

**Mercer County Commission  
Special Meeting Minutes  
June 28, 2019**

The special meeting was called to order at 9:00 a.m. by Chairman Duane Scheurer. Present were Commissioners Dwight Berger, Wayne Entze, Marv Schwehr, Merlin Dahl and Auditor Shana Brost. Others present during the meeting were State's Attorney Binder and Daniel Arens of BHG News.

Schwehr moved to approve the agenda. Entze seconded. All voted aye. Motion carried.

State's Attorney Binder stated the board has the authority to set the courthouse hours as they have in policy and also can close it as they see fit. Binder stated the board overstepped last week with their motion and cannot dictate what the employees' schedules are. Binder added there are jury trials scheduled that may be settled, but may not. She understands it was well intentioned but suggested the board make it discretionary to the department heads whether or not they want their offices opened or closed. Berger moved everyone needs to work next Friday. Dahl seconded. Scheurer stated next Friday should be a regular business day because the Landfill has to work. Dahl stated the county has a policy in place on which days are holidays and they should stick to it. Schwehr stated the motion needed to clarify if it was going to be a regular work week. Berger stated the offices will be open and they better be manned. Berger, Dahl voted aye. Entze, Schwehr, and Scheurer voted nay. Motion failed. Entze stated the county needs to be available to serve the public and the offices need to be open. Entze moved for the county to be open for regular business on July 5<sup>th</sup>, to include every department. Schwehr seconded. Entze, Schwehr, Dahl, and Scheurer voted aye. Berger No. Motion carried.

State's Attorney Binder discussed the Vision West appointment of Commissioner Schwehr's wife at the last meeting. Binder stated there is nothing in century code to allow public funds to be spent in that manner and it would not be proper use of public funds. Binder added it also raises issues of liability. Scheurer stated he has attended Vision West meetings and not all representatives are always there so he doesn't feel the county needs to send anyone. Schwehr asked Binder to explain why it isn't allowed. Binder stated under the NDCC the Sheriff, Auditor, Recorder, State's Attorney and Treasurer are allowed to delegate in their absence but there is nothing in there that allows the commissioners to delegate their duties. Binder added spending public dollars for a non-employee to attend something is not allowed. Schwehr stated he had no intent on assigning his wife his responsibilities. Binder stated both items on the agenda were good intentions but they were both overstepped. Entze moved to overrule the motion at the prior meeting to not expend public funds to send Mary Schwehr to the Vision West meeting in Bowman on July 18<sup>th</sup>. Dahl seconded. Entze, Dahl, Schwehr, and Scheurer voted aye. Berger No. Motion carried.

There being no further business the meeting was adjourned at 9:28 AM. The next regular meeting is scheduled for July 3, 2019, at 9:00 AM in the board room of the Mercer County Government Center, Stanton, North Dakota.

Approved: \_\_\_\_\_  
Duane Scheurer, Chairman

Attest: \_\_\_\_\_  
Shana L. Brost, Auditor