

Town of Stevensville Committee of the Whole - Minutes
Thursday, April 4, 2019 - 6:30 p.m.

1. Call to Order and Roll Call:

Council for the Town of Stevensville along with Mayor Dewey came together at Council Chambers for a Committee of the Whole meeting. Mayor Dewey called the meeting to order at 6:30 p.m. Councilmembers Barker, Holcomb, Michalson and Phillips were all present. Members of the public was also present.

2. Council held discussion regarding:

a. Mayor's Employee Reorganization Plan

Mayor Dewey introduced the item and provided an overview of Council's packet.

Councilmember Holcomb stated that Council put this on hold until we had this meeting, and that Council did not approve the budget amendment for the salaries and asked when the changes got approved.

Mayor Dewey responded that Council consented to the Plan and there was no further action from Council. Mayor Dewey commented that Council discussed putting the Plan on hold and discussed holding COW meetings, but up until recently when we scheduled the COW meeting, Council did not take any action other than to table the matter. What was tabled, was the reconsideration of the reorganization plan, not the reorganization itself. No budget amendment came forward in order to accommodate the salaries because the entire plan was structured around not having to do a budget amendment. We are not exceeding appropriations with this Plan, in fact we are finding savings, however, Council did not approve the wages and salaries resolution that was modified to accommodate this.

Councilmember Holcomb commented that she understands the Town is saving money but any time you do reconstruction, you have to get the Council's approval. Councilmember Holcomb stated that Council did not approve the zoning administrator, or other components including the administrative assistant. Councilmember Holcomb stated that the Mayor went ahead and just did it. Councilmember Holcomb stated that she did not even know that we hired a court clerk until Councilmember Barker read that email last week. Councilmember Holcomb asked how are we paying the court clerk since Council hasn't approved a salary; we haven't approved a budget amendment, which Councilmember Holcomb said Council has to have.

Mayor Dewey responded that you don't have to have a budget amendment because we are not exceeding the bottom line of the general fund. Mayor Dewey explained that the court clerk is being compensated based on the previous salaries and wages resolution.

Councilmember Holcomb asked if the court clerk was in the budget.

Mayor Dewey explained that the budget had the town clerk and court clerk.

Councilmember Holcomb said yes, but that was the town clerk and court clerk, not separating them. Councilmember Holcomb asked if the town clerk is getting only half her pay, since we are paying a court clerk now?

Mayor Dewey responded, no, the court clerk is being compensated according to the town clerk/court clerk position.

Councilmember Holcomb commented that any time you do anything with the budget, we have to have a budget amendment.

Mayor Dewey responded that is not true, any time we exceed appropriations in a fund is when a budget amendment is required.

Councilmember Holcomb responded that she differs on that one; any time something is done with the budget that Council did not approve prior in the budget, it has to come and have a budget amendment.

Mayor Dewey responded that it doesn't.

Councilmember Barker commented that she has a problem with some of the positions being hired outside the Council's authority. Council rescinded Resolution 366 in 2016, which means that certain positions have to come through the Council for approval and the court clerk did not. We have an application that comes to us when we hire the town clerk, this should be no different.

Mayor Dewey responded that the town clerk is an officer and the court clerk is simply an employee of the court.

Councilmember Holcomb commented that Council should have at least been told about it, not four weeks down the road.

Councilmember Barker commented that at one of the meetings, Council was told that the clerk would not be hired until Council was able to have a chance to discuss it as well. This came from either April or Audree and the Judge.

Mayor Dewey responded that Council consented to the Plan on January 10th.

Councilmember Michalson responded that Council rescinded the Plan too.

Mayor Dewey responded that Council did not rescind anything. Council tabled rescinding it.

Councilmember Holcomb commented that if Council tabled it, we tabled it for a reason.

Councilmember Michalson repeated that Council rescinded the Plan to take it to a COW meeting.

Mayor Dewey explained that Council put it on an agenda to rescind the reorganization plan, then Council decided to table rescinding it. Council did not table the Plan. Mayor Dewey explained that he has full charge and control of the employees with the exception of the department heads, who he needs Council's consent to hire. If the Mayor is not exceeding appropriations, he does not necessarily need to come to Council. That is his job, as the executive of the organization to manage the employees, how he sees fits the best interest of the community. Mayor Dewey explained that he brought the Plan forward for Council's consent as a courtesy.

Councilmember Holcomb stated that the Mayor still has to bring it to Council to approve the salary and any job descriptions.

Mayor Dewey responded that Council does not have to approve job descriptions.

Councilmember Holcomb stated that Council does have to approve job descriptions.

Mayor Dewey asked under what authority. What piece of paper says you have to approve job descriptions? It isn't under Montana Code.

Councilmember Michalson stated that Council sets job descriptions and salaries.

Mayor Dewey responded that Council has set salaries based on the most recent wages resolutions.

Councilmember Michalson stated that the Mayor is completely wrong.

Councilmember Barker stated that 2017 was the last time that the wages were actually justified when Mayor Crews was on.

Mayor Dewey clarified that Council adopted a wages and salaries resolution in 2018.

Councilmember Barker replied no, we didn't and asked Mayor Dewey to go get it.

Councilmember Barker asked Councilmember Phillips to look up Montana Code Annotated for job descriptions. Councilmember Michalson and Holcomb commented that the Council has always set the job descriptions.

Mayor Dewey retrieved the wages and salaries resolution, and stated that on the 22nd of October, 2018 Council passed Resolution 435, a resolution determining the wages of compensation of elected and appointed officers and all employees for the Town of Stevensville for fiscal year 2018/2019 and establishing an effective date for

wages and compensation. That effective date for wages and compensation was July 1, 2018.

Councilmember Holcomb replied that Council did not approve the salary for the court clerk. Council approved a salary for the town clerk/court clerk, but did not establish and budget for the court clerk. Council has to do that, you can't just split that and say Council approved a salary budget, Council did not. Councilmember Holcomb asked when Council approved a salary for the court clerk.

Mayor Dewey explained that he thinks this is a technical issue because of the "slash" [town clerk/court clerk]. Mayor Dewey commented that the executive branch has the spending authority in the budget; we have not exceeded that spending authority and so we hired the employee because we needed that employee.

Councilmember Holcomb asked if the town clerk is getting the same pay?

Mayor Dewey responded that she is being compensated at \$18 per hour and the court clerk is being compensated at less than that.

Councilmember Barker asked what is less than that; what is the wage?

Mayor Dewey responded that he did not remember.

Councilmember Holcomb stated that if she is still getting the same pay, this still has not been approved, the money has not been approved; we are spending more money than what you are saying because she is still getting paid the \$18. Council did not approve her or him. Council did not approve the salary for the court clerk.

Mayor Dewey explained the spending authority for that wage is in the budget.

Councilmember Phillips commented that on page 12 of Council's packet, it says that the part-time court clerk works 16 hours for a wage of \$13 per hour.

Councilmember Holcomb stated but Council did not approve a budget amendment.

Mayor Dewey responded that Council does not have to make a budget amendment for that.

Councilmember Holcomb replied that she thinks the Mayor is just making rules up as he goes.

Mayor Dewey responded that he is not.

Councilmember Phillips asked, based on the discussion taken place so far, if Council wanted to postpone the COW meeting until Council can do more research and then come back and address it at a later time. Obviously, we don't have all the facts before Council right now.

Councilmember Holcomb commented that would be fine and indicated that Council would set the date at the next Council meeting.

3. Public Comment –

John Munk asked if the new person is a girl or a guy and commented that she is questionable based on what he heard tonight.

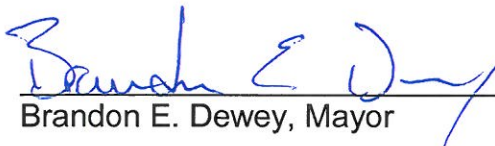
Councilmember Barker commented that it would be nice to know who this person is.

4. Adjournment

The meeting was adjourned at approximately 6:50 p.m.

APPROVE:

ATTEST:



Brandon E. Dewey, Mayor



Denise Philley, Deputy Clerk