

Madison County Board of Commissioners Special Meeting Agenda

12:00 pm Monday, March 16, 2026, until Concluded

First Floor, Public Meeting Room

Administrative Office Building, Virginia City, Montana

<https://madisoncounty.my.webex.com/madisoncounty.my/j.php?MTID=m72db84f64e877076d268aed295a79c3f>

Teams Login:

Meeting Number: 2556 613 1856 Password: VCMadison

Join by Phone: 1-650-479-3208 Password: 82623476

Press *6 to mute or unmute

Duke Gilman, District 1 Commissioner

Ron Nye, District 2 Commissioner, Chairman

Bill Todd, District 3 Commissioner

CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

PUBLIC COMMENT (PLEASE LIMIT TO 5 MINUTES PER PERSON)

NEW BUSINESS

- Joint Request for Clarification on Consent Judgement

ADJOURNMENT

Matthew B. Hayhurst
Natasha Prinzing Jones
Boone Karlberg P.C.
201 West Main, Suite 300
P. O. Box 9199
Missoula, MT 59807
Telephone: (406) 543-6646
Telefax (406) 549-6804
mhayhurst@boonekarlberg.com
npjones@boonekarlberg.com

Elizabeth A. Kaleva
Elizabeth A. O'Halloran
Kaleva Law Office
1911 S. Higgins Ave.
Missoula, MT 59801
Telephone: (406) 542-1300
Telefax (406) 721-1003
eakaleva@kalevalaw.com
kwitt@kalevalaw.com
bohalloran@kalevalaw.com

Attorneys for Plaintiffs

*Attorneys for Defendant
Madison Valley Hospital District*

Matthew T. Cochenour
Cochenour Law Office, PLLC
7 West 6th Avenue, Suite 4F
PO Box 1914
Helena, MT 59624
(406) 422-8716
matt@cochenourlawoffice.com

Attorneys for Defendant Madison County

**MONTANA FIFTH JUDICIAL DISTRICT COURT
MADISON COUNTY**

WELLNESS IN ACTION, INC.,
PAULA CLEARY, PAUL FARRELL,
WHITNEY PEYTON, NANCY
PEYTON, ASHLEY WILSON,
SCOTT SMITH, and AMY SMITH,

Plaintiffs,

v.

MADISON COUNTY, by and through
the MADISON COUNTY BOARD
OF COUNTY COMMISSIONERS;
MADISON COUNTY HOSPITAL
DISTRICT; and DOES 1-10,

Defendants.

Cause No. DV-29-2024-0000065-IJ

Hon. Luke Berger

**JOINT REQUEST FOR
CLARIFICATION ON CONSENT
JUDGMENT**

Following a lengthy litigation process and the enactment of Senate Bill 260 during the 2025 Legislative Session, the parties to this matter reached a mutually beneficial and agreeable resolution which resolved all claims in this litigation. The parties jointly requested that, to settle and fully resolve all issues between them, this Court issue a Consent Judgment. On October 16, 2025, this Court did enter the Consent Judgment. While the case was subsequently dismissed, this Court specifically retained jurisdiction pursuant to Section 9 of the Consent Judgment “to ensure and enforce compliance with the Consent Judgment, notwithstanding the dismissal of the lawsuits as described in Section 5.”

The parties have taken all of the steps required by the Consent Judgment, and an election of the registered voters in the area to be withdrawn shall be held on May 5, 2026 on the question of whether the area shall be withdrawn and a new hospital district known as the Big Sky Hospital District shall be formed and operated consistent with the requirements of Senate Bill 260.

In preparing for the election, a potential question has arisen related to whether language contained in the Consent Judgment is consistent with the requirements of Senate Bill 260. To avoid any doubt and to ensure no confusion by the Elections Administrator when counting ballots cast at the election, the parties jointly request this Court amend Section 8 of the Consent Judgment as follows:

8. if a majority of the ~~ballots cast at the election approve withdrawal~~ ~~registered voters in the area to be withdrawn~~ ~~vote to approve of the withdrawal~~, by operation of Senate Bill 260 a new hospital district known as the Big Sky Hospital District (BSHD) will be formed within the withdrawn area, and BSHD shall be further obligated to levy the voted

mills on residents of the newly formed BSHD, and to make the required payments to MVHD for a period of eight years in accordance with requirements of Senate Bill 260;”.

The above suggested change is consistent with Senate Bill 260’s requirement that:

After the canvas of votes cast in an election held in accordance with [section 4], for a hospital district petition, if more than 50% of the votes cast approved the proposed hospital district boundary change, then the board of county commissioners shall, by resolution, declare the boundary to be changed to the new hospital districts as of July 1 immediately following the election.

See, Exhibit A to Consent Judgment, Senate Bill 260, Section 5(1) (emphasis added).

All remaining language, terms, and conditions of the Consent Judgment shall remain unaltered, and in full force and effect. A proposed order which strikes the existing Section 8 and replaces it with language consistent with the amended language noted above is enclosed herewith.

Counsel for BSRAD and MVMC have been contacted and while neither is a party to this litigation, each entity approves of this Joint Request.

Dated this ____ day of March, 2026.

Petitioners in *WIA v. MVHD*, Cause No. DV-29-2024-000065-IJ , and *LeProust v. Madison County Board of Commissioners*, Cause No. DV-29-2025-0014-JR.

Boone Karlberg, PC

By: _____

Matthew B. Hayhurst
Natasha P. Jones
Counsel for Petitioners

Madison Valley Hospital District

Kaleva Law Office

By: _____

Elizabeth O'Halloran
Counsel for Madison Valley Hospital District

Madison County

Cochenour Law Office, PLLC

By: _____

Matt Cochenour
Counsel for Madison County

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