



MISSOULA COUNTY POLICY BOOK

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**MISSOULA COUNTY
DISPOSAL OF COUNTY SURPLUS PROPERTY**

1. **Purpose.** This policy seeks to establish procedures for the disposition of surplus county real and personal property in accordance with MCA Title 7, Chapter 8, Part 22, "Acquisition, Transfer, and Management of County Property."
1. **Scope and Applicability.** This policy is applicable to all county departments and entities. Departments may apply additional requirements as long as they are equal to or more restrictive than the procedures and standards established in this policy.
2. **Administration.** Department heads are responsible for the implementation of this policy within their departments and for establishing procedures to demonstrate compliance.
3. **General Guidelines.**
 - A. The primary goals of this policy are: to obtain the maximum use from a piece of personal property and to recover any residual value at the time of disposal. Additional objectives include:
 - i. Controlling surplus property;
 - ii. Removing unused property from storage;
 - iii. Controlling waste and misuse of county property;
 - iv. Maximizing the monetary return from the sale of surplus property.
 - v. Recycling surplus property to minimize environmental impacts.
 - B. Department heads have the authority to dispose of surplus personal property within their departments and are responsible for designating an individual responsible for the disposition of such property.
 - C. Central Services is the department principally responsible for public auctions conducted to dispose of surplus County property. Departments have the option to use Central Services' public auctions or conduct their own.

- D. Only the board of county commissioners shall authorize the sale, trade, or exchange of surplus real property. Any disposition of surplus real property shall be conducted in consultation with the county attorney's office.

4. **Definitions.**

- A. **Surplus.** Property including, but not limited to, land, materials, supplies, equipment, and recyclable items regardless of how acquired that are no longer needed to conduct department operations.
- B. **Appraisal.** The process of estimating the value of a specific piece of property. A formal appraisal is prepared by a professional engaged in such value estimation and is supported by the facts, data, and methods used. An informal appraisal uses reasonable estimation to establish value for the item involved. Such sources include historical cost, net book value, or information available from 3rd party sources such as Kelley Blue Book, prices quoted by dealers in used equipment, classified ads, etc.
- C. **Auction.** The process of buying and selling property by offering it up for bid, taking bids, and selling the item to the highest bidder. There are several variations on the basic auction form, including time limits and minimum bid prices. Participants in an auction may or may not know the identities or actions of other participants. Depending on the auction, bidders may participate in person or remotely through a variety of means, including the internet or sealed bid.
- D. **Cannibalization.** The process of removing components or parts from surplus property and installing or reusing them in another piece of equipment.
- E. **Fair market value.** An estimate of the market value based on what a knowledgeable, willing, and unpressured buyer would probably pay to a knowledgeable, willing, and unpressured seller. An estimate of fair market value may be based on formal appraisal or reasonable estimation.
- F. **Personal property.** Every kind of property, other than real property.
- G. **Real property.** Land, including improvements and fixtures on the land, all property of any nature appurtenant to the land or used in connection with the land.
- H. **Salvage.** Items that have commercial value for material content only. Such value may or may not have monetary value. Disposal may consist of selling to dealer in salvage materials or transfer to a location for recycling.

- I. **Scrap.** Items with little or no commercial or recycled value and are suitable only for trash or landfill disposal.

6. **Methods of Disposition – Personal Property.**

A. **Transfer between departments.** Departments are encouraged to reuse surplus property through a transfer to another Missoula County department.

- i. Prior to using another method of disposal, the individual responsible for surplus property should make a reasonable effort to determine if another county department has a need or use for the item.
- ii. If such a need is identified, the respective department heads, or their designees, should agree on the value of the transfer, if any.

B. **Trade-in.** Departments should evaluate the benefits of a trade-in on a case by case basis.

- i. Surplus equipment with a value greater than \$2500 is subject to appraisal to establish fair market value prior to trade-in.
- ii. Trade-ins are recommended if the allowance given is of sufficient value to outweigh the likely net proceeds obtained through sale to a third party.

C. **Sale.**

- i. Surplus personal property not scrapped or disposed of using other methods described in this policy must be sold at public auction after notice in the publication under contract with the county to provide legal advertising.
 - a. Such property is subject to appraisal to determine fair market value using methods the seller department determines best satisfies this requirement. Department must document the methods used to establish the appraised value.
 - b. Appraisal must be made within 3 months prior to auction and must be stated in the notice of sale.
 - c. Pursuant to MCA 7-8-2213, a sale at public auction may not be made for less than 90% of appraised value.
 - d. If no bid is received in response to a properly noticed public auction, the property may be sold through a private sale. Per MCA

7-8-2218, the purchase price shall not be less than 70% of the appraised value.

- e. Surplus personal property with a value less than \$2500 may be sold through a private sale with the written approval of the County Auditor.

D. Damage or destruction. If surplus property is damaged or reduced to a state beyond repair (destroyed), the item should be disposed of as salvage or scrap.

E. Cannibalization. A department may determine that the best use of a surplus item is to cannibalize it for the serviceable components. Any residual parts should be disposed of as salvage or scrap.

7. Methods of Disposition – Real Property.

A. Sale.

- i. Real property must be sold at public auction after notice in the publication under contract with the county to provide legal advertising.
 - a. Such property is subject to appraisal to determine fair market value using a disinterested certified general real estate appraiser.
 - b. Appraisal must be made within 3 months prior to auction and must be stated in the notice of sale.
 - c. Pursuant to MCA 7-8-2213, a sale at public auction may not be made for less than 90% of appraised value.
 - d. If no bid is received in response to a properly noticed public auction, the property may be sold through a private sale. Per MCA 7-8-2218, the purchase price shall not be less than 70% of the appraised value.
- ii. Surplus real property with a value less than \$2,500 may be sold through a private sale with the approval of the Board of County Commissioners.

B. Exchange.

- i. In an exchange of real property, both properties must be appraised.
 - a. The properties exchanged must be of equivalent value.

- b. If the properties are not of equivalent values, the exchange may be completed if a cash payment is made in addition to the delivery of title for the property having the lesser value.

8. Other considerations.

A. Participation of county employees in property sales.

- i. County employees are permitted to participate in the purchase of surplus personal property, but only in the same manner as the public at large. No county employee shall be given any consideration or privilege that might be construed as conferring advantage in the outcome of the sale.
- ii. Employees of the selling department, or any immediate family members of such employees, shall not participate in any sale conducted through a sealed bid if they influence the maintenance, decision to surplus, determination of appraised value, or any aspects involving the disposition of the item.

B. Sales proceeds. Monies received from the disposition of surplus property, whether from public auction, private sale, or sale of scrap, shall be deposited into the county treasury to the credit of the selling department.

- i. Central Services will retain all sales proceeds from the public auctions it conducts unless a participating department specifically requests the proceeds from the items it contributes.

C. Titled property. Title to county property sold to a third party may not pass until the purchaser has paid the full amount of the purchase price into the County treasury.

D. Computer equipment. Software programs and files shall be removed from computer equipment prior to disposal.

E. Fixed asset records. Central Services shall be notified when any asset with a red or blue property sticker is sold, scrapped, or transferred to another county department.

F. Grant funded assets. Prior to the disposal of property obtained with federal grant funds, the department shall consult grant documents to determine compliance procedures for such disposal.

G. Sales to school districts. Departments have the power to sell surplus county property to a school district for appraised value without the

necessity of a public auction. However, notice of such sale shall be given in the publication under contract with the county to provide legal printing if the fair market value of the property is in excess of \$2500.

H. **Donations.** Donations of surplus property are not permissible.

MISSOULA COUNTY PURCHASING AND CONTRACTS POLICY

5. **Purpose.** This policy seeks to establish fair, open, and competitive procedures for selecting vendors of goods and services at various spending thresholds and to identify the contract form required given the circumstances of the purchase. This policy strives to comply with [MCA Title 7, Chapter 5, Part 23 “County Contracts”](#) and the applicable parts of [MCA Title 18, “Public Contracts”](#) and [Rule 2.5 of the Administrative Rules of the state of Montana, “State Procurement.”](#)
6. **Scope and Applicability.** This policy is applicable to all county departments and entities, for all acquisitions of goods or services. Departments may apply additional requirements as long as they are: a) equal to or more restrictive than the procedures and standards established in this policy and b) consistent with the purposes of this policy.
7. **Contract Authority.** The authority to enter into contracts for the benefit of Missoula County, its departments and entities is exercised by the Missoula County Board of County Commissioners. Department heads may execute invoice based contracts in accordance with [Section 9\(A\)](#). All other contracts must be approved by the Board of County Commissioners.
8. **Administration.**
 - A. Department heads are responsible for the implementation of this policy within their departments and for establishing procedures to demonstrate compliance.
 - B. The County Auditor shall provide general oversight and assistance to county departments in the administration of this policy and should be considered a resource for questions and information regarding purchasing and contracting. In that role the County Auditor’s responsibilities include, but are not limited to: assisting departments with conducting solicitations, providing sample language and documents, performing bid openings, serving on evaluation committees, and reviewing department documentation and procedures to verify compliance with this policy.
 - C. Although the County Commissioners have final authority for administration, interpretation, and application of the terms of this policy, it is strongly recommended that questions of interpretation be resolved with the County Auditor prior to seeking an interpretation or ruling from the Commissioners.
 - D. The public has the right to inspect and copy all purchasing and contract

documents with the exception of sealed bids and legitimate trade secrets as defined in [MCA 30-14-4](#). No fee will be charged for document inspection or to vendors who provide their own copying equipment. The procurement officer may impose reasonable conditions on the manner and time of the copying to avoid disruption and to protect public access to the records. When copies are made by procurement officer or designate, a fee will be charged consisting of 50 cents for the first copy and 25 cents for each page thereafter.

5. General Guidelines.

- A. Purchases or contracts shall not be artificially divided into separate projects or expenditures to circumvent the requirements of a more formal purchasing process.
- B. Long term service contracts for 12 months or more shall engage in the competitive process at least every 5 years according to the dollar thresholds established in this policy.
- C. Maintenance and service contracts related to underlying assets (e.g. software, road maintenance equipment) shall engage in the competitive process at the expiration of the expected useful life of the asset.
- D. Awards shall be made to responsible vendors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such characteristics as integrity, compliance with public policy, record of past performance, and financial and technical resources.
- E. Unnecessary constraints shall not limit full and open competition. Examples of such constraints include:
 - i. Placing unreasonable requirements on vendors to qualify for business;
 - ii. Requiring unnecessary experience and excessive bonding;
 - iii. Writing unduly restrictive specifications;
 - iv. Specifying a “brand name” product instead of allowing “an equal” product to be offered.
- F. No employee shall participate in the award and/or administration of a contract if a conflict of interest exists, whether real or apparent. Such a conflict arises when the employee has a special relationship as a related party to a vendor or potential vendor.

G. No employee may solicit or accept gifts in excess of \$50, or of a substantial economic benefit tantamount to a gift, from potential or actual vendors.

6. Interpretation.

A. If it is unclear which method of vendor selection to use, the decision shall always be made in favor of the more formal process.

B. For items purchased multiple times during a fiscal year, the method of vendor selection shall be determined by the total value of the multiple purchases.

C. For exchanges of property or services, this policy shall be interpreted to apply to the equivalent dollar value of the property or services to be exchanged.

D. Summary flow charts are included with this policy for quick reference. However, the flow charts provide a summary only. To the extent that the flow charts are incomplete or inconsistent with the text of this policy, the text of the policy controls.

7. Definitions. When used in this policy, the following terms and expressions shall have the meanings set forth below.

A. **Affidavit for Trade Secret Confidentiality:** A notarized statement submitted by an offeror's attorney acknowledging that material included in a Request for Proposals (RFP) is open to public inspection except for information that meets the provisions of the [Montana Uniform Trade Secrets Act, MCA 30-14-4](#).

B. **Bid:** A competitive price offer made by an intended bidder, usually in response to an Invitation for Bid (IFB).

C. **Bidder:** Any seller submitting a competitive bid in response to an Invitation for Bid.

D. **Bid security:** A guarantee in the form identified in [MCA 18-4-312](#) that the bidder/offeror, if selected, will enter into the contract as bid within 30 days; otherwise, the bidder or guarantor will forfeit the amount of the security.

E. **Competition:** The process by which two or more vendors vie to secure the business of a purchaser by submitting the most favorable bid or offer for the requested supplies or services.

F. **Construction services:** Work performed by an individual in building construction, heavy construction, highway construction, and remodeling work.

- G. **Contract:** A legally enforceable written or verbal agreement between Missoula County and any other governmental, public, or private entity for the procurement of goods or services of any type.
- H. **Contractor:** Any individual or business having a contract with the county.
- I. **Emergency purchase:** A purchase made without following normal purchasing procedures due to a sudden and unexpected happening or unforeseen occurrence or condition that requires immediate action.
- J. **Goods:** Supplies, equipment, materials, commodities, specially manufactured products, etc acquired to conduct the routine activities of county government.
- K. **Invitation for bids (IFB):** A method for establishing a price on desired goods using a written description of the specifications or attributes of the items sought, published notice, and formal, sealed bids. The IFB, RFP, and RFQ are the most formal methods of vendor selection.
- L. **Invoice:** An itemized statement furnished to a purchaser by a seller, usually specifying the price of goods or services and the terms of sale. This is the least formal form of contract.
- M. **Limited solicitation:** A process for establishing a price on desired goods or qualifications for performing desired services that does not require sealed bids or proposals but does require documented competition. The solicitation is issued in writing and requires a written response. This is a medium level of formality for selecting a vendor.
- N. **MCA:** The Montana Code Annotated.
- O. **Non Construction Services:** Work performed by an individual, not including management, office, or clerical work, for: the maintenance of publicly owned buildings and facilities; grounds maintenance for publicly owned property; the operation of public drinking water supply, waste collection, and waste disposal systems; nursing, nurse's aid services, and medical laboratory technician services; material and mail handling; food service and cooking; motor vehicle and construction equipment repair and servicing; and appliance and office machine repair and servicing. See [MCA 18-2-401](#) for a complete listing of non-construction services.
- P. **Offeror:** A vendor who submits a response to a Request for Proposals.
- Q. **Performance security:** A guarantee in the form identified in [MCA 18-4-312](#) that the bidder, if selected, will perform the specified work and will pay all laborers, suppliers, and subcontractors.

- R. **Professional Services:** Labor, time, or effort furnished by a person licensed, registered, or certified to provide such labor. The term includes, but is not limited to, architects, engineers, surveyors, attorneys, accountants, land use planners, and consultants.
- S. **Procurement:** The acquisition, with or without cost, buying, purchasing, renting, leasing, or otherwise obtaining goods or services. The term includes all functions that pertain to acquiring the goods or services, including the description of requirements, the search for and selection of sources, preparation and award of contract, and contract administration and monitoring. It does not include the acquiring of supplies or services by gift.
- T. **Procurement officer:** The employee of the department issuing an IFB, RFP, or RFQ responsible for administration of the procurement process.
- U. **Public works contract:** A contract for construction services or non-construction services in which the total cost of the contract is in excess of \$25,000.
- V. **Quote:** A method of establishing a price on desired goods, usually issued and obtained verbally. The lowest price quoted is generally used to select the vendor from whom the purchase will be made. This is the least formal method of vendor selection requiring documentation of competition.
- W. **Related party:** A vendor or potential vendor who has a special relationship (including personal, familial, or financial) with the county or an employee of the county. Disclosure of the existence of the special relationship is necessary to avoid the appearance of preferential access to county business.
- X. **Reputable county vendor:** A vendor that provides goods or services in its ordinary course of business and is duly licensed and operating in compliance with applicable laws and regulations. Consideration of vendor integrity, past performance for the county, and financial and technical resources may also be used as a guide to selection.
- Y. **Request for Proposals (RFP):** A formal process requesting vendors submit proposals to provide a solution to a problem or a need that a department has identified. The county has the ability to evaluate an offeror's response in accordance with established or stated criteria. The IFB, RFP, and RFQ are the most formal methods of vendor selection.
- Z. **Request for Qualifications (RFQ):** A formal process of inviting statements of professional qualifications used in contracting for services, including architectural, engineering, and land surveying services. The IFB, RFP, and RFQ are the most formal methods of vendor selection.

AA. **Responsible:** The capability in all respects to perform fully the contract requirements and the integrity and reliability that will ensure good faith performance.

BB. **Responsive:** A bid, offer, or statement of qualifications that conforms in all material respects to the requirements or specifications identified in an IFB, RFP, or RFQ.

CC. **Sealed bid:** A bid submitted in a sealed envelope to prevent dissemination of its contents before the deadline for submission of all bids.

DD. **Services:** Labor, time, or effort furnished by a vendor.

EE. **Solicitation:** A generic term used in lieu of the various methods of seeking competition for the goods and services desired by the County.

FF. **Specifications:** A detailed description of what the purchaser requires and what a bidder or offeror must offer to be considered for an award. A specification may be a description of the physical or functional characteristics, or the nature of a supply or service.

GG. **Vendor:** A person or company offering goods for purchase or services for hire.

8. **Procedures for Vendor Selection.** The procedures used for vendor selection depend on the type and amount of the expenditure and are addressed below in order of increasing formality and complexity.

A. **Reputable county vendor.** For purchases of goods and services less than \$5,000, any purchasing technique may be used that best meets the needs of a department. Although a vendor may be chosen without seeking competition, it is recommended that departments use prudent purchasing practices and obtain competitive prices when practical. The supplier selected must be a "reputable county vendor".

B. **Quote.** For purchases of goods or services more than \$5,000 but less than \$10,000, a quote process is used.

i. The department contacts a minimum of three vendors to obtain a price on the desired item or service. Although price usually determines the vendor selected, other factors may be considered, such as: quality and/or availability of the articles or equipment desired, responsiveness to the specifications desired for the work to be performed or the goods to be supplied, past experience with the vendor, and/or status as a reputable

county vendor. Vendor prices may be obtained verbally or through email, fax, or website posting.

- ii. The department maintains a record of the items sought, the vendors contacted, the prices quoted, and the vendor selected. Any quote obtained from a Related Party must be documented and disclosed. If three vendors are not available, an explanation must be provided.
- C. **Limited solicitation.** A limited solicitation process is used for the procurement of goods and services greater than \$10,000 but less than \$50,000, subject to the exception noted in [Section 8\(G\)](#) below for architectural, engineering, or land surveying services. The dollar range for use of a limited solicitation applies to the initial contract term and any possible renewal periods.
- i. The department develops a written opportunity for a minimum of three vendors to offer a price on the desired item or service according to the specifications established for the purchase. In addition to the description of the goods or services desired, vendors should be provided with other relevant information, including but not limited to: compatibility with other county equipment; date the supplies, services, materials, equipment must be delivered or be available for county use; anticipated duration of the need for the services requested; and any selection criteria, including relative importance, to be used in addition to price. The vendor is selected using the criteria stated in the limited solicitation.
 - ii. The department documents the solicitation process by maintaining a file including: the written solicitation, a summary listing of the vendor responses, and a complete copy of the vendor response selected. Responses shall be available for public inspection or telephone inquiry. If three vendors are not available, an explanation must be provided. Any solicitation received from a Related Party must be documented and disclosed.
- D. **Invitation for Bids.** For procurement of goods, services, and equipment greater than \$50,000 where vendor selection is determined exclusively on price, an invitation for bid process is used. An IFB is also used for multiple purchases of the same item when it is reasonably expected that the annual amount of such purchases will be greater than \$50,000. IFB for construction contracts have additional requirements discussed in [Section 8\(E\)](#) below.
- i. The department develops an IFB package which generally conforms to the sample documents available from the County Auditor. The package includes all pertinent information and specifications about the products or services sought.

- ii. The department arranges for notice of the IFB to be published for a minimum of two consecutive weeks in the newspaper under contract with the county to provide legal advertising. The final published notice must appear at least 3 days prior to the bid opening. The published notice shall contain: a brief statement about the procurement for which bids are sought, where complete specifications may be obtained if not provided in the published notice, the contact information for the county employee responsible for answering questions about the bid, specific bid requirements for contract or performance security, the initial contract term and any renewal periods, the address where bids are to be mailed, the due date and time for receipt of bids, and the location of the bid opening.
- iii. Bid security is required for all bids submitted in response to an IFB and must be provided in accordance with [MCA 18-1-201 through 206](#). Specifically:
 - a. Each bidder must provide a bid bond or other security in the amount of 10% of the bid price to protect and indemnify the county against the failure or refusal of the bidder to enter into the contract, if awarded.
 - b. The bond or other security is subject to forfeit if the bidder fails to enter into a contract within 30 days of bid acceptance.
 - c. The bid bond or other security must be in the form specified in [MCA 18-1-203](#) and payable to the county. Although other forms of security are allowed, the most common forms are cashier's check or bond executed by a surety corporation.
 - d. Bid security is returned to bidders whose bids are not accepted.
- iv. Requirements for performance security are determined on a case by case basis.
- v. Bids must be opened publicly at the time and place designated in the IFB. Each bidder and any member of the public has the right to be present, either in person or by agent, and has the right to examine the bids after they have been opened and reviewed by a representative of the department issuing the IFB. A record must be maintained of the amount of each bid, any other relevant information, and the name of each bidder. After the bid has been awarded, all bids and bid documents must be open to public inspection.
- vi. The bid is awarded to the lowest responsible bidder.
 - a. If there are no out of state bidders, [MCA 7-5-2309](#) allows an optional bidding preference to a county resident whose bid is no more than

\$500 or 3% higher, whichever is less, than the bid of the lowest responsible bidder who is not a county resident.

- vii. Any bid from and awarded to a Related Party must be documented and disclosed.
 - viii. The department issuing the IFB is responsible for maintaining complete documentation on the process including the text of the IFB, all responses received, proof of publication of the public notice, and a copy of the award contract.
- E. IFB – Public Works Contracts.** In addition to the requirements of [Section 8\(D\)](#), bid specifications and contracts for construction and non construction services greater than \$25,000 are subject to the following provisions:
- i. Contractor shall agree to:
 - a. Give preference to the employment of bona fide Montana residents in the performance of the work;
 - b. Include provisions for work that is performed at a project location to:
 - 1. Pay the travel allowance that is in effect and applicable to the district in which the work is being performed; and
 - 2. Pay the standard prevailing rate of wages, including fringe benefits, that is in effect and applicable to the district in which the work is being performed;
 - c. Post a copy of the applicable prevailing wage rates in a prominent and accessible site at the project location; and,
 - d. Maintain payroll records capable of certification for at least three years after completion of work under the Agreement.
 - e. If the term of the contract calls for more than 30 months to fully perform, contractor further agrees to increase the standard prevailing rate of wages by 3% every 12 months after the contract award date and apply the adjustment every 12 months for the duration of the contract.
 - ii. **Performance security requirements.** In accordance with [MCA 18-2-201](#), all construction contractors shall execute a bond to secure performance on the contract and payment of workers, subcontractors, and suppliers. [MCA 18-2-201\(4\)](#) allows the bond requirement to be waived for contracts less than \$50,000.

- iii. **Bidding preferences.** Per [MCA 7-5-2309\(2\)](#), if one or more out of state bidders respond to a IFB for construction, repair, or maintenance of a building, road, or bridge, a resident bidder must be allowed a preference if the state of the non-resident enforces a preference for residents.
- F. **Request for proposals (RFP).** An RFP is used for procurement of goods and services greater than \$50,000 when it is desirable to incorporate factors other than cost into the selection criteria. It is recommended that a selection committee be used to consider complex or high dollar RFPs.
- i. The department develops an RFP package which generally conforms to the sample documents available from the County Auditor. The package includes all pertinent information about the products or services sought, as well as the selection criteria, relative importance, and scoring methodology that will be used to determine vendor selection. If the department wants to consider the proposals without reference to cost, RFP instructions must clearly state that cost information is to be submitted in a separate, sealed envelope and must not be included in the body of the proposal.
 - ii. The department arranges for notice of the RFP to be published for a minimum of two consecutive weeks in the newspaper under contract with the county to provide legal advertising. The final published notice must appear at least 3 days prior to the RFP due date. The published notice shall contain: a brief statement about the procurement for which proposals are sought, where complete proposal details may be obtained if not provided in the published notice, the contact information for the county employee responsible for answering questions about the proposal, any specific requirements for contract or performance security, the initial contract term and any renewal periods, the address where proposals are to be mailed, and the due date and time for receipt of proposals.
 - iii. Bid security as described in [Section 8\(D\)\(iii\)](#) above is required for all proposals, except those exclusively for services. Requirements for performance security shall be determined on a case by case basis. RFPs for public works contracts greater than \$25,000 are subject to the prevailing wage requirements of [MCA Title 18, Chapter 2, Part 4](#). See [Section 8\(E\)\(i\)](#) above.
 - iv. After the proposals have been opened and reviewed by the procurement officer, proposal documents may be inspected by the public, subject to the limitations of the Uniform Trade Secrets Act, [MCA Title 30, Chapter 14, Part 4](#). An attorney for an offeror claiming trade secret status for parts of an RFP response must complete an Affidavit of Trade Secret

Confidentiality and clearly mark and separate any bona fide trade secret material. This information is removed before public inspection.

- v. The award is made to the responsible and responsive offeror whose proposal obtains the highest score according to the stated evaluation criteria. No other criteria may be used.
 - vi. Any bid from and awarded to a Related Party must be documented and disclosed.
 - vii. The department issuing the RFP is responsible for maintaining complete documentation including the text of the RFP, all responses received, proof of publication of the public notice, copies of the scoring sheets used to evaluate the merits of the proposals, and a copy of the award contract.
- G. Request for Qualifications (RFQ).** A request for qualifications process is used to acquire professional services greater than \$50,000. A lower threshold of \$20,000 applies to architectural, engineering, or land surveying services, and procurement of these services must be consistent with [MCA Title 18, Chapter 8, Part 2](#). A provider of professional services is selected based on demonstrated competence and qualifications for the type of services desired at a fair and reasonable price.
- i. The department develops an RFQ which generally conforms to the sample documents available from the County Auditor. The package includes all pertinent information about the professional services sought, as well as and the selection criteria to be used.
 - ii. The department arranges for notice of the RFQ to be published for a minimum of two consecutive weeks in the newspaper under contract with the county to provide legal advertising. The final published notice must appear at least 3 days prior to the RFQ due date. The published notice shall contain: a brief statement about the services sought, where complete details about such services may be obtained if not provided in the published notice, the contact information for the county employee responsible for answering questions about the services, the initial contract term and any renewal periods, and the due date and time for receipt of materials.
 - iii. The department evaluates statements of qualifications submitted by firms based on the following criteria:
 - a. The qualifications of the professional personnel to be assigned to the project;
 - b. Capability to meet time and budget requirements;

- c. Physical location of firm;
 - d. Present and projected workloads;
 - e. Related experience;
 - f. Recent and/or current work for the county.
- iv. After the preliminary evaluation of the firms' qualifications, the department conducts discussions with finalists and selects the firm best suited to provide services desired. A contract is then negotiated at a price that the department determines to be fair and reasonable given the estimated value of the services and the scope, complexity, and nature of such services.
 - v. The department issuing the RFQ is responsible for maintaining complete documentation including the text of the RFQ, all responses received, proof of publication of the public notice, copies of the scoring sheets used to evaluate the firms' qualifications, and a copy of the award contract.

9. Form of Contract.

- A. **Invoice.** Although an invoice is a type of contract, it is frequently used in combination with a formal contract to bill services performed or products delivered to date according to contract terms. In certain circumstances, an invoice may be used on a standalone basis.
 - i. **When allowed.** An invoice based contract is allowed if:
 - a. The total amount of the purchase is less than \$25,000 for goods or less than \$5,000 for purchases other than goods; or,
 - b. The contract term is not more than 1 day (i.e., a single delivery of goods, or performance of services on a single day).
 - ii. **Authority to contract.** Department heads or their designees are authorized to enter into invoice-based contracts when the requirements above are satisfied.
 - iii. **Payment procedure.** Invoice approval and payment is subject to the claims procedures established by the County Auditor.
- B. **Contract requirements.**

- i. **When required.** A written contract is required for all purchases of goods and services which do not meet the criteria in [Section 9\(A\)\(i\)](#) for use of an invoice.
- ii. **Contract language.** All contracts must comply with any applicable legal requirements, including but not limited to the prevailing wage language required for public works contracts. Standard contracts for use with an independent contractor or an outside contractor are available from the County Auditor.
- iii. **Grant funded expenditures.** Any contract to be funded by one or more grants must conform to grant award documents and include any contract language required by the grant.
- iv. **Security requirements for contracts, in general.** Bonds or other security may be required for any contract, to secure performance and payment of workers, subcontractors, and suppliers. Security required for contracts other than construction shall be determined on a case by case basis.
- v. **Insurance requirements.** Contract provisions shall require the contractor to carry adequate workers' compensation, general liability insurance, and/or other types of insurance as directed by the Missoula County Risk Manager.
- vi. **Public works contracts.** All contracts for construction and non-construction services must include any provision required by law, including the requirements of [MCA Title 18, Chapter 2](#):
 - a. **Prevailing wage requirements.** In accordance with [MCA Title 18, Chapter 2, Part 4](#), all public works contracts in excess of \$25,000 must contain the provisions in [Section 8\(E\)\(i\)](#) above:
 - b. **Performance security requirements.** To comply with [MCA 18-2-201](#), performance security is required on construction contracts as a guarantee that contract provisions are performed and that laborers, suppliers, and subcontractors are paid. This provision may be waived for contracts less than \$50,000.
- vii. **Procedure for review of contract language.**
 - a. **Standard contracts.** Standard contracts for use with an independent contractor or an outside contractor are available from the County Auditor; these do not require review by the County Attorney but do require review by Human Resources and the county Risk Manager prior to submittal to the County Commissioners for signature.

- b. **Non-Standard contracts.** Any non standard contract or standard contract containing modifications to the boilerplate language must be reviewed by the County Attorney, Human Resources, and the county Risk Manager prior to approval by the County Commissioners.
 - c. **Public works contracts.** In accordance with [MCA 18-2-404](#), all public works contracts must be approved in writing by the County Attorney's office prior to execution of the contract by the Board of County Commissioners. Attorney approval of a public works contract must be documented on a Request for Commissioner Action before it is submitted to the Board of County Commissioners for execution.
- viii. **Contract renewal.** Upon expiration of a contract, the contract may be renewed after sufficient consideration of the following:
- a. The renewal periods are consistent with the original solicitation;
 - b. The total contract term, including extensions and renewals, does not exceed 5 years;
 - c. Funds are available to support the continued performance of the contract; and,
 - d. Contract renewal is in the best interests of the County.
 - e. A new contract must be submitted to the Board of County Commissioners for signature.

10. **Exceptions.** The following exceptions preempt the provisions of this policy.

- A. **Direct Negotiation.** When no bids or proposals are received in response to an IFB or RFP or if none of ones received are from responsible and responsive bidders or offerors, the procurement officer may:
 - i. Cancel and reissue the IFB or RFP. If the department elects to reissue the request for bids or proposals, the procurement officer shall attempt to increase the number of potential vendors by modifying the specifications, allowing more time for the preparation of responses, broadening the potential pool of vendors, etc.
 - ii. Negotiate directly with a vendor. Subject to the approval of the County Auditor, the procurement officer may negotiate directly with a vendor or vendors if a determination is made that a subsequent IFB or RFP would also be unsuccessful.

- iii. The department must document the circumstances that lead to direct negotiation for the desired goods or services.

B. **Emergencies.** Under very limited circumstances, a department may need the flexibility to make an emergency purchase. Such purchases are typically made outside of the normal purchasing procedures due to the sudden and unexpected situation that requires immediate action. The following procedures must be considered when making a determination regarding an emergency purchase.

- i. The purchase shall be limited to the supplies or services necessary to address the emergency;
- ii. Competition to the extent practical shall be obtained;
- iii. The Board of County Commissioners and the County Auditor shall be notified as soon as possible about the need for emergency purchases and/or contracts;
- iv. The department making the emergency purchase shall maintain a file of each emergency purchase, including the vendor's name, a list of supplies or services purchased and the amounts, and a brief description of the emergency conditions justifying the purchase.

C. **Sole source purchases.** Under some limited circumstances, a department may need to consider making a sole source purchase for a supply or service available from only one known vendor. Because this purchase occurs without benefit of competition, departments should exercise great reluctance to use this procurement method.

- i. Sole source procurement is permissible under the following circumstances:
 - a. The compatibility of current services or equipment, accessories, or replacement parts is the paramount consideration;
 - b. There is no alternative, equivalent product to the one required;
 - c. There is only one acceptable or suitable source for the supply or service item;
 - d. Grant terms specify the equipment to be purchased.
- ii. For sole source purchases over \$5000, the department shall complete a sole source justification form prior to purchase and submit it to the County

Auditor for approval. The department shall maintain a record of all sole source purchases over \$5000 and include:

- a. The vendor's name;
- b. The amount and date of the purchase;
- c. The item or service purchased;
- d. The approved sole source justification form.

D. **Other exceptions.** This policy does not apply to:

- i. **Professional licenses and training** to maintain professional licensure or membership in professional accreditation organizations, including professional training, where relevant to the performance of an employee's work duties.
- ii. **Purchases from Missoula County Central Services.** Central Services shall comply with this policy for all purchases made on behalf of other departments including office supplies, copiers, paper, and motor pool vehicles.
- iii. **Purchases made under state bid contracts pursuant to [MCA 7-5-2308](#).** Under this exception, the state of Montana has engaged in the competitive procurement process.
- iv. **Purchases made through a membership in a purchasing alliance.** Under this exception, Missoula County has a membership in a purchasing alliance that serves public agencies. The purchasing alliance engages in a competitive process on behalf of its members. Missoula County is currently a member of the National Joint Powers Alliance and the US Communities Government Purchasing Alliance. The County Auditor can provide further information about these organizations.
- v. **Purchases at public auction pursuant to [MCA 7-5-2303](#)** when, in lieu of soliciting bids, the department purchases at public auction a vehicle, road machinery, or other machinery, apparatus, appliances, equipment, or materials or supplies for an amount less than \$60,000.
- vi. **Regulated Utilities**, although any contract for a fixed price supply of energy must be signed by the Board of County Commissioners.
- vii. **Services provided by a grant co-applicant or a community based organization.** This policy does not apply to an organization which is a co-applicant with Missoula County on a grant or to a community based

organization receiving funding from the County Poor Fund. However, county departments administering grants shall comply with other procurement regulations stated in the grant award documents.

viii. **Maintenance agreements** provided by an existing software vendor or **software upgrades** under software licenses.

11. **Variances.** The County Commissioners have the discretion to grant a variance from the provisions of this policy at the request of a department head. Prior to the vendor selection process or contract execution, a request for variance shall be made in writing, with a copy to the County Auditor; the department head shall present the case for the variance at an administrative meeting of the County Commissioners. To support the request for variance, the department head shall be prepared to demonstrate good cause for the variance, as well as:

- A. How compliance with legal requirements will be achieved;
- B. How clear contract obligations will be formulated without undue exposure to liability;
- C. How a fair and open process for the expenditure of public funds will be maintained.

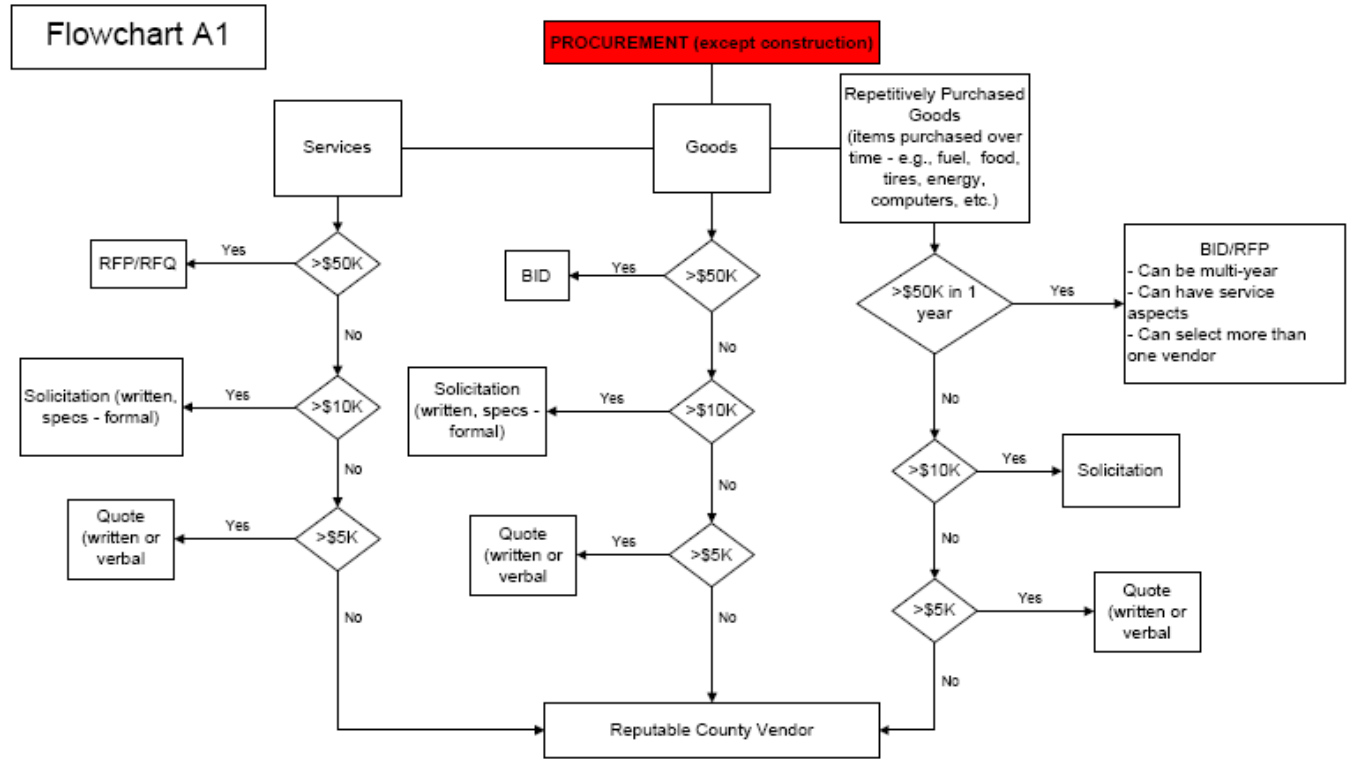
12. **Vendor Protest Procedure.** A bidder or offeror aggrieved in connection with the solicitation or award of a contract may protest as follows:

- A. The protest must be in writing and state in detail all of the protestor's objections and allegations of violations of the Missoula County Purchasing and Contracts Policy and/or Montana state procurement law. The complete protest must be submitted to the County Auditor no later than 14 days after the execution of the contract in question. If the protest is not resolved by mutual agreement, the County Auditor shall issue a written decision on the protest within 30 days after receipt of the protest.
- B. If the County Auditor rejects the protest, the reasons must be stated; and the protestor must be informed of the right to appeal the decision to the Board of County Commissioners. Such an appeal must be made in writing within 14 days of the date of the County Auditor's written decision.
- C. The Board of County Commissioners shall have a hearing within 30 days where the bidder or offeror has the opportunity to present arguments in the case.
- D. After the hearing, the Board of County Commissioners may deny the protest, or as appropriate, may order one of the following remedies:

- i. If the contract has not yet been awarded and it is determined that a solicitation or proposed award of a contract is in violation of this policy or applicable law, the solicitation or proposed award may be cancelled or revised to comply with the law;
- ii. If the contract has been awarded and the Board of County Commissioners determines that the solicitation or award is in violation of the law and the person awarded the contract has not acted fraudulently or in bad faith, the Commissioners may either:
 - a. Ratify and affirm the contract, provided it is determined that doing so is in the best interests of the County; or,
 - b. Terminate the contract and compensate the person awarded the contract for the actual expenses reasonably incurred under the contract prior to termination.
- iii. If the contract has been awarded and the Board of County Commissioners determines that the solicitation or award of the contract is in violation of the law and the person awarded the contract has acted in bad faith, the Commissioners may either:
 - a. Declare the contract void; or,
 - b. Ratify and affirm the contract if that action is in the best interests of the County, without prejudice to the County's rights to appropriate damages.
- iv. The County is not required to delay, halt, or modify the procurement process pending the result of a protest, contested case proceeding, or judicial review.

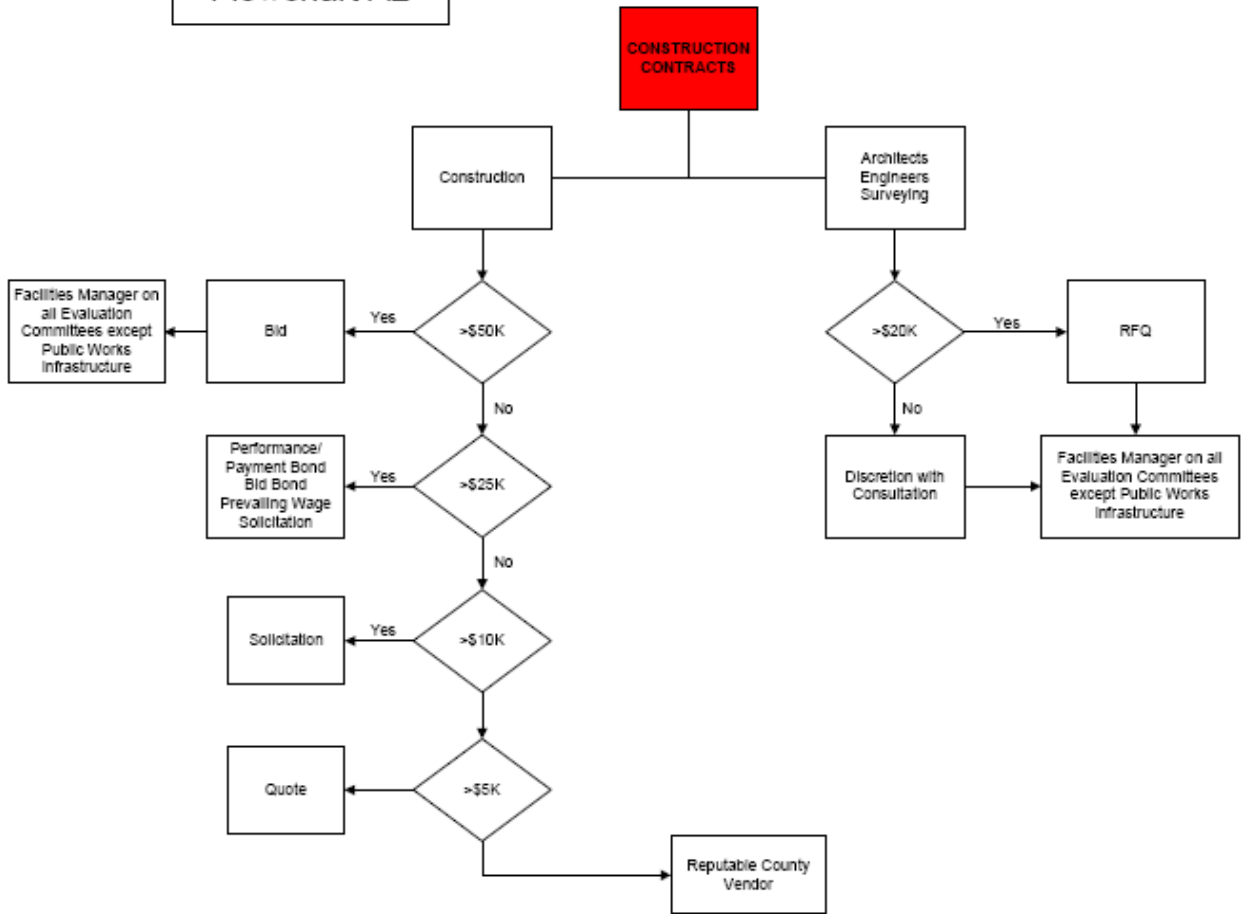
Real Property and Conservation Easements. Acquisitions of real property and conservation easements are subject to the provisions of [MCA 7-8-2202](#). Real property in excess of \$20,000 and conservation easements greater than \$80,000 are subject to valuation prior to purchase either by a certified general real estate appraiser or by three disinterested citizens appointed by a district court judge. Payment may not exceed such appraised value. Negotiations for such acquisitions shall be done in consultation with the County Attorney's Office.

FLOWCHARTS

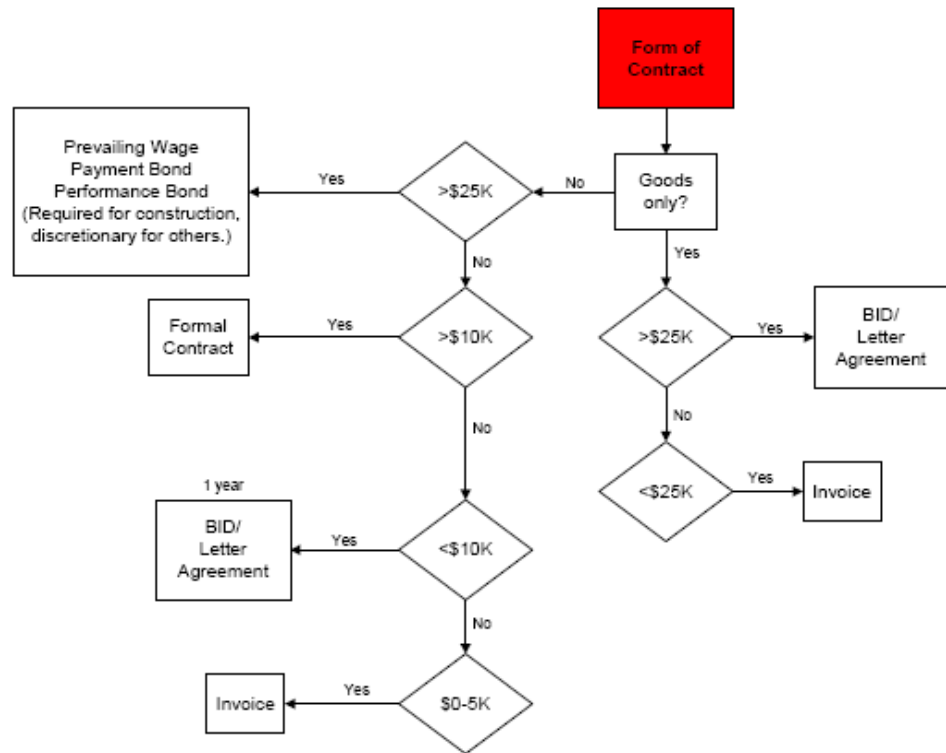


Services: Long-term service contracts for 12 or more months must engage in a competitive process at least every 5 years according to dollar levels above (e.g., RFP/RFQ).

Flowchart A2



Flowchart B



- If a purchase of goods has any service components (e.g., deposit requirements, installment payment, service/maintenance agreement) the form of contract for services should be applied.
- These documentation standards are the minimum requirements.
- Departments can always increase documentation levels at their discretion.

MISSOULA COUNTY
TRAVEL POLICY

Purpose

This policy establishes guidelines and procedures for the amount and type of travel expenses eligible for reimbursement. For purposes of this policy, "employee" includes all County employees, elected officials, and appointed members of boards, commissions, and councils.

Scope

This policy is applicable to all County departments and entities. Departments may apply additional requirements as long as they are equal to or more restrictive than these standards. Law enforcement officers participating in extraditions or multi-state investigations are governed by departmental policy for extraditions and for multi-state investigation-related travel.

Limitations

Travel expenses must have a public purpose and serve the public interest. All travel expenditures must be reasonable and necessary, and reimbursement for expenses solely for the benefit of an individual is not allowable.

Administration

Department heads are responsible for: the implementation of the policy within their departments; employee compliance with travel policy; prior authorization of travel; approval of travel advances, settlements, and reimbursement requests; and management of expenditures within budgetary constraints.

The County Auditor has final authority for administering, interpreting, and applying the terms of this policy.

Employee travel time is governed by the federal Fair Labor Standards Act and the state of Montana wage and hour laws. Human Resources should be consulted prior to travel to determine appropriate compensation rates.

Except as noted, original receipts are required to support requests for travel reimbursement.

Policy

Allowable Expenses/Modes of Travel

Air: All commercial air travel should be by the least expensive service available and will be reimbursed with appropriate receipts. The cost of one checked bag is an allowable

expense, but the traveler is responsible for class upgrades and itinerary or booking changes which are not the result of an emergency or required to satisfy the business needs of the County. When a lower airfare can be obtained with an additional overnight stay, the County will pay the extra day's meals and lodging, if cost effective.

Rail: Coach or tourist class is reimbursable; however, the selection of this mode of transportation should be evaluated carefully in terms of cost and time requirements.

County Vehicle:

County vehicles are available for travel and must be used for business purposes only. If personal funds are used to purchase gas for the vehicle, a receipt must be submitted to obtain reimbursement.

Personal Vehicle: Personal vehicle mileage will be reimbursed at the applicable statutory rate allowed by the Internal Revenue Service. Departments will be notified of the current rate at the beginning of the calendar year.

If a personal vehicle is used, the driver must possess a valid Montana Drivers License and carry liability insurance which meets or exceeds the requirements cited in MCA 61-6-103. The County reserves the right to require proof of insurance for any personal vehicle used for County business. Any employee who chooses to drive a personal vehicle when one is available from the motor pool should be aware that the County does not provide coverage for loss or damage to personal vehicles.

If an employee chooses to use a personal vehicle over a common carrier, mileage reimbursement shall not exceed the cost of airfare.

Rental Vehicles: A rental vehicle is a justifiable expense if it is cheaper than other forms of transportation; anyone requesting use of a rental vehicle must demonstrate that it is the least cost alternative. A rental vehicle requested from the General Fund Training pool requires prior approval of the Human Resources Department; otherwise, the department head must approve a rental vehicle prior to travel. Employees traveling outside the state of Montana must purchase a Loss Damage Waiver (sometimes also called a Collision Damage Waiver or Physical Damage Waiver). If Liability Insurance is not provided in the rental contract, the employee must purchase such insurance from the rental car company.

Taxis, Airport Limousines, Shuttle Buses, Parking, Tolls: Such expenses are reimbursable, and receipts are required (parking meters excepted). Taxi fares, including gratuities of 15% or less, are allowable with receipts. If an employee chooses to take a taxi when a less expensive shuttle service is available, reimbursement will be limited to the cost of the shuttle. Valet parking, unless the only parking option available, and parking tickets are not eligible for reimbursement.

Public Transit (Buses, Subways, Street Cars): Fares are reimbursable without receipts if the total for such expenses is less than \$10 for the entire trip.

Lodging

All County employees are authorized the actual cost of lodging at a conference site. If no rooms are available at the conference site, an employee will be reimbursed for the cost of lodging at an alternative location as long as its room rate does not exceed the conference room rate. In any event, employees are encouraged to seek less expensive room options if available nearby. Documentation which shows the conference room rate must be provided with a travel advance or reimbursement request.

If a conference is held at a site which provides no lodging, or if lodging is unrelated to attendance at a conference, reimbursement will not exceed the maximum rate quoted on the US General Services Administration website, http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=17943&contentType=GSA_BASIC. If the city is not listed on the rate schedule for the destination state, the standard rate for lodging in the continental United States will apply. Employees are reminded to inquire if a government rate is available.

If an employee is accompanied by a spouse or family member, the lodging invoice must bear a notation, signed by an authorized representative of the establishment, as to the single room rate, including tax. The employee is responsible for the difference between single and double occupancy room rates.

Meals

To claim a travel meal, an employee must be in "travel status", which is identified as that period beginning with the time of departure from the employee's regularly assigned workplace and ending upon return to that site. Actual time in travel status will be used for computing this allowance. (The separate policy for Business Meals addresses an exception for the cost of meals associated with a legitimate business function or event.) The following chart shows allowable per diem, which represents the maximum for any meal (including tip) or series of meals. The County will use the applicable GSA rates for meals claimed during out of state travel. If a city is not listed on the rate schedule for the destination state, the standard rate for per diem in the continental United States will apply. The County will not pay the incidentals component of the applicable GSA rate.

	In State	Out of State
Morning allowance (if in continuous travel status for 3 hours or more between 12:01 am and 10 am):	\$8	Applicable GSA rate
Mid-day allowance (if in continuous travel status for 3 hours or more between 10:01 am and 3 pm):	\$12	Applicable GSA rate
Evening allowance (if in continuous travel status for 3 hours or more between 3:01 pm and midnight):	\$21	Applicable GSA rate

If in travel status for a continuous 24 hours,
any combination of the above not to
exceed:

\$41

Applicable GSA
Total

Meals provided by the conference, seminar, or other event cannot be claimed separately for reimbursement or per diem, unless the employee has a medical condition with special dietary restrictions. Continental breakfasts, refreshments during breaks, and hors d'oeuvres served during social hours or receptions are not considered meals even though they may be included in the cost of registration. Documentation from the conference (registration, agenda, etc) which shows the meals provided must accompany a travel advance or reimbursement request.

If an employee is in travel status for less than 24 hours, any meals are considered taxable income by the IRS. A properly approved reimbursement claim showing departure and return times must be submitted to payroll with the employee's timesheet. An employee who receives a midday meal allowance for routine travel outside Missoula must also obtain reimbursement through the payroll process.

Other Allowable Expenses

Business telephone calls, faxes, or other necessary business expenses are allowable if documented by receipts. Employees are encouraged to use cell phones or prepaid phone cards for personal calls; otherwise, such calls are limited to \$10/day.

Unallowable Expenses

Alcoholic beverages and expenditures of a personal nature are not allowable. Examples include: hotel/motel room service charges in excess of applicable per diem rates, mini-bar and amenity charges; porter service for personal luggage; laundry service; in room movies; transportation expense for dining out (unless the hotel/motel does not have dining facilities or there are none within walking distance); optional valet parking; parking tickets, and fees at a conference or meeting for social events such as golf, sightseeing, or the entertainment of a spouse or guest. Other expenditures, otherwise allowable, may be rejected without proper travel authorization or expenditure documentation.

Combining Personal Travel and County Business

When an employee combines personal travel with an official County business trip, reimbursements and payments will be made only for those costs necessary for the County's portion. Transportation costs and per diem will be allowed only for the most direct route to the destination of the County trip, and reimbursement and payment for meals and lodging will be allowable only during the time the employee is in County travel status. No costs will be reimbursable for vacation or personal days. If an employee chooses to drive, whether to accommodate family members or to provide additional excursion opportunities, mileage will not be paid in excess of the least cost airfare; per diem will be paid as if the employee had flown.

Travel Expenses for Non-County Employees

The County will pay travel costs for someone who is not an employee if the person: 1) is traveling at the specific request of the County, 2) is serving as a volunteer to a County program, or 3) is providing services under a County contract, which includes provision for reimbursement for travel related costs. Grant-related travel must be consistent with this policy, unless the grant provides otherwise. It is strongly recommended that departments consult with the County Auditor before travel arrangements are made for a non-county employee.

Travel Expenses Paid by Outside Entity

Entities outside the County may pay for authorized employee travel, and the employee should determine the travel policies and reimbursement procedures of the funding agency before any reservations are made. If any travel funds are advanced by the County, which the outside agency will reimburse later, the County Auditor's Office must be notified when the claim is processed to facilitate monitoring of repayment.

Expenses Paid for Position Vacancy Interviews

The County will pay the expenses for a candidate coming to Missoula for a job interview for department head or other professional position with the prior approval of the appropriate authorizing official and subject to budgetary constraints. The cost of such travel will be charged to the applicable departmental budget. The County will reimburse the interviewee for transportation costs, meals, and lodging while in Missoula in accordance with this policy. The County will not reimburse employees for candidate interviews during mealtime; such interviews should be conducted in the work place.

Other

Employees are encouraged to make every effort to minimize travel expenses. When more than one employee is traveling to the same destination on the same date, every effort should be made to coordinate the activities, including carpooling and sharing motel accommodations.

Reimbursement Procedures

Travel claims must: be submitted for all requests for reimbursement; provide an explanation for trip; be signed by the employee and approved by the appropriate department head; be submitted per trip. No one may authorize his or her own claim for reimbursement. Amounts spent in excess of maximum per diem allowances will not be reimbursed.

Travel Advances

Advances for amounts greater than \$100 may be obtained on a Travel Advance form signed by the appropriate department head. Templates for in-state and out-of-state travel advances may be found in G:\Shared\Audit.ro. The advance should be based on the allowable per diem for the number of travel days, exclusive of meals provided by a conference, and reasonable estimates for the costs of lodging, personal vehicle mileage or airport shuttle. Advances must be submitted at least two, but no more than three, weeks prior to departure. In no event will per diem or other travel money be advanced without a properly completed Travel Advance form.

A travel advance must be settled within 15 days of returning to work. The employee must complete a travel claim and provide original receipts or other supporting documentation. If the claim is more than the advance, the employee will be issued a check. If the claim is less than the advance, the employee must reimburse the County for the difference using either a personal check or cash.

Travel advances which have not been settled within 15 days will be referred to the Auditor's Office, and the employee will be notified that the entire advance will be deducted from the next paycheck if settlement is not received.

**MISSOULA COUNTY
AUTOMATED EXTERNAL DEFIBRILLATOR
& CARDIOPULMONARY RESUSCITATION PROGRAM**

- I. **Purpose.** This policy establishes guidelines for the operation of Missoula County's automated external defibrillator (AED) and cardiopulmonary resuscitation program (CPR) program, which exists to train County employees in the emergency treatment of individuals who experience sudden cardiac arrest, and incorporates an AED Written Plan that conforms to guidelines issued by the Montana Department of Public Health and Human Services (Attachment A).
- II. **Scope.** This policy applies to all Missoula County employees working in those Missoula County facilities identified in the AED Written Plan as being the location of one or more AED units.
- III. **Administration.** The head of the Department of Emergency Services is responsible for the administration of this policy. The authority to administer this policy includes maintaining currency on all attachments to the policy.
- IV. **References.** This program is conducted in accordance with 50-6-501 M.C.A., and other applicable Montana statutes and Administrative Rules. (See Attachment D.)
- V. **Policy.** It is the Policy of Missoula County to acquire Automated External Defibrillator units, to place those units in strategic locations within County buildings, and on a voluntary basis to provide County employees with training in the use of those units as part of a training and certification program in Cardiopulmonary Resuscitation (CPR).
- VI. **Definitions:**
 - A. **Automated external defibrillator (AED):** A medical device used during cardiac arrest that will analyze a victim's cardiac rhythm, charge to a pre-determined energy level, and when prompted by the operator, deliver a shock through adhesive pads placed on the victim's chest.
 - B. **Cardiopulmonary Resuscitation (CPR):** A lifesaving technique utilizing chest compressions and artificial ventilation.
 - C. **Medical Director:** A physician licensed to practice medicine in the State of Montana who provides off-line medical supervision regarding emergency medical

service, including the application of CPR and AEDs. The Medical Director directs the regular review and update of this policy and the CPR/AED program when needed. The Medical Director also enforces the policies within this program and assures compliance with federal, state and local policies and procedures.

- D. CPR/AED Team Member:** Any county employee who successfully completes all necessary training requirements for certification in CPR/AED use, including familiarization with this Policy and all of its attachments. Membership on the Team is voluntary, and members must have the ability to leave their workstation at a moment's notice in the event of a cardiac emergency. Team members are trained and authorized to use AED units.

VII. Mandated Program Requirements.

- A. Written Plan.** The County's CPR/AED program shall be administered and operate in accordance with a written plan developed under guidance from the Montana Department of Public Health and Human Services (DPHHS). That written plan is found in Attachment A to this Policy.
- B. EMS, 9-1-1 Notification.** In accordance with DPHHS guidelines, local emergency medical service (EMS) providers and the Missoula County 9-1-1 Center shall be appropriately notified of this program's existence. (See Attachment B.)
- C. Medical Director Notification.** The Program's medical director shall be notified each time an AED is used, again in accordance with DPHHS requirements. (See Attachment C.)
- D. Manufacturer's Guidelines.** Manufacturer's guidelines for maintenance and use of AED units shall be maintained by both the Missoula County Department of Emergency Services and Department of Facilities Management.
- E. Authorized CPR/AED Users.** A list of CPR/AED Team members is maintained in Attachment E.
- F. CPR/AED Team Member Training & Certification.**
- a. Training, certification and re-certification shall be provided by qualified trainers, and completed in a manner that conforms to standards established by the American Heart Association.
 - b. Training records shall reside in the employee's established file in Human Resources.
 - c. The Cardiac Response Team roster shall be reviewed annually by the AED coordinator. That review will include scheduling re-certifications, removal of members who do not re-certify, and recruitment and training of new members.

Attachment A
Missoula County
AED PROGRAM WRITTEN PLAN

Missoula County has established an AED Program.

Person in charge of the program and contact info is:

Chris Lounsbury, 200 W. Broadway, Missoula, MT 59802;

Office: 406-258-4758

Email: clounsbury@co.missoula.mt.us

The AEDs are located at:

1. MISSOULA COUNTY COURTHOUSE, 200 W. BROADWAY.
 - A. Reception Desk, Sheriff's Office, 3rd. floor of Courthouse Annex
 - B. Reception Desk, Commissioners Office, 2nd floor of Courthouse Annex
 - C. Reception Desk, Clerk of District Court, 2nd floor of Historic Courthouse
 - D. 9-1-1 Center, basement of Courthouse Annex
2. MISSOULA COUNTY ROAD DEPARTMENT, 6089 Training Drive, Missoula, MT
 - A. At the information desk in the administrative building.

The AED will be used:

1. **Within the boundaries of the Missoula County Courthouse and adjacent property at 200 W. Broadway, Missoula, MT 59802;**
2. **Within the boundaries of the Missoula County Road Department and adjacent property at 6089 Training Drive, Missoula, MT.**

The AED will be transported to the scene of a cardiac arrest by a member of the Missoula County CPR/AED Team, or any individual directed by a Team Member to obtain or deliver an AED unit.

A list of individuals currently trained and authorized to use the AED (CPR/AED Team Members) is included with this written plan as Attachment E.

Anytime the AED is removed from its location, 911 will be called and an ambulance will be requested to respond to the location to which the AED has been deployed. The 911 dispatcher will be advised of all information available related to the ambulance request. In the event that 911 is notified of a potential cardiac emergency prior to deployment of an AED, the 911 dispatcher will alert employees of the need for the AED as follows:

1. **In or around the Courthouse by means of the building's public address system, alerting trained employees of the need to respond;**
2. **In or around the Road Department informing the caller that an AED is located at the information desk in the administrative building, and subsequently notifying phoning the information desk to advise of the emergency.**
3. **In all cases, deployment of an AED shall not be accomplished in a way that impedes 9-1-1 in dispatching the appropriate emergency medical responder(s).**

Medical supervision of the AED program will be conducted by Dr. Gregory J. Moore, MD FACEP FAWM, Barrett Hospital and Health Care, 90 Hwy. 91 South, Dillon, MT, 59725.

Dr. Moore will supervise the AED program off-line in retrospective quality assurance and quality improvement and continuing education and practice sessions.

The AED will be maintained, tested, and operated in conformance with the manufacturer's recommendations of best practice.

Written records will be kept of all maintenance and testing performed on the AED. These records will be kept on-file by the Missoula County Facilities Maintenance Department.

In addition to records for maintenance and testing of the AED, written records of initial and continuing training of CPR/AED Team Members will be kept for each employee as part of his/her personnel file.

Required reports of AED use (Attachment C) will be made to the medical supervisor either electronically or in person within 24 hours of the occurrence of the event. Required components of the written reports that must be sent to the DPHHS will be mailed within 48 hours of the occurrence of the event. Reporting will be accomplished by the person in charge of the program, or a designated person within the Missoula County Department of Emergency Services. Copies of all reports will be maintained by the Missoula County Department Emergency Services.

ATTACHMENT B

EMS AND PSAP NOTIFICATION FORM

In accordance with A.R.M. Section 37.104.604, entities wishing to use or allow the use of an AED shall provide the following information to each licensed emergency medical service and public safety answering point (911, local emergency dispatch center) in the area where the AED is located.

Name of Entity Establishing AED Program:

Missoula County

Business Address, Physical Address, and Telephone Number of Entity:

200 W. Broadway, Missoula, MT 59802 (406) 721-5700

Name, Address, and Phone Number of the Individual Responsible for On-Site Management of the AED Program:

Chris Lounsbury, 200 W. Broadway, Missoula, MT 59802 (406) 721-5700

Starting Date of the AED Program: February 1, 2009

Physical location of the AED:

1. MISSOULA COUNTY COURTHOUSE, 200 W. BROADWAY.
 - A. Information Desk, 1st floor of Courthouse Annex
 - B. Reception Desk, Commissioners Office, 2nd floor of Courthouse Annex
 - C. Reception Desk, Clerk of District Court, 2nd floor of Historic Courthouse
 - D. 9-1-1 Center, basement of Courthouse Annex

2. MISSOULA COUNTY ROAD DEPARTMENT, 6089 Training Drive, Missoula, MT
 - A. At receptionist desk in administrative building.

Form provided to the following EMS and PSAPs:

Missoula Emergency Services
1200 W. Broadway
Missoula, MT 59801

Missoula City Fire Department
625 E. Pine St.
Missoula, MT 59802

Missoula County 9-1-1
200 W. Broadway
Missoula, MT 59802

Missoula Rural Fire District
2521 South Avenue West
Missoula, MT 59804

ATTACHMENT C

AED USE REPORT

(To Be Completed Each Time an AED is Attached to a Patient)

DATE OF INCIDENT: _____
ENTITY RESPONSIBLE FOR AED: _____

Pulse After Shocking:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If yes, Was Pulse Sustained:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Patient Transported:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If transported, to where and by whom:		

Patient Age: _____	Patient Sex:	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Location of Cardiac Arrest: _____ _____			
Estimated Time of Cardiac Arrest: _____ (use 24 hour time)			
CPR Initiated Prior to Application of AED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Cardiac Arrest Witnessed?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Time First Shock Delivered: _____ (use 24 hour time)			
Total Number of Shocks and Joules Delivered:	_____/_____ _____/_____ _____/_____	_____/_____ _____/_____ _____/_____	_____/_____ _____/_____ _____/_____

INSTRUCTIONS:

1. Make one copy of this report, provide to Medical Supervisor.
2. Send one copy to EMS & Trauma Systems, PO Box 202951, Helena MT 59620

Copy as needed for other record keeping requirements.

ATTACHMENT D

APPLICABLE STATE OF MONTANA
ADMINISTRATIVE RULES AND STATUTES

EMERGENCY MEDICAL SERVICES 37.104.601

Subchapter 6

Automated External Defibrillators (AED)

37.104.601 DEFINITIONS The following definitions apply to this chapter, in addition to the definitions contained in 50-6-501, MCA:

(1) "Automated external defibrillators (AED) training program" means a course of instruction approved by the department which provides the initial education in the use of the AED and which has requirements for continued assurance of the competency of individuals in using an AED.

(2) "CPR" means cardiopulmonary resuscitation.

(3) "Medical supervisor" means a physician, physician assistant, registered nurse, or nurse practitioner licensed in Montana who completes a training program provided by the department and who agrees to provide medical supervision to an approved AED program. (History: 50-6-503, MCA; IMP, 50-6-501, MCA; NEW, 1999 MAR p. 1913, Eff. 9/10/99; TRANS, from DHES, 2001 MAR p. 2305; AMD, 2008 MAR p. 337, Eff. 2/15/08.)

Rules 37.104.602 and 37.104.603 reserved

NEXT PAGE IS 37-25705

ADMINISTRATIVE RULES OF MONTANA	3/31/08	37-25703
EMERGENCY MEDICAL SERVICES		37.104.604

37.104.604 WRITTEN PLAN (1) An entity wishing to use or allow the use of an AED shall develop, update as changes are made, and adhere to a written plan that:

(a) for a stationary location specifies the physical address where the AED will be located;

(b) for a mobile location specifies the geographic area in which the AED will be used and specifies how the AED will be transported to the scene of a cardiac arrest;

(c) includes the names of the individuals currently authorized to use the AED;

(d) describes how the AED use will be coordinated with each licensed emergency medical service providing coverage in the area where the AED is located, including how emergency medical services will be activated every time that an AED is attached to a patient;

(e) specifies the name, telephone number(s), and address of the Montana licensed medical supervisor who will be providing medical supervision to the AED

- (a) the name of the entity responsible for the AED;
- (b) the name, address, and telephone number of the medical supervisor;
- (c) the date of the call;
- (d) the age of the patient;
- (e) the gender of the patient;
- (f) location of the cardiac arrest;
- (g) estimated time of the cardiac arrest;
- (h) whether or not CPR was initiated prior to the application of the AED;
- (i) whether or not the cardiac arrest was witnessed;
- (j) the time the first shock was delivered to the patient;
- (k) the total number of shocks delivered;
- (l) whether or not there was a pulse after the shocks and whether or not the pulse was sustained; and
- (m) whether or not the patient was transported, and if so, the name of the transporting agency and the location to which the patient was transported. (History: 50-6-503, MCA; IMP, 50-6-502, 50-6-503, MCA; NEW, 1999 MAR p. 1913, Eff. 9/10/99; TRANS, from DHES, 2001 MAR p. 2305; AMD, 2008 MAR p. 337, Eff. 2/15/08.)

Rules 37.104.607 through 37.104.609 reserved

NEXT PAGE IS 37-25709

ADMINISTRATIVE RULES OF MONTANA	3/31/08	37-25707
EMERGENCY MEDICAL SERVICES		37.104.610

37.104.610 TRAINING (1) In order to be authorized by an AED program plan to use an AED, an individual must:

- (a) complete a cardiopulmonary resuscitation and AED training program that meets the standards of the American Heart Association and must renew this training at intervals not to exceed two years. (History: 50-6-503, MCA; IMP, 50-6-502, 50-6-503, MCA; NEW, 1999 MAR p. 1913, Eff. 9/10/99; TRANS, from DHES, 2001 MAR p. 2305; AMD, 2008 MAR p. 337, Eff. 2/15/08.)

Rules 37.104.611 through 37.104.614 reserved

NEXT PAGE IS 37-25711

ADMINISTRATIVE RULES OF MONTANA	3/31/08	37-25709
EMERGENCY MEDICAL SERVICES		37.104.616

37.104.615 MEDICAL PROTOCOL (1) A medical protocol for defibrillation use must be consistent with the requirements for defibrillation set out in the "2005 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiac Care" published in "Circulation", a journal of the American Heart Association, November 29, 2005, Volume 112, Issue 22 Supplement, and in the 2005 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiac Care.

- (2) The department adopts and incorporates by reference the guidelines for defibrillation referred to in (1), which set guidelines for proper defibrillation. A copy of the documents referred to in (1) may be obtained from the American Heart Association

at http://circ.ahajournals.org/content/vol112/24_suppl/. (History: 50-6-503, MCA; IMP, 50-6-502, MCA; NEW, 1999 MAR p. 1913, Eff. 9/10/99; TRANS, from DHES, 2001 MAR p. 2305; AMD, 2008 MAR p. 337, Eff. 2/15/08.)

37.104.616 REQUIREMENTS OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED) (1) An AED used by an AED program must be a unit approved by the U.S. Food and Drug Administration. (History: 50-6-503, MCA; IMP, 50-6-503, MCA; NEW, 1999 MAR p. 1913, Eff. 9/10/99; TRANS, from DHES, 2001 MAR p. 2305; AMD, 2005 MAR p. 2681, Eff. 12/23/05.)

Subchapter 7 reserved

Montana Codes Annotated, 2001

Automated External Defibrillator Programs

50-6-501. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

- (1) "Automated external defibrillator" or "AED" means a medical device that:
 - (a) has received approval for marketing from the U.S. food and drug administration;
 - (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and of determining, without intervention by an operator, whether defibrillation should be performed;
 - (c) upon determining that defibrillation should be performed, automatically charges and indicates that it is ready to deliver an electrical impulse to an individual's heart; and
 - (d) may be used by an operator of the device to deliver an electrical impulse to an individual's heart.
- (2) "Department" means the department of public health and human services provided for in [2-15-2201](#).
- (3) "Emergency medical service" means an emergency medical service as defined by [50-6-302](#).
- (4) "Entity" means a public agency, department, office, board, or commission or other governmental organization or a private corporation, partnership, group, or business or other private organization.
- (5) "Physician" means an individual licensed to practice medicine pursuant to Title 37, chapter 3, part 3.
- (6) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives [9-1-1](#) calls from persons in a [9-1-1](#) service area and that may, as appropriate, directly dispatch public or private safety services or transfer or relay [9-1-1](#) calls to appropriate public safety agencies.

History: En. Sec. 2, Ch. 335, L. 1999.

50-6-502. AED program -- requirements for AED use. In order for an entity to use or allow the use of an automated external defibrillator, the entity shall:

- (1) establish a program for the use of an AED that includes a written plan that complies with this part and rules adopted by the department pursuant to [50-6-503](#). The plan must specify:

- (a) where the AED will be placed;
 - (b) the individuals who are authorized to operate the AED;
 - (c) how AED use will be coordinated with an emergency medical service providing services in the area where the AED is located;
 - (d) the medical supervision that will be provided;
 - (e) the maintenance that will be performed on the AED;
 - (f) records that will be kept by the program;
 - (g) reports that will be made of AED use;
 - (h) the name, location, and telephone number of a physician, or other individual designated by the physician, designated to provide medical supervision of the AED program; and
 - (i) other matters as specified by the department;
- (2) adhere to the written plan required by subsection (1);
 - (3) ensure that before using the AED, an individual authorized to operate the AED receives appropriate training approved by the department in cardiopulmonary resuscitation and the proper use of an AED;
 - (4) maintain, test, and operate the AED according to the manufacturer's guidelines and maintain written records of all maintenance and testing performed on the AED;
 - (5) ensure that the physician or other individual designated by the physician to supervise the AED program supervises the AED program to ensure compliance with the written plan, this part, and rules adopted by the department pursuant to [50-6-503](#) and reviews each case in which the AED is used;
 - (6) each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible and that the AED use is reported to the supervising physician or the person designated by the physician and to the department as required by the written plan;
 - (7) before allowing any use of an AED, provide the following to all licensed emergency medical services and any public safety answering point or emergency dispatch center providing services to the area where the AED is located:
 - (a) a copy of the plan prepared pursuant to this section; and
 - (b) written notice, in a format prescribed by department rules, stating:
 - (i) that an AED program is established by the entity;
 - (ii) where the AED is located; and
 - (iii) how the use of the AED is to be coordinated with the local emergency medical service system; and
 - (8) comply with this part and rules adopted by the department pursuant to [50-6-503](#).

History: En. Sec. 3, Ch. 335, L. 1999.

50-6-503. Rulemaking. (1) The department shall adopt rules specifying the following:

- (a) the contents of the written notice required by [50-6-502\(7\)](#);
- (b) reporting requirements for each use of an AED;
- (c) the contents of a plan prepared in accordance with [50-6-502](#) and requirements applicable to the subject matter of the plan;
- (d) training requirements in cardiopulmonary resuscitation and AED use for any

individual authorized by an AED program plan to use an AED;
(e) requirements for medical supervision of an AED program;
(f) minimum requirements for a medical protocol for use of an AED;
(g) performance requirements for an AED in order for the AED to be used in an AED program; and
(h) a list of the AED training programs approved by the department.
(2) The department may not adopt rules for any purpose other than those in subsection (1).

History: En. Sec. 4, Ch. 335, L. 1999.

50-6-504. Enforcement -- cessation order -- hearing -- injunction. (1) If the department receives information that an AED is being used in violation of this part or a rule adopted by the department pursuant to [50-6-503](#), it may send a written order to the entity responsible for use of the AED, as specified in the plan prepared pursuant to [50-6-502](#), ordering the entity to cease the violation immediately. The order is effective upon receipt by the entity, and the entity shall comply with the terms of the order. If the department receives information that the violation has been corrected, the department may rescind its order by sending a notice to that effect to the entity. The rescission is effective upon its receipt by the entity.

(2) The entity may request a hearing to contest an order issued by the department pursuant to subsection (1) by submitting a written request to the department within 30 days after receipt of the order. A request for a hearing does not stay the enforceability of the department's order. The hearing must be held within 30 days after the department receives the request, unless the hearings officer sets a later date for good cause. The hearing must be held pursuant to the contested case provisions of the Montana Administrative Procedure Act.

(3) Either the county attorney for the county in which the violation occurred or the department may bring an action in the district court of the county where the violation occurred or in the district court for Lewis and Clark County to enforce the department's order or to directly enjoin a violation of this part or a rule adopted pursuant to [50-6-503](#).

History: En. Sec. 5, Ch. 335, L. 1999.

50-6-505. Liability limitations. (1) An individual who provides emergency care or treatment by using an AED in compliance with this part and rules adopted by the department pursuant to [50-6-503](#) and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability for a personal injury that results from that care or treatment or from civil liability as a result of any act or failure to act in providing or arranging further medical treatment for the individual upon whom the AED was used unless the individual using the AED or the person providing cardiopulmonary resuscitation, as applicable, acts with gross negligence or with willful or with wanton disregard for the care of the person upon whom the AED is or may be used.

(2) The following individuals or entities are immune from civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence if applicable provisions of this part and rules adopted

by the department pursuant to [50-6-503](#) have been met by the individual or entity:

(a) the physician supervising the AED program or the person designated by a physician to supervise the program, either of whom are designated in the plan prepared pursuant to [50-6-502](#);

(b) the entity responsible for the AED program, as designated in the plan prepared pursuant to [50-6-502](#);

(c) an individual providing training to others on the use of an AED.

History: En. Sec. 6, Ch. 335, L. 1999.

50-6-506. Exemptions. This part does not apply to the use of an AED by:

(1) a patient or the patient's caretaker if use of the AED is ordered by a physician; or
(2) a licensed health care professional, including an emergency medical technician, whose scope of practice includes the use of an AED.

History: En. Sec. 7, Ch. 335, L. 1999.

MISSOULA COUNTY
SUBDIVISION DEFENSE COSTS POLICY

Purpose and Scope

This policy establishes the costs which the Missoula County Risk Management Fund will pay in connection with subdivision claims or appeals defended by the Missoula County Attorney.

Administration

The Risk Manager has the authority to determine allowable defense costs charged to the Risk Management Fund.

Limitations

Except as provided in this policy, the Missoula County Property and Liability Self-Insurance Plan coverage excludes any claim arising from:

- the exercise of the principles of eminent domain,
- condemnation or inverse condemnation proceedings, and
- land-use planning or regulation of any type.

Policy

If the Missoula County Attorney has occasion to defend the County in a claim or appeal of a subdivision decision, the Missoula County Risk Management Fund will pay for such defense costs as: depositions, transcripts, expert witnesses, photocopies, reproduction of tapes and other media, and other expenses as deemed appropriate. However, the Risk fund will not pay for staff time or overtime.

MISSOULA COUNTY
DISPLAYING ART FROM THE COUNTY'S COLLECTION

Purpose

This policy outlines the process by which art from Missoula County's art collection and the collection of the Missoula Art Museum (MAM) is available for display in county facilities.

Scope

This policy is applicable to all County departments and other agencies located within County facilities. Departments may apply additional requirements for the display of art work in common areas and in private offices within their departments as long as they are equal to or more restrictive than these standards.

Administration

Department heads are responsible for the implementation of the policy within their departments and on-going employee compliance. Non-County agencies shall coordinate implementation of and compliance with this policy through the County's Chief Administrative Officer.

Policy

The Board of County Commissioners supports the Missoula Art Museum in preserving the County's emerging cultural heritage through the development and conservation of the County's art collection. To provide the greatest public access to this collection, artworks will be allowed in spaces such as reception areas, lobbies, hallways, and conference rooms that are used by county employees and, as often as possible, the general public.

The Missoula Art Museum (MAM) will annually organize an exhibition of artwork from the County's Collection and MAM's collection. Department Heads or their designee may select pieces of art from this annual exhibition to display in public areas of their departments. If the exhibit does not contain any pieces the department desires, they may opt out until the next exhibition.

No individual requests for art outside the annual exhibition are permitted unless reviewed and approved by the Board of County Commissioners. The MAM retains the authority to deny these individual requests.

The MAM will coordinate the hanging of each piece provided by the MAM. Employees are not permitted to remove or relocate any piece without the express permission of the MAM.

The MAM and Missoula County will notify employees of opportunities to view the exhibit.

**POLICY NO. 2007-05
September 20, 2009;
Amended December 13, 2011**

**MISSOULA COUNTY
COUNTY VEHICLES & MOTOR POOL**

Purpose

This policy establishes guidelines for the use of county vehicles and the operation of the county motor pool. For purposes of this policy, "employee" includes all County employees, elected officials, and appointed members of boards, commissions, and councils. "Employee" also includes the employees of the County's component units (organizations with significant operational and financial relationships with the County as defined by the Governmental Accounting Standards Board which currently applies to the following entities: Missoula County Employee Benefits Plan, the Missoula County Workers' Compensation Group Insurance Authority, Larchmont Golf Course, Missoula County Airport Industrial District, Missoula Aging Services, and the Partnership Health Center). Furthermore, while acting under the direction of the Missoula County Sheriff, reserve deputies, members of the Missoula County and Seeley Lake search and rescue units, and the sheriff's chaplain are also considered employees for purposes of this policy.

Scope

This policy is applicable to all County departments and entities. Departments may apply additional requirements as long as they are equal to or more restrictive than these standards.

Administration

Department heads are responsible for: the implementation of the policy within their departments, employee compliance with vehicle policy, and any recordkeeping required to substantiate compliance.

Other References

County Travel Policy; Accident/Injury Reporting Policy, Standard IRS Mileage Rate.

Policy

It is the intention of the County to insure that adequate transportation is available to accomplish the objectives of the various County departments. "Adequate transportation" is defined as: (a) the availability of County-owned vehicles, (b) mileage reimbursement at the current IRS rate for employees using a privately owned vehicle for County business, or (c) other arrangements as deemed appropriate by the applicable department head. Employees are encouraged to utilize the county fleet and

should be aware that the County is not responsible for damage to a personally owned vehicle driven for county business.

The following policies govern the use of assigned and unassigned Missoula County vehicles and are applicable to all users:

- County vehicles shall be used only for authorized, official County business. Personal use of County owned vehicles is expressly prohibited, except for authorized commuting (see below) and de minimus personal use. De minimus personal use may include stopping for lunch between business stops or stopping for a personal errand on an authorized trip. Such a stop must be within two miles of the route taken for business purposes. Other personal use of County vehicles, as defined in IRS regulations, is subject to tax as an employee fringe benefit.
- County vehicles shall be operated with priority given to safety, cost effectiveness, and fuel conservation.
- Operators and all passengers shall obey the Montana motor vehicle code, including the Montana Seatbelt Use Act and the Missoula County Electronic Device policy.
- Only an employee, as defined above, who has a valid state driver's license may operate a County vehicle. If a personal vehicle is used, the driver must carry vehicle liability insurance as required in MCA 61-6-103.

Central Services (CS) is responsible for the acquisition, maintenance, repair, and disposal of fleet vehicles, taking reservations for vehicle use, and billing departments for use of fleet vehicles. Vehicle acquisition decisions will include safety, fuel efficiency, and economy in the selection criteria. CS may arrange with departments for the periodic rotation of equipment as it ages or user needs change.

CS will take reservations for pool vehicles on a first come, first serve basis. Users are responsible for entering odometer information on trip logs and returning vehicles cleaned and fully fueled.

CS will bill mileage quarterly. Actual odometer readings for vehicles assigned to specific individuals or departments must be reported to CS on a timely basis--reporting of estimated readings is not allowable. Users and departments will be charged the current IRS rate for miles driven.

Central Services (CS) is responsible for routine maintenance and repair of fleet vehicles, except those permanently assigned to individuals. Repair work on such assigned vehicles must obtain pre-approval from CS. The cost of repairs, maintenance, fuel, and debt service will be charged to CS for the life of the vehicle unless special circumstances argue otherwise.

The following policies restrict the use of Missoula County vehicles. County vehicles shall not be used to commute to and from an employee's place of residence unless:

- The employee is responsible for responding to an emergency situation related to public safety, public health, or protection of property on a 24 hour basis. Employees assigned on call duties on a rotational basis shall only take a County vehicle home on those days that the employee is assigned on call duty. Departments must insure that records are available to show that the on call employee does, in fact, get called back to work on more than an occasional or infrequent basis.
- The employee's job description include duties of a "meet and confer" nature which frequently involves travel directly from home to a location other than the regularly assigned workplace.
- Attendance at night meetings is required. In such cases, the County vehicle shall only be taken home on the day the employee is assigned to attend the night meeting.
- Other exceptions will be reviewed on a case by case basis.

Employees using a personally owned vehicle for County business will be reimbursed at the current IRS rate. Documentation must accompany a claim for reimbursement which provides details of miles driven, destination, and purpose of the trip.

MISSOULA COUNTY
MOTOR POOL VEHICLE PROCUREMENT POLICY

Purpose

The purpose of this policy is to ensure – through the procurement process – that county vehicles are environmentally sustainable, cost effective, reliable, and adhere to safety standards.

Scope

This policy applies to the purchasing of all motor pool vehicles managed by Missoula County's Central Services Department. Departments may apply additional requirements as long as they are equal to or more restrictive than these standards.

Departments include:

- Health Department
- Extension
- Facilities Management
- Information Services
- Office of Planning and Grants
- Records Management
- Central Services

Departments that do not rely on Central Services for the management of their fleet may also apply the standards outlined in this policy, and are encouraged to do so.

Administration

Central Services is responsible for the administration of this policy and for any recordkeeping required to substantiate compliance.

Policy

When requesting the purchase of new vehicles, departments shall consider the following:

- Fuel Economy
- Emissions
- Safety
- Price
- Reliability

Each purchase will strive to meet a combination of the highest fuel economy, the lowest emissions, the greatest safety, the greatest reliability, and the least cost.

Departments are encouraged to reference the following sources to obtain this information:

- The most recent Consumer Reports Guide located in Central Services
- <http://www.fueleconomy.gov/>
- <http://www.fueleconomy.gov/feg/findacar.htm>
- <http://www.epa.gov/greenvehicles/>
- <http://www.safercar.gov/>
- <http://www.iihs.org/>
- <http://www.edmunds.com/>

Documentation

Each Department is responsible for documenting adherence to this policy in accordance with Missoula County policies and practices related to documentation standards and document retention guidelines.

POLICY NO. 2007-03
August 15, 2007

MISSOULA COUNTY
EMPLOYER SHARE OF QUALIFIED PREVIOUS SERVICE
PERS CONTRIBUTIONS

It is the policy of Missoula County to pay the employer share of Public Employees Retirement System (PERS) contributions (and regular interest) in cases where a Missoula County employee is purchasing qualified previous service with Missoula County, based on a bona fide "Retroactive Cost Statement" issued by the Montana Public Employees Retirement Administration (MPERA).

**MISSOULA COUNTY
PRINT STANDARDS FOR MISSOULA COUNTY WARRANTS**

Purpose

This policy establishes minimum standards for the print layout of warrants issued from the Missoula County Treasury. For purposes of this policy, the terms “warrant” and “check” will be used interchangeably.

Scope

This policy is applicable to all County departments, funds, school districts, special purposes districts, and other entities whose warrants are paid against monies on deposit with the Missoula County Treasury.

Administration

Anyone with authority to order blank stock for warrants paid from the County Treasury is required to comply with this policy for supply orders placed after July 1, 2007.

Policy

The minimum standards must include the following 3 preprinted items (an example is included for reference):

- ① An eight digit number must appear on the upper right hand corner of the check and must match the first 8 digits of micre-encoding on the bottom left of the check. (See note below.) The font size of the warrant number should be visibly larger than the font used when the checks are printed from the entity’s claim or payroll system.
- ② Bank name, address, and ABA code: First Interstate Bank, 101 E Front St, Missoula, MT 59802, 93-168/929.
- ③ The jurisdiction name must include reference to “The Treasurer of Missoula County”.

Note: For jurisdictions with a single digit prefix (Hellgate Elementary [3, 4], Lolo Elementary [5, 6], Potomac Elementary [7, 8]), and Bonner Elementary [9] a leading zero is assumed.

Missoula County Public Schools

The Treasurer of Missoula County
615 South Avenue West
Missoula, MT 59801

3

First Interstate Bank

2

101 E Front Street
Missoula, MT 59802
93-168/929

1

27159551

Date

Check No.

Amount

Pay to the
Order of:

27159551 092901683 1400949473

MISSOULA COUNTY
INATTENTIVE DRIVING POLICY

Purpose

This policy addresses the risks of inattention while operating a vehicle. Driving is demanding yet almost all drivers engage in other activities while behind the wheel, including using a cell phone, eating, reading a map, drinking a beverage, adjusting the radio, talking to passengers, etc. As the primary responsibility of a driver is to give full attention to the safe operation of the vehicle, the dangers of multitasking must be minimized. In adopting this policy, Missoula County seeks to alert its employees to the hazards of inattentive driving and to emphasize the paramount importance of driving safely.

For purposes of this policy, "employee" includes all County employees, elected officials, and appointed members of boards, commissions, and councils.

Scope

Subject to the exclusion that follows, this policy is applicable to all County departments and entities. Departments may apply additional requirements as long as they are equal to or more restrictive than these standards. This policy does not apply to law enforcement and public safety.

Administration

Department heads are responsible for the implementation of the policy within their departments and on-going employee compliance.

Other References

Loss Control Policy and Accident/Injury Reporting.

Policy

Employees are routinely provided with electronic devices to assist with job functions. Missoula County has every expectation that such equipment will be used safely, according to operating instructions, and for job-related activities. When daily activities include driving, where the primary focus must be on the safe and lawful operation of the vehicle, employees are encouraged to plan work schedules in advance to avoid distractions, including those associated with the use of electronic devices. If the need to use electronic communications arises while driving, the vehicle should be brought to a complete stop in a safe location and placed in "park".

The following exceptions apply:

- In an emergency situation, a cell phone or radio may be used to coordinate responses from various departments.

- County radios may be used while a vehicle is in motion for communications of short duration.

Use of devices in any manner that is not compliant with this policy is prohibited. This applies equally to county owned equipment or the occasional use of a personal vehicle or device for work purposes. Violation of this policy, including the improper, careless, negligent, destructive, or unsafe use of operation of Missoula County equipment or vehicles may result in disciplinary action, up to and including termination of employment.

**MISSOULA COUNTY
SMOKE FREE ENVIRONMENT**

Purpose

This policy establishes guidelines for smoking on County property. It is the County's intent to protect the rights of non-smokers to work in a smoke-free environment.

Scope

This policy is applicable to all County departments and facilities, including motor pool vehicles.

Administration

Department heads are responsible for the implementation of this policy within their departments. The Facilities Manager may report deviations from this policy to employees' department heads.

Policy

In accordance with the Montana Clean Indoor Air Act, smoking is prohibited in all local government buildings. In addition, to prevent smoke from entering a building through doorways, windows, or ventilation systems, smoking is not permitted within 25 feet of any exterior wall of a County building. Smoking is permitted beyond 25 feet and in specifically designated areas such as the smoking area along the west exterior wall of the Courthouse Annex.

MISSOULA COUNTY
BUSINESS MEALS, FOOD, AND
OTHER MISCELLANEOUS COSTS

Purpose

This policy defines the circumstances under which Missoula County will pay for a meal or the cost of food when the employee is not in travel status. It also identifies miscellaneous costs which are generally not allowable. For purposes of this policy, "employee" includes all elected County officials, appointed members of boards, commissions, councils, and department heads.

Scope

This policy is applicable to all County departments and entities. Departments may apply additional requirements as long as they are equal to or more restrictive than these standards.

Limitations

Expenditures for the cost of food or business meals must have a public purpose and serve the public interest. All such expenditures must be reasonable, and reimbursement for expenses solely for the benefit of an individual is not allowable.

Administration

Department heads are responsible for: the implementation of the policy within their departments; employee compliance with this policy; approval of reimbursement requests; and management of expenditures within budgetary constraints.

The County Auditor has final authority for administering, interpreting, and applying the terms of this policy.

POLICY

Business Lunches

A business lunch will be reimbursed if:

1. An employee attends a meeting during lunch specifically related to departmental operations;
2. The reimbursement request includes a receipt and a specific statement describing the purpose or goal of the business lunch.

The maximum amount allowed is the per diem rate, unless the luncheon is a fixed fee, or if a tip is automatically added to a group ticket.

Business Meals

Elected officials and department heads will be reimbursed the full cost of hosting a business meal if the charges are ordinary and reasonable considering the facts and circumstances. Alcoholic beverages and the cost of any social guests present are not allowable charges. The following information must be provided with a claim for reimbursement:

1. Names and positions/titles of attendees
2. Description of county business conducted and justification of meal as county cost
3. Location of meal and name of restaurant
4. Original receipt

Food and Other Miscellaneous Costs

Reasonable food and beverage costs associated with meetings involving members of the general public or other public agencies, who donate their time for a beneficial county purpose, are allowable expenditures at the discretion of the department head. Food items should be limited to snacks and light refreshments only, unless specific departmental circumstances apply (eg, annual superintendents' and horsemen's barbecues at the Western Montana Fair).

The following categories of expenditures are generally not allowable county costs:

1. Food for regularly scheduled departmental staff meetings unless conducted during a meal break;
2. Employee "consumables" such as coffee, tea, bottled water, pain reliever, cold medication, kleenex, etc.

The cost of alcoholic beverages is not an allowable under any circumstances.

De minimus expenditures of \$5 or less (eg, sympathy cards) involving members of the public who donate their time to County endeavors are allowable.

MISSOULA COUNTY
ACCESSIBILITY POLICY FOR PERSONS WITH DISABILITIES

Purpose: To comply with the requirements of title II of the Americans with Disabilities Act of 1990 and to affirm Missoula County's policy and practice that facilities, programs, services, and activities of Missoula County government are accessible to members of the public, including qualified individuals with disabilities.

Definitions: "Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity (Section 504 of the Rehabilitation Act of 1973, as amended, 42 U.S.C. Section 12131 et seq., 28 CFR Part 35, the Americans with Disabilities Act of 1990)."

Policy: In accordance with title II of the ADA and its implementing regulations, no qualified individual with a disability shall, on the basis of such a disability, be subjected to discrimination or be excluded from participation in, or denied the benefits of the services, programs, activities or physical facilities which Missoula County provides to the public.

Employment: The County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: The County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. Primary consideration will be given to the requests of the qualified individual with a disability unless another equally effective accommodation is available, or the use of the means requested would result in a fundamental alteration of the service, program, or activity or in undue financial or administrative burden.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the appropriate County office at 406-523-2700 or 406-721-5700,

as soon as possible but no later than 48 hours before the scheduled event. Requests for documents in Braille may take up to two weeks to fill.

Complaints that a County program, service, or activity is not accessible to persons with disabilities should be directed to Missoula County's ADA Coordinator at 406-258-4858.

Modification to Policies and Procedures: The County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all County programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited unless the service animal's presence or behavior creates a fundamental alteration to the program or service being provided or presents a direct threat to safety. In addition, as a matter of policy, not compliance, Missoula County will afford access to individuals, with or without a disability, accompanied by service animals-in-training. Individuals and their accompanying service animals-in-training will be subject only to the conditions and limitations established by law and applicable alike to individuals with disabilities and their service animals.

To the extent possible, Missoula County will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility will be ensured.

Public meetings will be held at accessible locations and in such a manner that qualified people with disabilities are able to participate fully.

Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committees.

All Missoula County offices and programs shall be accessible to users of TTYs either by having a TTY to provide direct TTY access or by using the Montana Relay Service.

Missoula County's grievance procedure (Appendix A) provides an avenue for prompt and equitable resolution of grievances alleging discrimination on the basis of disability in the County's provision of programs, services, and activities, and access to physical facilities.

The County is not required to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

MISSOULA COUNTY
PARKING ACCOMMODATION POLICY

Missoula County, the Employer, is committed to assisting employees to return to work as soon as possible following an injury or illness that results in either temporary or long term disability, whether due to occupational or non-occupational causes. All requests for short or long term parking assignments will be considered on a case-by-case basis. Every effort will be made to grant reasonable requests that do not create an undue hardship for the Employer.

Assignment of a parking space in close proximity to the worksite may be determined to be a reasonable accommodation for a person with a disability. Requests for a parking assignment in lots controlled by the Employer must be submitted in writing to the Human Resource department. The Employer reserves the right to request medical certification to support such a request. The decision to provide a parking space will be made jointly by the Human Resource Department and the Facilities Manager and will take into consideration the availability of space, other available parking option, the duration of the requested assignment and the nature of the injury or disability. Nothing in this policy will be construed to require the Employer to pay for parking in lots not controlled by the Employer or that is otherwise available to the Employee without the assistance of the Employer.

Parking assignments in lots controlled by the Employer will be approved under one of the following conditions:

1. **TEMPORARY ASSIGNMENT:** Employee is recovering from an illness or injury impairing their mobility from which they are expected to recover. The need for parking assistance is for a limited period of time not anticipated to exceed 6 months. The Employee is required to apply for a special parking permit from the State of Montana through the Missoula Parking Commission. Employees who receive special parking assignments will display their special permit while in Employer controlled lots.
2. **EXTENDED TEMPORARY:** In the event that an Employee has not recovered sufficiently to release their special parking assignment after 6 months, the Employee may request an extension of up to an additional 6 months. No more than three extensions will be granted for a temporary assignment (24 months total). The Employee is required to renew their special parking permit from the State of Montana through the Missoula Parking Commissioner. Employees who receive special parking assignments will display their special permit while in Employer controlled lots.

3. PERMANENT ACCOMMODATION: Employee has as permanent disability as defined under the American with Disabilities Act. The need for parking assistance is for the duration of employment with the Employer. The employee is required to apply for a special parking permit from the State of Montana through the Missoula Parking Commission. Employees who receive special parking assignments will display their special permit while in Employer controlled lots.

MISSOULA COUNTY
PUBLIC RECORDS COPYING COSTS

Missoula County recognizes the right of every citizen to inspect and copy public records held by Missoula as provided by MCA 2-6-102 and MCA 2-6-104.

To implement this right of public access, Missoula County adopts the following guidelines for documents held by the Commissioners' Office.

1. The records available for inspection and copying are those records held by the Commissioners' office where disclosure is not prohibited by statute or by the Constitutional right of individual privacy.
2. During normal office hours any citizen may examine any record available for public inspection in the Commissioners' office. The office shall make appropriate arrangements to allow this inspection which also provides adequate security for the integrity of the public records.
3. Each citizen has the right to have a copy of any record available for public inspection. This right may be exercised in any of the following manners:
 - a. the citizen may provide his or her own copying mechanism, for example, a copy machine or scanner;
 - b. the citizen may request that the custodian of the record make a copy of the file or document wherein the document shall be copied within 5 working days; or
 - c. in certain cases where the document is large and there is sufficient public interest, the County Commissioners may direct that a copy be made available for inspection and copying at the Missoula City-County Public Library and/or on the Missoula County website.
4. There is no fee for the inspection of documents. When a citizen makes his own copies, there is no charge for the copying, but the custodian of the record may impose reasonable conditions on the manner and time of the copying to avoid disruption and to protect the access of other citizens to the records. When copies are made by the custodian of the record, a fee will be charged. The fee shall be 50 cents for the first copy and 25 cents for each page thereafter.
5. Except as provided in MCA 2-6-105, no public record shall be removed from the office where it is kept except in the possession of the custodian for the purpose of making a copy.

**MISSOULA COUNTY
BUILDING EVACUATION**

PURPOSE

The purpose of this policy is to provide guidance for the safe evacuation of Missoula County Buildings.

Each Department shall write and maintain its own evacuation procedure, including designating a meeting place after evacuation. These procedures should include:

- The orderly and safe evacuation of employees and the public;
- Securing or removing money, specified records and high value portable property when practical in terms of employee safety; and
- The option of “protection in place” as an alternate evacuation, depending on the circumstances.

RESPONSIBILITIES

Department Heads will select individuals to be trained as Floor Wardens and Assistance Monitors. Floor Wardens and Assistance Monitors will possess knowledge of the procedures for emergency evacuation of persons with disabilities. The primary role of the Floor Wardens is to assist occupants in evacuating the building in an emergency. The Assistance Monitors are responsible for providing assistance to those individuals on the floor who require assistance to evacuate. The City of Missoula Fire Department will provide training on a periodic basis for these individuals. Floor Wardens are responsible for notifying 9-1-1 or the Fire Department that they need assistance with disabled individuals.

All Department Heads or designees must attend training sessions as required on building evacuation that will be provided by Missoula County Sheriff's Department.

Department Heads shall permanently post this Policy Statement and their Department procedure in a prominent location.

Building and Grounds shall provide each Department with a sign for permanent posting at a height easily read by someone in a wheelchair, which graphically depicts the evacuation route (Fire Exit).

Evacuation routes for each Department shall be determined by the Department Head in conjunction with the Office of Emergency Management if necessary.

All media questions shall be referred to the Emergency Management Coordinator or an alternate media person.

Specific guidelines are hereby adopted (Attachment A) to notify and assist persons with visual, hearing, mobility, and cognitive disabilities.

NOTIFICATION

Alarms. The alarm systems vary from building to building. If unsure, the Facilities Manager should be contacted for an explanation of your alarm system.

- Employees will be notified to evacuate through their Supervisor or Department Head.
- Department Heads will be notified to evacuate by a Law Enforcement Officer or by an announcement from the alarm system.

PROCEDURE

On notification to evacuate or sounding of the alarm, Department Heads will proceed as follows:

- Carry out the Department's evacuation procedure.
- Once at the designated meeting place, Department Heads should conduct a roll call of employees and notify the Emergency Management Coordinator once their personnel are out and accounted for.

On notification to evacuate, employees shall proceed as follows:

- Carry out evacuation duties, if any;
- Leave the building by the Fire Exit route or an alternate route;
- Move away from the structure and emergency apparatus and proceed to the departmental meeting place;
- Remain with other employees of your Department to permit an accurate and timely roll call; and
- Remain at your department's meeting place until you are provided with specific instructions by your Department Head or Supervisor.

The Emergency Management Coordinator, in coordination with the Fire Department and Sheriff's Office, will decide when it is safe to re-enter the building and will notify Department Heads.

GUIDELINES FOR EVACUATIONS OF PERSONS WITH DISABILITIES

PURPOSE

This policy establishes procedures for emergency evacuation of persons with disabilities from buildings occupied by Missoula County Departments and Offices.

RESPONSIBILITIES

Floor Wardens and Assistance Monitors possess knowledge of the procedures for emergency evacuation of persons with disabilities. The Assistance Monitors are responsible for providing assistance to those individuals who require assistance to evacuate. These include persons with disabilities or those who have medical problems that would require assistance in an evacuation emergency.

EMERGENCY EVACUATION PROCEDURES

Never use elevators during an emergency evacuation.

All assigned Assistance Monitors will accompany persons who are unable to evacuate via the stairs (including persons using wheelchairs or who have health conditions affecting mobility) to a predesignated "Safe Area" or designated Temporary Area of Refuge and will remain with them until evacuated by the City Fire Department. "Safe Areas" will be designated with the universal accessibility sign.

The Floor Wardens, Assistance Monitors and/or County employees will **not** attempt to carry a person who is unable to walk by himself.

The Assistance Monitors or Floor Warden will assign a sighted person to accompany a person with sight impairment out of the building.

The City Fire Department is responsible for evacuation of Safe Areas and Temporary Areas of Refuge.

MISSOULA COUNTY
ASSET CAPITALIZATION THRESHOLD POLICY

- Government accounting standards now require entities to depreciate assets. In order to comply with requirements and to facilitate reporting, Missoula County has raised the capitalization reporting to \$5,000.
- Fixed asset sheets are required for assets with a purchase price of \$5000 or more.
- IS will continue to track General Fund computer property.
- Departments are free to account for lower cost assets.
- For grant reporting requirements, the County hereby adopts IRS depreciation schedules.

**MISSOULA COUNTY
RESPONSIBILITY FOR EMPLOYER SHARE OF MEDICAL BENEFITS
FOR PUBLIC SAFETY OFFICERS INJURED IN THE LINE OF DUTY**

1. **Purpose.** The purpose of this policy is to clarify the circumstances under which Missoula County will continue to pay the employer's share of medical benefits for a retired or separated public safety officer, firefighter or law enforcement officer.
2. Missoula County will continue to pay the County portion of the health insurance benefits for any public safety officer, firefighter or law enforcement officer employed by Missoula County who, as a direct result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit, is required to retire or is otherwise separated from service as a direct and proximate result of such injuries. Any payment required by this part shall be a charge against the budget the department employing the officer or firefighter.
3. For the purposes of this policy, the terms "emergency situation" and "hot pursuit" are defined by Montana case law and the terms "public safety officer, firefighter and law enforcement officer" are defined by Section 1204 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended.
4. A public safety officer, firefighter or law enforcement officer who retires or is separated from service may request a determination by the Administrator of the County Medical Benefits Plan that their retirement or separation from service is a direct and proximate result of injuries sustained in the line of duty while responding to an emergency situation or a hot pursuit. The Administrator shall determine whether or not the retirement or other separation from employment is a direct and proximate result of injuries sustained in the line of duty while responding to an emergency situation or hot pursuit.

The Plan Administrator may require the applicant to submit substantiating information including but not limited to medical and vocational rehabilitation reports and evaluations and may require the applicant to submit to independent medical and/or vocational rehabilitation examinations or evaluations.

The applicant may appeal the Plan Administrator's determination to the Board of County Commissioners.

5. This policy clarification is being adopted to reiterate the County's earlier acceptance of the Alu-O'Hara Public Safety Officers Health Benefits Act (Section 615 FY 1998 Appropriations Act) and is to be construed in accordance with the Act.

- (6) This policy formulizes a policy on benefit continuation which was informally adopted by acceptance of grants under Office of Justice Programs.

MISSOULA COUNTY
APPOINTING EMERITUS MEMBERS TO COUNTY BOARDS

Volunteers who serve on the various boards advising and administering a multitude of County programs provide, without compensation at the cost of personal sacrifice, a tremendous service to the citizens of Missoula County.

Without the energy, enthusiasm and insight that these volunteers bring to their boards, it would be impossible for Missoula County to provide the services the citizens of Missoula County have come to expect.

In the interest of further recognizing the services provided by these volunteer board members and of encouraging their further participation when the individual no longer wishes to serve as a regular member of their board, the Board of County Commissioners may appoint the retiring board volunteer a "member emeritus" of their respective board.

Such appointments shall be made only in those cases involving long and distinguished service by the member.

Persons appointed as board members emeritus shall be entitled to notice of meetings and all materials provided to board members and shall be entitled to participate in board meetings as a member of the board provided, however, that emeritus members of the board shall not be entitled to vote and may not be counted in determining what constitutes a quorum of the board or whether a quorum of the board is present.

MISSOULA COUNTY
EXTERNAL ACCESS TO WEB-BASED
INTEGRATED PROPERTY INFORMATION

STATEMENT OF PURPOSE

Missoula County has compiled, in a format suitable for Internet access, a number of different property records. While all these records are public records, access to the records has required persons wishing to review them to come to the Courthouse during business hours and manually search through multiple files to obtain the information. This information in its Internet format can be searched by a variety of methods in seconds from any location with Internet access at any time of the day or night.

It is the purpose of this policy to balance the demands of individual privacy against the merits of expanded public disclosure of this information through Internet access.

In making this determination and balancing these competing rights, we have taken into account the fact that citizens who purchase property have no real choice but to record their interest in real property and that this information in many cases is information which individuals believe is being disclosed only for the limited purpose of protecting their interest in the property.

While expectations of privacy in this information are difficult to quantify, we believe that many people have an expectation of privacy in their home addresses. This expectation and desire for personal privacy is reflected in the number of telephone listings which do not include an address and of persons asking not to be listed in the City Directory. The willingness of society to accept at least some level of privacy protection for home addresses in the possession of government is reflected by MCA § 2-6-109 which prohibits the sale or distribution of mailing lists by government agencies for the purpose of protecting individual privacy and MCA § 13-2-122(2) which provides for nondisclosure of the addresses of law enforcement personnel and their families on voter registration lists.

Based on the determination that demands of individual privacy outweigh the merits of expanded public disclosure through the Internet of individual residential addresses, the Commissioners adopt the following guidelines for public Internet access to the County's web-based integrated property information.

1. The ability to search the database by name will be limited to external users, which are established professions or businesses which traditionally have had access to all or part of the integrated data. These professions and businesses include:
 - Title Companies

- Lenders
- Attorneys
- Realtors
- Engineers
- Surveyors

Under the following conditions, these traditional users will be given a password in order to access the data using a name search:

- Proof of Legitimacy: Business License/Professional License
 - Fee for Service
 - Signing of Use Agreement (Contract) which provides that use will be for only legitimate business purposes, which limits disclosure to third parties of addresses obtained through the use of the system, and which incorporates the provisions of MCA § 2-6-109 prohibiting the use of the database to generate mailing lists.
2. All other users will have the ability to search the database by taxpayer (SUID) number, by geo-code, and by checking on a particular parcel. While the individual parcel search method will give owner names and property addresses, we feel that the practice is essentially the electronic equivalent of going door-to-door and that the threat to individual privacy is substantially less than that posed by allowing a name search of all parcels in the database.
 3. Nothing in this policy limits persons from accessing existing records in the traditional manner by inspecting such records in the Office where they are maintained or from preparing a mailing list from such original documents as permitted by MCA § 2-6-109.
 4. This policy will be reviewed and updated by the Board as required to meet changing conditions and expectations.

MISSOULA COUNTY
BOMB THREAT POLICY

PURPOSE

This policy and procedure is for bomb threats made against facilities of Missoula County government. The intent in most bomb threats is to create an atmosphere of anxiety and panic, which would disrupt the normal activity of the place that the device was supposedly located.

DEPARTMENTS AND BUILDINGS AFFECTED: ALL

POLICY

- 3.1 Upon receipt of this Policy Statement, Department Heads shall:
 - 3.1.1 Select first line supervisors to be responsible for searching their area;
 - 3.1.2 Distribute the Policy Statement to these supervisors, in confidence, with attention given to Covert Search Procedure - See Attachment 1; and
 - 3.1.3 Place copies of the Threat Check List under selected phones of the Department. At a minimum, the Threat Checklist should be placed with all phones capable of receiving outside calls.
- 3.2 All department heads may be notified of a bomb threat including satellite buildings, via PBX networking.
- 3.3 Procedures to carry out response to bomb threats shall be covert and minimized to the extent that the following objectives are achieved:
 - 3.3.1 Safety of employees and the public;
 - 3.3.2 Minimal disruption of normal activities; and
 - 3.3.3 No reaction feedback to the person who made the threat, if appropriate.
- 3.4 Any evacuation resulting from a bomb threat will be conducted in the same manner as a fire evacuation. (Evacuation order must come from proper authority SEE ANNEX II.) This shall be the Sheriff, advised by a consensus team. The team shall have representatives from the Sheriffs Office.
- 3.5 All media questions shall be referred to the Sheriff's Office.
- 3.6 Mandatory training and updating for all employees shall be conducted each

year. This should not take more than 1/2 hour in time.

4. BUSINESS HOURS PROCEDURE

- 4.1 The employee receiving a bomb threat shall complete the Threat Check List, immediately notify the 9-1-1 Center and then notify his/her supervisor.
- 4.2 The 9-1-1 Center shall immediately notify the Sheriff's Office and City/County EOD (Explosive Ordinance Disposal) Team. The Sheriff's Representative shall immediately meet in the Disaster and Emergency Services (hereafter "DES") Conference Room (Command Post).
- 4.3 The City/County EOD Officer and the Sheriff's Representative shall interview the employee who received the threat.
- 4.4 The City/County EOD Officer and the Sheriff or Sheriff's Representative shall decide what response actions are to be taken including evacuation and which, if any, additional emergency service agencies are to be notified.
- 4.5 The Sheriff or representative shall advise the Board of County Commissioners of the threat and the response actions to be taken.
- 4.6 If a building-wide covert (low profile) search is to be made, the Sheriff's Office will coordinate search efforts by the following:
 - 4.6.1 Fan out and notify all Department Heads to conduct a search of their area; to include satellite buildings as a courtesy call.
 - 4.6.2 Search hallways, utility areas, bathrooms, storage areas, outside the building and other areas open to public access; and
 - 4.6.3 Stand watch at each building entrance and report any suspicious activity to the Command Post.
- 4.7 When instructed to do so, Department Heads shall select supervisor(s) to conduct a covert search of their area. *See Attachment 1.*
- 4.8 If the building is to be evacuated, the County Evacuation Procedure will be implemented. Assigned Sheriff's Deputies shall take stations at each entrance and prohibit persons from entering.
 - 4.8.1 If Evacuation Plan is implemented, meeting places must be farther than 300 yards and not in an area that is line-of-sight to Courthouse.
- 4.9 Based on an assessment from the Sheriff or representative, he shall decide when to resume normal operations. Once this decision is made, the Sheriff shall instruct assigned Sheriff's Deputies to fan out and notify all Department Heads or evacuated employees.

AFTER HOURS PROCEDURE

- 5.1 9-1-1 will immediately notify both the City Police Department and Sheriff's Office shift commanders *by telephone*.
- 5.2 9-1-1 will notify the City/County EOD Team.
- 5.3 9-1-1 will page second on-call Building Maintenance employee, who will also respond. The on-call employee and EOD Team member will conduct the building search and make a decision on whether or not to evacuate the building.
- 5.4 9-1-1 will notify the 9-1-1Center manager, and Sheriff or Undersheriff of the bomb threat.

POLICY NO. 00-16
May 1, 2000

MISSOULA COUNTY
PETTY CASH POLICY

POLICY

In some instances employees must purchase business related supplies or materials with their own funds. The intended purpose of the petty cash fund is to reimburse employees for these out-of-pocket purchases. The Missoula County Auditor's office is responsible for the petty cash fund. The limit for petty cash reimbursement is \$20.00. All other expenses must be paid through the regular County claims system.

Items not allowable for reimbursement through petty cash are meals and food items (with the exception of Jury food supplies and food supplies related to programs, such as WIC.)

In order to receive reimbursement for a purchase, an employee must present a paid receipt for the item. A pre-numbered receipt is filled out by Auditor's office personnel, stating the amount of the item, the person receiving the reimbursement and the item and purpose. The person receiving the reimbursement then signs the receipt and is given the money.

MISSOULA COUNTY
POLICY CONCERNING NOTARIES PUBLIC

PURPOSE

To establish a uniform policy regarding the acquisition and utilization of Notary Public seals in County offices.

BASIC ASSUMPTION

To provide a reasonable number of Notaries Public in County offices as a convenience to the general populace in filing documents (in transactions with the County) which require Notary certification.

The certifying statement by the Notary Public requires the Notary Public to attest that the signing parties are personally known. Individuals utilizing such service, therefore, must be prepared to offer picture I.D. to establish identity to protect the Notary Public from charges of fraud or misfeasance.

FEE STRUCTURE

The fee associated with the seal and accompanying insurance is subject to change, but at the present is \$90.00. In order to recover the cost of that fee, a uniform fee of \$1.00 for each notarization is established.

Note: Fee Waiver. Fee waiver should be accomplished for any document between departments of Missoula County or for any document where the County is one of the two parties to the transaction (as opposed to an agent processing the document).

CRITERIA FOR NOTARY

- (1) Volume of transactions in a department.
- (2) Availability of alternates (physical proximity).

OWNERSHIP

Involvement/necessity for any individual to possess a Notary Seal results from County employment. Therefore, individual ownership of Notary Seal does not appear to be a requirement. Furthermore, individual ownership should be phased out in order to assure that consistent policy regarding Notaries can be established.

TRANSITION

Currently, individually-owned Notary Seals should be "purchased" from the individuals based on the amount of time remaining on commission. If individuals decline the "buy out," then they should be precluded from exercising the Notary Commission on County time.

SCOPE

Attached is a list of County departments, with the recommendations regarding availability of Notaries.

DISCLOSURE

Pertinent information from this policy should be abstracted and posted for public information in the appropriate places.

POLICY NO. 00-12
May 1, 2000

MISSOULA COUNTY
GROSS RECEIPTS TAX

BACKGROUND

Per MCA 15-50-206, all contractors and subcontractors working on publicly-funded projects where the owner is a public entity are required to pay, or have withheld from them, 1% of the gross contract price. This applies to public contracts of \$5000 and above.

Within 10 days after awarding a public contract, the public agency or prime contractor must file a contract award report (Form PC-1), with the Department of Revenue Business Tax Section.

1% of each payment to the prime contractor is to be withheld and forwarded to the Department of Revenue Business Tax Section, along with a completed form PC-2. It is the contractor's responsibility to ensure subcontractors' compliance.

POLICY

In order to ensure compliance with this law, the County's liaison for each project is responsible for completing form PC-1.

Additionally, whenever a claim is processed for contractor payment, the liaison must also submit a claim for the 1% payment to the State.

Forms can be obtained from MT Dept of Revenue, Business Tax Division, Sam Mitchell Building, Helena, MT 59620.

MISSOULA COUNTY
CASH RECONCILIATION

1. Cash reconciliation shall be accomplished daily by the person in charge of the drawer and one other person. Both totals must agree.
2. Unexplained overages and shortages must not exceed \$10.00 or 1% of total receipts, whichever is least. If this does occur, the Department Head and County Auditor must be notified immediately. The County Auditor may notify the Sheriff and the decision as to the depth of the resulting audit and investigation may be made jointly by the Auditor and the Sheriff.
3. The cash reconciliations shall be a part of the department audit.
4. All departments with cash accounts shall deposit the day's transactions intact daily. (See Step 5 for variance procedure)
5. The County Auditor shall have the authority to grant variances to the daily deposit requirement, limited to:
 - A. A departmental cash account may be reconciled on a weekly basis if the number of transactions are so few that daily reconciliation is not warranted, or;
 - B. The total daily dollar transactions do not exceed \$100.00.
6. Personal transactions may not be made from one's own drawer. Evidence of this will result in immediate dismissal. Any personal transaction, such as making change or cashing checks, will require two people to transact.
7. Under no circumstance shall anyone perform work-related transactions in another clerk's cash drawer unless approved by the supervisor.
8. No personal money shall be in or near the cash drawer.
9. Under no circumstance shall employees' personal checks be cashed from departmental cash accounts. The only exception is that employees may cash personal checks for \$20 or less in the Treasurer's Office.
10. Any evidence supporting someone's removing cash from or inserting into a drawer will result in immediate dismissal.

MISSOULA COUNTY
ASSETS ACQUIRED FROM A SURPLUS PROPERTY PROGRAM

This policy outlines the general requirements for all fixed assets obtained by the County through a surplus property program.

- The department acquiring surplus property is responsible for all paperwork associated with the purchase.
- Surplus property will be valued at the cost of the asset plus all expenses incurred in preparing it for use. These additional costs include, for example, freight, travel, and installation costs.
- Departments that receive or purchase surplus property shall be responsible for meeting the State or Federal terms and conditions governing the control and use of such property while it is in their possession.

MISSOULA COUNTY
SNOW AND ICE CONTROL PROGRAM

This program applies only to roads and streets maintained by Missoula County.

1. There will be no snowplowing or sanding between midnight and 5 a.m. unless the new snow depth exceeds eight inches.
2. On Saturdays, Sundays and holidays, snow plowing and sanding will be limited to designated "Priority Snow Routes" unless new snow depth exceeds eight inches. Plows will be dispatched to areas with snow depth over eight inches. Some Sunday plowing may be done to prepare school bus routes for Monday.
3. If a blizzard warning has been declared by the Weather Service, plows and sanders will operate on all roads on all days from 5 am to midnight as manpower availability and weather conditions permit. First priority during blizzard conditions will be the designated priority snow routes.
4. During regular weekday shifts, snow plowing on school bus routes and arterials will have first priority. Other County roads will be done after the school bus routes.
5. During regular weekday shifts, the sanding priority will be:
 - a. Priority snow routes;
 - b. School bus routes;
 - c. Other roads
6. Sanding will begin in the urban areas and work outward. Rural areas may not receive sanding until the p.m. hours.

POLICY NO. 00-7
May 1, 2000

MISSOULA COUNTY
DAMAGE TO COUNTY PROPERTY ATTRIBUTABLE
TO COUNTY EMPLOYEES

From time to time damage occurs to County property that is directly attributable to one or more County employees. In the event that such damage shall occur, the employee's immediate supervisor or Department Head shall investigate the incident.

Unless it is determined that the employee was grossly negligent or the damage was deliberate, the employee will not be responsible for the repair of such damage. Final action on the matter shall rest with the Department Head.

If it is determined that the damage was deliberate or due to gross negligence, the Department Head will contact the County Attorney to decide on a course of action.

The Department Head is responsible for reporting all losses, however small, and whether insured or not, to the Risk Manager.

MISSOULA COUNTY
PERSONAL USE OF COUNTY TELEPHONE SYSTEM

Basic Use of County Telephone System:

The County telephone is in existence for business purposes. There are times, however, when personal use of telephones is necessary. For those calls, employees should make every effort to keep the conversation as brief as possible.

Long Distance Toll Charges:

County employees are encouraged to use personal credit cards for all personal long distance calls. However, if personal calls are made using the County system, the employee must reimburse the County for those calls. It is the responsibility of the Department Head to ensure that employees pay for these calls.

The Auditor's Office will review phone bills on a periodic basis and notify Department Heads of any concerns.

POLICY NO. 00-5
May 1, 2000

MISSOULA COUNTY
DAVIS BACON COMPLIANCE AND MONITORING

The Davis-Bacon Act requires that the local prevailing wage be paid on all federally-funded construction contracts exceeding \$2,000.

Montana law (MCA 18-2-402) states that prevailing wages are applicable for construction services let by state or local government in which the total cost is in excess of \$25,000.

Missoula County will comply with both federal and state Davis-Bacon requirements in all cases.

The Department responsible for the construction contract will administer this policy. The Department will ensure that all relevant bids and contracts contain appropriate language relative to Davis-Bacon and prevailing wage rate. The Department will also be responsible for monitoring the certified payrolls of all construction projects falling within the definition of this policy for compliance with prevailing wage rates.

MISSOULA COUNTY
GRANTS POLICY

Missoula County is required by Federal law to maintain internal control over all Federal awards received, either directly, or passed through another entity.

In order to comply with this mandate, the County Auditor is responsible for ensuring that all Federal awards are reported as part of the County's external audit.

To help guarantee that complete information for all grants is available, the following policy is in effect:

1. Whenever a grant proposal is submitted, the County Auditor must be notified (e-mail is acceptable). The following information must be provided: Title of Grant, Agency, Proposed Grant Amount, Dates of Grant.
2. If the grant is awarded, the recipient must provide the County Auditor with the expenditure and revenue codes, as well as the grant budget, including matching information, as necessary. The grant recipient is responsible for ensuring that all Accounting paperwork, including budget amendments, budget transfers for matching requirements, have been met.
3. The grant recipient is responsible for all compliance requirements. The grant recipient is also responsible for providing the County Auditor with end of the year financial reports as requested.
4. The County Auditor is responsible for preparing the Schedule of Federal Financial Assistance for the external auditor within the scope of GAO Circular A-133. The County Auditor will periodically audit grants to ensure compliance, accuracy and internal control.

GRANT REVIEW

The County Auditor will review all grant contracts to ensure compliance with State or Federal requirements and will notify grant recipients of any problems.

The following are primary areas that will be reviewed by the auditor: ·

- Are all expenditure items included in the budget?
- Are there capital expenditures?
- If so, are bids required?
- Are there matching requirements?
- If so, have they been budgeted?
- Any subgrantees?
- If so, are there contracts for all?
- Are any salaries paid by the grant? If so, whose?
- Have you notified the employee that their job is grant funded and when the grant terminates, their job possibly will as well?

MISSOULA COUNTY
DAILY MEETING POLICY

PURPOSE

The purpose of this policy is to facilitate communication with County Departments and Agencies and to facilitate timely decision making and policy direction from this Board.

POLICY

The Board will hold administrative meetings at a publicly scheduled time.

Meetings will be conducted according to an agenda organized as follows:

- a. Signing of documents.
- b. Review of upcoming events and meetings
- c. Consideration of old business
- d. Introduction of new business, and
- e. Other business and comments.

All agenda items must be submitted to the Commissioners' secretary by noon on the day prior to the meeting.

Matters not placed on the agenda in advance will be considered as time or circumstances dictate.

These daily meetings are for the purpose of addressing pressing matters in a timely fashion. Issues requiring prolonged discussion will be scheduled for a special meeting with the Board and with appropriate time allocated.

MISSOULA COUNTY
COUNTY INVESTMENT POLICY

I. Purpose

- A. The purpose of this policy is to establish the framework within which Missoula County's investment program shall be conducted.

II. Scope

- A. Funds included within the scope of this investment policy statement are the general fund, special revenue funds, debt service funds, school districts, trusts, special improvement districts and other agencies. Capital project funds and the County insurance trust may not necessarily adhere to this policy. Separate guidelines shall be developed for these special funds.

III. Objectives

- A. **Safety of capital:** Safety of principal is the foremost objective of the government of Missoula County. The objective is to mitigate credit risk and interest rate risk:
1. **Credit Risk:** The County will minimize credit risk, which is defined as the risk of loss due to the failure of the security issuer or backer, by:
 - **Limiting investments to the safest types of securities and investments as outlined in section VII.**
 - **Evaluating the financial stability of the financial institutions broker/dealer with which the County will do business.**
 - **Diversifying the investment portfolio so that potential losses on individual securities will be minimized.**
 2. **Interest Rate Risk:** The County will minimize the fluctuations or market value risk of securities in the portfolio due to changes in general interest rates, by:
 - a. **Structuring the investment portfolio so that liquidity is met first, then investing excess liquidity funds in a conservative investment manner that is consistent with risk and return expectations.**
- B. **Return on investment:** The government of Missoula County's cash management portfolio shall be designed with the objective of achieving a market rate of return throughout budgetary and economic cycles, taking into account the investment risk and liquidity needs. The objective for the overall funds will be to achieve rate equal to or greater than the 90-day Treasury bill.

The core of investments will be limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. A specific benchmark may be established to compare return and risk for the core assets. It is the County's policy to hold investments to maturity; however, securities may be sold prior to maturity under the following circumstances:

- **A security that has a declining credit may be sold early to minimize loss of principal.**
 - **A security be swapped for one that would improve the quality, yield or target duration in the portfolio.**
 - **Liquidity needs of the portfolio require that the security be sold.**
- C. **Local considerations:** The government of Missoula County seeks to attain market rates or return on its investments consistent with constraints imposed by its safety objectives, cash flow considerations and state laws that restrict the placement of certain public funds. The Government's investment managers are encouraged to represent the public's best interests in removing constraints to the efficient investment of its funds.
- D. **Maintaining the public's trust:** All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction that might impair public confidence in Missoula County's ability to govern effectively.
- E. **Legal considerations and limitations:** Missoula County's investment program shall be operated in compliance with Montana State Law. Please see Attachments A and B for copies of County Attorney Opinions No. 85-2 and 79-44.
- F. **Diversification:** Missoula County shall maintain a diversified portfolio of investment instruments to preclude outright losses through defaults and market losses due to price changes. The County may diversify by investing with local financial institutions, the State of Montana, or by purchasing qualified U.S. government securities to the extent consistent with the policy objectives on safety and capital and return on investment.
- G. **Liquidity:** The County's investments shall be managed to maintain the liquidity needed to meet each fund's cash requirements. Regardless of the investments, the County shall continue to meet its daily obligations.

IV. Staffing

- A. Missoula County is committed to providing on-going investment training for County's investment staff in order to ensure staff competence and integrity.
- B. Missoula County's investment program will operate in compliance with the so-called "prudent expert principle," which requires any investment manager to:
1. Discharge his/her duties with the care, skill, prudence, and diligence, under the circumstances then prevailing, that a prudent expert acting in a like capacity with the same resources and familiar with like matters

exercises in the conduct of an enterprise of a like character with like aims,

2. Diversify the holdings of each fund within the Missoula County investment program to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly prudent not to do so; and
3. Discharge his/her duties solely in the interest of and for the benefit of the funds forming the Missoula County investment program.

C. **Delegation of authority:** In accordance with Section 7-6-201 of the Montana Code Annotated, the responsibility for conducting investment transactions for Missoula County resides with the Treasurer. It is the responsibility of the County Treasurer to insure that competent individuals handle the daily investing of Missoula County's funds.

D. **Liability:** Section 7-6-212, Montana Code Annotated provides that "Where money shall have been deposited in accordance with the provisions of this part, the treasurer or town clerk shall not be liable for loss on account of any such deposit that may occur through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct." The treasurer and any duly appointed investment officers, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

E. **Investment Advisor:** The County may hire an investment advisor(s) to assist with the investment decisions and portfolio management. A competitive process shall occur to ensure that the best advisor(s) is selected.

V. **Investment Advisory Committee**

An ongoing investment advisory committee shall be established to review, monitor and evaluate the County's investment program on a continuing basis. The committee shall also have the authority to develop and grant variances upon the request of a financial institution. This committee shall consist of the County Clerk and Recorder/Treasurer, one County Commissioner or a representative from the Commissioner's office; the County Auditor; two representatives from the Treasurer's Division; the County Superintendent of Schools; two non-County government representatives; and one at-large member with professional experience, appointed by the Board of County Commissioners.

VI. **Bonding**

All appropriate investment personnel shall be bonded.

VII. **Designation of Allowable Instruments**

All investments allowed by state law will be eligible for the investment of Missoula County funds as in accordance to Section 7-6-202 of the Montana Code Annotated.

VIII. **Maximum Maturity Policy**

An investment authorized may not have a maturity date exceeding five years, except when the investment is used in an escrow account to refund an outstanding bond issue in advance as in accordance to Section 7-6-202 of the Montana Code Annotated.

IX. Risk Assessment

The investment advisory committee will monitor both market risk (the possibility that interest rates will change adversely) and default risk (the possibility that the County could actually lose part or all of its principal due to the failure of one of its depositories).

X. Repurchase Agreements

- A. "Retail" repurchase agreements will not be used. These instruments pledge an undivided share in a secondary reserve portfolio and typically offer inadequate protection in the event of issuer default. Missoula County will only invest in "perfected" repurchase agreements. These specifically identify the underlying security in the repurchase agreement.
- B. The investment advisory committee in conjunction with the County Attorney's Office shall develop a master written repurchase agreement that defines the nature of the transaction as a simultaneous buy/sell, identifies securities eligible as collateral, provides the purchaser with redemption rights, identifies the location of collateral securities, and limits the issuer's rights of collateral substitution. Collateral should be defined as an underlying security to which the "repo" purchaser has a security interest during the term of the repurchase agreement and in the event of insolvency default.
- C. Missoula County shall only do repurchase agreements with "primary" reporting dealers (monitored by the New York Federal Reserve Bank) and local financial institutions approved by the investment advisory committee. Repurchase agreements with brokers and dealers must be protected by third party custody safekeeping of collateral.
- D. If physical separation and safekeeping of repo collateral is not feasible with local institutions, reasonable alternative solutions shall be developed by the investment advisory committee.
- E. Collateral shall be marked to market on the day of the trade or otherwise protected against price deterioration as determined by the investment advisory committee.
- F. The investment advisory committee shall define the level of over-collateralization needed, if any.
- G. Collateral shall be verified in writing and may be examined on a surprise basis during the year. Verification of collateral shall be part of the independent audit engagement.

XI. Government Securities

- A. Missoula County shall only purchase government securities from those

financial institutions approved by the advisory committee.

- B. Excessively frequent transactions that produce minimal net returns shall be avoided as they generate unnecessary extra commissions.
- C. Orders shall not be placed “at the market” (the interim market for government securities that have not yet been issued to their auction-purchasers) and shall be limited to legitimate forward deliveries. The “when issued” market shall not be used to speculate on interest rates when investing funds on deposit with the Missoula County Treasurer.

XII. Safekeeping and Custody

- A. All investment transactions shall be conducted on a delivery versus payment basis, which ensures that securities are deposited at the third party custodian simultaneously with the release of funds. Securities will be held in a custodial account by the third party custodian designated by the Treasurer and evidenced by safekeeping receipts. Non-negotiable Certificate of Deposits are not handled on delivery vs. payment basis and are exempt from this process. Some investments are transferred and settled through the Federal Reserve System in a book entry format. These book entry transactions are monitored by the safekeeping custodian and will be held in the account on that basis.
- B. If an adviser(s) is utilized, the securities can be held with the advisor(s) in a custodial account on behalf of the County. The advisor is not to use the securities in any way for their own purpose, such as lending and borrowing.

XIII. Federal Insurance

Deposit of Missoula County funds in financial institutions will be invested in accordance to Section 7-6-201 of the Montana Code Annotated.

XIV. Collateralization Requirements - Certificates of Deposit

- A. Pledged securities shall be valued at market rather than face value. In order to insure that Missoula County's deposits are secured by investments that are safe and liquid:
 - 1. All securities pledged for Missoula County funds must be capable of being “marked to market” preferably daily but within two business days at the maximum.
 - 2. All collateral shall be “marked to market” upon initial pledging with Missoula County. Updated values are to be reported by the depository to the Missoula County Treasurer on a quarterly basis. The Missoula County Treasurer may request revaluation of the pledged collateral more often than quarterly for certain securities with considerable market value fluctuation.
- B. For certificates of deposits, third party safekeeping of collateral shall be mandatory.
- C. Missoula County will adhere to state law (7-6-207 M.C.A.) by requiring any institutions with Missoula County funds to pledge security for that portion of the

deposits which is not guaranteed or insured by FDIC, FSLIC or NCUA to the extent of:

1. 50% of such deposits if the institution in which the deposit is made has a net worth to total assets ratio of 6% or more; or
 2. 100% if the institution in which the deposit is made has a net worth to total assets ratio of less than 6%.
 3. The net worth to total assets ratio is to be calculated on a G.A.A.P. (Generally Accepted Accounting Principles) basis.
- D. The following securities shall be the only collateral eligible as pledging to secure deposits of Missoula County funds:
1. Direct obligations of the United States with the full faith and credit pledge of the United States.
 2. Securities issued or fully guaranteed by the following agencies of the United States or their successors:
 - a. Federal intermediate credit banks
 - b. Federal land bank (Farm credit services)
 - c. Federal home loan banks
 - d. Federal national mortgage association
 - e. Government national mortgage association
 - f. Small business administration
 - g. Federal housing administration
 - h. Federal home loan mortgage corporation
 3. General obligation bonds of the state or of any county, city, school district or other political subdivision of the state if they have a legal opinion from bond counsel.
 4. Revenue bonds of any county, city or other political subdivision of the state, when backed by the full faith and credit of such subdivision and are accompanied by a legal opinion from bond counsel.
 5. General obligation bonds of other states and of municipalities, counties and school districts of other states if they have a legal opinion from bond counsel.
 6. Cashier's checks issued to the depository institution by any federal reserve bank.

XV. Evaluating the Credit of County Depositories and Certificate of Deposit Issuers.

- A. All financial institutions bidding for deposits of County funds or repurchase agreements must provide the Missoula County Treasurer with copies of their quarterly call reports on a timely basis.

1. All reports shall be treated as confidential information by the Missoula County Treasurer's staff.
2. A financial institution belonging to a holding company shall also provide a copy of their holding company's annual report to the Missoula County Treasurer.
3. From all banks with Missoula County deposits, the following reports and supporting schedules contained in each institution's call report are required on a quarterly basis:

- a. Consolidated Report of Condition

Schedule RC	Balance Sheet
Schedule RC-A	Cash & Balances Due from Depository Institutions
Schedule RC-B	Securities
Schedule RC-C	Loans & Lease Financing Receivables
Schedule RC-E	Deposit Liabilities
Schedule RC-F	Other Assets
Schedule RC-G	Other Liabilities
Schedule RC-J	Repricing Opportunities for Selected Balance Sheet Categories
Schedule RC-K	Quarterly Averages
Schedule RC-L	Commitments & Contingencies
Schedule RC-M	Memoranda
Schedule RC-N	Past due, Non-accrual & Renegotiated Loans & Lease Financing Receivables

Optional Submission of Narrative Statement Concerning the Figures Submitted on Schedule RC-N, Past due, Non-accrual, & Renegotiated Loans & Lease Financing Receivables

Schedule RC-O	Other Data for Deposit Insurance Assessment Loans to Executive Officers
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- b. Consolidated Report of Income

Schedule RI	Income Statement
Schedule RI-A	Changes in Equity Capital
Schedule RI-B	Charge-offs & Recoveries & Changes in Allowance for Loan & Lease Losses
Schedule RI-C	Applicable Income Taxes by Taxing Authority
Schedule RI-E	Explanations

4. From all savings and loan associations with Missoula County Deposits, the following reports filed with the Federal Home Loan Bank Board are required when filed on a semi-annual basis. In addition, comparable (more abbreviated) reports prepared for the quarter between each of the FHLBB semi-annual reports are also required.

a. Statement of Condition (Sections A, B, C)

b. Income and Expense (Sections D, E)

Section F Supplemental Data

Section G Deposit Balances in Accounts with Fixed Maturity by Type

Section H Maturity and Yield Cost Information:
Assets and Liabilities

Section I Annual Supplement

Section K Slow Loans & Other Scheduled Items

B. The Missoula County Treasurer's staff shall evaluate the quarterly reports for the following information:

1. Profitability

2. Capitalization

3. Asset quality

4. Liquidity

C. The financial analysis without names of the specific financial institutions will be reviewed by the investment advisory committee.

XVI. Ratable Deposits

In accepting bids for deposits, Missoula County will also limit its deposits with any one financial institution to 10% of the County's total deposits or 75% of the G.A.A.P. based equity of the institution, whichever is less.

XVII. Reporting

A. The Missoula County Treasurer's Office will prepare the following quarterly reports for the investment advisory committee:

1. Transaction report

2. Portfolio statistics

a. Maturity structure

b. Types of holdings – Diversification

- c. Average Maturity of total portfolio
 - d. Average Maturity of Core funds
 - e. Performance analysis if funds are handled by an advisor(s)
- B. Annual listing of pledged securities of financial institutions in which County holdings exceed the amount guaranteed or insured by FDIC, FSLIC or NCUA, according to Section XL (C) of this policy.
- C. Depository credit evaluation, when requested by the investment advisory committee.

XVIII. Amendment

The Investment Advisory Committee may make recommendations to the Board of County Commissioners to amend this policy statement from time to time.

POLICY NO. 97-A
September 24, 1999

[From: Teresa Emery, Telephone Services]

MISSOULA COUNTY
PHONE CHANGES AND RELOCATIONS

Due to the large number of repeated requests for changes and relocation of phone sets, I am updating our policy for this procedure.

- Any requests for in-house data updates (name changes, directory changes) will continue to be free. There is, however, a charge for changes in the US West directory.
- Repairs will not cost anything unless abuse, theft or tampering is involved. Repairs of optional equipment (headsets, tape recorders, modems, etc.) are not the responsibility of this department.
- Any requests requiring physical changes and relocations will have a \$30.00 minimum charge. Large requests requiring more than an hour of labor will have an hourly rate of \$30.00/hr added to that.
- All requests must be e-mailed directly to me unless it is an emergency. Emergencies should be reported directly to me at 2729 or to the switchboard if I am not in.
- New installs and large relocations will be negotiated on a case by case basis as they have in the past.

MISSOULA COUNTY
ELECTRONIC COMMUNICATIONS POLICY

POLICY

It is the policy of Missoula County to authorize use of all means of electronic communications for legitimate business purposes. The County will not tolerate the unauthorized access or use of the systems described below, and documented abuses will be subject to disciplinary action. Missoula County will not monitor these systems as a routine matter; however, the County reserves the right to access any of these systems and disclose any and all of their contents. This policy also applies to password protected messages. Any access of password protected messages without the consent of the sender or recipient must be done with executive or management approval. Also, in the course of normal system maintenance, county employees may discover violations to this policy which will be reported.

DEFINITIONS

Systems governed by this policy include:

- LAN: A multi-computer system connecting file servers and work stations.
- E-mail: A written and electronic means of communication. The county's E-mail systems consist of internal E-mail (including the Bulletin Board System, BBS), E-mail to the city, and Internet E-mail.
- Internet browsing: An access to the World Wide Internet Web.
- Voice mail: An electronic means of communication provided through the county phone system.
- Faxing: A written and electronic means of communications, The county's fax systems consist of external fax machines and faxing using computer software through the county's LAN servers.

PROVISIONS

An employee should not transmit anything in a fax or E-mail message, whether internal or external, that he or she would not be comfortable writing in a letter or memorandum using county letterhead.

All faxes, E-mail, voice mail, and Internet browsing capabilities are provided to employees at the county's expense to assist internally in the conduct of company business and externally in communicating for legitimate business purposes.

Missoula County will not knowingly permit any of these systems to be used for unlawful purposes. This specifically includes, but is not limited to, the offering or solicitation of illegal substances, the offering or solicitation of illegal activities, such as computer crimes or hacking, the offering or solicitation of computer files which are protected by copyrights, trademarks, or other creative rights.

These systems may not be used to download or transmit information or messages that reasonably may be considered offensive, pornographic, discriminatory, defamatory, disparaging, or threatening to any employee or any other person or entity. The county's policies against sexual or other forms of harassment apply fully to the use of these systems.

When using the Internet and visiting host servers, the user is required to respect the conventions, courtesies, and rules of use which govern communications on the Internet. Some examples would include, but are not limited to, refraining from harassing, threatening or tormenting any other user or group of users. Users will not use Internet E-mail for the posting or transmitting to or from the Internet any unlawful, offensive, inflammatory or prohibited communication material of any kind. Users may not use the Internet to encourage, conduct or agree to any activity that would constitute a criminal or civil offense.

These systems are provided to facilitate the county's business communications. The use of such systems for outside business ventures, to leak confidential or privileged information, or for political or religious causes is prohibited. The excessive or inappropriate use of these systems for personal business is also prohibited.

By using these systems, employees consent to this policy and the county's right to monitor and access these systems.

Employees who misuse or abuse these systems or policies set forth above may be subject to discipline up to, and including, discharge.

MISSOULA COUNTY
PUBLIC MEETING MINUTES

The purpose of this policy is to increase the accessibility of the Commissioners Public Meeting Minutes and to improve the written record of decisions.

A verbatim record of the decisions and discussion of the Board of County Commissioners Public Meeting will be kept on tape for six months. The written record of decisions of the Board of County Commissioners, including the date, time and place of the meetings, the names of the members present, the substance of all matters proposed, discussed or decided and the votes for each commission on each issue, will be kept current (within one month the meeting), signed by the Chair and become part of the permanent public record.

1. The tapes will be made available in the Commissioners' office by the staff with a listening device during office hours upon request.
2. A copy of a tape(s) will be available upon written request-and for a cost of \$5.00 per tape.

EFFECTIVE DATE AND IMPLEMENTATION

November 13, 1996. Tapes available for 6 months. The written record of decisions is currently being implemented.

POLICY NO. 96-E
October 24, 1996

MISSOULA COUNTY
PINE STREET DOOR

Commissioner Fern Hart moved that the policy of leaving the Pine Street door open for evening meetings during the time of the meeting be reinstated. The evening meetings are scheduled in the Commissioner's Office. The motion was seconded by Commissioner Barbara Evans and passed.

**MISSOULA COUNTY
RSID DUST ABATEMENT**

PURPOSE

The purpose of this policy is to formalize the administration of a Dust Abatement Rural Special Improvement District program.

Dust control and abatement on County maintained roads using the Rural Special Improvement District process requires the submittal of a petition that must include the following:

1. **Application.** An application must be completed and submitted along with a fee of \$150.00 to initiate the petition process. This cost will pay for the expense of staff and other professional services with maps, cost estimates and general document preparation of the petition. The \$150.00 fee is refundable upon the successful submittal of the petition with the 60% signature approval within the proposed district and the creation of the Rural Special Improvement District.
2. **Application Form.** The form (attached) will provide the necessary information about the particular area including the present status of the County road, approximate length of the roadway to be treated and an indication as to which properties should be included within the district and therefore benefit from the improvement.
3. All other Neighborhood RSID Policy and Procedures will apply.

PROCEDURES

The results of the application will produce a petition format with project cost estimates; a budget detail of materials and cost per parcel within the proposed district boundary; and a detail map designating property legal description, and showing district boundary lines. Therefore the applicant will have all the necessary information to begin the circulation process within the proposed district.

This Policy Statement was approved on the 25th day of June, 1996 and signed this 1st day of July, 1996.

**APPLICATION FOR
DUST ABATEMENT - RURAL SPECIAL IMPROVEMENT DISTRICT**

Applicant:

Name: _____

Address: _____

1. The name of the County road involved in the dust control problem and a description of its location in the County.

2. The approximate length (miles) of the road for the dust abatement material application.

3. Application fee \$150.00 paid _____ Check No.# _____

Date: _____

Signature: _____

Received by _____
Date: _____

MISSOULA COUNTY
CIP REPLACEMENT FUND FOR COUNTY MAINFRAME

A CIP replacement fund is established for the county mainframe system. The mainframe is on a five-year replacement cycle and the goal is to collect 1/5 of the estimated replacement cost each year. This will be done by charging each user (county, city, state and private) a fixed yearly amount based on the number of work stations they have accessing the mainframe. Each year the amount will be re-spread based on the number of stations attached to the mainframe. The amount collected will be for the sole purpose of mainframe replacement.

For budgeting purposes, the number of stations a department has accessing the mainframe will be verified by information Services by April 1st of each year. Any stations added after this date will not be assessed the fiat fee until the next fiscal year. Information Services will be responsible for billing each department by September 1st of each year.

RSID POLICY NO. 95-D
December 1, 1995

MISSOULA COUNTY
RURAL SPECIAL IMPROVEMENT DISTRICTS

Exhibit A to this policy statement defines the boundaries of the Missoula Carbon Monoxide Non-Attainment Area Boundary. It is currently the goal of the County to pave all roads within this Boundary which fall under the County's jurisdiction with federal CMAQ funds. Therefore the Board of County Commissioners will not create any Rural Special Improvement Districts within this area for paving during the time that the CMAQ program is in existence. Any exceptions to this policy require specific action by the Board of County Commissioners,

This policy will remain in full force and effect until rescinded by the Board of County Commissioners.

NOTE: EXHIBIT A IS NOT ATTACHED. The non-attainment area as of March 7, 2005 may be viewed through the following link:

<http://www.co.missoula.mt.us/airquality/AirProgramProjects/CORedesignation/pdfs/FinalRedesignationRequest.pdf>

MISSOULA COUNTY
USE OF GEO CODE OR SUID NUMBER

PURPOSE

The purpose of this policy statement is to request that the GEO Code or SUID number (real estate tax identification number) be placed on all documents that transfer ownership of real property. This will enable the Department of Revenue to process ownership transfers in a more efficient manner and it will benefit the taxpayers when Missoula County establishes a geographical information system.

DISCUSSION

Jim Fairbanks, Department of Revenue Manager, Michael Sehestedt, Deputy County Attorney, and Vickie M. Zeier, Clerk & Recorder/Treasurer held a meeting on March 7, 1995 with local Title Companies and Attorneys to discuss the purpose of requesting the GEO Code # or SUID # on documents that transfer real property. The consensus was that since these parcel identification numbers are being collected routinely and written on conveyances by some at this time, they would accommodate this request.

POLICY

Missoula County hereby requests that a GEO Code or SUID number be provided on all documents being recorded with the Missoula County Clerk & Recorder's Office that transfer ownership of real property. The Assessor's Office will gladly assist in researching these parcel identification numbers.

MISSOULA COUNTY
SPECIAL FUNDS FOR OWNERSHIP AND MAINTENANCE
OF COMPUTER HARDWARE

This is a companion policy to 93-B *Computer Hardware and Software Purchase Policy*. The purpose of this policy is to address the ownership and maintenance of computer hardware purchased by special funds.

There will be two options for special funds with regard to ownership and maintenance of computer hardware:

Option 1:

Computer hardware purchased from resources in any of the special funds shall be owned by that special fund. The special fund shall be responsible for maintenance of that hardware, and will not call on Data Processing for assistance or loaner hardware.

Option 2:

Computer hardware purchased from resources of a special fund will become part of the inventory managed by Data Processing. The special fund will contribute to the maintenance pool managed through the CIP. Under this option, maintenance and loaner equipment will be available through Data Processing.

**MISSOULA COUNTY
INTERIM CERTIFICATE OF SURVEY REVIEW
PROCEDURE AND CRITERIA**

A. POLICY STATEMENT

The passage of HB 408 by the 1993 Legislature, together with the decision of the Montana Supreme Court in State ex rel. Dreher v. Fuller, (1993 Mont.) 50 St.Rep. 349, requires a comprehensive review and revision of Missoula County's Subdivision Regulations and Resolution 87-077, Missoula County Certificate of Survey and Review Procedure and Criteria. This policy statement is intended to "bridge the gap" between the effective date of HB 408 and the completion of a more comprehensive review and revision of the existing resolution.

B. DEFINITIONS

Act: The Subdivision and Platting Act.

Board: Missoula County Board of Commissioners.

Member of the immediate family: The spouse of the grantor and the children or parents of the grantor by blood or adoption.

Person: Includes an individual, firm, association, partnership, corporation and public agency.

Regulations: Missoula County Subdivision Regulations.

C. GENERAL REQUIREMENTS

1. The use of any exemption set forth in Sections 76-3-201 and 76-3-207 MCA for the purpose of evading subdivision review under the Act or the Regulations is prohibited.
2. In determining whether an exemption is claimed for the purpose to evade, the Board, or its review agent shall consider the specific exemption criteria set forth herein as well as other relevant facts, including, but not limited to:
 - a. The history of the tract since July 1, 1974;
 - b. The proposed configuration, of the particular tract to adjacent tracts, if the proposed exemptions were to be granted;
 - c. The pattern, if any, of exemptions used by the applicant and/or the applicant's immediate family, and/or other persons having a substantial business, economic, ownership or other relationship with the applicant that has or will result in the creation of a subdivision without review of the Board;
 - d. Whether the use of the exemption is in violation of statutes, Montana case law, administrative rules or Attorney General opinions.

D. EXEMPTIONS SUBJECT TO REVIEW

1. The following exemptions are provided by Sections 76-3-201 and 76-3-207 MCA. The exemptions are subject to denial if it is determined that they are being sought to evade the Act. The exemptions listed at h, i, j, k, and l are subject to surveying requirements.
 - a. Court ordered divisions;
 - b. Agreements creating a parcel which could have been created by eminent domain;
 - c. Security for construction mortgages, liens or trust indentures;
 - d. Severance of mineral interests from surface ownership;
 - e. Cemetery lots;
 - f. Reservation of life estates;
 - g. Lease or rent for farming and agricultural purposes;
 - h. Relocation of common boundary lines outside a platted subdivision;
 - i. Divisions outside a platted subdivision for gift or sale to an immediate family member;
 - j. Property subject to an agricultural covenant;
 - k. Relocation of common boundaries and the aggregation of lots for five or fewer lots within a platted subdivision;
 - l. Relocation of a common boundary between a single lot in a platted subdivision and adjoining land outside a platted subdivision.

E. APPLICATION AND ADMINISTRATIVE REVIEW PROCEDURE

Any person seeking to use exemptions from the Act must obtain approval from the Board or its designated review agent. The Missoula County Attorney's office is designated the review agent for the Board for exemption requests.

The applicant shall submit a completed Exemption Affidavit along with all necessary supporting documents to the office of the Missoula County Attorney. Incomplete applications shall be returned to the applicant and shall not be reviewed until the affidavit is entirely filled out, signed and notarized by either the applicant or his or her agent and all supporting documentation provided.

The County Attorney's Office may approve all exemption affidavits when no evidence of intent to evade the Act appears from the affidavit, supporting documents and other relevant information. Exemption criteria concerning evidence of intent to evade the Act is listed at Section F.

If the review agent determines the affidavit and supporting documents do not meet the applicable criteria for administrative approval, the application shall be referred to the Board for a hearing.

Agricultural exemptions require that the governing body and the property owner enter into a covenant running with the land, revocable only by mutual consent of the governing body and the property owner, that the divided land will be used exclusively for agricultural purposes. Therefore, all agricultural exemptions will require commissioner action.

F. HEARING PROCEDURE

1. The Board shall conduct a hearing on referred exemption requests at its regular Wednesday public meeting. Notice of the hearing shall be given to the applicant or his or her agent at least five (5) business days before the hearing.
2. The applicant or his or her agent must appear personally at the hearing. The applicant has the burden of proof by a preponderance of the evidence.
3. The Board shall issue a written decision of its determination within fifteen (15) days of the hearing. Reasons in support of its decision shall be included.

G. EXEMPTION CRITERIA

1. It shall be presumed that there is no intent to evade the Act when the following proposed divisions of land are fully documented:
 - a. A division of land which is created by order of any court of record in Montana or by operation of law or a bona fide agreement between the parties which could be imposed by a court in the absence of an agreement pursuant to the law of eminent domain;
 - b. Severance of oil, gas, minerals or water rights from surface ownership;
 - c. Creation of cemetery lots;
 - d. Reservation of life estate, when the reserved life estate includes an entire tract of record;
 - e. Rent or lease for farming or agricultural purposes so long as the written rental or lease agreement specifically limits the use of the property to identified farming or agricultural uses.
2. It shall be presumed that there is no intent to evade the Act when the following circumstances are clearly found to be documented:
 - a. Court ordered divisions, when it appears from the affidavit and supporting documentation that the parties were bona fide adverse parties and that the order was not the result of an agreement between the parties for the purpose of evading the Act.
 - b. Boundary relocations, including outside platted subdivisions, involving five or fewer lots in a platted subdivision or a platted lot and unplatted land.

- 1) The relocation does not affect more than 20% of the total area of the parcels whose boundaries are being adjusted (in the case of aggregation of lots the area of one of the aggregated lots may be disregarded);
- 2) The relocation will not create an additional building site;
- 3) The relocation (except an aggregation) is between unrelated parties;
- 4) The purpose of the relocation is to reconfigure lot lines to address problems with topography, the location of improvements or similar issues;
- 5) There are no prior similar transfers with the original tract or other tracts by the applicant.

3. Family Transfer

- a. The applicant does not propose to use this exemption a second or subsequent time to transfer a parcel of land to the same family member, regardless of whether the previously created parcels were transferred to the family member or were transferred and subsequently conveyed by the family member;
- b. The parcel to be divided was not previously created by use of the family transfer exemption, security exemption or occasional exemption;
- c. A parent who purports to act as a conservator for a minor child provides bona fide assurances that the property will be managed on behalf of the child and not the parent.

4. Security Interest Exemptions

- a. The security interest exemption is used to segregate land for the purpose of providing security for construction mortgages, liens or trust indentures.
- b. The parcel is being created to provide security of financing of the construction of improvements on the parcel to be created;
- c. The applicant provides written documentation that either the lender requires the applicant, whether as a matter of established policy or law, to create a separate parcel as a condition of a construction loan or that the applicant is able to obtain unencumbered title to pledge as security to only a portion of the tract;
- d. That the applicant has made prior use of the security exemption he or she has not separately conveyed either the security parcel or the parent parcel.
- e. The applicant has not engaged in similar prior transfers with the original tract or other tracts.

5. Agricultural exemptions

- a. Agricultural uses include, but are not limited to farming, dairying, pasturage, grazing, animal and poultry husbandry, silviculture and removal of forest

products, floriculture and horticulture;

- b. A change in the use of land exempted under this section for anything other than agricultural purposes subjects the property to review under these procedures. Another exemption may be substituted, if appropriate, or the property may be required to be reviewed under the subdivision regulations.

H. RECORDING

1. The Clerk and Recorder shall not accept or record any documents which purport to convey any interest in real property unless the offered document either includes or is accompanied by a reference to a tract of record or by an appropriate description and/or survey as required by the Act. In lieu of a reference to a tract of record, the applicant shall present a letter of approval from either the County Attorney's office or from the Board, approving the division of property shown on the certificate of survey offered for filing.
2. No certificate of survey dividing property by use of the boundary relocation exemptions, construction security exemptions, or family transfer exemption shall be accepted for recording unless accompanied by deeds actually conveying the property as required to implement the stated purpose of the survey.
3. Certificates of survey or any document which purports to convey any interest in real property subdividing property pursuant to Section 76-3-207 MCA shall not be accepted for filing unless the county treasurer has certified that no real property taxes assessed and levied on the land to be divided are not delinquent.

MISSOULA COUNTY
CHARITABLE GIVING IN THE WORKPLACE

During the past several years there has been an evolving case law relative to charitable giving in the public work place. This evolution basically requires public employers to open their doors to all charitable organizations for solicitation of employees if the practice has been to open the doors to one. Since Missoula County has participated in the United Way campaign for many years, this change is now applicable to our operation. Therefore, the Board of County Commissioners has adopted the following policy (see below) governing how this will be structured.

If you have any questions regarding this matter, please don't hesitate to contact our office.

=====

Missoula County Employees' Combined Campaign

The annual Missoula County Employee's Combined Campaign shall be the only County-sponsored charitable fund raising appeal conducted by and among County Employees at the work-site in order to:

- 1. To minimize the disruption in the work place.
- 2. To minimize the administration required to conduct the campaign.
- 3. To provide a range of choices to all County Employees.

The Missoula County Employee's combined Campaign shall solicit contributions to primarily benefit Missoula County and/or the people living within the county.

- 1. The organizations participating in the campaign shall have a substantial presence in Missoula County.
- 2. The predominate amount of the funds raised through the Missoula County Employee's shall remain in Missoula County.

County Employees Participating in Campaign Activities

County employees who are participating as volunteers in the combined campaign shall be permitted a reasonable amount of time to perform their duties related to the campaign. Employees shall coordinate the time requirements needed to perform their combined campaign duties with their supervisors so as not to conflict with their other required job duties.

Solicitation Methods

Employee solicitation shall be conducted during working hours using methods that permit true voluntary giving.

Coercion Prohibited

True voluntary giving is the essence of fund-raising activities. Actions that do not allow free choices or create the appearance that employees do not have a free choice to give or not to give, or to publicize their gifts or to keep them confidential, are contrary to the nature of Missoula County Employee's Combined Campaign. Goals should emphasize total giving and increased participation among employees.

Eligibility and Application Procedures

1. For the purpose of this policy an eligible organization is a charitable, non-profit organization which is either a single organization or a federation which is recognized by the Internal Revenue Service as tax-exempt under 26 U.S.C. 501(c) (3) and to which contributions are tax-deductible pursuant to 26 U.S.C. 170. Federations must be composed of at least five eligible charitable organizations, each of which is recognized by the Internal Revenue Service as tax-exempt under 26 U.S.C. 501(c)(3) and to which contributions are tax-deductible pursuant to 26 U.S.C. 170.
2. Have filed an IRS 990 Form for the most current fiscal year.
3. Has a substantial presence and provides direct services, benefits, or assistance within Missoula County and expends at least 75 percent of the organization funds within Missoula County, and has a board of directors from Missoula County.
4. Is accounting for its funds in accordance with generally accepted accounting principles, including as audit, review or management review conducted by an independent CPA.
5. Has a written policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, marital status or sex applicable to persons served by the organizations; applicable to the organization's staff; and applicable to membership on the charitable organization's board of directors; and provides full disclosure of administrative and funding raising costs and distribution contributions.
6. Provides full disclosure of administrative and fund-raising costs and distribution of contributions.
 - a. The totals from Columns (C) and (D) in the Statement of Functional Expenses in the IRS Form 990 will be used to determine the fund-raising and administrative expenses.
7. For Federations, individual member organizations may be excluded because they do not meet all of the eligibility requirements. The exclusion of a specific member organization will not automatically exclude the federation and its eligible member organizations from participating.
8. Sectarian activities must not be the primary focus of any charitable organization, including activities aimed at promoting the adoption of one or more religious viewpoints. Sectarian activities that are only incidental to the primary focus of the organization will not disqualify the organization on that basis.

9. A federation is also required to affirm annually that its member organizations are in compliance with the requirements of this policy.
10. Organizations or Federations participation in prior campaigns is not a guarantee of participation in subsequent campaigns. Application for participation is required each year by all organizations or federations wanting to participate. Organizations or federations may be denied access to participate based on failing to meet any of the eligibility requirements or by failing to adhere to the eligibility requirements or to the policies and procedures in the prior campaign.

Probationary Status

1. Probationary status may be used to put organizations or federations on notice that changes need to be made. Failure to make required changes may result in exclusion from participation in future campaigns.
2. Organizations or federations may be placed on probation by the County for not complying with any of the requirements as stated in this policy statement.
3. The probationary status will not automatically disqualify an organization or federation from further participation, but the County reserves the right to exclude an organization or federation from future participation for failure to comply with the requirements as determined by the County.

Application

1. An organization or federation which seeks authorization to conduct a funding raising campaign must apply with the Board of County Commissioners of its interest.
2. All materials required for eligibility consideration must be received by May 14th for the 1993 campaign and by the first work day in April for subsequent campaign years.
3. Authorization to conduct the campaign shall be given by the Board of County Commissioners.
4. The authorization is effective for only the year in which it is given.
5. Upon request, an applicant must provide documentation to substantiate the criteria and conditions noted above.
6. To insure that the organizations or federations that wish to solicit donations from Missoula County employees in the work-place are accurately portraying their programs and benefits, each organization or federation applying to participate must affirm annually that the organization substantiates they meet the above stated criteria and conditions of this policy.

Application Requirements

Payroll Deductions

If an organization or federation is authorized to conduct a fund-raising campaign and wishes to utilize Missoula County's payroll process for employee-initiated, voluntary payroll deductions, then the following conditions must be satisfied on an annual basis:

- a. Utilize a payroll deduction authorization form that has been approved by the Missoula County Fiscal Officer.
- b. Payroll deductions will be effective on a calendar year basis and initiated in January of the year following the campaign.
- c. A minimum of 25 employees must request payroll deduction for a specific federation.

Solicitation

Solicitation parameters will be established by the Board of County Commissioners and will be subject to the following minimum guidelines:

- a. There will be a single solicitation of County Employees. Organizations or federations authorized to conduct a fund raising campaign will be responsible for coordinating the time and materials for the solicitation and the training of campaigners.

A single appeal letter, brochure and payroll deduction pledge card will be permitted.

One (1) set of mailing labels for all current County Employees will be provided by the Office of Personnel.

The combined campaign may utilize County Mail Services for the distribution of one (1) County-wide mailing.

- b. The Board of County Commissioners will be responsible for appointing the employee committee to:
 - 1) reviewing and recommending applicants;
 - 2) approval of campaign materials, and
 - 3) over-all coordination of the charitable giving campaign.
- c. Appeals on decisions of the employee committee will be heard by the Board of County Commissioners within two weeks of receipt.
- d. All county-wide presentations/meetings will be conducted with a cooperative approach. The County reserves the right to limit the number and length of such meetings.
- e. A single deadline for turning in a pledge form will be established. Pledge forms will be delivered to the County Payroll Office. Pledge cards will be audited by a Committee representing authorized federations participating in the Charitable Campaign.

The Board of County Commissioners is the final authority in the interpretation or determination of any rules, policies, contracts, etc.

MISSOULA COUNTY
SALE OF TAX DEED LANDS
DISBURSEMENT OF PROCEEDS

PURPOSE

This policy and procedure is for guidance in the distribution of proceeds from the sale of tax deed lands acquired, and subsequently sold, by Missoula County.

DEPARTMENTS AFFECTED

Treasurer, Clerk and Recorder, Accounting & General Services.

POLICY

1. Missoula County will, according to statute, offer for sale at auction lands for which a tax deed has been issued to the County. Once the two required auctions have been held, any properties remaining unsold will be placed with a realtor to be sold by negotiated sale.
2. Sale of lands must be for a minimum of 70% of market value as set by the Missoula County Appraisal Office or, if desired and paid for by the prospective purchaser, an independent licensed appraiser.
3. Several alternatives exist for ascertaining true market value of a parcel depending on the type of debt still attached to the property after deed.
 - 3.1 Where a parcel has outstanding, non-perpetual, RSID or SID debt remaining, the total of this "future" debt may be deducted from the market value prior to arriving at the minimum legal purchase price. When this option is chosen by the prospective purchaser, the purchaser becomes responsible for the future payments on the RSID or SID prorated from closing.
 - 3.2 Should the purchaser desire, the purchase price may be figured from the original market value of the property and Missoula County then becomes liable for the payoff of these debts. When this option is chosen, a payoff amount will be submitted by the entity responsible for the financing of the debt and a check will be cut to them for that amount at closing.
 - 3.3 There may be other cases of extra-ordinary debt or necessary expenditures associated with the purchase of a parcel. In these cases, the amount must be negotiated with Missoula County and deducted from the market value of the property.
4. Debt, which attaches to a parcel after tax deed but before sale, must be paid in its

entirety and will be deducted at the time of closing with documentation as to the amount and funds to be credited.

5. If the parcel is a part of, and pays assessments to, an established irrigation district, those assessments prior to the tax deed must be paid in full from the proceeds of the sale or they will remain as a lien on the property. Payment of the prior assessments from the proceeds should be made at closing by check made payable to the district.
6. The remaining proceeds from the sale shall be forwarded to Missoula County to first pay all costs associated with the tax deed and then applied on a pro-rata basis to the taxing jurisdictions for their charges which were extinguished by the County Tax Deed.
7. Any proceeds left after the preceding fees, taxes and other charges have been paid in full will be credited to the Missoula County RSID Revolving Fund.

MISSOULA COUNTY
ADOPTION OF NEW COUNTY LOGO

PURPOSE

This policy statement provides for the formal adoption of the new, official County logo and a standardized format for all official county stationery. This policy will replace policy statement 80-D.

DISCUSSION

As stated in policy statement 80-D, adoption of an official logo furthers the desire of the Board of County Commissioners to present a single, standardized symbol of County government to the public. The new logo represents a focus on unity of mission and common identity among the departments and agencies of MISSOULA COUNTY. Adopting a more standardized format for official stationery will help streamline the overall cost to the County, in using a standard paper stock and ink.

POLICY

All County offices and agencies shall employ the County logo and stationery format on all stationery which is utilized for the conduct of official County business and such other applications as are appropriate.

IMPLEMENTATION

1. To facilitate the transition to the new logo and format, each department will be contacted to assess stationery uses and needs. Typesetting for all County departments will then be put out for bid through Centralized Services and will be done in the most cost effective manner.
2. All County offices and agencies shall, within reason, attempt to exhaust any existing stationery supplies prior to ordering printing of supplies with the new logo.
3. To the greatest extent possible, all orders for stationery supplies shall be placed through Centralized Services to contribute to the cost effectiveness of this changeover.
4. Only minimal personalization of the format will be approved since a primary goal of this changeover is to present a standardized symbol of County government. Departments requiring such services will be referred to [**Kathy Olson**] of the graphic design section at the Missoula Planning Office.

MISSOULA COUNTY
JAIL INMATE MEDICAL RESERVE ACCOUNT

PURPOSE

This account is established solely to provide excess medical funding for expenses incurred for hospital care of inmates of the Missoula County Jail. We intend to provide for only those hospital care costs which are the legal obligation of Missoula County, exceed the originally adopted budget appropriation established for hospital care and would otherwise become an unfunded liability of Missoula County. We further intend that this account shall be excess to all other valid and collectible insurance or other funding sources available for inmate medical expense.

FUNDING

At the end of each fiscal year any amount not expended from the Hospital Care line in the Sheriff's budget shall be transferred to the Jail Inmate Medical Reserve Account. Additional amounts may also be transferred upon the request of the Missoula County Sheriff with the accord of the Board of County Commissioners. Money in the account not needed to meet expected expenditures shall be invested and all proceeds of the investment credited to the account.

The Missoula County Treasurer shall hold, manage, invest, reinvest and distribute the account funds according to the terms of this Policy Statement and the standards and guidelines applicable to funds of Missoula County. The Treasurer shall further keep an accurate record of the account funds and shall at least quarter annually furnish the Administrator of the account a report showing all receipts and disbursements.

ADMINISTRATION

The Board of County Commissioners shall appoint an Administrator who shall have the sole responsibility for the administration of this account.

CLAIMS

The Missoula County Sheriff shall present to the Administrator in writing any claim against the account and shall present documents, statements or other evidence to support the claim. The Administrator shall investigate the claim and may approve or disapprove the claim. The Administrator shall not approve any claim against this account to the extent that it arises from the transfer or use of funds from the Hospital Care line of the Sheriff's budget not expended for the reasonable and appropriate payment of jail inmate medical care costs.

AMENDMENT AND TERMINATION

The Board of County Commissioners may at any time amend, modify or terminate this Policy.

MISSOULA COUNTY
CENTRALIZED PURCHASING POLICY

PURPOSE

The intent of this policy is to update Policy Statement 81-C which established guidelines for the Centralized Purchasing function.

POLICY

1. Centralized Services will handle all purchasing except for the Road, Bridge and Surveyor's Department. The Road, Bridge and Surveyor's Department will work closely with Centralized Services to aid in proper system function.
2. Vendors will be advised of the following: a) purchase orders must be used for all purchases; b) invoices must be signed, c) vendors must include purchase order numbers on all purchases; d) vendors will be informed of the payment schedule of the Accounting System; e) merchandise will be delivered to and received by the Centralized Services Department or the Road, Bridge and Surveyor's Department and then routed to departments; and f) all invoices will be sent directly to either Centralized Services or the Road, Bridge and Surveyor's Department.
3. Extensive use will be made of purchase requisitions. Departments will fill out a purchase requisition and forward both copies to Centralized Services with the account number (coding) and a vendor noted (if there is a preference). Purchase requisition forms are available from Centralized Services. Departments are to notify Centralized Services about any changes in purchase orders. In situations where the use of purchase requisitions are not feasible, department heads should consult with Centralized Services to work out appropriate procedures.
4. Centralized Services or the Road, Bridge and Surveyor's Department will separate claims by fund prior to transmitting them to Accounting.
5. Exceptions to the use of purchase orders include: a) orders for less than \$25.00; b) travel claims; c) payments on contracts; d) juror fees; e) payments to election judges; f) yearly encumbrances; g) petty cash repayments; and h) motor vehicle and tax redemptions. If in doubt, contact Centralized Services.
6. Centralized Services and the Road, Bridge and Surveyor's Department will work in conjunction with Accounting to achieve a quick turn-around time on claims. Centralized Services and the Road, Bridge and Surveyor's Department will attempt a 48-hour time limit, beginning with receipts of invoices and ending with Accounting receiving the approved claims. This can be accomplished with the cooperation of department heads

and will enable the County to take advantage of discounts and possible lower prices when vendors realize that they will be getting payment within a reasonable time.

7. All exceptions to the Centralized Purchasing system must be approved by either Centralized Services or the Road, Bridge and Surveyor's Department (as appropriate) prior to purchase. Written explanations will be required.
8. Centralized Services has the responsibility for reviewing invoices. All original receipts must be forwarded to Centralized Services. Receipts must be signed by the County employee receiving the merchandise, or bills will not be paid.
9. Centralized Services will forward the purchase order to the appropriate department head for signature. The department head will then send the document to Accounting for additional verification and processing.
10. Accounting will then forward all claims to the Auditor, who has authority for approving any exceptions.
11. All claims and purchase orders require the following: a) original invoice or receipt or other documentation; b) signature of department head; c) proper coding; d) budget authorization; and e) asset or acquisition sheet, if required.

MISSOULA COUNTY
LOSS CONTROL POLICY STATEMENT

Whereas, Missoula County considers no part of its operation to be more important than loss control; and

Whereas, Missoula County recognizes the responsibility to provide a safe work environment for its employees and to carefully consider the preservation of assets;

Therefore, Be It Resolved by the Board of County Commissioners that:

Missoula County is establishing a Loss Control Management Program. The County expects its employees to respond to all planned safety efforts and to perform their assigned tasks in the safest manner possible.

The Risk Manager will be assigned responsibility for organizing the overall Loss Control Management Program.

In addition, the Risk Management Committee will establish loss control policy.

County department heads will be responsible for the safety and well-being of the workers in their departments, as well as the repair and maintenance of facilities and equipment in their areas of responsibility.

County employees will be responsible for their personal safety and for the safe completion of assigned tasks. Missoula County is committed to doing all in its power to make its Loss Control Management Program a success and expects all County employees to assist in this effort by contributing expertise and by following all established rules and procedures.

POLICY NO. 85-B
May 9, 1985

MISSOULA COUNTY
FLAG AT HALF MAST POLICY

The Board of County Commissioners requested that Operations Officer John DeVore research the protocol for lowering the flag to half-mast. Based on his findings, the Board approved the following policy:

The American flag on display at the Missoula County Courthouse will be lowered to half-mast upon a proclamation issued by the President of the United States or by the Governor of the State of Montana, or upon the passage of such a proclamation by the Missoula Board of County Commissioners.

MISSOULA COUNTY
COMPUTER TERMINALS

The need for terminal programmed purchase, replacement, maintenance and inventory control has been identified by the Data Processing Steering Committee. It was felt that a policy was needed since some of the terminals are getting old and maintenance is becoming expensive.

The Steering Committee recommended this policy to the Board of County Commissioners, and the Commissioners subsequently approved and adopted the following:

1. The ownership of all terminals currently in General Fund departments will be transferred to Data Processing ("DP"). DP will ensure that all terminals are properly listed in the Fixed Assets Inventory System.
2. DP will perform a Needs Analysis in conjunction with any department desiring new or additional terminals.
3. All terminals for General Fund departments will be budgeted for in the DP budget and will be purchased by DP.
4. All terminals for special funds will be budgeted by the special funds and purchased by DP. The budgeted amount will include purchase price, freight, installation and maintenance. DP will furnish cost estimates on request.
5. Three (3) terminals will be budgeted by DP in FY86 as spares and maintained as "loaners."
6. Twenty (20) percent of all General Fund terminals will be replaced each year. Special funds are encouraged to request terminal replacement on a timely basis.
7. All terminal purchases are to be part of the annual budgeting process. Departments are hereby advised that in an austere budget environment replacements/purchases may not be funded.

MISSOULA COUNTY
USE FEES FOR COUNTY PARKS

The need for use fees for County parks was identified by the Missoula County Park Board. It was felt that such fees were needed in order to provide the necessary maintenance and improvements of County recreation facilities and fields reserved by various organizations for periods of exclusive use. Parks and Recreation Director Jim Van Fossen was asked to develop such a policy.

The Missoula County Park Board recommended this policy to the Board of County Commissioners and the Commissioners subsequently approved and adopted the following schedule of use fees for County parks:

1. Tennis courts:

A fee of \$.50 per hour per court will be assessed to organizations which reserve the courts for their exclusive use.

2. Softball/Soccer Fields:

A fee of \$2.50 per team per game will be assessed to leagues or associations which reserve fields for their exclusive use.

3. Parks in General:

A. A fee of \$1.50 per participant per season or quarter will be assessed to high schools which reserve the general play area of a park for P.E. activity classes and/or intramural activities.

B. A fee of \$1,000 per season will be assessed to high schools for use of the general play area of a park for varsity and junior varsity athletic team practice (example: football or soccer team practice).

MISSOULA COUNTY
EMERGENCY CLOSURES

SUMMARY: This policy outlines procedures for the emergency closing of County offices and work stations, and policies for employee pay during periods of closure.

DEPARTMENTS AFFECTED: All.

APPLICABLE SITUATIONS: This policy is applicable to the following situations:

1. Any incident where reporting to work or remaining at work presents a threat to the health and safety of County employees; and
2. Facility problems which prohibit occupancy of specific offices and work stations.

CLOSING PROCEDURE: The following steps shall apply to closing:

1. Facility problems shall be reported to the County Operations Officer through the 9-1-1 Center. In this instance, employees may be required to report for work to a location designated by the department head. Employees shall not enter an area where hazards exist without the permission of the Operations Officer;
2. All department heads are to report any incident within the scope of their responsibilities which may warrant a decision to close;
3. The initial report shall be made to the Administrative Officer. This report shall be made as soon as possible without regard for the time of day. If the Administrative Officer cannot be reached, the report shall be made to the Executive Officer or the DES Coordinator.
4. The Administrative Officer, or alternate, shall prepare a situation statement and if conditions warrant shall immediately contact the Board of County Commissioners;
5. A decision by the Commissioners to close some or all County offices and work stations shall be announced through the media during non-working hours and through the department heads during work hours. The announcement shall include the effective hour and date of closing;
6. It shall be the duty of the Administrative Officer or designate to make an earnest effort to notify affected employees of closing during non-working hours. This notice shall be given at least one hour before the applicable report-to-work time;
7. Notification of closing shall be made to employees and the public through the media (all local radio and TV stations). The media shall be contacted by the 9-1-1 Center;

8. Unless a closing is announced through the media or department heads, all County offices and work stations are open and employees shall work their scheduled hours; and
9. In the event of a closing where employees cannot perform their regular jobs, they may be required to perform any other task as needed, provided such work does not endanger their health or safety and is consistent with applicable collective bargaining agreements.
10. Employees, such as sworn officers of the Sheriff's Department and those involved in emergency operations or support, whose duties may require working despite a threat to their health and safety, shall be governed by department policy.

EMPLOYEE PAY: Subject to provisions of the County Personnel Plan and applicable collective bargaining agreements, the following policies shall apply for employee pay during periods of closure:

1. Pay for work performed shall remain at the regular hourly rate;
2. Employees who do not work shall have the option of using accrued compensatory time, if eligible, charging their time to vacation, or taking leave without pay;
3. Employees who were on vacation or sick leave at the announced hour of closing shall charge their time off as originally intended;
4. During non-working hours, if one hour notice of closing per Closing Procedure paragraphs 6 and 7 above has been given, employees shall not be paid when not expected to work. If one hour notice has not been given, then employees shall receive two hours pay for reporting to work;
5. Employees who work on tasks outside their regular job during a closure shall be paid their normal rate of pay per hour;
6. An emergency closure in effect for five or more consecutive days may necessitate the enactment of lay-off procedures for certain employees to permit eligibility for unemployment benefits; and
7. If a closure occurs during working hours, employees shall be paid for work up to the announced hour of closing.

REOPENING: When conditions warrant, the Commissioners shall announce the hour and date for reopening County offices and work stations.

1. Announced reopenings may be temporarily limited in terms of which offices are open and which employees are to report for work. Work hours may also be modified.

2. The reopening, and any limitations thereto, shall be announced to employees and the public through the media (all local radio and TV stations). The media shall be contacted by the 9-1-1 Center.
3. Unless otherwise specified, employee pay policies and duty assignments enacted during the closure shall cease to be effective at the announced hour of reopening.

RSID AID-TO-CONSTRUCTION

PURPOSE

The purpose of this policy is to clarify the administrative procedures to be employed in the allocation and transfer of County Aid-to-Construction program funds to individual Rural Special Improvement District projects. This procedure is intended to insure timely and accurate transfers and accounting of Aid-to-Construction funds.

RESPONSIBILITIES

RSID administration is responsible for:

1. Preparation of RSID Aid-to-Construction agreements in accordance with current County policy.
2. Notification of Accounting Department of amount and timing of each Aid-to-Construction cash transfer.

Accounting Department:

1. Responsible, upon appropriate notification for transferring funds from Aid-to-Construction fund to the appropriate individual RSID account.
2. Timely analysis and adjustment of Aid-to-Construction allocations based on current policy upon completion of project.

PROCEDURES

1. Upon Board of County Commissioner approval of any RSID that qualifies for Aid-to-Construction funds under current County policy, RSID administration shall prepare a formal Aid-to-Construction agreement for Board of County Commissioner approval.
2. The Aid-to-Construction actual agreement shall specify the amount of aid only as a percentage of actual total construction cost in accordance with current County policy for granting such aid. (Not actual dollar amount).
3. An actual cash figure shall not be included in the agreement unless it is the Board of County Commissioners' intention to grant that specific cash amount.
4. Upon completion of an RSID project, the Accounting Department will notify RSID administration of the actual cash amount of aid required for the project based upon the original cost-sharing percentage approved in the original Aid-to-Construction agreement on actual total construction costs.
5. The Accounting Department will transfer the appropriate amount of cash from the Aid-to-

Construction account to the individual RSID account in accordance with appropriate accounting procedures when actual costs are determined.

6. RSID administration will monitor the balance of cash available in the Aid-to-Construction account for future project planning.
7. At the end of any fiscal year where a project has not been completed, RSID administration will be responsible for encumbering the necessary Aid-to-Construction funds for the next fiscal year based on the best available estimate as to the final construction cost.
8. When such encumbrances are finally adjusted based on final actual cost, any surplus funds will revert to the Aid-to-Construction funds for reallocation. In the event of a shortage of funds, such shortage must be made up from supplemental funds from the Aid-to-Construction account in the current fiscal year.
9. Those funds encumbered at the end of the fiscal year will be adjusted based on final actual costs. Any surplus funds will revert to the fund from which they were appropriated for possible reallocation in the following budget year.

IMPLEMENTATION

This policy shall become effective March 30, 1983.

MISSOULA COUNTY
INDUSTRIAL DEVELOPMENT REVENUE BONDS

Policies and Procedures as Adopted by Resolution #82-15

I. STATEMENT OF POLICY

The Montana Industrial Development Projects Act of 1965 authorizes counties to issue limited obligation revenue bonds to fund certain types of industrial development projects associated with economic development and determined to be in the public interest; such bonds are commonly referred to as "Industrial Development Revenue Bonds".

Missoula County subscribes to the objective of advancing the economic well-being of the community, consistent with other goals affecting its quality of life, through efforts designed to strengthen the County's economic base and subsequently its overall economy. To this end, it is intended that the program focus primarily on projects involving (1) export (or primary or basic) industries that market their goods and services predominantly outside the County, and (2) industries which reduce the need for imports, thereby promoting the strengthening of the economic base through possible diversification and expansion.

Further, the County wishes to promote creative and constructive use of Industrial Development Revenue (IDR) Bonds for projects that meet and enhance the interests of both the public as a whole and the particular applicant. To this end, the County extends its full cooperation to each applicant, with the intention that County employees provide assistance in a timely manner to any individual developing an application and that they communicate with the applicant during any review process.

II. ELIGIBILITY AND EVALUATION OF IDR BOND PROPOSALS

A. Requirements (Mandatory)

1. Upon completion, the project will have complied with all applicable local, state, and federal laws and regulations.
2. The proceeds from the bond sale will be used only for:
 - a. Purchase of real estate (land and buildings).
 - b. Construction of buildings.
 - c. Purchase and installation of machinery and equipment (including pollution control systems).
 - d. Fees associated with the project, as described in Section 90-5-109 M.C.A.
3. The proceeds will be used for an industrial enterprise or project located within Missoula County.

B. Supplemental Considerations (Beneficial and Adverse)

1. Public comment.
2. Impact of the project on the County's economic base.
 - a. Impact will be evaluated in terms of the potential for diversification or expansion of the economic base, with the intention of focusing primarily on projects involving (1) export industries (which market goods and services predominantly outside the County); and (2) industries which reduce the need for imports.

Export industries would include, but not be limited to, the following:

- (1) Manufacturing (for example, lumber and wood products manufacturing, food product manufacturing, primary metals refining, printing and publishing, minerals refining, etc.)
- (2) Mining and minerals exploration.
- (3) Agricultural production.
- (4) Hotel and motel lodging (for nonresidents).
- (5) Regional (multistate or multicounty) medical facilities.
- (6) National or regional (multistate or multicounty) headquarters office buildings and operations centers.
- (7) Interstate or intercounty transportation.
- (8) Tourist, recreation and convention facilities.

- b. Any use not meeting the above criteria would require demonstration that the project would result in a positive long term impact on the local economy or tax base rather than a redistribution of the existing economic base.

3. Impact of the project on new and existing public services.
4. Potential for employment of area residents during construction and operation and for training or retraining for such employment if such training is necessary.
5. Utilization of technology which conserves energy, uses area resources, or increases productivity.
6. Impact on the environment, including air and water quality.
7. Whether the applicant will provide adequate assurances of compliance with MCA 18-2-402 during the construction phase of the project and compliance with all other applicable labor, equal opportunity and affirmative action laws and regulations.

III. PROCEDURES

A. Application

1. The process of obtaining IDR Bonds is initiated by an application to the County

Commissioners.

2. The application will be in writing and will include:
 - a. The name, address, and phone number of the applicant, the applicant's project representative, the applicant's bond counsel, and the applicant's parent company, if any.
 - b. A brief history and description of the applicant's business.
 - c. A short description of the project and a map showing its location.
 - d. A letter from investor(s), a financial institution or an underwriting firm stating that purchase of the applicant's bonds is being given, or will receive, active consideration.
 - e. A narrative which addresses the criteria in Section II, except for public comment (Section II.B.1).
 - f. Any other information regarding the project which will demonstrate that the project is in the public interest.
3. Upon receipt of an application, the County Commissioners will arrange a meeting with the applicant within ten (10) working days to discuss the project.
4. Following the meeting with the applicant, the Commissioners will:
 - a. Determine that there is sufficient merit in the application that a public hearing should be held to determine whether or not the project is in the public interest; or
 - b. Request additional information from the applicant; or
 - c. Determine to give no further consideration to the project.

B. Review Prior to Hearing

If the County Commissioners order that a hearing be held on the application, the following steps will be taken prior to the public hearing:

1. A date for the hearing will be set at least four (4) weeks, but not more than six (6) weeks, from the date of the order.
2. Notice of the hearing will be given by publication for at least three (3) consecutive Sundays preceding the hearing, and such notice will state that the application is available to the public for inspection at the Commissioners' Office in the Missoula County Courthouse.
3. A copy of the application will be forwarded to the Missoula Planning Office to review for compliance with the criteria listed in Section II (A and B).
 - a. The Planning Office staff will solicit review and comment from such public agencies as may be necessary to provide the Commissioners with a written report of its observations and recommendations regarding the project's compliance with the noted criteria.
 - b. Copies of the written staff report will be made available to the applicant

and any other person who has requested same no later than 3:00 p.m., five (5) working days prior to the scheduled hearing.

C. Public Hearing

At the time and place set for the hearing, the County Commissioners will open the hearing and do the following:

1. Place in the record the application and any written comments received regarding that application.
2. Receive a presentation from the applicant regarding the project and place in the record any materials presented by the applicant.
3. Receive a presentation from the Missoula Planning Office staff and place its report in the record.
4. Receive any other comments in support of the project and place in the record any materials presented.
5. Receive comments in opposition to the project and place in the record any materials presented.
6. Receive any rebuttal offered.

D. Commission Action

Within ten (10) working days following the hearing, the Commissioners will have completed an assessment of the project based on the criteria in Section II and will proceed to take one of the following actions:

1. Determine that the project as proposed is in the public interest and act by resolution to provide notice of same.
2. Determine that, subject to specific conditions, the project is in the public interest and act by resolution to provide notice of same.
3. Determine that additional information is required in order to make a decision, in which case the hearing will be recessed to a date and time certain when the Commissioners will reconvene and accept the additional information together with any information offered to rebut specifically the material presented.
4. Determine that the project is not in the public interest and act by resolution to provide notice of same.

IV. FEES

The applicant will pay an initial fee of \$500. In addition, the applicant will pay all actual clerical and review expenses and costs incurred with the sale and issuance of the bonds.

V. MANDATORY REVIEW

This resolution will be reviewed and reevaluated every two (2) years following its enactment and shall require a public hearing.

MISSOULA COUNTY
ENFORCEMENT OF PLAT FILING DEADLINES

PURPOSE

The purpose of this policy statement is to provide a consistent and equitable procedure for dealing with the problem posed by those plats which have not met the required filing deadlines.

DISCUSSION

The Missoula County Subdivision Regulations clearly establish deadlines for plat filing, following plat approval. The purpose of these deadlines is to allow for public improvements and services to be developed in an orderly and timely fashion and to prevent speculation. However, in the past, the enforcement of these deadlines has been sporadic. Therefore, in order to initiate a uniform enforcement of these deadlines, the following policy guidelines shall be applied effective immediately.

POLICY

1. Where the 120 day deadline for plat filing has been exceeded, or soon will be exceeded, the Planning Staff will notify the developer that he has 30 days in which to arrange for an extension of the plat filing deadline. If the developer fails to arrange for the extension, the plat must be resubmitted for final or summary review, as the original approval for final or summary review will be considered void. Final and summary approval will be considered void where there has been a lapse of more than one year from the date of final or summary plat approval and no plat has been filed or extensions granted.
2. If the developer contacts the Planning Office within 30 days of the date of notification, the Staff will review the extension request on a case by case basis. If an extension appears warranted, the Planning Staff would recommend to the governing body one and only one additional extension of 120 days.
3. If a subdivision has received preliminary plat approval but the final plat has not been submitted within the two year time limit specified under Section II. A. 10 of the Missoula County Subdivision Regulations, the developer will be required to resubmit the preliminary plat for approval.
4. Any new subdivisions submitted after June 1, 1980, must be filed within 120 days of the date of final approval, with no additional deadline extensions allowed. All future letters of final plat approval will indicate the deadline date for filing.

MISSOULA COUNTY
DATA PROCESSING STEERING COMMITTEE

PURPOSE

The intent of this policy statement is to endorse and promote the creation of a formal Data Processing Steering Committee. The purpose of this committee shall be to promote inter-departmental understanding and cooperation with the Data Processing Department. In that the data processing function is clearly intended to serve an administrative support function, it is important that those administrative bodies who are, or will be utilizing that function, be involved with that department on a planning level. Therefore, for the purpose of achieving optimum utilization of our data processing capability in a timely and cooperative manner, we set forth the following:

POLICY

1. Effective immediately and until such time as repealed or otherwise amended by subsequent Policy statements, there shall be a Data Processing Committee.
2. This committee shall meet no less than quarterly.
3. One full voting membership on the committee shall be allotted to each of the following departments or agencies:
 - a. Surveyor's Office;
 - b. Clerk & Recorder/Treasurer;
 - c. County Commissioners Office;
 - d. Auditor's Office;
 - e. Sheriff's Office;
 - f. Planning Staff;
 - g. Health Department; and
 - h. Information services.
4. Ex officio membership is also provided for an independent data processing professional appointed by the Board of County Commissioners and a representative of the State Department of Revenue.
5. Appointments to the Data Processing Steering Committee shall be totally at the discretion of the individual department or agency; however, appointees should be management personnel who are familiar with long term planning and project development in their respective departments.
6. The committee shall assume responsibility for adopting its own rules and procedures but must include the annual election of a chairman from its membership. The

representative from the Data Processing department is not eligible to sit as chairman of the committee.

7. Minutes shall be kept for all meetings and copies shall be distributed to the Board of County Commissioners and all committee members in a timely manner. The preparation and distribution of these minutes shall be an administrative responsibility of the Data Processing Department. The minutes shall be approved and signed by the Steering Committee Chairman.
8. The Data Processing Steering Committee is specifically charged with the responsibility of approving project priorities for the Data Processing Department. The responsibility will include approval of a long-range plan (five-year plan), as well as short term plans (yearly work schedules) and all changes and modifications to those plans. The prerogative to fund any or all projects remains with the Board of County Commissioners.

EFFECTIVE DATE AND IMPLEMENTATION

This policy shall become effective on April 1, 1980. Departments assigned committee membership are asked to select their representative as soon as possible. The committee shall hold an organizational meeting no later than April 30, 1980.

ACCIDENT/INJURY REPORTING

The following procedure(s) should be followed in reporting accidents/injury:

FOR INJURY TO COUNTY EMPLOYEES (Workmen's Compensation):

Each accident resulting in injury to any County employee requires a report from both the employee and from the supervisor to be filed with _____, County Safety Officer. Forms and detailed procedures are available from _____.

FOR ACCIDENTS RESULTING IN DAMAGE TO COUNTY PROPERTY AND/OR PROPERTY OR BODILY INJURY TO THIRD PARTIES:

For accidents involving County vehicles:

The report should be prepared in the following format:

1. Report the accident, no matter how minor, to the appropriate law enforcement agency, i.e.:
 - (a) Inside City Limits – Missoula City Police.
 - (b) Outside City Limits – either Montana Highway Patrol or Missoula County Sheriff's Office.
 - (c) Outside County – Montana Highway Patrol or, if out-of-state, appropriate highway patrol.
2. Report, by telephone or in person, to County Attorney's Office. Matter will be referred to appropriate Deputy County Attorney.
3. Complete the Montana Highway Patrol Accident Report (these may be obtained from the County Safety Officer, the investigating officer or the Highway Patrol office).
4. Furnish to third parties the following information:

County Insurance Agent: **Terry Payne & Co. ?????**
144 West Front Street
Missoula, MT 59801
Phone: 728-4050
5. Other than the statements required above (Nos. 1 thru 4), don't make written or oral statements to anyone else; don't admit liability or fault; don't lose your temper!

Additionally, employees are reminded of the existing County policy regarding money and other valuables (Policy Statement #5, dated June 10, 1976). Employees should review that policy carefully and understand the duties and responsibility of the employee under that policy.