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# Montana District Judge Rules Broadwater Co. Commissioners Violated Open-Meetings Laws

MONTANA

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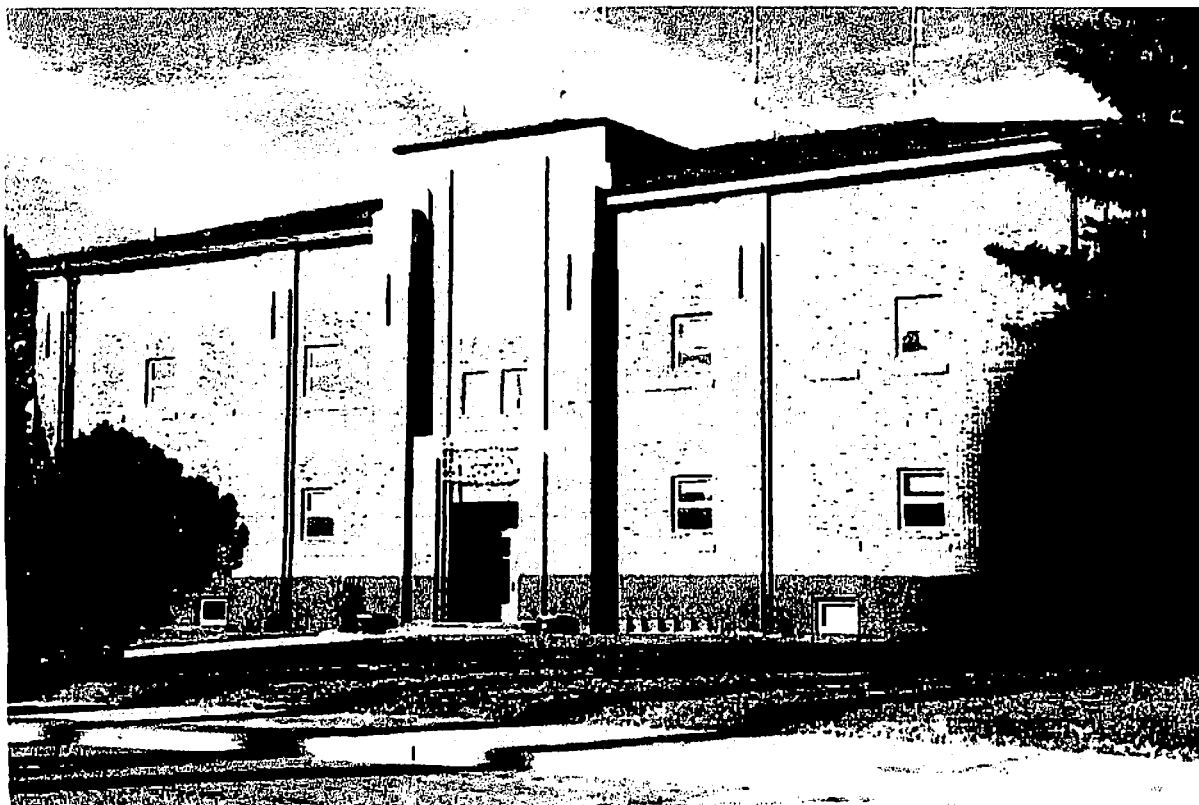
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*Broadwater County Courthouse in Townsend.*

A Montana District Judge has ruled that two Broadwater County Commissioners violated state open meetings laws — reversing his previous ruling — when two county employees were given paid suspensions for the alleged mishandling of emergency services grants without notifying the other county commissioner or the public of a meeting.

Broadwater County Commissioner Franklin Slifka and the citizens' group Coalition of Concerned Citizens (CCC) claimed that Commissioners Elaine Graveley and Lara Obert violated open meetings when Department of Emergency Services (DES) Coordinator Bill Fleiner and County Finance Officer Natalie Wenzel were placed on paid administrative leave without the opportunity for public comment on the matter. Slifka also claims that he was wrongly excluded from the decision making process.

“Obert and Graveley go further to concede that they did violate open meetings laws by holding a private meeting about which neither the public nor Slifka were notified,” wrote Judge James Reynolds in his decision (<http://mediatrackers.org/assets/uploads/2014/01/ORDERVACATINGPRIORORDERONMOTIONSFORSUMMARYJUDG.pdf>). “The court therefore vacates its prior order in awarding summary judgement to Obert and Graveley. Based on Obert and Graveley’s concession, the Court further awards summary judgement to Slifka on his claim that Obert and Graveley violated Montana’s constitutional and statutory open meetings laws.”

In July, Media Trackers reported (<http://mediatrackers.org/montana/2013/07/01/broadwater-county-emergency-services-coordinator-made-big-bucks-on-county-contracts-in-montana>) that County DES Coordinator Fleiner was under investigation by the Montana Department of Criminal Investigation and the FBI after CCC revealed that Fleiner's private business — Paradigm Communication and Preparedness Solutions — received tens of thousands of dollars in DES contracts between May and September of 2012 in an apparent contravention of state conflict of interest laws (<http://leg.mt.gov/bills/mca/2/2/2-2-105.htm>).

Fleiner does not deny that his company received the DES contracts, but points the finger at the Broadwater County Commissioners who approved the expenditures.

After the allegations were made public in May of 2013, Commissioners Obert and Graveley apparently agreed that Fleiner and County Finance Officer Wenzel should be placed on paid administrative leave, and Graveley — acting as Commission Chair — unilaterally suspended the employees.

Slifka and CCC then claimed that the actions of Obert and Graveley violated state open meetings rules as defined in Montana Code Annotated 2-3-2 (<http://leg.mt.gov/bills/mca/2/3/2-3-203.htm>), which states that meetings constituting a quorum of members of any public board or commission must be open to the public and reasonable notice must be given to the public and all board or commission members in advance of that meeting.

“At issue here is a direct violation of the open meetings laws of Montana,” stated Slifka in a press release. “Our Constitution provides for and encourages the participation of the people in government actions.”

When this matter first went before the District Court in August, Judge Reynolds initially ruled in favor of Obert and Graveley because they falsely argued that Graveley had the power to suspend county based on Broadwater County operating under the “commission-presiding officer” form of government, which affords extra powers to the Commission chair. However, Slifka moved the court to reconsider its decision pointing out that Broadwater County actually operates under a Commission A type government, which requires county personnel decisions to be made by the whole commission.

In a telephone interview, Commissioner Slifka told Media Trackers that issue of Broadwater County Commissioners essentially conducting business in private has been an ongoing problem, and this particular case offered an opportunity to address the issue.

“This has been going on for quite a while now,” Slifka said. “I came in here [the commissioner's office] for open, honest, and transparent government, and that's what I'll continue to fight for.”

Slifka also claims that County Finance Officer Wenzel has been unfairly scapegoated by Obert and Graveley, given that it was the commission and not Wenzel who continued to give approval to the payments to Fleiner's company.

Both Fleiner and Wenzel remain on paid administrative leave, so they are still receiving paychecks from the county. The District Court will take up the matter again on January 17 when it decides what punitive measures should be taken against the Broadwater County Commissioners.

Neither Graveley or Obert returned Media Trackers' requests for comment.

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