

PUBLIC MEETING – December 7, 2005

The Public Meeting was called to order at 1:30 p.m. by Chair Jean Curtiss. Also present were Commissioner Bill Carey, Commissioner Barbara Evans, Assistant Public Works Director Chuck Wright, Chief Civil Deputy County Attorney Mike Sehestedt and Deputy County Attorney Colleen Dowdall.

Pledge of Allegiance

Public Comment

None

Routine Administrative Actions

Commissioner Carey moved that the Board of County Commissioners approve the routine administrative items adopted the past week and approve the weekly claims list in the amount of \$512,879.32. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Presentation: Deputy Bob Parcell (Sheriff's Department) – Support During Operation Iraqi Freedom

Deputy Bob Parcell: First of all, thank you for letting me use this as a forum for the presentation. This is Sergeant McEwan, Active Duty Marine here in Missoula as a recruiter, and I will use him as my backup. Seems like the enlisted Marines are always backing me up wherever I've been these days, so I really appreciate him coming. Thank you very much Sergeant. First of all, this is my third time I've been deployed. This time I went to Iraq. I came back here last year and I've been meaning to get these out, I was finally able to get these presentations ready. So, if you would, at this time I'd like to have the Sheriff come up and I have something for the Sheriff's Office, I've already done something for him personally, but I thank the Sheriff's Office. Sheriff McMeekin, could you come up please? Again, it's very appropriate, this is Pearl Harbor Day, a day of remembrance. I always felt I was remembered as a Marine in Iraq, in combat, it was quite an experience. Never had to worry about anything on the home front, from the Sheriff's Office, they backed me to the hilt and so I was really appreciative of that as a whole, not just the Sheriff himself, but from the lowest to the highest, they were all behind me and supportive of our effort and the Marines. I was very much impressed with that, I always have been. So, I would like to present at this time, from the Marine Corps and myself, to the Sheriff's Office of Missoula County, and again, this is with my deep appreciation for the fine support for Operation Iraqi Freedom II-2.

Second one here – in Iraq today, just being in the government puts a mark on you, you are marked for death. Of all the people I dealt with over there, head people, head Iraqis, and I dealt with a lot of them, there's only one still living, that was living and doing his business at the time. They were shot, knifed, killed, blown up, etc., ever since. One is still doing his duty. There are some good people over there and they are doing their duty as they see fit, trying to build that country basically from scratch. I just really appreciate having people like yourselves and the public in support of such a government as we have here. That's why I would like to present at this time, to the County Commissioners, if I could. For your outstanding support of Iraqi Freedom II-2, I'd like to present this award from the Marine Corps and myself.

And this one, don't believe they have any idea it's coming, so, Danni, would you come up here please. This is for my wife Danni, she's supported me about the same as you all have and I very much appreciate that. She didn't get anything this year when I came back, so I don't think she knew this was coming. This is some of the shrapnel that was close hits in the area I was able to scrape up when we got down with various situations. So, I have to Danni D. Parcell and the Montana Parcell Clan – Your Support Never Failed Me!

Again, thank you for letting me use this as a forum and I really appreciate coming back to the County. Keep up the good work.

Chair Curtiss: And on behalf of the County, we'd like to thank you for your service, both to the County and to the United States in the Marine Corps.

Commissioner Evans: And we're glad you came back three times.

Chair Curtiss: We're glad you avoided that shrapnel too. We'll hang this next to the one you presented last time. Thank you very much.

Hearing (Certificate of Survey): Pfister Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for that parcel described as Parcel E of COS 3490, located in the northwest one-quarter of Section 11, Township 13 North, Range 17 West.

Robert D. and Marietta Pfister have submitted a request to create three additional parcels using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 16.6 acres in size, after the requested boundary relocation. The parcel is locate near Bonner, MT. Robert and Marietta propose to create three additional parcels for transfer to their three sons: one approximately 2 acre parcel for transfer to Alan Pfister; one approximately 2 acre parcel for transfer to Mark Pfister; and one approximately 3 acre parcel for transfer to Gregory Pfister, all for residential purposes; and keep the remaining approximately 9.57 acre parcel for residential purposes as well.

The history of the parcel is as follows: Robert and Marietta Pfister purchased the property in 1986. They filed COS 3490 in August, 1987 with Parcel E described as a remainder parcel larger than 20 acres in size. COS 3837 was filed in 1990, creating Tract 1, which reduced Parcel E from 21.94 acres to 17.57 acres. An exemption affidavit request for a boundary relocation submitted with this Family Transfer request, reduces the parcel to approximately 16.6 acres in size.

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act, except as listed below:

COS Number	Date	Exemption	Location
COS 3490	08/27/1987	Boundary Relocation, Occasional Sale, Mortgage Exemption, Remainder	SW Section 2, T13N, R17W
COS 3490	08/27/1987	Boundary Relocation, Occasional Sale, Mortgage Exemption, Remainder	NW Section 11, T13N, R17W
COS 3608	10/03/1988	Occasional Sale, Remainder	SE Section 28, T13N, R15W
COS 3837	09/10/1990	Retracement	NW Section 11, T13N, R17W

Chair Curtiss: Is someone from the Pfister family here? If you could state your name.

Robert Pfister: I'm Robert Pfister, this is my wife Marietta.

Chair Curtiss: Thank you for coming today. We have a list of questions that we have our Deputy County Attorney Colleen Dowdall ask you on the record.

Colleen Dowdall: You said you're Robert Pfister?

Robert Pfister: Yes.

Colleen Dowdall: How long have you owned the property?

Robert Pfister: Since 1986.

Colleen Dowdall: So you obviously didn't buy it with the intent of dividing it?

Robert Pfister: No. We bought it for a homesite for ourselves.

Colleen Dowdall: Do you or your three sons intend to transfer any of these parcels within the next year?

Robert Pfister: No.

Colleen Dowdall: Are any of you intending to develop the property?

Robert Pfister: My son Alan has already started his garage and is planning to build a home there.

Colleen Dowdall: Will he be residing, then, on the property?

Robert Pfister: Yes.

Colleen Dowdall: How about the other two sons?

Robert Pfister: The youngest son, Mark, is currently in Rhode Island. His wife is a doctor, in the middle of a 5 year residency. They plan to move back to Montana when she completes that and she plans to be a doctor in Montana, hopefully in Missoula, but someplace in Montana. My oldest son, Greg, lives in California and at this time, he doesn't have any plans to live there, but he's thinking about having a summer cabin for vacations.

Colleen Dowdall: Have you talked to anyone at the Planning Office or any other Missoula County office about taking this property through subdivision review.

Robert Pfister: Yes, I've been to the County Planning Office two times and talked with the floodplain people, talked to the County Health Department about getting septic permits, talked to the State and obtained the permit for a driveway.

Colleen Dowdall: For off the highway?

Robert Pfister: For off highway. It's not off highway, per se, it's off that old Highway 200 end road.

Colleen Dowdall: Did you talk to the Planning Office about going through subdivision review, instead of doing exemptions?

Robert Pfister: Yes, I've talked to them over a period of years, deciding what we want to do with this property, because we definitely wanted our children to have a share of it, and we talked about – I talked to realtors, I talked to developers and the developers asked me what my interest in the property was and I said my primary purpose was to be assured that each of the children would have a piece and he recommended using the family transfer option.

Colleen Dowdall: Are you in the business of building houses or developing property?

Robert Pfister: No.

Colleen Dowdall: Are you attempting to evade subdivision review?

Robert Pfister: I'd rather not go through subdivision review.

Colleen Dowdall: We call that avoiding, as opposed to evading.

Robert Pfister: Avoiding, yes, that's been recommended to me by the realtors and the people that do development work that I've talked to, that I should utilize this Montana privilege for keeping land in the family.

Colleen Dowdall: Do you understand that evasion of the Montana Subdivision and Platting Act is a misdemeanor?

Robert Pfister: I wasn't aware of that, but I do now.

Colleen Dowdall: Okay. And, finally, do you understand that we have not reviewed the division of land for proper access in all weather for all vehicles, that that isn't part of this review?

Robert Pfister: I went through the driveway permit application and got the permit approved and had the driveway installed and approved by them.

Colleen Dowdall: Correct, that was part of their approach permit process.

Robert Pfister: Yes.

Colleen Dowdall: We also have not reviewed this for floodplain or septic systems, that something you, it sounds, are doing on your own, or have done. Our approval doesn't mean you are approved for that.

Robert Pfister: My understanding is that the next step is to have the surveyor plot the exact boundaries and locations and we file a Certificate of Survey and that we will need to have septic approvals for each of the parcels.

Colleen Dowdall: Correct, but we aren't approving that now.

Robert Pfister: Oh no, I know that.

Colleen Dowdall: That's the nature of my question. Is this property zoned?

Robert Pfister: Not zoned.

Colleen Dowdall: Thank you.

Chair Curtiss: Any other questions for Mr. Pfister.

Robert Pfister: I had one question. The boundary relocation, did I hear you say that's already been approved?

Colleen Dowdall: Well, I am not – you haven't received a letter?

Robert Pfister: No, we just received a notice of this hearing and we applied for the boundary relocation.

Colleen Dowdall: That letter will come from my office, so we will get that out.

Chair Curtiss: The boundary relocation part is done by their office, it doesn't have to come through us, unless it's a questionable something, they bring it to us.

Robert Pfister: Okay, my surveyor said I had to go through this step before we could think about starting doing the surveying. Thank you.

Chair Curtiss: Mrs. Pfister, did you want to add something?

Marietta Pfister: He's done all of the paper work and all of the information gathering, but just to say, from the very beginning when we bought this property, that I was very concerned about having too many houses and we've had many discussions about this, even with the three sons, but that's the only way that I said that this could happen, is only for our own sons, we didn't want other people in there, too, and so that's all I wanted to say.

Chair Curtiss: Thank you Mrs. Pfister. Any other questions? This is a public hearing, is there anyone else who would like to make comment? See no one, I'll close the hearing.

Commissioner Evans moved that the Board of County Commissioners approve the request by Robert D. and Marietta Pfister to create three additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: You'll get a letter from our office on this part in a couple weeks. The boundary relocation will come from the County Attorney's Office.

Hearing (Certificate of Survey): Rideg Family Transfer

Colleen Dowdall presented the staff report.

This is a consideration of a request to create a family transfer parcel for that parcel described as COS 1296, located in the northwest one-quarter of Section 7, Township 15 North, Range 22 West.

March C. and Cassandra A. Rideg have submitted a request to create three additional parcels using the family transfer exemption to the Montana Subdivision and Platting Act. The current parcel is approximately 20.6 acres in size located near Huson, MT. Mark and Cassandra propose to create the following additional parcels for residential purposes and keep the remaining approximately 3.33 acre parcel for residential purposes as well:

Tract 2 (approximately a 2.13 acre parcel) will be transferred to Cassandra's parents, Sue and Ken Kilcourse.
Tract 3 (approximately a 9.05 acre parcel) will be transferred to their son, Eric C. Rideg, 7 years of age.

Tract 4 (approximately a 8.68 acre parcel) will be transferred to their daughter, Lauren M. Rideg, 9 years of age.

The west boundary of this property is the Nine Mile Creek and through the years, the creek has made significant changes. The acreages listed are from a current survey that, when recorded, will show the change in creek location and acreages.

The history of the parcel is as follows: COS 1296 and other adjoining parcels were created out of COS 160 in 1977. Twenty acres was not defined as a division then.

According to the records kept by the Missoula County Surveyor, the applicant has not previously used exemptions to the Subdivision and Platting Act, except as listed below:

COS 5186 08/21/2000 Gift, Remainder NW Section 7, T15N, R22W

Chair Curtiss: They can still do another one as long as it's not to the same person?

Colleen Dowdall: Correct.

Chair Curtiss: Okay, just wanted to clarify that. So, I take it that you're the Ridegs.

Mark and Cassandra Rideg: I'm Mark – and I'm Cassandra.

Chair Curtiss: Okay, so we'll have Colleen ask the same list of questions for you on the record and then we may have some others.

Colleen Dowdall: Could you tell me who the family transfer was to, the one in 2000.

Mark Rideg: That was to my mom.

Colleen Dowdall: And what is her name?

Mark Rideg: Antoinette Ann.

Colleen Dowdall: And was it part of this parcel?

Mark Rideg: No, it's where we live, it's right next door.

Colleen Dowdall: And you live across the road from this parcel.

Mark Rideg: Well no, the parcel that we had an 11 acre chunk and we gave her a 2 acre piece.

Colleen Dowdall: And is that right across the road from this parcel that you're talking about?

Mark Rideg: Yeah.

Colleen Dowdall: And is she living on the property?

Mark Rideg: She passed away a year ago, tomorrow.

Colleen Dowdall: How long have you owned this property?

Mark Rideg: Two years in May.

Colleen Dowdall: Did you buy it with the intent of dividing it?

Mark Rideg: No.

Colleen Dowdall: Do you intend to transfer any of these parcels within the next year?

Mark Rideg: No.

Colleen Dowdall: Have you established a trust for your children to hold the property?

Mark Rideg: I guess it's in the process of.

Colleen Dowdall: So you've hired an attorney to do that?

Mark Rideg: Yes.

Colleen Dowdall: And do you know who the trustee for that trust will be, or who will control the trust?

Mark Rideg: I think it'll probably be us.

Colleen Dowdall: And if the property is sold, will the money be held in trust for your children?

Mark Rideg: Oh, yeah. They're going to do okay.

Colleen Dowdall: So, are you intending to develop the property in the near future?

Mark Rideg: We just want to have control of who lives around us.

Colleen Dowdall: So, will the recipients of the property, Cassandra's parents, be living on their parcel?

Cassandra Rideg: Not at this time yet. My mom and dad are in Connecticut and after they retire, they're going to decide what to do, but they're the ones that helped us purchase the property.

Colleen Dowdall: I see, okay. Have you talked to anyone at Missoula County about going through subdivision review?

Mark Rideg: No.

Colleen Dowdall: Are you in the business of building houses or developing property?

Mark Rideg: No.

Colleen Dowdall: Are you attempting to evade subdivision review?

Mark Rideg: No.

Colleen Dowdall: Do you understand that evasion of the Subdivision and Platting Act is a misdemeanor?

Mark Rideg: We do now.

Colleen Dowdall: You understand that we are not reviewing this request for things like access, like we do if you were going through subdivision review, we would require that you improve the road for all weather access. We're not reviewing that, whether you have legal access or physical access to the property.

Mark Rideg: Yes.

Colleen Dowdall: And you understand that we have not reviewed this for floodplain or septic systems, you still have to get those permits if you improve the property? And is the property zoned?

Mark Rideg: I think it's not zoned. We hired Eli and they're doing it – they did all that stuff.

Colleen Dowdall: We have not reviewed it to see if you're in compliance with zoning, but State law does require that you comply with zoning as part of creating a parcel through the exemption process. That's all I have.

Chair Curtiss: So there currently are no homes on this property that's going to have four lots now?

Mark Rideg: There is one home, it's an old home but the bank didn't even recognize it because it wasn't on a foundation.

Chair Curtiss: On Tract 1?

Cassandra Rideg: It's on the one, not ...

Mark Rideg: The bigger one, the biggest one of all, but it's an old home, we just rent it out. We don't want any homes over there. If we did anything someday, we would build a house over there and get rid of the one that we're in now and that way we can kind of keep everybody together.

Chair Curtiss: Mike, did you have something you wanted to add?

Mike Sehestedt: I noticed that the survey that we have shows some significant movement by Ninemile Creek. When we approve, or assuming they approve, this use of family transfer, we're not taking a position on ownership as related to that boundary and I don't know where you stand with your neighbors, but sometimes the question, when streams move, of whether it was a sudden change or gradual accretion, it has an effect on title. Not our issue, not our problem. I just wanted to make sure you didn't think we were passing on it in any manner or form with this.

Mark Rideg: Well I know it got bigger in some spots and smaller in other spots.

Mike Sehestedt: Right, and it a variant on the old line, "whiskey's for drinking, water for fighting." Moving boundaries based on water have that same effect.

Mark Rideg: Well, the guys, when the surveyed, they said the actual stakes were in the middle of the creek.

Mike Sehestedt: Many strange things happened in the past.

Chair Curtiss: Okay. Are there further questions for the family? Okay. Thank you. This is a public hearing. Is there anyone else who would like to speak? Seeing no one come to the mic, I'll close the hearing.

Commissioner Carey moved that the Board of County Commissioners approve the request by Mark C. and Cassandra A. Rideg to create three additional parcels by use of the family transfer exemption based on the fact that there does not appear to be an attempt to evade subdivision review. Commissioner Evans seconded the motion. The motion carried on a vote of 3-0.

Chair Curtiss: You'll receive a letter in a couple weeks, in that regard, also.

Hearing: Petition to Abandon Road Plat Book 1 Road – west of Highway 10, south of Pulp Mill Road

Chair Curtiss: We have another hearing, which I'll open, a petition to abandon a road in Road Plat Book 1, and the road is west of Highway 10, south of Pulp Mill Road. First we'll verify that the petition was received in the Clerk and Recorder's Office.

Kathy Wahl: The petition was received. Ten freeholders signed and they are all property owners.

This is a petition to abandon a portion of that certain County road specifically described as:

Road Plat Book 1 Road, located in the northwest one-quarter of Section 20, Township 14 North, Range 20 West. From: North/East boundary of Tract 1, COS 3901. To: South through all of Tract 1, COS 3901 and continuing South to North line of that portion of same Book 1 Road vacated by Resolution Number 91-204.

And further described in the Road Book of the Missoula County Department of Public Works Surveying Division and shown on the attached Exhibit as:

Road Plat Book 1, Page 48, Sheet 118, shows a road crossing the W 1/2 of Section 20 in a North-South direction. There is no petition information. Neither GLO plat or GLO notes (W.H. Baker, 1870) show or mention the road – see approximated road location on attached Exhibit A.

The reasons for the request are as follows:

1. The road does not physically exist and as shown by Missoula County records, it would pass through Fife's house.

2. Fife's are subdivision their property and Missoula County Public Works recommends they abandon the "old county road."
3. The roads are not needed. Existing US Highway 10 provides all the public access needed in this immediate area and portions of this road have been vacated south of this property as per Resolution Number 91-024, recorded in Micro Book 326, Page 779.

The following landowners have been notified: David E. and Wendy Lou Fife, Stanford G. and Marjorie A. Lucier.

Chair Curtiss: Charlie, have you had time to look at this yet, so you know, give us a little background.

Chuck Wright: My name is Chuck Wright, I work for Public Works, Surveyors Office. I have been out there a couple of times looking at previous vacations that happen to be to the south of that particular portion. I think this will – I would recommend to abandon this particular property, we've abandoned the right-of-way to the south of it and I don't see any reason to not abandon it.

Chair Curtiss: Okay, but we do need to go make a visit first.

Chuck Wright: We do.

Chair Curtiss: I think it's my turn. So we do have to, by law, go out and visit the site to make sure there's not a use for the road that might be in the future or that it accesses someone's property or anything like that. So, this is a public hearing, is there anyone who wanted to make comment on this petition today – and who did it come from? Lucier, Fife – so only two landowner's property this goes through, apparently, looks like it. Okay, so we'll recess the hearing until next week (Wednesday, December 14, 2005) to make the decision.

Hearing: Missoula County Persons with Disabilities Accessibility Policy

Chair Curtiss: This is a hearing on the Missoula County Persons with Disabilities Accessibility Policy. I'll open the hearing and we'll have a staff report and then take public comment.

Anne Hughes, Senior Staff Administrative Secretary, presented the staff report.

My name is Anne Hughes. This policy helps Missoula County comply with the Americans with Disabilities Act. As you know, the County was the subject of a compliance audit by the Department of Justice, which laid out a good course of action for the County to follow in better complying more fully with the Americans with Disabilities Act, so this policy helps out with that and ensures that programs and activities and facilities are accessible to all citizens in the County, including those individuals with disabilities. It ensures that we'll provide aids and services which will allow all citizens equal access to, for example, public meetings. It also provides contact information for people if they would like to request such aids or services. In addition, it states that any individual with a disability will not be discriminated against on the basis of such a disability in participating on boards or committees or commissions. It also includes, as an appendix, a grievance procedure that any individual can follow if they'd like to make a comment or request a change in any facility access or program access. And it's the right thing to do.

Commissioner Evans: Thank you for that editorial comment.

Chair Curtiss: So, this is a public hearing. Is there anyone here who would like to make comment on the policy? Seeing no one come to the mic, we'll close the hearing. Is there any discussion or questions from the Board?

Commissioner Evans moved that the Board of County Commissioners adopt the Missoula County Persons with Disabilities Accessibility Policy, in that it appears to be the right thing to do. Commissioner Carey seconded the motion. The motion carried on a vote of 3-0.

MISSOULA COUNTY ACCESSIBILITY POLICY FOR PERSONS WITH DISABILITIES (POLICY NO. 2005-02)

Purpose: To comply with the requirements of title II of the Americans with Disabilities Act of 1990 and to affirm Missoula County's policy and practice that facilities, programs, services, and activities of Missoula County government are accessible to members of the public, including qualified individuals with disabilities.

Definitions: “Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity (Section 504 of the Rehabilitation Act of 1973, as amended, 42 U.S.C. Section 12131 et seq., 28 CFR Part 35, the Americans with Disabilities Act of 1990).”

Policy: In accordance with title II of the ADA and its implementing regulations, no qualified individual with a disability shall, on the basis of such a disability, be subjected to discrimination or be excluded from participation in, or denied the benefits of the services, programs, activities or physical facilities which Missoula County provides to the public.

Employment: The County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: The County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County’s programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. Primary consideration will be given to the requests of the qualified individual with a disability unless another equally effective accommodation is available, or the use of the means requested would result in a fundamental alteration of the service, program, or activity or in undue financial or administrative burden.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the appropriate County office at 406-523-2700 or 406-721-5700, as soon as possible but no later than 48 hours before the scheduled event. Requests for documents in Braille may take up to two weeks to fill.

Complaints that a County program, service, or activity is not accessible to persons with disabilities should be directed to Missoula County’s ADA Coordinator at 406-258-4858.

Modification to Policies and Procedures: The County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all County programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited unless the service animal’s presence or behavior creates a fundamental alteration to the program or service being provided or presents a direct threat to safety. In addition, as a matter of policy, not compliance, Missoula County will afford access to individuals, with or without a disability, accompanied by service animals-in-training. Individuals and their accompanying service animals-in-training will be subject only to the conditions and limitations established by law and applicable alike to individuals with disabilities and their service animals.

To the extent possible, Missoula County will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility will be ensured.

Public meetings will be held at accessible locations and in such a manner that qualified people with disabilities are able to participate fully.

Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committees.

All Missoula County offices and programs shall be accessible to users of TTYs either by having a TTY to provide direct TTY access or by using the Montana Relay Service.

Missoula County’s grievance procedure (Appendix A) provides an avenue for prompt and equitable resolution of grievances alleging discrimination on the basis of disability in the County’s provision of programs, services, and activities, and access to physical facilities.

The County is not required to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

Appendix A – ADA Grievance Procedure

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). Anyone who wishes to file a complaint alleging discrimination on the basis of disability in:

- Missoula County employment policies or practices, or
- Missoula County programs, services, activities, or access to facilities may use this grievance procedure to file such a complaint.

The complaint should be in writing and should contain information about the alleged discrimination, such as:

- The name, address, and phone number of the person filing the grievance;
- A description of the problem;
- The date on which the problem occurred;
- The location where the problem occurred.

Upon request of persons with disabilities, Missoula County will make available alternative means of filing complaints, such as personal interviews or tape recordings of the complaint.

The complaint should be submitted as soon as possible to the ADA Coordinator, 200 W Broadway, Missoula, MT 59802.

Within 15 calendar days of receiving the complaint, the ADA Coordinator will respond in writing. Where appropriate, the response will be in a format accessible to the person who filed the complaint.

If the ADA Coordinator's response does not satisfactorily resolve the issue, the grievance may, within 15 calendar days after receipt of the ADA Coordinator's response, be submitted to the Missoula County Board of Commissioners.

Within 30 calendar days of receiving the complaint, the Board of County Commissioners will respond to the complaint in writing. The Board will respond in a format that is accessible to the person who filed the complaint.

The ADA Coordinator and the Board of County Commissioners may attempt to resolve the grievance informally at any time within the time limits specified above.

Missoula County will keep all written information pertaining to the grievance for at least three years. Examples include:

- Written complaints received by Missoula County;
- Appeals to the Board of County Commissioners;
- Written responses by the ADA Coordinator and the Board of County Commissioners.

Chair Curtiss: We were hoping that today we could do a ribbon cutting for our new accessible corridor between the old courthouse and the new, but we haven't quite got the occupancy permit, so we'll do that at a later date, but we're very excited to say that we finally have access between the two that you don't have to go outside.

There being no further business to come before the Board, the Commissioners were in recess at 2:00 p.m.