

RESOLUTION NO. 16-2016

**RESOLUTION ORDERING A REFERENDUM ON THE
CREATION OF THE JEFFERSON VALLEY RURAL AMBULANCE DISTRICT**

Whereas, on May 16, 2016 the Jefferson County Commission (Commission) received a request from PULSE, Inc. (Partners United for Life Saving Education) to place on the November 8, 2016 ballot a referendum calling for a vote on the issue of creating the Jefferson Valley Regional EMS & Rescue Ambulance Special District (Special District); and,

Whereas, on June 14, 2016, and June 28, 2016, the Commission conducted public hearings on the issue of placing the question of creation of the Special District on the November 8, 2016 ballot. At these hearings, public comment was received. In addition, the Commission invited and received written comment on the referendum question; and,

Whereas, after considering the public and written comment, the Commission has determined sufficient public interest has been shown for the Commission to order a referendum on the creation of the Special District and that the issue should be brought before the registered voters residing within the proposed Special District; and,

Whereas, Mont. Code Ann. § 7-11-1003(1)(a)(ii) permits the governing body to order a referendum on the creation of a special district to serve the inhabitants of the special district in accordance with the provisions of Mont. Code Ann. § 7-11-1101.

NOW THEREFORE, IT IS RESOLVED, a referendum on the creation of the Special District shall be placed on the November 8, 2016 General Election Ballot to ask “Shall the proposition to organize the Jefferson Valley EMS & Rescue Ambulance Special District be adopted?”; and,

IT IS FURTHER RESOLVED, and in accordance with Mont. Code Ann. § 7-11-

1011(2)(a)-(d):

a. The initial proposed annual assessment to fund the Special District will be \$29.00 (twenty-nine dollars) and will be imposed on each residential lot or parcel within the district which contains a dwelling unit and on developed commercial properties. There shall no assessment on agricultural or vacant properties with no dwelling unit;

b. The activities to be funded through the annual assessment include the provision of emergency and non-emergency ambulance response, emergency medical services, and other emergency services beneficial to the citizens of the district;

c. The areas to be included in the proposed Special District are those lands in Jefferson County which are within the exterior boundaries of Whitehall School District #2 and Cardwell School Districts #16 and #31. The Special District excludes those lands which are located in Madison County and Silver Bow County. The Special District also excludes the incorporated boundaries of the Town of Whitehall which are of record in the Jefferson County Clerk and Recorder's Office. A legal description of the boundaries of Whitehall School District #2, which includes Cardwell School Districts #16 and #31, is attached as Exhibit 1 and incorporated by reference; and,

d. The proposed Special District will be administered by an elected board of five qualified citizens who reside within the boundaries of the Special District.

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Dated this 12th day of July, 2016.

Jefferson County Commission

Bob Mullen, Chair

Leonard Wortman, Commissioner

Cory Kirsch, Commissioner

Attest:

Bonnie Ramey
Jefferson County Clerk & Recorder

RESOLUTION 2016-5

A RESOLUTION OF THE TOWN OF WHITEHALL, MONTANA TO MODIFY THE BURIAL FEES ARISING OUT OF THE TOWN OF WHITEHALL CEMETERY

RECITALS

WHEREAS, the Town of Whitehall (the “Town”) has undertaken to provide burial services at the Town of Whitehall Cemetery (“Burial Services”);

WHEREAS, it is necessary to collect sufficient revenues to pay costs associated with providing Burial Services;

WHEREAS, under Sections 7-7-4404 and 69-7-101 and Title 75, Chapter 10, Part 1, Montana Code Annotated, the Town has the power and authority to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for Burial Services to its inhabitants and other persons served by the Town of Whitehall Cemetery. Rates, charges, and classifications must be reasonable and just;

WHEREAS, a notice of public hearing was posted notifying resident of the Town of Whitehall that it was the intention of the Town to modify the fees for Burial Services arising out of the Town of Whitehall Cemetery. A public hearing was held on December 12, 2016, at 7:00 p.m. at Town Hall, 2 North Whitehall Street, Whitehall, Montana, for the purpose of hearing comments from the public on the fees for Burial Services; and

WHEREAS, all persons appearing were given an opportunity to speak at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Town Council (the “Council”) of the Town as follows:

Section 1. Burial Services Charges. Effective as of January 1, 2017, the charges for Burial Services will be as follows:

- 1.1 Cremation Burials. The fees for Burial Services for burying cremation remains shall be:
 - (a) \$125.00 for weekday burials; and
 - (b) \$150.00 for weekend and holiday burials. “Holiday” shall mean the U.S. Federal holidays and any business day which commercial banks are closed for business to the public.
- 1.2 Casket Burials. The fees for Burial Services for casket burials shall be:
 - (a) \$250.00 for weekday burials; and
 - (b) \$300.00 for weekend and holiday burials. “Holiday” shall mean the

U.S. Federal holidays and any business day which commercial banks are closed for business to the public.

- 1.3 Exhumations. In the event that an exhumation is requested, the Town of Whitehall will not perform any such exhumation as special equipment and technique is required. The direct costs of exhumations are the responsibility of the requesting party and shall be paid in full in advance of such exhumation. Any exhumation performed in the Town of Whitehall Cemetery must have prior approval of the Town of Whitehall Mayor and be conducted under the supervision of the Town of Whitehall Public Works Department.
- 1.4 Billing and Payment. The Burial Service fee must be paid in full in advance of the Burial Service.
- 1.5 Burial Service. The Burial Service shall be performed by the Town of Whitehall Public Works Department unless otherwise agreed to in writing by the Town of Whitehall Mayor.

Section 2. Further Rate Increases. Subsequent adjustments to the Burial Service fees will be made by resolution of the Town Council duly adopted after a public hearing with notice thereof given as provided by law.

PASSED AND APPROVED BY THE TOWN COUNCIL AND SIGNED BY THE MAYOR OF THE TOWN OF WHITEHALL, THIS 12TH DAY OF DECEMBER, 2016.

Dale / Dard
Dale Davis
Mayor

ATTEST:

Sam Fell
Summer Fellows
Town Clerk

RESOLUTION 2016-2

A resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of the FY 2016 mill levies.


BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby fixes the Fiscal Year 2016/2017 General Fund mill levies at 125.12.

BE IT FURTHER RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby fixes the voter established mill levy for debt service purposes on the Town of Whitehall.

THEREFORE BE IT RSOLVED that the Town Council of the Town of Whitehall hereby fixes the total Town levies for Fiscal Year 2016/2017 at 125.12 mills.

PASSED AND APPROVED THIS 15th DAY OF AUGUST, 2016.

AYES: 6 NAYES: 0 ABSENT: 0



Mayor Dale Davis

8-31-2016

Date



Clerk/Treasurer Summer Fellows

8-31-2016

Date

RESOLUTION 2016-2

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, ESTABLISHING A FEE SCHEDULE FOR COPIES AND RESEARCH OF PUBLIC RECORDS AND ESTABLISHING PROCEDURES FOR REQUESTING PUBLIC RECORDS AND FOR IMPLEMENTATION AND COLLECTION OF THE FEE SCHEDULE.

WHEREAS, § 7-1-4144, Montana Code Annotated (MCA), states all records and other written materials in the possession of the Town shall be available for inspection and reproduction by any person during normal office hours consistent with the provisions of the Montana Constitution while allowing the governing body to impose reasonable fees for copies of accessible records; and

WHEREAS, § 7-1-4123 (7), MCA, empowers the Town to impose a special assessment reasonably related to the cost of any special service or special benefit provided by the Town or impose a fee for the provision of a service; and

WHEREAS, § 2-6-1006(3), MCA, empowers the Town to charge a fee for fulfilling a public information request;

WHEREAS, § 2-6-1006(3), MCA, empowers the Town to charge a fee for the time required to gather public information; and

WHEREAS, § 2-6-1006(3), MCA, empowers the Town to require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information;

WHEREAS, § 2-6-1006(5), MCA, empowers the Town to charge a fee for the costs of the customization of public information if the Town agrees to a request to customize a records request response; and

WHEREAS, the purpose of implementing a "public records request" policy is to: facilitate public access to official records; protect individual privacy, confidentiality, business secrets, and copyrighted material; protect public records from damage or disorganization; prevent excessive interference with other essential function of the Town; and develop a consistent and fair method of responding to requests for public records.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, that the following policy and procedures shall be adopted and shall be followed in responding to requests for public records and that the fee schedule listed herein is hereby adopted and shall be applied:

SECTION 1: PROCEDURES

1. All requests for public records shall be subject to this policy.
2. Record requests forms shall be developed by the Town Clerk in a similar format to the attached for use in processing requests for non-routine public records. For all non-routine public records the person or entity requesting such records shall complete the form and provide it to the Office of the Town Clerk prior to reviewing or copying. The record request form serves four functions: (1) to give the Town a comprehensive understanding of the specific information being requested; (2) to allow the Town Attorney, if necessary, to review the request pursuant to this Resolution and law; (3) to facilitate communication with the requester; and; (4) to provide a receipt for monies collected.
3. The Office of the Town Clerk shall be the office of records for all completed records request forms.
4. Once a request for records has been received, a response will be made within a reasonable amount of time. The following exceptions may apply:
 - a. The record does not exist or cannot be found;
 - b. If the record is in use or unusual circumstances have delayed handling the request, the requester shall be informed of the reason for the delay and of a reasonable time frame for response; or,
 - c. The request is denied and the requester will be informed of the reason for the denial.
5. Records request forms shall be available in the Office of the Town Clerk for citizens seeking non-routine public records.
6. NO NEW DOCUMENT OR RECORD will be created to respond to a records request. Pursuant to Montana law, a public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person. *See § 2-6-1006(5), MCA.*
7. Any request which does not refer to an "identifiable" public record shall not be processed until the requester provides further information. It shall be the responsibility of the Office of the Town Clerk to notify the requester that further information is required before the request can be processed.
8. This Resolution does not supersede any rules of evidence or rules governing the production of information or documentation in the course of litigation.

SECTION 2: FEES/CHARGES FOR PUBLIC RECORDS:

1. No fee will be charged for requests of records deemed by the Town to be routine public records as defined under section four (4) of this Resolution.
2. Charges for paper copies of non-routine public records shall be charged at the rate of \$0.10/page for material that can be found and copied in ten minutes or less. Material which takes more time than ten minutes to locate and copy shall be charged at the rate of \$0.50/page. Items which take over thirty (30) minutes to locate and copy shall be charged upon the hourly rate of \$15.00/hour, rounded to the nearest quarter hour, as provided for in § 2-6-1006, MCA.
3. Requests that are subject to the "per hour rate" shall also be charged at the rate of \$0.10/page for costs associated with copying materials.

4. Payment for charges must be received before delivery of the records to the requester.
5. The Town will determine on a case-by-case basis whether an employee must be present to observe and supervise the examination of documents and whether documents can be removed from their official storage location. Where it is necessary to maintain the integrity and security of Town records, a fee as determined by the hourly market rate of \$15.00/hour, rounded to the nearest quarter hour, as provided for in § 2-6-1006, MCA, will be charged for the Town's supervision of the search and examination of copying public records.

SECTION 3: EXEMPTIONS:

The following public records are exempt from public disclosure unless required by court order or dissemination is required pursuant specific statutory authorization:

- Library patron records (§ 22-1-1103, MCA)
- Personal records, Medical records (§ 7-1-4144, MCA)
- Personnel records concerning a current or former employee or applicant for employment that would disclose the individual's home address, home telephone number, social security number, marital status, payroll deductions, insurance coverage, or other privacy information.
- Law enforcement records which relate to matters in which the right to individual privacy or law enforcement security exceeds the merits of public disclosure (§ 7-1-4144, MCA)
- Performance evaluations (§ 7-1-4144, MCA)
- Certain donor records including financial or physical donations where the donor requests to remain anonymous.
- Ownership or pledge of public obligations (§ 17-5-1106, MCA)
- Criminal justice records or Municipal Court records (§§ 44-5-301-311, MCA)
- Vehicle accident reports (§ 61-7-114, MCA)
- Insurance information (e.g. § 50-63-403, MCA)
- Any other records held or maintained by the Town made confidential by law.

SECTION 4: DEFINITIONS:

The following definitions apply to Sections 1, 2, and 3 of this Resolution:

Routine Public Records

Material that is prepared for the public and made available to them on a regular basis. This information is often prepared for promotional or advisory reasons and prepared for general distribution. No request form is required for these materials.


Examples: Ordinance, Resolutions, Minutes, Town Commission Agendas, Meeting Packets, Board and Commission Agendas, Applications, etc.

Non-Routine Public Records


Material prepared in the regular course of the Town business (i.e. regular departmental business records) that document regular business transactions by each department but are not prepared for mass distribution. The request form must be completed.

If a department has received a ruling from the Town Attorney's Office regarding a type of records created and maintained by the department, the department shall continue to use that directive for that record until notified otherwise.

PASSED AND APPROVED BY THE TOWN COUNCIL AND SIGNED BY THE MAYOR
OF THE TOWN OF WHITEHALL, THIS 12TH DAY OF SEPTEMBER, 2016.


Dale Davis
Mayor

ATTEST:


Summer Fellows
Town Clerk

RESOLUTION 2016-1

A RESOLUTION ADOPTING A REVISED PERSONNEL POLICY AND PROCEDURES MANUAL FOR ALL TOWN EMPLOYEES AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of the citizens of the Town of Whitehall, and employees of the Town of Whitehall, that policies relating to persons working for the Town of Whitehall be placed in a Personnel Policy and Procedures Manual, and

WHEREAS, on September 14, 2015, the Town Council adopted the Town of Whitehall Personnel Policy and Procedures Manual as the official Personnel Policy and Procedures Manual for all employees of the Town of Whitehall, Montana, and

WHEREAS, the Town Attorney requests that the Personnel Policy and Procedure Manual and Job Descriptions be revised to address suggested changes offered by the Montana Municipal Interlocal Authority ("MMIA").

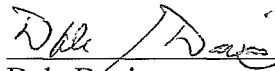
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITEHALL AS FOLLOWS:

Section I. That the Personnel Policy and Procedures Manual dated September 14, 2015 is hereby amended and replaced.

Section II. That the Personnel Policy and Procedures Manual presented to the Town Council on January 11, 2016, is hereby adopted as the official Personnel Policy and Procedures Manual for all employees of the Town of Whitehall, Montana.


Section III. This Resolution shall become effective immediately upon its passage by the Town Council.

PASSED AND APPROVED BY THE TOWN COUNCIL AND SIGNED BY THE MAYOR OF THE TOWN OF WHITEHALL, THIS 11TH DAY OF JANUARY, 2016.



Dale Davis
Mayor

ATTEST:



Summer Fellows
Town Clerk