

# MINUTES OF THE SPECIAL MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

For NOVEMBER 28, 2011

The Special Meeting of the Council of Commissioners was called to order Monday, November 28, 2011, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Paul Babb.

## ROLL CALL

10 present, 2 absent. Commissioners Hall and Andersen arrived late.

## PRAYER

Commissioner Shaw led the Commissioners in prayer.

## SECTION I COMMUNICATION NO. [11-707](#)

Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting the Council of Commissioners set the effective date for the Social Security Section 218 Agreement at the Special Meeting of November 28, 2011.

Chief Executive Babb stated the following:

- New information from the Social Security Administration has been gathered.
- Both Senator Jon Tester and Eric Nylund have been assisting in obtaining answers to questions regarding the Section 218 Agreement.
- Samm Cox, Chief Deputy County Attorney, has been in communication with Commissioner
- Astrue, who is the highest level of the Social Security Administration.
- Copies of emails from Eric Nylund, the regional Social Security Office and from Meghann Butler, State Social Security Administrator, are being distributed to Council.

Samm Cox, Chief Deputy County Attorney, explained the following concerns:

- The current process involves utilizing a referendum procedure, which will be a vote of current employees. Current employees are those employees who were employed on the date the notice of referendum went out and will be employed on the date of the vote.
- The vote by current employees will make a determination that may affect former employees, who were employed during the refund period, (three years, three months, fifteen days).
- Section 205 (c) of the Social Security Act, along with the IRS Act, provides the Social Security Commissioner may, at his or her discretion, choose to change the work history of those former employees.
- Butte-Silver Bow is asking the Social Security Commissioner to make a recommendation to allow those wishing to receive a refund to be allowed to do so, with those receiving a refund being responsible for the results to their Social Security benefits. Those who wish would be able to decline the refund.



**ADJOURN**

**It was moved by Commissioner Palmer, seconded by Commissioner Shaw and carried with a unanimous verbal vote to Rise to the Call of the Chair.**

The meeting adjourned at 6:20 p.m.

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**CHIEF EXECUTIVE**

**ATTEST:**

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**CLERK AND RECORDER**