

July 18, 2019

Resolution #19-44

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM: Prosecutorial Assistance
INITIATED AND PRESENTED BY: Carey Ann Haight, Deputy County Attorney
ACTION REQUESTED: Approval of Resolution 19-44

BACKGROUND:

The Cascade County Attorney is in need of assistance with regard to a criminal prosecution filed in Cascade County Youth Court related to GFPD #19-5956. The Cascade County Attorney's Office has a conflict of interest which prevents it from acting in this instance.

The Cascade County Attorney's Office, pursuant to MCA § 44-4-111, refers conflict criminal matter to the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney. In this instance, the Prosecution Services Bureau has agreed to have Assistant Attorney General David Buchler of the Prosecution Services Bureau of the Montana Attorney General's Office appointed.

Cascade County will bear costs associated with the prosecution, but not attorney fees.

RECOMMENDATION: Approval of Resolution 19-44

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE:

Mr. Chair, I move that the Commission APPROVE Resolution 19-44, authorizing the appointment of Assistant Attorney General David Buchler of the Prosecution Services Bureau of the Montana Attorney General's Office as a special prosecutor in the matter related to GFPD #19-5956.

MOTION TO DISAPPROVE:

Mr. Chair, I move that the Commission DISAPPROVE Resolution 19-44, authorizing the appointment of Assistant Attorney General David Buchler of the Prosecution Services Bureau of the Montana Attorney General's Office as a special prosecutor in the matter related to GFPD #19-5956.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA**

RESOLUTION 19-44

WHEREAS, the Cascade County Attorney has requested prosecutorial assistance in the matter of GFPD CR 19-5956; and,

WHEREAS, due to a conflict of interest, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in handling prosecution issues in the aforementioned case; and,

WHEREAS, Mont. Code Ann. § 2-15-501(5) authorizes the Attorney General for the State of Montana to provide assistance to county attorneys in the discharge of his duties; and,

WHEREAS, Mont. Code Ann. § 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney, and

THEREFORE, BE IT RESOLVED, that Assistant Attorney General David Buchler of the Prosecution Services Bureau of the Montana Attorney General's Office is hereby appointed as a special deputy county attorney for Cascade County for the purpose of assisting in the prosecution of the aforementioned case.

BE IT FURTHER RESOLVED, that the cost of prosecution services, travel, meals, lodging, secretarial assistance, investigative assistance and all other incidental expenses will be paid by the State of Montana. Expert witness fees and other costs of trial are the responsibility of Cascade County as would normally be the case if prosecution were being handled by the Cascade County Attorney.

DATED this 18th day of July, 2019.

BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA

Joe Briggs, Chairman

James L. Larson, Commissioner

Jane Weber, Commissioner

* APPROVED AS TO FORM:

Josh Racki, County Attorney

DEPUTY COUNTY ATTORNEY

Attest:

Rina Fontana Moore, Clerk and Recorder

* THE COUNTY ATTORNEY HAS PROVIDED ADVICE AND APPROVAL OF THE FOREGOING DOCUMENT LANGUAGE ON BEHALF OF THE BOARD OF CASCADE COUNTY COMMISSIONERS, AND NOT ON BEHALF OF OTHER PARTIES OR ENTITIES. REVIEW AND APPROVAL OF THIS DOCUMENT BY THE COUNTY ATTORNEY WAS CONDUCTED SOLELY FROM A LEGAL PERSPECTIVE AND FOR THE EXCLUSIVE BENEFIT OF CASCADE COUNTY. OTHER PARTIES SHOULD NOT RELY ON THIS APPROVAL AND SHOULD SEEK REVIEW AND APPROVAL BY THEIR OWN RESPECTIVE COUNSEL.

July 18, 2019

Resolution 19-45

Agenda Action Report
prepared for the
Cascade County Commission

ITEM: Budget Appropriation - Solid Waste

INITIATED BY: Cascade County Clerk & Recorder

ACTION REQUESTED: Approve: Resolution #19-45

PRESENTED BY: Rina Fontana Moore
Cascade County Clerk & Recorder

SYNOPSIS:

The Cascade County Clerk & Recorders' Office is requesting a budget appropriation for our Solid Waste Department. In setting budget, this is an area where we try to anticipate the monthly fees and have seen the fees grow exponentially in the last several months.

RECOMMENDATION:

Approval of Resolution #19-45

TWO MOTIONS PROVIDED FOR CONSIDERATION

MOTION TO APPROVE:

Mr. Chair, I move the Cascade County Commission APPROVE Resolution #19-45 and allow the Cascade County Clerk & Recorder to transfer budget authority from unused revenue into 5410-267-C0800 300.311, 300.344, 300.345 and 300.390.

MOTION TO DISAPPROVE:

Mr. Chair, I move the Cascade County Commission DISAPPROVE Resolution #19-45 allowing the Cascade County Clerk & Recorder to transfer budget authority from unused revenue into 5410-267-C0800 300.311, 300.344, 300.345 and 300.390.