

Local Government Study Commission

March 16, 2016

Meeting called to order at 9:06 am.

Roll Call: Sharon Schroeder, Alan Thompson, George Corn, Scott Boulanger, Marilee Shockley

Minutes: Marilee moved to approve the March 10th minutes. Sharon seconded. All approved.

The final report was sent to MSU and MACO. We have been receiving emails from MACO in regards to the final report. The emails will be put on the website at a later date.

Scott asked for a clarification of the emails from MACO. They are saying that we have too many options and sub-options on the ballot. Also, the order that some of the options are presented. The third concern is the partisan versus non-partisan option for each separate office. MACO's interpretation of the law is that option has to be across the board rather than separately. George referred to Howard's suggestion that we only put in the number of commissioners, length of term, and partisan/non-partisan. George said we can have more than three sub-options though and MACO's attorney, Brian, did agree with that. Brian does say that partisan/non-partisan is all or none though. Marilee consulted a personal attorney who has the opinion that offering partisan/non-partisan for each position is opening the county to a lawsuit. Sharon agreed and suggested taking out the partisan option and going with three or four questions on the ballot. Scott agreed and stated that he does not want to do anything that could cause a lawsuit. He does not feel the partisan issue is important enough to the public to risk it. George feels we should do at least three questions and possibly four but take out the partisan option for the various offices. George feels that Howard wrote an excellent legal opinion that would hold up in court but it is probably still best to simplify the partisan option as all or none rather than by the office. Alan feels number of commissioners, length of term, and partisan all or none is enough on the ballot. Scott wants to keep all offices as partisan and that the public has the right to know the political leanings of the candidate. Scott wants to cut it down to two ballot questions. Alan commented that years ago the citizens did vote for non-partisan elections. It did not work well and six years later it was switched back to partisan. Having said that, he feels the citizens have spoken up and asked to vote on this. Marilee feels we cannot take the partisan option off the ballot at this late date after all the citizen commotion from the past meetings. She feels the district versus at-large option did not seem as important to the citizens and it could be left out. George agrees and feels that dropping the partisan issue at this point could cause a lawsuit also. Scott asked if it is possible to get sued for not doing something as easily as for doing something. Howard said that it is possible to get sued over anything. He doesn't feel it would be a successful suit, but it is possible for someone to form a suit on changing the ballot at this time. Alan said the easiest ballot to defend would be to have three options and no more than two sub-options. George and

Alan both agree that the partisan option for separate offices should be dropped, so the ballot is shortened to three questions. Sharon suggested going through all of the questions and have a vote on each option. Scott made a motion to eliminate three options so the ballot has two questions on it which would be the number of commissioners and the length of term. Sharon seconded it. George opposed. He wants to include partisan/non-partisan. He is concerned that deleting that now would open us to a lawsuit. Scott followed up with reminding the committee that we already asked Howard if we would or could be sued by deleting it.

Sharon pointed out that MACO also said the questions need changed around so that “For” and “Retain” are in the same order for each question.

Public Comment:

Jim Shockley – He feels that policy makers should be partisan. On question five, he feels it is confusing. He suggests that we keep question four and then state that all other positions would be partisan or non-partisan. He wants to keep question four and five but simplify question five.

Voted on the motion to put only question one and two on the ballot. Scott-I, George-no, Sharon-I, Marilee-no, Alan-no. Motion fails 3 to 2.

Committee decided to combine questions 4 and 5 which will become the new question number three.

Question one: Sharon moved that we keep question one as it appears in the final report. Marilee seconded. All approved.

Question two: All in favor of question two remaining on the ballot as written. All approved.

Question three: At-large versus by district. Marilee moved to delete question three. George seconded. All approved.

Question four: Partisan versus non-partisan for Commissioners. Sharon wants to combine four and five which then becomes question three and offers partisan versus non-partisan for all elected officials.

Alan suggested the following wording on the ballot. “Retain partisan elections as recommended by the majority of the LGSC. Discussed if the ballot can say “by the majority” or if it can only state as recommended by the LGSC.

Marilee moved that we adopt question three as:

The type of election for elected officials of Ravalli County shall be: vote for one:

Retain the existing partisan elections as recommended by the Ravalli County Study Commission
For the adoption of non- partisan elections.

George seconded it.

Sharon pointed out that we need to comply with Montana law by stating the question as “For” be on the first line and “Retain” be on the second line. The vote on amending the original motion to state “For the adoption of non-partisan elections” first and “Retain the existing partisan elections” second. Scott voted no. George, Sharon, Marilee & Alan voted yes. Amendment carries 4 to 1.

The vote on the amended motion as stated by Marilee to place the third question on the ballot as follows:

The type of election for elected officials of Ravalli County shall be: vote for one:

For the adoption of non-partisan elections.

Retain the existing partisan elections as recommended by the Ravalli County Study Commission
Marilee-I, Sharon-no, George-I, Scott-no, Allan-I. Motion carries 3 to 2.

Howard asked if the committee recommends for partisan elections for all position across the board. If so, we may need to make some changes to the final report. George stated that it is not a unanimous recommendation. Alan stated that George could change the minority report to reflect that. Howard said his concern is not that whether it is unanimous or not, but rather asking if the committee has had a vote to clarify the committee’s position on partisan elections for all positions. Sharon said we could do that as we go through the report.

The committee began going through the final report to make changes.

Alan asked for any further discussion to the ballot and final report. Sharon said we may need an addendum to the final report. George will add a page to the minority report to state his opinion of having non-partisan elections.

Marilee made a motion that all elected offices should remain partisan. Sharon seconded. Marilee, Alan, Sharon, Scott voted yes. George voted no.

George asked if this should be named the Amended Final Report. All agreed to input “Amended March 16, 2016” in the top corner.

Jonell will forward a copy of the final report today to MSU after George revises his minority report.

Sharon moved to approve the amended final report of March 16th, 2016. Marilee seconded. All approved. The committee then signed the March 16th amended Final Report.

Alan asked Klarryse to put the emails from MSU and MACO on the website.

The next meeting will be Wednesday, March 23, at 2:00 pm.

Meeting adjourned at 12:00 pm.