

COMMISSIONER OF
POLITICAL PRACTICES



COPY



STATE OF MONTANA

DENNIS UNSWORTH
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

October 30, 2009

Patricia Coombs
5365 Florence Carlton
Florence MT 59833

Subject: Complaint received October 21, 2009; Candidates for Sense

I have carefully reviewed the complaint you recently filed, and the additional materials you've sent in emails since then.

The complaint alleges in part that certain attribution statements required by 13-35-225, MCA weren't included on signs. You said that once we contacted the candidates, the "paid for by" attribution was added, but in your opinion the words are too small to see.

In the decision in the complaint against *Dee Brown, Jerry O'Neil, and George Everett (May 9, 2008)* I noted that to date neither the Legislature, by statute, nor this office, by rule, has provided direction regarding the specific appearance, size, and location of the attribution language required by the statute. We have attempted to draft a rule providing specific requirements, but it's apparent that the statute itself is lacking, and it will likely be necessary to propose an amendment to the statute during the next legislative session in order to provide the necessary specificity.

I cannot arbitrarily interpret undefined terms in the statute on a case-by-case basis. In the absence of further specificity, either in the statute or in an administrative rule, I will be unable to resolve this issue. Therefore I am dismissing this portion of the complaint.

Your complaint also alleges that several letters and a news story are "full of false statements," in violation of 13-37-131, MCA. However, you have not clearly identified the particular statements you object to, nor have you described in any detail why you believe specific statements are false. 44.10.307(2), ARM, requires that a complaint "describe in detail the alleged violation. . ." I am dismissing this portion of the complaint without prejudice. If you choose to re-file, you must be specific in describing the allegations.

Dennis Unsworth
Commissioner of Political Practices

Baker, Mary

From: Pat Coombs [dreamkpr@bigsky.net]
Sent: Wednesday, October 21, 2009 5:10 PM
To: Baker, Mary
Subject: Re: Bitterroot Star 10-21-09

The information provided to the reporter by the other 4 candidates is completely false. This is another malicious attempt to reach more than just the voters of the district. My opinion is that they are attempting to take it to another lever at libel/slander in another forum. It is just another attempt at libel.

----- Original Message -----

From: Baker, Mary
To: Pat Coombs
Sent: Wednesday, October 21, 2009 3:49 PM
Subject: RE: Bitterroot Star 10-21-09

Hi Pat,

The Commissioner asked me to request more information in order to accept this e-mail as part of your complaint. What are the specific allegations that you wish to include with this news story?

Mary

From: Pat Coombs [mailto:dreamkpr@bigsky.net]
Sent: Wednesday, October 21, 2009 3:35 PM
To: Baker, Mary; Mary Jo Brough(Western States Insurance)
Cc: Pat Coombs
Subject: Bitterroot Star 10-21-09

Mary this is a letter which came out in the Bitterroot Star Today. This can be added to my present complaint. Do you want me to mail it to your office or would this suffice? Let me know. Also I saw a state car with a gentleman taking pictures of the signs on Paul Kamrath's fence. I am assuming your office sent him out.

Thanks For all your help

Pat

Bitterroot Star

In Our 25th Year!

Wednesday, October 21, 2009

Florence water/sewer elections heat up

By Michael Howell

There are seven candidates running for election to three seats on the Florence County Water and/or Sewer District Board of Directors. Three of the candidates, Pat Coombs, Chris Anderson and Ray Thompson, are incumbents who currently serve on the board. The other four candidates — Paul Kamrath, Margie O'Brien, Judy Sass and Ron Sass — have banded together to pay for joint advertising and do joint mailings with the

express intent of unseating all three incumbents.

In an open letter mailed to community members, the four allied candidates accuse the three incumbents with making some "very unwise and questionable decisions" over the past few years.

Their complaints include a reimbursement of mileage to Board President Pat Coombs "without proper authorization," offering free septic pumping to a select few who returned an income survey, not

See FLORENCE, page 14

Wednesday, October 21, 2009

Florence continued

having signed copies of minutes of meetings over the last three years, and never adopting a formal budget. They complain across the board about the public being excluded from discussions and from participation in the decision making process.

O'Brien was critical of the septic tank pumping program because it is not grounded in scientific analysis or any proven need. The four call it, in their information packet, "a backward, band-aid

approach to groundwater protection."

Sass said that if the current board does not want to have a sewer it should not be collecting taxes for water and sewer systems that don't exist.

Current board member and candidate Chris Anderson said that the public voted 3 to 1 in 2003 not to build a sewer system in the district. He said that the concerted effort to unseat the current board members was being waged by the same people who advocated a sewer system but lost the vote. Now they want to disband the district.

"Wherever you find a board

you will find some disgruntled people," said Anderson, "but the feedback I'm getting is mostly positive."

Anderson said that there is a need for the district to provide educational material to the district residents concerning water quality and septic issues. He said that with a newly reduced tax of \$20 annually the district does some well water testing and some septic pumping to help protect the groundwater in the area. He called septic pumping the "least expensive way to protect water quality."

Other candidates did not return phone calls seeking comment.

Bitterroot Star

In Our 25th Year!

Wednesday, October 21, 2009

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By Michael Howell

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Florence continued

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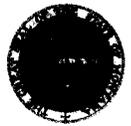
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Other candidates did not return phone calls seeking comment.



REPORT OF RECORD

Page 1 of 7

Case Title: Coombs v. Candidates for Sense

Date of Report: 22 OCT 09

Reported by: Robert M. Hoffman, Political Practices Investigator

Reported at: The Office of the Commissioner of Political Practices

Other Investigators: NA

Type of Report (Check One)

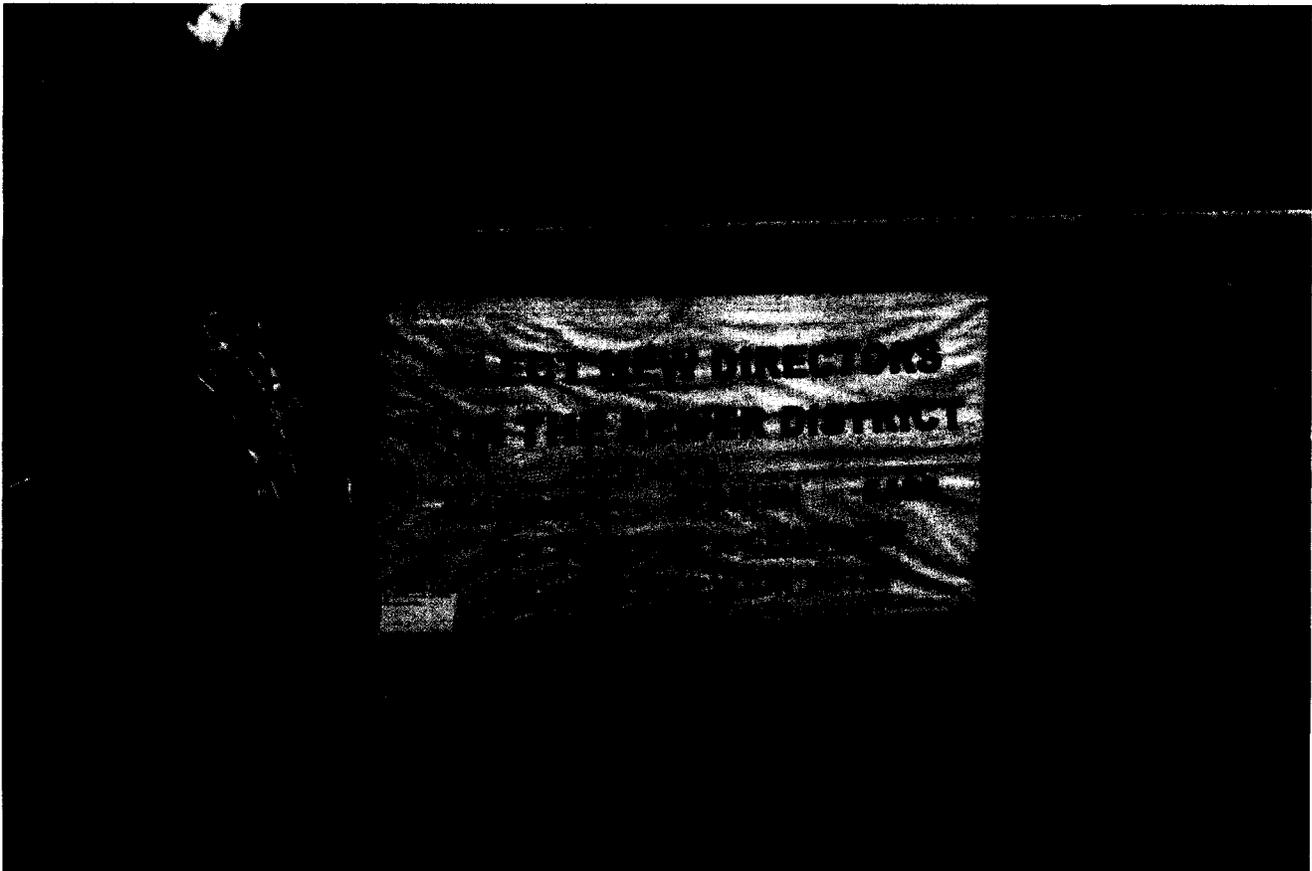
Collateral Lead
Phone Call
Witness Interview

Case Update
 Memorandum to File
 Other:

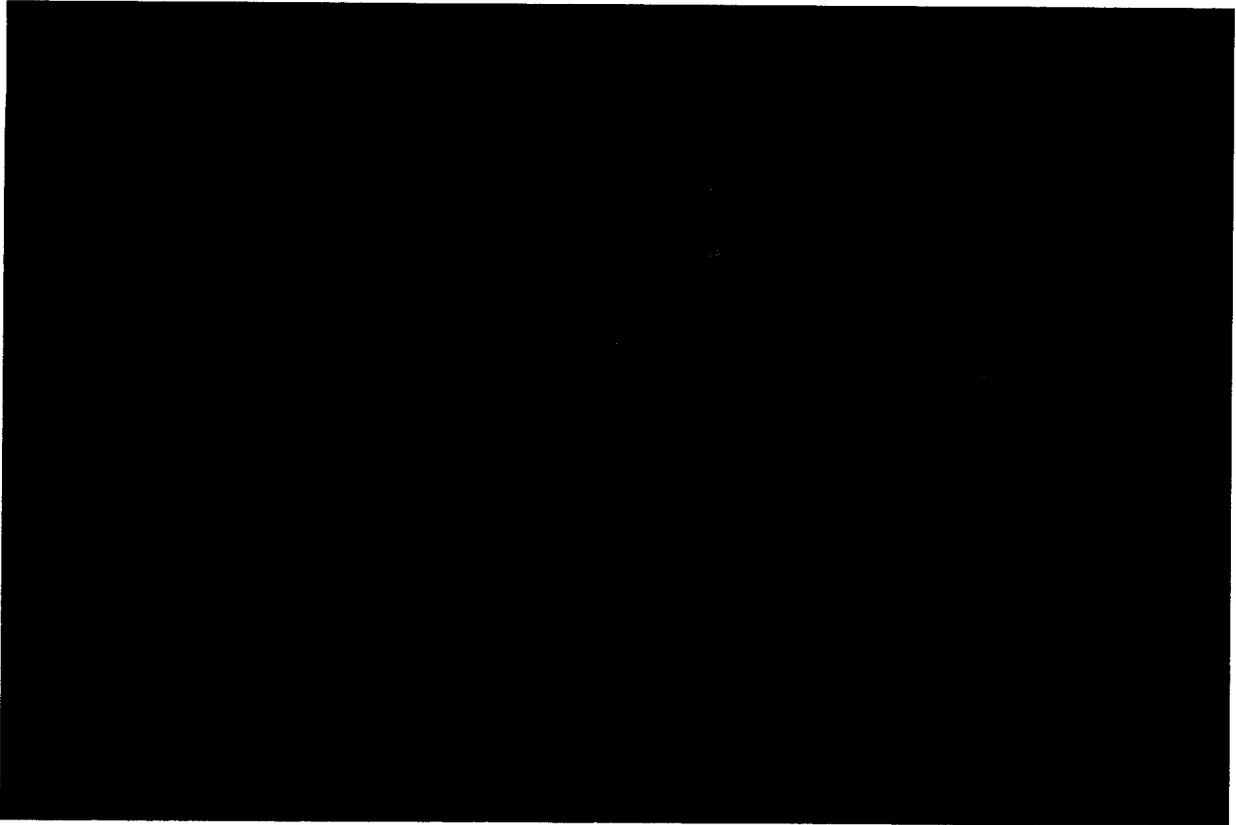
On October 21, 2009 this investigator traveled to Florence, Montana on a submitted complaint follow up that Kamrath, O'Brien and Sass, candidates for the Florence Sewer District, had three campaign signs in violation of Campaign Finance and Practice laws.

Location number #1 (Set of two signs on Property):

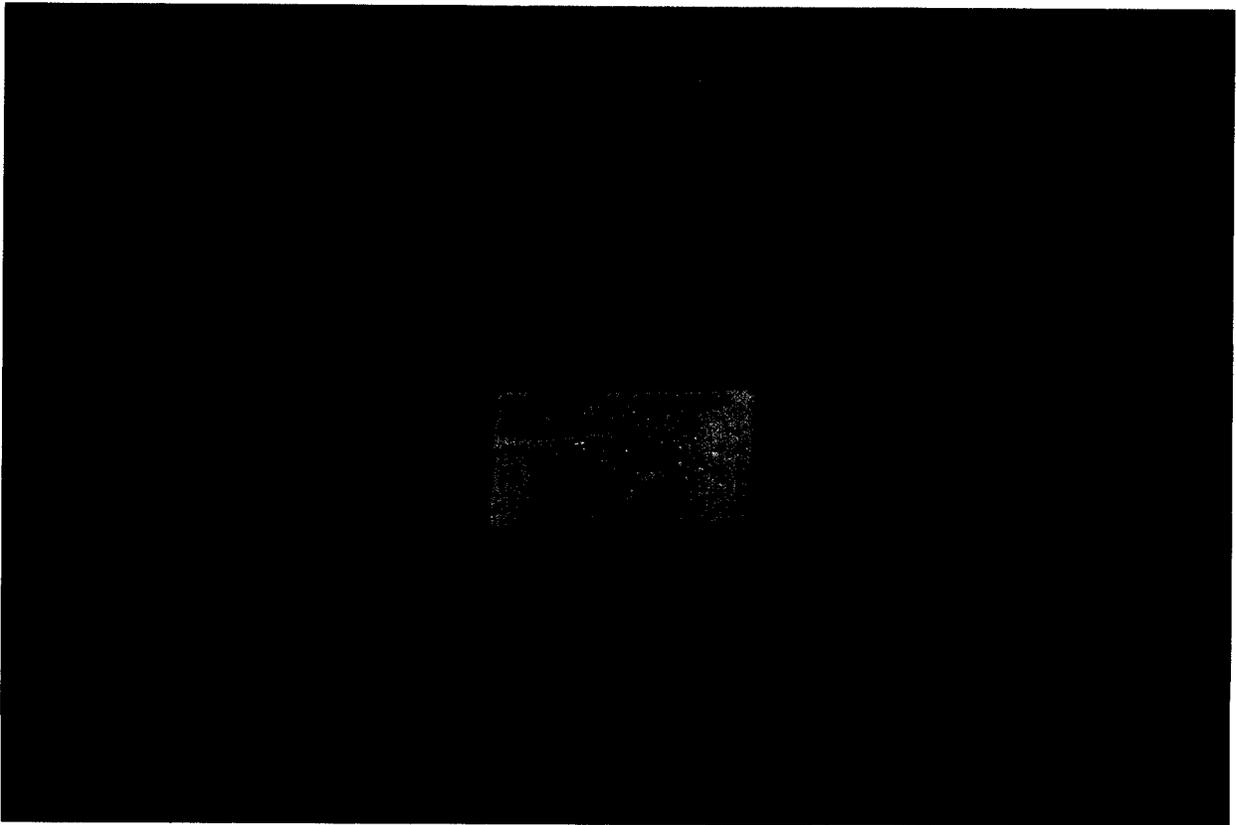
Located in Florence, Montana in front of 329 Hannaford Street, this sign was photographed on October 22, 2009 at approximately 13:45 by this investigator.



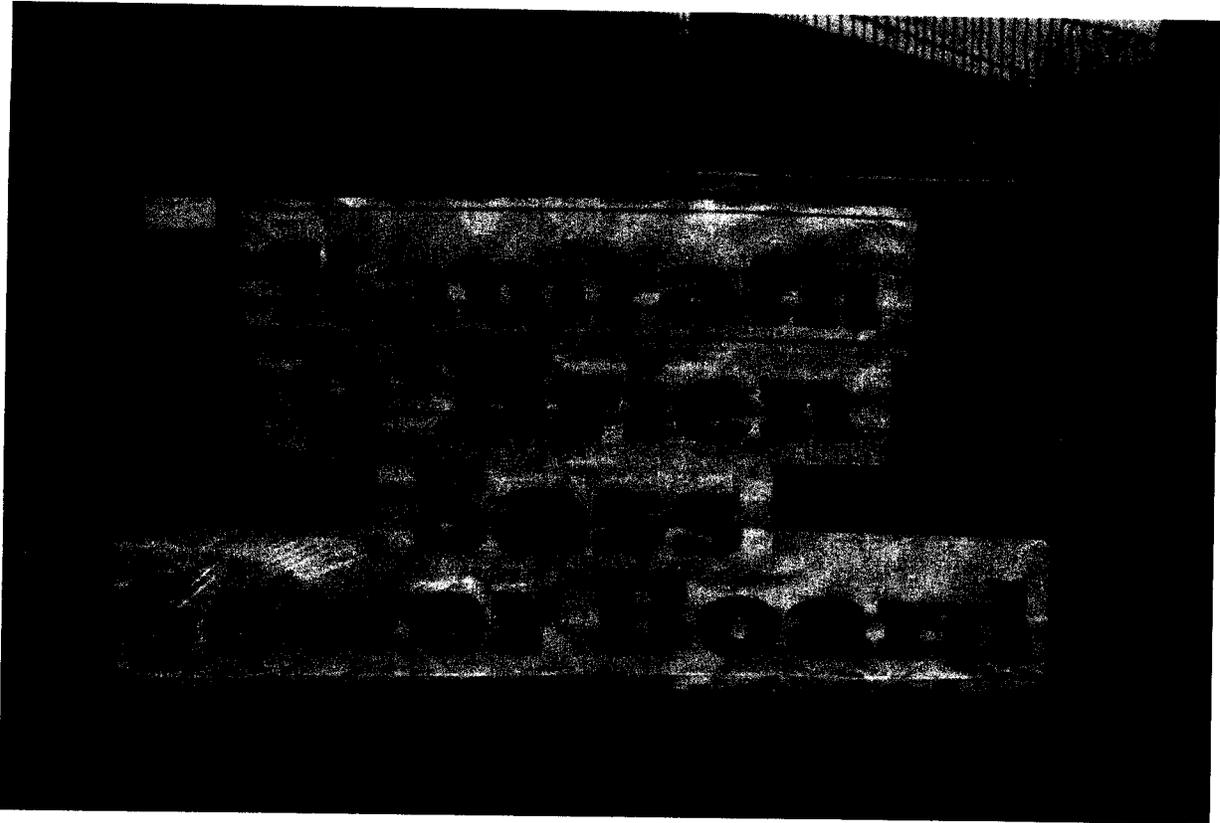
Picture #1 of 329 Hannaford Street Sign (1)



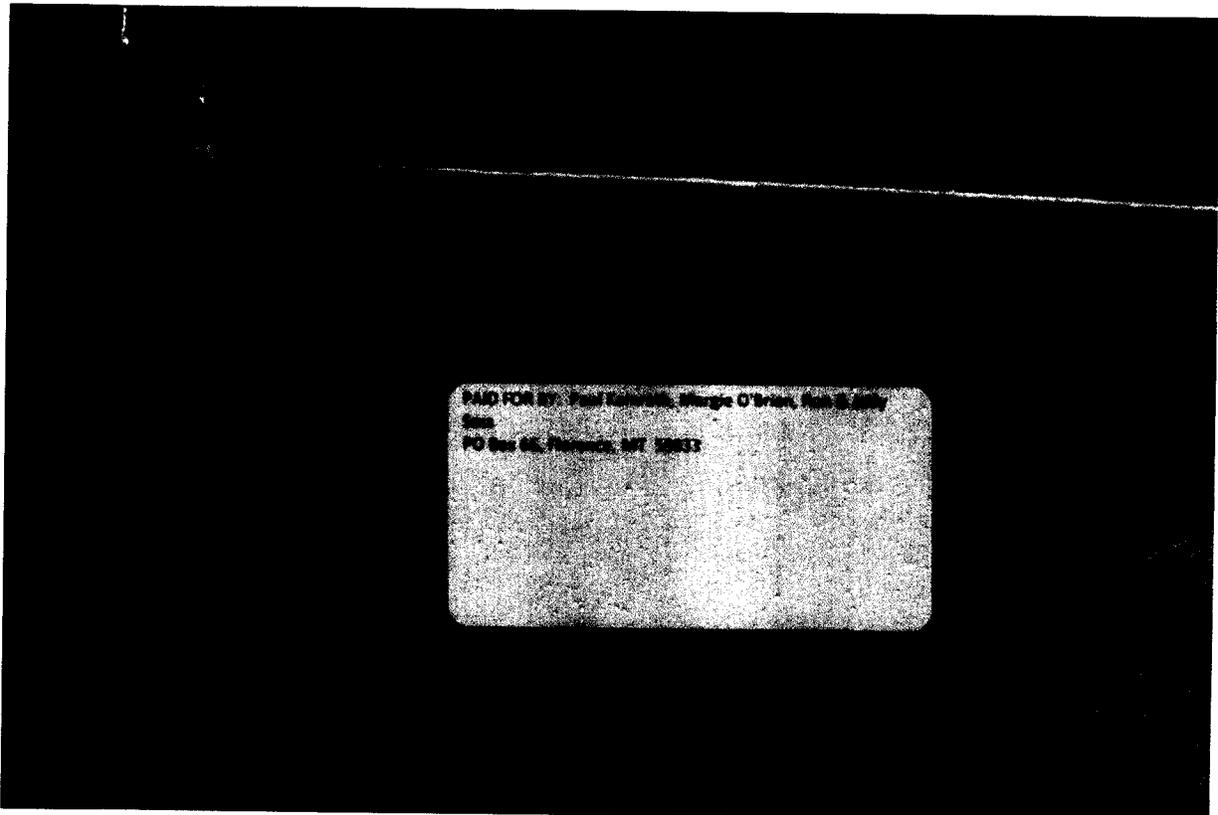
Picture #2 of 329 Hannaford Street Sign (1)



Picture #3 of 329 Hannaford Street Sign (1)



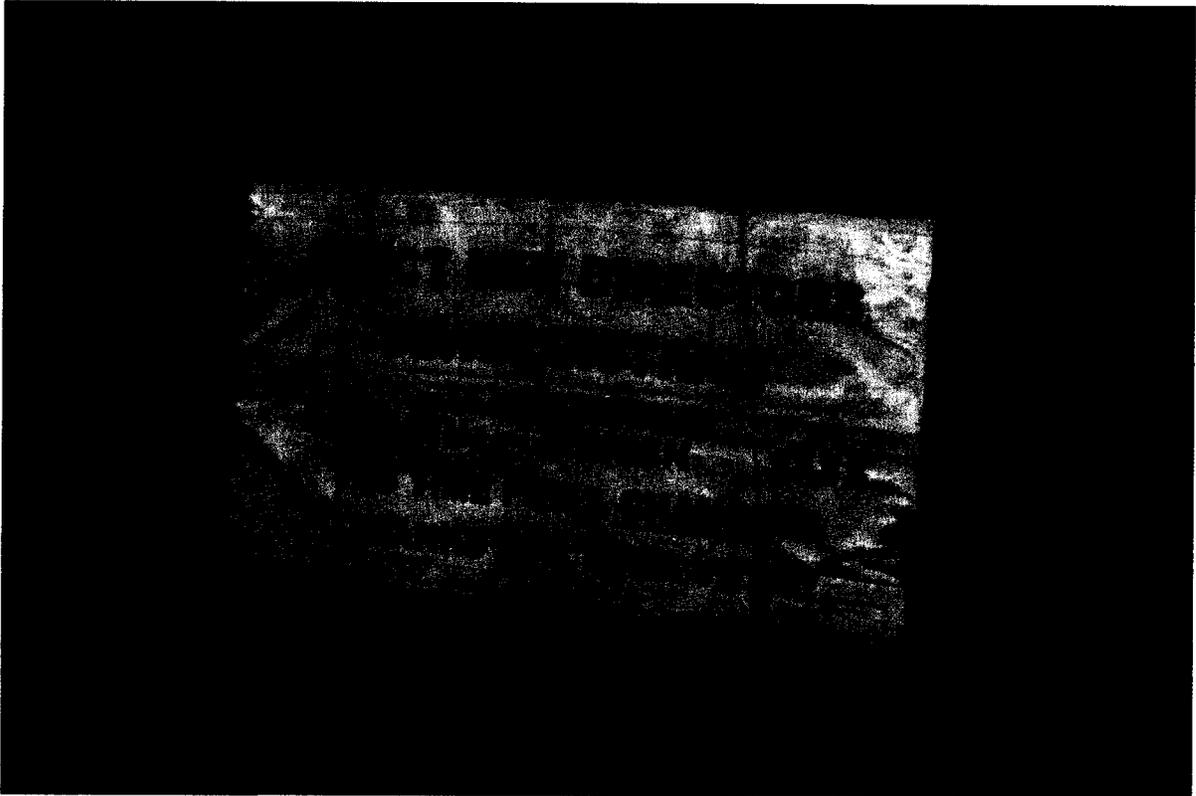
Picture #1 of 329 Hannaford Street Sign (2)



Picture #2 of 329 Hannaford Street Sign (2)

Location number #2 (Set of two signs back to back):

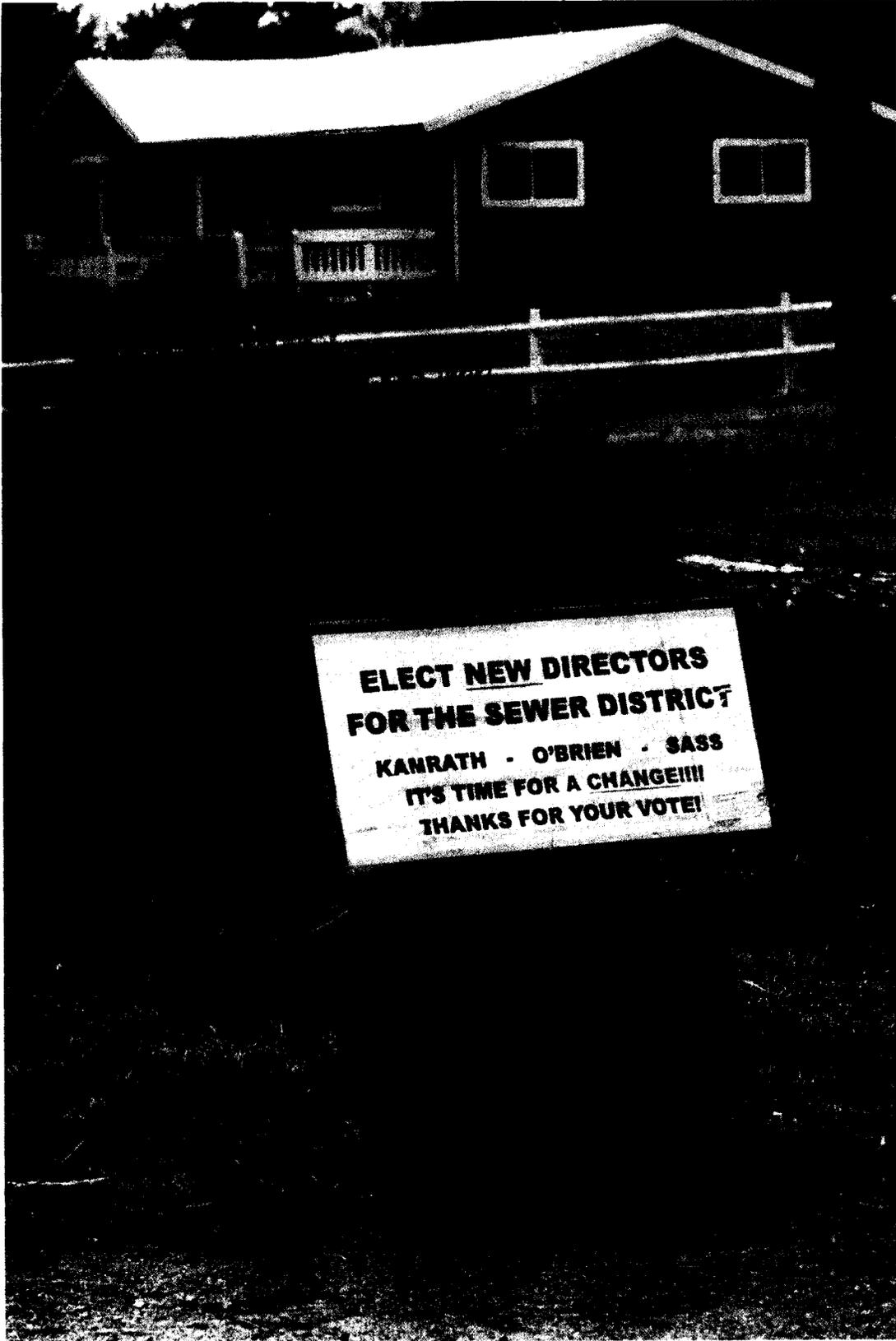
Located in Florence, Montana in front of 5393 Florence Carlton Loop Road, this sign was photographed on October 22, 2009 at approximately 13:49 by this investigator.



Picture #1 of 329 5393 Florence Carlton Loop Road



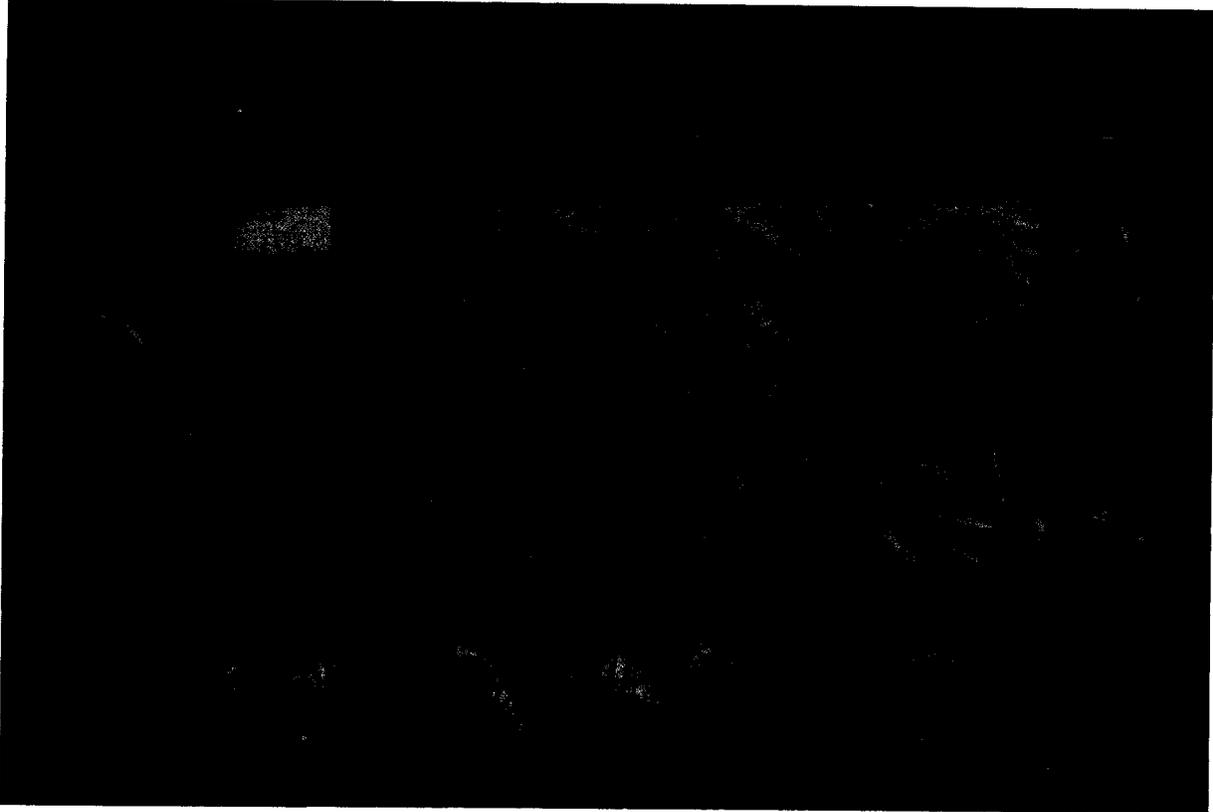
Picture #2 of 329 5393 Florence Carlton Loop Road



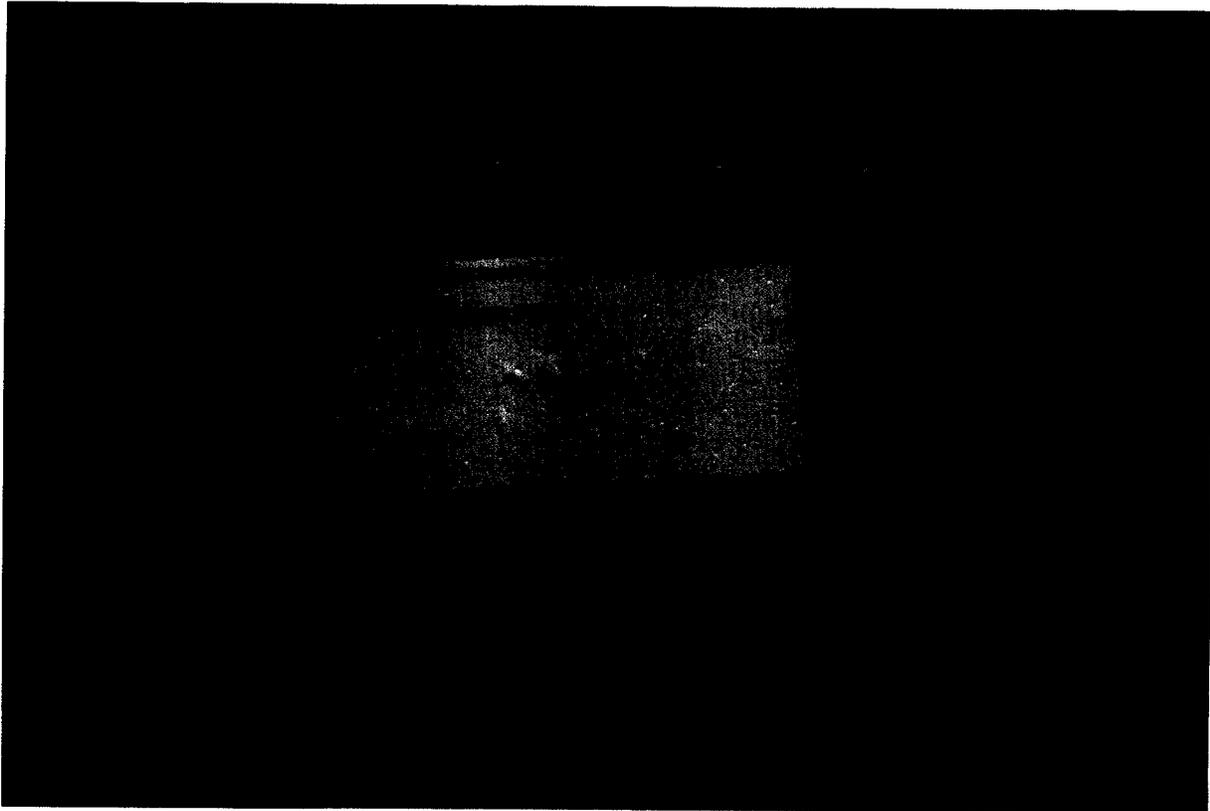
Picture #3 of 5393 Florence Carlton Loop Road

Location #3 (Two signs on property):

Located in Florence, Montana in front of 5484 Florence Carlton Loop Road, this sign was photographed on October 22, 2009 at approximately 13:54 by this investigator.



Picture #1 at 5484 Florence Carlton Loop Road (1)



Picture #2 at 5484 Florence Carlton Loop Road (1)

SUMMARY:

On October 21, 2009 this investigator traveled to Florence, Montana on a submitted complaint follow up that Kamrath, O'Brien and Sass, candidates for the Florence Sewer District, had three campaign signs in violation of Campaign Finance and Practice laws. The signs in question were located at the following addresses:

1. 329 Hannaford Street Florence, MT
2. 5393 Florence Carlton Loop Florence, MT
3. 5484 Florence Carlton Loop Florence, MT

All signs were posted a short distance from the road, Florence Carlton Loop. Though the white labels were very apparent on the yellow background, this investigator could not read the sign attribution from the road. This investigator had to rely on a Cannon zoom lens, 75-300mm, to shoot the above pictures from the edge of the road. (Refer to Page 3, picture #2; the label font is compared to the size of utility staples.) It is apparent that these signs are positioned for the benefit of individuals driving down the street. An individual would have to exit their vehicle and walk up within a couple feet of the signs to be able to read the attribution.

///END OF REPORT – NOTHING FOLLOWS///

COMMISSIONER OF POLITICAL PRACTICES
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643
WEBSITE: www.politicalpractices.mt.gov

FOR OFFICE USE ONLY

RECEIVED
COMMISSIONER OF
POLITICAL PRACTICES

OCT 21 A 9:38

HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

ETHICS

COMPLAINT FORM (11/02)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME PATRICIA B. COOMBS

COMPLETE MAILING ADDRESS 5365 FLORENCE CARLTON
FLORENCE, MT 59833
(City, State, Zip)

TELEPHONE NUMBERS: WORK _____ HOME _____

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME Candidates for Sense?

COMPLETE MAILING ADDRESS PO Box 66
Florence, MT 59833
(City, State, Zip)

TELEPHONE NUMBERS: WORK _____ HOME 406-273-6905

PLEASE COMPLETE THE SECOND PAGE OF THIS FORM
AND DESCRIBE IN DETAIL THE FACTS OF THE ALLEGED VIOLATION.

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF RAVALLI

I, PATRICIA B. COOMBS, being duly sworn, state that the information in this Complaint is complete, true and correct, to the best of my knowledge and belief.



Patricia B. Coombs
Signature of Complainant

Subscribed and sworn to before me this 20 day of October, 2009.

[Signature]
Notary Public

My Commission Expires: April 2, 2013

**FROM THE DESK OF
PATRICIA P. COOMBS
5365 Florence Carlton
Florence, MT 59833
406-273-9049**

**Candidate For The Florence County Water and Sewer District
November 3, 2009**

The following statement of fact is given of my own free will and does not concern any other candidate for the Florence County Water & Sewer District.

STATEMENT OF FACT

Attached 3 exhibits

Exhibit 1 Political Signs.

Since the enclosed picture was taken and verbal call from Political Practices sign has been changed with a small computer sticker. According to MCA 13-35-225 (1) the sign must clearly and conspicuously include the attribution "paid for by" It is my opinion that the sign is still in violation of MCA 13-35-225 as the words can't be seen on the sticker. The signs are located at the residents of Margie O'Brien located at 5393 Florence Carlton Loop Rd - Florence, MT, Ron and Judy Sass 5484 Florence Carlton Loop Rd- Florence, MT 59833 and Paul Kamrath 329 Hannaford- Florence, MT 59833

Exhibit 2 Letter to Registered Voters

3 double sided letter from the Candidates for Sense: This letter was mailed to registered voters in the Florence County Water and Sewer District. Not all voting residents received the letter. It is apparent that the present board members (3) of whom are running for re-election plus one other board

member didn't receive a copy.

I believe this letter is in violation of MCA 13-37-131. This letter is full of false statements. And I feel it's intent was to mislead the voters during the current campaign for 3 positions which will be up for re-election Nov. 3. For your convenience a copy of 13-37-131 is enclosed. I have copies of numerous documents, audio tapes to prove that the statements contained in the attached letter is nothing more than libel and slander.

Exhibit 3 Letter to Editor

A letter to the editor was written June 16 another example of a letter full of false statements. This was a prelude to the letter sent to the registered voters in Oct. This letter was definitely meant as a slander and libel statement.

End of Statement of Fact

**CAMPAIGN FINANCE AND PRACTICES
COMPLAINT FORM**

STATEMENT OF FACTS:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

*See ATTACHED Statement
& Exhibits*

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR
VERIFICATION SIGNATURE**

COMPLAINTS MUST BE:

- SIGNED
- NOTARIZED
- DELIVERED IN PERSON OR BY CERTIFIED MAIL

Exhibit
1

**ELECT NEW DIRECTORS
FOR THE SEWER DISTRICT**

**KAMRATH - O'BRIEN - SASS
IT'S TIME FOR A CHANGE!!!!
THANKS FOR YOUR VOTE!**

Montana Code Annotated 2009

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13-35-225. Election materials not to be anonymous -- statement of accuracy. (1)

All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication. When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.

(2) Communications in a partisan election financed by a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

(3) (a) Printed election material described in subsection (1) that includes information about another candidate's voting record must include:

- (i) a reference to the particular vote or votes upon which the information is based;
- (ii) a disclosure of contrasting votes known to have been made by the candidate on the same issue if closely related in time; and
- (iii) a statement, signed as provided in subsection (3)(b), that to the best of the signer's knowledge, the statements made about the other candidate's voting record are accurate and true.

(b) The statement required under subsection (3)(a) must be signed:

- (i) by the candidate if the election material was prepared for the candidate or the candidate's political committee and includes information about another candidate's voting record; or
- (ii) by the person financing the communication or the person's legal agent if the election material was not prepared for a candidate or a candidate's political committee.

(4) If a document or other article of advertising is too small for the requirements of subsections (1) through (3) to be conveniently included, the candidate responsible for the material or the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information or statement, at the time of its public distribution.

(5) If information required in subsections (1) through (3) is omitted or not printed, upon discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:

- (a) file notification of the omission with the commissioner of political practices within

5 days of the discovery or notification;

(b) bring the material into compliance with subsections (1) through (3); and

(c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

History: En. 23-47-133 by Sec. 33, Ch. 334, L. 1977; R.C.M. 1947, 23-47-133; amd. Sec. 221, Ch. 571, L. 1979; amd. Sec. 1, Ch. 368, L. 1987; amd. Sec. 1, Ch. 23, L. 1991; amd. Sec. 1, Ch. 482, L. 1991; amd. Sec. 1, Ch. 415, L. 2003; amd. Sec. 1, Ch. 419, L. 2003.

Provided by Montana Legislative Services



Candidates for Sense: Florence County Water and/or Sewer District

In Their Own Words: Excerpts from meeting minutes of the District Board (2008-2009)

"A week ago I (being Pat Coombs, President of the board) had a conversation with Ben Hillicoss. He called to ask me if I knew about some water meetings that were coming up. He then steered the conversation toward a sewer here in Florence. I told him that in 2003 the decision has already been made. The people here in the district overwhelming that they didn't want a centralized sewer system. He then pressed to expand the district. I told him that was not going to happen either.

".....there will be no centralized sewer in the district. And the people here can't afford it. He said with a sewer system that it creates affordable housing.I told him that people outside the district need to keep their noses out of the districts business. It is not their decision. The decision has already been made period."

"Chris (Anderson, board member) brought up the fact that there are new homes here that have put in new upgraded systems and they are not going to go for a centralized system."

".....We have so many people coming in here now. I (presumably Pat Coombs) can't figure out something out (sic). And don't get me wrong there are two types of people who move here. The ones who want to live here in what we live in the rural setting. Then there are those who come in from the big cities. They want to redo everything. My question is 'Why in the heck did you leave?' They are using a homeowners association where Ben (Hillicoss) lives down on Gansight lane as a test area. Those homes down there are on 10 and 20 acre parcels."

"Chris (Anderson) said 'Let them have the density there on his 10 acres'." (Excerpts from January, 2008 minutes)

XX

"Ray Thompson moved to adopt Resolution #06-08 to authorize payment of district insurance premium (\$1328.00). Lena Barlow second motion. Motion carried 3-0." (07-08 minute excerpt-emphasis added)

".....Dale Hanson from Western States Insurance.....explained a new liability policy for entities such as the Florence County Water and Sewer District. The policy has expanded coverage beyond what the current policy provides. "Ray Thompson made motion and Pat Coombs seconded motion to approve Resolution to change liability insurance companies at the expiration of the present policy and authorizing premium payment of \$2500.....". (08-09 minute excerpt-emphasis added)

XX

".....it is the intention of the Board to reimburse Pat Coombs for printing, mileage and postage of documents requested by Paul Kamrath."

".....the Secretary-Treasurer be authorized and instructed to issue check #1133for the reimbursement in the amount of \$16.87 to be paid to Pat Coombs in accordance with the bill received." (April, 2009 minutes excerpt)

".....upon approval of this resolution, board members shall be reimbursed for travel expenses at the rate the Internal Revenue Service allows for business deductions." (adopted August 25, 2009)

XX

"Pat stated she had to call a Congressman's office on a personal matter. She mentioned that there was a person here who is trying to push a sewer system on us which had been voted down by the freeholders in this district. She told her that legal action might be an option. She told Pat to tell him to take a flying leap." (September 23, 2008 minutes excerpt)

**Paid for by: Paul Kamrath, Margie O'Brien, Ron & Judy Sass, candidates for Board of Directors,
Florence County Water & Sewer District
Address: PO Box 66, Florence, MT 59833**

Montana Code Annotated 2009

2-3-103. Public participation – governor to ensure guidelines adopted. (1) (a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public. The agenda for a meeting, as defined in 2-3-202, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. However, the agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in 2-3-212.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; and. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(1), (5); and. Sec. 1, Ch. 425, L. 2003.

2-3-101. Legislative intent. The legislature finds and declares pursuant to the mandate of Article II, section 8, of the 1972 Montana constitution that legislative guidelines should be established to secure to the people of Montana their constitutional right to be afforded reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency.

History: En. 82-4226 by Sec. 1, Ch. 491, L. 1975; R.C.M. 1947, 82-4226.

~~**2-3-201. Legislative intent – liberal construction.** The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. **Toward these ends, the provisions of the part shall be liberally construed.**~~

~~**History: En. Sec. 1, Ch. 159, L. 1963; R.C.M. 1947, 82-3401.**~~

MYTHS VS FACTS ABOUT
THE FLORENCE COUNTY
WATER AND/OR SEWER
DISTRICT—2009

FACT

SHEET
#2

Myth: Taxpayers have no say in decisions by the board of Directors of a local government.

Fact: Montana State Code requires public input to local government (County Water & Sewer Districts are an entity of local government, not civic clubs) decisions. Public comment at local government meetings can pertain to any subject, not just items on the agenda.

Myth: Local governments do not need to adopt an annual budget.

Fact: Local governments in Montana are required to adopt a budget prior to the beginning of each fiscal year. The Florence District has not had an approved budget for three+ years.

Myth: Local governments are not required to have signed copies of meeting minutes.

Fact: The Florence District does not have signed minutes, which means any action taken, but not approved by the Board by approving and signing the minutes, is probably mute. Does this mean all the funds spent by the Board were spent questionably??? **MAYBE.**

**QUESTIONS? OBTAIN THE FACTS!
CALL US AT 273-6905 OR 273-2780**

**Paid for by: Paul Kamrath, Margie O'Brien, Ron & Judy Sass, candidates for Board of Directors, Florence County Water & Sewer District
Address: PO Box 66, Florence, MT 59833**

MYTHS VS FACTS ABOUT
THE FLORENCE COUNTY
WATER AND/OR SEWER
DISTRICT—2009

FACT

SHEET
#1

Myth: Missoula County or Ravalli County will force a sewer on Florence if the District is disbanded!

Fact: Missoula County has NO jurisdiction in Ravalli County or the District. Ravalli County will not force a sewer on the District, even if the District disbands!

Myth: Pumping septic tanks is the best way to protect ground water!

Fact: This is a backward, band-aid approach to ground water protection!

Myth: Your tax dollars can be used to benefit only a few without public input!

Fact: Your tax dollars cannot be used for only a favored few and can only be spent with public input!!! This use of YOUR money is taking place right now by the current board.

VOTE FOR THREE NEW BOARD MEMBERS (list enclosed) ON YOUR MAIL BALLOT AND HAVE A SAY IN YOUR DISTRICT ONCE AGAIN.

**QUESTIONS? OBTAIN THE FACTS!
CALL US AT 273-6905 OR 273-2780**

**Paid for by: Paul Kamrath, Margie O'Brien, Ron & Judy Sass, candidates for Board of Directors, Florence County Water & Sewer District
Address: PO Box 66, Florence, MT 59833**



Candidates for Sense: *Florence County Water and/or Sewer District*

**OPEN LETTER TO LAND OWNERS/TAX PAYERS/VOTERS IN THE
FLORENCE COUNTY WATER AND/OR SEWER DISTRICT**

OCTOBER, 2009

1. A mail election for members of the Board of Directors of this District will be held on November 3, 2009. There are seven (7) candidates for the three (3) positions. We invite you to inform yourself and your neighbors on the issues prior to casting your vote.
2. The three incumbent directors have made some very unwise and questionable decisions in the past three to four years of their term. Some of these decisions include:
 - A. Reimbursing mileage to the Board president without proper authorization. Even after a policy was adopted two months after the reimbursement, the president did not offer to return the money.

The policy was not retroactive.
 - B. Offering free septic tank pumping to a very select few who returned a copy of an income survey (255 surveys were mailed, 23 responses were received). No one else is eligible to apply, even though they are using ***YOUR*** money to do this project that is not based on scientific or proven need. No public input was allowed in this program.
 - C. Limiting public input to decisions drastically (there is no record of the board adopting this policy, just the board president enforcing it).

Only public comment may be given during that item early on the agenda. If your comment relates to any agenda item your public comment will only be taken at that time. If anyone wishes to speak to an item on the agenda at a later time during discussions, they must meet with a board member prior to the meeting and obtain permission to use some of that board member's discussion time to speak on an agenda item.

Also, certain members of the audience are recognized to ask questions, while others are refused.



Candidates for Sense: Florence County Water and/or Sewer District

OPEN LETTER TO LAND OWNERS/TAX PAYERS/VOTERS IN THE FLORENCE COUNTY WATER AND/OR SEWER DISTRICT

OCTOBER, 2009

1. A mail election for members of the Board of Directors of this District will be held on November 3, 2009. There are seven (7) candidates for the three (3) positions. We invite you to inform yourself and your neighbors on the issues prior to casting your vote.
2. The three incumbent directors have made some very unwise and questionable decisions in the past three to four years of their term. Some of these decisions include:
 - A. Reimbursing mileage to the Board president without proper authorization. Even after a policy was adopted two months after the reimbursement, the president did not offer to return the money.
The policy was not retroactive.
 - B. Offering free septic tank pumping to a very select few who returned a copy of an income survey (255 surveys were mailed, 23 responses were received). No one else is eligible to apply, even though they are using **YOUR** money to do this project that is not based on scientific or proven need. No public input was allowed in this program.
 - C. Limiting public input to decisions drastically (there is no record of the board adopting this policy, just the board president enforcing it).
Only public comment may be given during that item early on the agenda. If your comment relates to any agenda item your public comment will only be taken at that time. If anyone wishes to speak to an item on the agenda at a later time during discussions, they must meet with a board member prior to the meeting and obtain permission to use some of that board member's discussion time to speak on an agenda item.
Also, certain members of the audience are recognized to ask questions, while others are refused.

Montana Code Annotated 2009

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13-37-131. Misrepresentation of voting record -- political civil libel. (1) It is unlawful for a person to misrepresent a candidate's public voting record or any other matter that is relevant to the issues of the campaign with knowledge that the assertion is false or with a reckless disregard of whether or not the assertion is false.

(2) It is unlawful for a person to misrepresent to a candidate another candidate's public voting record or any other matter that is relevant to the issues of the campaign with knowledge that the assertion is false or with a reckless disregard of whether or not the assertion is false.

(3) For the purposes of this section, the public voting record of a candidate who was previously a member of the legislature includes a vote of that candidate recorded in committee minutes or in journals of the senate or the house of representatives. Failure of a person to verify a public voting record is evidence of the person's reckless disregard if the statement made by the person or the information provided to the candidate is false.

(4) A person violating subsection (1) or (2) is liable in a civil action brought by the commissioner or county attorney pursuant to 13-37-124 for an amount up to \$1 000. An action pursuant to this section is

EXHIBIT 3

Tuesday, June 16, 2009

Tuesday, June 16, 2009

Florence County Water and Sewer District

As a resident, landowner, taxpayer and interested party, I believe it should be made more public that the board of directors of the Florence County Water and Sewer District are acting in a questionable, if not illegal manner.

I challenge all residents and taxpayers of the district to be alert to these actions and to attend the board meetings. The agenda for the meeting is only posted in one location, the Post Office. So watch the announcement board carefully.

Meetings are not held on a regular basis as required by law.

Reimbursements to the board president are being made without a policy in place listing the costs that are eligible for reimbursement of the amount of reimbursement for each cost. The public is being restricted from public participation in decisions by the board by being ruled "out of order" with no basis of Robert's Rules of Order.

And, in my mind, the biggest violation of all manner of common sense, this board of which a majority fought against the construction of a wastewater collection, storage and treatment plant, has amassed almost \$14,500 of your money, taxpayers of the district! Why?

Come to the board meetings and ask the board questions on these issues.

A resident of the Florence County Water and Sewer District for over 20 years.

Judy Sass

Florence