

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**July 27, 2020 - 6:00 P.M.**  
**Zoom Online Meeting <https://zoom.us/j/96528993445>**

- Time & Place** A regular City Commission meeting was held on Monday, July 27, 2020 at 6:00 p.m., via Zoom Online Meeting <https://zoom.us/j/96528993445>.
- Members Present** Mayor Collins requested Interim City Clerk Clayborn call roll call: City Attorney Jodoin, Interim City Manager Reed, Commissioner Haladay, Commissioner Dean, Commissioner Logan, Commissioner O’Loughlin and Mayor Collins all responded present. Community Development Director Sharon Haugen was present. Amanda Opitz was present via Zoom.
- Pledge of Allegiance** Mayor Collins asked those persons present to please stand and join him in the pledge of allegiance.
- Announcement** Mayor Collins announced Agenda Regular Item A would be moved to the end of the agenda as a matter of courtesy to those attending the meeting for the other agenda items.
- Minutes** The minutes of the May 4, 2020 Regular City Commission meeting were approved as submitted.
- Consent Agenda** CONSENT AGENDA:
- A. Claims
  - B. Amend Resolution No. 20595 Declaring a State of Local Disaster Emergency to permit advisory boards to meet via electronic means with audio and visual communications.
- Motion** **Commissioner Haladay moved to approve Consent Agenda item A Claims and item B Amend Resolution No. 20595 Declaring a State of Local Disaster Emergency.**  
Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O’Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 5-0.**
- Bid Award** A. TRANSFER STATION MAINTENANCE BUILDING PROJECT #19-43 PRE-ENGINEERED METAL BUILDING PACKAGE.
- Staff Report** City Engineer Ryan Leland reported that during early phases of this design it was decided that as part of the site development the overall project would be split into multiple packages. The reason for this was so that infrastructure upgrades could be completed in house, potentially reduce contractor markup on the building by having metal building suppliers submit bids and also reduce the lead time for being able to receive the metal building. The City received four bids for the Pre-engineered Building Bid Package, the lowest responsible bid was \$664,215 which was \$129,534 over the architects estimated costs. Due to higher than expected costs and not receiving bids from suppliers specifically, value engineering is being utilized to redesign the building with expectations to lower cost while conserving functionality of the

building. Mr. Leland requested that the Commission consider rejecting all bids received for the Transfer Station Maintenance Building Project #19-43 Pre-Engineered Metal Building Bid package as that would allow for the use of value engineering to redesign the building to reduce overall cost of completion.

#### Discussion

Commissioner Haladay stated he had discussions regarding this project with the Citizen's Conservation Board, Mr. Leland and Mr. Couey. The Commissioner stated in light of the budget and asked about the need for a broader discussion within the context of the capital plan for the transfer station that was in the master plan from several years ago, along with the growth policy, Citizen's Conservation Board, memoranda, etc. He asked about other options for re-bidding the project or waiting before moving forward.

Commissioner Dean expressed support of further discussions and indicated that given the current limited services at the Transfer Station, now would be a good time to wait and have further conversations to ensure the space is best used to meet community goals.

Commissioner Logan concurred with Commissioner Haladay and Commissioner Dean on holding off on the project, stating the project had been noted by himself and Commissioner Dean during budget work sessions for some concerns regarding the expenditures.

Commissioner O'Loughlin asked Mr. Leland how much had been budgeted for this project originally and he said about \$1.4 million and explained how that budget amount related to the quotes for the metal building bid package as only part of the project. Commissioner O'Loughlin asked about the work other municipalities have done in "zero waste" efforts such as Missoula and if they have similar facilities. Mr. Leland indicated other cities do not because they have private waste collection systems in place. Commissioner O'Loughlin indicated a preference for the Conservation Board to study the matter first and provide recommendations to the Commission at a work session, prior to the Commission making any decisions.

Mayor Collins asked for input from the Commission as to what they mean by "pausing" the project as far as the timeline. Commissioner Dean commented regarding the Citizen Conservation Board's activities and asked if city staff could work with the Board to determine a reasonable timeline for looking at this project comprehensively and then moving forward. Commissioner Haladay stated in his discussions with CCB members of the Board's waste subcommittee, Ann Brodsky and Denise Roth Barber, as shift in priorities may need to occur for the CCB to offer feedback on this specific topic. This shift may cause some delays in the timeframe in reviewing this project and its feasibility overall as the City pursues waste management strategies. Mayor Collins indicated his preference that any pause on this project have an end date rather than being indefinite. Commissioner Dean asked Interim City Clerk Clayborn if Sustainability Coordinator Pat Judge was present to provide an update on the Board's next scheduled meeting. Commissioner Dean asked if Mr. Judge could update the Commission about the Conservation Board's thoughts on this project and timeline at the Commission meeting following the next full CCB meeting. Mayor Collins concurred.

#### Motion

**Commissioner Dean moved to reject all bids received for the Transfer Station Maintenance Building Project #19-43 Pre-Engineered Metal Building Bid package, and direct City staff to**

**engage the Citizens Conservation Board for a review of the project pending an update after the Board's next meeting.**

Commissioner O'Loughlin seconded the motion but made a procedural point that public comment was still needed. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (28:10)**

Public Comment Mayor Collins opened the floor to public comment. Interim City Clerk Clayborn indicated no public comment was received.

**Communications from City Commissioners** COMMUNICATIONS/PROPOSALS FROM CITY COMMISSIONERS

No comments or proposals were received from the Commission.

**Report of the City Attorney** REPORT OF THE CITY ATTORNEY  
City Attorney Jodoin had nothing to report.

**Report of the City Manager** REPORT OF THE CITY MANAGER  
Interim City Manager Reed had nothing to report.

**Report from the HCC** REPORT FROM THE HELENA CITIZENS COUNCIL  
HCC Chairman Dylan Klapmeier provided an update on the HCC monthly meeting on July 22 which featured a presentation by Commissioner Logan. The last formal meeting pre-COVID featured a presentation by Commissioner Dean and the HCC plans to invite the rest of the Commission and Mayor Collins to future meetings this year. Commissioner Logan's presentation addressed the city manager hiring process and funding for HPD school resource officers. The HCC recommended the Commission fund the SROs for the upcoming year with the condition of further community discussions.

**Regular Items** REGULAR ITEMS

B. CONSIDER A RESOLUTION OF INTENTION TO APPROVE THE WORK PLAN AND BUDGET FOR THE BUSINESS IMPROVEMENT DISTRICT AND LEVY AN ASSESSMENT ON ALL PROPERTY WITHIN THE DISTRICT FOR FISCAL YEAR 2021.

Staff Report Budget Analyst Chris Couey reported that on January 13, 2020, the City Commission adopted resolution # 20589 recreating the BID for an additional ten years pursuant to 7-12-1101, MCA. State law (7-12-1132, MCA) requires the BID to submit its budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget. The BID has requested a change to the assessment methodology. The complete methodology was outlined in the attached resolution of intention and was in accordance with the prescribed methodologies allowed by state law (7-12-1133, MCA). The

BID's proposal was that, after receiving public comment, the City Commission approve the work plan and budget, and levy an assessment to defray the cost thereof for fiscal year 2021 as submitted. The annual assessment approved by the City Commission will be placed on the calendar year 2020 tax bills of the properties within the district. Approval of the resolution of intention would allow for public input on the BID's work plan and budget. Commission approval of the budget and work plan would meet state law requirements. Mr. Couey recommended a motion to approve a resolution of intention approving the work plan and budget for the Business Improvement District and levying an assessment on all property within the district for fiscal year 2021.

Helena Business Improvement District Executive Director Micky Zurcher had nothing further to add but said she was available to take any questions.

Discussion

Commissioner Logan asked Ms. Zurcher about the understanding of business owners in the district of the work plan and assessment, and Mr. Zurcher explained the background of last year's petition process which included the increase and conversations with downtown property owners resulting from that.

Commissioner Dean asked for an update to be provided to the Commission about any further and broader conversations that happen with the downtown business community before this comes up again next year. She expressed interest in what the average cost is for a downtown property and what the increase looks like to property owners, and appreciation for the work of the BID. Ms. Zurcher explained the overall dollar amount of the increase was approximately \$70,000 than previous years.

Public Comment

Mayor Collins asked for public comment. Colonel Lori Depuis spoke about concerns and questions she had regarding the assessment.

Discussion

Commissioner O'Loughlin expressed appreciation for the work done by Ms. Zurcher and the BID in contacting all the downtown property owners and having discussions regarding the structure of the assessment.

Motion

**Commissioner O'Loughlin moved to approve a resolution of intention to approve the work plan and budget for the Business Improvement District and levy an assessment on all property within the District for Fiscal Year 2021.** Commissioner Dean seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay abstained, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. **The motion carried, 4-0 with one abstention. (41:28)**

- C. CONSIDER A RESOLUTION OF INTENTION APPROVING THE WORK PLAN AND BUDGET FOR THE TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVYING AN ASSESSMENT ON ALL PROPERTY WITHIN THE DISTRICT FOR FISCAL YEAR 2021.

## Staff Report

Budget Analyst Chris Couey reported that On August 22, 2018, the City Commission passed Resolution 20473, which created the TBID for a period of ten years pursuant to 7-12-1101, MCA. State law (7-12-1132, MCA) requires the TBID to submit its annual budget and work plan to the City Commission for approval and to recommend a method of levying an assessment on the property within the district to defray the cost of the work plan and budget. The TBID did not request a change to the assessment methodology. The TBID's proposal was that, after receiving public comment, the City Commission approve the work plan and budget and levy an assessment to defray the costs thereof for fiscal year 2021 as submitted. The annual assessment approved by the City Commission would be placed on the calendar year 2020 tax bills of the properties within the district. Approval of the resolution of intention would allow for public input on the TBID's work plan and budget. Commission approval of the budget and work plan would meet state law requirements. Mr. Couey recommended a motion to approve the resolution of intention approving the work plan and budget for the Tourism Business Improvement District and levying an assessment on all property within the district for fiscal year 2021.

Amanda Opitz had no additional comments but indicated she was available to take questions from the Commission.

## Discussion

Commissioner Dean expressed appreciation for receiving feedback on the work TBID has been doing in light of Covid through the COAD Economic Recovery Group and working with the budget considering the loss of revenue.

## Public Comment

Mayor Collins asked for public comment. Interim City Clerk Clayborn noted that no comments had been received.

## Motion

**Commissioner Logan moved to approve the resolution of intention approving the work plan and budget for the Tourism Business Improvement District and levying an assessment on all property within the District for Fiscal Year 2021.** Commissioner Haladay seconded the motion. Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye, and Mayor Collins voted aye. **The motion carried, 5-0. (46:22)**

**Public Hearings**

## PUBLIC HEARINGS

- A. CONSIDER A PUBLIC HEARING REGARDING THE STATE OF MONTANA'S REQUEST TO VARY THE FRONT YARD SETBACKS FOR PROPERTY ADDRESSED AS 1320 BOZEMAN STREET, IN THE CLM ZONING DISTRICT.

## Staff Report

Planner II Hillary Taylor reported that the City of Helena received a request from the State of Montana for the City to hold a hearing in accordance with MCA 76-2-402. The State of Montana stated its intent was to demolish the existing structure on 1320 Bozeman Street and to develop the property with a new building. The new building would serve

as the General Services Division shop. This property is zoned CLM (Commercial Light Manufacturing) and as such has a 15-foot front yard setback requirement. The State of Montana submitted plans depicting a building that would be no less than two (2) feet away from the front lot line. Per MCA 76-2-402, whenever an agency such as the State of Montana proposes to use land contrary to local zoning regulations, a public hearing shall be held. The local Board of Adjustment is to hold a hearing but has no power to deny the proposed use. The purpose of the hearing is to allow for a public forum for comment on the proposed use. Under current City Code, the City Commission reserves the authority unto itself any and all other authority not herein above granted to the Board of Adjustment. Conducting the hearing under the requirements of 76-2-402 was not a power granted to the Board of Adjustment under Title 11 of City Code, so the City Commission would serve as the Board of Adjustment for the purposes of this hearing. Any comments received at this hearing would be passed on the State of Montana Department of Administration. Ms. Taylor noted no action was needed by the Commission at this time.

Discussion

Commissioner O'Loughlin asked about green space being added and about current sidewalks or sidewalks that will be installed on both sides of the building. Ms. Taylor explained she didn't have that information on hand but from representatives from the State of Montana were present and might be able to address that. Due to technical difficulties, Interim City Clerk Clayborn asked if Phil Stuber from Cushing Terrel was available to comment instead. Mr. Stuber provided further information regarding Commissioner O'Loughlin's questions and clarified that the proposed design included sidewalk installation.

Public Comment

Mayor Collins asked for public comment and Interim City Clerk Clayborn indicated no comments had been received.

Discussion

City Attorney Jodoin noted that no motion was needed.

- A. CONSIDER TAKING A SPECIFIC ACTION ON THE \$292,000 OF THE POLICE OPERATIONS BUDGET THAT IS AWAITING A COMMISSION DECISION.

Staff Report

Budget Analyst Chris Couey reported that on June 29th, 2020 the Commission voted on and approved the FY21 Budget that required future City Commission approval for the expenditure of \$292,000 within the Police Department's operations budget of the General Fund. That would equate to four (4) full-time employees within the Police Dept. A decision deadline of August 1, 2020 was applied so that Helena PD could plan accordingly in registering with the Law Enforcement Academy for the four vacant officer positions covered by this funding. Mr. Couey recommended a motion that the Commission take a specific action on the \$292,000 of the Police Operations budget that has been awaiting a Commission decision.

Discussion

Commissioner Dean stated that she is a member of the Montana School Boards Association which includes Helena Public Schools and upon consulting with City Attorney Jodoin understood there would be no conflict with her voting on this topic. She provided commentary in the

form of a statement, a summary of the statement included background on the current socio-political climate of the country at a time given the pandemic and ongoing discourse regarding racism and police forces nationwide, as well as recent steps taken by the City Commission to review police policies and facilitate community discussion; she commented on her discussions with community members about the necessity of the development and deployment of a housing strategy that supports all members of the community. Commissioner Dean spoke in support of investing in mental health, first responders, and promoting restorative justice programs, since all those issues impact the indigenous and people of color populations, the disabled and mentally ill, and other members of the Helena community that experience lack of access to educational and economic opportunity. She reiterated her belief in the importance of Helena Public Schools as an equal partner in doing this work and in these discussions especially with regards to School Resource Officers and the Commission's responsibility to support them, as well as other community organizations. Commissioner Dean spoke in support of this motion to restore \$292,000 to the HPD operational budget and removal of the requirement for a future Commission to take specific action on this item; she recommended the Commission direct staff to complete a new MOU to be done by June 30, 2021 along with Helena Public Schools and other community organizations and stakeholders.

Commissioner O'Loughlin expressed appreciation for community input that the Commission has received including from the School District and noted the School District, School Board and School Superintendent had been contacted about the opportunity to be part of these discussions related to HPD officer positions from the start of the budget process. She stated she hoped the Commission would take meaningful action tonight in response to both positive and negative feedback which had been received by members of the Community who are more likely to experience discrimination. Commissioner O'Loughlin indicated willingness to end the SRO contract with the School District at a future date in light of the District's concerns about timing. She further noted thoughtful comments were received from students about SROs and their interactions with law enforcement in the past and how that impacts their experience at school. She further indicated she understood the difficult position this put the School District in, due to the funding the City provides for the current model, but reiterated she wants the City to be a partner in this process and in a new safety model moving forward. Commissioner O'Loughlin clarified there was no budget amendment, motion or vote to direct these funds to the School District, simply a question raised and some discussion, stating there was no motion and no vote and it needed to be clear that no amendment was passed. She stated her desire for a motion tonight as follows: 1) that would end the current SRO agreement with the Helena School District effective December 31, 2020, and that starting January 1, 2021; 2) that there be a shift of two SROs over to patrol officer positions focused on responding to calls from the Helena schools, in effect adding two more patrol officers during school operation hours and 3) that removes the requirement of future Commission approval of expenditures of \$292,000 in the HPD operations budget.

Commissioner O'Loughlin next addressed feedback received from the community that this process had happened too fast because of a budget amendment that set a deadline. She stated her vision of setting a path forward, with the City showing support by dedicating resources to the schools to support all students and issues like mental health, helping to create a comfortable learning environment for all students.

Commissioner Logan asked Commissioner O'Loughlin for clarification about her vision to end the SRO program as of December 31, 2020. Commissioner O'Loughlin provided further comments about her proposal which would basically remove the physical presence of uniformed, armed police officers in schools. Commissioner Logan asked about the HPD's FTE budgetary authority. Commissioner O'Loughlin responded she understood the current budgetary authority of HPD was for 54 FTE's, 4 of whom are dedicated to the SRO program. Her proposal would shift two of these positions to patrol officers and leave the final two open for further discussion, as to how best to utilize the budget resources, for a potential contract with the School District. The Commissioner stated her proposal is not freezing money at this point, however at a later time the contract would end, and as HPD officer vacancies arise those resources could be used for other as yet undetermined School and community needs.

Commissioner Haladay asked Commissioner Dean about the significance of the end date of June 30, 2021 included in her proposal, and how it impacts the proposed adoption of a new MOU. Commissioner Dean explained her original motion had language referencing a 9-12-month timeframe; feedback she received indicated a specific end date would be more helpful, June 30, 2021 was a date the School District was comfortable with adopting a new MOU before. Commissioner Haladay asked if Commissioner Dean's motion would constitute notice that if a new MOU was not approved by July 1, 2021, there would be no MOU in place. Commissioner Dean said yes but the most important part of her motion is directing staff to work with Helena Public Schools to develop a new MOU based on the school's processes and would involve other stakeholders. Commissioner Haladay expressed appreciation for a deadline as a way to hold all parties accountable and make sure this makes progress.

Commissioner O'Loughlin asked for clarification on what Commissioner Dean was proposing at this time as compared to what was sent to the Commission earlier today, and Commissioner Dean further explained. Commissioner O'Loughlin reiterated on behalf of those directly impacted by this process, the importance in ending this current contract. The Commissioner indicated being open to a later deadline of June 30, 2021 instead of December 31, 2020 as long as the current structure that's in place will be replaced by a different structure. Commissioner Dean provided further clarification that her proposal is not to summarily end the SRO program but rather putting it in the hands of the School District and other stakeholders to decide on a path moving forward regarding their relationship with SROs.

Commissioner Logan added additional thoughts and provided background information, speaking about his career working for the City at the Fire Department, where he'd worked alongside HPD. He stated he saw care and professionalism reflected in the work done by the officers and by the department's leadership. He also commented on personal experience working with the SROs when an issue came up within his own family. He addressed comments that have been received from the community about the inherent value of the SRO program and said he would not support any unilateral action by the Commission that would force an end to the program without bringing the stakeholders to the table for more community discussion. Commissioner Logan indicated disagreement with Commissioner O'Loughlin's proposal and a preference for Commissioner Dean's suggestion which he stated is a more long-range, collaborative discussion about the needs of the city's

schools. He stated he also could not support cutting the HPD's officer budget given the needs of the city and the HPD's staffing needs.

Public Comment

Mayor Collins asked for public comment.

Colonel Lori Dupuis spoke in agreement that stakeholders haven't been involved with the decision-making process and expressed concern that comments/letters received by the Commission aren't a statistically valid sample of what the community thinks regarding SROs and reducing the HPD presence in schools.

Denison Rivera spoke regarding the importance of the Commission as a body acting in the best interest of the Helena community and agreed the community as stakeholders have not been included in this process.

Katie Fields shared a personal story about her own experiences with SROs and lack thereof while attending school and spoke in support of keeping SROs in Helena schools.

Luke Muszkiewicz, Chair of the Helena Public Schools Board of Trustees, spoke regarding the Board's consensus of this issue, supporting Dr. Tyler Ream the School Superintendent, and recommendations he made to the Commission; the Board does not support ending the SRO program at this time or any motion to terminate it at a later date.

Elena Hodges spoke in opposition to any action taken tonight that would stall this process nor make any commitment to changes to the MOU.

Sheriff Leo Dutton spoke in support of the SRO program as it is currently in place and expressed appreciation for the Commission's use of funding for the schools and HPD as a good investment.

Kathy Winds spoke in support of the SRO program and against defunding the HPD's budget.

Charlotte Lucibello spoke regarding her experience working as a mental health professional in elementary and middle schools with low-income and minority student populations, and in support of the SRO program.

Erica Thomas spoke in support of removing SROs from Helena schools and expressed concern about stakeholder input that doesn't reflect the experiences of those most negatively impacted by the presence of SROs.

Jess Erickson spoke in support of the SRO program and how her children's experience with them indicate the positive effects of the SROs outweigh the negative.

Andrew Fields, a Helena Middle School eighth grade student, spoke against removing the SROs from his school and in favor of the program generally.

Kim Abbot spoke in support of ending the SRO program and reinvesting the funding into mental health and social work services.

Dwight Rose spoke in support of the SRO program given the earlier comments from the middle school student and expressed support for the HPD.

S.K. Rossi, Montana ACLU, spoke regarding feedback in the last month from the Commission and the School District about what each party was interested in exploring, and how any decisions needed to be made based on research, facts and data, which the ACLU has provided about the SROs. She expressed support for Commissioner O'Loughlin's proposal.

Jessica Fisher, a teacher at Bryant Elementary School, spoke in support of the SRO program based on her years of teaching experience.

Marilyn Ketchum spoke in response to Ms. Rossi's comments as far as data related to SROs and cited an ACLU article indicating the biggest issue is training. She spoke against the removal of the SROs.

Shawn Reagor spoke in support of removing the SROs in light of black, indigenous and BIPOC students who have had negative experience with these officers and expressed support for Commissioner O'Loughlin's proposal.

Ruth Ritter spoke in support of the SRO program and about her experience with officers de-escalating situations in schools with minority student populations of over 50%.

Claire Bryan spoke in response to S.K. Rossi and about students feeling uncomfortable around armed police officers and expressed support for the SRO program. She provided comments on Montana school statistics related to SROs.

Lisa Zubiati spoke in support of retaining the SRO program especially in light of the comments provided by students and teachers who work with the officers daily.

Discussion

Commissioner O'Loughlin expressed concerns with Commissioner Logan's perspective that this discussion was predetermined. The Commissioner stated as a policy-making legislative body, it is within the Commission's jurisdiction to determine if this is the best use of City resources and if it's a prudent policy to have armed police officers in schools. She commented further with the challenges presented by the approach of listening more to what the community wants in light of this being discussed as a racial justice issue. Two factors she considered in this motion were based on feedback from the School District that 1) they need time to look at other models and data about the disproportionate impact of discipline on students of color and 2) SROs have a role in dealing with criminal activity, along with other things, but sometimes they aren't the right personnel to do it. Another component of this is ensuring the HPD has the capacity to keep responding, Commissioner O'Loughlin stated this is not saying the City is ending their relationship with the School District. The HPD will continue their relationship with the School District, but this proposal is that it won't look like constant physical presence of armed law enforcement in the hallways.

Motion

**Commissioner O'Loughlin moved to direct the City Manager to 1) end the current School Resource Officer agreement with the Helena School District providing for uniformed police effective December 31, 2020, 2) starting January 1, 2020, shift two (2) SRO positions to patrol officers, with a focus on responding to calls for service from the Helena schools, and 3) remove the requirement for future Commission approval for expenditures of \$292,000 in the HPD operations budget.**

Discussion

Commissioner Dean moved to amend the motion by striking the full language on the floor and replacing it with the following:

Amendment

**Commissioner Dean moved to reinstate the full \$292,000 to the Helena Police Department's operations budget and remove the requirement for future Commission approval for expenditures of those funds, and to direct staff to engage in the development of a new MOU to be completed by June 30, 2021 with the Helena Public**

**Schools based on practices and the implementation of strategies including but not limited to restorative justice and mental health response models, and including stakeholder groups, including but not limited to students, families, teachers, Helena Public Schools, health care providers, the Mobile Crisis Response Team, the Interdisciplinary Child Safety Team, and the City of Helena.**

Discussion

City Attorney Jodoin noted a point of procedure that there was no second for Commissioner O'Loughlin's motion; at this point he would consider Commissioner Dean's motion as friendly amendment for Commissioner O'Loughlin's consideration. Otherwise, he would recommend checking to see if there's a second to Commissioner O'Loughlin's motion before proceeding to Commissioner Dean's. Mayor Collins asked for a second to Commissioner O'Loughlin's motion.

**Second**

**Commissioner Haladay seconded Commissioner O'Loughlin's motion.**

Discussion

Commissioner O'Loughlin asked if a vote could be taken on this motion, as her understanding based on a conversation this morning with Commissioner Dean that the Commission would vote on this motion and then if ultimately if it was not successful then the Commission would consider an entirely separate motion. Mayor Collins asked City Attorney Jodoin if that was an appropriate process and Mr. Jodoin indicated that if Commissioner Dean wanted to offer again that amendment now that there is a second to the motion, it would be permissible. If there's not a desire for an amendment, then there should be a second on Commissioner Dean's motion to amend. Commissioner Dean indicated she would defer to the Chair for direction. Mayor Collins stated that if the Commission would move forward with the amendment, then they can get a second; or they can vote on Commissioner O'Loughlin's motion first. Commissioner O'Loughlin commented this might not be specifically an amendment; if there were suggested changes to the language she would be happy to consider that; she is willing to consider moving the termination of the contract to June 30, 2021 if ultimately the School District needs 11 months to rethink a new model but stated she would not consider that a friendly amendment.

**Vote**

**Interim City Clerk Clayborn called a roll call vote to Commissioner O'Loughlin's motion, as follows: Commissioner Haladay voted aye, Commissioner Dean voted nay, Commissioner Logan voted nay, Commissioner O'Loughlin voted aye and Mayor Collins voted nay. The motion failed, 3-2.**

**Commissioner Dean moved to reinstate the full \$292,000 to the Helena Police Department's operations budget and remove the requirement for future Commission approval for expenditures of those funds, and to direct staff to engage in the development of a new MOU to be completed by June 30, 2021 with the Helena Public Schools based on practices and the implementation of strategies including but not limited to restorative justice and mental health response models, and including stakeholder groups, including but not limited to students, families, teachers, Helena Public Schools, health care providers, the Mobile Crisis Response Team, the Interdisciplinary Child Safety Team, and the City of Helena.**

Commissioner Logan seconded.

## Discussion

Commissioner Haladay asked for clarification from Commissioner Dean about the way this is phrased, this is still giving notice tonight that the existing MOU is terminating with the plan that there will be another MOU in place, just in case something happens and there's a one-day gap between the end of the current one, just because there's no specific language about the termination of this one. Commissioner Dean confirmed that was correct and asked for City Attorney Jodoin's interpretation. Mr. Jodoin commented he understood it the same way. Commissioner Haladay asked about the terms of the process with the staff and the stakeholders and if Commissioner Dean could outline what that would look like, since in comments that have been received and in tonight's discussion there have been so many different processes discussed. He asked if this would be a process where public meetings would be held collectively with different bodies on a regular basis such as monthly, or if it would be closed-door work between the HPD and the School District. Commissioner Dean explained the motion was to direct City staff to work with Helena Public Schools, which looks like including the stakeholders she had listed. Comments from the School District both tonight and in all the previous meetings indicate they are ready and willing to have hard conversations. Commissioner Dean's belief is that taking this development of a new MOU out of a Commission meeting will address some of the issues mentioned by Commissioner O'Loughlin, about people not feeling comfortable or safe speaking in these meetings, since that can be intimidating and scary. This would put it back into the hands of the staff of the School District and the City and directs them to engage in this process. Commissioner Dean stated she didn't believe the Commission should be meeting as a body on this issue because it hasn't really worked out for all the stakeholders as a forum; people have gotten their two minutes, but this is too important of a decision to have public comment in two minutes and she would like to see families, students, teachers, mental health professionals, the Mobile Emergency Response Team all at the table working this out and reimagining what this might look like; the District might indicate they want to engage in a multi-year phased process to figure out what the implementation process will look like. Commissioner Dean said she didn't think the Commission should make that determination here at a Commission meeting.

Commissioner Haladay expressed appreciation for that input and said he understood that this body shouldn't do it, as the Commission often delegates tasks. He stated he's trying to work past the flip side criticism, on the one hand this could be done in every meeting with hundreds of participants watching and the discussion happening in real time; he's experienced being part of processes that have been delegated to staff or sub-groups and it doesn't work out. Certain people are considered stakeholders by virtue of their megaphone, i.e. paid lobbyists and large institutions are stakeholders. He asked for feedback from Commissioner Dean on what she was envisioning to push through both of those because he agrees that the public process for a number of people has proven to be scary and dangerous. Commissioner Dean said she believed Superintendent Ream was present on this call; the School District expressed interest in developing plans and initiatives including planning for school, which have multiple stakeholders at the table in working sessions; Commissioner Dean told Mayor Collins she would be happy to defer to Dr. Ream to talk about what that process looked like before, and if he had some idea of how this would be mapped out; she commented that the whole point of this is to give the staff some time to map this out.

Commissioner Haladay asked for clarification on if this motion would be directing City staff to engage with the stakeholders, or if it would be directing City staff to follow a District process. Commissioner Dean said it would be directing City staff since the City is one of the participants of the MOU along with Helena Public Schools; both are equal participants in that, so there should be some consensus and collaboration between the two equal entities of what that process looks like. Commissioner Haladay reiterated he wanted to be sure things were clear when the City is asking what the School District wants them to do. He indicated appreciation of the idea of the School District is a functionally constitutional actor but disagreed with the interpretation of the District being an independent actor in these very narrow circumstances. This isn't a situation where the District has chosen to use its authority or budget; it has the authority to independently raise these funds, and if it was a priority, seek SROs on its own, but hasn't prioritized or chosen to do that. He appreciated the recognition that in a sense the City and the District are equal partners, but this tonight is the City's side of the MOU.

Superintendent Ream commented in response to the questions raised by Commissioner Haladay and Commissioner Dean. He stated he'd be happy to work with the Interim City Manager in drafting a process; he appreciated that the School District would be involved to some extent as a stakeholder but as it's a collaborative process he wants to make sure the District gets as much input as possible going into this process. The suggested timeline will allow for greater collective input and collaboration into what the process could potentially look like. The starting point should be looking at what's on the table tonight and whatever the decision is, then start asking who are the stakeholders to make sure all voices are being heard, and then what does that look like across the allotted period of time to draft and go through the collective process.

Commissioner O'Loughlin asked a follow-up question to Commissioner Haladay's question about the language of this motion, which she noted City Attorney Jodoin seemed comfortable with, in that this motion would in fact end the existing contract. She stated that if the language needs further clarification, she would be happy to make a motion to amend. She stated she just wanted to confirm this.

City Attorney Jodoin confirmed that it was his understanding that if this motion were to be passed by the majority of the Commission, it would be his recommendation that the City Manager then subsequently send a notice to the School Board that it intends and will terminate effective June 30, 2021 the agreement that the City and the School District have had on an automatic, recurring basis. Commissioner O'Loughlin asked Commissioner Dean for a list of who she included explicitly as stakeholders to be included at the table. Commissioner Dean said the list in her email hasn't changed but the date did; her original motion was 9-12 months and she received feedback from City staff that it would be most helpful to have a specific date. The stakeholders in Commissioner Dean's list include but are not limited to: students, parents, teachers, Helena Public Schools, health care providers, the mobile crisis response team, the interdisciplinary child safety team, and the City of Helena. "Including but not limited to" was included because she thinks it'd premature to say who precisely every single stakeholder is before both parties have an opportunity to say what does this need to look like and who needs to be here.

Commissioner O'Loughlin asked if Commissioner Dean would accept an amendment to add racial and social justice advocates, since

they have been an important voice. The Chair of the School Board has referenced that they have been part of these conversations and should continue to be part of it. Commissioner O'Loughlin asked if Commissioner Dean would be willing to include racial and social justice advocates in her motion; Commissioner Dean indicated she was willing to accept that as a friendly amendment.

City Attorney Jodoin asked since Commissioner Logan seconded Commissioner Dean's motion, if he was also comfortable with that friendly amendment. Commissioner Logan stated yes, he was.

Commissioner O'Loughlin commented she had mixed feelings about this motion but appreciated this motion was similar to hers, in articulating a certain date for when the contract ends. Her concern was with this motion's emphasis on the process and she stated her feeling was that those who have supported this motion behind the scenes before Commissioner Dean proposed it desire to maintain physical police presence in schools. Commissioner O'Loughlin said it was unfortunate that the Commission couldn't make a clear statement today about that, that she was hopeful that there could be a dialog that does result in a different model that doesn't include constant police present in schools, but instead really think about how these resources could be used. Commissioner O'Loughlin indicated reluctant willingness to support this motion tonight, because she thought what was heard tonight from Ms. Hodges and Mr. Reagor really stood out about this being a missed opportunity, and she hoped this wasn't just a process that's ultimately destined to maintain the status quo. She appreciated the conversation, expressed willingness to support the motion and was hopeful that the Commission can consider what's ultimately best for students.

Commissioner Haladay commented that his first concern was that without a date set for termination it appeared to be a circumstance where, from the flip side, Commissioner Logan was concerned that Commissioner O'Loughlin's motion pre-determined the outcome. He said it's probably a Rorschach test in some cases; people are going to see the concerns that they have within the outcome. Commissioner Haladay stated he still remained concerned about the structure of the process going forward; it's designed to ultimately create a process that may have a pre-determined outcome or at least an outcome that we're likely to get to. It appears to be the best that can be done at this juncture politically. He would want the Commission to look at a couple things regarding a future MOU in the hopes of getting to something better; one thing would be to challenge the District in the area of really articulating whether or not the SRO program as it exists today is a true priority for the City of Helena. There have been lots of comments about needing more funding in lots of areas and as Commissioner Haladay has said before there the District has lots of options, leverage and tools to fund the security side of this on their own. He noted he'd heard the Commission indicate interest in more creative, collaborative and different approaches. While as a resident of the District in his private capacity Commissioner Haladay wouldn't necessarily be supportive of the District going in that direction, it would divorce the District so they wouldn't have to come to the Commission frustrated when these discussions happen because they would take their destiny in their own hands; then when individuals came to the Commission indicating something should be subject to a vote, then that wouldn't be an option because it'd be a School District vote. Commissioner Haladay said he would challenge the District to tail the City in this process because what it's going to come down to is: there's limited funding. The Commission should be cognizant of the fact that irrespective of whose motion is approved tonight, Commissioner

O'Loughlin's or Commissioner Dean's, the money is now unfrozen and goes to 54 FTEs, and if come June 30 there are 54 FTE officers, even if the City design's the world's most perfect plan under the new MOU – if there's a call for additional funding that's not just people, the School District and the City would then have a new discussion on what additional funding should be used on any sort of program. Just to be clear, moving it down the road does cause a significant amount of practical impact, even if they come to a good solution; they'd have to look at where the funding comes from. The Commissioner stated this is an important point because, as Commissioner Logan pointed out, his concerns regarding the HPD budget and its current amount (if we're already talking about a separate program from the police department) the City just went through a budget cycle where no one proposed increasing the HPD's budget, but here the Commission is today again talking about it. The Commission and School District should be cognizant that this money is not guaranteed after tonight, which is why the District needs to look at what their priorities are, and think creatively, because neither the City nor the District are endless pools of money for this, and only creative thought and give and take will bring everyone to a solution. Commissioner Haladay stated he's going forward with this very nervously about what the process will ultimately look like and what the outcome will be, and he's hoping in a year this won't end with the same MOU currently in place and its approval, but as of tonight he'll support the motion.

**Vote**

**Interim City Clerk Clayborn called a roll call vote, as follows: Commissioner Haladay voted aye, Commissioner Dean voted aye, Commissioner Logan voted aye, Commissioner O'Loughlin voted aye and Mayor Collins voted aye. The motion carried, 5-0.**

**Discussion**

Mayor Collins noted that Police Chief Steve Hagen wished to make a statement and that it was important to allow him the opportunity to comment.

Chief Hagen thanked the Mayor and Commission for the opportunity to express his thoughts on the SRO program; he stated he supports the discussion of what the police response to the Helena School District might look like in the future. He stated his belief that this needs to involve stakeholders from the Helena community to guide the dialogue and decisions to be made. After that, Chief Hagen stated he would support the decision up to and including the removal of SROs from schools if that is what the stakeholders believe; but removing the SROs without working closely with the stakeholders and discussions of ultimate solutions and time to implement any changes would be a disservice to the students of Helena, the Helena School District, and the Helena community.

**Public Communications****PUBLIC COMMUNICATIONS**

Kev Hamm spoke in appreciation of these discussions that have been held by the City as they're necessary to have and expressed support for the Commission's stance and response to feedback from the community.

Erica Thomas spoke expressing concerns that Commissioner Dean's motion would postpone the opportunity for real positive change in the Helena community.

Destry McNellis spoke as an educator expressing appreciation for Commissioner Dean and Commissioner Logan's understanding of the daily impact that SROs have on students at school.

Katie Fields spoke thanking the Commission for passing Commissioner Dean's motion and the work and time that's been spent to make sure her children will be safe in school.

**Adjournment**

There being no further business to come before the City Commission, the meeting adjourned at 8:54 p.m.

***The City of Helena is committed to accepting all forms of public commentary. All commentary received during this online meeting as written public commentary has been downloaded in the form made available by the platform and added to the permanent public record.***

**/S/ WILMOT COLLINS**

MAYOR

ATTEST:

**/S/ DANNAI CLAYBORN**

CLERK OF THE CITY COMMISSION