

Troy City Special Council Meeting No. 1
Council Chambers
March 21, 2011
6:30 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

APPOINTMENT OF CITY ATTORNEY: Phil Fisher made a **Motion** to approve the appointment of James Reintsma for the city attorney position. John Clogston seconded the motion. Discussion: Phil Fisher stated; I'm going to vote no, but we needed the motion to open the discussion. I feel that if one of the other two candidates were appointed, there would be no problem. Fran McCully agreed and added; I would have approved either of the other two. John Clogston stated; we are a board here. Governing means give and take. If you Mr. Mayor were talking to this council and won over any two of us and try to get us to look at your idea on the gentleman that was appointed, you would break the tie. Perhaps we could have done it differently. Mayor Banning stated; that was accomplished by use of the committee that was appointed the first time. The second time, he was the most qualified. One candidate has been a part-time attorney since 1988 in real estate. The other was a child advocate from Missoula. She has since pulled her application. So, there were only two, one being a lot more qualified than the other, that is whom I appointed. Fran McCully suggested that the second applicant be given a chance and not do a two year contract, but a short term contract instead. Mayor Banning stated; I feel like it is my duty to appoint the most qualified individual we have. Until we get a more qualified applicant for attorney, and he still wants the job, that is the guy I'm appointing. He has demonstrated that he can do the job. Mayor Banning asked if Wayne Maffit had anything to add. Maffit stated; we already said what our recommendation was earlier. Phil Fisher wanted it to be noted that the other applicant from the committee selection process is not being considered any longer. Mayor Banning reiterated; she didn't apply the second time. Discussion followed. Mayor Banning called for a vote on the question to approve the appointment of James Reintsma as City Attorney. **Motion failed.** Phil Fisher – N, Fran McCully – N, Gary Rose – N, and John Clogston abstained.

PUBLIC COMMENTS: Dennis Dupuis stated; I don't understand. If there is a qualified attorney interested, why isn't he approved? It looks to me like, if the Mayor says this is what he wants, you automatically say no. It just seems there is a constant head-butting. Gary Rose answered; we don't rubber stamp everything that comes around here. Sandi Sullivan asked Fran McCully; you said why not hire the other candidate on a trial basis and if it doesn't work out, then what fire him? McCully answered; that has been the talk. We're not locked into a two year contract with anybody, and we don't know that some of these people might not come here and say they don't want it for two years, so we were open to whatever the situation brought up. We don't know that if someone didn't want to do it on a trial basis, we would consider that. Sandi Sullivan asked; so if you were to consider having someone else do it on a trial basis, why won't you consider Reintsma on a trial basis? McCully answered; it's never been brought up. My problem still is that I have a real issue about being third in line, and sharing an attorney with the City of Libby and I don't like to say this to the paper because Mr. Fennessy is gone. But I feel for 26 years we have had less than real consideration for the City of Troy with him as our city attorney. Mr. Reintsma even stated that he took a hit in the pocket book. I don't want an attorney that only wants Troy to make up that money and is it convenient. I don't feel like we would be a priority with Mr. Reintsma. Robert McLeod asked; would we be any further behind to give him a chance and let him know what is expected of him. It is my understanding that the attorney general's office is only going to be with us for another week or two. McCully answered; well, we are where we are.

McLeod continued; someone to be there when needed, ask questions of, and prosecute cases. That's what we're hoping for. John Clogston added; give somebody a chance. Wayne Maffit stated Jim Reintsma assured us (the committee) that he would be here for us, that anytime the City of Troy needed him, he would be here. Maffit continued; I think he needs to be given a chance; it doesn't need to be a two year appointment. Mayor Banning stated; it has to be a two year term by law, terminated or released with cause. Maffit stated; the people I contacted had only good things to say about him, both civil and criminal. Maffit asked McCully; so you're limiting this position to a person that lives in town. McCully answered; no I'm not. We have another applicant that does not have a job for the City of Libby. Wayne Maffit stated; Evens contacted me as well, he said he would be willing to apply for the position. Did anyone talk to him? Mayor Banning answered; he didn't apply. Fran McCully answered; we would be happy to do so. Susie Taylor stated; if it was advertised, you think he would have applied if he was interested. Fran McCully asked; would it be inappropriate to contact him? Mayor Banning stated; yes it is.

Meeting adjourned 6:40 p.m.

Donald C. Banning, Mayor

ATTEST:

Sandra Johnson, City Clerk/Treasurer