

COMMISSIONERS APPROVAL

3/1/12
FOSS

CHILCOTT 

IMAN 

STOLTZ 

BURROWS 

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

Date.....October 30, 2012

► Minutes: Glenda Wiles

► The Board met at 9:00 a.m. with Fair Commission Members Margaret Yuhas and RAN Pigman at 9:00 a.m. to review the scope of work for the fairgrounds parking plan. RAN indicated the scope of work for the parking lot improvements and lighting have been separated into two projects. Discussion included the decision of advertising the project in a Request for Proposal for Engineering Services and the amount of liability insurance required. It was noted the recent insurance requirements for other projects within the county are a minimum combined single limit of at least one million per occurrence and for the county to be named as additional insured. RAN indicated that Ron Umera has been helping him on the engineering issues for this project and Ron has indicated he can perform the engineering services for less than \$20,000, which is under the MCA requirement to seek bids. RAN noted Ron does not have a million dollars in insurance and if that insurance is required he does not know if he will bid the project. The Board will review the requirements for bidding and insurance and make a decision on bids at a later date.

► The Board met at 9:30 a.m. for the following Administrative Items:

- Glenda presented an update on the recent insurance claims (property damage etc.) that she tracks and submits to MACo, the County's Insurance carrier.
- Open Lands Board appointment - John Ormiston has been serving as the representative of the Bitterroot Land Trust on the Open Lands Board as the ex-officio member and has now resigned. The Board received a letter from the Bitterroot Land Trust noting they have selected Tonia Bloom as the next ex-officio, nonvoting member with the Commissioners consensus. **Commissioner Chilcott made a motion to appoint Tonia Bloom as the ex-officio member. Commissioner Iman seconded the motion and all voted "aye". (5-0)**
- Air system bid for Road Shop Office - Road Shop Mechanic Jim Byron had received a bid from Ambrose Geo for an air system due to complaints by office staff of the gasoline and other shop smells in the office. Commissioner Burrows

suggested they install a closing door between one office and the mechanical shop. Commissioner Iman noted the shops have exhaust fans and should be utilized and he will visit with the road staff about this issue.

- Credit Card for 9-1-1 Director Lt. Zae Hudson - Under Sheriff Johnson requested a credit card in the amount of \$2,000 as per credit card policy. The Board concurred.
- Glenda brought forth the Surplus Property Request and Disposal Log for signature by the Commissioners to transfer the old copier to the Fair Office. **Commissioner Chilcott made a motion to have the Chair sign this form. Commissioner Iman seconded the motion and all voted "aye". (5-0)**

► The Board met at 10:00 a.m. with Human Resource Director Robert Jenni for an update. Employee Action forms were submitted for signature.

► The Board met at 10:10 a.m. with Chief Financial Officer Klarryse Murphy for an update.

► The Board met at 10:20 a.m. with Deputy County Attorney Howard Recht for a discussion and possible decision on a revision to Resolution No. 1372 (public participation and notice of meetings). It was noted Deputy County Attorney Dan Browder was out of the office today so Attorney Recht was present in his stead. Howard cited the reasons for this change is the codification and recent court case. (See attached draft). Howard reviewed the draft for each section with particular discussion of definitions as adopted by the Attorney General and Supreme Court.

Bitterroot Star Publisher Michael Howell indicated this is a constitutional issue in regard to public participation and he feels the Commissioners are under court order to address the public process/participation. He expressed his dissatisfaction in how the item comes about for discussion, for example as a codification issue instead of a court order. He suggested the Board specifically address the Court Order by Judge Jeff Langton.

Attorney Recht agreed there is a constitutional right for citizen participation and the county policy does comply with the law. The County Attorney's Office was already working on the codification when the court order was rendered, which asked for the definition of a ministerial act. There is very little substantive changes between Resolution (No. 1372) that was adopted on January 13, 2004, and this draft today for codification.

Michael stated the changes proposed by Attorney Browder need to be reviewed by himself and his attorney in regard to the court case he was involved in. He also addressed the 48 hour notice and how the Commissioners lost in the last court issue over proper notice. He asked what happens if the Board violates those policies. He does not like posting an agenda item for Monday a.m. at the Administrative Center at 4:30 p.m. on Friday as it does not meet the 48 hour public notice in his opinion.

Howard addressed the 48 hour notice under the law, specifically noticing a Monday meeting the Wednesday before. He noted Judge Langton addressed statutory codification of the public notice with his interpretation. Attorney Recht does not see a deficiency in this draft policy but noted the Commissioners could consider adding a change in 2-2-3 (b) reading similar to "Notice will be posted on the bulletin board on the third floor of the Ravalli County Adm. Center. Supplemental notice may be posted at additional public places, electronically mailed or otherwise provided to local media, and published on the County's website".

Commissioner Iman addressed the electronic emailing as well as listing the MCA requirements. Commissioner Chilcott also addressed more than three Commissioners being at a place, even at a football game, on a Saturday regarding a quorum. Attorney Recht stated a quorum means a county business meeting and he can add that language under 2-2-3: Notice (a). Commissioner Chilcott addressed 2-2-5 (d) No Quorum Available: noting a meeting can be cancelled if a quorum is not present, but a quorum can be met by electronic means. Attorney Recht stated D. can be removed if the Commissioners consider it a policy statement. Commissioner Chilcott address 2-2-6 (A) asking what is a reasonable time to submit data. Discussion included written and oral comments and the requirement of the Statute which provide the method (by reasonable opportunity) to submit comments to the Board. It was agreed that Glenda will post information on the regular meetings on Tuesday and Thursday showing the meetings may flow.

Chris Hockman stated if the Board is going to create, delete or change something, to do it on a non-flow day so he will know the specific time. Also use WEB Ex on all meetings which will negate the ability of the citizens not being able to review a meeting. He also addressed the bulletin board being on the third floor where a citizen cannot see it on the weekends. He suggested a bulletin board outside so everyone can see it when the building is closed.

It was agreed this issue will be placed back on the calendar at a later date for decision.

► The Board met at 2:00 p.m. with Chief Financial Officer Klarryse Murphy for a FY2012 quarter update.