

BCC 2018-188
July 19, 2018(406) 258-4877
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Judge Andersen,

On June 11, Missoula County contracted with Michele Puiggari of Puiggari and Associates Consulting Services to conduct an assessment related to several concerns brought to our attention by current and former employees of Missoula County Justice Court Department No. 1 in compliance with 7-4-2110 MCA. The concerns outlined below are believed to have contributed to the excessively high turnover in your court administration office. We have included a copy of the executive summary for your information. In our view, the report brings to light several current and past violations of adopted county policies.

Missoula County adopted a waste-reduction and recycling policy in November 2012 with the goal of providing a consistent method and process to recycle materials generated by county staff and members of the public visiting county facilities. As part of the recent courthouse renovation project, the county provides recycling containers that are easy to locate to ensure staff can dispose of recyclable materials. Recognizing that several departments handle confidential materials such as court records, health records and criminal justice data, the county also has placed secure shredding bins in key locations to allow even confidential information to be recycled. Having reviewed a department-level policy directive you have given staff, we find it contravenes the adopted county policy. Your department policy resulted in the release, on more than one occasion, of confidential criminal justice materials. The policy also creates an undue burden on staff, who spend hours each week attempting to comply by sorting paper and soaking labels of plastic bottles. The proliferation of recycled materials also creates unsafe conditions in the clerks' workspace and poses a potential hazard to the public.

It is our responsibility to ensure county employees comply with county policy, and we hereby direct you to ensure county employees in your department follow the adopted county policy related to recycling. Staff is to begin using the secure shredding bins provided for confidential materials and the county-provided recycling bins for all other materials. Removing the materials will be time consuming, but ensuring employee safety is a priority. We ask that you complete this request by July 31, 2018. If you are unable to accomplish this task by then, county facilities staff will assist on Aug. 1. Regarding confidential materials, we contract with a state-approved vendor for the destruction and eventual recycling of these items. To ensure compliance with their disposal, a secure shredding box will be placed in the Justice Court office area. Missoula County cannot and will not indemnify or defend you should any release of confidential materials occur while you fail to comply with the adopted policy.

We have also been made aware that under your direction, funds were removed from the Justice Court office and driven to your residence. At your direction, these funds were then left unattended on your porch in an unsecured box. Missoula County's Cash Reconciliation Policy 2000-11 states that "all departments with cash accounts shall deposit the day's transactions intact daily." At no point in this policy does it allow for the removal of funds from county property and certainly not for the placing of funds in an unsecured box at a residence. This policy allows for variation through authorization from the county auditor, but no such approval was sought or granted. The removal of nearly \$6,000 from county property is a serious breach of the fiduciary responsibilities incumbent on an elected official. This practice must stop immediately and all funds must remain on site.

We are concerned as well with the information shared with us regarding the lack of leadership that has resulted in the high turnover of staff in Justice Court department one. In three years your office has had greater than 150 percent turnover in staff. The exit interviews and this report sufficiently document that a core reason for this high turnover is lack of communication and training. The office procedure manual has been removed from access by staff and under your review for more than two years. You refuse to allow staff to email you with questions. Staff members are not allowed to ask questions of other staff or of staff in the alternate court that performs the same function.

Coupled with the high turnover in staff is the turnover in office managers. There have been five managers in three years — the longest tenure being eight months. This turnover has failed to provide staff with the training and consistency needed for them to be successful in serving the public and the court. As elected officials, we have a desire and duty to provide the public with the level of service they deserve. Each of the previous office managers was hired after an extensive hiring process that involved interviews with yourself and at times staff from the county's human resources department. Each of their exit interviews shows that despite the job requirement that the office manager work independently and provide staff oversight, they were prohibited from doing this. This resulted in the inability of staff to effectively provide services to the public, as this requires the necessary resources, training and supervision that can and should be provided by a consistent office manager.

This current lack of training, supervision and communication causes us grave concern and requires that we consider a new structure for the Justice Court departments to ensure our employees have the support, supervision and training they need to be successful and provide the level of service to the public that is required. We are directing human resources staff to develop a new job description for a combined Justice Court administrator who will ensure those issues are addressed. As part of that process, you are invited to provide input on the portions of the job description that you feel are needed to provide for your judicial function in the courtroom, and we will extend this same offer to the other court. However, this administrator will be responsible for all areas of staff supervision, staff support and training and the administration of the combined Justice Court office.

We take our obligation to support Missoula County employees seriously. We hope you'll take these comments in the spirit of support and encouragement with which they are intended.

Sincerely,

BOARD OF COUNTY COMMISSIONERS



David Strohmaier, Chair



Jean Curtiss, Commissioner



Nicole Rowley, Commissioner