

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, FEBRUARY 4, 2021 – 2 PM

Virtual Meeting – Microsoft Teams

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Time stamps (in green) correspond to meeting recording above. Please click to the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair Strohmaier
Commissioner Slotnick
Commissioner Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Sam Scott, Real Property Projects Coordinator, Clerk and Recorder's Office
Kyla Lehnerz, Administrative Assistant, Commissioners' Office
Steve Niday, Survey Party Chief, Surveyor's Office
Sheryl Ziegler, Assistant Commander, Missoula County Detention Facility
Diana Maneta, Sustainability Program Manager, Community and Planning Services
Erik Dickson, Transportation Engineer, Public Works
John Hart, Attorney II-Civil Division, County Attorney's Office
Shane Stack, Director, Public Works
Emmie Bristow, Community Engagement Coordinator, Communications
Alex Beal, Justice of the Peace, Justice Court
Landee Holloway, Justice of the Peace, Justice Court
Anna Conley, Chief Deputy Civil Attorney, County Attorney's Office

1. **CALL TO ORDER** *[Time stamp – 00:00]*
2. **LAND ACKNOWLEDGEMENT** *[Time stamp – 00:05]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time stamp – 00:17]*
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 00:54]*
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 01:38]*

6. **CURRENT CLAIMS LIST** [Time stamp – 05:45]

Claims received as of January 20, 2021 to January 27, 2021 by the Commissioners' Office total \$2,013,684.85.

7. **HEARINGS**

a. **Interlocal Agreement among Missoula County, City of Missoula, City of Bozeman, and City of Helena to hire a consultant for green tariff development**

[Time stamp – 06:25]

Diana Maneta, Sustainability Program Manager, Community and Planning Services

Commissioner Slotnick made the motion that [the Missoula Board of County Commissioners] sign an interlocal agreement among Missoula County, City of Missoula, City of Bozeman, City of Helena to hire a consultant for green tariff development.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Interlocal agreement filed with Clerk and Recorder's Office. Book: 1049 Page: 1097]

b. **Road Petition – Conifer Drive and Brookview Drive** [Time stamp – 24:46]

Sam Scott, Real Property Projects Coordinator, Clerk and Recorder's Office

Commissioner Vero made the motion to approve the petition to establish portions of Conifer Drive and Brookview Drive as a county road.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Resolution 2021-015. Book: 1049 Page: 852]

c. **Proposed amendments to Resolution 2020-029 regarding admittance of individuals with non-violent misdemeanor offenses to Missoula County Detention Facility**

[Time stamp – 31:56]

Sheryl Ziegler, Assistant Commander, Missoula County Detention Facility

Commissioner Vero made the motion that [the Missoula Board of County Commissioners] approve the proposed amendments to Resolution No. 2020-029.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Resolution 2021-012. Book: 1049 Page: 357]

8. **OTHER BUSINESS** [Time stamp – 49:45]

[None]

9. **ADJOURN**

Chair Strohmaier – Called the meeting to adjourn at 2:50 p.m.

BCC Public Meeting February 4, 2021 – Transcription

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[00:00:02] Meeting of the Missoula Board of County Commissioners, and we'll begin as we do all of these meetings with a land acknowledgement, and that is Missoula County acknowledges that this event takes place in the Aboriginal territories of the solution, Kalispell people. And Violet, if you could display the colors. We'll begin with a Pledge of Allegiance. You want to join me?

[00:00:29] I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all. OK, thanks, everyone, for that public announcements, are there any public announcements from staff?

[00:01:00] I will make one tomorrow morning at 9:00 a.m. is the third board meeting of the Big Sky Passenger Rail Authority, if you or any members of the public would like to participate in that, you can find out more information about the agenda and the dial in or connection instructions via Microsoft teams by going to www.DOT.Montana passenger rail summit dot org and click on the Big Sky Passenger Rail Authority link.

[00:01:35] Our current well, before we talk about our current claims list, is there any public comment on items not on today's agenda? And this would be the opportunity for folks to comment on anything that is not obviously already on the agenda.

[00:01:51] So, Dave, I want to do a comment. Yeah, absolutely. Thanks. So for those who don't know the three of us and a handful of other community partners and a bunch of neighbors and media, we're on a call, a listening session earlier today about the temporary outdoor space. And I joked earlier that I was going to put my hockey gear on and get ready to get beaten up. And I feel so surprised at what we heard. What we heard instead was on a whole bunch of successes and kind of the confirmation of this idea that when people who are in a super bad state that they are homeless. Have access to wraparound services and safety and security, which is what the TSA says is provided, they actually take steps forward. We heard stories about people getting ID, getting job interviews, heading towards housing, some being in housing. But in all cases, one hundred percent of the people there took some step forward because the greater we had been able to provide safety and security, sanitation, predictability. And it makes me really excited for the navigation center and the NAB and the Trinity project. That's years to come. I also know that anything can go wrong at any time. We're in uncharted territory, but I just left that feeling so optimistic and so grateful for the success of our community partners. Thank you.

[00:03:08] So glad you took the time to say that because I'm the same way. I felt really good coming out of that meeting. And then, yeah, like you were saying, just the the simple fact of the need for connection and relationship building and how important that is. And just to have the folks that are there in a physical space that service providers can actually get to them physically, just as simple as that, being able to know where people are so that they can help them on their journey is just that. That's incredible. And. Really happy that we're able to come together and provide a place for that to happen.

[00:03:50] Yeah. Thank you both for that. It was it was a remarkable meeting. I learned an awful lot about just the breadth of services that are being offered to folks that really enables people to have some sense of dignity.

[00:04:04] And contrary to what many voices in the community were afraid of, this is not just the Wild West of unsheltered housing out here.

[00:04:14] This this is a structured environment with programming for the residents. And and there are some some real tangible success stories even in the short time of operation.

[00:04:26] I was really surprised. I was not expecting that level of programming, nor was expecting that level of success. I was just thinking this is going to get people into a safe and sanitary and clean environment. Not any expectation beyond that that people have been able to use that as a platform and go forward speaks volumes to what happens when we can remove uncertainty and danger out of a situation and get people into a safe, secure, predictable spot, they can become more fully human again.

[00:05:00] Well said, yeah, thank you for those comments, Commissioner Slotnick and Véro, any other public comments on items not on the agenda? And I should mention to folks who might be new to this electronic platform, if you want to offer a comment, either now or during one of the public hearings, please use the electronic raised hand option. It's the little icon in your menu bar that looks like a hand. Click on that and I'll then call folks in the order in which they appear on my screen. I'll also give folks an opportunity who might be dialing in on their on their phone to also comment.

[00:05:38] And I'll try to remember to call out the last four digits number. So with that, if there are no other additional public comments and items not on the agenda.

[00:05:50] We'll move on to our claims list claims received as of January 20th, two thousand twenty one through January twenty seventh, twenty twenty one by the commissioner's office, total two million thirteen thousand six hundred eighty four dollars and eighty five cents.

[00:06:08] I sometimes have a difficulty reading these big numbers because they are not reflective of what I have in my checkbook at home. So if I stumble once in a while, please forgive me. We have three public hearings today and we'll begin with the first one.

[00:06:27] And with each of these public hearings, we will start out with a staff report and then offer an opportunity, if appropriate, for either the petitioner or the applicant to say a few words and then we'll open it up to public comment and then move right into commissioner questions and discussion. So to begin with, Diana Minetta, our sustainability program manager, manager with Community and Planning Services, will introduce an interim local agreement among Missoula County, city of Missoula, city of Bozeman and city of Helena to hire a consultant for green tariff development.

[00:07:03] Diana, thank you very much.

[00:07:06] Commissioners, I am attempting to share my screen here. Are you seeing that in presentation mode now? York looks good. Great. So as Commissioner Strohmeier just mentioned, I am here today to present a local agreement between the city of Missoula County, the city of Bozeman and the city of Helena.

[00:07:31] That is before you for consideration. The context here is, are one hundred percent clean electricity goal that was adopted in twenty nineteen jointly with the city of Missoula. It is a goal of one hundred percent clean electricity for the Missoula Urban Area by twenty thirty. Missoula was the first community in the state to establish such a goal since April of twenty. Nineteen to other communities have joined us in that Bozeman and Helena. And at this point those are the three in the state that have established similar both I think for 100 percent clean electricity for their communities by twenty thirty. We talk frequently at the staff level amongst our four local governments about how to move these initiatives forward. But this local agreement will be our first formal partnership around this, though I do want to emphasize that the local agreement is explained in a moment is just focused on a very specific piece of our 100 percent clean electricity efforts, not the entire effort. That specific piece is green tariffs. So I want to take just a minute to talk about what a green tariff is. A short definition is here on the screen.

[00:08:41] It is an option for customers of regulated utilities to buy power from newly developed renewable energy sources through a special rate or tariff on their utility bills. A couple of things I want to note in that definition. First is the word tariff, which to regular people means something similar to a tax. In the case of a green tariff, it doesn't mean that in utility jargon, Tarah tariff is a rate that people pay for electricity. So everybody that pays a utility bill for electricity pays a tariff. It's a rate that you pay for electricity. A green tariff is a special rate that you pay for a

special type of electricity. The first green tariffs came about a few years back as a result of large businesses that had sustainability goals, had clean electricity goals, for example, some large tech businesses, Google, Apple, Facebook, for example, and they'd have operations in many states. So in some states, those companies could go directly to a developer of a solar farm or a wind farm, for example, and say, hey, we want to buy power from you. But in states with regulated utility markets like Montana, for example, they had to buy power from the very regulated monopoly utility. So in those states, they went to the utility and said, hey, let's make a deal. You utility contract with the developer of a solar farm or a wind farm to build that new resource in the state and then turn around and sell that power to us, Apple or whoever we are, through a special rate on our utility bill. That type of deal has to be approved by the regulator in the state, the Public Service Commission, or equivalent.

[00:10:18] But if it is that it's totally consistent with regulated utility regulated utility sector and was a way for those corporations to achieve those goals over the last few years as the green tariff model has evolved, there are now some utilities that have developed green tariffs that are available not just for a single large customer, but for anybody to buy into. So including residential or small business customers to say, yeah, I want to sign up and be part of that, get my electricity from a clean source and from a newly developed. Source. And that's one of the other things I wanted to point out in this definition, here is the words newly developed. That's been a really important piece for us in this conversation, is we're not interested in taking credit as part of our 100 percent clean electricity goal for existing renewables that are already out there just saying, hey, we want that clean power and someone else can have the dirty stuff. Our goal is to get new renewable energy built. And then the last thing I want to point out in this definition is right at the beginning, the word option, by their nature, agreeing tariffs are optional. They're voluntary for people to enter into. So in Montana, there is not currently a green tariff. However, in the last Northwestern Energy's last general rate case in twenty nineteen, they were directed by the Montana Public Service Commission to initiate a stakeholder process to investigate developing a green tariff. That that order came about as a result of a settlement agreement between Northwestern Energy, the Montana Department of Environmental Quality, the Montana Consumer Counsel, and Wal-Mart, which is another one of those big companies that is that has sustainability goals and is working on these things in many states.

[00:12:01] So that stakeholder process that Northwestern energy was developed was directed to to initiate is underway. Missoula County is participating in that, as well as representatives of the three cities, Missoula, Bozeman and Helena. We have all identified the green tariff as one of the most promising near-term opportunities to get new large scale renewable energy built in the state of Montana to help achieve our 100 percent clean electricity goal. I want to emphasize that it will not on its own achieve our 100 percent clean electricity goal, won't get us all the way there, but it does have potential to be a big step in the right direction. So given that our priorities as we've worked with utility and other stakeholders in this process are a green tariff that results in as much new renewable energy in the state as possible, and that is as affordable as possible and accessible as possible for as many participants in the state, to many participants as possible in the state, not just within our communities, but anywhere in the state. So like I said, we've been participating in the stakeholder process. The devil is really in the details when it comes to a green here, because it is that delves deeply into the realm of utility rate design, which is very complex. And so for that reason, in order to ensure that we do indeed achieve these goals or go as far as we can toward them through the sprinter's process or for local governments are proposing to jointly hire a consultant with that specialized expertise and utility rate design to work collaboratively with us, with Northwestern energy and with other stakeholders to design a green tariff again, that maximizes those two things.

[00:13:51] The contract that we're completing with the consultant would have two phases. The first phase would occur over the next few months, and it would involve the design of the green tariff itself. That rate structure, the second phase should be contingent upon North-Western ultimately filing with the Public Service Commission, a green tariff that are for local governments support. In that case, the consultant would also play a role as an expert witness in that PSC process. So finally, the inter local agreement that is before you today has the following purpose, as stated in the agreement, to mutually secure and pay for a professional qualified consultant to inform the development of a green tariff that will meaningfully advance the party's clean energy goals. In terms of the details of the local agreement, it would be a two year agreement because of the two phases of the contract. Administratively, Missoula County would be responsible for actually administering the contract with the consultant and be reimbursed for a portion of those costs by the other local governments. The cost and the oversight of the consultant would be shared in the amounts identified in the local agreement. In the case of Missoula County, that would be twenty thousand dollars in the current fiscal year, which was approved as part of the fiscal year.

[00:15:07] Twenty one budget. I will stop there and let's see. I can share my screen here. Here we go. And I would be happy to take any questions.

[00:15:23] Hey, Diana, I have a question to Josh. Yeah, go ahead. Thanks.

[00:15:30] So let's say we do this, which seems like we're going to it's the right step to take. The consultant works with the electrodes and people who are in your position and all the different the different areas. We got the cities and counties and then they come together and make a presentation to Northwestern on what they feel like is the right green tariff design. Is North-Western under any obligation to honor that?

[00:15:58] Thank you, Commissioner.

[00:16:01] No obligation, no, and I guess I to clarify the process maybe a little bit. I believe it would be more likely to be more of an iterative process that would involve consulting kind of back and forth and engaging with Northwestern energy frequently throughout.

[00:16:16] So we're going to need so they'd be in on it the whole time. So we'd would never get to the point where they would be like, what is this? They would have they would have tried to veered off in another direction before that.

[00:16:26] Yes, I think it's unlikely that we would get really far apart because we will be checking in frequently as part of the stakeholder process. But on the other hand, it is true that North-Western there have engaged in the stakeholder process. They were directed to do that. They aren't committed. They aren't required by the PSC to file a green tariff. What they have said is that they are interested in filing a green tariff. If they do so, that is something that's generally supported and certainly supported by stakeholders like us. They don't have an interest in filing something that we don't support because there sort of would be no benefit to them of doing that. So our hope, again, is for a collaborative process. They have expressed a lot of openness to working with the consultant that we bring on board and actually enthusiasm for having some additional capacity and resources to help develop a good green tariffs. So that is our hope to have a fruitful collaborative process.

[00:17:22] It would seem it would seem like a really good option for them because instead of taking a risk that they're going to develop energy and then not be able to sell it or sell it at a rate that's less than the cost of production, by doing these green tariffs, they have kind of guarantees that people have signed up, that they're ready to pay for this. So it does take some of the risk out of it for them. And seeming it seems like it would be an attractive possibility if you're looking towards doing green energy.

[00:17:51] Yep, I would agree with that.

[00:17:54] Let's take some public comment here. Is there anyone with us today who would like to comment on this item?

[00:18:03] If so, please raise your hand. I see a Gary Madsen on my screen. Gary, would you like to speak? I'm sorry, I couldn't find the handrail, so that's OK. I saw your face. That's good enough.

[00:18:16] Yeah. So for the record, my name is Gary Mat's and I live in town and I want to express my strong support for the proposed in a local agreement. I have studied proposal and find it thorough and complete. And I agree that it represents the best effort available at this time to advance the goal of 100 percent clean electricity by the year 2030. I applaud the outstanding efforts by Diana Jenay, Climate Smart and others among the party staff in researching options and putting forward the proposed in a local agreement. I strongly hope that this effort forms the foundation for a future broadening of participation by other Montañó local governments and by North-Western energy and working towards a statewide goal of 100 percent clean electricity. And this goal must be accomplished by a time deadline that offers the earliest mitigation of the climate change emergency that we now face. So. So thanks for the opportunity to comment.

[00:19:19] Thanks, Gary. Appreciate it.

[00:19:21] Anyone else out there who would like to comment? And if you can't find the raise hand feature, you can follow Gary's lead and just pop up on the screen if you're on your computer and I will call your name. I do see a phone number five six one one, I don't know which item you are here for. If I don't hear you pipe in right now, I'll assume it is not for this item.

[00:19:51] Ok, I'll go ahead and close the public hearing additional questions, I just I do have a question.

[00:19:59] Diana, can you talk just a bit about how how this green tariff relates to our you with Northwestern energy here locally between the city of Missoula, Missoula County and Northwestern?

[00:20:17] Sure, thank you, Commissioner. So, as you just mentioned, is no Missoula County in the city of Missoula entered into a memorandum of understanding last June with Northwestern energy that committed the three parties to work together toward the are one hundred percent clean electricity goal. That MLU is at a fairly high level in terms of making that commitment. It also directed us to develop an implementation plan that had the details in terms of what we would work on together to advance renewable energy and energy efficiency and conservation toward our 100 percent clean electricity goal.

[00:20:55] We have been working at the staff level amongst those three parties and with subject matter experts as well, to develop an implementation plan. We hope to release that draft implementation plan to the public shortly for input before it's finalized. One of the items that's reflected in the draft implementation plan that we'll release is this green tariff process. The green tariff process was already underway, but we saw value in the implementation plan in setting setting a timeline to it and a commitment to it in terms of carrying it through and being really clear about when that would happen, because we didn't otherwise have that type of timeline and commitment. So that was one value that we saw out of the implementation plan.

[00:21:40] Again, which is a draft plan at this point, was to to set some clear dates and milestones to finalize the green tariff, but it will address other topics as well. So more on that shortly.

[00:21:52] So basically, the work that we will be or the work product coming out of this in local with the other cities in Montana will will have bearing and will be useful for one of our work plans within our implementation plans.

[00:22:10] That's correct.

[00:22:11] So so this inner local is broad enough to go beyond green tariffs, but set us all up to work, continue to work together.

[00:22:18] The inter local agreement is is specific to the green tariff, hiring a consultant for the green tariff. So in terms of other work at an informal level, it'll continue to happen in terms of formalizing it, that would be a separate agreement.

[00:22:32] Ok, well, I don't know if we want to talk about the consultant or do we have.

[00:22:43] You know, any more details?

[00:22:46] Sure, happy to do that. Yeah, we did a joint in anticipation of this under local agreement or in parallel with it. We did a joint competitive solicitation late last year for a consultant, again, with that specialized expertise in utility rate design, green tariffs in particular. We got 11 really strong proposals from consulting firms all over the country. We were pretty impressed by the response. And we did end up selecting a firm called Energy Strategies, which is based in Salt Lake City. So once assuming this entire local agreement is approved by all four local governments, we'll be able to enter into the contract with energy strategies and get started on the work. And I guess I should say, in terms of approval by the other local governments, I fail to mention that. But this entire local agreement was approved by the city of Missoula on Monday, by the city of Bozeman on Tuesday, and will be considered by the city of Helena next Monday.

[00:23:42] So that's where it is.

[00:23:43] And then in the process, so so we're the we're the penultimate folks, which ought not to be interpreted as if you lack of enthusiasm on our part. So it's a scheduling matter. Yeah, exactly.

[00:23:59] All right. Well, other questions or emotion, I'm happy to make a motion.

[00:24:06] And yeah, I think that what we sign in our local agreement among Missoula County, city of Missoula, city of Bozeman City, Helena, to hire a consultant for green tech development, an enthusiastic second.

[00:24:20] Glad we're taking steps and great, great work.

[00:24:25] And we're all aware of the months and months that it takes to pull something like this together.

[00:24:32] Ok, any further discussion? All in favor. All right, a.

[00:24:38] Ok, yet another tip of the spear. Yes. Thank you, Diana.

[00:24:44] Thank you.

[00:24:47] Ok, our second public hearing that I will open is a road petition to make portions of Conifer and Brookfield Drive County Roads and we'll begin with staff report from either Sam Scott or Steve Knight A.

[00:25:09] Hi, Steve. Hey, Dave, I was waiting for Sam. Sam, do you want to say anything? I've got nothing on this one, so. OK, I'll go then. So my name is Steve Knight. I work for the county as the land survey manager.

[00:25:28] And Dave and I went out as per statute to do the road viewing on these two roads that have been petitioned. I will now read the report. This is for Conifer Drive and you drive in Section 14, township 15, North Range 22 West. The date of the viewing was January 27th, 2021, and in attendance would be Dave myself, Shane STAC, public works director. Erick Erickson, assistant public works director, the lead petitioner, Chris Ziggler to three other petitioners, Lane Long, Bruce Semmes and Thomas Carlson, and then three other local residents, John and Nikki Okot and John Banlieu. So the meat of this report is three full sentences. At approximately three thirty pm, the attendees met at the site of the subject roads and investigated them on foot. The roads are in good condition and acceptable for maintenance. We recommend approving the petition to establish sixty feet wide public road right of way for both roads as partitioned.

[00:26:48] End of report. Thank you, Steve, for that report. I like that.

[00:26:56] All right. This is a public hearing. So before the commission gets into discussion here, is there anyone from the public who would like to comment on this road petition? And let's let's shake it up here, I will begin with phone number five six one one if you are here to speak to this. Feel free to unmuted yourself and say a few words.

[00:27:16] If not, you can just remain silent.

[00:27:23] Ok, we got to take or maybe this is Chris Ziggler, no comment on the road viewing or the petition. I assume you're in support.

[00:27:36] Yes, OK, thank you.

[00:27:41] Anyone else like to comment on the road petition?

[00:27:47] I wonder if it's possible to put this up on the map so people see what we're talking about.

[00:27:52] I think anybody who has headphones like Steve does probably has the technology at his feet. Is that something you could do for us or Sam?

[00:28:04] I can if I can remember how to share my screen. There we go.

[00:28:12] Maybe.

[00:28:15] While Steve is cuing that up, is there anyone else out there who would like to comment on this?

[00:28:21] Here we go. Great, thank you.

[00:28:25] And Steve, maybe use your cursor to just point out what we're looking at here.

[00:28:33] Ok, so, yeah, this is Nine Mile Road and this petition is for Conifer Drive. From this point here where my little hand is up, Conifer Drive, Conifer takes a left here and the end of the petition right away stops here. The reason that is, is from this point farther north, it is already a public road right of way. And then there's also this little piece of Brooke view drive from the fork here. Up to this point here and again, from this point, farther northeasterly, that's already public, so we had this why that is basically in the same condition as all the other roads in the area, but was not actually a public road right of way. And that did not allow us to spend a county road funds maintaining it. So there you go.

[00:29:33] Thank you. Thanks, Steve. Anyone anyone else want to comment out there?

[00:29:42] And I don't see anything I'm going to make a motion unless I get go ahead, go ahead and make motion motion, that's fine.

[00:29:51] Can to move to approve the petition to establish UPS up at this is critical.

[00:29:57] Again, just to add a little color to the public hearing, somebody did go around the corner and the part where it is not maintained by the county went off the road and into a fence of the longus.

[00:30:15] Who are one of the petitioners last night.

[00:30:18] Oh, my. We could we'd enjoy having you take over the road right away.

[00:30:24] Ok, thanks for that context. Just glad they didn't go into the lake. That got some folks skating on the other day.

[00:30:33] So is that is that a private lake or a public lake or pond?

[00:30:40] It's a private and it has a local right away access for anybody in the.

[00:30:50] Mountain View one. Wrote. Whatever it is, development area.

[00:30:57] So if I wanted to skate there, I'd have to bring my Mountainview wrote one Ibe you could come right to our driveway and I say, go ahead.

[00:31:05] Ok, getting up in the wild ice. It's so fun.

[00:31:11] Well, I motion to approve the the petition to establish portions of Conifer Drive in Brookfield Drive as a county road.

[00:31:19] I'll second that. It seems like kind of a cleanup thing, but I'm glad we could do it.

[00:31:23] Yeah. After having visited out there myself, there's no discernible difference between the roadbed that we're talking about here and and the portions that are already maintained by the county. So I think this makes a lot of sense. Any further discussion?

[00:31:39] Ok. All in favor. OK, thank you for joining us. So I want to go on the next one. OK, very good.

[00:31:54] Thanks, Steve. Thanks, Sam.

[00:31:57] And our final public hearing today, which I will open, is related to proposed amendments to Resolution 20 20, dash zero twenty nine regarding admittance of individuals with nonviolent misdemeanor offenses to Missoula County Detention Facility.

[00:32:13] And Cheryl Ziegler from the detention facility will provide a staff report for us.

[00:32:20] Good afternoon, Commission. Can everybody hear me? OK, thank you.

[00:32:24] Good to see you. Great.

[00:32:26] I'm here on behalf of the sheriff who was not able to be in attendance this afternoon. And if it pleases you, I'd like to open up with some history regarding the resolution that we're about to discuss.

[00:32:39] Please do so.

[00:32:41] The Board of County Commission passed an emergency resolution in March of twenty twenty, limiting the acceptance of pre-trial non-violent individuals into the Missoula County detention facility. The resolution was then and remains an important tool in reducing the spread of covid-19 amongst our incarcerated population. Congregate settings such as the detention facilities have seen incredible challenges across the US. Many facilities in Montana have experienced sizable outbreaks, impacting 50 percent or more of their populations. These outbreaks are extremely difficult to manage and get under control in this type of setting, in detention centers and prisons, obviously in nursing homes as well, but specifically to detention centers. They are resource intensive, exhausting to facility staff, and they strain local health departments and sometimes community medical providers such as hospitals. Limiting populations to create space within detention centers is key to keeping people from getting sick inside the facility. And that, in turn, protects our local community. Reducing the population and CDF allows us to quarantine inmates on intake to reduce the chance of introduction of covid-19 isolate inmates who are showing symptoms of covid-19 or test positive for the disease, allow for social distancing. And living groups within the detention facility allows us to adhere to recommendations more strictly from the CDC and the local health department, keep staff and inmates safe and also just improve and increase our staff's morale. We ask detention staff to put themselves in harm's way every day. Even prior to the pandemic. The increased concern of getting sick with covid-19 only adds to the stress of this physically and emotionally demanding position. Many are understandably concerned about bringing illness home to their families. As our populations increase at the jail, our ability to adhere to CDC and local health department guidance is diminished internally. I believe that places our inmates, staff and our communities at risk.

[00:34:45] This resolution has been productive for CDF on two fronts. Initially, I'm CDF realized a large drop in population, both due to the resolution and to the cooperation of our law enforcement partners and judges, both municipal justice district judges who actively reviewed their cases and ordered releases of defendants. However, these populations have continued to rise since then, another very important product of this resolution was a significant decrease in people coming to the detention center to begin with across the detention center, to include the mosque facility, the county jail and the juvenile detention facility. Approximately twenty five hundred fewer people entered the detention center than in the same period prior to the resolution. This reduction in exposure for both the staff and inmates is significant and may have contributed to Missoula's ability to control the spread of covid-19 much better than other facilities across Montana. While many of these individuals may have been quickly released by the courts if permitted at the detention center, simply entering created exposure to law enforcement officer, detention staff, other inmates, court officials and potentially the community should the individual be exposed to covid-19 during their even brief stays. While Missoula has seen active cases of covid-19 in our detention center to include an outbreak of cases involving both staff and inmates in December, we have been quickly able to isolate and control the spread of the virus within the walls of our institution, while other facilities have dealt with case numbers in the hundreds and CDF has managed to keep those numbers around thirty five and a handful of staff members. The products of this resolution are big reasons we've been so successful in stopping the spread of the virus within our jail.

[00:36:33] As time went on, however, we've received feedback from stakeholders requesting modifications to balance the resolution with the needs of law enforcement and the court and public safety. As such, the sheriff has

worked with law enforcement partners to adjust the offenses the detention center has accepted along the way. We've also been communicating with the judges to hopefully better meet their needs, both the municipal judges, the justice court judges and the district court judges as such. The sheriff proposes the amended resolution to the commission today to allow for the detention of individuals who have been arrested based on a warrant related to non-violent misdemeanor offenses under state law and or city ordinances in the amount of two thousand dollars or greater by a court within Missoula County. We would continue to restrict acceptance of individuals outside of Missoula's jurisdiction. We would also continue to restrict the detention of individuals arrested for non-violent misdemeanors or for warrants related to non-violent misdemeanors, where the amount of the bond is not greater than two thousand dollars. The amendment also seeks to clarify and formalize some of the changes we've previously made to accepted offenses to include allowing DUI, second, DUI third and resisting arrest offenses that were not included in the original resolution when the Board of County Commissioners signed it in March. So with that, we do propose the commission accept the amended resolution with the with the amendments that warns over two thousand dollars for nonviolent offenses, the accepting allows the the judges to determine who they feel is a public safety risk, regardless of the offense underlying, and gives them a little discretion in in helping to define what is acceptable for public safety in our communities.

[00:38:31] Or is that discretion? Can I give some more background on this to you just because I was in on it?

[00:38:37] Yeah, so I think the order that I'd like to go here is why don't you provide a little more background, Josh? I want to give an opportunity for Anna Connelly if she wants to chime in. But then I see both our municipal and justice court judges on the line and would like to allow them to have a chance to speak before we open it up to the general public. So, Josh, go ahead.

[00:38:58] Great, thanks. That was the I appreciate that. And Cheryl, thanks. I was very complete.

[00:39:05] So as Cheryl said, we heard the general we heard from stakeholders that this was no longer working for them, so we brought Dan Clark in from MSU and had a facilitated conversation with the judges on this call with Anna and myself and Cheryl.

[00:39:21] Hopefully, I'm not forgetting anybody. We talked through it. Dan did a great job out of that facilitated conversation. We decided to form a subcommittee that would come up with a new version of this, an amendment to this, to the original resolution that we could all live with. So out of that original group, Anna and myself and Cheryl and Judge Holloway met a couple of times and we went back and forth on email and arrived at the resolution that we have before us today, some key pieces to it. Beyond that, the very specifics that Cheryl outlined. Well, pieces that I'm I'm personally excited about was that the judges and detention staff were now going to be scheduled weekly conversations about who's at the jail and and what adjustments would need to be made. Specifically for me, what was powerful is that we outlined some offenses. If someone does this or that, they should or shouldn't go to the jail. But we're making sure with conversation that extenuating circumstances can be accounted for. As I learned from listening to the judges, every trespass is not the same. Some are quite dangerous and some are not. If all we have is the name of an offense, we don't know the extenuating circumstances. And it's possible the greater we could make a bad decision. But if we have a scheduled conversation between the judges and the detention staff, if there are extenuating circumstances, someone who is accused of doing something that would otherwise not land them in jail might actually land them in jail pre-trial if the judges have passed on that this person is indeed a danger. So I'm just bringing this up to let everybody know this is not a black and white kind of thing. This is some guidelines with structured conversation with public safety and the safety of our detention staff are kept in mind. And I felt very heartened that through negotiation we got to this point. So there you go. Thanks.

[00:41:12] Thank you. Commissioner Psionic Annacone, do you have anything you'd like to add before we go to the judges?

[00:41:18] No, I don't have anything to add.

[00:41:20] Thank you. So I see Municipal Court Judge Jenks and Justice Court Judges Beel and Holloway on the line. I want to give you a chance if indeed you want to say anything you are more than welcome to. And it looks like Landi Holloway has her hand up. Judge Holloway.

[00:41:40] And you may need to unmuted yourself.

[00:41:44] I say that to people all the time in court. Thank you.

[00:41:49] Well, thank you for that summary. I think that from the judge's perspective, I just want to point out a couple of things, is that prior to that resolution going into place in conjunction municipal court and justice court had already indicated to law enforcement that any warrants under the amount of two thousand dollars we had requested, that they had discretion to cite and release them. So we were taking into account the public safety issue and the concerns about the spread for coronavirus, not only in our community, but in the detention center just before the resolution went into play. I think we we understand that we are in unprecedented times and we needed to work together collaboratively to figure out how do we go back and how do we make sure that we are each working within our own branch of government. And so I am hopeful that the conversations that we've had will get us back to a place where there isn't a concern about, of course, with community safety, but also where the authority of the courts herein lies. And we've had some issues about what happens with our community safety. I mean, we are as elected officials, our constituents that we are responsible to in community safety is our primary focus. And with that, I know that the public health pandemic has created a vast dynamic, as we have all explored. So I am hopeful and excited about the conversations as we go forward and hoping to continue to strengthen those relationships between the courts and the sheriff's department with the with the detention facility. So I look forward to making sure that we adopt this resolution and that it continues to move forward with good progress. So thank you.

[00:43:33] Thanks. Judge Holloway. Judge Jenckes, did you want to say anything? No pressure.

[00:43:40] Well, I'm an attorney, so, you know, I think that this resolution is a big step forward and a step in the right direction.

[00:43:53] The I appreciate Commissioner Slaughter's summary of what we talked about the meeting, which is that it's not black and white, and that you do have to consider the circumstances of every defendant individually, the circumstances of their history, of the offense of the participants, of the victims.

[00:44:13] And they not every criminal trespass is the same, for that matter. Not every assault has the same.

[00:44:19] I'm not necessarily put a two thousand dollar warrant out on every misdemeanor assault any more than I would do and or at every single criminal trespass, because you do have to look into the surrounding facts.

[00:44:34] And in our system, that's what judges that's our job.

[00:44:39] Judges are the ones that have both sides that have the history, that's the judges rule. I have. You know, I have some concerns about the constitutionality of trying to impinge on that role, but I understand that, like George always said, we are in uncharted times and we want to do what we can to keep everybody safe, including the inmates and the staff at the detention center, which is why we did get together.

[00:45:14] And come up with that bond amount prior to the time the resolution went into effect, and I think that's a really good solution, it gives us the opportunity to look at the surrounding facts and make a decision on the individual defendant instead of some kind of a blanket decision on the nature of charge. As far as just simply one or two words, criminal trespass versus something that's an inch from stalking. You know, there are differences. And so I do believe that the resolution is a big step forward. So thank you, everyone, for coming to the table.

[00:45:55] Thanks, Judge Jenckes, Judge Beal. Is there anything that you'd like to add?

[00:46:02] Sure, I I'm a big believer in process, and so I'll just add this part about it, I personally was really happy to see really heartened to see the the communication and the the opportunity to work together that involved the court system, the sheriff's office, the county attorney's office, the commissioner's office. Know groups I think are friendly enough, certainly. But but not that always have the chance to to work together towards a common goal. So to be able to do this and to work together with both city and county aspects of it, to bring some of those folks together, I think was great. And I'm hopeful that this will be the beginning of of great things for all of us feel.

[00:46:55] I'd like to open it up now to anyone else who would like to comment on the proposed amendments to the resolution. Any public comment? OK, see none.

[00:47:11] I'll close the public hearing any additional questions or discussion.

[00:47:17] Among the commissioners, Dave, I just want to add, I forgot to say this built into this resolution is a revisit date. Do you guys have that handy? I can't remember what it was.

[00:47:29] July, July 1st, twenty twenty one.

[00:47:31] We will officially look at this again. But I also know that if this between then and now, if this doesn't work for the judges or if it doesn't work for the detention staff, we can talk about it again. So we'll keep a close eye on this. As it's been said, we're in uncharted territory. We just did something that looks like it starts to not work. We'll pull back and fix it and make it work where all this is. This is kind of a continual work in progress because none of us have been here before. So we'll keep a close eye on how things go and make sure that everybody remains satisfied. And if it goes haywire, we'll fix it.

[00:48:10] Any other questions or emotion?

[00:48:14] Why do you want to do it? I'm just reading it, so I'm happy to do it.

[00:48:20] It's just that you are so involved with this one.

[00:48:23] I want to take this from you and end it just as a graduate of an undergrad of hippie liberal arts school.

[00:48:31] It just kind of warms that cockles of my heart that we're all kind of working together on this. And I really appreciate it. All three judges speaking to this. And Josh, for your recap and Cheryl for your recap to it, just this feels really good.

[00:48:45] So thank you guys for struggling through that and glad we found something that we can all work on work with.

[00:48:53] The judges were gentle teachers in this, and I learned a whole bunch of I move that we approve the proposed amendments to resolution number twenty twenty, dash zero to nine.

[00:49:11] Any further discussion on the motion, and I would just add my gratitude also for all the parties who came together and thought creatively and collaboratively to chart this path, that is, as so many have said today, through somewhat uncharted waters in the midst of this global pandemic.

[00:49:31] So without further ado, all in favor, I, I thanks, everybody. Yes. Thank you.

[00:49:39] Thank you, everyone, for participating. Thank you. And that concludes our final public hearing today. Is there any other business to come before the commission this afternoon?

[00:49:50] Goodness, that all went so much faster than I thought it was going to.

[00:49:53] We could we could have made it much more protracted and painful, but that's time. Thanks, everyone.

[00:50:02] Ok, see, no further business will be adjourned.