

Anaconda-Deer Lodge Study Commission  
ADLC Courthouse Courtroom  
Thursday, July 09, 2015 – 6:00 p.m.

**Board Members in Attendance:** Chair Person Heather Edwards, Dan Tocher, Linda Sather, Ex Officio Member Commissioner Kevin Heart

Members Absent: Terry Galle, Vice Chair Adam Vauthier

A quorum is present

Guests: Lorraine Biggs-Gallik, Gene Vuckovich, Dave Beatty

I. Call meeting to order and Pledge of Allegiance

II. Approval of Minutes: June 11, 2015

Correction: James Bouck' s name is misspelled. Correction to page three. Linda Sather had made the statement that the police reported to the County Attorney. The County Attorney was left out of the minutes.

**Discussion:** Law Enforcement is a department head who answer to the electors. The CEO or Manager is in charge of all departments' heads, but the appointment and removal of such has to have the concurrence of the commission. The Commission and Manager are in charge of all department heads.

An appointed Chief would be answerable to the electorate ....**inaudible- board members talking over each other.**

Under the charter the department heads are accountable to the CEO with concurrence of commissioners by appointment only.

Dan Tocher made a motion to approve the minutes of June 2015 with the two corrections. Linda Sather seconded the motion. Motion carries.

**III. Financial statement:** see statement. Expenses include part-time wages and benefits; internet charge will not be charged in July; postage and special meeting notice.

There were no questions on the financial report.

**IV. New Business: Invitation of former Charter study members.**

Heather presented a tentative draft of the report as well as the list of four item of discussion.

The first change would be to allow the entire community to vote for each commissioner. The survey showed this item to be a priority on the survey of those who responded.

Many of the survey comments stated that people want to see qualifications for both the CEO. and Chief of Police. In the past people indicated that if the CEO and Police Chief were elected, then no one can tell

either position what to do. If the positions had qualifications, the people in the positions could be fired if they were not living up to their responsibilities. The two positions should be answerable to someone.

Under the former charter, both positions had to have qualifications and were accountable to someone. Someone could not be elected because they were liked but because they could do the job. An elected position cannot require qualifications. The elected person cannot be fired unless there is a recall if a recall is legally possible. There has to be significant reasons for a recall.

Many of the returned surveys indicated that the citizens are in favor of the CEO requiring qualifications and should be accountable to someone. The Chief of Law Enforcement position also drew the same comments. The Study Commission members decided to place these comments in the preliminary report.

During the time she was on the study commission, the people that spoke with Lorraine Biggs were in favor of the appointed positions but it was voted down because many of the citizens wanted to have a "say" in who was elected or placed into office. Gene gave the example of his mother winning the election for County Treasurer in ADLC. His mother did not understand the position or how to do the job. The chief clerk was the one that did all the work for his mother while the mother was made the "Greeter" of the department. ADLC cannot afford to have additional positions at this time. The County needs people that know how to do the job.

Heather will research the details on age of Chief of Law enforcement. The state law of age may no longer exist. Board members would like to review the past charters. The original charter(s) have been requested from the Clerk and Recorder's office. The charters have not been provided to the study commission members. The Anaconda Library may have copies of the charter.

Heather presented copies of the charters for the years of 1976 and 1982.

Side Comment: Is there a dress code for the Department Heads? The dress code would come from the CEO office.

Board member Linda Sather asked where the Charter records were kept and mentioned that items were being shredded. The C&R provided a small charter file to the study commission. Clarification: Sam Walters has been hired by the County to sort through all the old files. Mr. Walters is not shredding anything that is not legally allowed to be shredded.

ADLC has the benefit of using either county or city laws. There are only 25 Chartered communities in Montana. There are three consolidated counties in Montana. ADLC, Butte-Silver Bow and one additional.

Gene read from the above mentioned Charter: *The Charter includes a commission/manager form. The commission has legislative and policy making powers and the manager has the administrative duties. Local government shall exercise all powers not denied by state or federal law or by the charter of the local government.*

*Part time Commissioners are nominated and reside in each of the five districts are elected at large for overlapping terms of four years. Legislative and policy making: A professional manager hired by commission is administer of the policy made by the commission. Commissioners appoint and remove the*

*county manager, members of the boards and commission. Manager appoints and removes all department heads and other employees. Manager prepares budget and submits to commission for amendments and approval. Manager executes the budget. Commission organizes services into functional department under the manager.*

Gene commented that the charter was set up in a simple format and was easy to follow.

An elected Manager/CEO had been brought up on each ballot but failed because it may have been a personal vendetta that changed the policy. A referendum was created for the change of policy by collection of signatures.

Linda Sather discussed the possibility of appointed CEO using the position as a stepping stone and that they only stay a couple of years. If they are elected they may stay the four year. However, there have been more CEO's elected and leaving early than staying the four years which proves the idea wrong.

Gene believes the police force is in good form right now and has individuals in all departments that can step up to the department head positions. Dan Tocher commented that CEO Daniels was overwhelmed having to cover all positions, where in larger cities (BSB) there are people such as human resources, etc. that can afford to have support staff. An appointed position with qualification would be making a salary far higher than ADLC can afford to pay. A higher paying job for a CEO may not be too far away.

The people with the history of long-term employment have the experience. Wages may be a determining factor affecting the firing of the positions that could be changed to appointed positions.

Another item to possibility place on the face of the ballot would be the qualifications needed for a CEO. Heather receive two differing opinions. The final answer is that if the position remains elected, the qualifications remain the lowest qualification possible which are set by state law.

Linda Sather: The Dillon charter states that the elected Mayor has the requirements of 21 years of age, a resident of Montana for three years and two years resident of Beaverhead County. Dillon follows Montana election laws. Maybe the Dillon requirements have not been challenged.

Lorraine-Biggs Gallik asked if having an aggressive publicity prior to election would be beneficial. Board discussion determined the public interest in the charter study is not what it was years ago. In past years the survey return was much greater. The former process experienced resident participation both before and after the study report was released. The only item out of the five that passed was that the commissioners were elected from each district.

Dan Tocher is currently receiving feedback that people want a say on all the commissioners on the ballot.

Linda Sather is receiving feedback that they don't want the commission choosing "their CEO and Police Chief".

Gene Vuckovich asked that consideration be given to the original form of the charter that has the Chief of Law Enforcement appointed by CEO with approval of commission.

There were nine comments on the survey that suggested that Clerk and Recorder be elected. These were comments that were added to the survey although it was not an original question on the survey.

Mr. Beatty has joined the meeting.

Heather Edwards provided the table sheet that shows the four areas that were of interest in the survey.

Mr. Beatty stated that when he served, there were two forms of government before consolidation. The company was running and the economy was good. MSU was supportive in observing Anaconda in that it was unique. Town meetings were held to provide information about the duplication of services. Apathy was apparent. Civic groups were visited to explain the need for a charter for consolidation. Local law enforcement would be beneficial.

Dave stated the first charter was simple but it was a frame work that could be built upon.

Kevin Hart stated that the consolidation idea was started before the smelter closed and was a salvation due to the Company closure and the need to save money.

Dave Beatty would like to see the CEO appointed by the Commission. Dave provided a history of the CEO activities that did not work out well due to the County being broke. To find someone with experience is not easy and budgeting, etc. is not learned on the job. Dave does approve of local law enforcement that understands the community and knows the officers.

Linda Sather agrees that an out of town Chief may make changes that would jeopardize the officers in some way.

Gene believes the current employees are more than qualified to manage the department and that the force is more professional.

Dan Tocher called for the question as to what items will be on the ballot for the vote of the citizens. Dan has received many comments that people want a say as to who is in the positions.

Board members thanked the former study commission members for contributing.

Mr. Beatty recommended to keep the ballot language simple. Heather will have the language reviewed by the Secretary of State.

**Public Comment Opened:**

Rose Nyman: At the last meeting the County Attorney would have information regarding the language for the ballot. Rose will follow-up personally with the Secretary of State. The original charter should be at the public library. The CEO should dictate to the C&R to provide the original charter.

The CEO was interim for 9 month so she should have known what the job entailed though she stated it was overwhelming when she began. She agrees with aggressive articles prior to the election regarding the importance of the issues and how well the original charter functioned at that time. The Personnel Manual has to be enforced regarding appropriate attire. People are strongly opinionated regarding the

clerk and recorder position being elected. A position with a lot of responsibility requires supervision. With the current charter, the CEO position does not have a supervisor.

Jason Mavrillac: Jason asked if the study commission offered surveys to employees. It will give the commission a good idea as to the feelings of the employees. A survey monkey could also be used and is anonymous. Jason explained that a survey would provide a feeling as to what the internal feelings are.

An election lock box could be placed at the back door. An area for remarks should be added to the survey. The four items will be used in the employee survey.

Heather will check with MSU regarding the use of a survey monkey or they may use a paper survey. The employees did have access to the full survey. Linda and Heather visited the senior center regarding the survey.

When Gene was a manager a pay scale study was developed, how employees could advance. The study was adopted by the commission, then put on a shelf. Eight years later the County advertised for the same study.

**V. Old Business:** Board members discussed items will be placed on the ballot.

Dan Tocher is in approval of item number one regarding the commission being elected at large. He also agrees to the CEO and Chief of Law enforcement to be elected.

Linda Sather chose item number one. The other items have been voted down for many years now.

Heather Edwards is in agreement with Dan. She believes the items should be included in the tentative report to include the first three items but not the clerk and recorder position being elected. The CEO has control over the C&R position.

The tentative report may bring up additional items or reflect that the voters do not agree with the items. The report has to be submitted by August 13, 2015.

No additional meeting in July is needed if only three board members are in attendance. Kevin Hart believes a meeting could be held to discuss and review only the report.

Heather suggested the report be drafted and given to board members prior to the August 13 deadline.

The language of an appointed CEO would be changed to Manger or City County Manger and will be changed throughout the draft. If the Chief of Law Enforcement were to be appointed, the title will remain the same.

Heather is asking board members to review the draft and to provide comments, edits, etc. prior to the August public meeting. The final draft will be ready by August 13 meeting.

**Public Comment:**

Rose Nyman: She feels the public needs to be involved and to not use email as a conversation tool regarding the draft distribution would violate open meeting laws.

Board members agree that if only three study commissioners come to the meetings, it is frustrating to have an additional meeting without a full board.

Board members agree that July 23 will be the next meeting at 6 p.m. Heather will have the draft available for the public at that meeting.

**VI. Miscellaneous Discussion:** No Misc. items reported.

**Public Comment:** Gary Wenger – Gary reports that the feedback he gets from the public is that “it doesn’t matter what people say nothing happens.” Heather Edwards suggested having him explain to people that there is “power in numbers” to attend meetings.

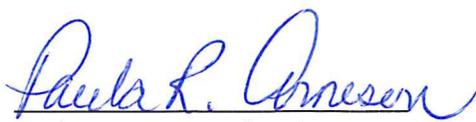
Kevin Hart commented that people need to attend meetings in order to be informed when they have only a portion of the information. The report in August will provide feedback as to what items if any will be placed on the ballot. All comments are taken seriously by the board members.

Rose Nyman: Rose has not received feedback that the study commission is not listening. She does hear that complaint about the commission.

No further public comment.

Move to adjourn. 7:55 p.m.

Respectfully Submitted,  
Paula Arneson  
ALDC Planning Secretary

  
Paula R. Arneson, Planning Secretary

  
Heather Edwards, Study Commission Chair