

## Ravalli County Commission settles lawsuit over public meeting notices

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The Ravalli County Commission agreed Tuesday to review its notification policies about public meetings and pay \$3,500 in court costs to a newspaper and watchdog group as part of lawsuit settlement.

The Bitterroot Star and Ravalli County Watchdog sued the county in 2011 in an effort to void the commissioners' decision to accept a settlement with former deputy county attorney Geoff Mahar.

The two argued the commissioners did not give adequate public notice of the meeting when the commission signed the Mahar settlement agreement that paid his annual salary of \$75,733 plus benefits for two years. The agreement said Mahar would not be involved in the day-to-day work at the office and that he could seek outside employment.

Before the agreement, Mahar had filed a discriminatory complaint with the Department of Labor and Industry Human Rights Bureau that alleged newly elected county attorney Bill Fulbright and the county had discriminated against him on the basis of his support of former county attorney George Corn.

District Court Judge Jim Haynes ruled last February the commission did not comply with the state's open meeting law when they signed the agreement.

Haynes said the meeting should have been open to the public.

He also ruled the newspaper and watchdog group had missed a 30-day filing requirement for their petition to void the Mahar settlement.

The commission and the two groups worked through a settlement master to put together an agreement both sides could sign off on. The agreement includes a stipulation that the litigation be dismissed with prejudice.

"We look forward to the county examining their policies in these regards and coming up with something that protects the public's constitutional rights to participate in your meetings and know what you are doing," said Bitterroot Star publisher Michael Howell at Tuesday's meeting.

"It's going to be good to get this behind us," said Commissioner Greg Chilcott.

In a separate lawsuit between the same parties, District Court Judge Jeffrey Langton ruled in August the commission failed to adequately notice an August 2011 meeting about repair work on the controversial Woodchuck Road east of Florence.

The Star and Ravalli County Watchdog sued the county in November 2011 after learning the county had agreed to pay over \$46,000 to do repairs on the little used road.

Langton ordered the commission to pay court costs and develop and publish guidelines for determining whether an issue is of significant interest to the public.

“The board’s failure violated petitioner’s constitutional rights to participate and to know, violated Montana’s open meeting law ... and violated the Board’s own procedure posted on its web page,” Langton wrote.

The controversy over the work done on Woodchuck Road eventually led to the firing of the county’s road manager, David Ohnstad. Ohnstad has since filed a wrongful discharge lawsuit that is still working its way through federal court.