1. CALL TO ORDER
Commissioners Present: Commissioner (Chair) Jean Curtiss, Commissioner Bill Carey, Commissioner Michele Landquist

Staff Present: Vickie Zeier, Clerk & Recorder, Dori Brownlow, Deputy County Attorney, Todd Klietz, CAPS, Shyra Scott, Clerk & Recorder

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
Chair Curtiss reminded everyone of the Historical Museums 4th of July Event.

3. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Current Claims List ($2,139,228.57)

Executive Session
Commissioner Landquist made motion that the Board of County Commissioners approve the Current Claims List in the amount of $2,139,228.57. Commissioner Carey second the motion. The motion carried a vote of 3-0.

6. HEARINGS
a. Shoreline Permit Variance (Jon Beal, Lindbergh Lake)
   Jon and Kristie Beal joined via conference phone
   Todd Klietz gave staff report and presentation.
Jon Beal gave his update. Thank you for allowing me to appear by telephone. They will remove all the pressure treated lumber and take care of all those concerns as part of this permit, if it is approved. I was not able to talk with the dock contractor about the proposal that he submitted to Mr. Klietz to address the length issue, the slight variation I talked Mr. Klietz late yesterday and sent him an email. The dock contractor believes that he can safely remove part of the walkway to move the dock in. I’d ask Mr. Klietz if he could have a two (2) foot leeway there versus a foot and a half for large enough air in the construction of the length, so that would make it 88 feet. I don’t mean to speak for Mr. Klietz but I do not believe that that is objectionable to him. The other thing that I would like to request that the dock size that Mr. Klietz originally agreed to recommend was 770 square feet versus the 704 and I’d like to request we keep that because I’d like to talk to the dock contractor for safety purposes, having a larger area of the dock pushed back towards the shore for when we have our elderly parents and grandkids there so we have more than a four (4) foot walkway to enter and exit the boat. So that would mean our variance of the dock will still be at least 41 feet smaller than the existing dock that’s on the lake variance. The reason for this change in the dock is one; the existing dock is decaying and breaking up in the lake, it also has uncontained Styrofoam and we’ll remove all of that from the lake and replace everything with approved materials. That will also allow us to build a safe mooring place for modern boats. Modern boats have different mooring requirements than the older boats and they also need more water depth with the 4 stroke motors to reduce the gas and oil that’s goes in the water versus the 2 stroke that use to get all boats. An example of this is a (in audible) boat slip doesn’t even fit our neighbors speed boat that’s 15 years old and that requires it. We also are reconfiguring the dock for a pontoon boat. I’d like to thank the County Commissioners and Mr. Klietz for his work on this. And I will be available if I can answer any questions.

Chair Curtiss: Mr. Beal just to clarify the additional square footage you would like to have is so that you could make the ramp wider, not increase the size of the dock?

Jon Beal: I need to talk to the dock contractor who has been out in the field since yesterday and I wasn’t able to speak with him about the redesign configuration. But, the wing portion I would like to be able to make wider than four (4) feet, it would not extend out to the lake (in audible) to make a wider more stable platform to enter and exit the platoon boat. I also wanted to talk to him about modifying one size as well to make it easier for people to access a canoe and paddle board. It would still be the smaller configuration, 41 feet less than the existing dock. This was the size that Mr. Klietz originally proposed to recommend for approval to the County Commissioners.

Chair Curtiss: So total square footage would be 770?

Jon Beal: Yes ma’am

Chair Curtiss: Todd, would you like to add anything to that? Of course we haven’t seen what the drawings look like but we can kind of picture it in our minds, I guess.

Todd Klietz: Yes, I think what Mr. Beal is representing is this area right there (looking at slide) to make that area wider for the shore, not extend the boat back out further into the lake for it to become more of an affability issue but make this closer toward the shore. The
existing...that portion of the existing dock is roughly ten (10) feet wide versus as proposed on Monday is four (4) feet wide.

**Commissioner Landquist:** What’s the part he’s talking about for canoes and stuff:

**Jon Beal:** On the northern end of the dock, the longest portion of the dock, I wanted to talk to the dock contractor about making a small jet out to hold the front end of the canoe, so you could actually tie the front end in and make it more stable. I haven't had a chance to talk with him yet. This addition again would be much smaller than the existing dock but I'd like a little leeway to adjust the configuration of the dock, not extending it further into the lake but adjusting the size of it and the shape.

**Chair Curtiss:** Currently I believe your dock has two (2) jet out things, so you park the boat between them, right?

**Jon Beal:** That's correct.

**Chair Curtiss:** You want something to be able to moor the canoe too. Todd and Dorie, do you think if we just condition it with as approved by...we would condition it to have additional square footage to meet the variance requirements and the configuration has to be approved in the end?

**Todd Klietz:** I think what we could do is have Jon talk to the dock builder and then based on the variance today, if the Commissioners are agreeable to a variance today to allow that, I could bring the configuration back to you next Monday and have you sign off at that point and time.

**Chair Curtiss:** Okay.

**Public Comment**

**Mike McQue:** I have the cabin right next door to the Beal's. I don't have any objection to the dock. But I'm curious about the buoy, I didn't know anything about a buoy or what that is, could you go through that again?

**Todd Klietz:** On the drawing that was submitted by Mr. Beal a few weeks ago, the buoy location would be consistent with the length of the proposed dock and it wouldn’t be outside really the footprint of the entire dock but located right there. The buoy requirements are here but they can't extend further than 70 feet from the shoreline. Again, that they have to be reflective and marked with a flag. A boat that is moored to the buoy cannot swing more than 15 feet and that boat cannot come closer than 20 feet from the property line. Any boat that’s moored to a buoy has to be lit at night. Jon, would you like to discuss why you’re requesting a buoy?

**Jon Beal:** The buoy will be on the point of the dock, if the regulations allowed us to build a rectangular slip we would have but there’s not enough space for that. So where the normal rectangular would be to pull on the pontoon boat, that's going to be a buoy that's within the footprint of the dock and that will be the third mooring point for the pontoon boat. The boat dealer recommended that we have a four (4) point attachment for the pontoon boat versus a three (3) point so it will not be outside the footprint of the dock.
Mike McQue: Okay thank you it actually is an improvement for the space between our two docks and so our family has no objection to that.

Christie Beal: Thank you Mr. McQue.

Tom Giles: I’m a full-time resident at Lindbergh Lake and have been for many years. I read the variance request; I’ve also personally inspected the dock itself. I think all of the salient points have been addressed to you folks. The one thing I would like to point out is that I live down the lake a short ways, we have a dock and it’s in a little bit better condition than the present dock that is there but I’ll tell you, when the kids are there and the grandkids are there and our friends are there, the dock is very crowded. I can really appreciate the increase in the size of the dock and all that the Beal’s have done to stay within a configuration that would be acceptable to everyone in that bay. I’ve talked to a lot of my friends on the lake and we are all in support of the Beal’s variance application.

Executive Session
Commissioner Landquist made motion that the Board of County Commissioners approve Jon Beal’s request for a buoy and a variance to construct 770 square foot dock on Lindbergh Lake with the recommended conditions of approval that all pressure treated wood being removed from the shoreline, protection zone. The proposed dock extends no further than the existing dock and existing railroad tie be removed from the shoreline protection zone. That the actual configuration will be approved by the Commissioners next week. Commissioner Carey second the motion. The motion carried a vote of 3-0.

b. Petition to Annex Property into Missoula Rural Fire District (located in Section 2, T11N, R20W)

Shyra Scott gave staff report. We have received a petition to annex several parcels of land located in Missoula County into the Missoula Rural Fire District. The legal description of the property is located in Bitterroot Meadows Subdivision, Lot 1 located at 6120 Delarka Drive in Lolo. Lot 2 at 6130 Delarka Drive in Lolo. Lot 3 at 6150 Delarka Drive in Lolo. Lot 6 at 6180 Delarka Drive in Lolo. Lot 7 at 6190 Delarka Drive in Lolo. Lot 9 at 6210 Delarka Drive in Lolo. Lot 14 at 6225 Delarka Drive in Lolo. Lot 15 at 6215 Delarka Drive in Lolo. Lot 16 at 6205 Delarka Drive in Lolo. Lot 17 at 6195 Delarka Drive in Lolo. Lot 18 at 6185 Delarka Drive in Lolo. Lot 24 at 6135 Delarka Drive in Lolo. Lot 25 at 6125 Delarka Drive in Lolo. All in Missoula County. That particular parcel of land situated in N ½ of the NW ¼ of SW ¼ of S10, T12N, R20W principal meridian, County of Missoula, State of Montana. Being more particularly described as Tract 1A of COS 4548, records of Missoula County located at 7785 Alta View, Missoula.

Chair Curtiss: These are some of the things that we find sometimes that we think everybody’s been annexed into a fire district, which doesn’t mean they don’t have protection because we know Missoula Rural would have protected them but they haven’t been paying for Missoula Rural so now they will be.

Chris Newman, Fire Marshall, Missoula Rural Fire District: Yes, I recommended to our Board that these petitions for annexation be accepted. The Board of Trustees
accepted that recommendation and approved the annexations and asked that they be sent to the County Commissioners for approval.

Public Comment
None

Executive Session
Commissioner Carey made motion that the Board of County Commissioners approve the petition to annex a partial of land as has been described, they will be annexed into the Missoula Rural Fire District. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

c. Consideration of Election Administrator Position (cont’d from May 14, 2014)

Chair Curtiss gave update from previous meeting and read the Resolution for Elections Administrator. The Resolution that is coming from staff discussion and from Vickie Zeier’s recommendation is to appoint an Elections Administrator pursuant to MCA 13-1-301. I think that just for folks to understand what we’re doing here is we heard some concerns about people feeling that; “what if this person didn’t do a good job? Wasn’t accountable to the public? Then we’re stuck with it.” This is saying that we’re not stuck with it, If we change the position once, it can be changed again and this puts into place a review process. Another question that came up last time or another point that was made is that elected ~ there’s a report from Wisconsin saying pointed election administrators aren’t as accountable as elected. So we asked Vickie Zeier to look at the numbers in Montana related to voter turnout in the counties that have appointed folks compared to ours.

Vickie Zeier: I took the five (5) counties that currently have an appointed election administrator and just went to the Secretary of the State website, which is out there for anyone to review, and looked at those five (5) counties and compared them to Missoula County’s voter turnout. The voter turnout overall; Big Horn County was at 47.90% turnout. The elections that I gathered the information for are the 2004 primary, the 2004 general, the 2006 primary and general, the 2008 primary and general, the 2010 primary and general and, of course, the 2012 primary and general. So as I said, Big Horn was at 47.90% turnout, Carbon County was at 59.30% turnout, Lake County was at 53.20% turnout, Missoula County had a turnout of 46.30% turnout, Sheridan County had 59.90% turnout and Yellowstone County 52.40. This is strictly just looking at the voter turnout, there were no other variables taking into consideration, it was just something to review for the Commissioners, they asked if I could find somewhere where voter turnout. I did not compare any other elections partly because all different jurisdictions with off election years like the City Elections, those are done by acclamation and are not elected and so it would have been very hard to do those comparables. We have a job description that’s a draft at this point. This is an appointment, this is not a hiring. There will be a contract, the contract will expire for this employee at three (3) years or have to be renewed and it works with the Resolution that the County Commissioners are looking at adopting. I’ll be happy to answer any questions.

Commissioner Landquist: When we talked about this the last time, you had made a recommendation that a board be setup that would oversee this. Is that still the case? And
is that something, if it is the case, should be in this Resolution as far as part of that process and how that would work?

**Vickie Zeier:** I’ll answer part of the question, Dorie gets to answer that other part. I would strongly encourage that this position have an Advisory Board that is official. I've had what I called the Election Advisory Board for...well, I started it clear back in 1993. It kind of disbanded after about the late 90's and then when we started implementing all the eight (8) requirements. I created this committee but I really think it needs to be more formalized. I do believe there’s a need for that and I think they should have a position to come to you if they see problems or whatever. I'll let Dorie answer to whether it has to be in the Resolution or not.

**Dorie Brownlow:** I do believe that it should be by Resolution. You could put it in the present one, although I would recommend so that there’s time to develop the criteria for the Board and the responsibilities. The Board could be part of that Resolution so I guess I would recommend waiting but if you decide to do this and have an Election Administrator, that person could work too in putting together what the responsibilities and duties and authority of the Board.

**Commissioner Landquist:** So it would be an additional Resolution or this one could be revised to reflect that Board?

**Dorie Brownlow:** I’d do an additional Resolution, so if you need to make changes to that down the road you’re amending that Resolution and not the one making the appointment.

**Chair Curtiss:** So if we vote in favor of this Resolution and make the decision today we could additionally add and in the future create an Advisory Board?

**Dorie Brownlow:** Correct.

**Public Comment**

**Jeffrey Langan:** Thank you for listening to me today. I want to say also, Michele thank you for your service to this community, we really appreciate it. I’m a precinct committee member for the Democrat central committee in Missoula. I’m also Chairman of that central committee’s issues committee in Missoula. I’ve been a proud resident for over 40 years; I’ve raised three (3) kids here. I’m proud of how this community helped them grow. When I was 19 I just couldn’t wait to move here. I served this county as juvenile probation office back in the 70’s and I started Friend to Youth in Missoula, which is a program that served abused and unprivileged kids for over 35 years here. I worked polls and ran political campaigns back in the 70’s, I chaired voter registration and get out the vote drives for Democratic Party at that same period and my how things have changed since then. I just finished serving as an election judge, going through the training, working in the processing center, watching the procedures and extrapolating those procedures in my own mind, the permutations of how these things must take place. I founded two (2) private companies over the last 25 years and built them to multi-million dollar sales. Now one of these was a manufacturing company where minutia, that is seconds spent on each manufacturing function was virtually the only thing that kept us from being swallowed up by cheap Chinese imports. Good management I found in that process was always about the
procedures; I hired the George S. May Company once, the most expensive consultation organization in the country, to consult me at $2,500.00 a day and at one point I asked them, “why are all you people, the front man and all the rest of them, why are you people ex-military?” They said, well, the bottom line is it’s all about procedures and nobody knows procedures like the military. I always found that an organization had to stand alone, on it’s procedures, it’s always about procedures not specific people. And it’s always a bad idea to try and chase personnel with public policy. Now, I just watched Vickie Zeier preform yet another outstanding job in the primary election and I still don’t quite understand what about our elections process is problematic that a policy change of this nature must be made. I’m not here today to talk about all the specific, I’m sure you’ve heard a ton of that, the specific options or to talk about things that infringe upon the job that you do, we put our trust in you, our Commissioners. We respect what you are doing and we appreciate the job that you do. But the bottom line is that the citizens of Missoula and the Democratic Party can be trusted, can continue to be trusted to do an outstanding job selecting the next Clerk & recorder. I’m aware that you’ve looked at a few smaller mostly smaller counties; I just wanted to point out the research that you refer, that most of us have read, involved 1200 election offices in the State of Wisconsin. It was actually, that is scientific research par reviewed journal produced, and scientific research and the issue of course with looking at these smaller significantly more conservative counties is that scientific methods simply do not apply. It would have been interesting to know what their voter turnout was before they went to an appointed administer versus after, but it wouldn’t of been a much scientific value. Billings….Yellowstone County has been brought up and I just think it’s significant to point out; Billings is a Republican strong hold of this State. They changed their election office from elected to appointed under Republican Commissioners. That county now sees mostly mail-in ballots and the concept is over there that the Democrats have given up on voting. Billings today has one (1) polling place, one. I can’t imagine how that must disenfranchise the elderly and the underprivileged of that community. These Commissioners in Yellowstone County were following the National Republican marching orders, which were, get control of elections by any means. We know that that ontra exists across the country and as Democrats we fought them at every turn. This proposal that you consider now would put us in a small minority of communities in the Western Region. I who have appointed offices; I have the most recent survey across the country ~ 4500 offices researched. And as thorough as can be done, it’s dated to 2006 but at that time 89% of the election offices in the Western Region were elected not appointed. The majority of offices that are appointed are in Republican hands. I don’t who suggested it may have been one of you folks that at minimum perhaps we stand back for a moment, appoint a volunteer citizen and professional study commission to take a look at this, whether this office should be elected or appointed and whether it should be stand alone or continue to remain in the Clerk & Recorders Office. As to whether a panel of judge should be elected, as is the case in some communities. Again, I have the research on that currently but in conclusion, I’ve tried to think about as we dealt with this in the Democratic Party, I’ve tried to think about, why are people so opposed to this, to this proposal? We’ve seen all the legislatures all of our elected officials, all of the candidates write letters to the editor opposing it. We see the Missoulian editorial board opposing it. We see all these letters to the editor opposing it. We put the Resolution that the Democrat Party made to a vote and it was…there was only one vote opposed to that Resolution. So here’s what I think; out in the further reaches of this State they still call this the people’s republic of Missoula and I’ve always been kind of proud when people brought that up because it’s WE the people in Missoula who make decisions here, unlike some of the clicks and power of brokers across the state and in other communities. What I think is of deepest concern to
fols opposed to this proposal is that across this country we hover around an equally divided electorate we see election after election that is 49/51 50/50 virtually. The most important issue to Republicans right now is how to disenfranchise voters through manipulations of the elections process. So the issue is more important than simple administrative efficiencies or philosophies to the people who are opposed to this. I don’t believe that you or anyone else intends or designed this proposal to disenfranchise voters. But it puts us one step closer to exactly that and more importantly because democrats have controlled this Commission for all of our recent memory and I mean believe me I go back a long way, because of that the accusation will be made to the detriment of our reputation in Missoula, to the detriment of our Democratic candidates, to the detriment of their power and the legislature is they hold that largest group. The bottom line is it’s Republicans who monkey with elections, not Democrats and that’s the concept. We in Missoula have this higher standard that we need to conform to. Every decision we make here, every decision should represent the most important principal of the Democratic Party, that the right to vote shall be unabridged and unimpeded. That no voter should ever be disenfranchised, including from the very mechanism of the elections themselves and this burden falls on you. So we employ you, don’t take the decision about how they get to vote essentially, out of the hands of the citizens of this county. Most citizens view this as the most important government function that we provide. That in Missoula we know and we need to say to everybody across the country, we work for the voters, no matter what, it’s the voters who count. Thank you so much for your time.

Cynthia Wilkin: I also on the Democratic Central Committee and I am a candidate on the ballot this November. I would echo everything Jeff has said and would urge you to keep election duties to an elected office holder. I think this is sort of a good government issue, I think transparency and accountability are really key. And I think even with the best of intentions and I think you guys all have great intentions, I feel like transparency and accountable will decrease regardless once these duties move to a bureaucrat. I also have a real concern that over time decision making on elections is gonna be driven more by budgetary concerns than access for voters and making sure that most people have the greatest chance to vote every election, primary elections, general elections. I don’t think we should be supporting a policy that sets up a potential conflict between access and budge because we all know that democracy costs money and I don’t think we should move that to a position where that might be an issue. I do like all the requirements that were drafted except I don’t understand the carrying 65 pounds one but that’s okay must the ballots. I think these are all really good and all really required. I would leave it to the voters of Missoula to decide whether our Elections Administrator is qualified and I would just respectfully request you not move forward this. Thank you.

Mary Gray: I’m a Democrat. I’m also with the Democratic Central Committee. I have a written statement by Todd Lowbray, Representative for House District 97. He was unable to attend and I’d like to submit this.

My comments: The statistics that Vickie presented to you, she herself mentioned that they were not weighted in any way shape or form, so they’re basically antidotal evidence. They’re not scientific in anyway shape or form. You’ve been given scientific evidence and studies, you haven’t found specific scientific evidence and studies that say it’s better to have it as an appointed position, you’ve only been able some antidotal evidence that’s unexamined. That’s not the way Democrats work, we don’t just poo-poo science and we don’t embrace antidotal evidence as ______. One of the reasons why so many people feel such passion is the visual fear of disenfranchiseism. It would happen, you’re taking it
away from us being able to vote for someone that’s effecting our elections, actually making the elections possible, making our votes count when they need to be counted. We should be able to, if there’s a problem with that person, have them directly responsible to the electorate and not have another group of people, three (3) people to have to go through. It needs to be direct, if there’s a problem let us take care of it. We’re the ones that it effects the most, there’s no need to have another barrier to have to go through, find out maybe it’s going to take six (6) years to get different people in to try and finally fix the Election Administrators Office. Let them be accountable to us, the people that are affecting the most. I was pretty harsh last night at the Democratic Central Committee about the fact is honestly, the way people are viewing this, if you vote for it, it’s just going to be temporary. You will be seen as disenfranchising people. You’ll have to fight back every time you have an open hearing, a public hearing. You can be viewed as that way, you may not wish that in any way shape or form. What you are trying to do is actually…because Vickie has done an incredible job as an Elections Administrator and she’s built a system that’s actually nationally recognized in excellence, you’re trying to preserve that. But you’re trying to fix something that’s not broken and in doing so, the view that people are seeing, what people are seeing you do is disenfranchising people. They’re not looking at the fact that you’re just trying to preserve something. It’s working now, it's not broken, leave it alone. They will not view this in any positive manner and it will be temporary, we’ll have it back into elections as an elected position pretty soon, if you do this. I can almost guarantee it and as a matter of fact I’m willing to take that bet if anyone is willing to bet me? Please be careful at what you do, appearance does mean stuff, its incredible important. Please be very, very careful and make certain that your decision is based on facts that have been examined and not just facts that you want to get to support the position. Thank you so much.

Jerry O’Connell: Actually I don’t have much to say because everything they said covered the ground so I will thank them for their wisdom and simple add; If this was put in place and was a nominated position rather than elected, I’m not concerned with the way you three (3) Commissioners would handle it. I’m comfortable with you folks as individual’s and politicians and decision makers. But things can change and can change much quicker than anybody ever envisions. Change is going on all around in Missoula County, just ask Erik Canner.

Chair Curtiss: Did he move to Missoula County?

Jerry O’Connell: No, but it’s an indicator what can happen in elections and the pressure of that far right to change things and to slip into positions of power where they weren’t expected is…creeps me out a little bit frankly. The thought of should that happen in our county with this rule in place, what kind of dastardly acts could take place? I don't want to see us in that position to have to worry about that. So I would strongly hope that we can keep this as an elected position and I’m all for that concept of the people republic of Missoula, I love it and I want to keep it that way.

Lauren Myer: I am a Republican, Vice President of Missoula County Republican Women. Today I’m not speaking as a Republican; I’m just speaking as a concerned citizen. I can say that I’ve been to hundreds and hundreds of Republican meetings of all different stripes and flavors and I can tell you voter disenfranchisement is not on the agenda, in fact. So I just wanted to clear up that misconception, it's not something we’re worried about, in fact
the opposite. I also want to point out that appointed Elections Administrator positions are becoming more frequent across the country now. It's a trend that increasing, including in such Republicans strong holds as Seattle. Oh wait, that's a Democratic strong hold, in fact the whole State of Washington has appointed Election Administrator Offices as well and I hope we all recognize they are probably not under the control of Republicans. In conclusion I want to put forth my support again in favor of this Resolution of supporting the professionalization of the position of Elections Administrator.

Representative Bennett: I will join the chorus of saying that I think that our system works as it works right now is an excellent system. We are very fortunate to as somebody that has the opportunity to interact with many Election Administrators and County Clerks to have the very best one here in our backyard. Vickie and her staff, I want to make sure to include them because it is a team effort and they have done an incredible job. Have done a really wonderful job of putting together our elections and making sure that everybody's accountable or they remain accountable to people. To me that's the largest issue here is accountability. I think that we fortunate here in Missoula because 9 times out of 10 the things that the people want are the things that Vickie has in mind and there's a couple things that she's brought up here and there that we've gone back and forth on and she's been incredible responsive to the issues that people brought up. When we were talking about pulling consolidation a few people raised a few polling locations that said we'd like to keep these ones and we did and we found a compromise. I think that that's a great showing of what accountability the people is all about. I think having this position being elected has resulted in strong responsiveness between the people and our Elected Administrator. I do think it's really important that we think about this decision not in the light of the people who are in your positions now but in light of who will be there in the future. We don't know who's going to be sitting at these three (3) positions in the future. We don't know who will be our Election Administrator 20 years into the future. Because I have a lot of faith in the people who are here right now but I don't know anything about what the future holds, we won't always have the people here that we trust. I'm not here to point fingers at one party or another but there is a movement nationwide to lead towards more voter suppression efforts. There are people who want to take away opportunities to register to vote, they want to take away different dates when people can register, they want to require ID's or limit the ID's you can use. That's simply a reality, we saw those bills in the legislature and this fall we're going to be voting on a ballot initiative to eliminate same day voter registration, that's where we are. In a world that exists where these attempts are being made, I think that we need an Elections Administrator that is accountable to the people so that if anything like that were to ever cross there mind the people would be able to answer and be able to push back against that. We might end up with a commission that agreed with that. I'm fearful of a situation where we wouldn't have that recourse where only a commission would be the people in charge. I think it's important to say that making this an appointed position doesn't really remove the partisanship because they're still being appointed by partisan elected commission. Certainly they won't have to stand for election but being appointed by political people is certainly the same sort of thing in my mind. I think it's also important to say that all jobs are gonna have a learning curve. I know that was a strong argument for maintaining this as an appointed position so that we could try to keep some of that institutional knowledge and I understand the desire to do that because that makes sense in some senses. But right now we have a brand new Sheriff that's coming in, we have a brand new County Attorney, people that have never had these positions before, they are very important positions. They're gonna have to learn they're gonna have to take on that job and I think our County Election Administrator, our County
Clerk & Recorder is gonna have to be able to do that as well, and I think they will. These going to be some hiccups but they're gonna learn from their predecessors and they're gonna have an opportunity to step up and have new and creative ideas about how to make our elections more accountable. The advisory committee that you all mentioned I think is probably a step in the right direction but it's not accountability. I serve currently on the elections advisory committee and the same day voter registration committee that Vickie has been so good to put together and it's been incredibly helpful to be able to offer advice and feedback to that whole group as we try to come back with these things. But at the end of the day I don't get to have a vote, I don't get to make a decision; the person who's our Election Administrator gets to make those final decisions. That's the reality of what it will be if we allow if allow for this advisory committee, certainly they can say; hey, hold on we don't really like the direction you're going but at the end of the day it's not their decision to make. So I think that, if we're looking to the future, I think it's not so much just the bit about accountability because I've heard from the people we were here last time and they said somebody's who’s appointed versus elected is just as accountable to the people as anybody else and that's just not the case. It all comes down to who you're accountable to. It's my preference and I think it's the preference of the people in this community to have somebody who's not accountable to a County Commission or just accountable to ten or so members on Advisory Committee, they want somebody who's accountable to all the voters. I think that's what we should come to expect. So what I'd like to leave with is a compromise that I would like to bring to you as a possible opportunity to come forward or to move forward with; I recently in my other capacity as a State Legislature offered to build draft to create a position of an Elected Election Administrator position. A new position that counties could create if they're so inclined. I would like to work with you to advance that through the legislature and see it pass so we can accomplish the goals that you would like to see of a new position that is outside of politics that is a person who would be able to take on that burden and not be encumbered by all that other duties of a Clerk & Recorder but also accomplish the things that so many of us in the audience care about of being elected. I'm open to the idea of that person being a nonpartisan elected office to try to eliminate some of that issue but I think that's a better way forward. Keep that person elected but maybe make it a separate position so that we can have our cake and eat it too, in many ways. Thank you for the opportunity and I hope that you will consider not moving forward with this proposal but considering a different one.

Chair Curtiss: Representative Bennett how do you propose that that addresses the one problem that we talked about is that every four (4) years that person is still on the ballot, has to maintain hands-off of an election process that we are saying that we them to be accountable for?

Representative Bennett: That is going to continue to be a problem for all elected official. If we want to keep this position elected and accountable to the people, they're gonna have to run for elections, that's just part in partial of how that works. That's an issue that I think we've been able to survive with pretty well into the last few years. Vickie has come up with some very creative strategies to make sure that everything runs well and that everybody is able to vote up until Election Day and get registered and do everything they need to do despite the fact that she's been on the ballot a number of times and even contested in some elections. That is unfortunately something that we're just not going to be able to deal with but I think that is the important piece of keeping that accountability that is the most important.
Commissioner Landquist: You said you would work with us on maybe creating a compromise and maybe having something worked out into law so that it’s an elected election administrator a non-partisan, I don’t see non-partisan working on something as simple as our Missoula City Council. How do you expect something like that to work on something like a local Election Administrator? How do you really insure that somebody’s really non-partisan when they run for office?

Representative Bennett: I can’t control what is in people hearts there is no person out there, especially someone that’s thinking about getting involved in helping with elections and being an Elections Administrator that hasn’t thought about their views on different issues. You’re never going to have somebody who is totally non-partisan. Obviously our members of our City Council have their own political meanings both left and right but they run as non-partisan offices. I think the non-partisan piece is just an option, I wanted to throw it out there because I think that is an intriguing piece for some people that I’ve talked to about moving this forward. I think that the non-partisan is helpful because it kind of pulls it out of the party apprentice. It’s not somebody that gets nominated by one party or another, it’s people who are running under no banner simply for...essentially like judges, people who are running to say; here’s my qualifications, here’s my background, this is what I think I can provide. I’m not running because I’m one party or another.

VonDeen Kopeski: I speak in favor of this proposal and I’d like to tell you why. There is a reason that many states are going to an elected administrator position. The primary reason is because the election administrator position is becoming an increasingly technical and complex position. I did some research before I came in today, the State of Washington; it has over 50 classes available for election administers so that they can learn to do that job better. It is a job that has become so technical that I don’t see how you can no vote for this, I don’t see how it can be one part of another job because in of itself it’s a full-time position and that reason more than any other I think warrants making this a hired position. One of the other speakers pointed out that in Yellowstone County there was only one polling place. The reason there’s only one polling place is Yellowstone County is because we’ve gone to absentee ballots. I think Vickie pointed out at this last hearing that when she first started sending out absentee ballots, I believe she said she sent out 500 and something, this last election more 25,000 people requested absentee ballots. So it is not fair or right to say that people would disenfranchised because all people have to do is request an absentee ballot and that’s the way they’re going. The reason polling places are declining is because more people are voting by absentee ballot, you know that. It is also not a partisan issue. The State of Washington is primarily a blue State, we all know that yet they’ve gone to an election administrators, as has the State of Texas which is primarily a red State. It is because election administrators are best practices throughout the nation in support of an increasingly technical and complex position. And for those reasons I ask you to vote in favor of this issue. Thank you.

Tyler Hernance: Before I begin I really do want to take some time to thank you all of you for your service to Missoula County, especially to Vickie for the service, your past and future service to Missoula County. I have tremendous respect for all of you but I disagree with you on this decision. I previously have spoken against the proposal and I don’t really want to rehash those same points. But I do think it’s tremendously important to understand the implications of the decision that is about to be made. I don’t mean to suggest that the world will fall or that you’re going to appoint some kind of boss tweet as the Elections
Administrator. But that being said I don’t believe there are a whole lot of positives associated with this proposal and I think there are a lot of negatives. First of all, you’re creating a position that is insulated from the voters of Missoula County. I have heard a number of times that the only current requirement for Clerk & Recorder is that you be an elector of Missoula County essentially that you’re 18 and registered to vote in Missoula County. Vickie has said this, frankly Vickie I have more respect for you than that. I think your qualifications far surpass the fact that you…I don’t know if you’re over 18, you must be if you’re elected but you don’t look a day over 17. Voters impose their own standards. I think that’s important to remember and while I respect the fact that as County Commissioners you will be imposing greater qualifications for this particular position. You’re essentially substituting yourself for the voters of Missoula County. Secondly, you’re talking about making this position and granting it a contract. As you have stated it is an at-will ~ it’s an appointment it’s an at-will appointment, which means you can fire them for any reason or no reason what-so-ever. Granting them a contract simply means that if you terminate them you are now liable under the contract for damages. So you’re creating a liability where there would otherwise be no liability. And as an Attorney who handles these types of cases and takes an inordinate amount of wrongful discharge calls, I can assure you that if you were to fire somebody they would be contacting many, many lawyers in town. It’s not something that’s necessary. So again a huge potential cost to the county. Third, and I don’t know how important this is; this was suggested at the last meeting in terms of succession planning. The issue of a Clerk & Recorder is up for election every four (4) years and in the event that the Clerk & Recorder were to lose an election they could somehow sabotage things on their way out. That’s true for any elective office and frankly it’s true for County Commissioners who would now be appointing an at-will Elections Administrator and would have the ability to fire that person at any point and time for no reason. Beyond that, Montana Law specifically requires that any outgoing elected officer in this capacity is required to perform their duties to completion before they leave and in the event that they do not perform those duties to completion, then their successor has a cause of action against them. So there is some previsions in the law that would account for that. But frankly, finally and most importantly I think is the amount of public comment that has been heard on this issue. This is the second meeting that you’ve had, a second hearing, the vast majority of comments that I have heard at the last meeting and at this one were in opposition to this proposal. Missoula area legislatures have signed a letter opposing this proposal. The Missoulian has written an editorial opposing this proposal. Frankly, if you’re not willing to listen to the voters of Missoula County on this proposal, what assurances can you give the voters of Missoula County that you will listen to them regarding elections in the future? Furthermore, what kind of environment are you creating for this newly appointed position? The newly appointed Elections Administrator is going to come into a situation where every action, inaction and misstep is going to be scrutinized under a microscope. That’s a very difficult position to enter into and frankly, ultimately it will…those criticism will come back to you. I know you receive a healthy amount of criticism already; this will be in addition to that amount of criticism. Frankly for our sake, as Missoula voters and for your own sake I would strongly urge you to reject this proposal. Thank you.

Pam Wallser: I spoke last time and I thank you very much for everything you do and especially to Vickie you have built an amazing elections department with some very great staff. One of the things that I believe I understand that with this position there’s no plan for increase in staff, there’s going to be essentially natural as far as staffing is concerned. So in a scenario one might assume that there could be a very qualified staff, one of the
deputies within the Elections Department that meets these requirements. In fact, all future
deputies might be required to have these kinds of professional requirements that would (in
auditable) for their employment. So when you’re talking about professionalism that can be
accomplished within staff but staff could be required to have the experience, have the
education, and have the expertise to meet all of these needs. This also solves some of the
problems about carryover from one election to another should the elections official lose
their elections or move on. I wanted to talk about the chart where there were the five (5)
counties that had appointed elected officials versus Missoula County and honestly I pulled
the general election turnout from 1992 to 2012. Missoula is in the proud position of being
49th out of 56 counties, in voter turnout. That’s very sarcastic; we are one of the worst. So
looking at all of the counties, not just those five (5), it’s all across the board. So just
because someone is in an appointed position does not mean that they’re having a better
turnout. So within Montana it’s not Scientifics, this is just the voter turnout, it doesn’t seem
to make any difference. Now there’s turnout versus voter disenfranchisement, which is
more than just turnout is; getting registered, staying on the rolls, lots of different things, lots
of different reasons. I would think it’s a good idea somebody suggested that there could
be a study of some sort within Missoula County trying to figure out what is the best for
Missoula or within Montana. With that comparison it really doesn’t seem to me to make
much difference in whether or not there’s going to be…Missoula not going to be any worse
off voter turnout at this precise moment with an appointed versus an elected. What is
important though is down the road as was mentioned budget. It’s expensive to run an
election the way Vickie’s been running elections. There’s an expensive that I can think of
that could easily be cut with this move is school elections and city elections are by mail and
the citizenry is we we’ve asked you to have drop locations. That’s expensive. I’ve sat
there at Lowell School and got paid to sit there and collect ballots. But there are hundreds
of ballots that might have not made it to the elections office in time, if it were not for those
drop locations. That’s just the way Missoula is. Even on Election Day people dropping off
ballots when they had lots of opportunity to mail them. We do a lot in Missoula to make
sure that every person that can vote gets a chance to vote. Vickie has expanded hours for
Elections. With an appointed administrator the dollar figure starts getting much more
important. I’m very concerned about by having it appointed over time the cost of Elections
is going to become a big pressure and rather than lately the budget is going up and up and
up with all these extra things to try and get better voter turnout, to move us from being 49
out of 56, move us up a few notches in voter turnout would be really nice. All that you’ve
mentioned of what you think would be the advantages for this I think can still be
accomplished within the current system. Current system I don’t think it’s broken. Having
an Elections Advisory in a more formalized basis is a good idea, whether or not it could be
an official board that people can be appointed to and serve and have rules and
responsibilities. But again, just like the Planning Board, you don’t have to listen to them.
That’s what Boards do but it’s not a bad idea but still could be done within the existing
system. There is a staff that provides continual professionalism and there’s no reason why
staff hires cannot be required to meet some of these professional requirements. You
talked about the competing priorities between the Treasurer’s Office and the Clerk &
Recorders and Elections Administrators how they all happen to hit at the same time, which
makes stress on the department. There is an option; I don’t know exactly what the legal
requirements methods are to reverse the combination of those two offices. Look across
the State, every county seems to have a different combination of offices. Ravalli County
has their Treasurer separate from the Clerk & Recorder; some counties have Clerk &
Recorder and Superintendent of Schools together. There is a wide assortment, Missoula
County combined those two offices as well combined the Sheriff and Coroner. We don’t
have an elected public administrator; I didn’t realize that was a position. Yellowstone County has an elected public administrator. These are things that if you feel that it’s just too much, even with not increasing staff, that you need to separate departments. That is one option that can be taken. And if the offices were combined it’s the County Commissions, I believe, responsibilities to combine and or separate offices. So that is another alternative just as Bryce suggested possibly if the legislation pass having a separate office of Elections Administrator.

Chair Curtiss: Guess I’m having trouble connecting the dots as to why an appointed person would not…somehow there budget would be less then needed when we have an appointed department ~ we have a lot of appointed Department Heads. Our Public Works Director is appointed. Our Planning Director is appointed. Our I.S. person is appointed. We don’t somehow say elected people get to have more money than appointed people in Missoula County. Missoula County has never not funded a request for things regarded to elections.

Pam Wallser: Well that is the perception. That is the general perception that the elected officials advocate more strongly for their staffing than someone that reports directly or indirectly to you.

Chair Curtiss: I can tell you in Missoula County that is not true. So the other one is you talk about having professional staff that would somehow be able to carry the ball. But they’re not accountable to the voters so how is that different?

Pam Wallser: The difference is their boss, the Clerk & Recorder, is the one who elections are tied to. If elections don’t work, the Clerk & Recorder is held responsible for that and will lose a reelection, may lose a reelection. When it comes to the County Commission, elections is a lower priority of all the different reasons why you might be elected or not reelected. Very often land use issues or taxation is what drives your reelection or election, not elections.

Commissioner Landquist: For the record the only email that I received today was from Floria and Doug O’Rourke reaffirming their stand that they’re not in favor of this but they do favor a board overseeing made of equal Republicans and Democrats.

Executive Session

Commissioner Carey: Thanks to the folk that have turned out today to speak to this, this does go to the heart of our democracy in a very real way. What we’re about is trying to improve public administration basically when we talk about this issue what’s the best way to run this in a sense of accountability, efficiency and needed expertise. Whoever said that this job of supervising elections is gotten much more complicated in the past few decades, it’s certainly true, it’s not something in my view that you can just walk off the street after winning an election and do well. Vickie, in my mind, has done an excellent job, not because she’s a Democrat but because she’s Vickie and she cares deeply about public service and she has the know knowledge and expertise to back all that up. If were not careful we could do something which would imparreal the integrity of our voting process, if we don’t get the right person for this particular job. I think doing it for three (3) years is a wise decision, see if it works, give it a try, if not we’ll change it. In terms of accountability,
in my view the Commissioners will hear about a significant problem in the elections office long before the voters will and it will come upon us and often is, is to take action to address whatever situation we’re looking at. I think we give it three (3) years, if it demonstrates that it’s not working and we’re all going to be paying close attention to it, we’ll come back and see what else we can do. But I want to take partisanship as far away from elections as I can. I want people who are knowledgeable and experienced and good public administrators and I think we’ll best get that if follow this current proposal that we’re looking at. I think it’s a little curious that Vickie justifiably has earned kudos around the State of Montana for her work but we apparently are not willing to except her recommended on how to best succeed her. I’m in favor of trying this for three (3) years to see what happens and believe me I care about the democratic process.

Commissioner Landquist: I’ve always tried to explain my rational when it comes down to why I’m going to vote a certain way on something, especially really intense, tough topic. I had been planning on going on to the general elections, so I was really planning on not taking a stand either way on this because I didn’t want it to be perceived on my part as having any sort of conflict of interest as to what I did with an elected position. Since it’s clear that I won’t be going on to an election in November, I’ve had to reevaluate and make sure that I was prepared to take a stand on this. I think that there’s five (5) things that I bulleted in this Resolution that I think are really important to note and I also think it’s important to note, I don’t want anything being misconstrued as far as this three (3) year period. We are appointing...if we go forward with this, creating the position and this Resolution gives us the ability to look at the position in three (3) years. As far as if we go forward with this and appoint somebody or hire somebody to fill that position, that position doesn’t necessarily get a guarantee of three (3) years in a contract. That would follow best practices hiring standards with a probationary period so I want to make it clear that creation of the position and the person filling that position are two (2) different things that we’re looking at here and I’ve heard things like if it’s not broke don’t fix it. That’s just it, we don’t want it broke. It is a question of making sure and guaranteeing that there’s good public administration and we don’t know what the future holds, which is all the more reason to make sure that we don’t allow for anything to get broken in something as important as an Election Administration position. This is the best time of any, if we were going to go forward and create this as an appointed position because we’ve got the superior expertise of Vickie Zeier to make sure that it happens just right. And everybody has...not one person has disputed the fact that she’s made us one of the best so why wouldn’t we take that recommendation from her and continue to make sure for the voters of Missoula County that we take all the steps necessary to make sure that the elections position remains one of superiority of all others. That’s where I’m coming from. One of the biggest things is that we don’t know what the future holds and this allows for succession, allows for...we look at this in so many of our other departments that as someone’s been with the county long enough and has done such a superb job and their getting ready for retirement, who’s going to replace them? It’s nice that we’ve got such dedicated people that work for the county. It’s nice that people stay with us for a long while know while they’re working for us that there may be an opportunity for advancement within the place that they’re dedicating that they’re job force, their years of working and to earn a paycheck, that’s it’s more than just a paycheck with benefits, that there’s room for advancement and planning for succession and who will fill those shoes after someone else retires and fill them without skipping a beat. That’s hugely important here, is being able to plan for that succession. Whether you are letting someone move up from within the work force or hiring that person and bringing them on board while that person is still here and before they retire and making
sure that they’re trained in all the processes. Because it is getting more and more technically with the equipment that people have to use and the processes that we have to go through. That’s where I’m coming from and I just believe that at this point I have to support Vickie’s recommendation on this.

Chair Curtiss: We’ve heard a lot of compliments today on Vickie and her staff and over the past several weeks. I’d like to brag about the Elections Office and Vickie a little bit more. Primary Election Day ran very smoothly, Vickie and her staff and dozens of county employees and more than 400 Election Judges oversaw that absentee voting provided late and same day registration sat up and ran 28 polling, staffed nine (9) phone lines to provide the support for the voters and the polling place managers. I served as a polling place manager in Seeley Lake so I can relate. They tabulated the votes, ran the election center, kept citizens updated, the media updated through social media and interviews. They provide technically staff to support the whole operation. Election Day success means customer service, voter privacy, voter access and election security and after election day staff has way more to do. They have to follow-up on processes like handling and counting the provision ballots, conducting the post-election audit, which will happen tomorrow and the next day. Canvassing the election and seeing that all the supplies are there and making sure that voted ballots are secure and all of that takes for strong leadership. Elections Staff works harder and harder each year, since we saw elections that were kind of bundled in some other places, it has become more and more important as was said for technical complex best practices to be followed. We also see it in the budget process and then first hand at the polls and as I said Missoula County does not budget based on who is elected and has power or is perceived to have power. We do it based on what is needed. I have never seen one request for an enhancement related to the elections. In fact, Vickie just informed us the other day that we need to start budgeting for new counting machines, we don’t need them this year but we’re going to need them and they are not cheap so we need to set money aside. Vickie, with input from the committee that we talked about, has worked harder every year to be more inclusive to more improvements, find better customer service and she does this because she’s dedicated to serving the public. But she’s also been emphasizing to us for years that there is a problem. We don’t talk about it out loud a lot but it is more difficult to run elections the more susceptible we are to making mistakes. When you’re trained as an election judge and you work every two (2) years, we are human and we’re apt to make mistakes. No matter what anyone’s position on electing or appointing an Elections Administrator is, I bet we can all agree that we have to avoid those mistakes. We’ve heard it before, we heard how complex the elections are and we’ve considered options to try and help. We’ve supported numerous bills in the legislature that would allow us to move to a system to vote by mail, to simplify the processes and reduce the risk of making mistakes. We now know that about 60% in Missoula County request that their ballots be mailed to them, so people are comfortable with it, it’s becoming a better way that people preferred way for people to vote. We’ve considered consolidating polling placed to reduce the risks of making mistakes because it’s hard to find enough people, we were short 35 on primary day from what was our optimum that we wanted. Neither of those options got us the support they needed to justify making those chances but that doesn’t change the fact that we’re still concerned about making sure every vote counts and that every ballot is passed as smoothly and effectively as possible and efficiently. Again, in this department to support (in auditable) the very complications of having an Elections Administrator step away from the duties of their office because they’re on the ballot (in auditable) based on this I support looking at having a full-time Elections Administrator as another option in solving this problem. It’s incumbent on us to consider
how to make sure our elections are safe, secure and (in auditable). What we’re focusing on is continuing all the things that we do right now. (in auditable). I think this is worth trying out for three (3), I think that’s a good compromise before the next Clerk & Recorder/Treasurer position is up for elections. To see how the voters feel, if they really feel disenfranchised. (in auditable) even though I know that everybody here represents a portion of that, we really have a small number of people tell us anything. So the recommendation coming from the best selection administrator in the State of Montana and probably in the United States, I will be supporting this. We the people in the Republic of Missoula will continue to make sure that we’re all heard. Missoula is not changing; your advocacy is not changing. I think that the danger in looking at a report or a study from another State is we’re not that state. The Secretary of State in Montana has put so many changes in place to make sure that we are doing things right and providing accessibility. Nobody is monkeying around with elections, we’re not changing how we’re doing elections, and we’re preserving how we do elections through this movement. So I too support this decision to adopt the Resolution.

Commissioner Carey made motion that the Board of County Commissioners approve to adopt the Resolution to appoint an Election Administrator pursuant to MCA 13-1-301. Commissioner Landquist second the motion. The motion carried a vote of 3-0

Vickie Zeier: The three (3) years will expire and a decision should be made before the filing begins for the next campaign if you decide that you want to put it back as an elected official. So I would recommend that we keep that in mind and that we know that this decision would have to be made by the end of 2017, which is about three and a half years (3 ½) with your final decision. Lastly, I just want to thank everyone for all the nice words you’ve said, (sorry ~ I’ve been really good, I haven’t cried since my Election Advisory Committee Meeting in April, I’ve been trying really hard) I’ve had a great staff and I can’t do this by myself, you’re all right, I don’t. As long as I have something to do with elections I can guarantee you that there will not be anybody disenfranchised because of their voting right because it’s just something that’s really important to me. I’m sorry, it just really means a lot to me.

7. OTHER BUSINESS
   None

8. RECESS
   Being no further business to come before the board the Commissioners are in recess at 3:15.