If anyone attending the Public Meetings needs special assistance, please provide advance notice by calling 258-4877. Missoula County will provide auxiliary aids and services.

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

Staff Present: Clerk & Recorder, Vickie Zeier, Deputy County Attorney, Dori Brownlow, Human Resources Director, Patty Baumgart

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
Commissioner Landquist announced Bob Browns retirement from the Fort Missoula Historical Museum. His retirement party was held last night at the Historical Museum at Fort Missoula. He will be missed.

Chair Curtiss: We’ll have a new Historical Museum Director starting July 1st.

4. PUBLIC COMMENT
None

5. ROUTINE ADMINISTRATIVE ACTIONS
Current Claims List ($4,451,892.91)

Executive Session
Commissioner Carey made motion that the Board of County Commissioners approve the Current Claims List in the amount of $4,451,892.91. Commissioner Landquist second the motion. The motion carried a vote of 3-0.

6. HEARING
Consideration of Election Administrator Position

Chair Curtiss read a letter from the commission.

Vickie Zeier read the responsibilities of the Elections Administrator. Vickie feels this should be an elected position; she stands by the voters of Missoula County.

Patty Baumgart read the job description and the hiring process; this is an employment contract, not to be confused with an independent contract for service. This is a Department Head level position. Jobs are posted in the Missoulian, on the County Webpage and the State Job Service which posts all over the State of Montana; we could use additional, if there are professional resources that can be identified. For the younger generation especially, we post on places like Craigslist and sometimes use Monster and things of that nature to make sure our word is out there. We can hold forums or whatever you decide is the best way for applicants to show their qualifications.

Chair Curtiss: This is a public hearing and I know in listening to what’s been presented so far, it sounds like we’ve made up our minds, we have not made up our minds. We want the public to have the knowledge that we really have thought this through and vetted different ideas so that we aren’t just going into this blind if we decide to go forward. Again, I would ask you to think about the pieces that we’re trying to solve, the things that Vickie talked about that’s such a challenge with this person having really three (3) jobs.

Public Comments

Commissioner Landquist read the names of the public comments that have received via email. All of these were against taking this position away as an elected position. The one from Summit at least did say that they support the County Commissioners proposal to remove the election duties from the Clerk & Recorder position and establish a new Administrator full time for that position, which would be accountable to the Chief Administrative Office (CAO). They still wanted that position to be elected, I believe, and nonpartisan.

Todd Mobray, Representative for House District 97: I’d like to thank you for having this hearing and listening to the communities’ comments. Thank you for giving us what I think, is a really a very well-run county. I know this being an election year people are talking about areas that they feel need improvement, but by in large we have one of the best running counties in the State. I don’t think any of us would have a problem with the current commission picking an election administrator but unfortunately you’re not going to be in office in perpetuity. As we’ve seen to the south, sometimes the commission can take on a totally different tone. Perhaps the Assistant County Attorney can answer this, but I presume that whatever minimum requirements this commission would of set, the requirements for the position could be changed by a different commission, is that correct?

Dori Brownlow: That would be correct. It would be up to whoever is entering a new contract.

Todd Mobray: So whatever requirements that might be suitable now could be changed. It also strikes me that what we’re dealing with here is auspices and accountability. For example, running a large county is much more than the three (3) of you can do, so you hire staff to do it. If running the elections had become complex and I appreciate understanding
how complex that is, I used to have a print shop in Lake County where we printed the ballots for the elections, so I was intimately involved with the elections. I understand since those days they have become vastly more complex. It strikes me that if you can hire someone to help run the elections, so could the Clerk & Recorder – is that possible from legal standpoint?

Dori Brownlow: Yes. Vickie can talk to that; she does have staff that helps with elections.

Chair Curtiss: We do have staff but still the Clerk & Recorder is the one that’s responsible.

Todd Mobray: Responsible, accountable and under auspices these elections are run. That makes them directly accountable to the voters, which I think is very valuable. I think it’s probably one of those notions that you’re exploring and I hope that you’re sincere when you say that you’re just exploring it and you haven’t made up your mind. Vickie’s thank you to the voters for making her a better election administrator seems to me to prove the point that having the election administrator accountable to the voters has been for her a very valuable experience. I don’t think we really need to fear that the voters of Missoula are going to pick some renegade. I think we can be confident in the wisdom of crowds.

Ben Darrow: I’m a registered voter. I’m very opposed to removing the Elections Office control from the Clerk & Recorder. First of all, there’s some ---- of that position by signing this report on the commission and elections administration, I’ve read that report and it very specifically addresses elected vs. non-elected officials and does not take a stance, I’ll provide the County Commission with that exact quote. I believe it’s slightly ahead of where Vickie sighted but it very specifically does not take a stance, so that report should not be used to make our decision one way or another, in my mind. It does bring up some very important points about how professionalism is important. If we have elected officials they would be responsive, if we have elected official who care about making sure people can vote, like Vickie has, then we won’t get great elections. When you are faced with this decision…that strikes me, I have one last question; would you even be considering this change if Vickie were not moving on? You have decided to make a change in the structure of the Elections Office because of this personnel change that you’re going through at the County. That really seems to be poor motivation. The reason for that being poor motivation is because you’re making policy decisions based on personnel and you need to make policy decisions based upon, not for people but who will be serving long into the future. You may think you could get someone better by having them appointed because of the wisdom of the commission, but I’m telling you, you’re going to spend more, you’re going to get someone with a good resume but do you really want to hire someone from outside Missoula – from Billings or DC to run our elections here? I think that personal touch or the person is connected to the voters is very valuable. We’re not going to end recruiting a better candidate by having our ads on craigslist compared to having an election. That’s what I really want you to consider, what produces the best results for the voters in Missoula? Election is the way to go.

Commissioner Landquist: I’d like to address one thing that Ben said; we probably would be sooner or later having this dialog about the elected position because we found out during the interview processes that with everybody that we interviewed, and how they felt
about certain divisions and their duties. We did find out when we interviewed Vickie that
she had been bugging Dale Bickell, our former Chief Administrative Officer (CAO) to get
this off of her head, one of the many hats that she was wearing under his umbrella, in one
way or another because of the value that she saw of it being more of a full-time job and the
conflicts that happen during elections and the busy season. This was on her radar for a
long time, it was just really the first that we became aware of it; it had been more between
her and the former Chief Administrative Officer (CAO).

**Pam Wallser:** I’m the Communications Director for The Missoula County Democrats; we
have a Resolution to retain the Elections of the Elections Administrator. Whereas the
Montana Democratic Party platform states, we support an open and honest election
procedures that ensure any citizen entitled to vote be provided that opportunity, late, same
day and online registration, mail ballots for any voter who choses one. We oppose all
efforts to suppress lawful voting through repeal of current practices, the imposition of
unnecessary barriers to voting, or intimidation and misinformation schemes. Therefore be
it resolved that the Missoula County Democratic Central Committee calls on the Missoula
County Commissioners to vote against removing the Elections Administration duties from
the office of County Clerk & Recorder and making an appointed position. Doing so would
disenfranchise Missoula County voters from their right to select their Elections
Administrator.

On my own behalf; moving the Elections Administrator to a staff position under the Chief
Administrative Office or the Board of County Commissioners does nothing to remove the
appearance of partisanship, rather it moves a critical Government duty administrative
elections from a directly accountable elected position, Clerk & Recorder, to a very and
directly accountability to the County Commissioners. Some of the suggestions within the
May 9th consideration papers that we’ve seen were thoughtful, such as formalizing an
advisory committee and those ideas can continue to improve elections administration in
Missoula. But these improvements can be implemented within our current system. One of
the things that seem to be glossed over is that the Elections Administrator does not do her
job in a vacuum; she has a very capable and highly trained staff and deputies to help her
achieve her duties. This will continue whether or not the Clerk & Recorder retains the
duties of the Elections Administrator or the County Commission delegates these duties to a
staff position under their purview. From the discussion we had last night at our meeting
with Commissioner Curtiss, there’s no plan to increase staffing with administrative move of
the Elections Office. So what is changing? What is changed is which elected officials are
ultimately responsible for the conduct of elections. Today it is the Clerk & Recorder.
Please retain the duties of the Elections Administrator within the Clerk & Recorder’s Office.

**Vondeen Kopetski:** A couple things that I wanted to maybe ask for clarification on
because I might be confused; although you’re talking about hiring an Elections
Administrator, there still would be an elections for County Clerk & Recorder, correct? That
person just would not have the duties of the elections. I think some people are confused
about that so I wanted to clarify that. Before I make my comment, I also wanted to say in
my professional experience from your Human Resources Administrator, the idea of hiring
someone and then putting them on probation is the way it’s done these days. Almost all
professional positions have a period of probation and sometimes that probation period can
be up to a year but 6 months to 9 months is certainly standard.

I speak in favor of this decision. I speak in favor of hiring an Election Administrator.
Lauren Meyer: In favor of making this a hired position.

Daniel Viehland: Thank Vickie for her service to Missoula County voters. Opposition to this change is about the future. It’s really vital that the person who safeguards our voting process is directly responsible to the voters.

Tyler Gernance: We’re not creating any new positions; it’s difficult for me to imagine how this is elevating a work load if we’re not actually creating any new positions. The same number of people are doing the job, I don’t see how it gets any easier. This should remain an elected position. Thank you for your service, you all do a fantastic job.

Kayje Booker: I’m here with Forward Montana, an organization intimately involved with Elections. I appreciate that you want us to bring our ideas about what this could look like and are offering this opportunity for public comment, but I wish that the process had been done differently. Vickie has raised some real concerns with the way the office is currently structured, the work load for example. I am for looking at this position and considering ways that we can improve it, I don’t think that this is the answer and I would love a public process in which we could, at greater length and a longer period of time to think about other ways that this office could be structured.

Vondeen Kopetski: I wanted to say something about being accountable to the voters and what that means. I think that one of the things that nobody said is because we’re all monitor to the work that Vickie did and grateful for it; what an opportunity we would be missing is she did not have the opportunity to supervisor the Election Administrator that you guys would hire. It is not true that there is greater accountability to the voter through an elected official. Conversely if you hire an individual, that individual is directly responsible to the voters through each of you and through the administrator and through the process of a probationary period, during which you can determine if that individual has the criteria and the ability and the skill for which you hired that individual. So you have a more direct and effective controls over that person’s ability to perform their job then you do with any elected official.

Bradley Seaman: I have a procedural question; in an organization if we were to seek forward and hire an elections administrator in an organization or a voter and that person was not doing their job effectively, what would the process be to look about trying to make their position further? If a voter had decided that they thought the Elections Administrator was not doing their job infidelity, what would that process be?

Dori Bownlow: I believe that process would be something that the county would need to undertake, if there were issues with their performance. It would be a Human Resources issue as far as they still would have progressive discipline within that contract. If there was reporting it would be something that the Human Resources would handle.

Chair Curtiss: I think you’re asking it like the first step though. You would do like everybody else does, you would come and tell the Commissioners that you didn’t think someone that was an employee of the county was doing their job, and then we go through what you’re talking about.
Bradley Seaman: With that form of accountability, if there was bringing forward a lot of different oppositions to somebody hired in, it would be then the job of the county Commissioners directly and the Elections Administrative Council to help determine whether or not they were performing their task to fidelity, right?

Chair Curtiss: It might mean that there was some corrective discipline or corrective measures that could be put in place, or could lead to terminating their contract.

Bradley Seaman: Currently the way that we have our Elections Administrator tied with Clerk & Recorder, if I have decided that you're not performing your task with fidelity, my option is to proceed forward with a recall, correct? I'm just hearing a lot of talk about what would be the accountability towards voters. I think there's a lot of confusion personally from me in how we can keep somebody who would be hired accountable to voters through the process of using an elections administrative committee and what exactly they would have (in auditable) as far as providing recommendations, providing effect Human Resource actions and bringing these forward. I feel like a lot of our/my mind concerns will come through from how we can provide accountability towards the position if we were to move forward in making it an appointed position versus an elected position. I think for me personally that's where I really get caught in, is would this be the first administrative action, where do the public people get that opportunity to bring it forward? Would it be brought forward directly to the County Commissioners? Would it be brought forward to the Chief Administrative Office? And how we can help work on that accountability.

Vickie Zeier: If the Commissioners chose to make this an appointment position, one of the things I would highly recommend that the Commissioners do is to have an official Election Advisory Board. This board would have ~ the one I have, the Election Advisory Task Force is something I created, really doesn't have any teeth, it's more or less a place for me to express what's going on with Elections and hear concerns from citizens. I actually see the Elections Advisory Board as a very formal procedure where complaints come from, the constituents of each of these board members would bring forward. Obviously, that discussion hasn't happened of who's going to be members of that board. I do think that it's critical that there be some way to get the information from the public into this process. I believe that would be a board. I've used my task force for many, many things and they have been valuable to my process and I honestly believe they would be valuable to the Commissioners and to an appointed election administrator. So I think if there's a board you would have the option of going straight to the Commissioners, you have an option of going to the board, you have the option of always going to whoever is in charge of that person, if it's a CAO.

Patty Baumgart: I think it's a really good question because this is an issue that you have to look at from two perspectives; one is that this would be an employee and if in an employment contract, yes you're right this could get bound up in certain aspects if we didn't approach it correctly. I saw a Anne Hughes white paper, she discussed this concept of an Elections Advisory Council, that makes a great amount of sense but it's advisory all the same. It really is incumbent on the Commissioners to hold the CAO accountable, the CAO to hold the Chief Selection Administrator accountable. But accountability would have to be considered when setting the contract because the terms of that contract, in how you can terminate it, aren't just wide open. They would have to be written in very careful about what considerations they would give. Some of our template languages hits the real
obvious; if you steal, if you drink, if you... the usual cardinal sins. There would have to be consideration if there’s cardinal sins to an elections administrator written in. Otherwise, you are dealing with a contract that does have an end. The worst, worst case scenario is you pay out that contract for two (2) – three (3) years and that has certainly happened, it’s nothing anybody’s ever glad to do with tax dollars, but it can occur. The best case scenario is that due diligence has been done by the CAO through a probationary period through monitoring performance, through listening to citizens input and making impact on that Administrator to hopefully improve performance and be on target. But I think the comparison that this woman, Vondeen, made is real important because based with a recall possibility that is pretty laborious indeed too. So just look at it for the face of what it is; you have a contract with certain ways to get out of it, you have a recall process that I don’t understand at all but it is a good question you ask.

**Bradley Seaman:** To follow-up with that; at the end of the term of the contract say it was a three (3) year contract and the Elections Administrator would appoint for it. What would be the process for either continuing that contract or searching for a new Elections Administrator?

**Patty Baumgart:** When the contract terminates the Commissioners could deem at that moment there would be language that said that if they did not intend to renew they’d give, let’s say 60-day notice. Vickie you’re not going to be the Elections Administrator anymore, they would have to take steps then to reinitiate a process to a point or to choose to do it as a direct, I pick you kind of political appointment. That’s not the recommended method of filling this position obviously.

**Chair Curtiss:** So the Commissioners have a similar type of contract with the CAO, the CFO, the COO, the IT Director, our Public Works Director and so as a general practice they’re renewed unless there’s some issue.

**Bradley Seaman:** And that would be a point and time where public could come forward to make comment if they felt like the Elections Administrator was not doing very well? It would actually be a year short then the current elected term. There are a lot of benefits and drawbacks to this and I’m not envious for your decision. Thanks for answering more questions for me.

**Anne Hughes:** Any Department Head is accountable to every citizen to Missoula County and any complaints or criticisms about their work that they do or their staff is taken very seriously and handled by the Chief Administrative Officer (CAO) and the Board of County Commissioners (BCC) when appropriate. That process is there whether you’re a voter or tax payer or a student.

**Lee Gordan:** The history in Montana of Election appointed commissioners is scary. Your basic concern is money, how much money you’re spending, not how well the voters are doing. It’s scary! What you do over time as Commissioners as the voting goes down we become much more, much more, much more controlled by money. That’s been the history throughout the state and throughout the country.

**Lauren Meyer:** Voter access is critically important but I don’t think that looking at this one factor, whether it’s a hired or elected position and looking at voter turnout and assuming
that there’s necessarily a relation there. I know some people have brought up a study
which I haven’t read so I can’t speak to it but I would also say that while voter access and
turnout is critically important, other issues like voter fraud are also important too. Have
voter turnout as the end all/be all for a reason for hiring or election the position, I think is
not right.

Chair Curtiss: I appreciate all of you coming today. The Commission plans to recess the
hearing today and continue the hearing on June 11th at our Public Meeting that day. This
will give us time to research some of the points that have been brought up and weight
things. We’ll be taking comment that day also, you don’t need to come and repeat what
you said today, it’s all part of the record.

Executive Session
Hearing is recessed today and will reconvene June 11th.

7. HEARING & DECISION (Continued from April 23, 2014)
Petition to Abandon a Portion of a Public Right-of-Way (portion of Lewis & Clark Drive &
Lolo to Lolo Hot Springs Road)

Chair Curtiss read the viewer’s report by Greg Robertson and Chair Curtiss.

Mr. Jenks, the property owner where the easement goes through, read the report and has
no further comments.

Public Comment
None

Executive Session
Commissioner Landquist made motion that the Board of County Commissioners approve
the Viewers Report and abandon that portion of Lewis & Clark Drive to Lolo Hot Springs
Road with conditions for the pedestrian right-of-way to remain. Commissioner Carey
second the motion. The motion carried a vote of 3-0.

8. OTHER BUSINESS
None

9. RECESS
Being no further business to come before the Board the Commissioners are in recess at
2:40.