

LINCOLN COUNTY COMMISSIONER MINUTES

JUNE 2, 2015

The Lincoln County Commissioner Mike Cole, Commissioner Greg Larson and Commissioner Mark Peck met for a session on June, 2, 2015 In the Lincoln County Courthouse. Assistant Election Administrator, Leigh Riggleman.

2:00 PM ~ Commissioner Cole called meeting to order.

Western News/Bob Henline: First request is for information requested by the Montana Freedom of Information Act. He is requesting contracts between Allan Payne and any agency, department or affiliate of Lincoln County as well as invoices and all documentation pertaining to payments made to Allen Payne. Commissioner Cole asked for motion. Commissioner Larson moved to give Mr. Henline the prepared packet of requested information. Commissioner Peck seconded and it was discussed that both the Lincoln County Attorney and the MACO attorney advised that the information being given is public information. **MOTION** carries.

Western News/Bob Henline: Second request is for information requested because of the Montana Freedom of Information Act. He is requesting access to any and all email communications sent to or from Bill Bischoff: to or from Robin Benson, Doug Roll, Vicky Lawrence, Allen Olsen, Barbara Desch, Peggy Williams and Brent Teske from September 1, 2014 to May 19, 2015. At this time – the Commissioners have had a legal request for an extension until Monday, June 8, 2015 to comply with this request from Ann German, Mr. Bischoff’s attorney. The Commissioners told Mr. Henline that there is an issue as to whether or not attorney/client privilege applies to the City of Libby Council communications but also how it might involve any emails shared by the county email system. The issue becomes a determination of whether or not attorney/client privilege between Mr. Bischoff and his attorney extends just to those from the City of Libby, but to Lincoln County as well. Mr. Henline asked for a copy of the letter from Ann German. He asked if the County Attorney has been involved at this point. The Commissioners are in the process of retaining legal counsel who will be a neutral party to advise them on this matter. Once the contract is signed, the Board will provide the name of the attorney. Cost is estimated to be about \$200 an hour and the cap on the amount expended has yet to be determined. The Board does not expect a large amount to be spent.

Commissioner Peck moved to postpone release of emails requested by Mr. Henline in order to give Mr. Bischoff’s attorney time to review all correspondence and pending a signed contract and consultation from legal counsel. Commissioner Larson seconded– no discussion – **MOTION** carries.

2:18 PM **Meeting adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Leigh A. Riggleman, Clerk of the Board

Jonathan B. Smith
Attorney at Law
501 3rd Avenue W.
Kalispell, MT 59901

May 29, 2015

Mr. Mark Peck
Lincoln County Commissioners
512 California Avenue
Libby, Montana 59923

Re: Engagement Letter

Dear Mark:

We have discussed my provision of legal consultation services to Lincoln County personnel regarding the legal requirements of Montana election laws and restrictions pertaining to participation of public officers and employees in elections. I am aware of no conflicts that would prohibit my representing Lincoln County.

My fee will be \$200 per hour, payable within 30 days of billing. It is impossible to determine in advance how much time will be needed, though I do not anticipate that the consultations will last very long. You agree also to pay any costs necessarily incurred, though, again, I do not anticipate expenses such as copying to amount to very much.

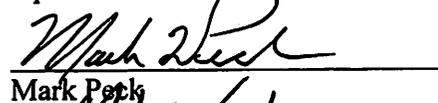
You are free to end my services at any time by writing me a letter or note. If you do, you agree to pay my fees and expenses up to the date of ending those services. I may withdraw my services at any time only if I have good reason, such as misrepresentation of facts or failure to disclose important facts, or if you do not pay my bills within 30 days.

If your Board agrees with the terms hereof, please execute this letter and return it to me.

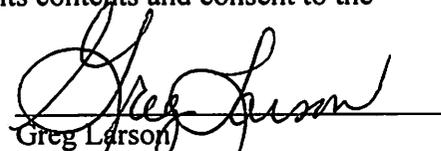
Very truly yours,


Jonathan B. Smith

I have read the foregoing letter, understand its contents and consent to the representation set forth herein.


Mark Peck


Mike Cole


Greg Larson

6-3-15
Date