

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT

FOSS 

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Suzy Foss, Commissioner Matt Kanenwisher and Commissioner Ron Stoltz

Date.....April 20, 2011

► Minutes: Beth Perkins

► The Board met for discussion and possible decision to hire a Planning Administrator at 11:00 a.m. Present were Human Resource Director Robert Jenni, Lilya McAlister, Judy Kline, Kent Kubista, Rich Morrissey, Bill LaCroix, Ren Cleveland, Daryen Deffel, Tom Robak, Char Robak, Charles Wissenbach, Jim Parker, Nancy Balance, Patrick Balance, Kelsey Milner, William Menager, Jimmy Canton, Penney Howe, Jan Wisniewski, Betty Swift, Pam Erickson, John Meakin, Howard Lyons, Lee Tickell, Maggie Wright, Skip Kowalski, Mary Barton, Nancy Oesaw, Les Rutledge, Howard Anderson, Charlotte Gray, Dan Floyd, Teri Polumsky, Niki Sardot, KPAX reporter Kevin Maki, and Ravalli Republic reporter Whitney Bernes.

Commissioner Iman addressed the requests for information based on the freedom of information act. HR Director Robert Jenni confirmed those requests were sent on Monday via email. Commissioner Iman then requested any conflicts of interest be disclosed. Hearing none, he then requested a staff report from Robert. Robert gave a report up to date.

Commissioner Iman opened public comment regarding the process only.

Jim Parker submitted written comment regarding the process of developing the job description.

Rich Morrissey gave comment regarding the job description and questioned the development of the job description to be tailored to Terry Nelson. He further commented on the exit interview of John Lavey.

Lee Tickell read a letter he submitted to the editor of the Ravalli Republic. He addressed how the Board broke the law with the 48 hour notice and divulging specifics of a closed door exit interview of an employee. The job description was not advertised in any State professional journals so there was no attempt to find a candidate in the professional planning community. He further addressed the issue of discrimination when selecting a less qualified male versus a more qualified female and a potential lawsuit. He submitted written public comment.

Dan Floyd gave comment regarding the question of wanting a professional planner or another person with different skills. He discussed trained planners being told the public is the enemy and that has been the philosophy. The Board is trying to renew faith with the public.

Charles Wissenbach agreed with Dan Floyd. The process should be such to express a different philosophy.

Bill LaCroix submitted written public comment.

Teri Polumsky suggested moving forward.

Penney Howe supports the process and the Board has taken on responsibility for this County. There is nothing in the curriculum of a planner for business administration.

Tom Robak understands both sides of this issue.

Pam Erickson was given an application by a candidate who was not selected for an interview. She read the application to the Board. She requested the Board give their method of ranking and how the candidates were chosen. Commissioner Kanenwisher replied there is no experience with land use regulations within that application. It is unfair to introduce a partial resume to the Board for comparison to those chosen.

Maggie Wright agreed there is a philosophical goal for the Planning Department. She reviewed minutes from April 7<sup>th</sup>, 2011 meeting. She asked when was the significant change to the direction and scope of the Planning Department discussed and decided upon and why wasn't it made public. She asked if that process wasn't made more public to postpone this meeting until it could be made public.

Ren Cleveland agreed with Maggie Wright for public process for the job description. The job description is for a manager but in the second paragraph it states a director. A director directs the manager in a corporation The Board is trying to hire one person for two jobs. He requested reopening the application process and advertise state-wide and in Canada. Commissioner Foss's goal is transparency. She is looking for someone who can bring the

public and local government together to heal the community and build the bridge of what is planning instead of continuing with this strife.

Howard Anderson stated over the last 8 years, there have been numerous lawsuits filed against the County. All of them were directed at Planning. The system is not working. The lawsuits resulted in settlements of significant taxpayer money. He submitted written public comment.

Skip Kowalski addressed the process. Not only is this job for an Administrator but also the head of the Planning Department. They should be trained and have the education to perform those duties. The need is to have someone who can be objective.

Pam Erickson has never had a problem with getting information or assistance from the Planning Department.

Commissioner Iman closed public comment regarding the process. He then opened Board deliberations and asked HR Director Robert Jenni to address the comment of the job posting not being properly advertised. Robert replied it was advertised through the Bitterroot Job Service and the County website. Commissioner Kanenwisher noted for record applications were received from Oregon and Washington.

**Commissioner Kanenwisher made a motion to have a vote today for the hiring of an applicant from the current pool. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

Commissioner Iman declared the motion out of order due to addressing the issue of the process first. **The Board concurred the process was both legal (other than the 48 hour issue) and valid. (5-0)**

Commissioner Iman opened public comment regarding the hiring of an applicant from the current pool of two applicants.

Maggie Wright reviewed the job description and the going rate for an Office manager in Ravalli County is \$20-30,000 and asked how the salary level of \$45-55,000 can be justified. She further questioned the word "preferred" being utilized in the job description. She asked why Diana Broadie is not the first choice.

Lee Tickell asked the Board to explain what conditions will be placed with previous employment of the candidate selected.

Charles Wissenbach stated when a person is hired, it is under the belief that person is the best fit for the job. He is in favor of Terry Nelson.

Dan Floyd commented on Terry Nelson's recommendation for subdivision regulations revisions. He is in favor of Terry Nelson.

Niki Sardot stated Terry Nelson has 20 years experience which would equal a triple doctorate.

Teri Polumsky has confidence in the decision the Board makes. She is in favor of Terry Nelson.

Jan Wisniewski asked how you get a job without any experience. The Board is right is selecting someone who is neutral.

Bill LaCroix doesn't see how hiring the chair of the Republic central committee is a step towards healing this community.

John Meakin stated Terry Nelson does have an engineering degree but that does not qualify an individual as a planner. The Board will do what it wants. A planner's job is not to ensure more or less building but to follow the laws and to know those laws. Diana Broadie did give the public her resume not redacted. She has 22 years experience as a planner and 15 years of long range planning. He discussed her degree and references. He is in favor of Diana Broadie.

Lilya McAlister stated a political background should not be an issue for this job. She discussed the letter Diana submitted to the editor of the paper and requested Terry Nelson be hired.

Tom Robak discussed when someone has education but no practical experience that is hired versus someone with experience.

Charlotte Gray discussed how education does count but on the job training is not that significant. You can't just be a "good old boy".

Ren Cleveland stated there are two sides to subdivisions, one being agriculture. Neighbors don't like it when neighbors subdivide but they do like it if they choose the Open Lands Bond program.

Penney Howe stated there is less than 20% of this valley left to be developed. She discussed coordination with other departments for the ability to continue planning and requested the Board to hire the person most qualified.

Pam Erickson requested the hiring of a trained planner.

**Commissioner Chilcott made a motion to end public comment by 12:15 p.m. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

Les Rutledge stated there is one member of the Board who has been through three Planning Directors. He was under the belief all of them did a good job with processing subdivision applications. It would behoove the Board to get the most qualified candidate for the job.

Rich Morrisey commented of the two candidates available, one used the subdivision exemption process for evasion.

Commissioner Iman closed public comment and opened Board deliberation.

Commissioner Chilcott discussed the head of the Planning Department needing to be a planner. He does not agree with this statement. He compared resumes with interviews and how someone can look like a good candidate on paper but doesn't interview well. He commended the current Planning Department Staff for a job well done. Commissioner Foss discussed the turnover in the Planning Department and the need to have someone who will stay and work with the community. Predictability is what is being strived for to help bridge the gaps. Commissioner Iman in the previous meeting did not vote with the majority of the Board.

**Commissioner Kanenwisher made a motion to hire Terry Nelson as the Planning Administrator/Office Manager with conditions to follow. Commissioner Stoltz seconded the motion. Discussion:** Commissioner Chilcott requested the salary be defined. Commissioner Kanenwisher discussed possible conflicts of interest, the need for the process to be clearly described to handle those potential conflicts of interest and the salary be offered at \$45,000 per year with a possible \$1,500 bump after the probationary period. He suggested seminars and training be part of the probationary period with a performance review. Robert then provided the process for hiring as an initial offer and brought before the Board for approval with salary negotiations to follow. Commissioner Iman stated there is no position in this County that the employee is perfectly qualified. There are training and education provided in the areas where available. Education can be provided by the Board as directed and deemed necessary. **All voted "aye" (5-0)**

**Commissioner Chilcott made a motion to make a conditional offer to Terry Nelson to include a background check, six month probationary period extendible to one year, \$45,000 annual salary with \$1,500 bump upon a successful completion of probation, to obtain training pre-approved by the Board, the resolution of any possible conflicts of interest in performance of his job duties and with a start date of June 1<sup>st</sup> or sooner if possible. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)**

Commissioner Iman requested any further public comment not otherwise on the agenda.

Pam Erickson questioned the emails in regards to the American Stewards of Liberty and how it is based in Texas. She stated the County doesn't need a consultant from Texas. Commissioner Kanenwisher suggested putting it on the agenda for discussion.

Lilya McAlister stated the Board is doing a great job. She is concerned with legalities and threats from the audience during the past meetings and asked if the County Attorney could be contacted.

Commissioner Iman closed comment and adjourned the meeting.

► The Board met for discussion regarding BIG SKY versus Ravalli County at 1:35 p.m. Present were Civil Counsel Karen Mahar and Attorney Alan McCormick.

Commissioner Iman requested any conflicts of interest be disclosed. No disclosures were made. He opened public comment. Hearing none, he then closed public comment. He then called for any public comment not otherwise on the agenda, hearing none.

Attorney Alan McCormick recommended this meeting be closed door due to litigation strategy. **Commissioner Kanenwisher made a motion to close this meeting pursuant to MCA 2-3-203. Commissioner Foss seconded the motion and all voted “aye”. (5-0)**

► The Board met for discussion regarding Cedar Street at 2:30 p.m. Present were Civil Counsel Dan Browder and Civil Counsel Geoff Mahar.

Commissioner Iman requested any conflicts of interest be disclosed. No disclosures were made. He opened public comment. Hearing none, he then closed public comment. He then called for any public comment on issues not otherwise on the agenda, hearing none.

Attorney Dan Browder recommended this meeting be closed door due to litigation strategy. **The Board concurred to close this meeting pursuant to MCA 2-3-203.**

**The Board re-opened the public meeting.**

**Commissioner Kanenwisher made a motion to authorize the County Attorney’s office to negotiate with Violet Nelson up to 50 feet quiet title action with 30 feet back to County easement and negotiate with the Carpenters for up to 40 feet of quiet title action with 30 feet back to County easement. Commissioner Chilcott seconded the motion and all voted “aye”. (5-0)**

► Commissioner Chilcott attended a RCEDA meeting at 3:00 p.m.