

SPECIAL MEETING OF THE BILLINGS CITY COUNCIL

August 18, 2005

The Billings City Council met in special session in the Council Chambers located on the second floor of the Police Facility, 220 North 27th Street, Billings, Montana. Mayor Charles F. Tooley called the meeting to order and served as the meeting's presiding officer. The Pledge of Allegiance was led by the Mayor, followed by the Invocation, which was given by Mayor Tooley.

ROLL CALL – Councilmembers present on roll call were: Gaghen, McDermott, Brewster, Brown, Veis, Ulledalen, Clark and Jones. Councilmembers Boyer and Ruegamer were excused.

ADMINISTRATOR REPORTS – Tina Volek - NONE

SPECIAL AGENDA:

1. PUBLIC HEARING AND EMERGENCY ORDINANCE 05-5337 changing ward district boundaries for Wards 3 and 5 to more equitably apportion the population; setting the ward boundaries; providing for an immediate effective date and lasting no more than 90 days. Staff recommends approval. (Action: approval or disapproval of Staff recommendation.)

Planning Director Ramona Mattix said moving precinct 41 from Ward III to Ward V is an acceptable solution to equitably apportion the voting population. The total deviation is 9.64%. That total is up from previously stated at a work session due to a revision in Ward II. She noted the ward boundaries adopted in January of 2005 had a total overall deviation of 15%. Ms. Mattix said the City's GIS representative, Tom Tully worked with the ACLU GIS representative in Atlanta agreeing to designate the population of the wards differently making the change that is before the Council. She said the revised ward populations are: Ward I – 17,392, Ward II – 19,139, Ward III – 17,851, Ward IV – 17,518, Ward V – 18,647 with the ideal being 18,122 based on a total population of 90,610. This total is 772 people greater than the 2000 census which is a result of annexations that are assigned to specific wards.

Assistant City Attorney Bonnie Sutherland reported that the legal staff has been in contact with the ACLU attorney discussing the coordination of efforts with the City's and ACLU's GIS personnel and their agreement on the population numbers. She said the ACLU attorney has not discussed this revision with the plaintiffs in the lawsuit or received their consent on this emergency action. Based on the numbers that have been agreed upon however, the attorney said the reapportionment of the population falls under the 10% deviation and to him "looks constitutional". Ms. Sutherland reminded the Council that this ordinance is only effective for 90 days. Yellowstone County Election Administrator Duane Winslow said the 10% deviation is an important criterion. If any "fine tuning" needs to be done that can be accomplished within the 90 days. He said this ordinance allows the County to prepare the ballots in time for the coming election.

The public hearing was opened. TIM CRANSTON, 1400 POLY DRIVE, said he supports the ACLU action and the "one person one vote" ideal. He said he would like to see the apportionment by active voters rather than population, but that is an issue for another day. He said all of the boundaries should some day be consistent and aligned between wards, precincts and school district sections allowing all elections to be on one day. Mr. Cranston said he supports the emergency ordinance.

MARY WESTWOOD, 2808 MONTANA AVENUE, said she is very concerned. She said the Council may think tonight's action is good, but she does not. She said this is not the way redistricting is done. The only equalizer the citizens have in the political system is the vote. The Council must consider the interests and the needs of the voters. Ms. Westwood said the election difficulties should not be the main concern because each voter deserves consideration. She said she does not believe the Council has given each voter that consideration and she does not want to give the City a "90-day pass" to see if the Council can "get it right".

The ACLU lawsuit is an opportunity for the Council to learn from experts in the field how to do this right. She said she hopes the Council will take that opportunity. She has 200 signatures on a petition supporting her fellow citizens and the ACLU in their efforts to redraw City ward boundaries to enforce the principle of "one person, one vote" and to assure the rights of minority voters in this City. Ms. Westwood said she will deliver the petition when she thinks she has adequate signatures. If the state can redistrict the entire state and be within 3% per district, the City should be able to do the same. The idea is to get the numbers "as tight as you can" to accommodate growth. She asked the Council to do this right within the 90 days or sooner using the advice of the ACLU.

There were no other speakers. The public hearing was closed. Councilmember Veis moved for approval of the Staff recommendation, seconded by Councilmember Brewster. On a roll call vote, the motion was approved 8-1 with Councilmembers Gaghen, Brewster, Brown, Veis, Ulledalen, Clark, Jones and Mayor Tooley voting "yes" and Councilmember McDermott voting "no".

Councilmember McDermott suggested establishing guidelines to resolve these problems within the next 90 days. Councilmember McDermott moved to form a special committee comprised of 5 citizen members, 1 from each ward - selected by the Councilmembers, who would conduct public meetings and submit 2 final options to the Council, seconded by Councilmember Brown. Councilmember Brewster said there should be a public hearing on this before the Council discusses and approves the motion. Councilmember McDermott said she is concerned about the 90 day timeframe and said this could be a vehicle for the public to be a part of resolving this issue. Councilmember Brewster said he would rather see this as a Council initiative that could come back to Council for discussion. Councilmember McDermott suggested that Dr. Weaver be employed as a liaison to assist this committee. She said it is important to have legally acceptable boundaries for the apportionment. Councilmember Clark said this action is too soon because a public hearing is needed. Councilmember McDermott withdrew her motion, Councilmember Brown withdrew his second.

2. PUBLIC COMMENT on Non-Agenda Items. (Restricted to ONLY items not on the printed agenda; comments limited to 3 minutes per speaker.)

- TIM CRANSTON, 1400 POLY DRIVE, expressed concern for language on future ballot issues. He said the current concern with the Public Safety levy ballot language stems from confusing language. He urged the Council to: 1) make sure the language includes clear durations, 2) include "additive" or "accumulative" language when appropriate, and 3) consider indicating the impact of the levy on residents as a percentage increase rather than mills. He said the Council has the ability and the obligation to assure that ballot language is clear to the voters.

ADJOURN – With all business complete, the Mayor adjourned the meeting at 5:50 P.M.

THE CITY OF BILLINGS:

By: _____
Charles F. Tooley MAYOR

ATTEST:

BY: _____
Susan Shuhler, Deputy City Clerk