

November 16, 2022

The Lincoln County Board of Commissioners met for a regular session on November 16, 2022 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Bennett, County Administrator Jim Hammons, and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

Commissioner Bennett opened the meeting with the **Pledge of Allegiance and Prayer**.

10:30 AM **Administrative Issues-Old Business / Resolution 2022-27 Eureka FSA Fee Increase / Audit Committee**

Appointment: Present were Election Administrator Paula Buff, Assistant Election Administrator Amanda Eckart, DC Orr, Scott Shindledecker, Shawn Smith, Veronica Bovee-Anderson, Mike France, Kate France, Ray Stout, Ann German, and Katrina Newton.

- Robin submitted the minutes for November 9, 2022 regular meeting for approval. **Motion** by Commissioner Teske to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Robin submitted Resolution 2022-27 Eureka FSA Fee Increase for commissioner review and approval. Commissioner Teske pointed out a wording error on the resolution. Robin said she will make the correction. **Motion** by Commissioner Letcher to approve resolution with correction. Second by Commissioner Teske, motion carried unanimously. Commissioner Bennett read the new fees as stated on the resolution.
- Commissioner Bennett spoke about the audit committee, requesting to be appointed to serve on the committee to learn and understand the audit process. Commissioner Bennett explained the audit committee was approved in May, two people were disqualified since they worked in the general election, therefore today is to approve two substitutions, and add Jerry Bennett to the audit committee.

Election Administrator Paula Buff submitted a letter as a supplement to the appointment of Audit Committee Members dated May 11 and May 26, 2022 wherein Election Judges and Audit Committee Members were previously approved.

Commissioner Letcher asked if judges are selected by specific election or by election cycle. Paula explained that typically judges are for an election cycle, and the initial members were approved and made of public record in May. Commissioner Bennett commented this was advertised publicly as part of the process and we can talk about expanding the public outreach moving forward. Commissioner Letcher commented that he just wants people to be more aware that they have opportunity to serve on the committee. **Motion** by Commissioner Teske to approve the Post-Election Audit Committee as presented. Second by Commissioner Bennett, motion carried. Commissioner Letcher voted nay.

DC Orr questioned a conflict of interest that Commissioner Bennett was a part of the motion to appoint himself to the committee. Commissioner Bennett said there are enough people on the committee and is willing to withdraw his name from the list.

The Post-Election Audit Committee members approved are Jeff Zwang, Kristin Smith, Anita Short, Dustina Deans and William Crews.

There was discussion and confusion regarding county employees and private citizens unaffiliated with the election serving on the committee and increasing public awareness/advertising outreach moving forward.

Ann German commented there appears to be a misunderstanding, and she received the list of judge assignments before the election and did work at a polling place, disqualifying her to work on the audit committee. The list she received included the audit committee members and was received way before the general election.

10:45 AM **Public Comment Time:** Present were Election Administrator Paula Buff, Assistant Election Administrator Amanda Eckart, Scott Shindledecker, Shawn Smith, Veronica Bovee-Anderson, Mike France, Kate France, Ray Stout, Ann German, and Katrina Newton.

Mike France said he has lived in Lincoln County since 1996 and thanked everyone for serving. Mike said sometimes we take for granted what all needs to be done, and hopes his comments make sense and will help. Mike expressed that he has zero reason to think our Election Administrator Paula is not ethical, and believes she makes every effort to ensure good and fair elections. Mike said he attended a Republican Women's Club meeting and does not feel we understand what people are demanding and encourages election staff and elected officials to understand those concerns. Paula commented to Mike that he seems like a real civic minded person and invited him to attend election judge trainings. Commissioner Bennett commented that election machines have been used since 1892 and there has been discussion for well over 100 years. Commissioner Bennett commented that mail ballot use has been a topic of discussion on both sides of the isle, both positively and negatively for many years. Everything is driven by the law and to the best of our ability we do that.

Ann German commented that she attended judge training, helped with ballot prep, and worked the polls and expressed that Lincoln County should be proud to have them (Paula Buff and Amanda Eckart) and feels the concerns expressed today were met.

DC Orr submitted the following letter:

Commissioners;

MCA 2-2-103: Public Trust- Public Duty legally binds public officials and employees to the DUTY of maintaining integrity in public service. It is the codified equivalent of "See something, Say something".

You all know that the counting of ballots in rural America is the LEAST likely form of election fraud we may encounter. You all know election fraud comes in many forms. I view your efforts to publicize this audit as nothing short of a dishonest deflection from the very real issue of election fraud in Lincoln County.

The most recent election fraud in this County came out of your offices when Commissioner Mark Peck betrayed the electorate by resigning his seat to take an appointment to a cushy County job he, with your help, created for himself. And he has not been heard from since.

The three of you continued this case of election fraud with the appointment of perpetual appointee Brent Teske to replace Mr. Peck. He then forced an honest County Administrator, Mr. Patrick McFadden, to resign so you could appoint Mr. Hammons, and all his previous baggage, to that seat. This further allowed Peggy Williams, adjudicated guilty of election fraud with Co-Defendent County Clerk Robin Benson, to be appointed as our Mayor.

You three supposed Republicans have engineered a coup, filling high public offices by unethical APPOINTMENTS.

And you have the unmitigated gall to consider Deputy County Attorney Jeff Zwang as a Judge in this farcical deception?

How do you expect to restore public trust by inviting the man accused of filing a malicious prosecution against me, without probable cause, ignoring exculpatory evidence, in a blatant effort to (successfully) manipulate an election by character assassination to be your "Judge"?

You definitely have a problem with public trust in Lincoln County. It is the result of years of abusive, dishonest leadership, and Jerry Bennett, Josh Letcher, and Brent Teske have not proved that they have the collective or individual integrity to correct that problem.

I would ask you to request a written explanation from your County Attorney to reveal her probable cause for my arrest, but I fear it would violate her 5th Amendment rights.

You will fail in your public duty to restore public trust until you make it clear that integrity in public service is a DUTY and each of you demonstrate that integrity in your individual actions. I pray that you are the men who can deliver this County an honorable leadership.

Sincerely, DC Orr

11:00 AM Public Health Update: Present were Jennifer McCully, Ron Goodman, Scott Shindledecker, Shawn Smith, Veronica Bovee-Anderson, Mike France, Kate France, Ray Stout, Katrina Newton, Tonya Laveway, Kathi Hooper, Ted Gernaey.

Jennifer talked about the Teen Mental Health First Aid Program, the funding received to move this program forward and provided a 1st Year Project Budget showing committed revenue to date.

Ron talked about mental health, anxiety, and depression among teens and expressed the issue of increasing capacity in the school and community is prudent and necessary. Ron said the Teen Mental Health First Aid is a good program and provides an opportunity to work together.

Jennifer said she is still seeking more funding but is requesting \$23,800 commitment from the county to start moving forward before the holidays.

Commissioner Bennett asked if the county commits \$23,800 today, and other monies come in, that money would come back to the county. Jennifer replied yes.

Commissioner Letcher expressed it would be a good program to move forward.

Motion by Commissioner Teske to commit \$23,800 to the Teen Mental Health First Aid Program with the condition that if any further monies come in, that money would come back to the county. Second by Commissioner Letcher, motion carried unanimously.

11:15 AM Public Hearing / Existing Easement Abandonment: Present were County Planner Jesse Haag, Noah Pyle, Scott Shindledecker, Shawn Smith, Mike France, Kate France, Ray Stout, Katrina Newton, Tonya Laveway and Ted Gernaey.

Commissioner Bennett explained the property location in Troy and road/right-of-way is between two properties; Bernall and a church. Commissioner Bennett said he has been looking at abandoning the row easement for a couple of years. Commissioner Bennett and Road Supervisor DJ Welch visited the site and located survey pins. Commissioner Bennett said he has communicated with all property owners and it is agreed to move forward with abandonment.

Commissioner Bennett asked if there were any public comments.

Ted commented the line drawn appears logical and fair.

Commissioner Bennett said he will have the Bernalls move forward with the survey to show the right of way access abandoned and new deeds with updated legal descriptions will be done so owners can utilize the property. Survey will probably be completed in 2023.

Motion by Commissioner Teske to approve abandonment of 1FG adjacent to Troy Cemetery. Second by Commissioner Letcher, motion carried unanimously.

11:30 AM Brent Campbell, BAC Consulting: Present were County Planner Jesse Haag, Planning Consultant Kristin Smith, representing BAC Consulting Brent Campbell, Shawn Smith, Ray Stout Scott Shindledecker, Katrina Newton, Mike France and Kate France.

Kristin explained that planning wants to update the Thompson Chain of Lakes Neighborhood Plan adopted in 2010, saying it is overdue for an update. There is now a lot of activity in that area. Planning has retained Brent Campbell to assist with the plan update.

Brent Campbell gave a brief history about his work and experience in Montana, noting that he is currently working with Green Diamond, a large property owner in the area. Mr. Campbell talked about the Thompson Chain of Lakes growth, new plan utilizing new information, new maps of development and having a conversation with the community and the

county. The previous plan included Sanders County as part of the watershed, although Sanders County never adopted the 2010 plan.

Commissioner Bennett suggested reaching out to Sanders County to see if they want to be included.

Commissioner Teske commented on the new RV Park issue, stewardship coalition, expressing that area is developing into its own community.

Commissioner Bennett said he would like to see a footprint initially to see what the expanse of the Thompson Chain of Lakes looks like. There is a lot of property that is going to stay in mass as the process goes, but also a lot of land is to remain open to development.

Further discussion focused on wildlife, fisheries, conservation easements, stewardship coalition, emergency services, transportation, water aquifer, traffic safety, and the importance of public involvement. Mr. Campbell said an updated plan helps future designers and development.

12:00 PM **Adjourned**

LINCOLN COUNTY BOARD OF COMMISSIONERS

Jerry Bennett, Chairman

ATTEST: _____
Robin Benson, Clerk of the Board