

**CASCADE COUNTY COMMISSION MEETING**  
**December 8, 2009**  
**COMMISSION CHAMBERS**  
**COURTHOUSE ANNEX, ROOM 111**  
**9:30 a.m.**

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b)

**PRESENT:**

**Commission-** Chairman Joe Briggs, Commissioners Peggy Beltrone, and Bill Salina. **Staff seated with Commission** – Brian Hopkins, Susan Conell, Bonnie Fogerty and Marie Sickels.

Many members of the public, media and other departments did not sign in. The list below reflects the entries on the sign in sheet (see attached sheet of sign ins). ReAnn Rothwell, Linda Cargill, Stacey Bird, Steve Erwin, William R. Zucconi, David Castle, Clayton M. Braden, C.B. Corneilson,.

**CALL TO ORDER:** Chairman Briggs called the meeting to order.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited.

**READING OF THE WEEKLY CALENDAR:** Bonnie Fogerty read the calendar.

**APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE**

**WARRANTS:** Commissioner Beltrone made a **MOTION** to approve purchase orders and accounts payable warrants # 185992 through #186371 totaling \$1,012,461.13 dated 11/18/09 through 11/20/09. Also approved purchase orders and accounts payable warrants #186732 through #186513 totaling \$140,123.59 dated 11/25/09. **Motion carries 3-0**

**CONSENT AGENDA:**

Commissioner Beltrone made a **MOTION** to approve the consent agenda and minute and minute entries, and routine contracts as follows;

- Resolution 09-98 budget appropriation within the Weed Department for the Hound Creek Noxious Weed Grant. Total \$37,000.00
- Contract #10-027-21005-0 between DPHHS and area VIII Agency on Aging to establish and operate a commodity supplemental food program. Renewal effective 10/01/2009 – 9/30/2010

**City/County Health Department**

- Resolution 09-95 budget modification within the City-County Health Department for the Ryan White, Part B program
- Resolution 09-96 budget appropriation within City-County Health Department for the Public Health Emergency Preparedness FY 09-10 Contract #09-07-6-11-008-0 for \$ 354,062
- Resolution 09-99 budget appropriation within City-County Health Department for the Fetal Alcohol Spectrum Disorders

- Resolution 09-100 Contract #10-07-1-01-007-0 between DPHHS and City-County Health Department **Chairman Briggs stated this contract is also Resolution 09-100 for the record.**

**Motion carries 3-0**

**AGENDA ITEM #1**

**MOTION TO APPROVE/DISAPPROVE MEMORANDUM OF UNDERSTANDING WITH ROCKY MOUNTAIN DEVELOPMENT COUNCIL SENIOR COMPANION PROGRAM**

Commissioner Beltrone made a **MOTION** to approve Memorandum of Understanding with Aging Services and Rocky Mountain Development Council Senior Companion Program

Audrey Finlayson Interm Director for Aging Services approached the Commission and gave them an overview of this program stating that it is a renewal of an ongoing contract.

Clayton M. Braden asked the total amount of the project involved. Ms. Finlayson stated that their cost is minimal for this program, and that the participants receive a \$2.65 hour stipend from the Rocky Mountain Development Council Senior Companion Program.

**Motion carries 3-0**

**AGENDA ITEM #2**

**MOTION TO APPROVE/DISAPPROVE RESOLUTION 09-97 BUDGET MODIFICATION WITHIN THE CASCADE COUNTY SHERIFFS OFFICE PUBLIC SAFETY FUND**

Chairman Briggs requested a presentation on this budget modification.

Sheriff David Castle requested that his Undersheriff Blue Corneilson, begin the presentation with the notes and figures he has prepared.

Undersheriff Corneilson stated that they are requesting to move money around in their budget not requesting an increase in their budget. There are savings in some places with contractual obligations to move some money around so they can get partial reimbursement. On the revenue side the bed count is down 50% from last year, which are also concerns.

Chairman Briggs questioned what lines are affected by contracts items and what are the contracts?

Undersheriff Corneilson stated that the Uniform contract for deputies plus the cost of normal operations. He also mentioned a saving in meals and a Johnson Controls contract.

Chairman Briggs stated that he has concerns about them shifting funds out of wage line items. He stated he did get a revised list of employees which shows three open spots on the detention side and none on the patrol side. With the requested shift that they desire to make if granted on the patrol side would leave you short \$13,773. in making payroll, and on the detention side \$168,459.06 is short. He questioned how they plan to make this work?

Undersheriff Corneilson responded by stating on the patrol side; that is a projected difference that they will try to make up through some operational savings. On the detention side we are at a higher rate spending and as they project now, taking the last eleven pay periods that have been paid with the High C contract and the minimum manning issues; they are projecting around a \$290,000 shortage.

Chairman Briggs questioned that on that basis in all good consequence. How could they ask for money to be taken out of those line items to pay for expenses?

Undersheriff Corneilson stated because they can't shut off the heat, or can't let the building fall apart, to get stuff done. He said 74% of the operations is personnel, and 26% is operational costs. With 86% in personnel on the patrol side, adjustments are not in operations, the movement is in personnel.

Chairman Briggs announced that the aggregate numbers don't work. If you were to do what you are requesting to do; we would create that shortfall of \$13,773.

Undersheriff Corneilson agreed with Chairman Briggs stating he was correct and reminded him that budget modifications happen throughout the year, stating they are actively trying to find money. He also stated they got the printout in November and are trying to monitor the savings and move money accordingly.

Chairman Briggs stated that he has a problem; in the way the budget hearings were conducted, where they never got a justification originally for why they needed increases in many of the supply line items. And with this budget modification they are reallocating funds back to what they originally requested; to those expenses line items without ever justifying them, and pulling money away from payroll.

Undersheriff Corneilson presented his written notes with line by line items and a four year average for justification.

The Commission agreed that they would like to see the line by line justification and requested that Undersheriff Corneilson type them up for them.

There was more discussion on the revenue being down due to the feds.

Sheriff Castle approached the Commission to state that we can point fingers and try to place the blame on what's happening but the whole thing here is trying to make the best projections. On average for feds they have 50-60 beds. It is down possibly due to the airport and the fact that ConAir is now flying to Billings he reiterated that they can't base safety on unknown situations. He stated that to make the budget the Commission is requesting he bring inmates to the community and he stated that is counterproductive to what they are doing. He then read and presented a letter to the Commission. (See exhibit "A") He also presented a bill in the amount of \$2,964,449.19. (See exhibit "B"). After reading the letter and presenting the bill he stated that they have a disconnect on how the jail is being funded, and it bothers him as a sheriff with concerns for the public that he is looking at getting a hold of the feds to see what inmates could be brought to the community from all over the country to help pay the detention officers wages.

Commissioner Salina questioned if Sheriff Castle believes that the Commission assumed responsibility that does not exist?

Sheriff Castle stated he would like to see the letter that was sent to the Teamsters when he said that we are faced falling short on revenue based on bringing in inmates that won't pay for the operation of that facility. Then when he went to the Public and his People to let them know this means jobs the union came to him and stated he did not have the authority to lay off personnel. He asked the Commission what their assumptions are?

Chairman Briggs stated he did not know where to start. He stated that this Commission did not change the ground rules from when it had originally been built; it has always been used to sub contract inmates from other areas. He also requested a full invoice and documentation on how Sheriff Castle plans to bill Cascade County for the inmates that they already paid for in the facility.

Sheriff Castle responded by stating that he was incorrect on the intent of the facility; because the sheriff at the time, whom was Barry Michelotti, had the plans to build large facility and somewhere in there to partner with the state. The intent when they partnered with the state was to bring county inmates here that need to be reentered into the community. There was a contract that guaranteed 75 beds now he has 150 and they are not all from Cascade County.

The plan was to take those Cascade County offenders that were going to get out in a year or less. Now most of the 150 offenders are not from Cascade County and are very serious offenders in their minimum secure facility which requires more manpower. He did state he appreciated what the Commission has done, and announced they need to come to a solution to do a long term strategy on what public safety is going to be, for this community. We can't count on bringing inmates in, which is counterproductive to paying the bills.

Chairman Briggs stated his assertion, that the Commission has done this, is incorrect. Then reminded Sheriff Castle of the previous contracts with DOC that were signed by previous sheriffs. He mentioned that now the Commission is involved in and does sign the contracts with the DOC.

Sheriff Castle stated his plan for public safety is different from the Commissioners plan.

He gave examples on how successful he has been in running his facility, by reducing meth use, saving money, and reducing the population.

Commissioner Salina stated that the overall budget has increased over three million dollars in five years. Then questioned Sheriff Castle that he would say as cost savings measure, that we are going to attempt to lay off people on the detention side and hold less prisoners?

Sheriff Castle stated that public safety is the first shift and then eventually we shouldn't rely on inmates to pay the bills.

There was further discussion on revenues, mills, and possible split of the Sheriff's departments.

Commissioner Salina asked if it was sound policy for the Sheriff to remove the jail from the Sheriff's Department.

Sheriff Castle stated that it is sound to have the Sheriff run the jail because he has the communities' welfare in mind. He stated it has been tried and contacted out. He also asked them not to confuse this with private prisons, which causes problems due to the differential treatment of prisoners.

Chairman Briggs questioned the 11,000 figure given by Undersheriff Corneilson, then stated that the local taxpayer dollars that went into his department in 2007 was 1.89 million this year it is 3.5 million. There is not an 11,000 difference which is being claimed.

Sheriff Castle stated the he did not believe that the Undersheriff was stating there was 11,000 difference. He requested that the Commission understand this is a 27,000 a day operation and he is not requesting more money in his budget, just the ability to move money around.

There was further discussion on the Sheriffs budget.

Commissioner Salina again questioned the Sheriff as to what he is asking the community to do for his revenue, if he is to diminish the revenue created by the jail? He asked him if he was requesting a raise across the board from the County.

Sheriff Castle stated that has been tried and has failed, and he cautioned the Commission to request another levy.

Commissioner Salina questioned if Sheriff Castles' final analysis is to recommend that the Commission wean themselves from the revenue generated from the jail. Then find the revenue that would support public safety; whether it would be by levy, an increase in taxes or some other kind of revenue. All because the source of revenue at the jail is too unpredictable.

Sheriff Castle stated that it is inappropriate to count on that to fund public safety. He also requested an answer to the letter, and stated he understands the Commission's authority to set budget. But he needs to know what authority he has according to layoffs and making a budget work.

Commissioner Salina said he is still a little vague on what is needed, and welcomed to sit and visit with the Sheriff on this item.

Commissioner Salina made a **MOTION** to table Resolution 09-97 budget modification within the Sheriff's Office Public Safety Fund.

**Motion carries 3-0**

**PUBLIC PARTICIPATION IN DECISIONS OF BOARD AND ALLOWANCE OF PUBLIC COMMENT ON MATTERS THE COMMISSION HAS JURISDICTION, ON ITEMS NOT COVERED BY TODAY'S AGENDA.**

Chairman Briggs requested public comment in which there was none.

**ADJOURNMENT:**

The meeting was adjourned at 10:24 a.m.

**NEXT MEETING DATE:**

All meetings are held in the Commission Chambers at the Courthouse Annex. The next meeting will be a work session meeting that will be held on Wednesday December 16, 2009 at 2:00 p.m.