

**POLSON CITY COUNCIL WORKSHOP
CITY LIBRARY COMMUNITY MEETING ROOM
SUNDAY, NOVEMBER 18, 2007, 9 A.M.**

ATTENDANCE: Council: Bruce Agrella, Tom Jones, Mike Lies, Tom Corse, Fred Funke. Councilman MacDonald absent. Mayor Jules Clavadetscher. City Manager Jay Henry. City Clerk Aggi Loeser. Newly elected - Council: Elsa Duford, Jim Sohm and Mayor Lou Marchello.

LOCAL GOVERNMENT ORIENTATION WORKSHOP WITH LOCAL GOVERNMENT ASSOCIATES, INC. KEN WEAVER AND JUDY MATHRE – Conducted a workshop on the duties and responsibilities of the Council, Mayor and City manager under Polson’s new charter form of government. The meeting was open to the public, however the public did not have an opportunity to comment or participate, since it was a work session and no votes or decisions were made.

Ken Weaver provided a workbook for the participants which included the agenda of discussion items for the orientation workshop, the transition plan for Polson’s charter form of government, conduct of City Commission (Council) Meetings, questions to ask about the city’s budget, workshop participant evaluation, examples of case scenarios regarding proper parliamentary procedure, code of ethics, roles and responsibilities.

The following issues were discussed and opinions given by Mr. Weaver.

Charter states that Council will be called Commission under the charter form of government. Designate by resolution if Council name will be used.

According to Montana law, non charter forms of government the treasurer is an elected position, although it is not done in the majority of cities in Montana.

The position of Financial Officer is becoming more prevalent in cities across the state. They prepare the Annual Financial Report and the Budget Document, with a separate position for clerk of commission who is sometimes called a deputy clerk.

The City Manager’s role is to accomplish what the Council directs him to do.

The resort tax MCA 7-6-1501 is allowed in communities having less than 5,500 population.

The charter form of government allows for self governing powers with more flexibility, except that state and federal laws apply, with powers except those prohibited by law. Consult city attorney for advice regarding passage of ordinances.

Agreements with the Tribes allowed regarding local issues such as park improvement and retrocession agreements are allowed.

Revise and codify city ordinances by June 30, 2008, according to the charter. Remove ordinances that no longer apply.

Reappoint all board members under new charter form of government. Review the effectiveness of boards and clarify what relationship these boards have with the City government.

The mayor's role under the charter form of government is of presiding officer and votes but does not have veto authority and no executive or administrative powers or roles. The mayor can make a motion but his main role is to give opportunity for all parties to be heard according to Paul Mason's or Robert's Rules of Order. He should yield the chair if he wants to make a motion or argue an issue. He should make sure the discussion is timely and efficient procedure, assure public safety during inflamed situations and handle meeting with fairness.

A revised version of Robert's Rules of Order is available and is in a format that is easier to understand.

A motion that has been passed can only be reconsidered by the prevailing side.

Any standing committees should be abolished under the new charter form of government.

The city manager deals with all personnel issues with the aid of an appointed ad hoc member from the council. Create a committee for grievance issues but no personnel committee. Ad hoc member reports findings to the commission.

Present resolution for council approval to extend date of creation of organization chart to June 30, 2008, if it can't be done by January 1, 2008 which is stated in the charter. The organization is not set in law and it is an opportunity for the city government to reorganize in a more efficient manner. The council gives direction on a proposed organization chart, draft form to be presented by city manager. Identify new relationships between mayor, council, city manager, department heads and employees. The most significant change is that the mayor is not the boss anymore.

No standing committees except the grievance committee. Impact review committee is ok. A finance committee could be created to help council understand the budget in more detail. The committee directly involves the Council. The department heads respond directly to the city manager.

Claims (invoices) MCA7-6-4301 should be approved by the city manager and checks signed by the mayor and clerk. There should be alternates for each. Department heads and city manager should approve claims. No council approval is required for individual claims, however a claim approval list should be provided to all council for their approval. Ken Weaver has developed a claim form which requires two signatures verifying that the item being paid for has been received. Should be required for items that cost \$500 or more because these are the largest instances of theft in government. Once council approves claims a signature stamp can be used. Review claim process and discuss with city manager what approval procedures to follow.

Charter form of government or any part of the charter can be changed by voters.

Expenditure and revenue reports should be provided to city manager and council on a monthly basis.

Police levy (Municipal Services Levy) should be in separate fund.

The annual budget adoption should be passed by ordinance not resolution. The officers approving expenditures in excess of budgetary authority can be held responsible for the expense.

In some cities building inspection is considered law enforcement. Consider removing the department from planning department.

Legal notice is 48 hours. Establish by resolution where notice will be posted. Notice required if decision is made by council. Council should never vote unless item is on the agenda. Agenda is legal notice. MCA 2-3-203 for meetings of public agencies and boards. Agenda should include opportunity for public comment on items not on the agenda regarding issued within the council's jurisdiction. Land use issues require public hearing. All public hearings should be recorded in the event of an appeal in court. Attendance sheet could be considered a breach of right of privacy. Do away with sign in sheet.

Each motion is a resolution, a resolve by council to take action, the same as a resolution that a number is assigned to.

There is no difference between a comment and a question unless there is an answer to the question.

MCA2-3-202 A quorum of council is considered a meeting. Electronic messages are not allowed. Individual council should not hear or discuss issues which they have jurisdiction over outside of a scheduled, noticed meeting of the council. It is a conflict of interest for council or mayor to vote, discuss or preside over an issue affecting a non profit organization of which they are an advisory board member.

Council procedure should be adopted by resolution. City manager reviews agenda. Ad hoc committee should be appointed by Council.

Presents are addressed in MCA 2-2-104. Gifts received by council should be donated and the donation documented with a receipt, to avoid any perception of impropriety.

MCA 2-2-121 – Rules of conduct for election campaigns. Standard of conduct for officer or director. Provided a bid process has been conducted, an official having an interest in the company being considered can vote on that bid. MCA 2-2-104 Officials having any ownership or financial relationship is best to remove themselves from discussion or vote.

MCA 2-3-203 Minutes are to document the date, time and place of a meeting and what happened, what council action was done. Executive session is held to protect the right of the individual. Taping is a threat to privacy. Get city attorney's advice.

Annual budget should include 20% to 25% of appropriation (expenditure budget) for cash reserve. If there is excess reserve it should be converted to capital expenditures or projects. Council should see and compare June 30th cash balances for prior years to see the trend for the reserves.

Set up separate funds for the police levy and permissive medical mill levy. They should not be in the general fund. There are limited means of increasing revenue sources in the general fund, other than careful budgeting and monitoring the general fund's expenditure budget.

Meeting adjourned at 2:30 p.m.

Jules Clavadetscher, Mayor

**Attest: _____
Aggi G. Loeser, City Clerk**