

**Flathead County Weed/Parks/Recreation
MINUTES
Special Meeting of the Board of Directors
Meeting Date: April 9, 2021**

Members of the Board in attendance:

James Buechle, Clyde Fisher, Lori Moran, Jessica Treweek, Pete Woll

Members of the Board not in attendance:

All Board members were in attendance.

Also in attendance:

Chris Maestas, Interim Superintendent; Gordon Jewett, Assistant Superintendent; Haily Hoff, Clerk

Others Present:

Brad Abell, Tara Fugina, Jim Lafferty, Mike Pence, Gordon Jewett, Noel Jinings, Patrick Staunton, Robert Tuman, Clay Fischer, Evan Carter, Amanda Davey

Call to Order

A special meeting of the Board of Directors for Flathead County Weed, Parks & Recreation was held in the conference room at 311 FFA Drive, Kalispell, Montana, on April 9, 2021. The meeting convened at 8:30 AM, President Woll presiding.

Public Comment

Gordon Jewett asked if questions would be allowed from attendants during this special meeting. President Woll responded that questions will be answered as long as the discussion is kept within an appropriate amount of time.

Matters of the Board

Lori Moran expressed her concerns regarding the protocol of the resignation and retracted resignation of the Weed/Parks Director. The series of events and conversations held in March led the Weed/Parks Board and staff to expect Mr. Fisher would retain his current position for an extended period of time. They were all surprised to learn that the Commissioners formally accepted his resignation following those conversations and he was not allowed to continue his service for Flathead County. Lori Moran stated that after receiving the news that Jed Fisher was planning to retire, the Weed/Parks Board requested that he extend his service. Mrs. Moran read the voluntary resignation section from page 36 of the Flathead County Policy Manual and explained the Board's understanding of their authority over the Weed/Parks Director's position. The Board as a whole felt it best for the Departments for Mr. Fisher to delay his exit date in order to assist in the process of acquiring his replacement. They also felt that his termination process was incomplete. Lori Moran and Jessica Treweek have recently started coordinating their efforts in recreational trail and facility projects that could generate substantial revenue to offset costs and avoid using tax dollars for some aspects of maintenance funding. Mrs. Treweek said these efforts were motivating to Mr. Fisher and were a driving factor in his change of heart. Lori stated that when she spoke with Jed, he told her that he did speak with Tammy within Human Resources regarding her approval of his use of accrued excess vacation time in the month of March since he was planning to return to work in April. Lori expressed her frustration to the fact that Mr. Fisher was placed on administrative leave with pay and locked out of his computer during the last two weeks of March.

Pete Woll stated that this meeting was called to decipher how to proceed because they can't gather as a quorum for a discussion without having this special meeting. County Administrator Mike Pence,

County Commissioner Brad Abell and County Attorney Tara Fugina were invited to participate in the discussion and help to answer questions. Mr. Woll first asked if the Weed/Parks Board is still operating under the current adopted resolution 1214B. Tara Fugina stated that yes, that is the current resolution but it hasn't been followed "exactly" for years so her recommendation is to keep with common practice. Jessica Treweek asked for clarification. Tara Fugina gave the example that the resolution states that the Board purchases chemicals yet that has been going through the Commissioners for years. Jessica stated that the Board approves the chemical bid before it is submitted to the Commissioners. Pete added that they understand that the Commissioners have the final say and approval, the Weed/Parks Board always offers their approval and recommendations before it is placed on their agenda. Tara responded that the Commissioners appreciate that and reiterated to continue what they've been doing. Jessica Treweek expressed the Board's desire to be involved in the process of replacing the Weed/Parks Director because of the close working relationship they maintain with the entire staff as well as the language of the current bylaws and resolution in which they are working under. Mike Pence stated the current law does not provide for things that are in that resolution. Mr. Pence also explained that years ago, many of the managers (Jed included) came to the Commissioners with the desire to end contracted positions and become employees of Flathead County. After those changes took place, those job descriptions now indicate that those positions report to the County Commissioners and the County Administrator. It is their feeling that the employer is solely Flathead County and not in cooperation with any single board. It was Tara's understanding that the Human Resource Department was already approached about the involvement of the Weed/Parks Board on the hiring committee for the new Weed/Parks Director.

Brad Abell stated that he spoke with Tammy in Human Resources and speculated that there was no 'use it or lose it' vacation time available to Jed Fisher and he was put on administrative leave with pay because employees are not permitted to use vacation time in their final two weeks of employment. Mr. Abell also stated that he had a copy of Jed's resignation letter forwarded to him by Mike Pence on March 1st and read it aloud. "I'm heading into a monthly Weed/Park Board meeting. I wanted to let you know I will be announcing my retirement effective March 31st." Mr. Abell said they all accepted that as his resignation even though it came as a shock. It was Brad Abell's opinion that Jed left "half-cocked", did not speak to Tammy in Human Resources and was untruthful to the Board. They wanted to know how much longer Jed wanted to stay and informed the Weed/Parks Board that they were unable to reach him to obtain that information. Lori Moran asked why the Board or the Board President was not informed that the Commissioners decided to take that action. Mike Pence responded that the State law has changed and this Board no longer has employment power. Jessica Treweek felt that the Commissioners or the County Administrator should have informed this Board that the bylaws and resolution that are currently in place are now void and that they should also be involved in any revisions. Mrs. Treweek voiced her irritation on the lack of communication and feeling undervalued as a volunteer. Jim Buechle stated that in the 25 years that he has served on this Board he does not recall any notifications regarding law changes or resolution amendments. Tara Fugina said that formal notice was not likely sent out to any Board. Mike Pence added that is the manager's job to keep their boards informed. Lori Moran asked for clarification relative to the legislative changes to Montana State law and how the Board's resolution and bylaws will be structured going forward. Tara Fugina stated that she will be looking at that.

Tara stated that she was surprised that Jed was in contact with members of the Weed/Parks Board because he was not in contact with Flathead County administration during that month. Brad Abell expressed his frustration that Jed left without informing the Board, Mike Pence or any of the Commissioners that he was going on vacation. In his previous job he would have been canned on the spot for going AWOL and that had a lot to do with his decision of not wanting Jed to come back. Lori asked if it was typical for supervisors to notify Commissioners when they take vacation. Mike Pence responded that it is typical in most cases and relatively informal via email as a courtesy. Brad Abell

mentioned that he just retired from spending 30 years with Plum Creek/Weyerhaeuser and he gave a six month notice and met with HR director. Brad voiced that he felt Jed was mad at the Commissioners and decided he was going to quit. Mr. Abell spoke of meeting where Jed suggested floating a bond to fund trail maintenance and stated he felt that Jed was frustrated that Commissioners wouldn't go along with him. Brad said that they needed more information on how people were going to accept that and stated that he didn't have the documentation in place to say that citizens were willing to tax themselves for that purpose.

Mike Pence stated that in his opinion, Jed submitted his resignation in writing. Tara added that they followed County policies. Mr. Pence mentioned that they attempt to run Flathead County as a business and rescinding retirements and such is bad business. Noel Jinings made the point that it is not bad business to consider retaining a 30 plus year employee to aid in acquiring and training a replacement. Brad Abell reminded everyone that he spent a significant amount of time with Plum Creek and that Plum Creek dismisses their supervisors immediately if they submit a two-week notice. Jim Buechle added that we aren't here today to discuss the practices in place at Weyerhaeuser.

Pete Woll said that there has clearly been a series of miscommunication over the last 30 days and asked if in the unlikely event of something this unusual happening again in the future if the Weed/Parks Board should offer information to the Commissioners directly. Mrs. Fugina answered that would have been nice. Mike Pence opined that there should be a liaison from the Commission to attend all Weed/Park Board meetings. Jessica Treweek stated that they invited Brad Abell to start attending these meetings a month ago. Mr. Abell apologized for missing the regularly scheduled April meeting and stated that he will be attending these meetings henceforth as the assigned liaison of the Flathead County Commissioners. Pete Woll welcomed Brad Abell and expressed the Board's appreciation of his presence.

Bob Tuman spoke as a retired Flathead County employee and a citizen that has been involved in the operations of these departments and the Flathead County Weed/Parks Board for over 20 years. Mr. Tuman stated that it is too bad that Jed's career has ended in a communication breakdown. He stated it is concerning that communication problems exist relative to law changes and how those changes can affect the operation of any Board or Department. Mr. Tuman recalls that when any changes were made in the Flathead County Policy and Procedure Manual, notification was relatively immediate. There seems to be a disconnect between the people making the decisions offsite and the people working out here. Mr. Tuman feels that the Flathead County administration may not have a solid understanding of just how diversified these departments are. Repairing communication gaps when State laws or County rules change should be a priority in every department. The Weed/Parks Board has vast knowledge over an extensive period of time that adds substantial value to the operational success of these departments. To see that value reduced or removed would be bothersome. As a retired citizen with extra time, Mr. Tuman stated that avenues like attending meetings and contacting the Daily Interlake or the Flathead Beacon will become his voice if feels that the right people aren't being heard.

Mike Pence voiced his satisfaction with the overall operation of the departments and mentioned that he was highly complementary of Jed's work in the news media articles that were recently published. There has been no concern relative to the work being done and feels that the staff in place is doing a great job. He stated the Montana Code Annotated needs to be driving law relative to authority and operation of boards. A rough draft of an updated resolution has been made to achieve compliance with current Montana State law. The same thing needs to be done in other departments and it was a topic of discussion during the Commissioners retreat in January and the timing of this update is coincidental with the Jed's departure.

Tara voiced that communication issues exists countywide and law changes happen without bulletins. A revised resolution will go in front of the Flathead County Commissioners following a public comment period prior to adoption. Many managers follow law changes that may directly impact their specific departments. Lori Moran would like help in defining the term “supervise” in the updated resolution if that language remains and mentioned a potential work session within the next scheduled Weed/Parks Board meeting. Mrs. Moran feels that she misguided Jed based on her understanding of the information available to her at the time and feels responsible for the miscommunication.

Jessica Treweek suggested that board members may benefit from a training session or some guidelines to follow. Tara Fugina added that board trainings used to be offered and she is working with the Montana State University Government Center to see about offering those again. Mike Pence stated that it should be up the department managers, not the Commissioners Office, to distribute materials to their boards. Jessica stated that none of the three Flathead County boards that she currently sits on have supplied training or specific materials and suggested that it might be helpful if they remind their managers to make sure that they are supplying their board members with appropriate and relative information. Mike Pence agreed to that point and stated that they will do that going forward.

Tara explained that a notice of intent will be published in the Daily Interlake regarding the revised resolution. A proposed draft will be available for a 30-day comment period. That copy will be provided within the next two weeks. Mike Pence added that the Commissioners will allow two representative members of the Weed/Parks Board on the selection committee for the replacement of the Weed/Parks Director.


Adjourn

Jim Buechle moved to adjourn the meeting at 09:40 AM.


Lori Moran seconded the motion.

There being no discussion and all in favor, the motion was carried.

Approved:



Pete Woll, Board President



Date