

Troy City Special Council Meeting No. 2
Council Chambers
March 21, 2011
6:40 pm

The meeting came to order at 6:30 pm. Present: Mayor Banning, Council: Phil Fisher, Fran McCully, Gary Rose, John Clogston, City and City Clerk Sandra Johnson.

GUESTS: Janine Price, Tammy Bragg, Joe Arts, Robert McLeod, Linda Rose, Wayne Maffit, Dennis Dupuis, Sandi Sullivan, Scott Sullivan, Donna Rugani, Jayne Brown, Clint Taylor, Susie Taylor, Payton Norman, Shelly Garrison, Davis Norman, and Nancy Wagner

DECLARATORY JUDGEMENT ACTION: Phil Fisher asked the Mayor if he knew what the declaratory judgment action is. Mayor Banning stated no, you guys brought this to be heard. Fisher stated; there is a MCA on it. He continued; right now we have no action from MMIA. We need to know what the State of Montana says about being responsible for having to provide an attorney for an employee. Mayor Banning stated; 2-9-305 immunization, defense, and indemnification of employees, this doesn't say it is a declaratory judgment. Phil Fisher stated; this is the procedure we need to follow. You need to get a lawyer to find out if we are responsible. Mayor Banning stated; we do not have a city attorney right now to check with. Fran McCully stated; another lawyer would do it. We are just in a position right now that we need to know what the City's obligation is for providing a lawyer. We just can't keep waiting to find out. Amy Guth would take this action. Mayor Banning asked if there was any other discussion. Fran McCully stated; we can make a motion to get this started. Mayor Banning stated; I don't know what this is, and you can make a motion, but I need some information about it. Phil Fisher made the **Motion** to hire Amy Guth to start a Declaratory Judgment Action. Gary Rose seconded the motion. Mayor called for the question. **Motion carried.** Phil Fisher – Y, Fran McCully – Y, Gary Rose – Y, and John Clogston – Y.

PUBLIC COMMENTS: Robert McLeod stated; I would ask Council to involve me in this process. It was Council's consensus; yes. Scott Sullivan asked for clarification on who was paying for the attorney. Fran McCully answered; the city would. Scott Sullivan continued. You guys voted for it, you should be taking it out of your own pocket. Fran McCully answered; no, this is a city issue. Scott Sullivan said a committee already decided on a city attorney, and you guys shot that down. I don't understand. Linda Rose stated; a city attorney wouldn't be able to cover Bob McLeod's problems. Mayor Banning stated; yes, a city attorney could cover Bob McLeod's problems. That is what a city attorney is for. Wayne Maffit stated; I think we should just put all this stuff aside and just do it. Hire her, it should be a short discussion and not cost the city that much. Mayor Banning stated that he will be in contact with Amy Guth to find out exactly what her charges will be.

Meeting adjourned at 6:50 p.m.

Donald C. Banning, Mayor

ATTEST:

Sandra Johnson, City Clerk/Treasurer