



PUBLIC MEETING

August 13, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 13, 2020, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chair Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen and Commissioner Jim McCormick were present. Others attending all or a portion of the meeting included Peter Italiano, Charles Lane, Audrey McCue, Lindsay Morgan, Spencer Starke, Paulette Dehart, Kevin Wright, Tom Rolfe, Ronda Potter, Douglas Potter, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Resolution 2020-64 Requesting Treasurer/Clerk and Recorder and Election Administrator Paulette DeHart Conduct the November 3, 2020 General Election as a Mail Ballot Election with an In-person Voting Option. (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the resolution and the recommendation from the Elections Department to conduct the November 3, 2020 General election by mail ballot with an in-person voting option still available. The primary reason a mail ballot election is recommended is to avoid the health risks associated with in-person contact. If they thought, it would harm voter turnout or the security of elections process the request would not be made. Many different approaches occurred during the primaries across the nation with Montana standing out as a success. Some states had chaos and confusion, while Montana saw record turnout with results reported on election night. Despite the success, many citizens are worried about what a mail ballot election means for them and the voters. The main concerns being heard are people are troubled about the security of mail ballot election processes and their right to vote in-person. People will still be able to vote in-person, but that location has yet to be determined. She has not seen any evidence that mail ballot elections are more susceptible to fraud. She understands many people feel that is not the case and in speaking with voters, she has found many concerns stem from misinformation. Montana law dictates how absentee and mail ballots are processed. Ms. McCue provided and extensively discussed a slide presentation that included a review of the CDC COVID-19 guidelines, written for the entire country regarding elections and voting; challenges faced in administering an election during the pandemic such as recruiting and training enough election judges, notifying voters of relocations, keeping up with absentee demand; a review of the options looked at on

how to safely conduct the elections; an explanation of how mail ballot elections with in-person voting work. She addressed the main questions heard: what is the in-person voting option, what are the differences between absentee and mail ballots, is it secure, and will reports on election night be received.

Ms. McCue gave an overview of the in-person option that would be available October 2, 2020 through Election Day. She explained if a person comes to vote in-person and lost their ballot, the new ballot will be issued to them under their name and voter registration record. She added all issued ballots are tracked. When they see a ballot has already been issued they will void the ballot prior to a new issuance. This system has been in place for some time. The outside return envelope has a barcode. Training for the election judges could not be held this year due to the Coronavirus. She explained the active, provisional and inactive voter status.

As of August 7, 2020 Lewis and Clark County had 47,615 registered voters, 41,731 active registered voters, 31,212 absentee voters, with nearly 75% of active registered voters signed up to vote absentee. She explained the required signature on the ballot and the process if there is a discrepancy. She added voters can track their ballot online. Any evidence of fraud would be referred for investigation and prosecution. Staff recommends approval of the resolution.

Commissioner McCormick discussed the Governor's August 6, 2020 memorandum regarding the measures required for safe registration and voting; it mentioned county election administrators shall not close regular registrations until ten days before Election Day. He asked for an explanation on the statute regarding closing and the ten days. Ms. McCue explained the normal process is that registration closes 30 days before the election and signed application must be in by the deadline in order to vote in a polling place election on Election Day or to have a ballot mailed out in a mail ballot election. After the deadline, the requirement is to appear in-person at the designated location to register. Montana allows for registration up to Election Day. The directive pushes the deadline back to ten days before the election. The registration form is prescribed by the state and used across Montana.

Commissioner McCormick read from a letter sent by the Montana Association of Counties to Governor Bullock that read it is important to note that research does not support the claims that mail ballot elections benefit one political party over another or that there is increased opportunity for voter election fraud. Mail ballot elections have security features that polling place elections do not and anti-fraud protections are written into Montana law and read an example related to the ballot signature process.

Commissioner Hunthausen noted the proposed and recommended option before the Commission gives voters more options. Ms. McCue explained under this option by default all registered voters will receive a mailed ballot and any of them can use the in-person option. She further explained the online ballot tracking availability to voters and what it entails. Voters have stressed concern about the headlines regarding changes to the postal system and after discussion with the local postmaster, as well as other Montana counties and the regional post office; there are no policy changes that will impact the elections. She added the staff goes through a training on signature confirmation and explained the process.

Ms. McCue noted the law states ballots must be received by 8:00 pm on Election Day.

Commissioner Good Geise asked if the rural areas will be able to vote in-person and Ms. McCue noted with the extension on the registration deadline people could do everything through the mail for a longer period. Not knowing if the election would run this way in-person drop off locations have not been setup. There were no complaints during the primary election from rural areas. People that she spoke with noted having returned postage made mailing the ballot easier.

Commissioner McCormick asked about the security of the received ballots and Ms. McCue explained the receiving process in depth that includes sorting, signature checking, removing secrecy envelopes, ballots are either with staff or locked in rooms with an alarm system, removing ballots from secrecy envelopes, filling out of all necessary reports, tabulating votes, release of totals not released until after 8:00 pm on

election day. Ms. McCue explained the post-election results audit process with the results submitted to the Secretary of State. She then explained the canvas that goes before the elected officials where a comprehensive report of all ballots issued, returned and results of the election are presented.

Ms. McCue gave an overview of the systems in place to ensure hacking will not occur. The system is very decentralized with every state having different processes and every county or jurisdiction doing the results. The machines are tested prior to Election Day. She added the machines that count the votes are not networked or connected to the internet and are in alarmed rooms.

Paulette DeHart, Treasurer, Clerk & Recorder, noted all of the machines also have security seals on them that allows for detection of anyone touching the machines. The machines are located right in front of her desk and never leave that location. In Montana, there is the potential for counting provisional ballots the Monday after the election. The loss of facilities to use as polling places and the loss of judges to work was discussed. If there is, a polling place election chances are many of the precincts will be moved to the civic center or the fairgrounds meaning less judges and long lines. With the unknown COVID-19, there is the potential of decreased numbers of people allowed in the room, including poll workers. The lines would most likely be outside.

Charles Lane, Deputy County Attorney, reiterated the requirement that all ballots must be received by 8:00 pm on Election Day.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Resolution 2020-60 to Levy and Assess an Amended Tax upon Benefited Property within the 46 Degrees North Rural Improvement District No. 2017-01. (Petitioner: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess an amended annual special assessment of \$146.26 upon benefited properties within the 46 Degrees North Rural Improvement District (RID) for maintenance of the 46 Degrees North Subdivision's roads, stormwater, and mailbox improvements. The RID is located east of and adjacent to North Montana Avenue, west of and adjacent to Interstate 15 and south of and adjacent to the Treasure State Acres Subdivision. Resolution 2017-30 to create the RID was approved by the Commission on April 13, 2017 and Resolution 2018-60 to originally levy and assess was approved on July 24, 2018. The improvements associated with Phase 2 of the subdivision were not completed when the RID was created and originally levied and assessed. The amendment to the RID includes improvements now completed for Phase 2, in addition to levying and assessing an annual special assessment on property owners in Phase 2 for maintenance of the improvements in both Phases of the subdivision. The assessment includes, but not limited to, costs related to snow plowing, chip-sealing, crack sealing, culvert cleaning (road culverts only), stormwater infrastructure maintenance, mailbox cluster replacement, and other miscellaneous items. The total annual costs are \$13,748.08, divided amongst all benefiting properties. Staff recommends approval of the resolution.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Resolution 2020-61 to Levy and Assess an Amended Tax upon Benefited Property within the 46 Degrees North Fire System Rural Improvement District No. 2017-02. (Petitioner: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess an amended annual special assessment of \$13.40 upon benefited properties within the 46 Degrees North Fire System Rural Improvement District (RID) for maintenance of the 46 Degrees North Subdivision's fire protection system. The RID is located east of and adjacent to North Montana Avenue, west of and adjacent to Interstate 15 and south of and adjacent to the Treasure State Acres Subdivision. The Commission approved Resolution 2017-31 to create the RID on April 13, 2017 and Resolution 2018-61 to originally levy and assess the RID on July 24, 2018. When the RID was created, originally levied, and assessed, the residential lots in Phase 2 had not been created. The amendment will levy and assess an annual special assessment on property owners in Phase 2 for maintenance of the fire protection system. The total annual maintenance costs are \$1,260, divided amongst all benefiting properties. Staff recommends approval of the resolution.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Resolution 2020-62 to Levy and Assess an Amended Tax upon Benefited Property within the 46 Degrees North Parks Rural Improvement District No. 2017-03. (Petitioner: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III, presented the resolution to levy and assess an amended annual special assessment of \$22.26 upon benefited properties within the 46 Degrees North Parks Rural Improvement District (RID) for maintenance of the 46 Degrees North Subdivision's park and trail network, and park access maintenance easement. The RID is located east of and adjacent to North Montana Avenue, west of and adjacent to Interstate 15 and south of and adjacent to the Treasure State Acres Subdivision. The Commission approved Resolution 2017-32 to create the RID on April 13, 2017 and Resolution 2018-62 to originally levy and assess the RID on July 24, 2018. When the RID was created and originally levied and assessed the trail improvements associated with Phase 2 had not been completed, and the residential lots in Phase 2 had not been created. The amendment will included the trails completed in Phase 2, and levying and assessing an annual special assessment on property owners in Phase 2 for maintenance of the improvements in both Phases of the subdivision. The total annual maintenance costs are \$2,092.65, divided amongst all benefiting properties. Staff recommends approval of the resolution.

No public comment was received.

A motion to Approve was made by Commissioner McCormick and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Resolution 2020-63 to Approve Funding from the County Land, Water, and Wildlife Bond to Prickly Pear Land Trust for the Acquisition of the Potter Ranch Conservation Easement. (Applicant: Prickly Pear Land Trust) (Planner: Spencer Starke)

Spencer Starke, Planner I, presented the resolution that would grant the funds from the Land, Water & Wildlife Bond to assist in the purchase of the Potter Ranch conservation easement. Potter Ranch is a proposed 3,122-acre conservation easement. The project is locate 13 miles east of Helena, Montana and east of and adjacent to Spokane Creek Road. The applicant, Prickly Pear Land Trust (PPLT) submitted a level one application on January 2, 2019, on March 23, 2020 a level two application and due diligence materials were received. The applicant opted to go through the expedited review process and the reason for the due diligence being submitted with a level two application. County staff found the materials to be sufficient. On June 2, 2020, the Open Lands Citizens Advisory Council (CAC) heard a presentation and conducted a digital site visit. On June 9, 2020, the CAC recommended approval of the application after review and completion of the project evaluation matrix and based upon the bond criteria. On July 2, 2020, the County Commission accepted the recommendation and opened a 30-day comment period. As of

August 3, 2020, 28 public comment letters were received. They expressed both support and concern with the principle concern expressed was over the lack of public access. Staff recommends approval of the resolution.

Commissioner Good Geise noted when this was heard the prior month there was extensive testimony from the applicants and the owners. She asked if they would like to make a brief comment.

PUBLIC COMMENT -

Travis Vincent, Prickly Pear Land Trust Project Manager, thanked the Commission for their consideration of this. This has been a 2-year arduous process; they have gone through everything that included 70 pages of appraisal work, over 200 pages of baseline environmental data, and the CAC review process. He gave a brief overview of the project and reviewed the Open Space Bond criteria, noting it does not provide outdoor recreation opportunities, but it does preserve that option. It is not applicable that it is a working forest, it has significant ponderosa pine on it, but not large enough to be commercial timber. It is a traditional large ranch with several habitat areas. PPLT searches for properties that have contiguous property to manage growth. Mr. Vincent provided slides and gave a brief overview. The unique part of the project is its visibility.

Commissioner McCormick noted one of the received comments requested the land be opened for public use. Mr. Vincent explained a conservation easement secures for perpetuity that the land will not be developed. The landowner has the option of opening public access or not. They have allowed on a case-by-case basis public access for hunting, hiking and equestrian use. In terms of the actual management of the property, there has not been a setup that would adequately ensure they could continue their operation. He added there are some conservation easements that solicit the public to come out in terms that will not affect their operation negatively.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Amended Plat of Myles Minor Subdivision (Tabled 7/28/20) (Applicant: Timothy & Elaine Myles) (Planner: Spencer Starke)

Spencer Starke, Planner I, presented the amended plat of Myles Minor Subdivision tabled on July 28, 2020. The applicant has requested another extension to deal with the same two variances requested on fire protection. They are working on a more agreeable solution to those issues and have requested an extension to October 1, 2020,

No public comment was received.

A motion was made by Commissioner McCormick to continue the hearing to October 1, 2020 and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

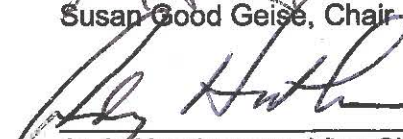
Adjourn

There being no further business, the meeting adjourned at 10:40 am.

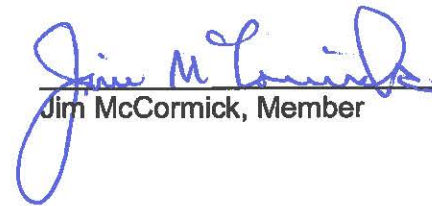
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Amy Reeves, Clerk of the Board