

**March 1, 2023**

The Lincoln County Board of Commissioners met for a regular session on March 1, 2023 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Hammons, and Clerk and Recorder Robin Benson.

Meeting allows for teleconferencing and VisionNet availability.

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

**9:30 AM C&R/Elections/Addressing Update:** Present were Election Administrator Paula Buff, Amanda Eckart, HR/Payroll Director Dallas Bowe, Evan Comella, Shawn Beers, Shawn Smith, Kathleen Johnson, Veroncia Bovee-Anderson, Mike France, Solomon Alcain, Dianne Hansen, Ray Stout, Tom Lane, Julie Flagtwet, Rebecca Nelson and Corrina Brown.

Robin requested the commissioners approve hiring a new entry level employee for the Clerk and Recorder (C&R) office. Robin stated the office has historically had five full-time staff; two full time in the elections budget and three full time in the C&R budget. Robin shared that conditions have evolved to where sharing employees is no longer doable. Robin stated that approximately 2+ years ago her office absorbed the County Addressing duties which is now a full-time position. Robin gave an overview of general C&R and Addressing daily tasks and elaborated on training for Addressing through NENA and ESRI, plus requiring more communications with other government entities as well as residents. Robin sees an immediate need for two full-time dedicated election staff focused solely on elections only. Robin reviewed financial data going through revenues and how it can ebb and flow. Commissioner Teske asked if the LASOC fees are sufficient. Robin advised the verbatim minutes take approximately 30 hours to compile for a 2-hour meeting to meet DEQ requirements. Commissioner Teske requested Robin compile a detailing of LASOC time that he can reference at next week's meeting. Robin stated Addressing and Elections are going to be requesting meetings with the commissioners to continually update them on progress; there is a lot happening in both departments. Commissioner Teske spoke about the Planning Department expanding and GIS needs growing within the county. Robin suggested the county look at having an internal GIS person and ween away from contracted service, except where consulting may be necessary. Commissioner Teske agreed. Commissioner Letcher presented a graph of real estate sales in the county over the last five years, indicating a decline in the housing market. Robin confirmed recording fees are down however that position is still required every single day. Robin said recording revenue may be down and those numbers do fluctuate with the housing market, however the addressing and survey fees may have increased with continued development. Commissioner Letcher questioned reacting to the real estate spike which has now tapered. Robin indicated she had provided a detailed overview of C&R and Addressing Tech daily tasks to the commissioners, creating a need for an additional full-time position. Robin reviewed the revenues received from grants leveraging the cost of having an election center and costs associated with increased physical and cybersecurity, noting that the elections department needs to be on its own network separate from the rest of the county. Robin provided detailed comparison of voters and election staff with Sanders County. Commissioner Letcher commented on the former structure of the C&R office where staff was both C&R as well as Elections. Robin agreed that is true, but now everything elections is at the election center and described current duties, legislation, new cyber and physical security requirements, the mass mailing of NVRA, and 8500 addresses are being verified and geo-enabled. Robin also said election staff attends daily training with the Secretary of State's Office. Commissioner Teske questioned the off-year workload. Paula commented that following the legislature, there are more bills proposed in this session than ever in the past. Robin thanked Commissioner Teske for letting her know that Lincoln County election staff was acknowledged by Secretary Christie Jacobsen at the recent MACo conference as well as several other counties. Commissioner Letcher asked if elections are so busy, why did Paula fire 3 election judges? Paula commented that she only removed one judge from serving in the elections. Commissioner Letcher said Pat King received a letter from Paula removing her from working in the elections and there was one other. Paula confirmed she did not remove any other judges, just one. Commissioner Letcher questioned a FOIA request and asked Shawn Smith if the information was received. Paula affirmed she had responded to the FOIA request. Shawn Smith confirmed to the Commissioners the FOIA information was received and was sufficient, although there was redaction. Commissioner Teske asked for time to review the request for the additional employee. Robin advised that she is seeking this position now and reviewed the county savings in creating the Land Specialist position as well as the Addressing position. Commissioner Teske advised he would like to review Planning, GIS & some C&R functions together. Commissioner Letcher questioned having staff at two locations and the overseeing of them. Robin advised that the C&R Office is not set up for election staff and if they were located in the C&R Office, they would still work full time elections. Robin confirmed that she has complete trust and confidence in all her employees and she is briefed regularly. Commissioner Letcher referenced a meeting about the post-election audit and asked Robin if she is able to properly supervise her employees, stating that Paula has falsified election documents, and felt he was ridiculed questioning this at a prior meeting. Paula commented this sounds like a personnel issue, this is not the right forum, but she would be willing to discuss it with HR present. Commissioner Teske stated that HR was present. Mike France commented that this is absolutely the appropriate forum to have this conversation, this is how fraudulent people and bad actors are discovered and have a right to know. Robin stated she has no idea of what documents Commissioner Letcher is referring to and has not been provided a copy of any specific documents. Robin advised she wanted a copy of Commissioner Letcher's "packet" to research this issue with HR, but stated she has complete trust in her election staff without hesitation. **Motion** by Commissioner Teske this request be postponed until he can review the budget between the Planning Department and C&R Office and resolve Commissioner Letcher's concern over Robin's employee management and claims against the election administrator. Second by Commissioner Hammons, motion carried unanimously. Robin and two members of the public requested a copy of the information documents in question from Commissioner Letcher.

10:00 AM **USFS:** Present were KNF Forest Supervisor Chad Benson, Jerry Bennett, Kathleen Johnson, Mike France, Evan Commella, Veronica Bovee-Anderson, Shawn Beers, and Shawn Smith.

KNF Supervisor Chad Benson briefed the commissioners on current and upcoming projects and delayed projects due to litigation.

DNRC has received a copy of the Montana Forest County Plan for review.

Black Ram, Knotty Pine, and Ripley are still in legislative/court processes.

KNF will be hosting visitors from the National Department of Justice; The attorneys are coming here for a visit this spring. Chad said he is looking forward to this visit in Lincoln County.

Chad expressed hiring difficulties, people not applying although offering a good employee package. More people are wanting to work remotely.

Chad discussed bill money, asking for 6 million, and is watching for opportunities for more money. We are being strategic and hope to see monies to help with roads and other infrastructure.

Working with WR Grace towards veg treatments in OU3. It is winter work and is on track for a 120-acre pilot project.

Commissioner Letcher asked about flagging along Hwy 37. Chad said he will see what he can find out and get back to Commissioner Letcher.

Chad, talked about vehicle incidents on Pipe Creek Road going to Turner Mountain and expressed this requires further discussion.

10:30 AM **Administrative Issues-Old Business:** Present were HR Director Dallas Bowe, Jerry Bennett, Kathleen Johnson, Mike France, Evan Commella, Veronica Bovee-Anderson, Shawn Beers, and Shawn Smith.

- Robin submitted the minutes for February 15, 2023 regular meeting for approval. **Motion** by Commissioner Hammons to approve minutes as submitted. Second by Commissioner Teske, motion was unanimous.
- Jerry Bennett said he is leaving for Helena in the morning and submitted a license agreement for signature.
- Dallas submitted applications for the Administrative Assistant position for commissioner review.

10:45 AM **Public Comment Time:** Present were Jerry Bennett, Kathleen Johnson, Mike France, Evan Commella, Veronica Bovee-Anderson, Shawn Beers, and Shawn Smith.

*Public Comments are not verbatim and handouts submitted to HR Director Dallas Bowe are attached at the end of the minutes.*

Shawn Smith spoke about thanking Commissioner Letcher about the management question. As elected officials, sworn to protect rights and uphold the constitution. When we raise questions about areas of concern, investigations may be required to determine what needs to be addressed. Shawn expressed concerns about integrity and flippant attitudes. Shawn said she filed a FOIA request in November to get more information and said the documents received were heavily redacted. Shawn said the Notice of the post-election audit did not have all the information required and was not posted timely. Expressed concern about audit processes, last minute changes, judge schedules, and as a contractor did not like that personal information went to everyone on that list. Shawn spoke about nepotism concerns and in the election department all personal opinions get left at home, all neutral at work at all times, knee jerk responses, election administrator using the term tabulation deniers to describe people in this county that have tabulation concerns, voters have all kinds of opinions.

Kathleen Johnson spoke about SB 385 to protect election judges. Lincoln County is not the only county to have election irregularities. Judges need to be able to speak freely without being removed from working elections. Kathleen questioned if Paula Buff's sister is working in the county attorney's office and if this is why FOIA requests are not being resolved. Lincoln County must audit all elections top to bottom.

Shawn Beers spoke about being referred to as a tabulation denier and asked commissioners to require Lincoln County to audit all elections top to bottom.

Evan invited commissioners to attend one of the Montana Election Integrity Project meetings this weekend.

Mike France said conflict of interest needs to be looked into and to look into Paula's actions to be corrected. Bad attitude is causing a lot of problems. Mike said he is not accusing anyone of fraud and he is thankful that is how he feels.

11:00 AM **Kootenai River Development Council (KRDC) Update:** Present were Chair of KRDC Kristin Smith, Frank Votapka, Kenny Rayome Jr., Mayor Peggy Williams, Jennifer McCully, Brian Zimmerman, Mandy Bell and Ann German. Kristin gave an overview of the role of KRDC and spoke about relying on Tina Oliphant's former position as Executive Director, brought in approximately 5million during her tenure in economic development work and projects. We are now missing out on opportunities. There is a need to be filled and economic development is critical for this county to invest in that position or role that we had in Tina's effort. Would like to see a new person in that role. Requesting to have continued conversations in how to reinvest in that position.

The group discussed continued economic development projects, recreational opportunities and the importance of having a person with the grant management and finance skillset, as well as building relationships and the coordinating ability of pulling together stakeholders to move projects and opportunities forward.

**11:30 AM Prisoner Transport Van Insert:** Present were Sheriff Darren Short, and Undersheriff Brent Faulkner. Darren said a transport van and cage was approved in October 2021. Darren talked about cost increases since 2021, and the difference from what was allocated through ARPA and current cost. With inflation outpacing us, we are needing approximately \$21,566 from the original approval. Darren said the van is a prisoner transport van, allows for up to 10 people, and provides an isolation portion, multiple people can be transported. The van can be used with other counties to pick up scheduled transports. Those counties would contribute or would be billed to help with transport costs.

Commissioner Letcher talked about some budget line items that are only at 50% spent and asked about costs to be absorbed in the budget.

Commissioner Teske mentioned including offsetting costs with billing other counties as well.

The Sheriff's Office budget was reviewed and discussed for areas to absorb costs.

**12:00 PM Break**

**1:30 PM Planning Update / Final Plat Approval Oh Deer Subdivision / Final Plat Approval Erwert Subdivision:**

Present were Jesse Haag, Calan Williamson and Corrina Brown.

Jesse summarized the status of the Oh Deer Subdivision. Commissioner Teske reviewed the seven conditions of approval. Planning recommended final approval. **Motion** by Commissioner Teske to approve Oh Deer Subdivision as submitted, based on planning staff recommendation. Second by Commissioner Hammons, motion was unanimous.

Jesse gave an overview of the Erwert Subdivision in the Meadow Creek area. Jesse reviewed the preliminary approval conditions advising planning staff recommends approval. **Motion** by Commissioner Teske to approve Erwert Subdivision as submitted, and based on planning staff recommendation. Second by Commissioner Hammons, motion was unanimous.

**1:37 PM Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Josh Letcher, Chairman

**ATTEST:** \_\_\_\_\_  
Robin Benson, Clerk of the Board

**ATTEST:** \_\_\_\_\_  
Corrina Brown, Deputy Clerk of the Board

## MARCH 1

It is SB 385. I also forgot to inform you to **SUPPORT** this bill. It is a good bill to protect our election judges from not being appointed after they are trained.

SB 385

*on*

The hearing was Friday, 2/24/2023 @ 3 pm in Senate State Administration, Rm 335.

We need a lot of people to testify on this important bill to protect our election judges from being eliminated from their positions due to social media posts & speaking at any forum & etc. regarding the subject of elections, Montana or National.

If you are not able to attend the hearing, you can contact the whole committee at the following link - <https://www.badbills.com/contact-your-legislator> . If you are testifying by zoom, you need to register by 5 pm Thursday, the 23rd. You can also call at 444- 4800 & leave a message for the whole Senate State Administration committee. Ask the committee to vote "YES" for SB 385.

7 Republicans

 [Mike Cuffe \(R-Eureka\)](#) – Chair

 [Wendy McKamey \(R-Great Falls\)](#) – Vice Chair

 [Dan Bartel \(R-Lewistown\)](#)

 [Steve Fitzpatrick \(R-Great Falls\)](#)

 [Theresa Manzella \(R-Hamilton\)](#)

 [Mark Noland \(R-Bigfork\)](#)

 [Shelley Vance \(R-Belgrade\)](#)

3 Democrats

*LC not the only CO in MT with election irregularities  
you are not being singled out. Lets just take care of this!*

### Talking points

1. Election judges should have the ability to speak out on a procedure or process of the election process that is not being done ~~incorrectly~~ without being threatened to be prosecuted.
2. Election judges should only be taken off the trained election judge list if they are not abiding by Montana election laws.
3. County clerk & recorders and election administrators should not be monitoring election judges' social media posts & etc. where a judge is speaking on any election or process of the election. Election judges should have the right of freedom of speech to speak regarding elections and/or the election process that does not violate MT election laws.
4. No chief judge should oversee more than one election precinct poll. The work of a judge can become too busy to handle more than one precinct. This also will prevent an election judge from making mistakes while working at the precinct.
5. County clerk & recorders and election administrators should have representatives of all political parties at each precinct polls & and on all county boards. This prevents election fraud at all levels.

If you have any questions, please contact me. Thank you! Becky Stockton

**Action Alert! - March 1<sup>st</sup>, 2023 - Elections in Lincoln County - County Commissioners Meeting!**

March 1, Wednesday, 9:30 a.m. in Libby, County Commissioners will be discussing the Elections in Lincoln County in 2022. Please be there in person or on Zoom and be prepared to comment.

**Coordinate carpool anyone?**

ZOOM Login – Meeting ID: **5451478326** / Password: **59923** [JOIN ONLINE](#)

Please be very aware of who you forward this to. You want to share with trustworthy individuals who will keep this information close and not on social media or into the wrong hands where our individuals are put on the defensive.

Please have your comments ready, be concise and to the point and respectful.

There is a packet available. This packet, organized to date, has been forwarded to Secretary of State and the Attorney General.

Paula Buff and Robin Benson are on the Agenda re Elections Info.

- They are using a tactic that is causing everyone involved to be over-cautious, that is, anyone opposing the actions by Paula Buff are said to be jealous of this younger good-looking woman. (I cannot imagine even getting away with this tactic! kj) *I understand*

? *Is* → Paula Buff's sister works in the County Attorneys Office. This may explain why FOYA's are getting nowhere. FOYA's are not being followed up. All FOYA's are being turned over to this office rather than the County Elections Office responding as is requested. *I know of 1 Foya request, over the end, that went unanswered.*

- There are still no answers why at least 2 conservative Elections Judges were dismissed from the process in 2022. *that went unanswered.*

? *Were* → Are Paula's actions malicious and lacking integrity?

- Lincoln County must audit ALL elections, top to bottom!
- At the end of this investigation we must consider whether Paula Buff should be terminated.

? *Is there any reason the LC Elections Admin & dept would not want to be 100% transparent re: LC elections to the citizens of LC? you want to be clear, squeaky clean, and assure us there is no reason to question the results.*

Name etc

Constitution of Montana -- Article 4 Section 3. States in part: "The legislature ... shall insure the purity of elections and guard against abuses of the electoral process.

The legal definition of "shall" is an imperative command, indicating that certain actions are mandatory, and not permissive.

As elected officials, you have been hired by the voters of this county and sworn an oath to uphold the constitution on behalf the voters.

When we, raise questions about an area of the county that you supervise, we expect that you will investigate so you have full understanding of the situation, coach and/or reprimand employees when necessary, and that you will make difficult decisions to separate someone from county employment if it's determined they have been derelict in their duties to county residents, whether willfully or negligently.

I had several concerns about the last election. Processes that were inconsistent with transparency and integrity, and a seemingly flippant attitude about anyone who had reservations on how things had been, or would be handled during elections. So, I filed a FOIA request on November 17<sup>th</sup>, to gather more information.

I will highlight 5 of many concerns here.

1. The election day schedule spreadsheet that I was sent on the 17<sup>th</sup> of November, was not the same spreadsheet that the Commissioners were sent just before the election on the 8<sup>th</sup>. The meta-data showed they were most likely the same document, but mine had been edited, with information added, after the copy that was sent to the commissioners.
2. The Notice of Post-Election Audit that was published in the paper did not have all of the required information on it and was not posted to the paper to run sufficiently in advance of the audit, according to the requirements of law.
3. The law states that election auditors must be chosen 'prior to the federal election'. The list of auditors was submitted to the county for vote prior to the June election, but the revised list of auditors was submitted to the commissioners by email on November 15<sup>th</sup>, and went for vote on November 16<sup>th</sup>. Just two days before the audit. The last-minute change was supposedly because two of the people who were on the audit committee had been election judges on the 8<sup>th</sup>, so they were disqualified last minute from being auditors. Because I was an election judge, I had received several judge schedules prior to the election. The disqualified individuals showed up on the October 18<sup>th</sup>, 2022

(pre-election), and October 31<sup>st</sup> (again pre-election) schedules respectively. So the questions should be asked: if it was known these two people were going to be election judges in October, which would disqualify them from being auditors, why did our election administrator wait to notify the commissioners until 3 days before the post-election audit?

4. Decisions made by the election's office in Lincoln County are questionable at best, regarding nepotism as defined in MCA Section 2-2-301. This should have immediately been addressed, as MCA is law.
5. Finally, I understand it is likely impossible to have the election office be personally neutral. We all have personal thoughts and feelings about politics. What I would expect, as an employer, is that our personal thoughts and opinions stay at home, where they belong. Especially in the elections office, where you work with people who have different opinions on a daily basis. Every time there is a difference of opinion, or a concern raised, it seems there is a knee jerk response meant to shut down any future opinions, questions or concerns. We see this in the media, and sadly in government. People are called racist, terrorists, insurrectionists, election deniers, anti-vaxxers. All in the name of shutting down an opinion or conversation that can't be otherwise intelligently defended. I found it disturbing, when I saw our elections administrator using the term 'tabulation-deniers' in FOIA'd emails, to describe people in this county that have legitimate concerns about election integrity. These 'so-called' tabulation-deniers, pay the county paychecks and have a right to have their questions and concerns answered. I find it difficult to understand how our county's elections office can say they effectively represent our voters, when it is so easy to inject personal bias into the work day by throwing insult at such a large number of voters. As the employer, the County has a responsibility to address this immediately.