



City of Sidney, MT  
Budget and Finance Committee Meeting 1-3-24  
January 03, 2024 6:00 PM  
115 2nd Street SE | Sidney, MT 59270

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The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

Meeting ID: 713 080 5898 Passcode: 4332809

Call: 1-346-248-7799

**Alderman Present:** Christensen, DiFonzo and Koffler

**Other's Present:** Mayor Norby, Clerk/Treasurer Chamberlin, Chief Kraft, Greg Hitchcock (Sidney Herald)

**1. New Business**

**a. City Prosecution**

City Attorney Kalil stated the Richland County Prosecutors office is no longer wanting to continue to do the City misdemeanor prosecution, their contract will end July 1, 2024. He stated the city has options as to how to hire an attorney for prosecution, which include soliciting for an attorney, or they could expand his current civil attorney contract to include prosecution. He stated the hiring of an attorney does is not required to go through the bid/solicitor process, but the Council can choose to go that route as they did when they hired him as civil attorney. He provided an amended contract for him to cover the prosecution, adding a cap of up to \$4,000 a month at \$200 an hour, the same terms for his civil work. He stated he does not feel he will exceed the monthly cap, but it is an unknown.

Clerk/Treasurer Chamberlin stated the current appropriation per year for the prosecution is \$36,000 a year, this would increase it to a minimum appropriation of \$48,000 and the last time the \$36,000 was negotiated was a very long time ago.

Alderman Koffler asked how much prosecution was involved. Chief Kraft stated the County prosecutors office, due to staffing, cannot keep up with the work load for the City and County prosecution and in the meeting with County Attorney McLarty, she claimed the prosecution for the city would be a full time attorney. City Attorney Kalil stated he would only be prosecuting the misdemeanor cases, some of which would be tagged with felonies that would be prosecuted by the County. Chief Kraft stated the contract would allot 20 hrs per month for prosecution, which he feels would not be sufficient with case prep, reading reports, appearances, etc.

City Attorney Kalil stated he has done prosecution for other municipalities. He stated he is not sure on the amount of time it will take and Chief Kraft stated he is basing his concerns on the number of hours it will take on the meeting with County Attorney McLarty. City Attorney Kalil stated he does have another attorney that would be an employee of his law firm for purposes for prosecution who is currently the backup prosecutor for Williston should the work load get to be too much.

Mayor Norby stated there is no negotiating with the county, as it is not a contract or financial reason to end the contract. Chief Kraft stated the only way they would be willing to continue is if they hire someone to fill the open position, which has been open for 1-2 years.

Alderman DiFonzo stated he has concerns with the limit of \$4000 per month. Clerk/Treasurer Chamberlin stated it is less of a restriction or limit and more that City Attorney Kalil have to check-in with the City Council if he goes over that limit to give reasoning. City Attorney Kalil stated he can take the \$4,000 cap out of the contract and Clerk/Treasurer Chamberlin stated maybe a yearly cap and inform council if he is approaching it would be better. Chief Kraft stated it is new territory and it should be flexible until we know. City Attorney Kalil stated we have time to figure out the details of the contract, has been in conversation with County Attorney and City Judge on the workings of the court system.

Clerk/Treasurer Chamberlin stated given the contract with the County Attorney's office does not expire until July 1st, 2024, there is plenty of time to negotiate contract items, but the decision that ultimately needs to be made now is if the City of Sidney would like to contract with Kalil Law Firm for the prosecution or to do a solicitation process, as that process does take time.

Mayor Norby stated he does not feel there are others to do the prosecution and he would prefer to contract with Kalil Law Firm. Chief Kraft agreed and stated the City already has a relationship with Mr. Kalil and we have no idea how the details of the situation will work out at this point.

Motion was made to recommend contracting with Kalil Law Firm for the City misdemeanor prosecution in addition to the City civil work.

Motion made by DiFonzo, Seconded by Koffler.  
Voting Yea: Christensen, Koffler, DiFonzo

Clerk/treasurer Chamberlin stated she and City Attorney Kalil will go through the contract and bring it back to the Budget and Finance Committee for review.

Adjourned at 6:16am.