

City Council Work Session

May 9, 2006
6:00 PM
3rd Floor Library

ATTENDANCE:

Mayor/Council (please check) ✓ Tussing, ✓ Ronquillo, ✓ Gaghen, ✓ Stevens,
 Brewster, ✓ Veis, ✓ Ruegamer, ✓ Boyer, ✓ Ulledalen, Jones, ✓ Clark.

CONVENE TIME: 6:20 P.M.

ADJOURN TIME: 8:40 P.M.

Agenda

TOPIC #1

PUBLIC COMMENT

PRESENTER

NOTES/OUTCOME

- TIM CRANSTON, 1400 POLY DRIVE, asked if the Council had a policy on the percentage of the General Fund that is transferred to the Public Safety Fund. Mr. Cranston stated that historically, about 65% of the General Fund is transferred to the Public Safety Fund. He asked the Council to enact a policy that would continue to maintain that percentage.
- Interim City Administrator Tina Volek stated that the 1999 pledge promised a minimum of \$15.4 million per/year to the Public Safety Fund and the City has kept that promise. Mayor Tussing said that the pledge was made in 1998 and no such promise was made in 2004.
- Councilmember Stevens questioned the rationale for Mr. Cranston's request. Mr. Cranston said he believes that the historic percentage is right and that the Public Safety levy amount for 2004 is too high. He stated that the City won't need \$8.2 million from the levy if a minimum transfer is maintained.
- Ms Volek noted that the City won't be paying for Fire Station #7 forever, but other stations will need to be built in the future. The Council has the option of reducing the levy as needed.
- Councilmember Boyer asked if the City diverts money from the General Fund to other entities. Ms. Volek responded that transfers are made to the Public Safety Fund, but not to other entities. Mayor Tussing pointed out that the Public Safety Fund didn't exist until 1998.
- DAVE BROWN, 544 WIGWAM TRAIL stated that the City's \$54 million in unrestricted reserves is too much money to be held by the City and is unfair to taxpayers. He also asked if the Councilmembers receive the financial information that they need. Councilmember Gaghen replied that the councilmembers do get financial information to keep them informed.

TOPIC #2	BOARD & COMMISSION REPORTS
PRESENTER	
NOTES/OUTCOME	
Temporarily Suspended	
TOPIC #3 A	BUDGET WORK SESSION – Public Safety
PRESENTER	Fire Chief Marv Jochems
NOTES/OUTCOME	
<ul style="list-style-type: none"> • Chief Jochems gave the presentation and directed the councilmembers to the financial data in the proposed budget book. He stated that the levy funds the hiring of six additional firefighters. Chief Jochems said he has deferred hiring a Deputy Chief so that the Parks Dept. could fund a need. However, he will hire the Deputy Chief by June 1 from within the Billings Fire Department. • Councilmember Veis asked what the difference is between a deputy chief and an assistant chief. Chief Jochems responded that the difference is one pay grade. • Councilmember Stevens asked what an engineer is. Chief Jochems said an engineer is a “driver.” • Councilmember Ruegamer asked why there are 51 firefighters and 27 engineers and 27 captains. Chief Jochems replied that the engineers drive the truck and the captains “command” the firefighters at the scene. • Mayor Tussing said that the City’s past practice was that a department could not have <u>both</u> a deputy and an assistant. He asked if that practice had changed. Chief Jochems stated that he was not familiar with that rule and would have to do some research on the matter. Chief Jochems added that the job has changed over the years; it no longer is just fire suppression. A lot of training is required, much of it by federal statutes. Most of the training requirements are handled in-house. • Councilmember Gaghen asked if the City can serve and train outside of Billings, in the smaller communities. Chief Jochems that the City has a mutual aid agreement with 24 surrounding fire departments and also has regional Haz-Mat trainers. • Councilmember Boyer asked if there was any monetary compensation for responding to out-of-area responses. Chief Jochems replied that if the regional Haz-Mat had to respond, there is a 2% emergency mill that is paid and after that the State Department of Emergency Services reimburses the City. He stated that the Dept. does all of its own equipment maintenance. The Dept. had over 6,000 repairs this year and two reserve units are currently down. Chief Jochems said the Communication Center work also includes a non-emergency number for the Police Department. He invited the City Council to visit the Communication Center especially on Friday or a “full moon.” The emergency response statistics in 2005 saw a jump in total numbers. • Councilmember Ulledalen asked, “How will that affect the City’s ISO ratings?” Chief Jochems responded that it will <u>not</u> affect the rating. Overall it will affect the City’s ISO ratings, but the new station should offset any negative impact. • Councilman Veis asked how much of a dollar loss the Primrose development was. Chief Jochems said it was about \$4 million noting that the dollar loss will also impact the ISO. The largest percentage of calls the department responds to are EMS calls, however. • Councilmember Stevens asked what service calls are. The Chief answered that service calls range from getting someone back into bed if they have fallen out of bed to getting dogs off the Rims. • Councilmember Gaghen asked if care facilities call for assistance to get a patient back into bed. 	

Chief Jochems said that usually is not the case but if it becomes a nuisance, social services are contacted.

- Councilmember Ruegamer asked if there are six fire stations. Chief Jochems confirmed there are 6 stations. He will try to get the A & E contract for the new station on the agenda for May 22nd. He also noted that the department receives special revenues from BUFSA, the County Sheriff and American Medical Response (AMR) dispatch.
- Councilmember Veis asked about the term loan for Station #4 and would there be debt for the new station. Chief Jochems replied that the term was 10 years originally with about 7 years remaining. Chief Jochems spoke next on the Strategic Plan which includes a new location for the Communication Center (State monies are available for this purpose) and the Safety-Net Ambulance Service contract, which is in the final stages.
- Councilmember Stevens asked if AMR is mostly paramedics and how the Safety-Net ambulance service works. Chief Jochems responded that there would only be one paramedic on each truck. The Safety-Net is called when they get to a scene, AMR says it will be delayed in getting to the scene and the individual is critical. At that point they will call Safety-Net. The Fire Captain will use discretion and make this decision as necessary.
- Councilmember Clark stated that the AMR response should be improving with new management and training new employees.
- Councilmember Gaghen asked for the Chief’s response to Mr. Cranston’s presentation. Chief Jochems said that Public Safety would never get less than \$15.4 of the General Fund. The goal of the Public Safety Fund is to drive the General Fund back to the \$15.4 amount.
- Councilmember Veis asked where he is with the succession planning. Chief Jochems said that training and education are becoming more important to obtain a position with the Fire Department. They have 534 applications for firefighter positions, 300 of which are willing to move to Billings. They are in a consortium comprised of 10 cities that test the applicants and hire from the pool. Councilmember Veis asked if the cities were meeting their requirements from this pool. Chief Jochems said that they are able to meet their requirements and are really pleased with the quality of the applicants.
- Councilmember Veis asked about training for advancement opportunities. Chief Jochems said there is ongoing training, with “extras” eligible and just waiting for an opening. There will be quite a few firefighters retiring in the next couple of years.

TOPIC #3 B	BUDGET WORK SESSION – Public Safety
PRESENTER	Chief Rich St John – Police Department
<ul style="list-style-type: none"> • Chief St. John gave the Police Department’s budget presentation. • Councilmember Vies asked for the cost of the patrol cars and if that was the only expense in the capital budget. Chief St. John said two new patrol cars will be purchased along with equipment and crime analysis software. • Chief St John presented the divisional budgets and noted that it is the 2nd year of levy expenses. They will be getting 10 replacement vehicles and 3 replacement detective vehicles as approved in the replacement plan. • Councilmember Stevens requested that as the Chief goes through his presentation he points out any items that will be implemented in regard to the International Association of Chiefs of Police (IACP) report. Chief St John said that the IACP report allowed for additional officers - up to a maximum of 16, while the safety levy allowed for 11 officers in 5 years. The levy and IACP 	

allows for additional promotions to help with the organizational structure that ICAP recommends. He also spoke on the grants that are used to supplement the department's budget.

- Councilmember Boyer asked about the total grant receipts. Chief St John responded that he didn't have a "total," but can break them down by individual grants and/or programs, as follows:
 - Universal Hiring Program equals \$25,000 per officer
 - Enforcement grants equal \$40,000 for special details and overtime
 - Technology grants equal \$1.6 over 5 years
 - High Intensity Drug Traffic Area (HIDTA) equals \$614,000 over 5 years
 - Billings Housing Authority pays \$65-\$75,000 per year for one officer
 - Local Law Enforcement Block Grant (LLEBG) pays for one police clerk, totaling \$816,000 since 1996
 - Justice Assistance Grants (JAG) is split with Sheriff's office and have purchased equipment for a total of \$143,000 for 2005 and 2006
- Mayor Tussing asked where Homeland Security was listed. Chief St John answered that everything has been spent that was given through Homeland Security and any monies that will be given in the future will be tied to interoperable communications. Fire Chief Jochems added that there are more Homeland Security monies available but they are all being converted to communications because they want all agencies to be connected.
- Chief St John stated that supplemental budget requests (SBRs) are often funded by other sources (i.e. drug forfeiture) because they could not be funded by public safety funds and the levy. Items funded include: digital cameras, DNA testing, laptops for accident investigators (GPS), and online training.
- Staffing needs are addressed in the proposed budget. They are currently recruiting to replace the three vacancies created due to retirement. They will be adding two new additional officers. The police department is currently authorized for 130 officers and will go to 132 sworn officers. There is about 7 months of training required before a police officer can work alone. Therefore the department may want to "over-hire" to mitigate the impact of retirement.
- Councilmember Veis asked if there is any money available to get the Animal Shelter landscaped. Chief St John responded that thanks to Mr. Mumford and his department, they have received donated landscaping, sod, trees, etc. and volunteer labor to complete the landscaping by early summer. Councilmember Boyer commented on the good cooperation and support between departments.
- Councilmember Ronquillo asked about the Cop Shop, noting he had met with Mr. Mills today. He has found out Mr. Mills already leased the building that was discussed at the last Council meeting. Chief St John stated that they are very willing to support the Cop Shop concept but have no extra money, staff, phones and other equipment, so the community has to support it financially.
- The Mayor called a brief recess at 7:40 p.m. The meeting was reconvened at 7:45 p.m.
- Councilmember Ruegamer said that he is tired of Mr. Brown's accusations; and he will attempt to get more/other information in order to give specific answers to Mr. Brown's questions.
- Bruce McCandless stated that at any one time there may be monies being held until needed. From a "global" point of view, Mr. Brown's statement is correct but that is not good accounting procedure. The monies are being held in "reserve" until required, i.e. they are "committed" monies. The reserve is collected at tax time and used throughout the year for monthly expenses.

TOPIC #3 C	BUDGET WORK SESSION – Municipal Court
PRESENTER	Nikki Schaubel

NOTES/OUTCOME

- Nikki Schaubel explained the Municipal Court's jurisdiction. The court handles misdemeanors, code violations, civil cases and cases in which the City of Billings is a party.
- Councilmember Stevens asked how the Municipal Court differs from a small claims court. Ms. Schaubel said that they are the same but most of these cases go to Justice Court because its docket is set up for these cases.
- Ms. Schaubel explained the expanding jurisdiction involves more mental illness cases. Many cases require committing offenders for evaluation and hospitalization. They are requesting \$20,000 in the proposed FY07 budget for the mental health line item.
- Councilmember Gaghen asked if hospital care is needed who provides that care. Ms. Schaubel responded that it depends on what the offender is committed for. The court's treatment is usually to get them ready to appear in court. The court does not commit someone to a mental facility; those cases would be turned over to the District Court.
- City Attorney Brent Brooks added that there are two possible commitment tracks: one is for criminal offense – i.e. can he/she participate in defense, and the other track is civil – i.e. can be involuntarily committed, but these are only by the County Attorney.
- Ms. Schaubel explained that Restorative Justice has allowed the courts to have limited jurisdiction to create drug courts (\$450,000 grant over three years plus \$34,000 cash match) and other problem solving courts. Their caseload is approximately 30,000 cases per year, with less than 1/3 being simple traffic cases. She reviewed the current court staff. Ms. Schaubel explained the five court performance standards.
 - 1) Access to justice
 - 2) Expedition and timeliness
 - 3) Equality, fairness, and integrity
 - 4) Independence and accountability
 - 5) Public trust and confidence
- The court is concentrating on safety, accessibility and convenience to justice; with features such as:
 - 1) Three new windows
 - 2) Open nine hours a day
 - 3) Improved directional signs
 - 4) Clerk position funding will be used to hire additional bailiff for security
 - 5) Night court once a month
 - 6) Extra afternoon court once a week
 - 7) Full court software system for better management and information
- The goal for 2007 according to Ms. Schaubel is to increase access to justice.
- Councilmember Ronquillo asked what the break-down in revenue is. Ms. Schaubel stated that \$1.3 million in revenue is brought in each year and the court has a yearly budget of \$1 million.
- Councilmember Ronquillo asked how the Drug Court enrollment could be expanded from the current enrollment of 30 to an enrollment of 50. Ms. Schaubel replied that they have probably accepted 50 students but it takes at least 12 months to graduate so not much progress is seen in the first year. Only 2 students have graduated from the original 8 students.
- Councilmember Stevens noted that the revenues exceed the expenditures and asked where the excess funds go. Mr. Brooks responded that the court system is part of the General Fund so any revenue stays in the General Fund. Stevens asked what was the reason for the increase in mentally

ill cases. Ms. Schaubel answered that she didn't know why the mental illness cases were increasing.

- Councilmember Ruegamer asked how many cases go to trial. Ms. Schaubel replied that about +/- 1 % of the total cases go to trial, or about +/- 300 cases. Many of the traffic cases forfeit their bonds and most others settle. Councilmember Ruegamer asked how many cases are arraigned and how many settle at arraignment. Ms. Schaubel stated that she didn't know but she would find out and report back to the Council.

TOPIC #4	TOWE INITIATIVE
PRESENTER	Tom Singer
NOTES/OUTCOME	
<ul style="list-style-type: none"> • Attorney Tom Singer stated that he'd been asked to review the Towe Initiative. He explained that he has read the petition, copied the file and read the statutes. Mr. Singer noted the short time frame - 14 days, i.e. by next Monday to decide whether to seek declaratory judgment to a challenge. He was also to consider: (1) how likely is an appeal to succeed? And to advise on whether (2) the City wants to challenge the initiative. He stated that a decision needed to be made by Thursday on whether to appeal and the appeal needs to be filed by Monday. He understood that the Council is asking for advice on appeal and to appeal if directed. There are two primary issues: (1) administrative and legislature functions are mixed and (2) rewriting the Charter so it's not really City Manager and not quite Mayor form of government – is that legal. • Councilmember Veis asked if the charter gives the City Council more latitude. Mr. Singer replied that it appears that cities cannot create forms of government that are not established by statute. • Councilmember Ulledalen said that it is a “stupid” initiative but the question is whether it is constitutional. Mr. Singer replied that it is a “political” question to which the Council needs to respond. • Mayor Tussing asked if the Council is trying to keep citizens from doing something that's illegal. Mr. Singer answered “yes.” • Councilmember Stevens said there is a statute that states if the governing body wants to determine if a situation is valid and constitutional, it has to be brought before District Court within 14 days of the initiative's approval, which was May 1st. There is some separation of powers involved. A legislative act is a broad policy that affects many, while an administrative act affects a smaller portion of the government. • Councilmember Veis agreed that this doesn't make a lot of sense, but he does not want to stop people from creating the government that they want. He also does not want to let them adopt something that's illegal. Councilmember Stevens said she wanted to be sure the process of making a change is valid and constitutional. • Councilmember Ulladalen said the Council needs to take a stand and support the Charter. Mayor Tussing said that the Council needs to be clear in its goal. The change should go one way or the other and not be a hybrid. He added that it's not the Council's job to defend the Charter because it looks like the Council is defending its own turf. • Councilmember Gaghen said she wants to head off the issue if it's unconstitutional. The citizens had the chance in 2004 to review the Charter and chose not to review it. The Council needs to defend the Charter. Councilmember Boyer stated that the Council took an oath to defend the Charter. Mayor Tussing said that while the Council needs to uphold the Charter, the Charter 	

should be changed as the citizens choose. Councilmember Boyer said that she didn't want to see the City run around personnel issues.

- Councilmember Ruegamer said he didn't understand if what Mr. Towe has proposed is illegal, how the initiative could go on the ballot. Mr. Singer stated most challenges occur after adoption, adding that most initiatives do not have a formal review and challenge process, but they do in cities. Councilmember Stevens said that the legislature sets strict rules for timely handling. This allows for a challenge, but does not slow down the process. The City Council is the only plaintiff that can challenge the initiative.
- Councilmember Veis asked what issues Brent identified for Mr. Towe and have they covered the necessary questions. City Attorney Brent Brooks responded by noting that the issues and questions were the same as the Council has discussed tonight.
- Councilmember Ulladalen asked if it is a two-year minimum appointment for City Attorney. Mr. Brooks said perhaps it applies, but self-governing bodies may supersede the statutes.

Additional Information:

- A special meeting was set for 5:30 p.m. on Thursday, May 11, 2006 in the City Hall Conference Room to discuss Mr. Singer's report and decide whether to challenge the initiative.

Respectfully submitted
Marita Herold, City Clerk