

# MINUTES OF THE SPECIAL MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

For December 14, 2011

The Special Meeting of the Council of Commissioners was called to order Wednesday, December 14, 2011, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Paul Babb.

## ROLL CALL

10 present, 2 absent. Commissioners Shaw and Frasz were excused.

Commissioner Hall lead the Commissioners in prayer.

## SECTION I COMMUNICATION NO. [11-737](#)

Lindsey Moe, Director, Butte-Silver Bow Human Resources Department, requesting Council take action to begin the process of filling the vacancy of City Court Judge created by the resignation of City Court Judge Steve Kambich.

Commissioner Palmer stated the following:

- The resignation letter by Judge Kambich will be effective December 15, 2011.
- The position cannot be advertised until the resignation is official, which will be December 16, 2011.
- Suggested the position be advertised for a period of two weeks.
- Council, as a whole, will interview all of the applicants.
- The same questions must be asked of all the applicants and cannot be varied.

Commissioner Schultz asked if there would be any screening of the applicants by either the Human Resource Department or the Clerk and Recorder to insure only eligible applicants are interviewed.

Chief Executive Babb stated it would be appropriate for the Clerk and Recorder to screen the applicants, and asked County Attorney Joyce what the requirements are for the position.

County Attorney Joyce replied the applicants must be a resident of Butte-Silver Bow and a registered voter. County Attorney Joyce explained the selected candidate must also pass a certification test in order to maintain the position after being appointed, and stated the next test will be held in April.

Commissioner Henderson asked County Attorney Joyce to clarify when the required test would take place.

County Attorney Joyce stated the chosen candidate must take and pass a certification test, which will take place in April, in order to continue to act as a City Court Judge.

Commissioner Henderson asked County Attorney Joyce what would happen if the judge failed the certification test.

County Attorney Joyce replied if the judge failed the test, there would be another vacancy and the process would begin again.

Chief Executive Babb asked County Attorney Joyce if the applicant selected by Council would be able to serve until the next certification test takes place.

County Attorney Joyce replied yes.

Chief Executive Babb asked County Attorney Joyce if the position of City Court Judge will remain vacant once the resignation is official until Council makes the new appointment.

County Attorney Joyce replied this is correct.

Commissioner Schultz asked County Attorney Joyce if there is a required school for the position of City Court Judge.

County Attorney Joyce replied there are two mandatory training sessions per year for the position.

Commissioner Schultz asked County Attorney Joyce when the training sessions are held.

County Attorney Joyce replied the schools are held twice a year, one in the spring and the other in the fall.

Commissioner Ralph asked County Attorney Joyce if it would be possible to require the chosen candidate pass a background check.

County Attorney Joyce replied Council could ask the candidates if they would be willing to undergo a background check if selected, but cautioned Council they should be careful to treat applicants for the position in the same manner as all elected officials and positions within Butte-Silver Bow.

Commissioner Schultz asked if the chosen candidate needs to be bondable.

County Attorney Joyce replied no.

Chief Executive Babb asked if having a felony would disqualify a candidate.

County Attorney Joyce replied a convicted felon, who has not completed their sentence, is not eligible to vote.

Chief Executive Babb asked County Attorney Joyce if Council is required to accept Judge Kambich's resignation before moving forward with the process.

County Attorney Joyce replied the resignation starts the process, according to State Law.

**It was moved by Commissioner Palmer and seconded by Commissioner Henderson to authorize the Human Resource Department to begin advertising to fill the vacancy of City Court Judge effective December 16, 2011, with applications being accepted through December 30, 2011 at 5:00 p.m., and begin interviewing January 4, 2012 and place Communication No. 11-737 on file.**

Chief Executive Babb asked Commissioner Palmer if he wished to add “The Clerk and Recorder will screen the applications” to his motion.

**Commissioner Palmer added “the Clerk and Recorder will screen the applications” to his motion, with the concurrence of Commissioner Henderson.**

Commissioner Foley asked if requesting resumes of the applicants is a possibility.

Commissioner Henderson agreed with Commissioner Foley regarding asking the applicants for a resume.

County Attorney Joyce stated Council has the ability to request resumes in the advertising for the position.

**Commissioner Palmer amended his motion to request resumes of the applicants, with the concurrence of Commissioner Henderson.**

**The motion passed with a unanimous verbal vote.**

**ADJOURN**

**It was moved by Commissioner Palmer, seconded by Commissioner Morgan and carried with a unanimous verbal vote to Rise to the Call of the Chair.**

The meeting adjourned at 7:45 p.m.

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**CHIEF EXECUTIVE**

**ATTEST:**

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**CLERK AND RECORDER**