

ADMINISTRATION AND FINANCE COMMITTEE

CITY COUNCIL CHAMBERS

140 WEST PINE STREET

MISSOULA MONTANA

July 27, 2011 1:05 pm

Members present: Cynthia Wolken; acting as Chair, Jason Wiener; Dick Haines; Bob Jaffe; Lyn Hellegaard.

Members absent: Stacy Rye, Ed Childers, Renee Mitchell; Pam Walzer; Dave Strohmaier; Jon Wilkins.

Others present: Gail Verlanic, Janez Gingery, Dee Andersen.

I. Administrative Business

A. Approve committee minutes dated: [July 13, 2011](#)-approved as submitted

B. Public Comment on items not listed on the agenda-

Ross Best said he was there to speak to the City Council magic quorum rule and the problem you have, but don't want to admit you have when you hold illegal meetings. He said it was fitting as there is no quorum present in this committee meeting today. He said he sent the Council members a letter responding to City Attorney, Jim Nugent's legal opinion. He believes the City Attorney is giving you bad advice. He believes that Mr. Nugent has misinterpreted the Council Rules. He said there is a distinction between appearance and reality. There is a distinction between form and substance. You have a duty to understand what your rules do. Your rules allow you to conduct committee meetings if only 1 or 2 members show up. You have the public notice requirement, but the quorum for a Council committee under your rule is not a majority, it is one member of the committee. Anytime one or two of you discuss committee business outside of a properly noticed committee meeting, you are breaking the law. In regards to with the civic stadium proposal, he said he had asked each Council member to provide the details of what discussions they had since the item was referred by committee and he hasn't received any responses. He assumes the Council has had those conversations and He encouraged them to admit it.

II. Consent Agenda

A. Approve claims (accounts payable). -Consent Agenda (Brent Ramharter)

MOTION: The committee recommends the City Council approve [claims](#) totaling \$356,159.33 ([Detailed claims](#)) 08/02/11

MOTION: The committee recommends the City Council approve [claims](#) totaling \$1,345,541.94 ([Detailed claims](#)) 07/26/11 ALREADY ACTED ON 7/25/11

III. Regular Agenda

A. Authorize the Mayor to sign the collective bargaining agreement between the City of Missoula and: the Montana Public Employees Association (Parking Commission). The contract term is for July 1, 2011 through June 30, 2014. ([memo](#))—Regular Agenda (Janez Gingery) (Referred to committee: 07/25/11)HOLD FOR DISCUSSION 8/3/11****

Janez Gingery, Human Resources, requested approval for the collective bargaining agreement between the City and MPEA (Parking commission). She said they will receive a 3% wage increase over the next three years.

Bob Jaffe asked if there are any other changes.

Ms. Gingery said only health insurance changes and wages.

Bob moved the contracts.

Cynthia Wolken noted that there is no quorum present.

Jason Wiener said he thinks the way to go would be to refer this as a new item of business for Monday's Council meeting and not on the consent agenda.

Mr. Jaffe withdrew his motion.

The committee discussed what to do with this discussion item; to refer it as a new item for business, or hold it until the next A&F meeting for further discussion and vote. They determined if there is a meeting held on Monday 8/1/11 they will refer it as a new item for business, and if there is no Monday meeting then it will be held until the next A&F meeting on August 3, 2011.

Dick Haines said he wanted to respond to Mr. Best comments. He said he admires Mr. Best and does often agree with him, but this business of calling them a committee of one is not right. Mr. Best's request of keeping track of who we talk to and what we talk about is not realistic. He said he will not be pushed into a corner about what he has spoken about with someone over coffee. He can't meet the physical or mental demand of what Mr. Best is asking. He said if Mr. Best wishes to push this further, maybe a higher court of law can make the determination.

Mr. Jaffe said he spoke to the City Clerk recently about a general referral to clean up or revise the Council rules and she said both Ms. Walzer and Mr. Childers expressed interest in doing the very same thing so a referral is coming forward soon.

Mr. Wiener clarified that sitting down and having coffee with someone is not a committee meeting and in the next few weeks the rules will be cleaned up.

IV. Held in committee

- A. Approve claims. (Ongoing) (Consent Agenda)
- B. Approve journal vouchers. (Ongoing) (Consent Agenda)
- C. Approve budget transfers. (Ongoing) (Consent Agenda)
- D. An ordinance amending the municipal code as it relates to bike licensing. ([A&F](#)) (Returned from council floor: 12/15/08)
- E. Implications of establishing maintenance districts. ([memo](#)) – Regular Agenda (Bob Jaffe) (Referred to committee: 05/11/09)
- F. Clarify position of council member who also serves on the board of a non-profit agency that has dealings with the city. ([memo](#)) – Regular Agenda (Ed Childers) (Referred to committee: 07/20/2009)
- G. Review the FY 2011-15 capital improvement projects (CIP). ([memo](#)) – Regular Agenda (Brentt Ramharter) (Referred to committee: 04/19/2010)
- H. Amend Council rules to change the Council's regular meeting schedule to two meetings per month ([memo](#)).—Regular Agenda (Marty Rehbein) (Referred to committee: 06/07/10)
- I. Discuss the disposition of surplus city property. ([memo](#))—Regular Agenda (John Newman) (Referred to committee: 10/25/10)
- J. Amend the FY 2010 budget to appropriate expenditures that were not identified in the original budget. ([memo](#))—Regular Agenda (Brentt Ramharter) (Referred to committee: 11/01/2010)
- K. Discuss outstanding third-party contracts. ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 11/08/10)
- L. Review the city's current policy for charging the public for various city-produced documents ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 12/06/10)
- M. Confirm the reappointment of Mark Muir to the Impact Fee Advisory Committee completing a term commencing December 1, 2010 and ending November 30, 2014. (Returned from Council floor: 11/1/10)
- N. Review Missoula's insurance experience, particularly work comp; propose improvements if warranted. ([memo](#))—Regular Agenda (Ed Childers) (Referred to committee: 05/09/11)

V. Adjournment

The meeting was adjourned at 1:25 pm

Respectfully submitted,

Dee Andersen

Administrative Secretary

