

9:30 AM CONVENE

PRESENT: Roy Rost, Chairman; Kevin Braun, Members; Brenda Wood, Clerk and Recorder

ABSENT: Steve Baldwin, Member

FALLON COUNTY COURTHOUSE

9:30 AM Royce Hammer, Cougar Land Company joined.

The Pledge of Allegiance was held in the Commissioner's Office to start off the week.

9:30 AM AGENDA/NON-AGENDA ITEMS – PUBLIC COMMENT

Royce Hammer-Cougar Land Company – Wanted to let the Commission know Denbury is going to delay the seismograph project. Not sure when they will start the project again, possibly not until 2023. There will be two (2) separate companies doing various portions of the work. Paragon will be doing the greatest portion of the Seismographing. Royce wanted to know if the other Company (Explor Geoscience USA, Inc) will need to get a geophysical permit for their portion. Commissioner Braun feels it's best if they come in and ask permission and file the permit, so it is reflected in the minutes. Commissioner Rost agreed.

9:35 AM Royce left the meeting

9:45 AM COMMISSIONER MINUTES APPROVAL FOR NOVEMBER 7-11, 2022

Commissioner Braun made the motion to approve the November 7-11, 2022 Commissioner Minutes as presented.

Commissioner Rost seconded the motion. Commissioner Rost asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent. (Commissioner Baldwin). The motion carried.

10:00 AM ROAD/SHOP UPDATES/Mark Sieler, Road Foreman; Mitch Overn and Carl Overland, Shop Mechanics

ROAD-They are finishing cleaning up the snow and will hopefully haul all the snow away today. The snow accumulation is pretty much the same throughout the county. Commissioner Braun stated Kramlick's road did not get sprayed this year; when the county mowed, they were not able to do a very good job. When road crew is in that area, they will do what they can to clear the weeds with a blade. Commissioner Braun stated the landowner also mentioned the difference in height between the road and the approach. Will look at trying to remedy this when the weather allows. Discussed plowing Division Road from DuCharme's to Todd Barkley's approach (even if it crosses Commissioner Districts).

SHOP-They are looking at Outside Maintenance mower/snowplow. They will tear the engine apart and decide if replacing parts or a rebuilt engine would be the best way to go. TORO said they do not make an engine for that piece of equipment. The Commission discussed possibly using the tool cat or a larger piece of equipment to remove snow. May possibly look into the cost of attachments for toolcat/bobcat. One of the John Deere blades has an electrical problem; they are waiting to hear back from them.

10:22 AM Mark, Mitch and Carl left the meeting.

10:26 AM PERMISSION TO HIRE LIBRARY AIDES/Julie Straub, HRM; Stacey Moore, Director of Library Services; Beth Meggers, Library Aide/DOL Services-in Training

Stacey would like permission to hire two Library Aide's, Sienna Schuler as 1st Library Aide and Jordan Koehler as the 2nd Library Aide.

Commissioner Braun made the motion to hire Sienna Schuler and Jordan Koehler for the Library Aide Positions. Commissioner Rost seconded the motion. Commissioner Rost asked for any other discussion. Discussed start dates for each new hire. Commissioner Rost asked for further discussion; being none. 2 Ayes. 0 Nays. 1 Absent. (Commissioner Baldwin). The motion carried.

10:35 AM Julie left the meeting.

LIBRARY QUARTERLY UPDATES & CREDIT CARD DISCUSSION FOR AMAZON PURCHASES

UPDATES-The Library has seen an Increase in patrons in September and October. They have about 25 youth per night coming after school. They try to monitor the youth, so they stay in the library and are not disturbing the other offices. They are allowing snacks in the library, which seems to have helped. Stacey wanted to bring Beth so she could see how the process works. Stacey is working on preparing Beth to step into her new position. Succession manuals are being updated which takes care of all aspects of the library. Still updating the Director of Library Services succession plan. Stacey is working on the statistics which are due November 30th. The System Administrator is getting the new computers installed before the end of November, before the new employees start work. Storytime is going well, there are usually about 9 in attendance. Jan Stickney is still coming in and working with youths that have learning disabilities. Stacey feels this is a good program. There are two (2) book clubs using the library; one (1) of the clubs holds their meetings in the library.

10:37 AM Kimberly Jensen, AP Clerk was asked to join.

Stacey stated Amazon is changing the parameters for their business credit card accounts. Kimberly explained the county already has an Amazon account; the county is billed, by invoice and they bill once per month. Everyone has

their own login or password. Stacey and Kimberly will call Amazon and discuss how to include the library in our grouping. It would be easiest if there was only one (1) account for the county.

10:38 AM Kimberly left the meeting.

No further questions from the Commission.

10:39AM Stacey and Beth left the meeting.

11:00 AM SYSTEM ADMINISTRATOR UPDATES/Josh Lewis, System Administrator

UPDATES-Josh completed the County's national cyber security review assessment, and he has also sent it to the SOS. There were some pretty broad questions asked; there are safeguard items that need to be evaluated. Josh will be attending the cyber security webinars, as well as the Election staff. After completing the assessment, Josh's take on the process is that the county needs to formulate a cyber security policy. Josh would like to start that process and would like to review the policy with the commission, (at least complete a baseline).

Multifactor authentication-Microsoft 365 has different authentication items to choose from; various options were discussed with the Commission. Josh is going to test it on his sign-ins for a month or so first and discuss it with the Commission before making any changes in the current process.

Tyler Technology-Josh contacted Tyler Technology to discuss cloud-based solutions. Currently Tyler does not have anything viable in place for all three software programs. Josh feels if all of the software programs cannot be cloud based it is not viable to change part of the programs over. Josh was hoping to cut down on the cost for the hardware by using the cloud. Our current system is sufficient but will continue to monitor for hardware updates and needs.

Fairgrounds-Josh made sure the internet was turned on for the event this past weekend. There was a problem with the Wi-Fi because no one seemed to know the password. Commissioner Braun discussed shooting the internet from the exhibit hall rather than having the internet turned off and on. If we cannot get the password, they could get a new router and Josh will look into shooting the internet from the Exhibit Hall.

Josh is continuing to schedule the new computer installations with departments.

11:16 AM Josh left the meeting.

11:30 AM COUNTY EXTENSION AGENT UPDATES/PERMISSION TO RECRUIT ADMINISTRATIVE ASSISTANT/Amanda Williams, Extension Agent; Julie Straub, HRM

UPDATES-Presented her report for the Commission to review. Shooting sports will be able to have archery because Kodie Olsen, 4H Program Assistant is certified in archery. Amanda and Kodie went to a Shooting Range Board meeting and Steve Bryan agreed to assist with the archery program. There is a shooting sports certification training in Circle, MT on December 16th and 17th. The Shooting Range Board Members may be willing to take the certification and/or assist. Right now, they will continue with archery and go from there. There is also a shooting sports certification training in Billings next April that some could possibly attend. Carter County will have shooting sports, but they do not have the time to devote to Carter and Fallon County at this time. The archery sign-up meeting will be held November 14th and will be held on Mondays thereafter. Program highlights are due to the state November 15th. The Extension Office will be closed on November 25th due to vacations and staffing. Amanda will be assisting with interviews for Dawson County Extension Agent. Amanda will be attending the Southeast Montana Livestock Association Meeting on November 18th in Miles City.

PERMISSION TO RECRUIT ADMINISTRATIVE ASSISANT

Amanda would like to ask permission to recruit an Administrative Assistant. Commissioner Rost questioned if the position is needed. Amanda said yes and named the duties they have recently acquired and how busy they are during various times of the year. Again, discussed the need if there are only a few times out of the year they are busy. Amanda explained they need someone to do the financial duties, all the day-to-day items, work on the homemaker program, update the website, etc. If someone had the want and the drive, they could stay busy. Amanda stressed that currently they have too much on their plates and things are slipping. Commissioner Rost asked if items could be reprioritized. Amanda feels that is how things slip by. Commissioner Braun discussed the possibility of Carter County hiring the Administrative Assistant; Amanda feels there are too many things that are intertwined with both Counties and that would muddy the waters. Julie feels there are definitely times when they are very busy and there are times when they are very quiet. We need to find someone that has goals and someone that wants to set up the Homemaker program. Discussed options on how many hours they would want this individual to work. Commissioner Rost feels we need to figure out why we cannot keep people in that position.

Permission was granted to move forward with recruitment for the Administrative Assistant position for 20 hours per week. The position will remain open until filled. The first review will take place in 3 weeks. It will be advertised in the Fallon County Times and Ekalaka Eagle.

11:48 AM Julie left the meeting

Back to updates-Amanda is working on the annual reporting which is due to MSU January 1st.

11:52 AM Amanda left the meeting.

11:53 AM Commissioner Braun made the motion to recess. Commissioner Rost seconded the motion.

Commissioner Rost asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent. (Commissioner Baldwin). The motion carried.

NOON RECESS

1:15 PM AGENDA/NON-AGENDA ITEMS – PUBLIC COMMENT

No one appeared for Public Comment

1:30 PM OUTSIDE MAINTENANCE UPDATES/Robbie Christiaens, Maintenance Supervisor; Derrick deHaan, Maintenance Assistant

Fairgrounds restrooms-Robbie has been checking them but have not checked them since Saturday's event. The Commission asked that they continue with those duties until someone is hired. Dale Butori, DES/911 Coordinator has been monitoring the Fire Suppression systems; while at the Fairgrounds, Dale noticed a gate to the beer garden had come off the hinge. Robbie and Derrick will check it and secure the gate; they will also open the windows at the top of the grandstands to alleviate possible damage to the window covers.

Carl is working on the engine for the mower/snow removal equipment. Robbie and Derrick felt the equipment they are currently using will be sufficient unless there is wet, heavy snow, then they may need to use the skid steer. They are not sure they would use a plow very much so not sure it is worth it to price and purchase one.

Parkview is all good except for snow melt for the sidewalks. MTI is coming to town to look at the heater for Public Health lobby and will check the boiler for the sidewalks as well. The old boiler used to keep the sidewalks melted, but it is currently not working. It was operational before moving the boilers around so not sure what the problem is. Derrick does plan to get certified to operate the boilers as soon as he finds a training that he can attend. Derrick would like to go through the boiler process with Brad Kings first before getting MTI to come. Direct Electric will repair the outlet that caused issues with the heat tape at the Courthouse.

1:40 PM Dale Butori, DES/911 Coordinator was asked to join.

Fairgrounds Maintenance-Discussed Outside Maintenance continuing with maintenance at the Fairgrounds. Robbie and Derrick do not feel they will have the time necessary to devote to the Fairgrounds. Discussed the agreement between the city and the county and whether there needs to be any changes made or renegotiate the agreement. This will be placed on the agenda in the next few weeks. There are currently four (4) lights burned out at the Parking lot by Public Health. Derrick got a quote to change them to LED; the quote was \$2,000. The Commission granted permission to change them over to LED.

1:47 PM Robbie and Derrick left the meeting

1:55 PM MUSEUM UPDATES/DECISION ON GRANT APPLICATION AND FUNDING/Melissa Rost, Museum Curator

1:56 PM Commissioner Rost excused himself.

Grant Application for Train-Commissioner Braun stated he spoke to Commissioner Baldwin and his feelings are since this was not part of the budget, he is not interested in pursuing the grant. Melissa stated the county portion is in the budget because it could be taken from the Museum donation account. Commissioner Braun wanted to know what it would cost to insure and for maintenance down the road. Melissa expressed the time constraints to write and submit the grant.

1:58 PM Debbie Wyrick, Deputy Clerk and Recorder was asked to join.

Debbie has not gotten any further information back from the insurance agent. Debbie explained, the insurance agent stated since the county has a policy that states a county employee must be the driver of county vehicles, if a volunteer were to drive and there was an accident, the insurance company would not cover. Debbie does not expect to hear anything further from the insurance company and would also suspect the County Attorney would request waivers for those riding on the train but has not spoken to the County Attorney about that.

2:01 PM Debbie left the meeting.

Commissioner Braun stated this will be put on hold until Commissioner Baldwin is present to speak for himself and there would be a quorum present to make the decision. Commissioner Braun stated he is more concerned with the maintenance costs after the purchase is made. Melissa feels it would be very minimal due to the amount of use and the costs could probably come from the Museum donation account as well or possibly the O'Fallon Historical Society. Commissioner Braun – Sometimes that is harder on equipment to sit rather than constant use. Discussed various festivities the train could be used for and storage of the train and cars. Melissa would like to keep the engine inside the museum for photo ops as well and is continually working on the railroad displays.

No decision was made today; rescheduled for next week.

2:10 PM Commissioner Rost joined for updates.

UPDATES-They got everything put back together on the display floor in the metal building after the floors were done and they are very happy with the layout. Consolidating and reorganizing storage cabinets. Ordered archival boxes and cleaning and reorganizing the basement. They have not technically adopted the records management process, but they do have a process in place. Night at the Museum went well, attendance was down, could have been due to the weather. The sixth graders did their Ghost Story Tours, had around 120 people for Trunk or Treat, several toured the jail. Will be decorating a tree for Christmas in the Park and will be doing a craft and some activities that day. The following Sunday will start Christmas at the Museum with the theme of Winter Wonderland. Melissa will be offering a lesson to elementary school classes from the Montana Jewish Project; so far, the 5th and 6th graders have committed to attending. They received five participants from Superior Care Villa for the oral history project. They will be finishing this project and closing out the grant. The contractor is finished with the awning. There are just a few things to finish on this project so that the grant can be closed out. Melissa has been asked to write an article for the paper about a veteran wounded in WW1 and just received the purple heart posthumously.

2:18 PM Melissa left the meeting.

2:18 PM PLANNING DEPARTMENT UPDATES/Mary Grube, Planning Administrative Assistant

UPDATES-The kickoff meeting for the Growth Policy was held on November 7th. In attendance was a planner from Mitchell, SD and one from Fargo, ND, both from KLJ. They had a lot of good ideas and got the Planning Board involved. Forrest Sanderson, Contract Planner, is the project manager but was not in attendance. The Planners explained it will be a six (6) step process. The Planning Board wants the Growth Policy to be more user friendly; it will be cut back in comparison to before. Commissioner Rost asked if it will contain the comments like past Growth Policies. Mary stated the comments made were removed and will not be placed in the Growth Policy any longer. Only the Important items will remain in the Policy for grant purposes. A webpage will be set up and will be linked to Mary’s page. Also discussed placing on a Facebook page, on the radio and in the newspaper for the Public. There will be three (3) public input listening sessions held; 1 for Plevna, 1 for Baker and 1 for Rural. By statute the State entities have to attend a public session and present their input. This is a six (6) month process; there will be an extension filed due to other policies that needed to be in place before the Growth Policy. Mary has a meeting tonight in Plevna for a zoning change.

2:29 PM Mary left the meeting.

3:00 PM COMMISSION WORK SESSION

The Commission reviewed revenues received, reports, emails and other correspondence, board minutes and agendas.

MOU-Backup PSAP for Answering 9-1-1 Calls

Commissioner Braun made the motion to approve the MOU as written. Commissioner Rost seconded the motion. Commissioner Rost asked for further discussion; being none. 2 Ayes. 0 Nays. 1 Absent (Commissioner Baldwin). The motion carried.

Parkview Rental Agreement

Commissioner Rost signed the Parkview Rental Agreement for Apartment 218.

3:30 PM Commissioner Rost was excused for the remainder of the day.

4:00 PM GENERAL ELECTION CANVASS/Commissioner Braun, Sheriff Harbaugh, Brenda Wood, Clerk and Recorder-Canvass Board; Debbie Wyrick, Deputy Election Administrator; Kathy Newell, Election Clerk

Upon review of the November 8, 2022 General Election Results, the Canvass Board has reviewed, accepted and certified the results. The official results are as follows:

FALLON COUNTY OFFICIAL GENERAL ELECTION RESULTS

	Total Registered Voters	Votes Cast
<u>HOUSE DISTRICT 37</u>	1778	1289
UNITED STATES REPRESENTATIVE – 2ND DISTRICT		
Penny Ronning-Democrat		94
Gary Buchanan-Independent		87
Sam Rankin-Libertarian		7
Matt Rosendale-Republican		1053
SUPREME COURT JUSTICE #1		
Bill D’Alton-Non-Partisan		169
Jim Rice-Non-Partisan		822
SUPREME COURT JUSTICE #2		
James Brown-Non-Partisan		732
Ingrid Gustafson-Non-Partisan		343
STATE SENATOR DISTRICT 19		
Kenneth Bogner-Republican		1105
STATE REPRESENTATIVE DISTRICT 37		
Jerry Schillinger-Republican		1135
COUNTY COMMISSIONER DISTRICT II		
DeAnna Herbst-Independent		577
Roy Rost-Republican		658
COUNTY CLERK & RECORDER/SUPERINTENDENT OF SCHOOLS		
Brenda J Wood-Republican		1128

SHERIFF/CORONER Trenton Harbaugh-Republican	1200
COUNTY ATTORNEY Darcy L. Wassmann-Republican	1012
COUNTY TREASURER/ASSESSOR Barbara E Ketterling-Republican	1101
Shall Justice of Peace ANNA K STRAUB of the Justice Court of the County of Fallon of the state of Montana be retained in office for another term?	
YES	1101
NO	119
CONSITUTIONAL AMENDMENT NO. 48	
YES	961
NO	199
LEGISLATIVE REFERENDUM NO. 31	
YES	843
NO	371
GENERAL OBLIGATION BOND ISSUE	
FOR	328
AGAINST	904

4:08 PM Debbie, Trenton, Kathy left the meeting.

4:15PM Commissioner Braun recessed the meeting.

RECESS

TUESDAY, NOVEMBER 15, 2022

9:45 AM CONVENE

PRESENT: Roy Rost, Chairman; Kevin Braun, Member; Brenda Wood, Clerk and Recorder

ABSENT: Steve Baldwin, Member

FALLON COUNTY COURTHOUSE

AGENDA/NON-AGENDA ITEMS – PUBLIC COMMENT

No one appeared for Public Comment.

10:00 AM THREE COUNTY 9-1-1 MEETING/LIBRARY EOC

The Commission reported the group discussed setting up a board and getting some by-laws prepared but no decisions were made. There will be further discussion on all matters.

11:30 AM EMS PROGRAM MANAGER UPDATES/Lisa Mitchell, EMS Program Manager

UPDATES-Lisa presented her monthly call report. It was about average in comparison to other months. 25 calls overall, of those, 7 were refusals, 2 were event standbys, 1 agency assist. So far this year there have been a total of 198 calls; 65 are non-billable. Discussed an ambulance that needs some exhaust modifications; it is so loud they cannot hear when they are in the back with a patient. Will see if the county shop mechanics can take a look at that. Stryker was here to do some needed maintenance on the power cots. They also offered a maintenance contract, which Lisa brought for review by the Commission. Lisa stated there is no warranty on the power cots. The Commission will discuss further and possibly budget for next year. Commissioner Braun asked if Lisa had the policy changes ready for review. Lisa does not; she has been breaking down the policies and protocols and will have two (2) separate manuals. Commissioner Braun would like to have them completed by January 1st. Lisa always presents them to her crew and reviews them on the first of January. Commissioner Braun would like the Commission to have them in hand for their review before Lisa goes over them with her crew. Commissioner Rost agreed. A meeting will be scheduled for mid-December with Lisa to review the policies. The Commission would also like to review the procedures. Lisa has been receiving phone calls from patients that have not yet received a bill from May and cannot get the bookkeeper to respond to them. Lisa will try to get in touch with bookkeeping and find out what is going on. Lisa may have to rearrange her work hours for November 28th, 29th and 30th. Permission granted.

11:45 PM Lisa left the meeting.

11:55 PM Commissioner Braun made the motion to recess. Commissioner Rost seconded the motion. Commissioner Rost asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Absent. (Commissioner Baldwin). The motion carried.

NOON RECESS

1:45 PM AGENDA/NON-AGENDA ITEMS – PUBLIC COMMENT

Mindi Murnion, Public Health Specialist was approached by the Carter County Public Health Nurse about billing assistance. They need assistance to try to get caught up on their billing. Mindi explained Carter County PH has to be credentialed before Fallon County Public Health can assist them, so this will not happen for a while if approved by the Commission. Mindi stated she and another employee would be interested in possibly working an extra Friday per month. Mindi will visit with the employee and have her meet with the Commission to discuss her thoughts and if she would be willing to do this. The Commission will also visit FMC and HR about this as well.

1:57 PM Mindi left the meeting.

2:00 PM FALLON MEDICAL COMPLEX UPDATES/David Espeland, CEO; Marjorie Losing, CFO

September Financials were reviewed with Marjorie; September was a pretty good month.

2:04 PM Judy McWilliams and Karol Zachmann joined.

Patient billing-Marjorie explained because of the new EMR implementation, short staffing, etc. FMC has a third-party (TruBridge) provider assisting with billing. They have received a six-month quote for them to assist employees of FMC. Discussed, the third-party provider will be printing the statements because the new software does not allow FMC to print them by the guarantor (responsible party). The new software prints a statement for each patient. The provider will be sending the file for the FMC staff to review first, they will have to be approved before the provider can mail the statements. Discussed credit card payments will continue to be processed by FMC. The Hospital will be informing the public of all of the upcoming changes.

Commissioner Rost asked if it would ease the burden to have a county employee do the EMS billing, rather than FMC. David and Marjorie felt that would help greatly. Marjorie stated currently they are outsourcing the EMS billing through the same third-party provider, but other third-party providers can be used. Marjorie will get some information for the Commission on the cost for outsourcing.

David and Marjorie prepared a statement that will be entered into record and is as follows:

Marjorie Losing and I would like to provide a written response to the statement made by Brenda Stoddard to the Commission on October 17, 2022. She continues to spread misinformation about hospital operations, and if that goes without being corrected, it is perpetuated. We have offered more than once to hold face-to-face discussions with her about her concerns, but she has never taken us up on those offers. We are here today to set the record straight about some of the things raised by her last month.

Brenda Stoddard has had the same narrative for over 18 months, starting with a board meeting she attended on March 3, 2021. She contends that a number of people were locked out of the room. What she doesn't say is that Governor Gianforte had issued Executive Order 2-2021 on January 12, 2021, that stated, "Any public gatherings or events should be managed in a way that accommodates CDC social distancing guidelines." Those guidelines required that people be spaced six feet apart. Based on that spacing, our basement boardroom could only accommodate 18 people, ten of whom were required to be present at all board meetings. When Brenda arrived, the room was already at capacity, so a couple of FMC employees offered to leave the room as a courtesy so that she and her brother could attend.

As you know, FMC Inc. is no longer operating under a "Management Agreement" with Fallon County. The Commission proposed that the agreement be turned into a "Lease Agreement" in mid-2021, wherein, "The County shall pay for repairs and maintenance to the building and systems..." and "The County may, but is not required to, pay for maintaining the Leased Property, including servicing the building mechanical and electrical equipment, medical equipment, and business equipment." All expenses for these purposes which are paid directly by FMC are submitted on a County claim form with supporting documentation. Fallon County has the ultimate control over what is – and what isn't – approved for reimbursement.

Brenda Stoddard has been conveying misinformation about the Public Employee Retirement System (PERS) discussion held with the Commission in October 2020. The intent of that discussion was to determine whether Fallon County should have some degree of responsibility to help pay a portion of the "excess unfunded liability" that PERS claims they were owed. When FMC, Inc. was formed in November 1990, all clinic employees stayed under Fallon County. The following year, discussions were held about moving those employees under FMC. The minutes of the Citizen's Advisory Council (predecessor to the current Board of Trustees) dated June 5, 1991, stated, "Pension plan problems exist since some clinic employees are under PERS and would lose benefits transferring to the hospital plan. To resolve the problem, PERS is being contacted as to the feasibility of having the hospital contract with PERS for the clinic employees currently under this program."

Lawrence Nachtsheim, PERS Administrator, determined that the clinic could set up its own contract separate from Fallon County, since the clinic was still considered a public agency at that time. However, once the clinic was transferred to the private sector, no additional employees would be allowed to join the plan. The plan was informally grandfathered into the PERS program and kept active until the last clinic employee under the plan had retired. As you know, PERS is perpetuated by constantly replenishing employees for those who terminate or retire. Since no new FMC employees were allowed to join the plan, the clinic contract had an excessive unfunded liability payable to PERS in order to continue giving retirement pay to past clinic employees. The discussion in October 2020 was meant to see whether there was shared responsibility for that liability, since the clinic staff had participated in PERS as Fallon County employees for a number of years. That discussion was never finalized, so FMC decided to pay PERS out of its operational funds in order to settle the matter.

Brenda Stoddard further stated on October 17, 2022, that FMC was given a grant during Covid for three million dollars, "...and yet Fallon County paid for the disinfectant and the wipes." FMC did receive funding for Covid-related expenses from multiple sources, but all of the programs had strict requirements about how the funds could be spent. We had to keep careful track of every expenditure and we provided frequent reports to the granting organization, the board of trustees, and the commissioners. Brenda was referring to a program called the Provider Relief Funds. We could not spend all of the three million dollars per the program requirements in the time allocated, so we sent back \$2.1 million to the federal government. In addition, we were required to conduct a third-party "single audit" to further substantiate our expenditures. The auditors said that current grant guidance negated some of our claims for lost revenue due to changing timelines imposed by the program, so we are expecting to pay back an additional \$178,000. We are not sure where Brenda found her information about disinfectant and wipes, but we did not need the county's assistance to pay for these expenses. In fact, when the pandemic first hit, we provided supplies to county entities, such as public health, EMS, and the Sheriff's department. As Covid-19 progressed, we included the county in the purchase of essential supplies, which was reimbursed to us. Perhaps that is what she was seeing in our claims. For instance, on February 10, 2021, Fallon Medical Complex submitted a county claim for reimbursement of one case of hand sanitizer pumps for \$20.50, which was specifically requested by the county for county use. We were not allowed to claim expenses outside of our operations for Provider Relief Funds; we had very strict regulations to follow. On the flip side, those expenses were not allowed to be claimed as an expense under the program since we were reimbursed by another entity. Under all circumstances, Provider Relief Funds had to be the payor of last resort as stated in the program guidance.

Brenda is correct that Dr. Espeland formally retired in October 2016. However, he is still licensed as a doctor by the State of Montana, and as such, he is able to continue practicing medicine. He has been an active member of FMC's medical staff since 1987, and fully credentialed as such. One of the responsibilities that he agreed to continue after retirement was to be a supervising physician for FMC mid-level providers (Physician Assistants and Nurse Practitioners), which is endorsed by the Montana Board of Medical Examiners. This legal relationship allows FMC to bill some services under his name, since he is ultimately responsible for the mid-level's actions. Just be clear, there is no law that states that a facility must have a doctor on staff full-time, as Brenda contends. Facilities smaller than Baker haven't had a doctor for decades and they are still in business.

The Q6 Modifier allows facilities to bill the provider fee for travel staff under a physician's name who is on the medical staff. As we ramped up for the new "Healthcare No Surprise Billing Act" that took effect on January 1, 2022, we discovered that it was not always appropriate to bill under Dr. Espeland's name. The Medicare billing manual is hundreds of pages in length and the Centers for Medicare and Medicaid Services (CMS) recognizes that billing errors may occur. For this reason, they allow facilities who discover potential billing issues to "self-disclose" their errors and pay back the program. We worked with our accountants to determine how much was overbilled due to the Q6 Modifier, and ended up sending CMS a refund of \$41,708.04. In order to remain in compliance with program requirements, we also modified our billing practices.

Brenda Stoddard also accused our managers of "...changing people's insurance to self-pay rather than get pre-approval for services." Fallon Medical Complex takes the time to pre-authorize services that are required by specific insurance plans, as a courtesy to our patients. Patients are informed if the exam does not meet the medical necessity criteria established by their plan, as well as the options that they have in order to move forward. One option is to sign an Advanced Beneficiary Notice (ABN) in which the exam would still take place, but it would have to be paid out-of-pocket. In this case, patients can file an appeal with their insurance company themselves to seek reimbursement. Another option might be to wait for pre-authorization to be obtained from their insurance company, which sometimes takes up to a week. Overall, balances are only turned to self-pay if the insurance company itself deems that it is a self-pay responsibility. FMC has nothing to gain by randomly doing so. As always, patients are welcome to talk to our business office about any concerns with their billing.

Brenda Stoddard is further confused about the 340B program, which is not a grant. It is a drug pricing program administered by the Health Resources and Services Administration (HRSA). It provides a limited number of different medications to patients at discounted prices through agreements with pharmaceutical companies. We have had an administrative services agreement with SunRx since January 2016, which oversees the development and compliance of policies and procedures according to federal program criteria. SunRx helped us write our policies, negotiate our contracts, and train our staff. They further worked with Baker Rexall to be our exclusive provider of medications for 340B patients. The concern about this program was raised by one of our previous mid-levels, who was also confused about it. However, raising the concern gave us an opportunity to ask our accountants to do a review of our program

and provide advice about potential improvements to it. They commented, "...the 340B program is complex and has a significant number of rules and regulations, many of which are not straight-forward. There are... a variety of options that can be elected related to the 340B Program, so no two programs are exactly the same." The program is audited by HRSA, so we need to maintain compliance. We also have to be certified by them annually. All in all, our accountants are confident that we are using the program as intended.

Another issue raised by the same previous mid-level pertains to Department of Transportation (DOT) physicals. It is incorrect for Brenda Stoddard to state that DOT's were not logged. It is up to the provider to log their physicals with the State of Montana. However, our Business Office staff will do the logging as a courtesy to a provider once staff is granted access to the program by the provider. If access is not granted, it's up to the provider to log their own DOT visits. If they fail to do so, it's on them, so it's in their best interest to allow the business office to do it. It's not an attestation that the business office conducted the physical, but rather that the physical was completed on a certain date and time. It does not affect the validity of the physical, but it prevents the patient from having to be seen again if the log entry was not posted on time by the provider.

The last patient issue brought forward by Brenda Stoddard was also raised by the same mid-level regarding pediatric consents. Caregivers have typically been given notes by parents authorizing them to bring their children into the clinic when parents are unable to do so themselves. These notes are meant to be used whenever necessary, similar to Baker Schools being granted the right to take students into the clinic or ER on behalf of the parents. If a caregiver presents with a child, our protocol has been to call the parent at work to confirm the visit. In many cases, the parent themselves called the clinic to make the appointment and asked the caregiver to bring in the child. The midlevel felt this was inappropriate, and that the parent should either bring in the child themselves and stay for the visit, or have a new note specific to the day of the visit. This extended process may be appropriate in Billings, but Baker is small enough that our staff knows caregivers by name, and most likely whose children they are bringing to the clinic. As a result of this concern raised by the mid-level, we checked with other clinics our size in the state, none of whom confirmed that there is a state law that requires something different than what we are doing.

In her comments on October 17, 2022, Brenda also cited the rates that we are willing to pay a physician to take a job at FMC. We have been actively recruiting for a physician since Dr. Espeland retired, with no luck, despite our competitive offer of employment, as confirmed by recruitment companies. Brenda makes it sound as though this issue is unique to FMC and that I am personally causing it. On October 30, 2022, Emily Schabacker published an article in the Billings Gazette entitled, "Rural areas struggle to recruit new doctors." This article was largely about a Miles City doctor, KayCee Gardner, who was raised in Broadus and trained at the University of Washington. Emily made a few illuminating comments in her insightful article:

"Rural hospitals have endured physician shortages for decades, but the staffing dearth that followed the pandemic has made staffing challenges even worse." (Comment: It's important to note that Brenda Stoddard started her campaign midway through the pandemic, and that physician staffing has not improved over the past two years.)

"Rural doctors say the geographic isolation is a big deterrent for up-and-coming doctors who want to work under an experienced physician. With few specialists on the floor, family medicine doctors in rural towns have to be prepared to adapt quickly, sometimes learning procedures and treatments beyond their typical scope of practice. And as the physician shortfall worsens, the workload grows, making it more difficult to recruit young physicians."

"In Montana it's easier to list the counties that don't have a shortage of primary care providers. Only eight of the state's 56 counties are adequately staffed with doctors to meet the demand, according to state data published in April 2022."

"During Gardner's six years working in Miles City, her workload has fluctuated between extremes. When she started at Holy Rosary Hospital, there were about 11 doctors, which was comfortable, Gardner said. But by the end of her first year, only two were left."

"Doctors leave for a variety of reasons, but often the move comes when spouses and families find it difficult to adapt to the rural lifestyle. With few restaurants to chose (sic) from, minimal options for entertainment and few job opportunities, transitioning to a rural community isn't for everyone." (Comment: This statement is consistent with what FMC has experienced over the past 25 years. Nearly 50% of all physicians and mid-levels have left FMC because their spouse was unhappy or took a job out of town, or the provider wasn't accepted into the community or decided to work at a larger facility.)

All in all, I try to run FMC more like a high-tech company than a dictatorship. Nearly all decisions at FMC are collaborative with everyone working together for the greater good. I do not have the right to make personnel policies – that is exclusively reserved for the Board of Trustees – but I have the responsibility to enforce them. I have tried to instill benefit programs that are similar to larger companies, and I believe in a fair day's pay for a fair day's work. All wages and salaries are benchmarked against a survey conducted annually by the Montana Hospital Association, and we have been told that our pay is competitive with other hospitals our size. I don't believe that a certain class of employee is "entitled" to receive something beyond what is contained in our handbook or in an employment contract. I feel that we must all play by the same set of rules, including me. I do not have a contract, for exactly that reason.

Lastly, Brenda Stoddard made a mention about a father bringing his son to our ER one night and the door was locked. It's important to note that the building was not closed. However, we have traditionally locked the outside doors for the past 25 years to provide safety and security to our patients, residents and staff. We have a buzzer, as noted by Brenda, but she did not mention that there is also a phone number posted next to the door. Staff may have been caring for other patients or assisting a coworker on the night in question. But the stakes are too high to simply leave our doors open 24 hours a day. We have had late night visits from people seeking drugs, those looking for a fight, and strangers found wandering the hallway. Nurses have feared for their own well-being and that of their patients. The last thing we want is what happened in Billings on October 16, 2022, the day before Brenda made her statement to the Commission. Billings Clinic had a shooting in their Emergency Room. A follow-up article by Emily Schabacker in the Billings Gazette on November 7, 2022 was entitled, "Hospital ER violence is rising." Who wants to work in a medical facility where your safety, and that of your patients, is not assured?

Commissioner Rost related his question to the last part of their statement; wondering if the ER could be designed to be more protective. If there was a way to isolate an area to receive patients/individuals so they can get in out of the weather. David stated when they were proposing the Ambulance Bay, there were thoughts they would be able to accommodate something like that. There have been several options discussed and isolating an area in the current ER poses some problems as well, due to fire safety guidelines that have to be followed. There are also monitoring issues that have to be dealt with as well. Cameras for monitoring was discussed; HIPAA compliance was also discussed. With the new EMR, everything will be stored on the cloud, so they are able to remove racks, servers, etc. to make room for other necessities. Commissioner Rost stated when he was out campaigning the most discussed public concerns were the hospital and county roads. David reiterated, as was stated in their above letter, everyone is having problems getting and keeping Doctors, etc. David feels part of it relates to the loan repayment program from the National Service Corporation that the government did away with. The Board implemented an application process that was designed to mirror that program but with different criteria. Also discussed, with the new electronic medical record implementation, FMC will be overbudget due to understaffing and individuals having to put in OT to get everything in place, plus do their daily duties. They are also trying to implement a time clock system, which has some kinks to iron out.

3:05 PM Judy and Karol left the meeting.

3:07 PM David and Marjorie left the meeting.

3:08 PM CHAMBER AND RECREATION DEPARTMENT UPDATES/Melissa Higbee, Chamber Executive Director; Kassidee Downing, Recreation Department Director

Chamber Updates-Melissa stated the Chamber has a lot of festivities planned for Christmas. There will be a Christmas Party on December 1st for Chamber members. This will be held at the OS Brew Pub and will be in conjunction with their monthly meeting. The Chamber is selling gift cards; individuals will have a chance to win \$500, in addition some stores will have in-store discounts. Planning a Christmas scavenger hunt, in place of the Christmas lighting contest and continuing the traditional "Be a winner shop in Baker"; register at local stores while shopping in Baker and you could win a gift card. Discussed the Parade of Lights and they need help this weekend decorating for Christmas in the Park. Melissa is coordinating with SE Tourism to put an ad in their tourism guide. There are four (4) businesses that have agreed to pay for an ad as a way to promote tourism in our community. Discussed SE Tourism webpage that has several of the local sites and businesses, but the Baker Lake and the Fairgrounds page need to be updated.

Rec Center Updates-Kassidee stated they are in the middle of basketball and have almost 90 kids in the program. Shye Coulter and Trish Barth are coaching K-6 and are doing a wonderful job. Kassidee has also been holding preschool arts and crafts program in the library basement. Upcoming items will be-volleyball, tumbling, etc. and she has coaches, and the programs are lined up. She is currently working with someone to help write a volunteer policy pertaining to the protection of volunteers and youth. Kassidee started writing a Baker Adventure Book and Melissa is helping. The Chamber will charge \$25.00 for presales and \$5.00 extra for latecomers. This is a book that features and promotes Baker businesses. They also completed a child abuse prevention course.

Melissa would like permission to update the Baker Lake on the SE Tourism website. The Museum already has a page and has current information. Commissioner Rost will contact Melissa Rost and see if she would be interested in doing that and if so, it can be presented to Commissioners Braun and Baldwin for their thoughts/permission. Possibly when the new Fairgrounds Manager is hired, they could update the Fair page. Discussed all of the grants received from Mid Rivers - grant for soccer-to purchase new equipment; Christmas in the Park and also donated to the Fall Festival. They are very appreciative of all Mid-Rivers has given and continues to do for our community.

3:27 PM Melissa and Kassidee left the meeting.

3:30 PM Commissioner Braun made the motion to recess. Commissioner Rost seconded the motion. Commissioner Rost asked for further discussion; being none. 2 Ayes. 0 Nays. 1 Absent (Commissioner Baldwin). The motion carried.

RECESS

WEDNESDAY, NOVEMBER 16, 2022

CLOSED LEGAL PREPARATION WITH THE DEPARTMENT OF LABOR

10:00 AM CONVENE

**PRESENT: Roy Rost, Chairman; Kevin Braun and Steve Baldwin, Member; Brenda Wood, Clerk and Recorder
FALLON COUNTY COURTHOUSE**

10:00 AM Commissioner Braun made the motion to go into closed session for Legal Preparation with the Department of Labor. Commissioner Baldwin seconded the motion. Commissioner Rost asked for further discussion; being none. 3 Ayes. 0 Nays. The motion carried unanimously.

12:16 PM Commissioner Braun made the motion to come out of closed session for Legal Preparation with the Department of Labor. Commissioner Baldwin seconded the motion. Commissioner Rost asked for further discussion; being none. 3 Ayes. 0 Nays. Motion carried unanimously.

12:17 PM COMMISSIONER MINUTES APPROVAL FOR NOVEMBER 7-11, 2022

Commissioner Braun made the motion to approve the November 7-11, 2022 Commissioner Minutes as presented. Commissioner Rost seconded the motion. Commissioner Rost asked for any other discussion; being none. 2 Ayes. 0 Nays. 1 Abstain. (Commissioner Baldwin). The motion carried.

12:20 PM Commissioner Baldwin made the motion to adjourn. Commissioner Braun seconded the motion. Commissioner Rost asked for further discussion; being none. 3 Ayes. 0 Nays. The motion carried unanimously.

ADJOURN

FRIDAY, NOVEMBER 18, 2022

OPIOID SETTLEMENT PROCESS-TOWN HALL MEETING – 9:00 – 10:00 AM

s/Roy Rost, Chairman

ATTEST:

s/Brenda J. Wood, Clerk & Recorder