

COMMISSIONERS APPROVAL

IMAN

*By a ballot after 9:25*

CHILCOTT

FOSS

*SS*

KANENWISHER

*MK*

STOLTZ

*RS*

PLETTENBERG (Clerk & Recorder)

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

Date.....February 23, 2011

► Minutes: Beth Perkins

**Commissioner Iman made a motion to have Commissioner Chilcott respond to recent legislative matters on behalf of the Board. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

► The Board met to make a decision on the scope of work for the Request for Qualifications for the Airport Engineer at 9:00 a.m. Present were Airport Manager Page Gough, William Menager and Administrative Assistant Glenda Wiles.

Glenda presented a draft scope of work and reviewed it with the Board. **Commissioner Stoltz made a motion to revise the draft for a final copy to be authorized by Chair signature. Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)**

The Board will conduct interviews and the Airport Board may attend them if they wish.

► Commissioner Iman left the meeting due to another scheduled matter at 9:25 a.m.

► The Board met for discussion and decision regarding the structure, membership, function and necessity of the Planning Board at 9:30 a.m. Present were Interim Planning Director Tristan Riddell, Planner Aaron Wilson, William Menager, Ken Clark, Bitterroot Star Reporter Michael Howell, Jimmy Canton, Les Rutledge, John Ormiston, Bill Memmer, Skip Kowalski, Ravalli Republic Reporter Whitney Bermes, Chris Hockman, Stephanie Hockman, Lee Tickell, Maggie Wright, Jan Wisniewski, Cheryl Tenold, John Conlan, Mary Lee Bailey, Howard Eldridge and Chip Pigman.

The purpose of today's meeting is to review the Planning Board for necessity and function as well as address the issue of the missed October 2010 meeting.

Tristan stated the Planning Board was formed in 2000 and the bylaws were updated in 2009. He reviewed the past work completed by the Planning Board and how they function in an advisory capacity. Commissioner Foss asked Tristan if the State law requires the County to have a Planning Board. Tristan replied it is not required by law but an option. They do receive mileage to attend meetings with a budgeted yearly amount of \$2,700.

Tristan stated the Planning Board is a value to the public and gives the first opportunity for public input with subdivisions. Commissioner Chilcott stated the Planning Board provides the opportunity for public participation and also grants transparency for the process of subdivision review. The Planning Board gives an extra set of eyes and takes grief and sometimes hostility on a voluntary basis.

Commissioner Stoltz asked if the 12 members on the Planning Board are necessary. Tristan replied there are representatives from each school district (7), at-large members (3), a representative from the Conservation District and the Park Board. Commissioner Foss asked if 12 members make it an effective group. Tristan replied with the number of members it is a wide diverse board. It is also easier to get subcommittees for extra work. Lee Tickell agreed with Tristan and stated the Planning Board works well with the current members. Commissioner Kanenwisher compared the Planning Board to the Board of Health for composition. He does not think having representatives from school districts represent the needed expertise to review the criteria for the subdivision process. He would like to see some engineers and experience with land use.

Commissioner Kanenwisher stated if someone is in the industry, they are the ones who understand it the best. School district representatives are arbitrary and should have both expertise and experience to act in an advisory capacity. Commissioner Stoltz would like to see representatives from both the agricultural and development areas. Commissioner Chilcott asked how would the process be developed for membership requirements and then would the membership start over or be filled over time. He asked if geographically representation would be included as well. Commissioner Foss stated five terms expire at the end of this year. She suggested having Tristan work with Staff for changes of the composition and then implementing those changes when the terms expire. Commissioner Stoltz requested Tristan to create a composite of the members for equal representation and then decide how to implement those changes. Tristan stated the Planning Board does have work scheduled over the next few months and discouraged disbanding the Planning Board during that time. Commissioner Kanenwisher understood Tristan's comment. He would imagine if the Commissioners did disband the Planning Board and start over, there would be old members who re-apply. The question is when and how to ensure the members have the knowledge and expertise required. Commissioner Chilcott stated there is consensus from the Board to change the composition of the Planning Board.

Commissioner Kanenwisher stated there is a legal issue with the cancellation of the October meeting due to lack of quorum. Tristan replied the issue was a Planning Department oversight. A member called a special meeting to comply and there wasn't a quorum or an agenda and therefore, cancelled. Commissioner Stoltz stated the law was broken. The Planning Board is to give advice and questioned how to trust a member's advice if they cannot read and obey their bylaws. The requirement is to meet January, April, July and October. Commissioner Foss stated this is a hugely responsible Board and there is an issue of trust within the County. This is one board that has garnered distrust. Commissioner Chilcott reminded the Board there are many Ravalli County volunteer boards who work very hard. The letter of the law was not met with the cancelled October meeting. Title 76 does not have any provision for penalty under the law. The requirement is to meet quarterly and the Planning Board has exceeded meeting quarterly.

Commissioner Chilcott opened public comment.

Cheryl Tenold stated she attended the October meeting for compliance however; it was called on a political motive. She did not appreciate being tossed in the middle of people's games.

Bob Memmer likes the idea of expertise on the Planning Board and suggested making the Board all At-Large members.

Lee Tickell stated yes the Planning Board was out of compliance. He is not going to waste taxpayer money to go to a meeting without an agenda when the next regular scheduled meeting was November 3<sup>rd</sup>. He stated Jimmy Canton called the State and asked what other Planning Boards met quarterly. The response was none. It was a waste of time and a political game. To say there is not a wide perspective on the Planning Board is false. The Commission controls the amount of expertise on the Planning Board. To predefine, will limit the applicant pool and he advised the Board to look at the current expertise on the Planning Board before jumping to conclusions there isn't any expertise on the current Planning Board.

Michael Howell stated the concern is expertise. Rather than divide the subdivision process, it would make more sense to review the seven criteria and then request the expertise within those criterion.

Chris Hockman stated he applied for the Corvallis School District representative on the Planning Board in January and went through the process. It addresses the issues of political games if the members are appointed by the Board of Commissioners. It is not required by State law to have a Planning Board but if there is a Planning Board, they are required to meet.

Chip Pigman stated in discussing the October issue, the issue has been identified and rectified. He would not like to see the Board waste any more time on trivial issues. The Planning Board is a valuable tool for both the Board of Commissioners and the public. The Planning Board should work with the applicant for sufficiency prior to the Board of

Commissioners reviewing the subdivision. The Board of Commissioners should have confidence in the Planning Board since it is their advisory board. There are criteria to be followed as well as DEQ and DNRC laws. He recommended keeping the Planning Board.

John Conlan is the Park Board representative to the Planning Board. He holds three board positions within the County. The purpose of all three is to be of value to the public to make the County better. Thought and public comment was given in the recent Planning Board meeting for the Grantsdale Addition Subdivision. He appreciates the opportunity to serve.

Jan Wisniewski stated he has been on the Planning Board for three years. He requested the first requirement to be common sense. He does not believe the Planning Board caught the error on the October meeting. There was a meeting held at the Library and others were cancelled to the benefit of political games. William Menager and himself caught the mistake and called a special meeting and advertised it in the papers with personal cost. There was an agenda with the promise that Lee Tickell would attend the meeting if a quorum was present. The meeting came and Lee Tickell did not attend. He called the members to resurrect the meeting with various comments. The meeting was held, starting with role call and was stopped. It was not a political meeting. It was there to meet the legal requirements and in his opinion was boycotted. It is not something to be swept under the rug. There was a legal opinion issued on December 20<sup>th</sup> and it took a month for him to get it.

Jimmy Canton stated you cannot pick which laws to follow.

Stephanie Hockman stated she agrees with John Conlan that citizen involvement is key for any board to function. She suggested if the Planning Board is kept to put these issues in the bylaws.

Les Rutledge stated in response, there are provisions in the bylaws for attendance. He has been on the Planning Board for seven years. He can testify how many hours these volunteers have put into the subdivisions that saved the Commissioners time and energy. He used Aspen Springs as an example. If it was not for the efforts of the Planning Board it would have been up to the Commissioners to hold those meetings and take public input. There is value with having a filter to handle public comments and do the leg work for these big developments. There are issues from the developer view point and the Planning Board has saved many hours of preliminary work for the Commissioners.

Commissioner Chilcott closed public comment.

Commissioner Kanenwisher addressed the October issue and comment made by Lee Tickell. What it illustrates is the Planning Board cancelled numerous meetings between July and November 3rd. It is disingenuous. He does not believe the Planning Board reports represent the County by evidence of the election. He suggested establishing a deadline. Commissioner Foss requested input from the Planning Department. She does

not feel this is picking on one board since the Commission will be reviewing all volunteer boards. This is simply doing the will of the people and doing the right thing. Commissioner Chilcott suggested rather than continuing this meeting to schedule another meeting at a later time in order for Planning Staff to compile suggestions for board composure.

► The Board met for discussion and decision on the needs of the Clerk & Recorder at 10:45 a.m. Present were Clerk & Recorder Regina Plettenberg, Ken Clark and Administrative Assistant Glenda Wiles.

Regina would like to purchase a copier. She has two copiers: a Sharp and a Konica. The Sharp has 1.1 million copies. She also utilizes the copiers as printers. Her Konica is difficult to maintain on the network and the tower has gone down. It still works for a copier but not a printer. She is looking at a copier estimated to be at \$15,000 from Office Solutions and would average 1.2 cents per copy. She presented the Board with an email from Joe Frohlich approving the purchase and the compatibility. She will fund this copier with Records Management and Retention funds. Glenda asked if the Commissioners were to utilize the Konica model, would they be charged for the use. Regina replied she does not know at this time. **Commissioner Stoltz made a motion to approve the purchase of a new copier for Clerk & Recorder from Office Solutions. Commissioner Foss seconded the motion and all voted "aye". (4-0)**

The Board requested Glenda to investigate if the Konica will fit in the office and what if any are the terms of the service agreement.

Regina discussed the ballot counting machines for absentee ballots. They were purchased without the anticipation of the absentee ballots growing. She requested purchasing a central tabulator that would also be used for audit tabulations. The cost is \$33,000. There are some capital improvement funds available and has \$25,372. She is short about \$7,628. Commissioner Chilcott asked Regina if she is negotiating trading the other machines and if some of those funds could be utilized. Regina replied yes, she is and if there are funds they can be used. Commissioner Chilcott requested Regina investigate trading them and then revisit the issue.

Regina discussed research within the Plat Room for different departments. She had an issue a week ago with a County Attorney request and a request from Department of Revenue. She would like to send an email to have those requests go through her for prioritization and efficiency. Regina would also like to see the records more centralized and be more organized and then determine what can be shredded and how the records can be searched. Black Mountain has been outgrown and a new search engine is needed for the records. Regina has also been working with the County Attorney's Office for what has to be legally retained. She will come before the Board when the committee is ready to move forward.

► The Board for discussion and decision on the development of an adhoc advisory committee to research issues on the general structural options of the Ravalli County plan of government at 1:30 p.m. Present were William Menager, Chris Hockman, Lee Tickell, Maggie Wright, Administrative Assistant Glenda Wiles, Ravalli Republic Reporter Whitney Bermes and Bitterroot Star Reporter Michael Howell.

**Beth PUT in here what Glenda asked about participation – and left meeting. Then let me read it. I pretty much remember what I said**

Commissioner Chilcott received several requests over the years of whether or not elected positions should be partisan, if there should be 3 or 5 commissioners and if those terms should be 4 or 6 years.

Commissioner Foss asked about the ten year review by the Local Study Commission and if it is duplicating what has been done. She questioned the authority of the Board to make these changes. Commissioner Chilcott replied the Board has the authority to put the issues on the ballot but not make the actual changes.

Glenda asked the Board what they would like her role in today's discussion be. She was appointed by the Commissioners as an ex-officio member to the Local Study Commission (LSC) serving 2004 to 2005. In the beginning, she was to take minutes until the other LSC members wanted her to participate rather than to take minutes. The LSC utilized another employee, Sally Fortino, to take minutes. There were 110 to 112 meetings held of which she attended 104. She is intimately aware of all the conversations, the process, the people who came to the meetings, and what their expressed thoughts were. She also wrote the minority opinion. She again asked direction from the Board if they would like her to participate as an ex-officio member of the LSC or as an employee (Administrative Assistant). Commissioner Kanenwisher replied the LSC process is a completely separate process of what is being discussed. The LSC process was started by ballot vote in 2004. If there is a question of what happened in that process, it is a separate question of what is being discussed now. As for Glenda's role, if there is a question regarding the past process, she may answer and if she would like to make public comment, she may do so on her own time. Since there was no need for comment, Glenda left the meeting at this time.

Commissioner Foss questioned the goal of the adhoc committee. Commissioner Chilcott's goal is to have an adhoc committee to reopen the discussion and take public comment. There are five possible opinions and five possible answers of this Board. Public input is always good to have. Commissioner Foss stated this is a big issue and does not believe that 7 weeks into office is a good time to bring it up. She suggested revisiting this issue six months from now. Commissioner Kanenwisher clarified this is to start an inquiry not to make any decisions.

Commissioner Chilcott suggested providing an atmosphere where the public can come and give input on these questions and potentially be put to ballot. He clarified the Board can put these to vote but cannot advocate for it. Commissioner Kanenwisher questioned if

there is a reason to do this now and put it to ballot. He questioned whether it could be on a general ballot or a primary ballot and what would be the timeframe. Commissioner Chilcott stated the purpose of an adhoc committee is to gather public input and public information. It is never a bad idea to get public input on governing.

Commissioner Foss expressed her concern with upsetting the public and forcing a special election and cost. Commissioner Chilcott expressed his concern with the recent election and having a majority turnover on the Board of Commissioners. Discussion followed regarding the value of having five commissioners with six year terms and the cost of having an adhoc committee. Commissioner Kanenwisher requested a time line be established.

Commissioner Foss stated comments she received were more specified to when public meetings are held to make comment. During spring and summer, the public is mostly unavailable to attend and recommended having weekend and evening meetings. She further suggested providing information to the public of the differences between having three and five commissioners and the term lengths.

Commissioner Chilcott opened public comment.

Michael Howell stated there have been several committees developed. He suggested not having an adhoc committee and just put it on the agenda for public discussion. Commissioner Chilcott stated when a public meeting is scheduled, the "phone tree" happens with only one side of the issue is represented. This is not what he is looking for but rather all sides and opinions. Michael stated his understanding is not waiting for the local study commission but starting it early. Commissioner Foss stated in her experience, the same people would attend the adhoc committee meetings as the Commissioner meetings.

William Menager stated a group is initiating a petition to change the Commission from 5 to 3 members, which can result in a special election which would cost the taxpayers \$40,000. By starting an adhoc committee, it would save those monies.

Whitney Bermes asked if a committee is formed with a citizen group trying to have a special election, would it stop the petition. Commissioner Chilcott replied no.

Maggie Wright stated one issue that was brought up is timing. With the Commission looking at different voluntary boards for cost effectiveness and efficiency, having an adhoc committee fits in with the action of this Board. With the discussion of cost effectiveness and efficiency, perhaps the Board of Commissioners should consider going to half time.

Lee Tickell stated this is a case of the blind leading the blind. Without a legal opinion and without a plan, what are the options and timeframes and how do you get there? Without these questions answered, it is a waste of time. There are three ways the Board can initiate change of local government. One is initiated by citizens, two is proactive action

by the Commissioners or three is legally mandates every ten years. Without these questions answered, how can a new committee be established. There are 56 counties most with three commissioners, one county with five commissioners, and two counties with combined city and county commissioners. In his experience, they all work with varying degrees of efficiency. He suggested looking at the notion of going back to smaller government, or half time with the possibility of a three day week. He does realize this job can be easily 50 to 60 hours per week but it is a matter efficiency. He addressed Commissioner Kanenwisher's comment that Ravalli County is a welfare county in a welfare state. Montana has received more money from the federal government than what it has given. If this Board wants to get Ravalli County out of being a welfare county, the first step is to balance the budget, cut state funding that is not locally generated, look at our own social programs and generate our own funding. Commissioner Kanenwisher stated today's meeting is to have an open discussion of how and if to proceed starting with a County Attorney's Opinion.

John Meakin stated citizen petitions are citizen initiated. The question of forming a citizen adhoc committee is out of the Commission's control. It should be citizen initiated not Commission initiated. He discussed the difficulty with having a three member commission and having a member out to meetings and constituting a quorum. He suggesting letting the citizen initiated petition go and run its course.

Chris Hockman read the study commission report of 2004. He asked if there has been any follow up to the costs of going from three to five commissioners and what are the gains of that investment? Commissioner Kanenwisher asked if it included remodeling, etc. He clarified what is the cost of having five commissioners annually and if it is worth it. Commissioner Foss stated she would like to investigate this matter further. She is finding she feels differently from when she first came in up to this moment.

Commissioner Chilcott closed public comment.

Commissioner Chilcott stated there has been shift on this Board from a three member republican board to a five member with two republicans, two democrats and one independent to a five member all republican board. There have been questions raised and there is a citizen driven petition to reduce the Commission from five to three members. He would like to be proactive with saving the cost of a special election with starting an adhoc committee to collect public input. Commissioner Kanenwisher stated there is a county of three commissioners with four year terms. If they went to a six year terms, there is no guarantee of a majority turnover. Commissioner Foss liked the idea of six year terms to avoid a majority turnover. Before the citizens be involved, there should be information available of the differences. Commissioner Kanenwisher stated he is not comfortable with his knowledge to make a decision since he is too close to the subject.

Michael Howell stated a simple way to gauge is to have a public discussion and not create a committee to have the discussion. Commissioner Kanenwisher disagreed that putting it on the agenda would address the need for a discussion.

John Meakin suggested having five people visit the districts and answer questions and take public comment.

Lee Tickell stated in order to frame the discussion and keep the public input, specification is needed. The place to start is a legal opinion from the County Attorney's Office.

Commissioner Kanenwisher requested what can or cannot be done be clarified with a County Attorney opinion. Commissioner Foss agreed with Commissioner Kanenwisher.

SIGN IN SHEET – COMMISSIONERS MEETING ROOM

**\*\*PLEASE PRINT YOUR NAME LEGIBLY\*\***

THANK YOU!

DATE: 23 FEB 11

MEETING: \_\_\_\_\_

H. KUDRIDGE

Mary Lee Bailey

Les Rutledge

Michael Howell

Jan Wainwright

Cheryl Tenold

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