COMMISSIONERS APPROVAL

FOSS

CHILCOTT

IMAN

STOLTZ

Members Present.....Commissioner Suzy Foss, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....June 25, 2012

►Minutes: Glenda Wiles

►Commissioner Chilcott was in Helena attending a MACo Natural Resource/Public Lands Litigation Fund Committee meeting.

►The Board met at 8:40 a.m. for the following administrative matters:

- BREDD Letter in regard to Ravalli County's participation: **Commissioner Iman made a motion to send this letter to Missoula County Commissioners. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**
- RYO Contract (Juvenile Detention) for Fiscal Year 2013: **Commissioner Iman made a motion to have the Chair execute this contract noting the rates for 2013 will be the same as FY 2012. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**
- Amendment to WIC Task Order Contract #12-07-5-21-015-0: Increases the amount of funding. **Commissioner Iman made a motion to have the Chair execute this amendment. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**
- Agreement with Bitterroot Historical Society: **Commissioner Iman made a motion to execute this agreement. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**
- Change Order Detention Construction Project (For the Safe Room): An additional $550.00 is requested by J-5 Construction for additional work completed with the Sheriff's approval. **Commissioner Iman made a motion to increase the contract amount by the amount of $550.00 to be taken from the Sheriff's Office budget. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**
- Yates Chapel & Crematory of Coeur d'Alene, Idaho: Requesting indigent burial monies for Greg Brebner who was at one time incarcerated at the Ravalli County Detention Center was involved in a fatal car accident. **Commissioner Iman made a motion to continue until further information is received from Yates Chapel or Daly Leach who was acting as an intermediary in this request. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**

►The Board met at 9:00 a.m. with Deputy County Attorney Howard Recht and Attorney Gregory Bonilla (MACo Counsel) in regard to Renascent Inc., (Dan & Kelly Floyd) versus Ravalli County. This is a litigation issue over the ownership of the Bell Crossing Bridge, as well as Renascent Inc. alleging the floodplain permit issued to the State raised the level of the river causing backwash into plaintiff's property. Settlement is set at $30,000 with the plaintiff requesting the county participate in long term solutions without any financial obligation as well as allowing the plaintiff to install a burm on his property under the Ravalli County Floodplain Regulations with DNRC and the Army Corp of Engineers approval. Attorney Recht felt this is a good settlement for the county which allows them to remove themselves from the litigation of which the county has no control over. Not all of the documents were available for the Commissioners review this a.m., but they were reviewed by the county's counsel. The approval by the Commissioners would dismiss the litigation with prejudice. (See attached petition for declaratory judgment and complaint). Commissioner Iman noted this claim started before he was a Commissioner and disclosed that he was on Bitterroot Irrigation District Board and did review the application with the Floodplain Manager. The Board concurred to continue this issue until the paperwork was delivered. **Commissioner Iman made a motion to execute the Stipulation with Counsel's recommendation, said Stipulation will be included in the General Release and Settlement Agreement. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**

►The Board met at 9:30 a.m. with Deputy County Attorney Howard Recht to discuss the following vendors for non-payment of airport leases:

- Hamilton Aviation has seven leases and tie downs, some of which have not been collected since 2008. They are also behind in the payment of their property taxes. Hamilton Aviation filed a complaint with FAA and the decision by the FAA was that the county appropriately conducted business with Hamilton Aviation and the county needs to collect the rent in order to be in compliance with the federal grant insurances, so they can continue to receive federal grant dollars. Also important in collecting the lease amounts is not creating an unfair advantage with other FBO's. Howard noted significant sums of monies are due. Hamilton Aviation is a limited liability company and was voluntarily dissolved by the owner in December 2009, thus the business is not authorized to do business in the State of Montana. Montana law does not allow a private agreement to waive the public obligation, so it makes it difficult to ignore the lease obligations, as well as the requirements by the FAA. The leases requires notice, meetings with the parties, removal of improvements, etc., which could result in litigation if the vendor does not comply with his lease responsibility. Discussion included the improvements and lien capabilities. **Commissioner Iman made a motion to instruct Civil Counsel to start litigation in regard to the collection these lease fees. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**
- Jack Vallance stored a motor home at hangar #325 and according to the lease there is a cost to store a motor home. Mr. Vallance feels he should not have to pay these fees because he was out of the area for a time and did not intend to store the motor home but due to his medical condition he was unable to move it. Attorney Recht stated the county is not in the position to treat one person different than another and it is important to follow the FAA requirements. **Commissioner Stoltz made a motion to instruct Civil**

Counsel to start the litigation process against Mr. Vallance if payment is not received. Commissioner Iman seconded the motion and all voted "aye". (3-0).

►The Board reconvened on the Renascent Inc. versus Ravalli County at 10:00 a.m. as the Stipulation was now received. Still present was Attorney Howard Recht and Attorney Gregory Bonilla. **Commissioner Stoltz made a motion to approve this Stipulation. Commissioner Iman seconded the motion and all voted "aye". (3-0)**

►The Board met at 10:10 a.m. with Deputy County Attorney Howard Recht for a discussion on the renewal or extension of the following contracts. Also present was Sheriff Chris Hoffman's Administrative Assistant Trish Harrison and Western Montana Mental Health Staff Catherine Issacson.

- Riverfront Counseling and Support Center Contract for Mental Health Services (services for those incarcerated at the Ravalli County Jail) - **Commissioner Iman made a motion to approve the annual contract at the same dollar amount as the previous year's contract. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**
- Jim Mason Addiction Services - Administrative Assistant Trish Harrison stated the services from Jim Mason worked well last year and the Sheriff recommended approving these services for another year. **Commissioner Stoltz made a motion to have Civil Counsel review the current contract, making any necessary changes for a yearly extension, bringing the document back for signatures under administrative items. Commissioner Iman seconded the motion and all voted "aye". (3-0)**

►The Board met at 10:30 a.m. with DUI Task Force Coordinator Glenda Wiles to review the FY 2013 DUI Task Force Plan she prepared that will be submitted to the State of Montana for their approval. Glenda also presented a yearend report on the DUI Task Force activities and budget. **Commissioner Iman made a motion to approve this plan as presented. Commissioner Stoltz seconded the motion and all voted "aye". (3-0)**