

KNOX COUNTY COMMISSION

Special Meeting – Work Session

Tuesday – January 26, 2010 - 9:00 a.m.

A special meeting – work session of the Knox County Commission was held on Tuesday, January 26, 2010, at 9:00 a.m. at the county courthouse, 62 Union Street, Rockland, Maine. Executive Assistant Constance Johanson was present to record the minutes of the meeting.

Commission members present were: Anne Beebe-Center, Commissioner District #1, Richard L. Parent, Jr., Commissioner District #2, and Roger A. Moody, Commissioner District #3.

County staff present included: County Administrator Andrew Hart, Finance Director Kathy Robinson, Acting Patrol Administrator Timothy Carroll, Chief Deputy Ernest McIntosh, Detective Supervisor Reginald Walker, and Executive Assistant Constance Johanson.

Others present were: Mike Shea of Penquis, and Steve Betts, reporter from *The Herald Gazette*.

Special Meeting – Work Session – Agenda Tuesday – January 26, 2010 – 9:00 a.m.

- I. 9:00 Meeting Called To Order**
- II. 9:01 Action Items**
 - 1. Act on Approval of Transfer of Forfeited Assets of \$500.00 (or any portion thereof) to Knox County in *State of Maine v. Edwin R. Benito*.
 - 2. Act to Award Tax Anticipation Note (TAN) Bid.
 - 3. Act to Approve and Sign the Resolution Designating Knox County as a Recovery Zone.
- III. 9:10 Discussion Items**
 - 1. Discuss Letter from Sheriff Dennison to the Commission re: Hiring a Patrol Administrator (A. Hart).
 - 2. Homelessness Coordinator
 - 3. General Assistance
 - 4. Organizational Study
- IV. Adjourn**

I. Meeting Called to Order

Commission Chair Beebe-Center called the January 26, 2010 special meeting – work session of the Knox County Commission to order at 9:00 a.m.

II. Action Items

- 1. Act to Approval of Transfer of Forfeited Assets of \$500.00 (or any portion thereof) to Knox County in *State of Maine v. Edwin R. Benito*.
 - A motion was made by Commissioner Richard Parent to Approve of the Transfer of Forfeited Assets of \$500.00 (or any portion thereof) to Knox County in the *State of Maine v. Edwin R. Benito*. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.
- 2. Act to Award Tax Anticipation Note (TAN) Bid.

County Administrator Andrew Hart explained that the language provided in the Tax Anticipation Note (TAN) was reviewed and approved by Mike Trainor of Eaton Peabody to cover the County's legal responsibilities in the TAN process.

 - A motion was made by Commissioner Roger Moody to award the Tax Anticipation Note (TAN) bid to the First at an interest rate of 1.75 percent. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The chair of the Knox County Commission read the TAN as prepared by bond council of Eaton Peabody. The document is included for informational purposes.

COUNTY OF KNOX

MEETING OF COUNTY COMMISSIONERS

The Knox County Commissioners met on January 26, 2010 at 9:00 a.m. Present were Commissioner Anne Beebe-Center, Commissioner Roger Moody, and Commissioner Richard Parent, being 3 of the Commissioners of the County, of which there are three, together with the Treasurer and County Administrator of the County, Finance Director Kathy Robinson, Treasurer and Andrew L. Hart, County Administrator. The Chairman presided and the County Administrator kept the record. The Commissioners discussed the matter of financing the 2010 fiscal year governmental activities and obligations of the County of Knox through issuance of a tax anticipation note. The meeting was open to the public, which was notified of the meeting by means of a posted agenda. Upon motions duly made and seconded, the following votes were unanimously adopted:

VOTED: That pursuant to Title 30-A, Section 932, the Knox County Commissioners are hereby authorized to borrow from The First, a principal amount not to exceed Three Million Five Hundred Fifty-Five Thousand Dollars (\$3,555,000), at an interest rate of 1.75% to be drawn on an “as needed” basis, with principal and interest due December 31, 2010, the proceeds of the loan to be used for financing the governmental activities and obligations of the County in anticipation of funds to be raised by taxation in fiscal year 2010 (ending December 31, 2010), said loan to be evidenced by the 2010 Tax Anticipation Note (the "Note") of the County executed and delivered on behalf of the County by the Treasurer and counter-signed by a majority at least of the County Commissioners, and upon such further terms and conditions as have been prescribed by the lender and approved by the Treasurer and a majority of the County Commissioners; said Note to be entitled "Knox County 2010 Tax Anticipation Note".

VOTED: That all actions heretofore taken by the municipal officers of the County of Knox relating to the tax anticipation borrowing from The First be and they hereby are ratified, approved and confirmed.

VOTED: That pursuant to the requirements of the Tax Reform Act of 1986, and Section 265 of the Internal Revenue Code of 1986, as amended, the County hereby designates the Note to be a "qualified tax exempt obligation" of the County, and that the County shall not issue in 2010 an aggregate total amount of qualified tax exempt obligations in excess of \$30,000,000. Further, the County does not reasonably expect to issue tax exempt obligations in an amount in excess of \$5,000,000 during 2010.

VOTED: That, subject to appropriation, the County shall take any and all actions required under the Tax Reform Act of 1986 and the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Note, and to maintain the status of the Note as a "qualified tax exempt obligation" of the County, and that the Note may be subject to such further terms and conditions as may be agreed to by a majority at least of the County Commissioners and the Treasurer of the County to carry into effect the full intent of the foregoing votes.

VOTED: That the law firm of Eaton Peabody is hereby designated as bond counsel for the County to advise the County with respect to the issuance and sale of the Note, and to prepare documents and render opinions as may be necessary or convenient for the purpose.

(SEAL)

Commissioner

Commissioner

Commissioner

I certify that I am the duly qualified County Administrator of the County of Knox, Maine and that the foregoing votes were adopted by the County Commissioners of the County of Knox at a meeting of said Commissioners duly called and legally held on January 26, 2010, that the meeting was open to the public and that adequate and proper notice thereof was given in accordance with the laws of Maine, and that such votes have been entered into and become a part of the permanent records of the County and remain in full force and effect and have not been rescinded or amended.

COUNTY OF KNOX

(SEAL)

County Administrator

Dated at Rockland, Maine
February 2, 2010

3. Act to Approve and Sign the “Resolution Designating Knox County as a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009”.

Commissioner Roger Moody explained that the Recovery Zone Resolution was discussed at the last MCCA meeting and he recommended approving and signing the document to facilitate the process

for businesses that apply for recovery bonds. It designates Knox County as a Recovery Zone and allows the County to collaborate with state agencies and other counties to reduce the levels of poverty, unemployment, home foreclosures and general distress in Knox County and the State. Commissioner Roger Moody commented that it was his impression that the bonds would be used for major projects in the state and gave as an example, pollution control for the paper industry. The Resolution allows the County to be a participant and possibly provide a service to the community.

Commissioner Anne Beebe-Center asked if there was any reason not to approve and sign the document. Commissioner Roger Moody responded by stating there was no reason not to approve and sign the “Resolution Designating the County as a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009”.

- A motion was made by Commissioner Richard Parent to approve and sign the “Resolution Designating the County as a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009”. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

III. Discussion Items

1. Discuss Letter from Sheriff Dennison to the Commission re: Hiring a Patrol Administrator (A. Hart).

County Administrator Andrew Hart explained that this item was put on today’s agenda because a letter was received from Sheriff Dennison, which was addressed to the Commission, asking that Acting Patrol Administrator Timothy Carroll be appointed permanently to the position of patrol administrator.

Mr. Hart reminded the commissioners that the matter of filling the patrol administrator’s position was discussed at the December Commission meeting. The commissioners approved advertising for the position and this was done. Two applications were received by the deadline of January 14th at 2:00 p.m. One application was from in-house (Timothy Carroll) and one application was from outside the department (out of state). No action was taken after the deadline because of the letter from Sheriff Dennison, which was date January 14, 2010.

Sheriff Dennison referred to the Personnel Policy in her letter. Mr. Hart provided copies of the referenced material regarding the hiring authority and portion of the charter as background information for this discussion.

Mr. Hart commented that he was looking for direction from the Commission on how to proceed. Past practice indicates that positions are advertised, applications received, reviewed by the department head, and interviews set up for the selected candidates. The highest scoring candidate was then offered the position.

Commissioner Anne Beebe-Center asked if this was decided upon at the last meeting. Mr. Hart explained that he was not sure of the exact discussion or that a decision was made, but this has been the procedure used for all departments.

Commissioner Anne Beebe-Center asked if both candidates were qualified. Mr. Hart said they were. Commissioner Anne Beebe-Center asked how could the County not proceed with conducting interviews. Mr. Hart said he did not know, but the letter from the sheriff was dated January 14th and was it was likely that it was received in the administrative office before the deadline for receiving applications. One comment from the sheriff was that the other candidate was asking for a higher salary than what was budgeted. The candidate suggested a starting salary in his cover letter, which is higher than what is budgeted.

Commissioner Roger Moody suggested looking at the applicants in terms of qualifications, setting up a neutral interview panel for interviewing the candidates that would make a recommendation to the county administrator. He said this is what he assumed would have happened. Commissioner Anne Beebe-Center agreed that all qualified applicants should be interviewed. After advertising to fill a vacant position and receiving applications, the County is obligated to respond to the qualified candidates and offer the candidates the opportunity to be interviewed. If interviews were not going to be offered, then the position should not have been advertised.

Commissioner Richard Parent commented he was concerned with what the process is and expects it to be consistent when filling positions. He suggested that interviews be offered to the top candidates.

Commissioner Anne Beebe-Center asked why the sheriff wants to cut short the hiring process. It was noted that the sheriff was not presented. Chief Deputy Ernie McIntosh was asked if he would like to address this matter.

Chief Deputy Ernie McIntosh commented that he thought her reasoning for shortening the hiring process by just appointing the acting patrol administrator to fill the position on a permanent basis was for stability in the department. The sheriff looked at the personnel policy and thought that an appointment could be made by the commissioners and this would save time. The chief deputy stated that the acting patrol administrator is qualified to do the job.

Commissioner Anne Beebe-Center commented that the acting patrol administrator's qualifications were not being questioned, but rather why there was an attempt to cut short the process. Chief Deputy McIntosh responded that it was because it provided stability within the department and questioned why a deputy could not be promoted in house to the position. He noted that this was done in the past. The position was posted in house first and in the past the position was advertised if there was not a qualified in-house candidate. This avenue of approach was not pursued in this instance. Chief Deputy McIntosh commented that Acting Patrol Administrator Timothy Carroll was perfect for the role, noting he is established in the community.

Commissioner Anne Beebe-Center commented that what the letter indicates is that the other candidate does not have a prayer of getting hired because the sheriff has already made up her mind.

Chief Deputy McIntosh commented that the sheriff felt she had the right to choose who she wanted to fill the position. Sheriff Dennison believes Acting Patrol Administrator Timothy Carroll is the right fit for the department. Chief Deputy McIntosh explained that with anticipated changes this year and new people coming into the department, the sheriff wanted to expedite the process and feels very strongly that she has the right to request the appointment of her choice or be able to promote from within the department.

Commissioner Anne Beebe-Center commented that the sheriff's feelings are directly opposed to the reasonable process and procedures the County has for hiring. The commissioners can not just put aside the procedures for hiring because the County needs to be above reproach with its hiring process and practices.

Commissioner Roger Moody thanked Acting Patrol Administrator Tim Carroll for his patience with the hiring process. He commented that in moving forward, and keeping mindful of the charter, issues such as this may arise. He explained that his comfort level was to ask the sheriff to look at the other candidate in terms of his qualifications and have the hiring process be fair and equitable.

Commissioner Richard Parent commented that the County needs to follow the rules in filling the position.

Acting Patrol Administrator Tim Carroll asked if the County could accept or deny any candidate. He thought there was some language in the advertisement indicating this.

County Administrator Andrew Hart commented there was generally this type of disclaimer in most advertisements to ensure the hiring agency does not have to hire someone if they do not meet the requirements of the job. It was noted that it was unfortunate that the issue has become personal with the sheriff and the administrator at odds. The hiring process has not always been consistent in the past, but it needs to be and this is one reason to continue with the hiring process that has been used recently and is expected to be followed in filling this position.

Commissioner Anne Beebe-Center commented that the hiring process should consider candidates fairly, objectively and give the candidates an equal opportunity to be chosen as the best candidate.

Detective Supervisor Reggie Walker commented that the normal hiring procedure in many of the police agencies within the state is to promote from within. There are occasions when a police chief's position is advertised and a candidate from outside the agency is hired, but filling the other ranks within the department is by promotion from within the department. Anyone hired from out of state has to be certified by the Maine Criminal Justice Academy (MCJA) and that could take six months compared to appointing the acting patrol administrator who has the qualifications, MCJA certification, and is familiar with the department's policies and procedures.

Commissioner Anne Beebe-Center commented that the County wants to hire the best candidate for the position. The interview panel is responsible for interviewing the candidates and recommending the best candidate.

Detective Supervisor Reggie Walker asked if the other police agencies are wrong in hiring from within. It was noted that there are other counties that go outside the department in hiring their officers. The detective supervisor commented that police agencies generally only go outside when

there is no suitable candidate from within the department. The County hired one patrol administrator from out of state and it was a difficult adjustment.

Commissioner Anne Beebe-Center commented that the County advertised the position of patrol administrator, accepted applications and is therefore beholden to follow through with the process and convene an interview panel.

Detective Supervisor Reggie Walker commented that the out of state candidate expected a higher salary than was in the budget and the matter of the salary would probably eliminate that candidate.

Commissioner Anne Beebe-Center stated that the salary issue was a side issue and not part of the hiring process. The hiring process needs to proceed to the next step of setting up an interview panel.

Detective Supervisor Reggie Walker suggested that the County was at a point that it did not need to be at by advertising outside the department, which would have eliminated having an interview panel.

Commissioner Anne Beebe-Center countered that the County was at a point where the interview panel should have already convened, a candidate selected, and hired. It was assumed that the candidate had done the homework to understand the position and any further questions relating to the salary and other conditions of employment would be discussed during the interview.

Commissioner Roger Moody suggested that it was better to have a wide selection of candidates applying for positions based on the model it appears the County has been using. Sometimes there were qualified candidates within the department and sometimes there were not, but the hiring process needed to be clear, concise, and consistent. He suggested that the sheriff and the county administrator have better communication to be clear on the hiring process.

Commissioner Richard Parent asked what happened after the interview panel was set up and if there was a document outlining the hiring process.

County Administrator Andrew Hart explained that the controversy centered on this position. The previous patrol administrator hired went through the hiring process currently being used. The position was advertised and there were several applicants. One was from out of state and was interviewed and chosen as the top candidate. Subsequently, that candidate declined the offer of employment. The second highest scoring candidate, the in-house candidate, was offered the job and accepted it in January 2009. The interview panel was chosen by the county administrator and consisted of participants from outside the County as well as from within, including the sheriff.

Prior to that process to fill the patrol administrator's position, there was a vacancy in the same position in 2008. Mr. Hart stated that he came in at the end of that process. The sheriff chose the members of that interview panel. The candidate selected was from out of state and accepted the position.

Section 4.1 of the Personnel Policy refers to the commissioners as being the hiring authority for all County personnel. The Charter names the county administrator as the hiring authority. It was noted that the Personnel Policy pre-dates the Charter.

County Administrator Andrew Hart explained that the process most of the department heads have been following, which consists of the administrative office being responsible for advertising a vacancy, accepting applications, and copying the applications for the department head to review. After reviewing the applications, the department head selects candidates to interview. The county administrator chooses interview panel. Some department heads observe and others do not, but most do not participate as members of the interview panel and score the candidates. The interview panel makes a recommendation to the department head, who then in turn submits a "Request to Hire" to the county administrator.

Commissioner Anne Beebe-Center commented that she was uncomfortable with the letter requesting the appointment before interviews were conducted because it looks like the decision has already been made.

Commissioner Richard Parent commented that the county administrator needs to work with the sheriff to set up a process and move forward as quickly as possible to fill the vacancy.

Commissioner Roger Moody suggested that there needs to be a written policy describing the steps within the hiring process and adopted by the Commission. He recommended having a draft of the

hiring process available at the next regular Commission meeting (February 9, 2010) for review and changing the section in the personnel policy regarding the hiring authority.

Commissioner Anne Beebe-Center suggested moving forward with the interview process. It was noted that the personnel policy needs to be looked at in terms of suggested revisions recommended by the personnel policy review committee and the union contract regarding the hiring process.

It was suggested that the out of state candidate be contacted to see if he was interested in interviewing for the job after explaining the salary being offered and the MCJA certification requirements.

2. Homeless Coordinator – Mike Shea of Penquis

Commissioner Anne Beebe-Center said she had mentioned, at the last meeting, that there was a Homeless Coordinator for Knox and Waldo Counties and he was present at today's meeting. She explained that a count of the homeless was conducted each year on a specified date, but it was set up mainly for the urban areas of the state which includes Lewiston-Auburn, Bangor, and Portland.

The homeless in the urban areas are usually noticeable, but in the rural areas, which comprise most of the state, they are practically invisible. The homeless count for Waldo County in 2009 was zero. There was one homeless person reported in Knox County last year. The resources available would be for that one person. Had there been a reasonable count made like the 82 families that Mike Shea has been dealing with recently, there would be more resources available.

Mike Shea was introduced. He was at the meeting to explain some of the difficulties he faces including getting the state to agree on a definition of homelessness, and getting uniformity in how the towns and other agencies interpret the regulations on general assistance that can be provided.

Mike Shea explained that the Homelessness Prevention Program is specifically designed for people who are about to lose or have lost their housing to prevent chronic homelessness, which is "living on the street". There are income guidelines to obtain general assistance from the towns. Some people do qualify in one town, but not in another because of the inconsistency in the interpretation of the regulations. General assistance is funded from the state and is available through the town offices.

When Mr. Shea first started in his job, he was told there were no homeless people, but within three weeks there were 53 families applying for help. He has had to stop taking referrals because his caseload is supposed to be capped at 30 applicants. There were 71 open cases last week. One large problem is that the towns are not willing to work together or in some cases to help the applicants. What this means is that those that do not get help in one town move to another town where there is a less strict interpretation of the regulations regarding assistance. Those towns quickly become overburdened.

Those seeking assistance need to be helped because they have lost a job and have to wait as much as 10 to 12 weeks before the first unemployment check arrives. This is sometimes viewed as a case for emergency general assistance and sometimes not. The process for assisting people on the verge of homelessness needs to be made easier and sped up. Once a person is homeless, it is very difficult to find a job or housing; references being the most difficult hurdle to overcome.

Commissioner Anne Beebe-Center reported that this problem of homelessness is statewide. It appears that this is the first time the state agencies are looking at the inconsistencies in the definition of homelessness and the guidelines for assistance. This is a positive step, but the towns are still interpreting the rules differently, which is a growing problem as the need for assistance increases. Mike Shea reported that there is one town that requires the applicants to go before the board of selectmen to request assistance. This is not a requirement set forth in the regulations.

According to Mike Shea, an emergency is not defined as living on the street, but rather the lack of funds to pay utility bills. Definitions need to be changed. The survey or count is due tomorrow and it is expected that many towns will report there are no homeless people in their town because homelessness does not qualify for assistance. The numbers recorded in the count is what drives the resources. It appears that much needs to be done to get an accurate count.

There were people living in tents in several places into November. Many of the homeless work, but are underpaid and may be on the verge of becoming one of the chronically homeless. These are the people that have the greatest need. As the number of people needing help grows, so does the desperation that leads to mental illness, addiction, and crime.

3. General Assistance

It appears there many inconsistencies in the general assistance programs because of the interpretation of the regulations. Some applicants are denied assistance because they smoke. The reasoning being that if the person has money to buy cigarettes, they do not need assistance.

Mr. Shea said he hoped that the County would work with the towns to move toward consistency in the guidelines so that people can get assistance and make the process easier for the case workers as well as applicants. The runaround some applicants are put through needs to be eliminated.

Commissioner Anne Beebe-Center suggested getting the towns together to discuss this issue and possibly ask MMA give a class on general assistance and how it should work in the towns. One purpose of this discussion was for awareness of the situation, and another is to see if there is a role for the County to play to help people get assistance because the number of people needing assistance is growing.

4. Organizational Study – Andrew Hart

County Administrator Andrew Hart provided the RFP from Old Town. Old Town plans to do a restructure plan review for all the departments, including the police department and airport and are currently in the process of awarding the bid. Bids received ranged from \$35,000.00 to \$70,000.00. Old Town decided to go with the highest bid submitted by (Municipal Resources, Inc.) because of their experience in identifying areas of staff weaknesses and reviewing departmental operations to improve the efficiency of services provided.

Mr. Hart read part of the RFP which was developed by using other samples as well as in-house suggestions. Another reason for choosing Municipal Resources, Inc. was that the proposal included one-on-one discussions with the individual employees. A confidential survey will be provided for employees to complete that will not be shared with the department head. The project is expected to take four to six months to complete.

County Administrator Andrew Hart reported that he had contacted the Town of Kennebunk because they had hired Municipal Resources, Inc. for similar reasons that Old Town did. The company stayed within the timeline and did a PowerPoint presentation on their recommendations. The cost was \$16,000.00 for the project which included only some of the departments providing city services.

Commissioner Roger Moody asked about how to proceed with this project. He suggested that the commissioners should review a draft version of the proposed RFP possibly at a work session between regular meetings. It was suggested that the County Administrator review the RFP and customize it to the needs of Knox County. There may be other samples or templates available that could be sent out before the work session.

Commissioner Roger Moody commented that the sheriff's office was more of a specialty entity and suggested getting a report from the Sheriff's Association on organizational studies conducted. Chief Deputy Ernie McIntosh offered to contact Sheriff Brackett from Lincoln County to obtain a copy of a report done by the Sheriff's Association.

It was noted that Municipal Resources, Inc. specializes in fire and police department organizational studies. The goal is to get the bids for the organizational study out by March 1, 2010 and hopefully get them back by April 1, 2010.

It was suggested that it might be useful to see if there is other efficiencies have been found in other government agencies in the surrounding areas without actually taking time to interview those agencies. A work session to review the organizational study's proposed RFP may take place on February 23rd at 9:00 a.m., depending on everyone's schedule.

Other Business - EMDC:

Commissioner Roger Moody reported that EMDC's board is scheduled to meet this week. There is an item on the agenda regarding the restructuring of EMDC, which would eliminate Waldo and Knox Counties because of the zero funding in their budgets. Knox County is supporting KWRED as the local agency for economic development.

Commissioner Anne Beebe-Center commented that the federal government funds economic development through designated entities set up to serve as economic development districts. KWRED does not have this status and the question is what will happen to the federal funds that should be funneled to Knox and Waldo Counties. The state may be reorganizing the districts, but talks are still preliminary.

Commissioner Roger Moody offered to be involved with economic development. KWRED has made some changes. Knox County has a role to play in economic development in the mid-coast area.

Other business – the Hiring Process:

Commissioner Richard Parent suggested having a checklist of steps outlining the hiring process by the Commission meeting on February 9, 2010.

County Administrator Andrew Hart explained that the concept of an Operations Manual with administrative procedures and guidelines had been previously discussed. A written document describing the hiring process could be included as part of the Operations Manual. The manual would cover day-to-day operations and could be updated on an as needed basis. There are several examples available from other counties.

Acting Patrol Administrator Tim Carroll offered to put together some material on the steps regarding the procedures that the sheriff’s office is to follow when considering potential candidates for employment; both full-time and part-time.

IV. Adjourn

- A motion was made by Commissioner Roger Moody to adjourn the meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The meeting adjourned at 10:53 a.m.

Respectfully submitted,

Constance W. Johanson
Executive Assistant

The Knox County Commission approved these minutes at their regular meeting held on February 9, 2010.

Anne H. Beebe-Center, Chair – Commissioner District #1

Richard L. Parent, Jr. – Commissioner District #2

Roger A. Moody – Commissioner District #3