

**COMMITTEE OF THE WHOLE
CITY COUNCIL CHAMBERS
140 WEST PINE STREET
MISSOULA MONTANA
JANUARY 19, 2010, 10:00 AM – 12:30 PM**

Members present: Ed Childers, President; Stacy Rye, Vice President; Dick Haines; Lyn Hellegaard; Bob Jaffe; Marilyn Marler; Renee Mitchell; Dave Strohmaier; Pam Walzer; Jason Wiener; and Jon Wilkins

Members absent:

Others present: Keila Szpaller, Lauren Caldwell, Rosalie Cates, Gabriel Furshong, Joe Furshong, Nancy Wilson, Gary Bakke, Susan Ash, Cynthia Wolken, John Rattenmayer, Matthew Lowy, Adam Hertz,

I. Administrative Business

Minutes dated January 12, 2010 will be available at a later date

II. Public Comment on items not listed on the agenda-None

III. Regular Agenda

A. Fill vacancy in Ward 2. ([memo](#))—Regular Agenda (Marty Rehbein) (Referred to committee: 01/10/11) ([Council Rule 32](#)) ([Verbal Questions](#)) ([Written Questions](#))

10:00 a.m.	Gabriel Furshong	Answers to the Verbal Questions
10:30 a.m.	Nancy Wilson	Answers to the Verbal Questions
11:00 a.m.	Cynthia L. Wolken	Answers to the Verbal Questions
<u>Recess at 10:46 AM</u>		
11:30 a.m.	Matthew B. Lowy	Answers to the Verbal Questions
12:00 p.m.	Adam Hertz	Answers to the Verbal Questions

Stacy Rye stated she was informed by Pam and the City Clerk that the audio from the first interviews are available on the website and the audio from the second set of interviews will be available on the website later today. The answers to the written questions will also be on the front page of the city website. MCAT will re-run the committee meetings a couple of times throughout the week.

Ms. Marler asked Ms. Rye to review the process of how it will work at Monday's meeting. Ms. Rye stated the process on Monday night is they will take nominations from any of the council members for any of the candidates they have interviewed.

Jim Nugent, City Attorney, suggested everyone read [Rule 32](#) of the City Council Rules. The final paragraph states the council cannot nominate anyone who they did not interview unless after the second round of voting ends in a stale mate. The votes have to be identical.

Ms. Rye stated any council member can nominate a candidate by last name in the first couple of rounds and the council will vote on who they would like to see in the position.

Bob Jaffe clarified four names are nominated and the council goes around to say who they vote for then they tally the votes.

Ed Childers asked if there might be a short suspension or recess between rounds of voting assuming the first vote doesn't produce a clear winner of six council votes. Ms. Rye stated she is thankful she will not be running the Monday night meeting and the recess would be up to the Mayor.

Ed Childers asked the city attorney assuming they have a suspension in the meeting, how astringent is the open meeting laws if they would like to discuss possible alternatives during the

recess. Mr. Nugent stated he believes the public expectation would be to have discussions during the meeting. City council rule does not prohibit recesses. The public has the right to know the reasons so he urged the council to keep it as public as possible.

Ed Childers asked about the public participation in the process, the council always asks for public comment. Is the council still required to ask for public comment due to this being strictly a city council decision? Mr. Nugent stated the council could ask for public comment before the nominations. The public can participate now by sending in emails or letters.

Jon Wilkins stated he has noticed some of the public have sent in emails and called. He would appreciate if members not get out of hand and asks for it to be a civil process.

Renee Mitchell asked if four names were nominated and one person does not get any votes, does their name remain for future votes. Mr. Nugent stated there is nothing in Rule 32 that explains removing any names so every name nominated remains until two rounds of votes with the identical outcome happens then they can open it up to new nominations and include those who were not interviewed or applied.

Stacy Rye stated she was unaware of the nominations staying on the table. Mr. Nugent responded by saying there is nothing in the rules to remove any names.

Pam Walzer asked if they are able to debate on the floor for any of the nominations. Ms. Rye stated they can make their case for who they are nominating.

Ms. Rye asked Mr. Nugent if the council can nominate other candidates for the second or third rounds. Mr. Nugent stated in rule 32 it specifically says no new nominations can be made unless there are two successive roll call votes where votes cast were identical each time.

IV. Held in committee

1. Mayor's Update – Ongoing in Committee. (Mayor Engen)
2. Updates from Council representatives on the Health Board, Community Forum, Transportation Policy Coordinating Committee, other boards and commissions as necessary. – (Ongoing in Committee)
3. Joint meeting of the Mayor, City Council and County Commission; a facilitated quarterly OPG review as directed in the [Interlocal Agreement](#) (Agenda)—Ongoing (Mayor Engen)
4. Develop short and mid-term goals ([memo](#)).—Regular Agenda (Bob Jaffe) (Referred to committee: 4/23/07)
5. Joint meeting between the Missoula City Council and the Missoula County Public Schools' Board of Trustees ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/17/07)
6. Examination of Office Planning and Grants ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 09/08/08)
7. Review CIP funding mechanism, vehicle replacement policy, department vehicle use practices, specifically Police, Fire, and Parking Commission ([memo](#)).—Regular Agenda (Ed Childers) (Referred to committee: 11/10/08)
8. Attend the UM/City luncheon hosted by The University of Montana on October 27, 2010 at 12:00 noon at the University Center, rooms #326-327. ([memo](#))—Regular Agenda (Mayor Engen)
9. Review referrals to Committee of the Whole to see if any items can be removed. ([memo](#)) Regular Agenda (Ed Childers) (Referred to committee: 01/03/2011)
10. Update and possible action on bills pending before the 2011 Montana State legislative session. ([memo](#))—Regular Agenda (Marty Rehbein) (Referred to committee: 12/06/10)

V. Adjournment

The meeting was adjourned at 12:06 PM

Respectfully submitted,

Nikki Rogers
Deputy City Clerk