

COMMISSIONERS APPROVAL

CHILCOTT 

STOLTZ 

IMAN 

FOSS 

BURROWS 

Members Present.....Commissioner Greg Chilcott, Commissioner Ron Stoltz, Commissioner J.R. Iman, Commissioner Suzy Foss and Commissioner Jeff Burrows

Date.....January 30, 2014

► Minutes: Glenda Wiles

► The Board met at 10:00 a.m. for a discussion and possible decision on the interim management structure of the Treasurer's Office. Present was Civil Counsel Howard Recht, Human Resource Director Robert Jenni, Clerk and Recorder Regina Plettenberg and Comptroller Jana Exner.

Robert gave an update on his quest to find someone qualified to assist the county in the Treasurer's Office by contacting Cascade, Missoula, Lake and Granite Counties. He has found a previous Beaverhead County Treasurer who has been out of the office for 3-years and has Black Mountain Software experience.

Board discussion:

Commissioner Foss stated it is good that a previous treasurer is available.

Commissioner Iman stated Beaverhead is a neighboring county and is familiar with Merlin and Black Mountain software.

Commissioner Burrows asked Regina for an update on activities within the Treasurer's Office.

Regina stated they are keeping up on day to day activities but they are still dealing with the continuity of the office (wire transfers/daily A101's). She stated whomever they bring in will need to deal with the past issues such as the district contacts/receipting and reconciliation. Jana agreed they need someone that was an actual Treasurer in order to understand the Treasurer's duties and be able to do more than just fund accounting.

Commissioner Burrows asked about background check and references. Robert stated he will do a regular, criminal and financial background check, as well as call the Commissioners in Beaverhead County. Her name is Kathy Allard. Kathy has indicated she can come next Monday and wants \$35.00 per hour (\$200.00 per day) plus meals, lodging, return mileage trips to Dillon on the weekend. Robert anticipates the cost at \$9,500 for full 30 days (equals 20-21 working days). Ms. Allard suggested she be placed under the County Attorney rather than the

Commissioners and she could be a contract employee so no fringe benefits would be required. Robert will look into being an employee versus contracted service.

Commissioner Chilcott addressed the litigation notice as of yesterday, and felt having Ms. Allard under the County Attorney would be a good idea. However the Commissioners would have ultimate fiduciary responsibility.

Discussion included what Ms. Allard's goals might be which included balancing October, November and December books, training staff on reconciliation, review and amending policies and procedures in the Treasurer's Office. The Board concurred they would like Regina and Jana to help define the goals with Ms. Allard upon her arrival. All agreed one priority is to get the reports out to agencies/departments.

**Public Comment:**

Dan Floyd asked if any misconduct action has been taken. He feels the Commissioners are placing the cart before the horse, i.e., look to 7-6 2103 MCA. The Commissioners have not filed suit so how can they fill her position under 7-6-2113 MCA. He is concerned of the costs. Valerie had stated it was a hostile work situation and now three people have resigned. Valerie could not do her work, and the Commissioners did not replace those spots with qualified people, therefore the Commissioners are as complicit in this as Valerie was. Commissioner Chilcott stated when the vacancies occurred the Commissioners followed policy to fill the vacancies. Dan felt Valerie did not neglect to do the reports, she just did not have staff to do her work. How can you expect her as a new person to be able to do this? He felt if Valerie is guilty of misconduct then file suit against her for misconduct. He feels the Commissioners need to obtain good counsel. He stated policies and procedures are good, but the software does not allow someone to do the job.

Lori Riley commends the Commissioners for removing Valerie Stamey. However, it is disappointing that she was suspended with pay. Hiring an outside Treasurer that worked in Montana is a good move and \$35.00 per hour is a very good deal.

Chris Hockman stated the county collection reports that DOR requires monthly was submitted in August and all months following in 2012 to 2013 until September (August arrived in October) and September did not arrive until Nov 5<sup>th</sup>. During Marie Keeton's tenure they accomplished what needed to be done with the software, so in the August/September time frame of 2013 is when the remittances halted.

Stevensville Mayor Gene Mim Mack stated this needs to be cleaned up so the Town of Stevensville can receive their remittances. The Town appreciate the Commissioners' deliberate action. He referenced the Department of Administration and Magda Nelson and suggested the Commissioners utilize her as a consultant. Mayor Mim Mack also stated the Town received their interim check from the county but now it is January and they are in need of reports and receipts.

Tonya Bloom is glad the Commissioners are taking steps forward by utilizing someone with experience. She questioned the short handedness in that office, who would bring the workforce

up to the necessary level and advised the Commissioners they need a long term vision of how to get past the next 30 days, as well as when a new treasurer is in place November 2014.

Elaine Culletto of the Bitterroot Irrigation District appreciates the work of Jana Exner, Regina Plettenberg and Dan Whitesitt. While the irrigation district has been doing well enough not to need the funds, they are still without five months of reports. She has no idea how much money is in the district. They think they have \$195,000 but they expend \$10,500 each month, so in the next six weeks they will be in a deficit. Will the county cover their bills? The Big Ditch travels 75 miles from Como to Florence. This ditch keeps the county green and prosperous so it is important to get back on track in order to continue with their district responsibilities. Right now they do not have any trust in the Treasurer's Office and they need some honesty and integrity from that office. By having Regina, Jana and Dan taking the lead for the last few days, she has seen a lot being done. She feels if a person could come in for 30 days it will be helpful, but why not bring in two people. She is suspicious of the next election and who might run. The county employees that left their jobs were always on time and efficient as well as handling all of their calls. These people were a resource for the county. The Irrigation District is in favor of misconduct charges because what happened to this district was misconduct. Elaine stated CFO Klarryse Murphy and Jana Exner are the highest in integrity and they are much appreciated.

Dan Floyd addressed 7-6-211 (4) and 7-6-2103 MCA. He stated the Commissioners have dispersed funds out of Klarryse's Office. That is not her job and it is illegal. While these districts needed money – it should have been out of Treasurers' Office as Valerie was still in office. Commissioner Chilcott stated the Commissioners sign off on warrants and Commissioner Foss was in the room with Valerie when they directed Klarryse to release the funds. Valerie was in agreement with dispersal.

Public comment was closed.

**Commissioner Burrows made a motion to enter into a contract with Kathy Allard for 30 days with possible extension, at \$35.00 per hour, and to pay lodging, meals and travel with the goal of obtaining support service, balancing, reconciling within the Treasurer's Office, contingent upon background checks and references. Commissioner Burrows then amended his motion to state the payments to Kathy Allard would not exceed \$10,000, and to allow Human Resource Director to negotiate and get back to Commissioners with her response. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

Mayor Mim Mack asked about former employees, including the former Treasurer returning to give assistance. Commissioner Burrows stated one concern is the current investigation.

Lori Riley asked about the state rate for per diem as that is a pretty low rate.

Board discussion:

Commissioner Chilcott reiterated the Commissioners have not removed the Treasurer from Office, they have placed her on Administrative Leave. Commissioner Burrows noted citizens are upset because she is still receiving pay, but they have placed her on leave to follow the law and limit the county's liability.

► The Board met at 11:10 a.m. with Civil Counsel Howard Recht for a discussion and to make a decision on Montana Statutes 7-6-2113 and 7-6-612 (Treasurers required reports/records, and consequences of failure to follow MCA). Commissioner Burrows addressed the required detailed monthly reports, reporting failure either by neglect or refusal, the \$500 fine imposed on the Treasurer and language that states the Commissioners shall institute suites for the recovery of the sum of monies.

Commissioner Foss referenced 7-6-612 MCA and asked if it was clear to the Treasurer that the Commissioners required her to do the reports more than one time. Commissioner Burrows stated the language states “shall” under 2-a.

Commissioner Iman questioned what has to be reported, but noted the reports were not given in a timely fashion, nor has money been adequately accounted for. He asked could a report be that “She does not have an answer” for whatever reason (lack of knowledge etc.).

Attorney Recht stated the law requires a notice or hearing which would give the Commissioners the opportunity to gain the facts in order to make a decision.

Commissioner Burrows stated Valerie did give one update, then she refused an update, then she did not show up for another meeting scheduled. One of the requested meetings was to receive an update, which could have been that she was understaffed, or she needed more help, but instead the Commissioners received accusations.

Attorney Recht understands the Commissioners’ frustrations as well as the report they were anticipating at the one meeting, but MCA 7-6-612 (2-a) does not say the form the report takes. Therefore the Commissioners should look at what has happened in the past, what was expected, and provided, as well as the schedule, as they weigh their decision and take action.

Commissioner Iman stated there are individuals saying there are no procedures in that office, but the law says what the Treasurer is supposed to do. The law is the operations manual. Attorney Recht stated the essential duties are defined in state law.

Commissioner Chilcott stated he is very frustrated of Valerie’s performance in the office and her actions the last few weeks. He feels there needs to be some clarification of practices (past performance, expectations etc.). 7-6-612 (3 b) MCA states the Treasurer provides accountability of all local government cash receipts and deposits. For him, this issue was elevated to an emergency situation after the meeting with the school districts as they gave facts that the job was not being done. The Commissioners have been providing assistance, they have given Valerie a lot of latitude for her lack of knowledge and lack of staff even when it became clear these reports were not being done.

Commissioner Burrows addressed MCA 76-612 (3 c) in regard to the warrants, as they were not being paid as well. Commissioner Chilcott addressed MCA 7-6-211 (1) for safely keeping money, yet they found over \$800,000 “strewn” about the office, on top of boxes, paper clipped etc., and that is not safely keeping public money. He also noted there is no evidence to ever show it was accounted for.

Howard advised the Commissioners they are reading the statutes and expressing concerns which is appropriate, and if official action is desired by BCC then look at due process. When you make accusations of misconduct, information, facts, etc., it is necessary in order to make the decision. The County Attorney has initiated an investigation to obtain the information that is credible so a decision can be made.

Commissioner Burrows stated he is not looking for a statute to accuse someone of something. But in this case the issues do matter as it is affecting the citizens and the way the county does business.

Commissioner Chilcott stated he is proud that the Commissioners have not made unsubstantiated allegations, and they need to focus on the monthly reports and reconciliations. Due process is very important, as well as the quasi-judicial role the Commissioners play as they review the statutes. He asked what role the Commissioners play in regard to 7-6-2113/7-6-2110 and 7-6-2112 MCA for responsibility of oversight.

Attorney Recht stated the Treasurer has been placed on administrative leave under 7-4-2110 MCA, and the Commissioners do have the authority to supervise. Their supervision authority is not an act of suspending the Treasurer under 7-6-2103 MCA. But if there is an action based on official misconduct, the Commissioners can have a hearing to determine if suspension is warranted. A hearing or meeting would define the purpose, receive information of facts, arriving at a legal conclusion. 7-6-2106 MCA addresses the vacancy of the position.

Commissioner Burrows addressed 7-4-2110 MCA and asked if the Commissioners feel there is misconduct, do they have the obligation to file a misconduct suite, and under 2113 can they also determine if suspension is appropriate?

Michael Howell stated he assumed this meeting was about the laws. The Commissioners have digressed into the issue of misconduct.

Commissioner Burrows asked if with legal counsel's opinion, they should act on 7-6-2113 MCA for effective failure. Attorney Recht stated if they are going to look at that statute, they will need to invoke 612 for following the general process. The Commissioners need to show they have received sufficient information that allows them to move forward with a hearing. Commissioner Iman asked if the supervision extends to the agencies/districts. Attorney Recht stated the Commissioners' supervision extends that far.

Commissioner Foss asked if they have enough factual information to proceed or do they investigate more thoroughly, as she does not feel she has enough information to move forward.

Commissioner Stoltz stated he too is not comfortable and since the County Attorney is looking into this he wants to wait. Commissioner Foss stated she has heard information from the Commissioners' point of view but she has information that contradicts that. She does not feel that Valerie not showing up was meant to be deliberate.

Commissioner Burrows stated he feels he has enough information to invoke the statutes. That includes the lack of reports, no detail on the reports for disbursement, lack of cash receipts, pay

out on warrants and public testimony from districts. Under MCA 7-6-612 he sees she has not complied with three of these.

Commissioner Iman feels there is adequate evidence from schools, fire, irrigation, library and departments within our own government to show that proper reports and disbursements have not been made. In this legal process the Commissioners have to make some assumptions, i.e. that the people that have brought information to the Board is legitimate. He asked Attorney Recht what the process provides for findings of fact.

Attorney Recht stated the Board needs to look at MCA 7-6-2113 for their findings. Under 7-6-612 they need to determine if they are going to invoke the process for the hearing. If they have the hearing they will receive information. This hearing is not a trial, but the Commissioners will weigh the information and credibility and make a finding.

Commissioner Iman asked if they review the evidence for allegations under 2113 and then use 612 to move into a legal search of facts to confirm allegations or not confirm allegations. Attorney Recht stated that is correct, the Board must give proper notice to all parties giving them the ability to fully present their facts. Discussion arose relative to waiting for the County Attorney to make investigation through the outside sources (audit and investigation) or to move forward with the findings of fact today.

Commissioner Burrows stated the issue is simple, if MCA 7-6-612 has been violated, the next question is, is it neglect or refusal. If that is a yes, then the statutes says the Treasurer will pay the county \$500.00 for each violation. Attorney Recht stated this is a policy issue for the Commissioners. If they decide to move forward there is an appropriate process for notice of hearing. The time for the investigation(s) is separate from this issue.

Commissioner Chilcott stated under 612, he feels there is enough vagueness in past reports that he does not want to stand on that section alone. He does believe the Commissioners have sufficient information from partner agencies that the cash receipts and reports were not made to them. Attorney Recht stated when the schools came in to voice their concerns, that meeting did not qualify as a hearing. Therefore the Commissioners should set a date for this hearing specific 7-6-612 MCA and address other statutes as necessary. If the Commissioners make a motion they do not have to find any facts from this meeting, they can basically conclude there has been a violation under MCA 7-6-612. The Commissioners' evidentiary standing is they have sufficient information to go forward with the allegation, the statute has been violated and will hold a hearing to obtain the facts.

Commissioner Chilcott asked if they need to cite MCA 7-6-612 as this might be too narrow. Attorney Recht stated under MCA 7-6-2113 the Commissioners do not have to limit themselves to one subpart of 612. If they feel there are multiple sub parts they can cite the entire statute.

Commissioner Burrows asked if they would have to hold two separate hearings if they addressed misconduct.

Commissioner Stoltz stated the Board should address MCA 7-6-612 first. Commissioner Foss concurs as that will insure due process.

Commissioner Chilcott asked if they have a meeting, do they invite the Treasurer as well as the agencies. Attorney Recht answered yes, invite by letter and indicate the concern for the investigation for the failure under 2113 which invokes 612. The letter should indicate the factual basis of the concern that this allegation should be investigated, set a date, time and place. The Commissioners can invite others to the hearing such as departments to present the information, and allow the public the opportunity to participate.

Commissioner Chilcott asked if this would hamper or inhibit anything that is occurring in the County Attorney's Office. Attorney Recht stated the County Attorney wants an independent investigation and expressed concern whether this will impede the treasurer's office in getting their work done. Therefore the Commissioners need to consider that before a decision is made.

Commissioner Foss asked about additional information that might come out of the investigation. Attorney Recht stated if additional evidence is found after the fact it can change or alter a previous decision.

Discussion from the Board included the County Attorney providing an independent investigation and the Commissioners holding a hearing specifically to hear from the outside entities. Commissioner Chilcott stated the Commissioners are duty bound to act on this issue of neglect or refusal. Commissioner Burrows agreed the Commissioners have a statutory obligation to move forward.

**Commissioner Burrows made a motion that based on sufficient information received, the Commissioners will schedule a hearing to discuss and make a decision on MCA 7-6-612 and 7-6-2113 in regard to the Treasurer's failure to file reports. Commissioner Iman seconded the motion.**

Michael Howell stated he is disappointed in this motion. Attorney Recht should have researched the statutes. There is nowhere in MCA 7-6-2113 to say the Commissioners must have a hearing. Today's agenda reflects you will make a decision and they should not allow Commissioners Foss and Stoltz to delay this decision.

**Commissioner Burrows amended his motion to have a "meeting" rather than a hearing. Commissioner Iman accepted the amendment.**

Michael Howell stated the meeting occurring now is a meeting that is on the agenda to address the laws, so why not just address it now. When the suits take place Ms. Stamey can address that. MCA 7-6-612 might be vague for the "may", but the Commissioners are only addressing reports. He stated he is frustrated the Commissioners are not acting on this today.

Dan Floyd stated based on the confusion of the Commissioners, a written statement from County Attorney is necessary. He indicated Valerie Stamey has not violated anything because the law does not address a date specific. The Commissioners suspended her with pay before she could make a report. A law suit will need to prove neglect and refusal.

Elaine Culletto stated she wishes she could give legal testimony now. In her mind, without question MCA 7-6-2113 has been violated as well as 7-6-612 3b. Elaine stated she is shocked

Valerie does not know her duties. Elaine met with her the first day, and gave her a list of what the district needed. Every month her district was refused a report.

Dan Floyd stated Valerie did not have control over the reports.

Tonya Bloom states she is not clear why the Commissioners cannot consider a single hearing of the neglect and refusal as well as official misconduct. She stated no one from the Attorney's Office or the investigation has contacted the Corvallis School District yet. Based on what has happened, she feels the Treasurer will simply respond with allegations against others. She asked if our School District comes to another meeting, will Valerie's response be to make allegations against us as well. It is her method of operation to say it is always someone else's fault. As a school board member she understands due process, but she has never seen anything like this meeting today. The Commissioners are so tied up in "knots" they cannot get anything done. And she has never seen a person (Valerie) that has been allowed to derail a proceeding with non-germane issues. She urged the Commissioners not to string this out in multiple meetings. When the Commissioners have the meeting you need to be in control of it, and not let her make accusations against anyone who stands up and tells the truth.

Chris Hockman stated he attended other Treasurer meetings which included updates and reports. Ms. Stamey provided a report in September but then last Tuesday he did not hear a report, he and others received a list of accusations that shocked him. It is clear to him that no report was given, and if she was capable of delivering one before, why not last Tuesday.

Kathleen Driscoll knows the Commissioners need to walk gently for those who want to sue the County, but she is asking them to 'man up' and make a decision. She feels Commissioner Foss and Stoltz have their own interpretations here today. So the other three Commissioners need to make a decision, call Valerie out and do what they need to do. Who cares if she wants to sue?

Corvallis School Superintendent Monte Silk stated he has observed his school board make decisions, so why not the Commissioners. Anything the Commissioners can do that will allow them to earn their \$2,000 per month (interest) will be appreciated. Just please move forward.

Vanessa Bargfrede of Corvallis School District stated she welcomed Valerie. She had advised Valerie of her deadlines, which included the audit. Valerie stated she understood the needs and dates, but as of today, the school still does not have any reports.

Stevensville Mayor Mim Mack supports the School District and it is a mistake to question them. The investigation the County Attorney is doing is based upon the allegations Valerie made, not the reports. The County Attorney's direction does not include what the Commissioners are addressing today. The legitimacy of the process is supported by the Commissioners' actions. The court may have to make definitions. So the Commissioners need to stand up for the county taxpayers and other government entities. The Commissioners are required to do this as their role. Any actions will require a suit and if they go for simple misconduct the Commissioners will end up in court. The tax payers need the Commissioners to make common sense actions.

Lori Riley concurred with Michael Howell. Why have another meeting to make a decision, make the decision today.

Walking Bear stated he use to watch the Little Rascals. The Little Rascals formed clubs and held meetings. They did a better job than what is going on here today. The Commissioners are not prepared and have not done their homework. Michael Howell has done more work on this issue than the Commissioners. Why another meeting to do what have should be done today? The Commissioners are not representing the people, and that is what got us all here to begin with.

Michael Howell stated the Commissioners have heard enough evidence today to address what has been placed on the agenda. They do not need another meeting. They only need to find one report Valerie is late on. He turned in evidence received from the finance office which included a September report, but no October, November or December report. The Commissioners can debate whether this is neglect or refusal, but all they need to do to file suit is to show one report missing. File the suit and obtain the fines, no more meetings are necessary. He suggested they drop the motion and make a decision at this meeting today.

Dan Floyd suggested they stop wasting time for punitive and focus on operations. Get the office to function correctly and see if they have punitive action against previous employees.

Commissioner Burrows asked if they could schedule a meeting for Monday. Attorney Recht stated the Commissioners need to issue a letter to Ms. Stamey and the Commissioners need to meet and decide the content of that letter. He stated it is important to have due process in order to satisfy the law. 48 hours to calendar the content of the letter then the meeting could be held in two weeks. The Commissioners do not have to have outside agencies or people testify or give evidence in two weeks, they could accept written statements. He likened this issue to the David Ohnstadt matter, and the Commissioners could be sued personally, so the Commissioners can either take his advice or not. Discussion included compelling Ms. Stamey to attend the hearing.

**Commissioner Burrows amended his motion to calendar a meeting on Monday February 3<sup>rd</sup>, to approve a letter to be sent to Valerie based on earlier cites of code 612 and 2113.**

Dennis Bragg made a point of order noting the Commissioners are dealing with two different items, the letter and meeting with Valerie.

**Commissioner Burrows then withdraw his original motion and all amendments.**  
**Commissioner Iman withdrew the second.**

**Commissioner Burrows made a motion to hold a meeting on Monday Feb 3<sup>rd</sup> at 2:00 to discuss/decide on the content of a letter to be sent to the Treasurer based on obligations of statutes MCA 7-6-612 and possible forfeitures as set forth in 7-6-2113 Commissioner Iman seconded the motion.**

Michael Howell stated in consideration of the agenda, the Commissioners had ample evidence to make a decision and he is disappointed on that lack of action. The Commissioners are being dissuaded to make a motion on Attorney Recht's legal advice. This is bad advice as the MCA allows them to file the suits.

Ren Cleveland advised the Commissioners if they decide to write a letter it should be served by Sheriff or a process server. She will know it is coming.

Kathleen Driscoll stated she had to close down her business to come here today and asked if they could please reinstate the web ex.

Tonya Bloom agrees that the notification requirements for termination of an employee are not relevant to taking action on the MCA for suit.

Chris Hockman asked about the DOR letter addressing late reports and delinquencies in payment to the state. They too cite that MCA for the monthly reports.

Judith Frazier stated if the Commissioners look at the pattern of the Treasurer's behavior over many years, she bets the Commissioners will be sued.

**All voted "aye" (5-0)**

Kathleen Driscoll stated these meetings need to be on web ex (video and audio – streamed to public).

**Commissioner Burrows made a motion to set a meeting based on MCA 7-6-612, and decision on forfeitures MCA 7-6-2113 on February 18<sup>th</sup> at 2:00 p.m. Commissioner Iman seconded the motion.**

Discussion: Attorney Recht stated a letter by US mail is considered notice.

Tonya Bloom stated she is puzzled that the Commissioners would bring Valerie in to ask her what she thinks.

Commissioner Chilcott stated he understands the frustration of the delays, but he is going to err on the side of due process.

**All voted "aye". (5-0)**

► Comments otherwise not on the agenda:

Michael Howell stated this is like a Deputy telling the offender he is going to write them a letter before he gives them a ticket.

Ray Browning stated he is 81 year old and he sure hopes he lives long enough to see this end.

► The Board met at 1:30 p.m. to continue the January 28<sup>th</sup> meeting to make a decision on Resolution for signatures on bank accounts; penalties and interest from the Department of Revenue and other agencies, and to establish a line item in the budget for costs associated with the Treasurer's Issue.

Present was Clerk & Recorder Regina Plettenberg, Comptroller Jana Exner, Chief Financial Officer Klarryse Murphy and Deputy County Attorney Howard Recht.

Discussion included the letter of January 28<sup>th</sup> from Steve Austin in the Department of Revenue (DOR). The DOR stated if they receive four million dollars from the county by tomorrow they will waive the interest charges. Jana stated after running some numbers it appears the county

owes more than the requested four million, so this will not be an over payment and there is money in the bank to pay that amount.

**Commissioner Burrows made a motion that based on Steve Austin's letter the county will remit payment of \$4 million immediately to DOR. Commissioner Foss seconded the motion.** Discussion: Jana and Regina will prepare by Treasurers Check.

Public Comment:

Phil Connelly was the money in there all the time? Jana stated the bulk of the tax deposits were posted and now they have been placed in the bank, however they have not been reconciled.

Tonya Bloom stated a good portion of that tax money goes to the schools.

Commissioner Iman noted the letter from Steve says the funds need to be done electronically. Jana stated they can wire the money to DOR. **Commissioner Burrows amended his motion to pay DOR by electronic means. Commissioner Foss seconded the amendment.**

Chris Hockman asked about supporting documents. Commissioner Chilcott stated that can come later.

**All voted "aye". (5-0)**

In regard to the issue of Resolution for bank accounts: Attorney Recht addressed MCA 7-6-612 (5) and the generally accepted auditing procedures for bank accounts in order to insure checks and balances on accountability for those that are on the accounts. Discussion included being able to pass a resolution without a treasurer. Attorney Recht stated the Commissioners give direction and authority of the account. An example is Resolution No. 2664 unless the bank has a boiler plate. Glenda Wiles noted she checked with all the banks that have county accounts and most names are employees/and the treasurer. Discussion included the Chief Financial Officer should not have her name on the checks as there is a separation of duties.

**Commissioner Burrows made a motion to place Commission Chair, Treasurer Staff Dan Whitesitt and Clerk & Recorder Regina Plettenberg on the bank account signatures (See Resolution No. 3161). Commissioner Foss seconded the motion.** Attorney Recht stated this is a ministerial act so the documents can be signed after the meeting. **Commissioner Burrows amended his motion to approve of these signatures as a ministerial act. Commissioner Foss seconded the amendment. All voted "aye". (5-0)**

In regard to a line item in the budget to pay for the expenditures for transition costs. Klarryse addressed the chart of accounts through BARS and advised she can set up a 41000 account under variable costs. **Commissioner Burrows made a motion establish a line item for the Treasurer Transition costs as per recommendation of the Chief Financial Officer Murphy. Commissioner Iman seconded the motion. All voted "aye". (5-0)**

► Public Comment on items not otherwise on the agenda:

Chris Hockman asked a question about deposits. Commissioner Chilcott stated not all the data is reconciled and balanced.

Judith Frazier stated the Commission should identify all the costs and have some sub-codes in order to identify all the costs for this transition.

► The Board met at 2:30 p.m. to review and approve a letter of support for the Darby Lumber Lands Project. Commissioner Foss gave a synopsis of this issue which includes old logging roads (see attached). They are proposing a project which consists of over 100 miles of ATV and motorcycle routes; with clean up in Rye Creek and tree thinning; protecting water and streams which will increase the multiple use. Discussion included what the Forest Service is proposing and what the Bitterroot Valley Off Road Users Association is proposing. Commissioner Foss stated this will be a joint effort. She did not have time to write the letter of support but could do it after she has more information on the subject. Commissioner Iman stated paragraph 2 addresses two separate reports. **Commissioner Foss made a motion to continue this meeting until 0900 at January 31<sup>st</sup> when she has further information. Commissioner Stoltz seconded the motion.**

Public Comment:

Michael Howell stated it is ludicrous to write a letter that you don't know anything about and the Commissioners do not even know if it fits with the County Resource Policy. He asked if they will invite the Forest Service to the continued meeting on January 31<sup>st</sup> since the Commissioners will be addressing an alternative to their proposal. He stated the public might also want a chance to weigh in as well. He stated one Commissioner put this on the agenda and she does not even know what she is talking about.

**All voted "aye". (5-0)**

## **Commissioners**

---

**From:** Dan and Karen Thompson <dkthomps@yahoo.com>  
**Sent:** Wednesday, January 15, 2014 5:42 PM  
**To:** Commissioners; Mona Ehnes; Ric Foster; Russ Ehnes; Pat Connell; Nancy Balance; Scott Boulanger; Ed Greef; Fred Thomas; Ron Ehli  
**Subject:** RCORUA Draft Comments for Darby Lumber Project  
**Attachments:** DLL\_SCOPING\_FINAL.pdf; Scoping Comments.docx; APPENDIX I.pdf; APPENDIX II.docx

The Bitterroot National Forest (BNF) is soliciting comments for the Darby Lumber Lands Project. This is not your usual decommissioning project, even though many roads are recommended for storage or decommissioning. In this case, however, the project includes the designation of a series of OHV loop routes utilizing existing roads and connecting trails. These loop OHV routes were developed and recommended by the Ravalli County Off Road User Association (RCORUA) in partnership with the BNF. Over the last four years RCORUA has partnered with the BNF to characterize these roads and explore opportunities for OHV routes. We have dedicated nearly 800 hours of volunteer time to this effort.

This project is of course important to RCORUA. The BNF currently has only 38 miles of official ATV trails. RCORUA's proposal would add nearly 100 miles of additional ATV/motorcycle routes. But more importantly, this project is precedent-setting in that for the first time recreational interests are being included in a decommissioning project on a more-or-less equal basis with environmental issues.

As you might imagine, environmentalists are concerned about the possible precedent-setting nature of this proposal and appear to be lining up to oppose the OHV-rout-designation aspects of this proposal. Please consider submitting comments for this proposal.

The attached Scoping Letter from the BNF indicates a comment deadline of January 15. We have been successful in getting the comment deadline extended to January 31, 2014. Instructions for submitting comments are included in the Scoping Letter.

Dan Thompson  
Ravalli County Off Road User Association