

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT

FOSS 

STOLTZ

KANENWISHER 

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

Date.....October 3, 2011

► Minutes: Glenda Wiles

► The Board met at 8:40 a.m. to discuss and make a decision on the use of a Surveyor for the LIDAR Phase 3 Grant. Present at this meeting were Planning Administrator Terry Nelson, Flood Plain Administrator Eric Anderson, Civil Counsel Dan Browder, and Citizen William Menager. Eric advised the Commissioners the Planning Office sent out a Request for Qualifications (RFQ) for the LIDAR Phase 3 Grant. After the RFQ was sent out, George Marshall, who is the contracted surveyor for the county asked if he would be utilized for this phase of the project since he was involved in phase 1 as well as being the contracted surveyor for the county. Since this project comes from DNR grant money, Eric checked with the funders to make sure this piece can be taken out of the RFQ, which it can be. Dan Browder reviewed the MCA which states the 'County Surveyor Contracted Service' does not have to be utilized within this Phase 3 project. Due to this information, George Marshall has now retracted his request to become involved in this project. The Board concurred to move forward in selecting a firm for the phase 3 project and to place a sentence in the bid award encouraging the firm chosen to utilize the contracted surveyor for the county. This will ensure the selected firm's responsibility for the actual project.

► The Board met at 9:03 a.m. for a County Attorney litigation strategy meeting. Present at this meeting was Justice of Peace Jim Bailey, Attorney George Corn, Justice Court Clerks Jennifer Ray and Charlene Murray, Deputy County Attorney Howard Recht, County Attorney Bill Fulbright, Citizens Maggie Wright, Lee Tickle, Bill LaCroix, William Menager, Charlotte Gray, Mary Barton, Bitterroot Star Publisher Michael Howell, and Ravalli Republic Reporter Whitney Berns.

Civil Counsel Howard Recht stated their office received a letter from Private Counsel George Corn who has been retained by the Ravalli County Justice of Peace Robin Clute and Jim Bailey. George's letter objected to closing the door to the public during this meeting because he feels it is a public issue because it involves two governmental agencies, as well as it is the public's right to have an opportunity to participate. Howard suggested the Board query George and the Justice

of Peace in regard to how they see this issue of a 'closed door session' with the Commissioners. George stated the Justices have no problem having an open meeting with the press and public present since the litigation was filed openly in District Court. He also stated the Justice's of the Peace have not indicated they will open their future meetings. He felt the Commissioners must make the determination for this meeting and not condition any future meetings of the Justice of the Peace.

Commissioner Iman asked George if he was representing each client individually or as a body of two. George stated he is representing these two courts.

Howard stated this is not a 'tit for tat', rather the Office of the County Attorney is simply looking at the law and how it applies when the entities are public entities. If the Justice of Peace wants an open door to this meeting, then he feels they are conceding that they too will be subject to the open meeting laws.

Commissioner Kanenwisher suggested they leave the meeting open since it is at their request, and he would assume they would do the same thing in their meetings. The Board of Commissioners concurred with this; therefore the door will be left open for this meeting.

#### Public Comment:

Lee Tickle, President of Ravalli County Watch Dogs addressed the MCA in regard to public agencies.

Michael Howell stated the county has no right to privacy. He further stated whether the Justice of Peace has a right to privacy as people, is their business.

Howard recapped the calendar of events for this injunction by Justice Courts No. 1 and No 2 in regard to the hearing that was held on September 23<sup>rd</sup> in Judge Langton's Court. He also addressed Judge Langton's order enjoining the county from its decision to go forward on the reduction of force within both Justice Court's. In Howard's review he finds the court did not comment on the evidence presented by the county or the Justice of Peace rebuttal. He noted as this litigation goes forward, there will be an opportunity for a full disclosure by both parties which will include an exchange of evidence for trial.

Commissioner Chilcott asked how the injunction process works. Howard stated the injunction basically states the county is restrained from dismissing employees in either Justice Court without consent of both Justices of the Peace or without approval of the Court. This remains in force until modified, and while not in perpetuity, it will be that way until final resolution. Commissioner Chilcott asked how a modification would work. Howard stated a modification could occur if the county pursues a different course, or the Justice's of Peace and Commissioners come to an agreement with court approval, or lastly if the District Court Judge issues a final order.

Commissioner Kanenwisher asked what options the Commissioners have. Howard stated they can proceed to develop the evidence and present such to District Court; secondly they can seek

other budgetary options not involving these two-positions; sit down with the two Justice's of Peace for a resolution; or not continue with the case. Howard stated these options are not mutually exclusive, i.e. the facts/evidence can be put together while they begin to negotiate with Judges. In regard to a time line for a full trial, Howard stated due to case scheduling that would probably not happen for twelve months.

Commissioner Foss stated, so in the mean time we have a budget problem in that there is no money and the Commissioners will need to decide where we want to go with that.

Howard believes certain questions will arise as time go by so the Commissioners might consider appointing two or so Commissioners to be the liaison to the Office of County Attorney as this case moves forward if that is what the Commissioners want to do. In the mean time the 'status quo' means neither terminating nor modifying those two positions at Justice Court.

Commissioner Kanenwisher asked if the court injunction only speaks to the employment of the two positions, not the actual budget items within the Justice's of Peace such as equipment, supplies etc. Howard stated that is correct.

Commissioner Chilcott asked if the Commissioners elected to move through this process with the court, would it be in the same court. Howard stated yes, it would go to Judge Langton, and then there could be an appeal to the Montana Supreme Court.

Commissioner Kanenwisher stated the Commissioners do not have to make a decision right now, but it is clear to him that the duty to deliberate the budget belongs to the Commissioners. He also stated much has been said about the Commissioners expertise and lack of details, but he recognizes the importance of having not simply one point of view within the Commission who are actual citizens. The budgetary duty lies with the Commissioners and he feels if they do not move forward in some way, then it leaves the Commissioners with a lack of ability to do their jobs. In his research with seventeen other counties, he found Ravalli County was forth from the bottom in efficiency and caseload, thus what the Commissioners are asking for is justifiable for budget consideration. The Commission's budget decision was also based on sharing the reduced revenues within all county departments.

Commissioner Foss stated if we back down, we set a precedent for the county as well as all the other counties in the state. The Commissioners had numerous budget conversations, weighed the facts and shared concerns for all departments.

Commissioner Stoltz stated he's with Commissioner Foss and Kanenwisher on this issue. He feels if they do not move forward on this issue then the Commissioners have issued the two Judges a blank check. The Commissioners set the budget, not department heads.

Commissioner Chilcott stated they are elected Officials not Department Heads. He also noted this issue was discussed in Bozeman at the MACo Conference with MACo staff and other Commissioners across the state. He feels it boils down to statute in regard to the expenditures for the Judges and the Commissioners' say in that.

Commissioner Iman asked while the Commissioners have budget authority, does the judicial branch, i.e., the District Court Judges, have any budget setting authority? He felt it is important to move forward on this issue to not only find a resolution but to find out who has what responsibility.

Howard stated the ultimate decision (to move forward or not) by the Commissioners is a policy decision. In regard to the law, a court does not want to issue a final determination until the parties have sufficient time to develop facts and witnesses. In a preliminary injunction hearing (what just took place), court understands there has not been sufficient time to develop the information, so a hasty decision is not made. The Court does not want to see any party disadvantaged by the lack of time. This preliminary decision does not address the facts as fully as what the Commissioners might want. In regard to who has authority to do what, that issue is not fully developed in the law. Under the Montana Code there is a separation of powers, in that Justice Court can operate with the dignity that their office demands. Then in regard to the constitutional issues, many laws come from the code. For example the necessary supplies such as books, records, staff, stationary, office equipment etc. which are necessary to function. So if you apply this necessity standard, it would give Justice Court the ability to dictate everything from personnel to paper clips. But it does not tell us what the standard of necessity is, and who has that decision making discretion. Therefore we have a collision of the two constitutional provisions. Case law for the Commissioners and the Justice Courts deal with a standard set and one party must be aggrieved. In regard to the necessary labor expenses, the District Courts' sole prerogative is to determine if that expense is necessary. This is a constitutional issue and the process invoked by Montana Supreme Court does not address these conflicts, so it is impossible with the current state of the law to say how a final decision would be rendered if it came before District Court. If it does come before the Court, you will get District Court views, and if that is not accepted it would then go before the Montana Supreme Court for their views. In regard to the "necessity" provision, it does appear to apply to staff; and there seems to be a different standard in regard to the Clerk and how many Justice's of the Peace (JP's) there are as well as other matters such as the organization of the Justice Court, which is not addressed in the necessity matter. So the Commissioners could review those issues as well.

Commissioner Iman asked if this could be addressed at the legislative level of the State. Howard stated if the legislature enacted a process, it could be the controlling process, but how they collide in this particular instance is better handled at the Montana Supreme Court level.

Commissioner Kanenwisher stated they are not talking about this year's numbers because the process is too long for this budget cycle. So what process would they have to come to a conclusion; can the Commissioners work with the JP's to see what is necessary? He asks that question because in years past those conversations have not born any fruit.

Commissioner Chilcott asked about seeking an Attorney General opinion. Howard stated that opinion takes 6-9 months. And the Attorney General may decide not to issue an opinion since this is an active case. That opinion would not be the final say anyway as this is a competing constitutional issue and that answer comes from the Montana Supreme Court.

Public Comment was then called for.

Commissioner Iman noted the Judge stated until a resolution is reached we have the status quo. He feels it is important to continue the process, but at this point he does not know what the

Commissioners should begin to develop that process with the JPs. involved. The decision to move forward will be based on the process, so he feels the budget authority. It was the JPs who filed this suit, not the Commissioners and it is not our ego the Commissioners are 'manufacturing' something here as this is a legitimate argument for agreed it is a legitimate question of what the costs could be. However, he objects to the idea that Commissioner Kanenwisher stated he wants to take some time to work on this decision. He

Public Comment closed 9:58 a.m.

George Corn stated the JPs are his clients and they are elected officials with constitutional and statutory obligations. He noted cases are fact specific and to obtain constitutional resolution, specific facts will be presented to the Supreme Court. as necessary, so the only precedent would be for this particular case. Michael Howell echoes some of the comments about the cost; he has heard many tax payers ponder the potential costs. He noted Justice Courts have already been certified by District Court

Lee Tickle of the Ravalli County Watch Dogs stated until the Commissioners answer Mary Barton's question, they cannot make a logical decision. He felt the County Attorney presented a week case in court, and for those six hours there were plenty of paid staff present such as Attorneys, Commissioners, and JP personnel. He strongly stated this is an ego driven Commissioner issue and felt they will lose and waste lots of tax payer money.

William Menager stated the Commissioners do not have a choice but to continue. This will set precedent for other elected officials in regard to setting their own budget. Also, how much will this cost the Justice of the Peace budget because they are hiring lawyers to fight their case? Obviously they (JP's) are not concerned about their budget or they would not hire an Attorney. He felt the JP's are being rude, and they simply want to do things their way.

Bill LaCroix of the Bitterroot Human Rights Alliance addressed firing people which goes against the state constitution. He believes the Commissioners will step out of line and cost the tax payers monies. He feels the citizens are not stupid and if they keep this up he views the Commissioners as 'Rogue Commissioners' who are failing in the issues.

Mary Barton appreciates the Commissioners standing up for their principals and appreciates not anyone brought up the cost of what this process of going to court and to the Montana Supreme Court going to cost - obviously it is going to be money coming out of the county budget.

Charlotte Gray asked the Chairman of the Board if all departments as well as JPs were notified that there would be cuts to the budget, and if not why not.

process should be. He asked the Commissioners if they would like to have a committee of two to find out exactly where we are at i.e., research, negotiations with JP's etc.

Commissioner Kanenwisher agreed with a two member Commission Committee. Commissioner Iman asked if Commissioners Kanenwisher and Chilcott would be interested in serving on that committee. They agreed and the balance of the Board concurred.

Commissioner Chilcott stated he took issue with the comment from Lee Tickle in that this issue is ego driven by the Commissioners. Commissioner Chilcott believes this is about the responsibilities of the Commissioners and the JP's as well as their perspectives, duties and responsibilities under the law. He also noted this would not extend to other elected officials as this is unique to the JP's duties and responsibilities under the law.

Commissioner Kanenwisher stated the only other statute (that is similar to this) is for the Clerk and Recorder in regard to the Election process.

Commissioner Foss stated there are a lot of accusations towards the Commission and she considers this is an opportunity for the JPs to have a conversation about this issue. She also addressed Lee Tickell's comment about this issue being ego driven by the Commissioners, commenting "how dare Lee Tickell say that". The Commissioners are elected to represent 40,000 people who are tax payer and they agonized to get where they were in the budget process. The reality is that the County is out of money. It is a much larger issue than what the citizens spoke about here today.

**Commissioner Kanenwisher made a motion that the Commissioners establish a two member committee to work on this issue. Commissioner Foss seconded the motion. Discussion: Commissioner Chilcott asked if the motion could be amended to include that the two member committee will be the liaison with the County Attorney on this issue. Commissioner Kanenwisher and Foss approved of this amendment. All voted "aye". (5-0)**

A citizen asked if the deliberation between the two committee members open for public and or be recorded. Commissioner Kanenwisher stated they will visit with the County Attorney. Commissioner Iman stated any action will be in an open forum.

Charlotte Gray stated she does not see anyone attacking the Commissioners, but rather she sees the public attempting to participate in decision making. She feels the Commissioners should take their participation in that light and asked that they look at public comment as information to help them.

Michael Howell asked about the public being able to make comment on the motion? Commissioner Iman stated he considers this comment as otherwise not on the agenda. Commissioner Chilcott stated when Civil Counsel suggested a 2 member liaison committee; the public had their opportunity to comment then. Michael commented the comment period was already closed at that point and we were not allowed to comment on Civil Counsel's suggestion.

► The Forest Service presented a fire update at 10:15 a.m.

► The Board met at 10:40 a.m. to have a discussion and make a decision on the need for a budget amendment in regard to the reduction in the workforce. Present were Ravalli Republic Reporter Whitney Bermes, Bitterroot Star Publisher Michael Howell, Justice Court Clerks Charlene Murray and Jennifer Ray, CFO Klarryse Murphy, Human Resource Director Robert Jenni, Clerk and Recorder Regina Plettenberg, Environmental Health Director Lee Guthrie, Citizens Lee Tickle, Maggie Wright, Charlotte Gray, Paige Trautin, William Menager, Mary Barton, Bill LaCroix, and other citizens who did not wish to identify themselves.

Commissioner Kanenwisher stated he placed this issue on the agenda, noting a budget amendment is not a foregone conclusion in regard to the issue of a Reduction of Workforce, but the earlier 9:00 a.m. meeting dictates the Commissioners need to fund the two Justice Court Clerk jobs.

Klarryse stated the Commissioners can do an amendment or transfer within the FY2012 budget. A budget amendment would be utilized if the monies came from reserves. Currently the reserves are at \$358,000 and if monies are taken from that fund it will go below \$300,000. The Commissioners could do a combination of transfer and amendment. The FY 2011 reserves were at 6.8%. The FY 2012 reserves are now at 7.8%.

Commissioner Foss noted the Commissioners were told at the MACo conference that any county under 20% in reserves is in serious trouble. Currently the Board is trying to reach a 15% mark within the next few years.

Commissioner Kanenwisher stated the Commissioners are not making these numbers up. He then explained to the attendee's information on budgeting and deficit issues. He reiterated the need to reach the 15% reserve mark within the next 3 years.

Commissioner Foss stated she does not see any 'magic bullet', to solve this issue so if they don't look at reducing another two employees where else can they look?

Robert Jennie stated beginning September 30<sup>th</sup> he estimates around \$45,000 to fund these two positions for the balance of the fiscal year.

Commissioner Iman asked Klarryse if the budget will be out of balance if these two positions are kept after the October 1<sup>st</sup> date. Klarryse stated a budget Resolution for transfer and or amendment will balance the budget. She stated the Commissioners do not need to do this today, however at some point the bottom line budget of the Justice Court will be short, (or go over on their budget allocations), and so it a Resolution will need to occur at a future date. She suggested they give themselves a couple of weeks before they decide how they need to address this. Commissioner Foss stated they don't have an unlimited amount of time, and ultimately they must address it.

Commissioner Kanenwisher asked if the Board has a consensus or level or tolerance of paying for this out of reserves.

Commissioner Chilcott stated the Commissioners have had long discussions about getting the reserves back to at least 15%, and while the layoffs were an uncomfortable discussion; it is important to build the reserves because of the uncertainty of future federal funding. Commissioners Kanenwisher, Stoltz and Foss stated they are not comfortable taking money from reserves in order to fund these two positions.

Klarryse reminded the Commissioners that their goal was to get to 15% in 3 years, yet in reality it will take 5 years to reach that percentage. She stated they can look at other line items in budgets in order to obtain that \$42,000.

Commissioner Chilcott stated as far as the process, this would be a good time to meet with other department heads and elected officials in regard to operational costs. Commissioner Kanenwisher stated that is the purpose of this meeting and asked why it was the agenda was worded as it was. Commissioner Foss asked if any departments came forward with any ideas, and if not shall we 'squeeze them again'?

Commissioner Iman stated if the Commissioners want department head input they need to be formally invited and it needs to be done quickly. Commissioner Kanenwisher stated the Commissioners have received a lot criticism for coming to a meeting with an idea, so before we "have an idea", we need to discuss what the question is going to be. As part of the entire process, ideas might be reductions in the amount of health insurance the county pays, health insurance benefits for those that are single vs. those who have children, reserves, capital improvements or labor. Commissioner Foss stated it could be non-essential services such as road services.

Klarryse suggested they keep in mind their vision for 3-5 years, i.e., sustainability. The Commissioners have pretty well honed the operational budgets, which the Commissioners could do again. Commissioner Chilcott stated he does not know how they can do this without another reduction in force. Commissioner Foss agrees as she sees no other option. Commissioner Kanenwisher stated it would be difficult to address the benefits, i.e., health insurance, and he does not support any county wide reduction in pay. Commissioner Foss and Commissioner Kanenwisher stated they do not think it is a department head's responsibility to make those decisions; it is the Commissioners job in regard to reductions.

Commissioner Iman noted the Commissioners came to a consensus about what we will and will not cut the budget and some services have been reduced. There are 195 employees, and if we were to increase their insurance requirements by \$20.00 per month, it would pay for that \$42,000. Commissioner Kanenwisher stated it would impact those that are at a lower rate the most. Commissioner Chilcott stated the insurance rates are probably going to increase.

Page Trautin stated what she is hearing in this discussion is that they are looking at asking the department heads or employees who have not taken a cut at all? Commissioner Kanenwisher addressed one department that had a full time employee cut which then impacted a five hour cut to another employee, which could be reinstated. Klarryse stated that would be another budget transfer or amendment to compensate for those five hours.

Public comment was then called for.

Maggie Wright of Ravalli County Watch Dog noted Commissioner Kanenwisher addressed sharing the burden and Commissioner Foss addressed the Commissioners fiscal responsibilities to the community. With those comments in mind she stated there is an option allowed under Montana Statutes (7-4-403), that of the Compensation of County Commissioners. They could serve on a part time basis, cutting their hours to half and in addition not take their mileage for going to and from work. She and others put out a survey (petition) to other citizens and 500 think this is a good idea. She also suggested the Commissioners consider cutting probationary employees and save potential legal issues on the reduction of work force issues and 'no cause'.

Commissioner Kanenwisher asked Maggie what she meant by 'no cause' and probationary employees. Maggie stated the Ravalli County Personnel Handbook address and delineates the categories for part time, seasonal and probationary employees. When those employees are terminated the Commissioners do not have to address the issue of losing employment for cause.

Lee Tickle reiterated his previous Freedom of Information Act (FOIA) in regard to revenues, which allows the citizens the ability to know the revenues are being accurately projected. He also asked what the basis is for the assumption that we need a 20% reserve fund. He then asked Commissioner Kanenwisher not to shake his head at him. Commissioner Iman advised Lee to address the Board and not an individual Commissioner. A strong conversation then ensued between Commissioner Iman and Lee. Lee noted he was responding to Commissioner Kanenwisher shaking his head at him.

Lee then asked how many other counties have anywhere near 20% reserves and how did the county get by for so many years with the 6.8% in reserves. He asked how the reserves impact the daily funds and noted \$42,000 represents about 1% of the general fund. He suggested the Commissioners minimize the panic and ask each department to come up with that 1% in operational savings. He feels the Commissioners could take care of half this amount by cutting their mileage.

Charlotte Gray addressed the health insurance issue, noting it is better for everyone to lose \$20.00 a month than for a person or two to lose their job. She suggested letting the departments take some of this burden.

Bill LaCroix requested the Commissioners place him and Maggie Wright on the agenda to discuss compensation of the Commissioners under 7-4-207 MCA, particularly since they have collected 500 signatures one morning at the Hamilton Farmers Market.

Michael Howell asked how many of the reserves are carried forward in the budget; do we spend all of the reserves?

At 11:37 a.m. the public comment was closed.

Commissioner Kanenwisher asked Klarryse about 1% being cut from each department and the reserves. Klarryse stated 3 years ago the department heads were asked to cut 11 ½ % back and

they did, but now they still ask for that 1 ½% back. She felt 1% might be easier. She stated it is important to remember that reserves are operating reserves. November 30<sup>th</sup> is when we get the first tax revenues, and in the mean time we need to have operational cash to operate on. Reserves are not just for the 'oops something has come up'; they are necessary for the operational cash flow. Percentages are based on budgeted expenses. Those reserves come and go. In FY 2004, the public safety budget was down to \$25,000 and that is a \$4 million dollar budget. \$25,000 might not last a day in some cases. The County can pay our bills for 29 days if no revenues were to come in. In regard to the projections on the reserves, all department heads gave their projections which are what the Commissioners rely on. She stated it does them no good to under project. She also noted the County has added 37 employees in a decade.

Commissioner Kanenwisher stated he has frustrations because the Commissioners receive outrageous suggestions such as that we don't need reserves or we are making these numbers up. There have been completely baseless accusations and asked if that is being recorded. He believes the Commissioners know where they need to go, and he is not looking forward to another Reduction in Work Force. In the budget deliberations they actually looked at why the county is using more toilet paper this year than last.

Commissioner Iman noted this meeting is 10 minutes over as we have an 11:30 meeting. He stated he is in favor of notifying Department Heads and see what options can be worked out. It was agreed Commissioner Iman will work with Robert in order to send out a memo to Department Heads.

The meeting was adjourned.

In items otherwise on the agenda, Commissioner Iman asked for public comment. Maggie Wright suggested that individual Commissioners do not address individual citizens as well (referring to the issue with Commissioner Kanenwisher and Lee Tickle earlier in the meeting). She stated she and others have been referred to as the opposition, and that should not be placed in the conversations. She stated she has only asked questions and have not always got the answers. She felt when the Commissioners define her as the opposition puts a wedge in there that does not need to occur.

Charlotte Gray asked if the memo to the Department Heads can be seen by the public. Commissioner Kanenwisher stated it is a public document, and anyone can ask their office for a copy.

► The Board met with Juvenile Detention Director Cal Robinson at 11:45a.m. in order to address the juvenile Detention closure. Numerous citizens were still present from the previous meetings as noted above. Commissioner Kanenwisher stated Marwan Saba (State of Montana licensing staff) addressed the Commissioners in regard to their lack of repairing one of the cells. This lack of repair makes the detention facility fall outside of the state requirements. He stated the Commissioners can request a week's extension allowing more time to get our contracts in order for housing the juveniles elsewhere. He noted the youth numbers is not high right now. Cal stated they have four juveniles right now. Commissioner Foss asked if they are safe. Cal stated they are down to seven employees and it is getting tough to get the juveniles back to the county

from Missoula County plus run the detention facility. Commissioner Stoltz stated he does not want to extend the closure past another week as it creates liability problems with the current staff.

Commissioner Chilcott asked Cal if another week, thus two weeks would create a unsafe issue for staff and or juveniles. Cal stated his staff will continue to function as long as the Commissioners ask them to but the sooner the better.

**Commissioner Foss made a motion to accept Marwan Saba suggestion to close the detention facility as this Friday (October 7<sup>th</sup>). Commissioner Kanenwisher seconded the motion.** Discussion: Commissioner Iman stated he does not want to close the facility until the Commissioners have a contract in place with another facility. He noted the Commissioners have talked about this for two months, and while the Board has consensus we have no contract, or financial numbers from another agency. Once we close we are closed.

Commissioner Foss stated she understands we will have a contract in hand by Friday. Commissioner Kanenwisher asked Commissioner Iman if he will not vote to close it before the Commissioners have a contract in hand, because they do have a proposal from Missoula County. He felt sticking with this date should help the Commissioners to obtain a contract. The Commissioners do have a contract from CCCS that is ready to be voted upon and transportation is not an issue.

Discussion included that neither CCCS nor Missoula County would be the primary provider. Commissioner Kanenwisher stated neither is exclusive, Missoula is closer and a sister county. The cons are that Missoula stated transportation is not part of the agreement, but recently there has been some conversation about working that issue out. Missoula has a 24 bed capacity. Galen has 12 bed capacity but we can guarantee our bed capacity by payment whether they are full or not.

(Sheriff Chris Hoffman and Under Sheriff Perry Johnson were now present.) Further discussion revealed that the holding cell in Ravalli County can be utilized for 5 hours prior to transportation and the Missoula County contract makes the first transport the responsibility of Ravalli County.

**Commissioner Foss amended her motion to state that at the time of closure, the county will have a signed contract. Commissioner Kanenwisher seconded that amendment.**

Charlotte Gray stated these contracts can go up from year to year, what about scheduling the transport? Commissioner Kanenwisher stated yes rates can be changed at the end of the contract, and Missoula will transport all but the initial transport and Galen will do all the transport.

Under Sheriff Perry Johnson stated what happens after those three hours of an arrest. Commissioner Kanenwisher stated he was advised to come up with those answers himself as the Sheriff personnel did not do that research. So we either have detention space for a few hours or the transport is made.

Under Sheriff Johnson stated when the Commissioners consider this issue they need to consider the impact on the Sheriff's manpower. For example if we only have two Deputies on the street at night and you take one to transport we only have one deputy for call response. He stated he liked Judge Langton's balloon analogy; when you add responsibilities to the Sheriff you have taken away other duties. Filling holes due to juvenile transportation at an overtime rate also need to be considered.

Commissioner Kanenwisher stated whether we go to Missoula or Galen we are going to look at the transportation issue. Under Sheriff Johnson noted it already been decided that a Deputy will be transporting, and those are issues that will need continued dialog

Commissioner Kanenwisher stated he has been trying to have that conversation with the Sheriff's Office from the beginning of this issue but you did not participate in that input. At some point the Commissioners see that it is not safe to keep the facility open, so the question becomes how best to do this?

Commissioner Chilcott asked Sheriff Hoffman what the impact to their budget will be. Sheriff Hoffman stated they cannot predict the budget but they know 'business' will not change. Commissioner Chilcott stated they identified the daily costs at \$225.00, and if they add three hours prior to the actual transport, what might be the best guess. Commissioner Kanenwisher stated that is beyond the point, because right now we do have a fund to detain the juveniles. The Sheriff will now have an added responsibility; the question is what is that cost to the Sheriff. Commissioner Chilcott stated we are talking about \$39,000 (monies left in the juvenile detention budget) for detaining the juveniles until transportation is accomplished.

Klarryse stated what would be easiest for the Sheriff's Budget is to keep the transportation costs coded to the Juvenile Detention Budget so she can track that, particularly for the budget process for FY2013. Commissioner Kanenwisher agreed. Commissioner Chilcott asked if the reserve deputies can provide the transport. Sheriff Hoffman stated that is outside state law.

Under Sheriff Johnson asked if there was a way to track the capital expense of the transfer itself. He noted there are some efficiencies if we already have a Deputy located in Florence. Klarryse stated they should be able to find a way to capture those costs. Under Sheriff stated when April 2012 rolls around and they exceed the \$39,000 budget, do not look to the Sheriff's budget to come up with that extra money.

Wendy Fawns stated educating these juveniles are an important part of the mix. Commissioner Kanenwisher stated the other facilities provide that education. Wendy stated it does not rise to the same level that we have there. Commissioner Kanenwisher stated that is not part of this conversation.

Public Comment on the motion was then taken

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Charles Wissenback urged the Commissioners to keep this to a one year contract so things could change later and he hopes the Commissioners have a structure in place to continue to work with these kids in our community.

**Maggie Wright this is a huge radical change particularly with no contract in place. She fees the public needs to weigh in on this.**

**12:32 p.m. Public comment was then closed.**

**All voted "aye" (5-0). The meeting adjourned at 12:32 p.m.**