curry as Deputy Fire Wardens. Motion carried. As Deputy Fire Wardens, Swanson and Curry will be able to issue burn permits.

Commissioner Broesder was absent.

Also in attendance was Buck Traxler, Editor of the Independent Observer.

SIXTH DRAWDOWN FOR MONTANA BOARD OF INVESTMENTS INTERCAP LOAN APPROVED – June 15, 2015

Commissioner Kuka moved to approve drawdown #6 for the Montana Board of Investments Intercap Loan for PMC Refinancing & Equipment Purchases in the amount of \$47,664.29 for the purpose of installing their a new MedGas system, purchase of two dryers and one washer, and purchase of computer software. Commissioner Hoppes seconded. Motion carried.

Commissioner Broesder was absent. Also in attendance was Buck Traxler, Editor of the Independent Observer.

REOLUTION TO LOAN FUNDS HAVING NEGATIVE CASH BALANCES AT FISCAL YEAR END-ADOPTED – July 15, 2015

PONDERA COUNTY, MONTANA

RESOLUTION #3 – 2015/16

LOAN TO FUNDS HAVING NEGATIVE CASH BALANCES AT FISCAL YEAR END

WHEREAS, generally accepted standards for governmental accounting does not allow for negative cash balances in any fund, including reimbursable grant funds, at the close of the fiscal year; and

WHEREAS, five County funds,
Fund 2150, Predatory Animal Control (\$2,067.03),
Fund 2955, Buckle Up Montana Grant (\$5,137.96),
Fund 2971, Women, Infants & Children Grant (\$1,444.04),
Fund 2978, Tobacco Use Prevention Grant (\$1,677.34),
Fund 7203, Pondera Co Cemetery District #1 (\$1,762.27)

have negative cash balances as of June 31, 2015 due to the nature of the funds as reimbursable grant funds; and

WHEREAS, Pondera County General Fund and/or the PILT Fund have sufficient cash to loan the funds having negative cash balances on June 30, 2015 in order that the funds will not have a deficient cash balance; and

WHEREAS the funds shall repay the loan and interest at 0% per annum to the general fund from the revenue to be received, anticipated to be in August 2015

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the Clerk and Recorder effect the loans to any and all funds having negative cash balances on June 30, 2015 from the county PILT funds and that the loans be repaid as stated above as soon as feasible.

Adopted this 15th day of July, 2015 as moved by Commissioner Kuka, seconded by Commissioner Hoppes, and passed on a 2-0 vote of the full board. Effective upon passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

Absent
Sandra J Broesder, Chairman

/s/ Janice Hoppes
Janice Hoppes, Member

Attest: /s/ Kody Farkell
Kody Farkell, Clerk & Recorder

/s/ Thomas A. Kuka
Thomas A Kuka, Member

RESOLUTION AUTHORIZING PROSECUTORIAL ASSISTANCE IN DISTRICT AND JUSTICE COURT CASES-ADOPTED – July 15, 2015
PONDERA COUNTY MONTANA
RESOLUTION #4 – 2015/16
AUTHORIZING PROSECUTORIAL ASSISTANCE IN DISTRICT AND JUSTICE COURT CASES

WHEREAS, the Pondera County Attorney has requested general prosecutorial assistance periodically throughout the fiscal year because of her periodic absence from the county for vacations or training; and

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of any matters that might arise in her absence; and

WHEREAS, Mont. Code Ann. Section 7-4-2705 authorizes the board of county commissioners to employ special counsel to assist in the prosecution of any such criminal case pending in the county on request of the county attorney; and

WHEREAS, the Pondera County Attorney has requested that a special deputy county attorney be appointed to prosecute the above named cases pending in the Ninth Judicial District Court, Pondera County, and the Pondera County Justice Court; and

WHEREAS, Carolyn Berkram, Glacier County Attorney, and Joe Cobel, Teton County Attorney, have agreed to act as a Special Deputy Pondera County Attorney in the above named cases; THEREFORE,

IT IS HEREBY RESOLVED:

That the Glacier County Attorney, Carolyn Berkram, and the Teton County Attorney, Joe Coble, shall be appointed as special deputy county attorneys for Pondera County for the purpose of assisting in prosecution of any matters that may arise from July 1, 2015 through June 30, 2016, and that they can fulfill the functions set out in Mont.

Code Ann. Section 44-4-103.

IT IS FURTHER RESOLVED:

That under the terms of this agreement, no fee will be charged for attorney time provided by the special prosecutor, however, mileage shall be paid to each for any travel expenses incurred during the prosecution of any matters at the current rate of \$0.575 per mile. Witness fees and expense, jury costs, and other normal costs associated with the prosecution will be the county's responsibility as with all other prosecutions.

Adopted this 15th day of July, 2015 as moved by Commissioner Kuka, seconded by Commissioner Hoppes, and passed on a 2-0 vote of the full board. Effective on passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

Absent
Sandra J Broesder, Chairman

/s/ Janice Hoppes
Janice Hoppes, Member

Attest: /s/ Kody Farkell
Kody Farkell, Clerk & Recorder

/s/ Thomas A. Kuka
Thomas A Kuka, Member

JUNE MINUTES APPROVED - July 15, 2015

Commissioner Kuka moved and Commissioner Hoppes seconded to approve the Commission Minutes for June 2015. Motion carried.

Commissioner Broesder was absent. Also in attendance was Buck Traxler, Editor of the Independent Observer.

TREASURER'S SECURITIES - July 15, 2015

July 13, 2015
Pondera County Commissioners
20 4th Ave SW
Conrad, MT 59425

Dear Commissioners,

The following are the investments as of June 30, 2015

STIP \$2338.05 @ .1930634%
STOCKMAN BANK BALANCES \$7,630,733.24

STOCKMAN BANK -Collateral Report

3133ECFN9 \$7,00,000.00 FFCB 2000818 .82% Matures 02/21/17
3133EDXT4 \$6,000,000.00 FFCB 2000819 .84% Matures 04/17/17

RBC WEALTH

02587DTY4 200,000.00 2.100% Due 09/26/2018 (CD)
06740KHN0 250,000.00 1.700% Due 07/30/2018 (step up)
3130A3ZC1 250,000.00 1.25% Due 02/26/2020

RAYMOND JAMES

795450QY4 \$250,000.00 1.3000% Due 10/31/2016 (CD)
40434AUW7 \$200,000.00 1.0000% Due 5/20/2020 (step)
05573JVV3 \$250,000.00 1.000% Due 02/25/2019 (step up)
38147JL42 \$200,000.00 2.05% Due 6/25/2019 (CD)
06740KHS9 \$250,000.00 2.1000% Due 08/13/2019 (CD)
3130A3UV4 \$300,000.00 1.250% Due 1/30/2020 (step up)

INDEPENDENCE BANK

CDARS 1017158925 Maturity 10/15/15 .6479% 3,500,000.00
CDARS 1017339202 Maturity 12/10/15 .49876%
500,000.00
CDARS 1017430765 Maturity 01/07/16 .49876% 500,000.00

CDARS 1017545422 Maturity 02/11/16 .49876%
500,000.00

Jeanne Moon, Treasurer

TAX ABATEMENTS APPROVED – July 15, 2015

Commissioner Kuka moved to approve tax abatement #985

<i>NUMBER</i>	<i>REASON</i>	<i>CANCEL</i>	<i>ADD</i>	<i>PARCEL #</i>
985	Great Falls audit found Equipment in Pondera Co		\$388.36	1008888

Commissioner Hoppes seconded. Motion carried.

Commissioner Broesder was absent. Also in attendance was Buck Traxler, Editor of the Independent Observer.

DUST ABATEMENT APPLICATION APPROVED – July 15, 2015

Commissioner Kuka moved and Commissioner Hoppes seconded to approve the Independent Contractor Dust Abatement Permit application requested by Kenneth E Wheeler, Jr for Rock City Road and Beaverhead Road. Motion carried.

Commissioner Broesder was absent. Also in attendance was Buck Traxler, Editor of the Independent Observer.

FIRST READING OF PROPOSED ORDINANCE TO CONTROL COMMUNITY DECAY – July 22, 2015

Ordinance No. 1 – 2015/16

CONTROL OF COMMUNITY DECAY

RECITAL

AN ORDINANCE TO CONTROL COMMUNITY DECAY
CAUSED BY ACCUMULATION OF RUBBLE, DEBRIS, JUNK OR REFUSE
WITHIN PONDERA COUNTY
AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT

WHEREAS, MCA Section 7-5-2111, authorizes counties to adopt an ordinance to control, regulate and prohibit conditions that contribute to community decay on or adjacent to any public roadway; and

WHEREAS, the Pondera County Commissioners have determined there is a continuing need to control community decay in Pondera County; and

WHEREAS, the Pondera County Commissioners desire to define the prohibited nature of conditions that contribute to community decay; and to define the role of the County Sanitarian, the Pondera County Sheriff’s Office or other designated agency in serving notices to appear on those who violate this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF PONDERA COUNTY, STATE OF MONTANA:

It shall be a violation of this ordinance to own or maintain any public nuisance or community decay on or adjacent to any public roadway within the unincorporated, platted town boundary areas of Pondera County, having more than 200 lots platted currently the platted areas of Brady and Dupuyer.

Definitions

1. (a) **“Agency”** means the Pondera County Sanitarian, the Pondera County Sheriff’s Office or other designated agent;
- (b) **“Community decay”** means a public nuisance created by allowing rubble, debris, junk or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property. “Community decay” as used in this ordinance may not be construed or defined to apply to normal farming, ranching or other agricultural operations, or to a farm, ranch, or other agricultural facility, or any appurtenance thereof, during the course of its normal operation.
- (c) **“Person”** means an individual, firm, partnership, company, association, corporation, city or town, or any other entity, whether organized for profit or not.

(d) **“Public nuisance”** is defined at MCA 27-30-102 and means a nuisance which affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted on such individuals may be unequal.

(e) **“Public view”** is defined at MCA 75-10-501(8) and, *for the purposes of junk vehicles only*, as any point 6 feet above the surface of the center of a public road from which the community decay can be seen.

(f) **“Shielding”** is defined at MCA 75-10-501(9) and, *for the purposes of junk vehicles and metal items only*, refers to the fencing or other man-made barriers to conceal facility from public view. It also refers to natural barriers. Any shielding barrier must conform to all local zoning, planning, building, and protective covenant provisions. Any shielding is to be of sufficient height that none of the violation on the premises is visible to public view.

(g) **“Tract of record”** means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the Pondera County Clerk and Recorder's Office.

(h) **“Violation”** means community decay occurring on each tract of record which is on or adjacent to any public roadway.

(i) **“Abatement”** means physical removal of all community decay.

Duties of Private Property Owners

2. It shall be unlawful for any person who is an owner of property to allow rubble, debris, junk or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses or obstructive of free use of property as to interfere with the comfortable enjoyment of life or property and so constitute community decay on such property which is on or adjacent to any public roadway.

Powers and Duties of the Agency

3. The county governing board hereby designates the Pondera County Sanitarian, the Pondera County Sheriff's Office or other designated agent as the agencies which shall have the following powers and duties:
 - (a) The duty to inspect when there has been a written complaint by more than one member of the public that “community decay” is present on either public or private property which is on or adjacent to any public roadway.
 - (b) The power to determine whether or not this ordinance applies after an inspection of the property.
 - (c) The duty to serve a written notice of violation to the owner(s) of the property in violation of this ordinance.
 - (d) The duty to initiate actions, through the County Attorney, in Court for the purpose of enforcing this ordinance and the power, upon obtaining a Court order, to enter upon the property for the specific purpose of abating the violation.
 - (e) The duty to assess, upon order of the Court, the property owner for the actual costs of an abatement made by the Agency or by a third party on behalf of the Agency. Where the Agency is not capable of performing the abatement itself, the Agency shall obtain “quotes” and shall engage the party who submitted lowest “quote”.

Notification

4. (a) When the agency receives a signed complaint by more than one person that a public nuisance has been created by allowing rubble, debris, junk, or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property, the agency shall inspect the property alleged to be in violation of this ordinance. Upon inspection, the agency shall determine whether there is a violation of this ordinance.
 - (b) If there appears to be a violation of this ordinance, the agency shall notify the owner of the property in writing of the violation. This notice shall be sent by certified mail or by personal service as prescribed by Rule 4 of the Montana Rules of Civil Procedure. This notice shall include a statement specifically describing the violation. The notice shall also state that each violation of this Ordinance can subject the owner to a fine of up to \$500, pursuant to MCA 7-5-109.

FIRST READING OF PROPOSED ORDINANCE TO CONTROL LITTER – July 22, 2015

Ordinance No. 1- 2015/16

CONTROL OF LITTER

RECITAL

AN ORDINANCE TO CONTROL LITTER

WITHIN PONDERA COUNTY

AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT

WHEREAS, MCA Section 7-5-2109, authorizes counties to adopt an ordinance for the control of litter within the county; and

WHEREAS, the Pondera County Commissioners have determined there is a continuing need to control litter in Pondera County; and

WHEREAS, the Pondera County Commissioners desire to define the prohibited nature of littering; and to define the role of the County Sanitarian, the Pondera County Sheriff's Office or other designated agency in serving notices to appear on those who violate this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF PONDERA COUNTY, STATE OF MONTANA:

Definitions

1. (a) **"Agency"** means the Pondera County Sanitarian, the Pondera County Sheriff's Office or other designated agent
- (b) **"Litter"** means any quantity of uncontained or openly stored:
 - SOLID WASTE** as defined by MCA 75-10-203(11) means all putrescible and nonputrescible wastes, including, but not limited to, garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes, dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials.

And/Or

JUNK VEHICLES AND COMPONENT PARTS as defined at MCA 75-10-501

(2) "Component part" means any identifiable part of a discarded, ruined, wrecked or dismantled motor vehicle, including but not limited to fenders, doors, hoods, engine blocks, motor parts, transmissions, frames, axles, wheels, tires, and passenger compartment fixtures. and

(4)(a) "Junk vehicle" means a motor vehicle, including component parts:

- (i) that is discarded, ruined, wrecked or dismantled;
- (ii) that, except as provided in subsection (4)(b), is not lawfully and validly licensed; and
- (iii) that remains inoperative or incapable of being driven.

(4)(b) If a vehicle is permanently registered under 61-3-562 and meets the criteria for a junk vehicle under subsection (4)(a), the vehicle is a junk vehicle.

(c) **"Uncontained"** means not properly confined to a garbage can or dumpster and not covered with a properly fitting lid.

(d) **"Openly stored"** means litter which is kept, accumulated, or otherwise held such that it is readily visible by the public from any public location.

(e) **"Person"** means an individual, firm, partnership, company, association, corporation, city or town, or any other entity, whether organized for profit or not.

(f) **"Public View"** means any point 6 feet above the surface of the center of a public road from which litter can be seen.

(g) **"Violation"** means littering by any person on any county road or other land, public or private, within the County. Each day the violation exists is a separately punishable offense.

2. **Duties of Private Property Owners, Lessee, Occupants**

Also attending was Buck Traxler, Editor of The Independent-Observer

VALIER LAW ENFORCEMENT AGREEMENT APPROVED – July 22, 2015

Agreement between the Town of Valier and Pondera County to provide law enforcement services was approved by Town of Valier. Agreement includes sum of \$57,000 per year, paid on a quarterly basis (\$14,250 per quarter) in September, December, March, and June; beginning September 2015 and expiring June 2017.

Commissioner Kuka moved to approve the Valier Law Enforcement Agreement. Commissioner Hoppes seconded. Motion carried.

Also attending was Buck Traxler, Editor of The Independent-Observer.

RESOLUTION FOR PROCUREMENT OF SURPLUS PROPERTY - ADOPTED – July 22, 2015

PONDERA COUNTY MONTANA
RESOLUTION #5 – 2015/16
PROCUREMENT OF SURPLUS PROPERTY

Property & Supply Bureau
Surplus Property Programs
P O Box 200137
Helena, MT 59620-0137
(406) 495-6000

BE IT RESOLVED THAT: Pondera County
STREET ADDRESS: 20 Fourth Ave SW Conrad MT 59425
MAILING ADDRESS: 20 Fourth Ave SW Conrad MT 59425
PHONE NUMBER: (406) 271-4010 FAX NUMBER: (406) 271-4070
E-MAIL ADDRESS: pococo@3rivers.net

by its Governing Body (or) by the Chief Administration Officer, if not governed by a board, shall obligate the applicant and its funds to the extent necessary to comply with the TERMS and CONDITIONS listed on the reverse side of this form. The employee(s) whose name(s) and signature(s) appears on this document is (are) authorized to acquire federal surplus property from the State of Montana, Property & Supply Bureau for the above Applicant.

BE IT FURTHER RESOLVED THAT this certified copy of the Resolution shall be submitted to the State of Montana, Property & Supply Bureau and the same remain in effect until written notice is given to the Property & Supply Bureau to change or rescind said Resolution.

CERTIFICATE: I, Sandra J Broesder, hereby certify that I am the Chairman of the Pondera County Board of Commissioners of the above applicant that the foregoing is
(1) a true and correct copy of the Resolution adopted by the vote of the majority of said board present at a duly-convened
(2) meeting of the said board on the 22nd day of July, 2015 at which a quorum was present.

SIGNATURE: /s/Sandra J Broesder
Sandra J Broesder, Chairman of the Board

AUTHORIZED AGENTS AND THEIR SIGNATURES (required)

TYPE OR PRINT NAME:	SIGNATURE	DEPARTMENT
Thomas A Kuka	<u>/s/ Thomas A Kuka</u>	Commissioner
Ron Moon	<u>/s/ Ron Moon</u>	Building Engineer
John Stokes	<u>/s/ John Stokes</u>	Road Supervisor
Mark Fitzgerald	<u>/s/ Mark Fitzgerald</u>	Road Department
Larry Steve Kahammer	<u>/s/ Larry Steve Kaphammer</u>	Road Department
Darrell J Pruttis	<u>/s/ Darrell J Pruttis</u>	Sheriff Department

FEDERAL SURPLUS PROPERTY TERMS AND CONDITIONS
(A) THE DONEE CERTIFIES THAT:

1. It is the public agency; or a nonprofit educational or public health institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.
2. If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residence of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, and including research for such propose. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the state agency.
3. Funds are available to pay all costs and charges incident to donation.
4. This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964; Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended; Section 504 of the Rehabilitation Act of 1972, as amended; Title IX of the Education Amendments of 1972, as amended; and Section 303 of the Age Discrimination Act of 1975, as amended.

(B) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

1. All such items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the state agency and, at the donee's expense, return such property to the state agency, or otherwise make the property available for transfer or disposal by the state agency, provided the property is still usable as determined by the state agency.
2. Such special handling or use limitations as are imposed by General Services Administrations (GSA) on any item(s) of property listed hereon.
3. In the event the property is not so used or handled as required by (B)(1)) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

(C) DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$5,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

1. The property shall be used only for the purpose(s) for which acquired and for no other purpose(s)
2. There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon on which the state agency designates a further period of restriction.
3. In the event the property is not used as required by (C)(1) and (2) and federal restriction (B)(1) and (2) have expired then title and right to the possession of such property shall at the option of the state agency revert to the State of Montana and the donee shall release such property to such person as the state agency shall direct.

(D) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS AND RESTRICTIONS:

1. From the date it receives the property listed hereon and through the period(s) of time the conditions imposed (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the state, without the prior approval of GSA under (B) or the state agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by GSA or by the state agency, shall be remitted promptly by the donee to GSA or the state agency, as the case may be.
2. In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it

receives the property through the period(s) of time the conditions imposed by (B) and remain in effect, without the prior approval of GSA or the state agency, the donee at the option of GSA or the state agency, shall pay to GSA or the state agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the state agency.

3. If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, and if the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the state agency, and shall, as directed by the state agency, return the property to the state agency, release the property to another donee or another state agency or a department or agency of the United States, sell, or otherwise dispose of the property. The proceeds from any sales shall be remitted promptly by the donee to the state agency.

4. The donee shall make reports to the state agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the state agency.

5. At the option of the state agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations, and restrictions pertinent in (D) by payment of an amount as determined by the state agency.

(E) THE DONEE AGREES TO THE FOLLOWING CONDITION, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

1. The property acquired by the donee is on an "as is", "where is" basis, without warranty of any kind.

2. Where a donee carries insurance against damages to the loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions occurs, the state agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donee items.

(F) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$5000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED.

1. The donation shall be subject to other terms, conditions, reservations, and restrictions set forth in the Conditional Transfer Document executed by the authorized donee representative.

(G) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE DEPARTMENT OR TO THE STATE AGENCY, SAID AGENCY SHALL HAVE THE RIGHT AND AUTHORITY TO WITHHOLD FURTHER TRANSFERS OF GOVERNMENT SURPLUS PROPERTY TO OUR INSTITUTION IF WE FAIL AT ANY TIME TO (A) ABIDE BY THE ABOVE TERMS AND CONDITIONS AND (B) PROMPTLY PAY JUST SERVICE AND HANDLING CHARGE FEES ASSESSED BY THE STATE AGENCY.

Adopted this 22nd day of July, 2015 as moved by Commissioner Kuka, seconded by Commissioner Hoppes, and passed on a unanimous vote of the full board. Effective on passage and approval.

PONDERA COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Sandra J Broesder
Sandra J Broesder, Chairman

/s/ Janice Hoppes
Janice Hoppes, Member

ATTEST:

/s/ Kody L Farkell
Kody L Farkell, Clerk & Recorder

/s/ Thomas A Kuka
Thomas A Kuka, Member

PURCHASE OF BEAR-RESISTANT FOOD CONTAINERS FOR JONES MEMORIAL PARK APPROVED – July 22, 2015

Montana Fish, Wildlife, and Parks has \$3,000 available for use at the Jones Memorial Park. The money was donated by various people and is being held by FWP. The Dupuyer Community Club has also budgeted \$2,000 for use at the park.

The Community Club has asked Commissioners for permission to purchase two bear-resistant food storage containers.

Commissioner Hoppes moved to authorize purchase of two bear-resistant food storage containers for the Jones Memorial Park in Dupuyer using funds available from Fish, Wildlife, and Parks and the Dupuyer Community Club. Commissioner Kuka seconded. Motion carried.

Also attending was Ross Drishinski, Dupuyer Community Club and Buck Traxler, Editor of The Independent-Observer.

DATE, TIME, AND PLACE FOR FISCAL YEAR 2016 HEARING - July 22, 2015

Commissioner Hoppes moved to set August 19, 2015 at 10:00 a.m. in the Commissioner's office as time for the hearing on the fiscal year 2016 budget. Publication will be in the Independent Observer and The Valierian. Commissioner Kuka seconded. Motion carried.

CLAIMS APPROVED FOR PAYMENT – July 31, 2015

<i>FUND</i>	<i>AMOUNT</i>
GENERAL	\$ 33,707.55
ROAD	13,791.69
BRIDGE	215.22
WEED	1,522.64
AIRPORT	1,979.86
COMPREHENSIVE INSURANCE	89,137.87
AMBULANCE	3,449.94
COUNTY HOSPITAL & NURSING HOME	129,998.70
EXTENSION SERVICE	5,093.96
COUNTY FAIR	280.00
PUBLIC SAFETY (LAW ENFORCEMENT)	27,732.05
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	938.86
BRADY LIGHTS MAINTENANCE	343.45
911 EMERGENCY	1,326.61
LAND USE PLANNING	7,347.89
NORTHERN TRANSIT INTERLOCAL	155.86
VICTIM & WITNESS ADVOCATE	255.00
BUCKLE UP MT	164.48
EMERGENCY PREPAREDNESS GRANT	370.20
PERFORMANCE MGT GRANT	95.49
BREAST & CERVICAL SCREENING	70.98
WIC GRANT	156.80
MATERNAL CHILD HEALTH	379.53
IMMUNIZATION ACTION PROGRAM	719.38
TOBACCO USE PREVENTION GRANT	1,019.99
NAPA GRANT	54.48
HOSPITAL DEBT SERVICE 95	152,887.50
ROAD/BRIDGE EQUIP PURCHASE	44,735.51
REFUND FUND	2,167.20
TOTAL CLAIMS	\$ 520,098.69
TOTAL PAYROLL	<u>211,897.24</u>
TOTAL CLAIMS AND PAYROLL FUNDS	<u><u>731,995.93</u></u>

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on July 31, 2015. Pondera County, Montana.

Sandra J Broesder, Chairman

ATTEST:

Kody Farkell, Clerk & Recorder