

**COMMITTEE OF THE WHOLE  
CITY COUNCIL CHAMBERS  
140 WEST PINE STREET  
MISSOULA MONTANA  
October 12, 2011, 2:35 PM**

**Members present:** Ed Childers, President; Dick Haines; Bob Jaffe; Renee Mitchell; Dave Strohmaier; Pam Walzer; Jason Wiener; and Cynthia Wolken

**Members absent:** Lyn Hellegaard; Stacy Rye, Vice President; Marilyn Marler; Jon Wilkins

**Others present:** Jim Nugent; Marty Rehbein; Keila Szpaller; Breanna Roy; Tina Schmaus; Marie Anderson; Gail Verlanic

**I. Administrative Business**

Minutes dated [September 19, 2011](#) were approved as submitted.

**II. Public Comment on items not listed on the agenda--None**

**III. Regular Agenda**

A. Appoint a municipal court judge to fill the vacancy when Judge Don Loudon retires. ([memo](#)) – Non-agenda (Ed Childers) **(Suspension of rules required) (REMOVE FROM AGENDA)**

Pam Walzer motioned to suspend the city council rules to discuss the item of appointing a municipal court judge to fill the vacancy when Judge Loudon retires. The motion was approved unanimously.

Ed Childers stated Judge Loudon has submitted his letter of resignation and the city council will need to appoint someone to take his place. City Attorney Nugent has submitted his legal opinion which state law and the [City Council Rule 32](#) governs how the city council fills an elected position. Mr. Childers also stated he received some advice that it is not politically sound to appoint the temporary part time judge to the position so the council will need to advertise the position.

Marty Rehbein, City Clerk, explained this vacancy will have a similar process as the Ward 2 vacancy process. She discussed the time line outlined in the referral. The Judge will vacate his position on November 18 which by state law, the council has 30 days or until December 18 to choose an applicant for the position. The City Clerk's office will make an announcement and post it online on October 18, 2011. Applications will be due on October 28, 2011 at 5:00 PM in the City Clerk's office. A selection of applicants for interviews will be selected during the council meeting on November 7, 2011. Applicant interviews will be held on November 9, 16, and 23<sup>rd</sup> if needed during the Committee of the Whole meeting. The city council may vote to fill the vacancy either on November 21 or 28. The City Clerk will then contact the Commission on Courts of Limited Jurisdiction.

Ms. Rehbein stated she would like the committee to direct her and her staff to begin advertising the position. She also asked the committee to determine the length of time for interviews which she recommends 45 minutes to 1 hour. In the Ward 2 process, both written and verbal questions worked rather well and would like to use the same type of format. She asked the committee to look over the application form example from the Montana Workers' Compensation Court Judgeship to come up with some questions the council might want to ask.

Cynthia Wolken stated she would like to see an hour for the interviews and would like to see three references instead of two. She also suggested seeing a writing sample of a substantive piece like a brief or an order that is less than five pages in length. She feels the applicant should have sufficient writing skills.

Mr. Childers clarified the 18<sup>th</sup> of December is a Sunday so the council will need to decide by the 12<sup>th</sup> of December.

Ms. Rehbein stated the City Clerk's office will develop an extensive web page with information so the citizens can also take a look at the applications and follow the process as it develops.

Ms. Walzer asked if the written questions were available prior to the selection of the applicants. Ms. Rehbein stated no the written questions were only submitted by the selected applicants.

Mr. Childers per City Council [Rule 32](#) directed the city clerk's office to notice the vacancy.

Ms. Walzer asked who actually calls the references on the applications. Ms. Rehbein stated references are called on employment applications but is unsure if any city council member calls any of the applicants. City council is free to call the references.

Ms. Wolken stated it would be helpful if they could submit a written letter of reference so all twelve council members do not have to call them.

Mr. Wiener stated the letter of references will be public documents.

Ms. Rehbein asked the committee if they would like a space for the applicant to submit letters of reference. Mr. Childers stated yes by the consensus of the nods by the committee members.

Ms. Rehbein stated the deadline for council members to submit application questions to her will be this Friday, October 14, 2011 at 5:00 PM.

**IV. Held in committee**

1. Mayor's Update – Ongoing in Committee. (Mayor Engen)
2. Updates from Council representatives on the Health Board, Community Forum, Transportation Policy Coordinating Committee, other boards and commissions as necessary. – (Ongoing in Committee)
3. Joint meeting of the Mayor, City Council and County Commission; a facilitated quarterly OPG review as directed in the [Interlocal Agreement](#) (Agenda)—Ongoing (Mayor Engen)
4. Joint meeting between the Missoula City Council and the Missoula County Public Schools' Board of Trustees ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/17/07)
5. Examination of Office Planning and Grants ([memo](#))—Regular Agenda (Lyn Hellegaard) (Referred to committee: 09/08/08)

**V. Adjournment**

The meeting adjourned at 3:00 PM.

Respectfully submitted,

*Nikki Rogers*  
Deputy City Clerk