

December 30, 2013

The Lincoln County Board of Commissioners met for a special session on December 30, 2013. Present are Commissioner Tony Berget, Commissioner Ron Downey, Commissioner Mike Cole, Executive Assistant Bill Bischoff and Deputy Clerk and Recorder Leigh Riggelman.

There will be two public hearings today, one in Eureka and one in Libby for the consolidation of the Superintendent of Schools and the Treasurer and consolidating the part time Justice of the Peace position with the full time Justice of the Peace.

10:30 AM: Eureka Public Hearing was called to order by Commissioner Berget. He then explained that each person would need to state their name for the record and opened the meeting for public comment. The first discussion would be for the consolidation of the Superintendent of Schools with the County Treasurer position.

Kip Foss – She is bewildered by proposal of combination of Supt and Treasurer. State Standards providing structure of education should be considered and concerns of educators, children & parents & how to find certified person to administrate. Treasurer must balance numbers while Supt must balance human factor, OPI laws, local school districts, etc. Her fear is that the fiscal responsibilities will override the human factor and education needs.

Nick Tomaskie – He states that the Superintendent's main jobs are budget and due process in school systems through the chain of command. An open meeting law was read. He has been having problems with the Eureka School Board and feels that the Superintendent provides an independent person who can direct people to the best person or process for the problem.

Ron Higgins, Superintendent of Schools, said he works with issues of controversy, school boards and other parties involved working together before a problem gets to litigation. He reviews all school budgets & catches budget mistakes. He read excerpts of a letter from Jackie Becker.

Steve Neuman – He feels that the Commission is putting the cart before the horse for consolidation. He agrees in principal but it is inadequate in substance. He doesn't feel informed with specifics so he can make an informed comment. The County might be saving money, but too narrowly focused on a single option of consolidating the position. He believes that a decision this afternoon gives the Commissioners insufficient time to consider a thoughtful decision on the Justice position. It's reasonable and necessary to oppose a consolidation in order to come up with alternatives and come back to the public for comment.

Gary DeLorenzo – Asked questions about salaries of individual superintendents of schools as compared to the County Superintendent of Schools salary.

A gentleman in the crowd asked why there are individual Superintendents as well as a County Superintendent. Mike Cuffe echoed comments made by Steven Neuman.

Jan Bertelsen James – She is a 40 year teaching veteran and feels that rural schools deserve representation if trouble is occurring or advice needed. Students and community members deserve the best and that the process has not been thought completely through and she opposes consolidation.

Larry Stewart – The Commissioners are not mind-readers and are not making decisions on feelings, but on numbers but involvement by people is a must. The Commissioners must make a choice on what is put in front of them and should take into account public input. He feels that being creative about making money and funds to make up deficit in budgets is a must. He asked that the Commissioners to step back and allow people to speak and allow public to assist positive action and open doors.

11:03 AM: Commissioner Berget opened the floor to discussions about the Justice of the Peace.

Jay Sheffield, Justice of the Peace #1, said that absorbing JP 2 into his office could be done but not easily. He gave some statistics of the case loads from both JP1 and JP2. Cookie Haidle interrupted Judge Sheffield. She feels that this is a public hearing and she wants the time for public comment. Judge Sheffield understood, but wanted to reiterate his costs. Differences are: cases and workloads and specifics. Economics vs Convenience – JP 1 makes more in fines than JP 2. He talked about peripheral costs like travel times, personnel issues, etc.

Judge Stormy Langston, Justice Court 2, does not want to take any time as it is a public hearing and said the Commissioners know her opinions and thoughts.

Robin (Frank) Haidle said 37% of Lincoln County's revenue comes from the North end of the county. Consolidation of the Eureka Justice position will put a hardship on the taxpayers.

Don Fish asked how the Commissioners justify the consolidation and the issue should be put on ballot for vote. He also wanted to know why the county is in financial difficulties.

Bobby Stoken presented a chart of what the Justice does in the Eureka area as well as a summary of health insurance, cell phone and other benefits including amounts on salaries, caseloads for both Justice Courts and cost per case. Final number indicates only 11% difference between the full time JP1 office and the part time JP2 office. She doesn't feel that there hasn't been an efficient use of tax payer dollars. She also brought up the travelling driver's examiner and then compared it to a travelling JP.

Cookie Haidle said she was in charge of domestic violence office in Eureka. She stated that there had been 141 people going through domestic violence shelters as of yesterday. The Eureka Justice position equals safety for children and other domestic violence victims and does not believe that safety would happen if not for Judge Langston.

Dave Guild said that 623 people have signed a petition to keep the Justice of the Peace office open in Eureka in just a 4 day period. He stated that the people in the Eureka area were serious about keeping the JP position.

Serena Welch said that she had needed a restraining order and needed Judge Langston to extend emergency extension and enforcement of it. She brought up overtime issues that will be extended to JP1 if the Justice position in Eureka is consolidated as well as concerns for the amount of time for travel for emergency and other travel and public denied due process of this decision.

Kellem White wanted to know what is going to contain cops without the Justice of the Peace office in Eureka and does not understand why the public only had a month to prepare

Melody Davis had a question for Stormy. Besides search warrants and restraining orders, what other things does she deal with after hours? Judge Langston said that officers will call on other warrants and blood warrants for DUI's.

Pat Good, JP2 clerk, said that Judge Langston is available to her clerks and learning curve is huge to learn her job.

Tracy McIntire feels that the solution is to hold off vote until an advisory committee can be appointed to figure out viable solutions for. She was willing to be on the committee.

Mike Workman noted that the meeting was called improperly. He read the open meeting law and felt that the Public Hearing was not scheduled appropriately. 623 people on the petition needed to be listened to and that there was not enough time between this meeting and the afternoon to make a well-considered decision. This meeting does not meet the legal requirements for an open meeting.

Ed Croucher urged the Commissioners to delay the decision to be able to make a wiser decision. He understands that cuts and changes need to be made but that the people of Lincoln County cannot afford to have the JP2 cut at this time.

Alan McCurry was concerned that budget restrictions mean the consolidation of both positions. He asked: where does power go when it's taken away from the citizens and public and felt that it will go back to the County Commissioners. He stated that it is disconcerting to realize that 2 elected positions might be consolidated thereby diminishing the right of the public to choose.

Paul Stewart asked: what does Roby Bowe think of this issue? Roby Bowe indicated that no one likes budget cuts and said do we want to see it? Absolutely not! No one wants positions consolidated.

Nancy Haugen is the local vet and asked: why is there a JP in this community anyway? It will cause hardship for business owners and others to have to travel to Libby to take care of court business.

Mariah Miller talked about 3 cases that are personal and asked to table these decisions until all stories have been heard.

Barbara Morgan felt that in the few times she had been to Libby that she could see where cuts could be made in the Libby area and would be just as justifiable as consolidating the Justice position. She stated that the North Annex has been an important contribution and convenience.

Jay Sheffield said that the issue needs more thought and offered his respect for Judge Langston.

The Public Hearing was closed at 12:05.

LIBBY PUBLIC HEARING 12/30/2013 2:26 p.m. – Special Session reconvened in the Commissioner's Meeting room in the Lincoln County Courthouse. Commissioner Berget called the meeting to order, reminded attendees to state their name for the record and opened the floor to comments about the Justice of the Peace #2 position.

Cookie Haidle asked Roby Bowe about how much of a difference it will make in Sheriff's budget with regard to overtime, transport mileage, and increase of staff without the Eureka area Justice position? Roby Bowe stated that it will depend on how and what steps will be taken and that it's hard to put number figure on the change at this point. He doesn't feel that the change will be dramatic. Cookie Haidle felt that, realistically, one person might not be able to handle the increased work load.

Barb Guthneck said that a lot of cases that Justice Court #2 hears are for domestic violence cases and it would be difficult for victims in the Eureka area to get down to Libby Justice Court. She felt that orders of protection are higher with Langston than with Sheffield and she didn't feel that Judge Sheffield was as proactive with restraining orders. Jay Sheffield stated that he'd issued 45 protective orders and had looked at 8 additional that did not get issued because of paperwork. He says that Ms. Guthneck had given false information.

Scott Mattheis feels that the fact was not taken into account that JP2 does a lot of after hour work that it might not work without it in Eureka. He asked: how much personal time does Langston spend doing her job?

Mike Cuffe spoke briefly in Eureka and wanted to speak now. He acknowledges that the Commissioners have a tough job in budgeting and have to be wise and just in their decisions. He is not convinced that what is happening with these 2 elected offices is quite enough.

Steve Curtiss concurs with Mike Cuffe. He feels that it is not so much a source problem, but a symptom. He stated that Eureka residents have spoken.

Judy Hall said that more time and attention needs to be given and she asks that the commissioners delay the decision.

Stormy Langston noted that several people had driven down from Eureka to follow up on the Libby meeting. She stated that she and Jay have not discussed this with each other and the Libby office does not want to take Eureka's case load. She requests that the commissioners delay the decision.

2:51 PM: Commissioner Berget opens the discussion on County Superintendent of Schools.

Ron Higgins said that his position does not generate revenue, but he believes it would be good to look at cost savings. He stated that litigation is expensive and would like to mediate rather than litigate. Legislation is taking 15% of school reserves to fund retirement and schools in Lincoln County had to come up with over \$400,000 without the 15%. He feels that the costs involved, as well as potential savings AND other human variables needs to be considered by combining the Superintendent's office with the Treasurer's and include: evaluations, issues of conflict, budgets, paperwork, special needs students, rural schools without principals and superintendents. He spends a significant amount of time helping the smaller rural schools. It is a county function to oversee tax moneys that go towards the schools and hiring an administrator to maintain certification and all the rest that needs to be done may not end up being a significant cost

savings, that the smaller rural schools deserve a place to go for help with problems and that something will get lost in change-over.

Ed Croucher asked if Mr. Higgins has any oversight of homeschool children. Ron Higgins said that homeschoolers have to register with Superintendent of Schools and provide immunization records, but not much else. Lincoln County has 148 homeschoolers.

Scott Mattheis is concerned about costs of outsourcing the Superintendent's position. Outsourcing may end up being more expensive in the long run and he wonders if the Commissioners might be better off by keeping the position as elected.

The Public Hearing was adjourned at 3:07 PM.

3:30 PM: Decision for Justice Court #2 and County Superintendent of Schools positions: Superintendent of Schools – Resolution read by Commissioner Berget as below:

Resolution No. 907

Order to Combine Elected Offices

Whereas, Lincoln County has been faced with difficult financial decisions the past few years; and

WHEREAS, Section 7-4-2301, M.C.A. authorizes Boards of County Commissioners to consolidate two or more offices named in Section 7-4-2203, M.C.A.; and

Whereas, Lincoln County has a half-time County Superintendent of Schools; and

Whereas, this Board feels it is in the best interest of the financial burden to taxpayers to consolidate the County Superintendent of Schools office with the office of the County Treasurer; and

Whereas; two public hearings on this issue were held, one in Eureka and one in Libby; now

THEREFORE IT IS HEREBY ORDERED that the elected office of the County Superintendent of Schools be consolidated with the elected office of the County Treasurer.

DONE IN SESSION this 30th day of December, 2013.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony J. Berget, Chairman

Ron Downey, Member

Mike Cole, Member

Attest: _____

Tammy Lauer, Clerk of the Board

He asks for motion to approve. Commissioner Downey moves to approve consolidation of Superintendent of Schools with the County Treasurer's office. Commissioner Cole seconded and asked for further discussion. Commissioner Cole says that there has been a lot of discussion of what the Superintendent of Schools does and that everything he's heard from the Public and the Superintendent has been to keep this position and that he's representing the folks of Lincoln County and would prefer to keep the position. Commissioner Berget concurs but states that tough budget choices have to be made, but that they cannot keep kicking it down the road. Commissioner Ron Downey said he'd talked to a lot of people as well and has lost a lot of sleep over this. He has not gotten the response to dictate to him to not to make cuts – and that changes need to be made. Oregon has lost cities and communities and that he doesn't see anything positive to come down the road in the future. Today, he really thinks the decision needs to be made. Commissioner Cole respects Tony's opinion and talks about doing these things, but that there really hasn't been a distinct plan offered to make the decision and that there has not been any analysis or plan being done. Commissioner Downey's reply was that for the amount that could be saved it is viable to decide today. Commissioner Cole disagreed and that there was no analysis that breaks the costs and budgets down. Commissioner Berget called for a vote. The motion carried with Commissioners Berget and Downey for and Commissioner Cole against.

The Resolution was read to consolidate the Justice Court #2 position as below:

Resolution No. 908

Order to Combine Elected Offices

Whereas, Lincoln County has been faced with difficult financial decisions the past few years; and

WHEREAS, Section 7-4-2301, M.C.A. authorizes Boards of County Commissioners to consolidate two or more offices named in Section 7-4-2203, M.C.A.; and

Whereas, Lincoln County has two (2) Justices of the Peace, one full-time in southern Lincoln County and one half-time in northern Lincoln County; and

Whereas, this Board feels it is in the best interest of the financial burden of taxpayers to consolidate the two (2) Justices of the Peace offices into one office that would be based in the County Seat; and

Whereas; two public hearings on this issue were held, one in Eureka and one in Libby; now

THEREFORE IT IS HEREBY ORDERED that the elected office of the Justice of the Peace, Eureka (JP2) be consolidated with the elected office of the Justice of the Peace, Libby (JP1).

DONE IN SESSION this 30th day of December, 2013.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony J. Berget, Chairman

Ron Downey, Member

Mike Cole, Member

Attest: _____

Tammy Lauer, Clerk of the Board

Commissioner Berget asked for motion to open floor for discussion or vote. Commissioner Downey moved to consolidate the Justice of the Peace #2 and Commissioner Berget seconded the motion for discussion. Commissioner Downey said that he has wrestled for weeks about cutting the department. The bottom line is that the money is not there and most likely won't be ever. Commissioner Berget asked if it is perfect plan and answered No, but service will still be provided in Eureka area. He stated that they cannot keep putting it off they do welcome help in making future decisions but that hard decisions and hard cuts must be made. Commissioner Cole said that there is a lack of plan and analysis and a lack of public participation. He said that the Voice of Eureka was very adamant about its view and that the commissioners should respect that voice. He felt that feelings of the people that this will adversely impact them without further study and options was clear and that there might be other ways of working around budgets and money issues without closing Justice of the Peace #2 offices. Commissioner Berget called for vote and the motion carried with Commissioner Berget and Downey for and Commissioner Cole against.

Judge Stormy Langston said that the motion compared to resolution and she wanted to know exact dates saying that a vote must be done within a 20 day deadline and that if she was looking at it correctly that it has been 24 days since the motion or resolution was made and that it might not be within the time constraint.

4:00 PM: Lobo Tracts Subdivision, final plat: Kristin Smith presented final plat application for Lobo Tracts near the Canadian Border on the Yaak River Road. All improvements for final approval were completed and she recommended approval. Commissioner Downey moved to accept the final plat and it carried.

4:03 PM: Mariner's Haven, Phase 1, final plat: Kristin Smith presented the final plat. Phase 1 was granted preliminary approval in 1988. Kristin gave 3 points to deny final plat at this time:

1. Legal validity – 2 different attorney opinions that the paperwork that was submitted originally was not valid.
2. The County had an agreement in 1991 that required preliminary review for each phase. That did not occur.

3. The final application that was submitted was deficient in other circumstances. Subdivision improvements agreement and details have not been adequately provided. The preliminary plat is so old that questions arise on types of lots.

Recommend denial at this time by Kristen Smith.

Commissioner Berget said that communication has taken place off the record of this subdivision. Commissioner Cole concurs that problems have arisen from this project but that in the interests of moving this project forward under the timeline that he hopes that the work between the developer and the planner will not hold the approval up. Commissioner Cole moves that it be approved. Commissioner Downey seconds with an amendment of that a bond should be provided for water, sewer and roads. It is indicated that a bond is already in place by engineer for \$600,000. Commissioner Berget feels that it a great idea however, he finds it difficult to go against the attorneys opinions. The motion carried with Commissioner Downey and Cole for and Commissioner Berget against. There was a discussion with the developers about the subdivision and addressed the 6 items that Kristin Smith had concerns about.

4:17 PM: The meeting was adjourned.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Anthony Berget, Chairman

ATTEST: _____
Leigh Riggleman, Clerk of the Board