

001

**COMMISSIONERS' PROCEEDINGS**

January 2, 2024

Commissioners Scott Miller, Scott Blain, and Bill Bullock were present.

8:30 Pledge of Allegiance.

Commissioners discussed public comments received via email regarding incorporating lighting restrictions into the Development Regulations revision.

9:00 Commissioners reviewed their Resolutions. Discussed the Office Hours for Elected Officials; Commissioners would like to update signatures on the Office Hours Resolution. Discussed meeting dates and if there are benefits to going back to Monday meetings. Blain would like to keep Tuesday meetings as he likes having Monday with his Road crew.

Bullock moved to approve Commissioners Proceedings for December 21; Blain seconded; motion carried.

Bullock moved to approve Resolution 2024-01 Establish Fire Season 2024, Resolution 2024-02 Establish Rate of Credit for Incarceration 2024, and Resolution 2024-03 Establish Office Hours; Blain seconded; motion carried.

Bullock moved to approve Resolution 2024-04 Setting Meeting Dates for the Carbon County Commissioners; Blain seconded; the resolution was to update signatures with no other changes.

10:00 Commissioners discussed their Rules of Procedure. Discussed designation of written minutes as the Official Minutes. Discussed agenda procedures for documents requiring signature. Commissioners discussed limiting agenda requirements for documents requiring a financial commitment.

10:30 Geospatial Information Systems Coordinator / Fire Warden Tom Kohley met for his monthly update (attached). Kohley discussed Fire Fighter Protection surplus equipment at the Base in Colorado. Kohley will have two mules delivered, one for Bridger Fire and one for the Red Lodge Road Shop. Kohley noted there is a third mule and fire pump and hose trailer that he would like to find homes for, they will also be delivering a floor buffer that will be picked up by the Wibaux Fire Department.

Discussed conversations with Bridger Fire Board regarding annexing the area not in the fire district into Bridger Fire District. Newell provided minutes from the previous meeting on the subject.

**COMMISSIONERS' PROCEEDINGS**

January 2, 2024 (cont.)

Kohley provided an overview of the MT State Library GIS Data Validation and Aggregation Portal for the Next Generation 911 System; Kohley has been spending significant time going through the check process for the County address database and making corrections as needed.

11:20 Bullock moved to approve employee time as presented; Blain seconded; motion carried.

11:20 Blain moved to approve the following Board appointments:

Cemetery Dist #1 Rockvale, 3-year term, Rob Newton  
Cemetery Dist #2 Bridger, 3-year term, Harvey Nott  
Cemetery Dist #3 Joliet, 3-year term, Larry Vukonich  
Cemetery Dist #4 Belfry, 3-year term, James Peters  
Cemetery Dist #5 Roscoe, 3-year term, Dean Arthun  
Cemetery Dist #6 Roberts, 3-year term, DeeAnn DeVries  
Cemetery Dist #6 Roberts, 3-year term, Wes Hill  
Cemetery Dist #7 Luther, 3-year term, Alvin Ellis  
Cemetery Dist #8 Red Lodge, At large, 3-year term, Daniel Gainer  
Clarks Fork Valley TV Dist #1, 3-year term, Dianne Giesick  
Clarks Fork Valley TV Dist #1, 3-year term, Brad Lindgren  
Edgar Sewer & Lighting, 3-year term, Kenneth Metzger  
Edgar Sewer & Lighting, 3-year term, Greg Nelson  
Fair, At large, 3-year term, Shane Warehime  
Fair, Dist #3, 3-year term, Waylon Boggio  
Fair, 4-H, 3-year term, Jenny Still  
Health, 3-year term, William Oley  
Historic Preservation Commission, At large, 2-year term, Debra Hull  
Library, Dist #2, 5-year term, Stacie Warehime  
Planning, Dist #3, 2-year term, Skip Bratton  
Planning, At large, 2-year term, Elizabeth Scanlin  
Planning, At large, remainder of a 2-year term ending 12/31/2024, Mike Hays  
Tax Appeal, Dist #1, 3-year term, Kathleen Mudd  
Weed Dist #3, 3-year term, JO Hash  
Weed At large, 3-year term, Jason Oswald

Bullock seconded; motion carried.

**COMMISSIONERS' PROCEEDINGS**

January 2, 2024 (cont.)

Blain moved to appoint Fire District Board members that were not elected in May as follows:

Fire District #1, Joliet, the remainder of a three-year term, Stephanie Suko  
Fire District #1, Joliet, the remainder of a three-year term, Doug Schwend  
Fire District #3, Fromberg, the remainder of a three-year term, Joe Yedlicka  
Fire District #3, Fromberg, the remainder of a three-year term, Link Dorvall  
Fire District #4, Edgar, the remainder of a three-year term, Bobby Hell  
Fire District #5, Roscoe, the remainder of a three-year term, Monte Ostrum  
Fire District #7, Red Lodge, the remainder of a three-year term, Harris Garbrian  
Fire District #8, Whitehorse, the remainder of a three-year term, Levi Muhs'  
Fire District #9, Belfry, the remainder of a three-year term, Quentin Taylor  
Fire District #1, Joliet, the remainder of a three-year term, Robert Johnson

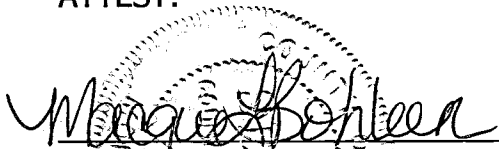
Bullock seconded; motion carried.

11:35 Discussed request from Weed District Coordinator Brian Ostwald regarding garbage pickup at the Weed District Shop on Monahan Road. The location is one of the sites under the County's umbrella account. Commissioners expressed concerns about possible ripple effects to other pickup locations.

11:46 Blain moved to approve Resolution 2023-05 to Adopt Revised Commissioners Meeting and Administrative Procedures; Bullock seconded; motion carried.

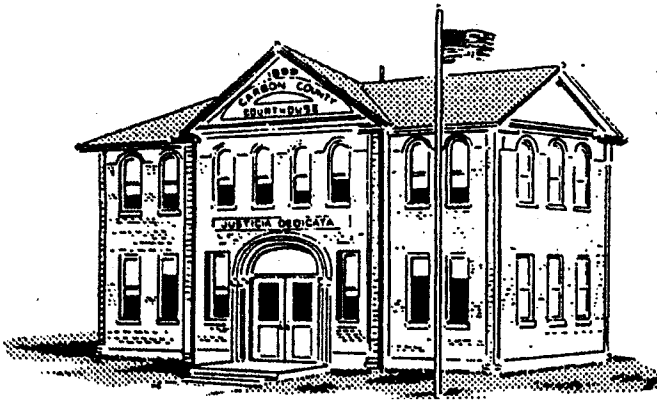
12:00 Adjourned.

ATTEST:

  
Clerk & Recorder

  
Commission Presiding Officer

Respectfully submitted: Angela Newell, Administrative Officer



# BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

Post Office Box 887  
Red Lodge, MT 59068

Phone: (406) 446-1595  
Fax: (406) 446-2640

## RESOLUTION 2024-01

### A RESOLUTION ESTABLISHING THE 2024 FIRE SEASON AND RELATED BURN PERMITS AND FEES FOR CARBON COUNTY, MONTANA

**WHEREAS**, Section 7-33-2205, MCA, provides that the county governing body may, at its discretion, establish fire seasons annually, during which time no person may ignite or set a fire, slash-burning fire, debris-burning fire, or open fire within the Carbon County fire protection areas on any forest, range, or croplands without having obtained an official written permit to ignite or set such fire from the recognized protection agency for that protection area, excluding Forest Service Affidavit lands which will require a Forest Service issued permit; and

**WHEREAS**, Section 7-33-2206, MCA, provides that any person who ignites or sets any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within any forest, range, or croplands during the fire season without first having obtained a written permit to ignite or set such fire is guilty of a misdemeanor punishable by a fine not to exceed \$500 or be imprisoned in the county jail for any term not to exceed six (6) months, or both; and

**WHEREAS**, Carbon County incurs outside costs to maintain and enhance a web-based burn permit service; and

**WHEREAS**, Section 2-17-1101, MCA through 2-17-1103, MCA (Montana Electronic Government Services Act) and Section 7-5-2101, MCA and 7-5-2102, MCA authorizes the Board of County Commissioners (BOCC) to charge fees to recover costs associated with electronic government and business; and

**WHEREAS**, 7-33-2203, MCA authorizes the BOCC to appoint a county official who in the opinion of the BOCC is best qualified to perform the duties of the office of County Rural Fire Chief; and

**WHEREAS**, the Carbon County GIS Manager/Fire Warden is appointed the County Rural Fire Chief; and

**WHEREAS**, the primary responsibility of the County Rural Fire Chief will be to order the temporary closure of the burn season for the entire county or by fire district in the event of extreme fire conditions, and

**WHEREAS**, the burn permit must be activated by calling 1-844-286-7968 or by using the Website, <https://app.egovmt.com/burnpermit/>,

**NOW, THEREFORE, BE IT RESOLVED**, the Carbon County Board of Commissioners establish the Annual Fire Season as the period from January 1, 2024 through December 31, 2024. A person must obtain and activate a burn permit online at <https://app.egovmt.com/burnpermit/>, or by calling 445-7270, or in person at one of the designated walk-in sites in the County, before igniting any fire.

**BE IT FURTHER RESOLVED**, the Carbon County Fire Chief may issue a burn ban anytime the National Weather Service issues a Fire Weather Warning, Red Flag Warning, Rangeland Fire Statement, Fire Weather Watch, High Wind Warning, High Wind Watch, or Wind Advisory or if winds are predicted to adversely affect burning in the County.

**BE IT FURTHER RESOLVED**, the annual cost to obtain or renew a burn permit is \$5.00 (Five Dollars and Zero Cents) to offset the cost of permitting, any surplus funds will be used for advertising permit renewals and fire education. The permit may be used multiple times during the Fire Season for all properties listed on the permit.

**BE IT FURTHER RESOLVED**, the effective date if this resolution is January 1, 2024.

DATED this 2<sup>nd</sup> day of January, 2024.

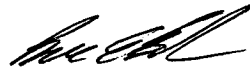
**Carbon County Commissioners**



Scott C. Miller  
Commissioner Dist.#1

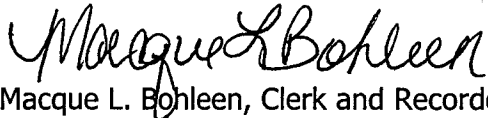


Scott Blain  
Commissioner Dist. #2

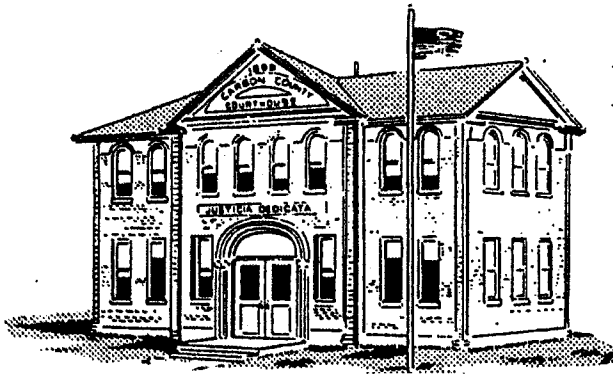


Bill E Bullock  
Commissioner Dist. #3

ATTEST



Macque L. Bohleen, Clerk and Recorder



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## RESOLUTION 2024-02

### ESTABLISH RATE OF CREDIT FOR INCARCERATION

**WHEREAS**, under MCA 46-18-403 "A person incarcerated on a bailable offense against whom a judgment of imprisonment is rendered must be allowed credit for each day of incarceration prior to or after conviction, except that the time allowed as a credit may not exceed the term of the prison sentence rendered," and

**WHEREAS**, A person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of the offense may be allowed a credit for each day of incarceration prior to conviction, except that the amount allowed or credited may not exceed the amount of the fine, and

**WHEREAS**, The daily rate of credit for incarceration must be established annually by the board of county commissioners by resolution. The daily rate must be equal to the actual cost incurred by the detention facility for which the rate is established.

**NOW THEREFORE BE IT RESOLVED**, effective January 1, 2024 the Credit for Incarceration prior to conviction is established at \$100 per day.

DATED this 2<sup>nd</sup> day of January, 2024.

#### Carbon County Commissioners

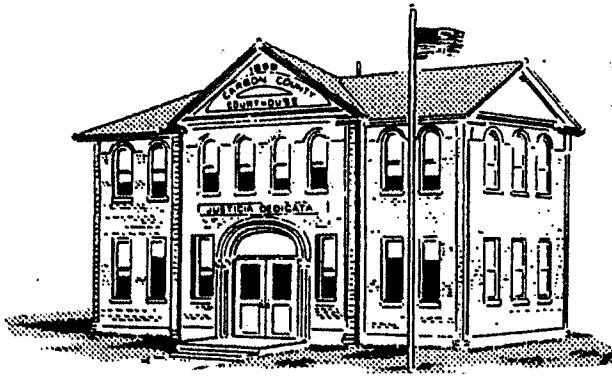
Scott C. Miller  
Commissioner Dist. #1

Scott Blain  
Commissioner Dist. #2

Bill E Bullock  
Commissioner Dist. #3

ATTEST

Macque L. Bohleen, Clerk and Recorder



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## RESOLUTION 2024-03 ESTABLISH OFFICE HOURS

WHEREAS, MCA 7-4-102 establishes the procedure for setting the office hours of each officer of the county,

NOW THEREFORE BE IT RESOLVED, the office hours for each of the elected offices of Carbon County will be at a minimum from 8:00 am to 5:00 pm, each day except Saturday, Sunday, and legal holidays.

DATED this 2<sup>nd</sup> day of January, 2024.

### Carbon County Commissioners

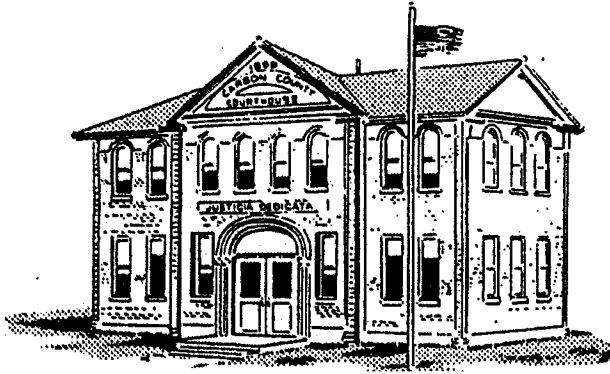
Scott C. Miller  
Commissioner Dist. #1

Scott Blain  
Commissioner Dist. #2

Bill E Bullock  
Commissioner Dist. #3

ATTEST

Macque L. Bohlen, Clerk and Recorder



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## **CARBON COUNTY RESOLUTION 2024-04** **Resolution Setting Meeting Dates for the Carbon County Commissioners**

WHEREAS, the Carbon County Commissioners shall establish regular meeting dates for the purpose of conducting the Counties business per 7-5-2122 MCA, and

WHEREAS, the Carbon County Commissioners will meet at the Administration Building in Red Lodge, Montana, and

WHEREAS, the Carbon County Commissioners may meet at an alternate location with proper public notice designating that location and times, and

WHEREAS, the Carbon County Commissioners, at all meetings will have public comment period.

NOW THEREFORE, BE IT RESOLVED, that the Carbon County Commissioners will set Tuesdays and Thursdays starting at 0830 A.M. as the meeting dates and times, exceptions are legal holidays set by M.C.A. 1-1-216, and

DATED this 2<sup>nd</sup> day of January, 2024.

### **Carbon County Commissioners**

Scott C. Miller  
Commissioner Dist. #1

Scott Blain  
Commissioner Dist. #2

Bill E Bullock  
Commissioner Dist. #3

ATTEST

Macque L. Bohleen, Clerk and Recorder



# GIS/Addressing/Fire Warden Briefing to County Commissioner

January 2, 2023<sup>4</sup>

## GIS

- Delivered updated GIS databases to Central Square (911) for Sheriff's Office Computer Aided Dispatch
- Working on Montana State Library GIS Data Validation and Aggregation Portal to QA/QC NG911 data
- Worked with Election Administrator to validate addresses submitted through MVD voter registrations
- Researched EMS district boundary issues and potential refund of district fees to landowners in Butcher Crk area
- Met with Blake Laughlin, 400 Ranch, about GIS data availability for ranch
- Delivered flood imagery to Pioneer Technical Services
- Validated mile marker data for Yellowstone County

## County Permitting

- New addresses issued/documentation provided: 6 County, 3 City of Red Lodge,
- Road approach permits: 1
- Reviewed all Group 1 and 2 development permits and provided comments to Planning Dept

## Fire Warden

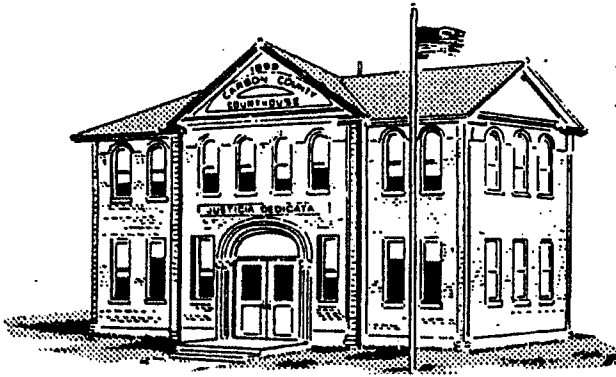
- Continued planning for Home Hardening Workshop scheduled for April 6
- Coordinated FFP acquisition of Kawasaki Mules for County, Bridger RFD and Fromberg RFD
- Provided edits to 2024 resolution for County Fire Season
- Met with Tim Ryan to review BK Radio programming
- Trained Belfry RFD Chief on admin functions of lamResponding
- Spoke with Scott Griswold, RFD2 Board member, about Warren area annexation needs
- Working with Rural Fire District 1 (Joliet) on Volunteer Fire Assistance Grant submission

## Miscellaneous

- Participated in discovery meeting with Rebel River Design for new branding/website design
- Attended December LEPC meeting
- Provided taxable value summary to Commissioner Blain
- Updated content for public monitor at Admin building

## Discussion / Action Items

- NTR



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## RESOLUTION 2024-05 ADOPT COMMISSIONERS' MEETING AND ADMINISTRATIVE PROCEDURES

**WHEREAS**, the Carbon County Board of Commissioners desire to have consistency in the conduct of their of meetings and management of staff; and

**WHEREAS**, to achieve that consistency the Board of Commissioners wish to establish Procedures for the conduct of their of meetings and management of staff.

**NOW THEREFORE BE IT RESOLVED**, the Rules of Procedure attached in Exhibit A are hereby adopted.

**NOW THEREFORE BE IT FURTHER RESOLVED**, Resolution 2023-10 is hereby rescinded.

**PASSED AND ADOPTED**, by the Board of Commissioners of Carbon County Montana THIS 2<sup>nd</sup> Day of January, 2024.

Carbon County Commissioners

Scott C. Miller  
Commissioner Dist. #1

Scott Blain  
Commissioner Dist. #2

Bill E. Bullock  
Commissioner Dist. #3

ATTEST:

Macque L. Bohleen, Clerk and Recorder

## Commissioners' Meeting and Administrative Procedures

### Purpose and Authority

Article II of the Montana Constitution sets forth the rights of the people of Montana. Sections of this article specify the people's right to observe their government:

***Section 8. Right of participation.*** *The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.*

***Section 9. Right to know.*** *No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.*

And the U.S. Constitution provides in the 1st Amendment that Congress shall make no law abridging the freedom of the right of the people to peaceably assemble, and to petition the government for redress of grievances. With full compliance to the U.S. and Montana Constitutions, the Carbon County Board of Commissioners promulgate these rules and regulations in order to ensure orderly meetings that encourage public participation. The following guiding principles have been the foundation of the formation of these rules:

- The Commission must act as a body
- The Commission should proceed in the most efficient manner possible.
- The Commission must act by at least a majority.
- Every Commissioner must have an equal opportunity to participate in decision-making.
- The Commissioner's Rules of Procedure must be followed consistently.
- The Commission's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.
- Meetings are accomplished in the spirit of openness with the encouragement of public participation.

No deliberative body can efficiently perform without rules of procedure. While rules cannot ensure civility and comment accuracy, or eliminate demagoguery, clear rules and their fair and consistent application can lead to an orderly process. Our system of government, with its foundation in a robust, free exchange of ideas and lofty First Amendment aspirations, militates against controlled civil discourse. Certainly, civility cannot be mandated, but order has to be maintained. At the same time, the Commission has to provide a broad opportunity for public participation. As said by Justice Felix Frankfurter in *Baumgartner v. United States*, 322 U.S. 665, 673-4 (1944), "One of the prerogatives of American citizenship is the right to criticize public men and measures – and that means not only informed and responsible criticism but the freedom to speak foolishly and without moderation."

The following rules are content-neutral time, place, and manner regulations which are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication. The significant government interest being an orderly meeting.

## **1. MEETINGS –**

**1.1 Open Meetings** - All meetings of the County Commission are open to the public unless closed as provided by statute and the Constitution of the State of Montana for legal strategy or to protect the Right to Privacy of employees or members of the public. Notice will NOT be given of Consent Agenda items, routine managerial matters, or ministerial actions.

**1.2 Regular Meetings** - Regular meeting days and times shall be established by resolution per 7-5-2122, MCA. A Quorum of commissioners present at an event or meeting of another entity or organization does not constitute a meeting as long as no issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard (7-5-2122(4), MCA). Issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard, the commissioners present shall provide a report at the commission's next regularly scheduled public meeting.

**1.3 Procedure to Change Location of Regular Meeting or to Call a Special Meeting** – The Board may, by resolution and having provided at least 2 days' posted public notice in accordance with 7-1-2123 MCA, designate another meeting time or place.

**1.4 Emergency Meetings** – An emergency meeting may be called by an individual Commissioner to adopt an emergency or disaster declaration pursuant to 10-3-402 and 10-3-403 MCA and to coordinate response to the emergency or disaster being declared. Notice of the meeting will be provided via posting at the location identified in Resolution under 7-1-2121 MCA.

**1.5 Meeting Minutes** – Commissioners designate their written minutes recorded with the Clerk and Recorder as Official Minutes. Any subsequent recordings are provided to aid in preparing the official minutes or for the public's convenience and will not constitute a permanent record.

**1.6 Recordings of Meetings** When meetings are recorded, a link to the recording shall be made available on the Commissioners' Department page within five (5) business days according to 2-3-214(2)(a) MCA.

## **2. AGENDAS**

**2.1 Agendas** – All Regular and Special meetings of the Board of Commissioners shall have an agenda setting forth the order and subjects of business.

**2.2 Placing Items on the Agenda** – Requests to place an item on the Agenda shall be made to the Administrative Officer by 12:00 (noon) Monday the week before the meeting. This time requirement is to ensure all items are placed on the agenda published in the newspaper. The Presiding Officer may allow an item to be placed on the agenda that is not included in the publication.

**2.3 Regular Update meetings** - Commissioners have set forth regularly scheduled updates with various elected officials, department heads, and representatives of other entities. These meetings and any associated documents are considered administrative and do not require submittal of information prior to the meeting.

**2.4 Presentation of Documents** - Non-administrative documents should be presented to the Administrative Officer when an item is placed on the agenda but shall be presented no later than 48 hours before the scheduled meeting time. Each document financially obligating the County shall be separately noticed.

**2.5 Agenda item time limits** – Commissioners meetings are typically scheduled in 30-minute time slots.

### **3. CONDUCT OF MEETINGS**

**3.1 Roberts Rules of Order** - This Section shall govern the County Commission in regard to the parliamentary procedure of meetings, however, for those areas of parliamentary procedure in which this Section is silent, the rules of parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 10th Edition, and any subsequent editions or amendments thereto, if any, shall govern the County Commission so long as Robert's Rules of Order are not inconsistent with the provisions outlined herein or the Statutes of the State of Montana.

**3.2 Public Comment** – Civil Public Comment is welcome and encouraged. Citizens who wish to speak must speak on matters relevant to County Business. A person seeking recognition at the meeting may be required to give their name and affiliation. All such comments will be directed to the Commission, never to another citizen, guest, employee, or visiting expert.

**3.2.a Time for Comment** – the first 30 minutes of any Regular Meeting Agenda shall be reserved for public comments on matters within the Commissioners' jurisdiction. This time is strictly for public comment; discussion of the Commission will be reserved until such a time as the item is on a noticed agenda. The Presiding Officer shall call for public comment for each item on the agenda, prior to a decision being rendered.

**3.2.b Limits** – Each member of the public shall be limited to one five (5) minute comment per topic. In the event that there is an abundance of public comment, the time limit may be shortened by a motion and vote of the Commissioners.

**3.2.c Written Comments** - Requests to read written or emailed correspondence into the public record must be accompanied by the author's name and address for verification of the record. Unanimous submissions will not be accepted. Written and emailed correspondence must follow the civil guidelines established above.

**3.3 Preservation of Order** - The Presiding Officer shall preserve order, prevent personally directed comments, confine members in debate to the question, and shall decide who shall be first heard. A member called to order at a County Commission meeting shall at once suspend his remarks, unless permitted to explain.

**3.4 Disruption of Meeting** - If any public meeting is willfully disrupted by a person or group of persons to render the orderly conduct of the meeting unfeasible, and order cannot be restored, the Presiding Officer may order the removal of the person or group from the meeting room.

**3.5 Proxy Votes Prohibited** - A member of the Commission shall not vote by proxy.

**3.6 Conflict of Interest and Process to Recuse** – Article XII, Section 4 of the Montana Constitution prohibits conflict between public duty and private interest for local officers and employees. In the event that a member has a conflict of interest in a topic before the Commission, they shall formally recuse themselves from debate and vote of the item.

**3.7 Remote Participation** – Remote participation in meetings may be provided upon request. Requests to participate remotely should be made to the Administrative Officer by the end of business the day before the meeting. Those participating remotely shall identify themselves when requested or may be dismissed.

**3.8 Meeting Recess** – When Commissioners have gaps in their agenda, the meeting is considered recessed until such a time as there are scheduled items on the agenda or until a vote of the Commission to bring the meeting back to order.

## **4. HUMAN RESOURCES MANAGEMENT**

### **Commissioners wish to set forth the following procedures for the uniform management of staff directly under the supervision of the Board of Commissioners.**

#### **4.1 Staff Time Management**

4.1.a. Vacation requests shall be made in writing to the Presiding Officer prior to use of leave. Leave is not approved until authorized by the Presiding Officer. Extenuating circumstances will be evaluated on a case-by-case basis.

4.1.b. Sick leave notices shall be made in writing to the Presiding Officer as soon as possible but no later than 2 hours prior to the start of an employee's scheduled shift.

4.1.c Overtime requests, outside of the preapproved circumstances, shall be made to the Presiding Officer in writing with enough notice that overtime can be avoided if not approved and no later than forty-eight (48) prior to the overtime event. No overtime shall be worked until approved by the Presiding Officer. A report of tasks completed while in overtime status shall be presented to the Commissioners following the overtime event when time approvals are due.

4.1.d Requests for schedule changes shall be made in writing to the Presiding Officer with sufficient notice for preapproval.

4.1.e All requests shall be approved in writing and submitted to Human Resources to refer to with time card reviews.

4.1.f Monthly written reports or text messages are NOT a sufficient mechanism to request leave, overtime, or schedule changes. Leave, overtime, and schedule change requests shall be submitted via paper form or email to the Presiding Officer no later than 48 hours before the event.

#### **4.2 Staff Coaching and Discipline**

4.2.a Complaints regarding staff directly supervised by the Board of Commissioners shall be made to Human Resources (HR). HR will initiate an investigation with the Presiding Officer unless HR determines that another Commissioner needs to be involved to eliminate conflicts of interest.

4.2.b Policy or protocol violations shall be presented to HR who will follow the investigative procedure outlined above.

4.2.c If HR and the investigating Commissioner recommend discipline at the level of a written warning level or above, the discipline shall be elevated to a discussion and decision of the full Commission.