

THE STATE OF MONTANA

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
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COMMISSIONER OF
POLITICAL PRACTICES

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Campaign Finance and Practices

Complaint Form (10/09)

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name Kevin Nelson
Complete Mailing Address PO Box 23107
Billings Mt.
Phone Numbers: Work 406-248-5700 Home 406-248-5700

Person or organization against whom complaint is brought (Respondent):

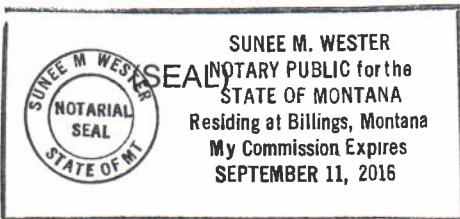
Complete Name City of Billings, Advocacy group or groups in support of safety levy
Complete Mailing Address 210 N. 27th St.
Billings Mt. 59101
Phone Numbers: Work 406-657-8433 Home _____

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 Gallatin

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



[Signature]
Signature of Complainant

Subscribed and sworn to before me this 29 day of Oct., 2014.

[Signature]
Notary Public

My Commission Expires: Sept. 11, 2016

October 21, 2014

Commissioner of Political Practices
1205 Eight Avenue
PO Box 202401
Helena Mt. 59620-2401

Dear Commissioner

It would appear that violations of the election laws of Montana may have occurred.

Tina Volek is the Administrator for the City of Billings.

Mr. Todd Buchanan is a spokesman for an advocacy group or groups in support of the safety levy.

All City Council Meetings of the City of Billings are broadcast on Community Channel 7

Enclosed are the documents to date, but more are to follow.

The City of Billings have placed on the November 2014 Ballot a issue asking for voter approval for a
Safety Mill Levy

1. City of Billings/City Council Work Session: Agenda No. 2 Public Safety Mill Levy;

The meeting minutes reflect that the City of Billings is coordinating the passage of the mill levy with an advocacy group by their own admission, Todd Buchanan is "part of a group that has agreed to help us with assistance in working on the levy as we go along". It appears that the City of Billings by allowing Todd Buchanan whom was representing his group to address the public by special invitation during the Agenda item, as the meeting minutes reflect Mr. Buchanan did not speak during the public comment portion of the meeting as a private citizen, he was invited and provided an opportunity not extended to any other private citizen, and was given free rein to speak without any time restrictions, to Undue Influence of Voters MCA 13-35-218 Coercion or undue influence of voters. MCA 13-35-502 Findings and MCA 13-35-503 Policy Pages 1-6

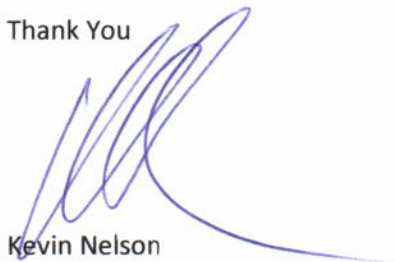
2. I attended a City Presentation on the Mill Levy, Tina Volek make her presentation, the Chief of Police and the Fire Chief. Tina Volek then came back up and asked Todd Buchanan to make a presentation stating that City officials can't advocate for passage of the levy but Mr. Buchanan's advocacy group can ask you to vote yes for this levy. To the best of my knowledge Mr. Buchanan and this cast of characters made 30 to 40 presentations around Billings. Voters MCA 13-35-218 Coercion or undue influence of voters. MCA 13-35-502 Findings and MCA 13-35-503 Policy

3. At the Work Session of the City of Billings October 6 2014 Agenda # 4. The minutes of that meeting have not been approved, I have enclosed a Billings Gazette article about that meeting and under Public safety levy, "Todd Buchanan who is spearheading the advocacy end of the proposed levy" was provided a special invitation to advocate for the levy thus being nothing more than a corporate influence and the City of Billings surrogate. Mr. Buchanan referred the viewing audience and the public at the meeting to a Facebook page "Make Billings Safer" their about page Contact Info Web Site <http://publicpolicy.billingschamber.com> this directs you to the Billings Chamber Public Policy page "encourages you to vote "Yes" this fall". At the bottom of the page a list corporations that support a "yes" vote for the levy that would appear to violate MCA 13-35-218, MCA 13-35-502 Findings and MCA 13-35-503 Policy. The mayor of Billings in the above mentioned meeting appears to violate MCA 13-35-218 (a,b) and 13-35-503 Policy, by threatening myself and anyone else that would speak out on the levy with a differing point of view or alternatives that might be considered.

Pages 7a -12.

4. Posted on the “Make Billings Safer” Facebook page is a reference to a YouTube video <http://youtube/U8bp73TUuuU> the Downtown Billings Alliance appears to be supporting this video, from their about page of the Downtown Billings Alliance. “the Downtown Billings Alliance, which is comprised of the Downtown Billings Association, the Downtown Billings Partnership”, the Downtown Billings Partnership Inc. is a corporation in the State of Montana and one of the board of Directors is, Tina Volek –City of Billings Volek@ci.billings.mt.us that would appear as a conflict of interest on that YouTube video Tina Volek introduces Todd Buchanan to speak to the audience and he states that Tina Volek, the Chief of Police and the Fire Chief can’t advocate for a yes vote but his group can and pitches to the crowd for a yes vote at the invitation of the City of Billings. Voters MCA 13-35-218 Coercion or undue influence of voters. MCA 13-35-502 Findings and MCA 13-35-503 Policy Pages 13-16
5. The City of Billings appears to have coordinated their passage of the Safety levy with corporations that as of October 21 2014 had not filed with this office to advocate for a ballot issue MCA 13-37-201. The City of Billings and corporate coordination have unduly influenced the voters to a degree that is immeasurable and would be an in-kind contribution.
6. Letter to the editor of the Billings Gazette October 22, 2014 By Wayde Carlson. Page 17
7. Any other such violations the Commissioner finds.
8. I would ask that this investigation remain open until all discoverable facts become available.

Thank You



Kevin Nelson
PO Box 23107
Billings Mt. 59104
406-248-5700

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

*"THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES."*

AGENDA CITY COUNCIL WORK SESSION

Council Chambers

July 7, 2014

5:30 p.m.

1. EBURD Annexation
 - Public Comment
2. Public Safety Mill Levy
 - Public Comment
3. 2014 Long Range Transportation Plan
 - Public Comment
4. Non-Discrimination Ordinance
 - Public Comment
5. Council Discussion
6. Public Comment on Items not on the Agenda

****NOTE:**

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- **Anyone wishing to offer public comment is asked to sign the speaker list prior to the meeting.

- Marty Connell: CM Swanson, I would like to answer your question. We put in a new code called EBURD. What we hope to do is to come up with a similar type of form based code that will be specific for that area to foster the things that Mr. Yegen was talking about. CM McFadden brought this up before. What kind of interest are we getting? Many people are interested.
- Kelly McCarthy: Have known the challenges. Looking forward to being the generation that resolves this annexation.
- Cimmino: With \$2,746,000,000 taxpayers along with the \$250,000 in County taxpayers, this is a huge benefit for the land owners. But when those properties are developed, then it is going back on the tax rolls for the City. Looking forward to development.
- Brown: The amount of water causing problems is surge water?
- Kelly McCarthy: The current pipes can't handle the water amount.
- Marty Connell: Public Works spent three years looking at what was underground. The problem is, there are no sidewalks, curbs, and gutters. The pipe being put in on 15th St. is going to take all the water coming from Rocky and MSU-B. We then have water that comes off the Rims. Hoping, this will relieve the problem. We have an unofficial agreement with the County Commissioners, if we don't solve the problem on the corner by the Metra, the County would be willing to give up some land to put in a surge reservoir.
- McFadden: What plans are there for underground pipelines to move the water?
- Marty Connell: There is storm/sewer, sanitary sewer slated, and waterline.
- McFadden: Was Wastewater or Refinery Plant in on this water runoff plan?
- Marty Connell: Refinery not involved to my knowledge because they are on the other side. As far as the Wastewater, one thing in the Master Plan that we addressed for both the EBURD and the east end, we are talking about large areas when there is a big surge of water, we can handle the water on the surface. Trying to stay away from building a reservoir. Engineering may come back and say that we have to build a reservoir.
- Tina Volek: The next step is a petition for annexation that needs to be circulated. No action is needed from the Council at this time other than to make sure there is no objection at the Council level to us proceeding with this project. Very tight time table.
- Council unanimously agreed to proceed.
- Public Comment: None

TOPIC #2: Public Safety Mill Levy

- Tina Volek: Presented and passed out copies of presentation "Family Safety Levy". Will be on the Regular Council Mtg. for July 14. This will begin the process for putting on the ballot November 4. Proposing a Public Hearing and first vote on this Ordinance next Monday, and a Second Reading and approval of a Resolution that will set the language for the ballot on July 28. That material will be transmitted to the election office in time for the August 11 deadline. Then ballots go out October 6.

There has been a significant increase in the number of calls that we have had in the City of Billings. Yesterday's events which ended well, thanks to the officer involved, are among things we are concerned about. Some of the statistics show the number of police and fire calls have risen more than 32%. From FY09 - 69,174, to FY13 - 91,519. Currently have 9 police beats. When the Mayor came to the City in 1976, we had 9 police beats. We are a growing city and anticipate that our population should be approximately 128,000 in 2024. Our land area is expected to grow 1 ½ to 2 sq. miles in the next five years. We are a growing community with growing needs. At this time we have been five years without an increase in our Mill Levy for Public Safety. We continue to put significant amounts of the GF to support the Public Safety Levies that are being collected as well. Currently 58% of the City's General Fund, which also

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pays for Municipal Court, for your division, for my division, for the City Clerk's Office, for Parks & Rec., which comes from property taxes, goes to Public Safety in addition to the two levies. We lost one position in the Fire Dept. because we transitioned the fire truck maintenance from the Dept. to the City's shop. Have added 3 officers in the Police Dept. These are very specific officers. One is a School Resource Officer who is used predominantly by the School District. The other two are the downtown officers that are paid for by the BID. A ten year period since the last bond was approved and a five year period since we sent any increase in revenue from that bond. It has been capped out. We have a significant increase in calls. What you saw in your Friday Packet were three options. Pat Weber will present.

- Pat Weber:

Reduced Staffing, No Levy

	Estimate FY 16	Estimate FY 17	Estimate FY 18	Estimate FY 19	Estimate FY 20
Scenario 1 - Reduced Staffing, No Levy					
Reduce Public Safety Expenditures	\$ -	\$ 1,100,000	\$ 3,000,000	\$ 1,200,000	\$ 2,400,000
Public Safety FTE Reductions	-	14	36	15	30

	Estimate FY 21	Estimate FY 22	Estimate FY 23	Estimate FY 24	Estimate FY 25
Scenario 1 - Reduced Staffing, No Levy					
Reduce Public Safety Expenditures	\$ -	\$ 1,800,000	\$ 1,400,000	\$ 1,600,000	\$ 1,600,000
Public Safety FTE Reductions	-	23	18	20	20

Status Quo

	Estimate FY 16	Estimate FY 17	Estimate FY 18	Estimate FY 19	Estimate FY 20
Scenario 2 - Status Quo					
Levied Dollars	\$ 1,500,000	\$ 1,500,000	\$ 2,400,000	\$ 3,500,000	\$ 8,700,000
Estimated Mills	9.00	9.00	14.00	32.00	50.00
Estimated Annual Tax on \$200k house	\$ 23.00	\$ 23.00	\$ 36.00	\$ 83.00	\$ 130.00
Estimated Annual Tax on \$100k house	\$ 11.50	\$ 11.50	\$ 18.00	\$ 41.50	\$ 65.00

	Estimate FY 21	Estimate FY 22	Estimate FY 23	Estimate FY 24	Estimate FY 25
Scenario 2 - Status Quo					
Levied Dollars	\$ 11,100,000	\$ 13,200,000	\$ 15,300,000	\$ 17,600,000	\$ 20,000,000
Estimated Mills	63.00	75.00	86.00	98.00	110.00
Estimated Annual Tax on \$200k house	\$ 163.00	\$ 194.00	\$ 223.00	\$ 255.00	\$ 296.00
Estimated Annual Tax on \$100k house	\$ 81.50	\$ 97.00	\$ 111.50	\$ 127.50	\$ 143.00

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Community Growth

Scenario 3 - Community Growth	Estimate FY 16	Estimate FY 17	Estimate FY 18	Estimate FY 19	Estimate FY 20
Levied Dollars	\$ 2,000,000	\$ 2,500,000	\$ 4,000,000	\$ 7,900,000	\$ 11,200,000
Estimated Mills	12.00	15.00	24.00	46.00	66.00
Estimated Annual Tax on \$200k house	\$ 31.00	\$ 39.00	\$ 62.00	\$ 119.00	\$ 168.00
Estimated Annual Tax on \$100k house	\$ 15.50	\$ 19.50	\$ 31.00	\$ 59.50	\$ 84.00

Scenario 3 - Community Growth	Estimate FY 21	Estimate FY 22	Estimate FY 23	Estimate FY 24	Estimate FY 25
Levied Dollars	\$ 13,400,000	\$ 15,600,000	\$ 18,000,000	\$ 20,200,000	\$ 22,800,000
Estimated Mills	77.00	88.00	101.00	112.00	125.00
Estimated Annual Tax on \$200k house	\$ 199.00	\$ 228.00	\$ 262.00	\$ 291.00	\$ 325.00
Estimated Annual Tax on \$100k house	\$ 99.50	\$ 114.00	\$ 131.00	\$ 145.50	\$ 162.50

- Tina Volek: The Ordinance that we will be presenting to you is based on our recommendation, which is that you go to Community Growth option. The difference at the very top and for home of \$200,000 is less than \$20. We think this is a significant opportunity for us. We do not need any action or recommendation from the Council tonight. Todd Buchanan is part of a group that has agreed to help us with assistance in working on the Levy as we go along.
- Todd Buchanan: We are in a very unique situation as a business owner and a family member, with the prospect of growing and thriving in Billings, MT. To perpetuate that, we are going to have to make some investments to keep the services and infrastructure. As Mayor Hanel pointed out, 10 years ago, the Council at that time, and the community had the forethought to prepare for a change in community, its growth, and economic prosperity we are seeing. Our perception as we visit with business owners and family members at this stage, we need to be prepared. We are well served by our Police and Fire Depts. and we think it is because we have made these investments in a proactive way. To see it on the Agenda is encouraging. I suggest the Council take a hard look at these proposals. I stand ready to support you with the direction you choose to move forward.
- Yakawich: Mr. Buchanan, how do you feel about Scenario 3?
- Todd Buchanan: It is a lot of money. The way I look at it, is an investment. Two things resonate as I think about how we as a community are going to pay for these issues. We can be proactive and make an investment to continue to prepare the Police and Fire Dept. to be prepared to handle the change and needs this community has, or you can look at where some other communities have gone, where they decided that number is too big, or not the right approach. Then you are paying for those issues in arrears. We have a lot of issues right now with the crowded jail and court system. This proposal encompasses investments in all of these areas. My encouragement to the Council is to spend the time needed to make sure it is the right investment, and to be somewhat specific how those dollars would be used addressing the issues that we predict will be coming.
- Mayor Hanel: I am in support for this. It is interesting to look at the numbers under Status Quo, the \$286 under FY25, and \$325 under Scenario 3 over a period of time. It is an investment. We have to look out for our citizens. Public safety is an absolute priority.

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- Pitman: Is this just another 10 year fix or is this a perpetual levy that will continue on?
- Tina Volek: The Mill Levy is a perpetual levy. It will go forward after that. It will be needed to support the Depts. as they grow. Until we know what the growth of the City is going to be, hard to predict what we will need in the future beyond that. If we as a City continue to grow, then I can't guarantee that ten years from now, another Administrator won't be here asking for another Mill Levy. I want to point out that we have not been back for ten years. We have kept our pledge and managed that money and have provided folks with the service to the best of our ability.
- Pitman: With employee negotiations and these dollar amounts, does this have a restriction so that we are not getting requests for 5% raises, etc.?
- Pat Weber: It has costs built in as far as costs for health insurance to go up.
- Pitman: In all the Scenarios we have seen we eat up our reserves?
- Tina Volek: We keep down the cost of the Mill Levy in the early years by using unbudgeted reserves to meet our emergencies.
- Pitman: How far do we want to run those down to the point where we are living on the edge all the time? Or, is there a point where we want to take it down to \$5M and adjust.
- Tina Volek: Your budgeted reserves do contemplate those things. They contemplate things like closing sell of the landfill, covering payroll, etc. Do include some numbers for (29%) for the General Fund. We continue to have, build, and hold that. It is the excess we put in that knowing again we were coming to a point where our Mill Levy had reached its ultimate capacity and we needed to move forward.
- Pitman: Pat, do you have a recommendation on how much we should have in the unbudgeted reserves? Seems we should have a safety net on top of that.
- Pat Weber: Right now with the 29%, it is about \$10M. The way the plan is set up is where we get to when we get through this spending it to pay for public safety. If you want more than \$10M worth of reserves, I would have to go back and redo projections. Then the Levy would go up.
- Tina Volek: We did not have this kind of an unbudgeted reserve 10 years ago. Have been extremely cautious with the idea that we would need to fund some of these programs for a while.
- Pitman: Concern is that we are taking the \$10M and directing all of it to Public Safety, and part of our job is to look at all of the Departments.
- Brown: How far does Option 3 take down our reserve?
- Tina Volek: Will still have a 29% budgeted reserve in the General Fund. What we use up in the first 4 years, we will use the \$10M in unbudgeted reserves to help keep the cost of the Mills down early in the program.
- Brown: For example, we have rocks on the Rims that need to be taken care of.
- Tina Volek: You have budgeted reserves which includes some monies for catastrophes. This dedicates money to go on and staff your Public Safety material. Otherwise, down the road you are either going to be cutting staff or you are going to be taking more money out of other places if you want to go on funding Public Safety. It is a tradeoff. We are told constantly by the public that Public Safety is the most important function the City of Billings offers. We have found other sources of revenue when necessary. Sometimes we defer projects and do other things like removal of rocks. We are doing that with our Parks Dept. It is a matter of balancing funds.

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- Bird: I would agree with CM Pitman in terms of at least looking at. If we have \$10M unbudgeted reserves, what would the numbers look like if we kept \$5M in unbudgeted reserves? I would be more inclined to want something in an unbudgeted reserve category.
- Tina Volek: What portion of that \$10M would you like to keep? We have a very brief time to put those numbers together.
- Swanson: 29% budgeted reserves?
- Tina Volek: Budgeted reserves in addition to the \$10M. That is for the GF only. Each fund has a separate reserve amount that is set by Council policy. The 29% would equal \$10M.
- Pitman: If we had an idea of what non-budgeted reserve would be.
- Pat Weber: Looking at just leaving \$1M, \$2M, \$3M?
- Pitman: Would like \$2M in reserve so we have a cushion, and see what that changes as far as numbers.
- Pat Weber: Can have a comparison for the meeting on July 14 showing the year.
- Pitman: Really think going to the community growth is the other responsible part of this. How far can this population grow on this amount? Are we looking up to 200,000 people?
- Tina Volek: Looking at about 1.5 - 1.8% (128,000 people by 2024) which has been the City's average. This would handle the community growth for that percentage.
- Public Comment: None

TOPIC #3: 2014 Long Range Transportation Plan

- Scott Walker: The Plan (handout) has a lot of good information about where we are today. We have engaged the community for the last 14-15 months on this. When we had our interactive website up, we received about 600 comments.

2014 LRTP Overview

- 2014 Billings Urban Area Long Range Transportation Plan

What Is a Long Range Transportation Plan?

- Plan for the next 20 years
- Engage the community
- Assess transportation modes
- Identify needs, projects, and funding
- Update required every 4 years

We are looking at all modes of transportation, and we have identified the projects and associated funding. We go through this process of an update every 4 years.

Who Is Involved?

- Project Oversight Committee
- Technical Advisory Committee
- Elected Officials, Resource Agencies, Public Involvement
- Consultant Team (Kittelsohn & Associates, Inc. and DOWL HKM)

What Topics are addressed in the LRTP?

- Goals and Objectives
- Public and Interagency Involvement
- 2035 Population/Employment Forecasts
- Inventory of Needs and Opportunities
 - Streets and highways

b

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

*"THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE
PEOPLE FLOURISH AND BUSINESS THRIVES."*

AGENDA CITY COUNCIL WORK SESSION

Council Chambers

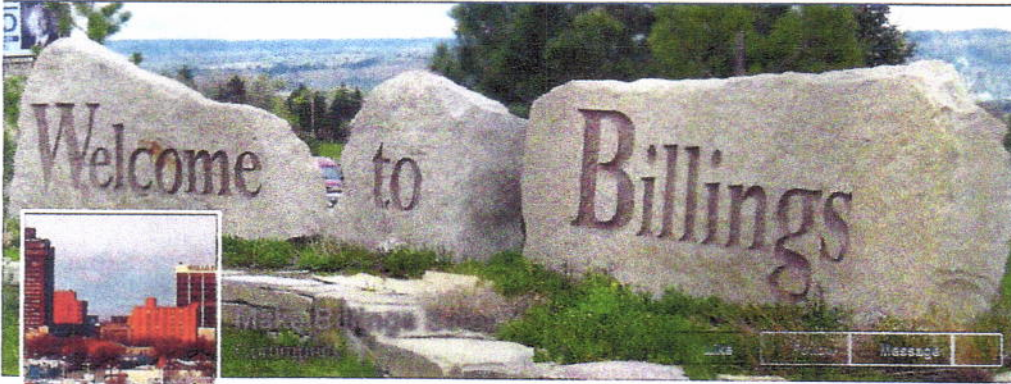
October 6, 2014

5:30 p.m.

1. MDT Traffic Signals
 - Public Comment
2. Legislative Priorities
 - Public Comment
3. Budget Quarterly Update
 - Public Comment
4. Public Safety Presentation
 - Public Comment
5. Holiday Schedule
 - Public Comment
6. Council Discussion
7. Public Comment on Items not on the Agenda

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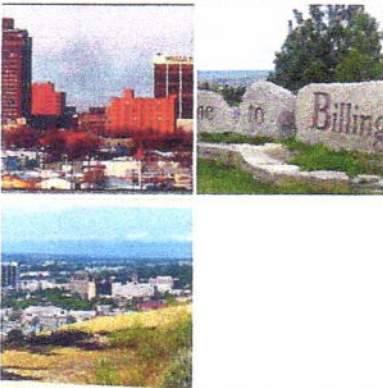
ABOUT

This page exists to educate about the need for the passage of the upcoming Public Safety Mill Levy in Billings that will be on the ballot in November

[http://publicpolicy.billingschamber.com/key-issues/...](http://publicpolicy.billingschamber.com/key-issues/)

Suggest Edits

PHOTOS



POSTS TO PAGE



Patrick Olp
September 22 at 11:27am

Frequently asked questions What are we voting on? On the November ...Continue Reading

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Facebook © 2014

Post Photo / Video

Write something...

Post



Make Billings Safer
October 10 - Edited

Okay friends, we have posted this video presentation to really drive home the need for the passage of our upcoming Public Safety Mill Levy. With less than a month left before the vote (and with absentee ballots already out!) we need to get this message out to as many people as possible here in Billings. Please, if this important to you, consider sharing! Thank you!

<http://youtu.be/U8bp73TUuuU>

Like Comment Share

3 people like this.

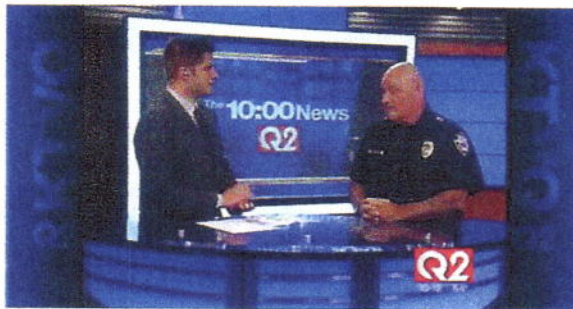


Write a comment...



Make Billings Safer shared a link.
October 5

Another great informational segment. Absentee ballots went out today, make sure to VOTE!



Police Chief talks Public Safety Levy | KTVQ.com | Q2 | Billings, Montana
www.ktvq.com

BILLINGS - Police Chief Rich St. John stopped by the studio on Sunday to discuss the public safety levy that will be on mail-in ballots sent to voters on...

Like Comment Share

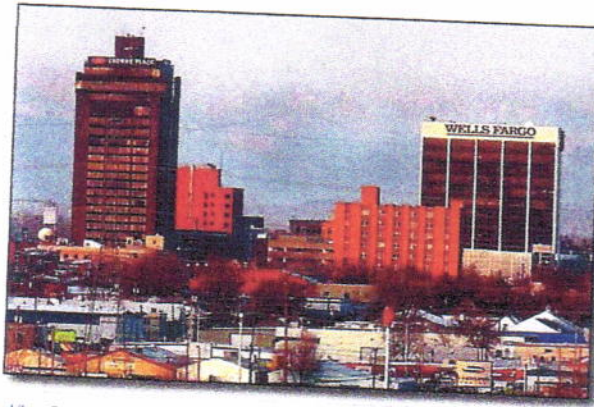
3 people like this.



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7 B



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5 people like this.

Write a comment...



Make Billings Safer shared a link
September 22

This is the kind of quality our BPD produces!



Five Billings Police officers receive Medal of Valor | KTVQ.com | Q2 | Billings, Montana
www.ktvq.com

BILLINGS - On Monday night before city council, Billings Police Chief Rich St. John brought attention to heroic acts of five Billings Police officers on June 2

Like · Comment · Share

9 people like this.

Write a comment...



Make Billings Safer
September 22

Thank you to everyone who has come by and "liked" this page! We are off to a great start!

We heard a great presentation from Chief St. John today at our Rotary club meeting, and I believe that this Public Safety Mill Levy will be vitally important for our community moving forward.

If you feel as strongly about this, would you consider sharing this page? We need to gain as much traction as possible between now and November 4th, and we need to get the word out!

Thank you!

Like · Comment · Share

2 Shares

9 people like this.



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8

Make Billings Safer

Kevin Home Find Friends



Timeline About Photos Likes

About

This page exists to educate about the need for the passage of the upcoming Public Safety Mill Levy in Billings that will be on the ballot in November

Description

Thank you for stopping by to learn more about the Public Safety Mill Levy. We will post dates and times for community forums, as well as press and endorsements from community organizations.

Here are a few brief points about the levy:

- Billings is a safe city! We are currently being served very well by our Police and Fire departments. Although crime has picked up and feels like it is getting mo... See More

Basic Info

Joined Facebook 09/18/2014

Contact Info

Website http://publicpolicy.billingschamber.com/...

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Search

Take Action

Quick Poll

Are you experiencing difficulty in hiring qualified workers in your business?

Yes

No

[Show Results](#)

[Home](#) > [Key Issues](#) > 2014 Public Safety Levy

2014 Public Safety Levy

Billings Chamber of Commerce Endorses Safety Levy

▶ Chamber Board Encourages Your Support

Public safety is one of our community's most important priorities. We are a growing and prosperous area quickly becoming Montana's first city. With this prosperity comes the challenges of a larger population and increased crime and safety issues. Following nine months of study and discussion, the Billings Chamber of Commerce endorsed the **Public Safety Levy and encourages you to vote "Yes" this fall. Ballots will be mailed beginning October 6, 2014 with the general election taking place November 4, 2014.**

▶ Public Safety by the Numbers

The number of square miles that makes up our city's footprint is increasing through annexation. Currently, Billings is 43 square miles and is patrolled by just nine officers. Although, statistically speaking, crime in Billings is relatively low per capita, it is on the rise.

- Calls dispatched: 69,174 in 2009; 91,519 in 2013 (a 32% increase).
- Cases filed in district court: 781 in 2011; 1,044 in 2013 (a 33% increase).
- Robbery, possession of dangerous drugs, felony theft, and assault with a deadly weapon have all seen significant increases in the last three years (nearly double in some instances).
- The Yellowstone Detention Center Facility was built in 1987 and was expanded in 1997. The current capacity is 286 inmates and the average housed is 460.
- The U.S. Marshall's Office closed 928 cases in Montana in 2013. 523 of those were in Billings primarily due to the large number of parolees in the area.
- There are currently about 1,600 convicted felons in the reentry program in Billings.

▶ How much will the levy cost me and what will it include?

How much will the levy cost me? The levy would take effect in 2016. A \$200,000 home would be levied \$31 the first year, increasing each year through 2025. In 2025 and thereafter, the \$200,000 property would be levied \$325 annually. A majority of the new tax will be used to simply maintain today's level of service. In year-one, \$16 of the new tax on a \$200,000 home will be used to maintain existing service and grow to \$286 in 2025.

What will we be getting for this new levy? Currently, Billings is divided into nine police beats patrolled by a minimum of nine officers total. One such zone stretches from Virginia Lane near downtown all the way out to Ironwood. Response time to an emergency can be substantial if the officer is at one of the limits of his or her zone and the call comes in from the opposite end. Under the new scenario, Billings could add two more zones to make each much more compact or augment and stabilize existing beats and create a street crimes unit. The levy will add 14 additional police personnel, the fire department would add six new fire fighters, and new equipment would be purchased to replace outdated or obsolete equipment. Municipal court, the city attorney's office and central dispatch will also need more personnel.

Billings is growing and will likely become Montana's first city. With this change we have to accept that the nature of the issues we will face in coming years will also change:

- The city is investing in growth: investments into the landfill, the water/sewer infrastructure and many other areas of basic services are now poised to serve thousands more people than today for many years to come.
- Our businesses are growing and budgeting on growth, and any backslide in the perception of safety might have the potential to slow that growth down.
- Just like other city services we should be thinking about the 10-15 year plans when it comes to safety in this community.

Bottom line, this levy will reduce response time, increase officers and firefighters, address the growing crime rates and prepare our community for future growth challenges.

10

Resources

- If your business or service club would like to receive a presentation on the safety levy, please contact Todd Buchanan, Buchanan Capital at todd.buchanan@prosperafinancial.com
- City of Billings Public Hearing and Ordinance Amending Charter with Family Safety Levy
- Safety Levy Facts Presentation
- Public Safety Levy Presentation Police & Fire: Presentation highlights current and projected funding, current challenges, projected outlook without the Levy, city growth projections, specific insight to Police and Fire, and projected costs.



11

Restaurant and closes

FWP
ette.com

or of Del Taco on Mon-
Mexican fast-food res-

King Park Drive off of

ad.

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entrance to the drive-

e closure was or if the

rned by press time.

ed company operates
Billings restaurant was
tana, according to its

Priest

Continued from B1

Wendy Dutton of Phoenix, as an expert witness. She will testify about children's memory, instances of children taking back statements and her analysis of the forensic interviews done in the case against Priest, court records say.

While the case is pending, Priest remains free from jail on a posted \$1,500 bond.

Priest was elected in 2010 to a four-year term. He did not file for re-election, according to Secretary of State records.

The state senator has not given notice of resignation,



CASEY PAGE/Gazette Staff
State Sen. Jason Priest appears in Carbon County District Court in Red Lodge for his initial appearance on assault charges on Feb. 20.

meaning he is still in office and head of the Senate Public Health, Welfare and Safety Committee, according to the state Legislative Services office.

Traffic

Continued from B1

New software will be included in the upgrades.

Asked by Mayor Tom Hanel whether railroad companies will bear the cost of some of the new equipment, Bolan said no. "Those are on state roadways, and they're our responsibility," she said. "We would have to do this whether the railroad is there or not."

Becky Mitchell, who chairs the Yellowstone Valley Citizens Council, told the council that her organization believes the city should look to the railroads "for a significant contribution. Taxpayers should not bear the cost" of increased rail traffic transporting coal and oil, she said.

everyone who was tuned into the local broadcast — made by City Administrator Tina Volek, Fire Chief Paul Dextras and Police Chief Rich St. John, Todd Buchanan, who is spearheading the advocacy end of the proposed levy, told the council that "the information is out there, and it is compelling."

"Billings is a safe city, but I think it can be safer," he said. He said as he's attended public presentations, he's learned that "people trust Tina and the chiefs. I am learning that we are a pretty thrifty municipality."

Billings resident Kevin Nelson told council members that if they "really believe that public safety is an issue that deserves public attention, you should put the money you spend on Tax Increment Districts back into the general fund," of which 64 percent is spent on public safety.

Hanel told Nelson he was missing the point on Tax Increment Funding, and when Nelson attempted a rejoinder, Hanel reminded him that "I am running the meeting, not you. You can sit down now. Good night."

Legislative priorities

Ed Bartlett, the city's lobbyist, said he plans to have a series of priorities and policies for the City Council to consider during its Nov. 17 meeting leading up to the 2015 legislative session, which begins Jan. 5.

He outlined a few ideas for bills that have been shaping up in the run-up to the session, including what has been called a local option tax, but is now being referred to as a local impact tax option. Another proposal, he said, this from Yellowstone County Attorney Scott Twito, would authorize construction of a satellite crime lab in Billings.

"There's only one in Missoula, and it is time-consuming and expensive for Billings to utilize the state crime lab," Bartlett said.

Public safety levy

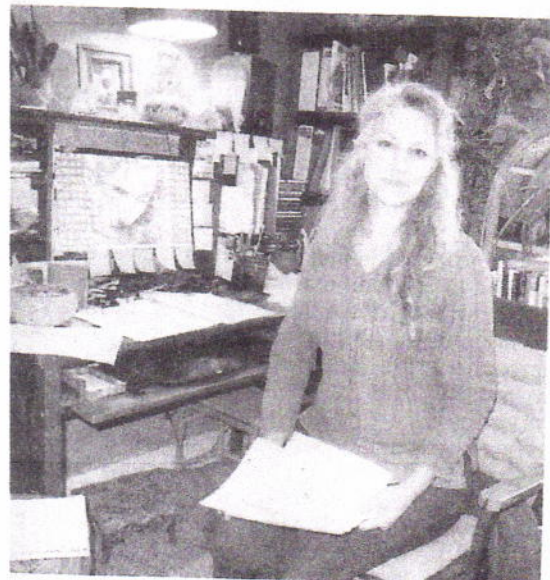
After a presentation to the City Council — and ev-

Bicycle lane striping

Councilman Rich McFadden said he believes the council should see striping plans on an agenda before Public Works crews lay down new bike lanes. He was referring to concerns by a few residents following a new bike lane on a portion of Lewis Avenue.

That requirement, Volek said, "would present a significant challenge if every stripe ... has to be brought to the City Council for approval. We would get a lot less work done."

Still, McFadden said, "If a constituent wants to talk for or against (a striping proposal), they should have the option to do so."



BRETT FRENCH/Gazette Staff
Artist and researcher Kathryn QannaYahu has collected research on the brucellosis issue as she's argued against the elk management policy in the Paradise Valley.

pinning it on elk evidence."
year FWP will ex-
elk study into the
Valley and along
h face of the Absa-
untains, said Neil
1, FWP's wildlife
visor. This will be
year of the elk study
ures elk, takes blood
and collars them to
k movements and
nd the prevalence of
to brucellosis.
chers are also hop-
d out why the dis-
is to be more preva-
ttle in the Paradise

conducting an environmental review.

However, the Montana Environmental Policy Act states in part that the purpose of requiring an environmental assessment or environmental impact statement is to "assist the Legislature in determining whether laws are adequate to address impacts to Montana's environment and to inform the public and public officials of potential impacts resulting from decisions made by state agencies."

The sporting groups note that in the past FWP

fect each other, the sporting groups argue.

"They're beautiful elk herds when (landowners) are selling land but vermin and diseased when they want help from FWP," QannaYahu said.

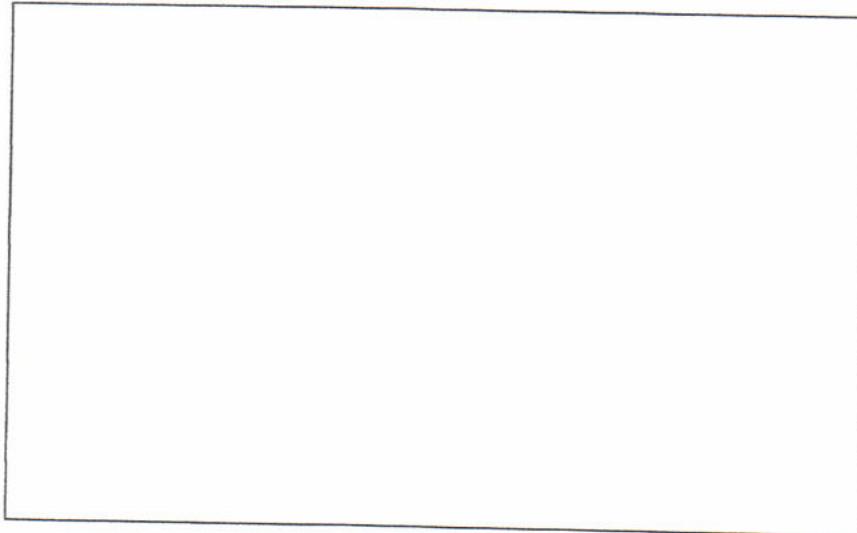
In the past, to receive state funding for fencing material to keep wildlife out of haystacks, the landowner had to allow public hunting.

In its 2015 proposal, FWP stated that by working with landowners it hopes to incrementally bring landowners around to public hunts. The plan states: "While public hunting access is not initially required for a landowner to receive FWP brucellosis risk management assistance, effectively identifying and minimizing risky concentrations of elk is considered a necessary component of comprehensive risk management over time. FWP and the landowner may approach this collaboration incrementally."

A paper written by Yellowstone National Park biologists raises another issue as well: that killing elk to try to eliminate the spread of brucellosis could actually backfire. In the paper, the authors refer to an earlier study that showed animals that have been exposed to brucellosis could be repositories of resistance to the bacteria.



Upload



Public Safety Levy Official Presentation, City of Billings, MT



Downtown Billings Alliance

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by BillingsCVB
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Life of Crime Official Trailer #1 (2014) - Isla Fisher, Jennifer
by MOVIECLIPS Trailers
Recommended for you



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by The Big J Show
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Public Safety Levy Official Presentation, City of Billings, MT

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Downtown Billings Alliance

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The City of Billings presentation on the important "Public Safety Levy."



Public Safety Levy Official Presentation, City of Billings, MT

by Downtown Billings Alliance · 5 days ago · 55 views



Downtown Billings Alliance uploaded a video 1 month ago



Spare Change for Real Change

by Downtown Billings Alliance · 1 month ago · 147 views

May our city unite to bring real changes to one of our cities most pressing issues



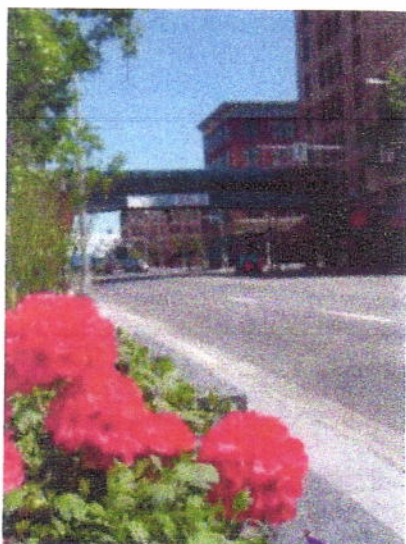
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Help

14



About

Revitalization. Clean & Safe. Urban Growth. Culture. Infrastructure. Outreach. Entertainment. Branding. Beautification. Urban Housing. Real estate. Innovation. Parking. Retention & Recruitment. The Downtown Billings Alliance, which is comprised of the Downtown Billings Association, the Downtown Billings Partnership, and the Business Improvement District, is the leader in strengthening our downtown community, by addressing all these issues... sometimes all in one day!

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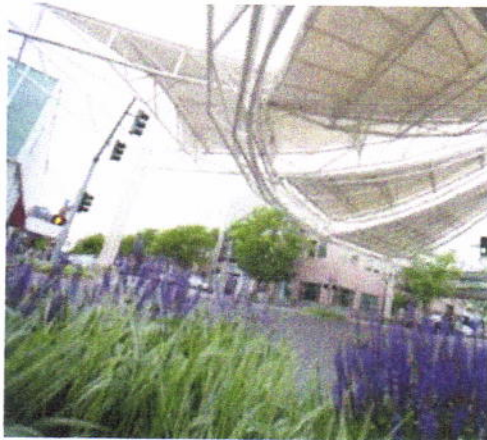
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Upcoming Events

OCT 15 Wed (http://downtownbillings.com/calendar/action-oneday/exact_date-15-10-2014/)	DBA Marketing, Events and Promot... @ GW Building Board Room (http://downtownbillings.com/ai1ec_event/dba-marketing-events-and-promotions-meeting/?instance_id=2112)
	DBA Marketing, Events, and Promo... @ GW Building Board Room (http://downtownbillings.com/ai1ec_event/dba-marketing-events-and-promotions-meeting-2/?instance_id=2148)

15



DBP Board of Directors

FY 2015 – Executive Committee (Board officers)

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 Matt Robertson – Immediate Past President
 Vice President – Jock West
 Secretary - Joni Harman
 Treasurer – Steve Tostenrud

BOARD OF DIRECTORS

Michelle Cormier, BID 259-4430

Vacant – PAB -

Matt Robertson – DBA mrobertson@naibusinessproperties.com - 671-1158

Steve Arveschoug – Big Sky EDA stevea@bigskyeda.org - 869-8401

Tina Volek – City of Billings VolekC@ci.billings.mt.us – 657-8430

Greta Besch Moen – Billings Public Schools – gjbesh@gmail.com

Jim Reno – Yellowstone County Commission jreno@co.yellowstone.mt.us – 256-2701

Kim Olsen – Downtown Prop. Own. Assn., Inc kimo@o2architects.net – 259-7123

Jock West – at Large Member (06/30/2017) jock@jockbwestlaw.com – 252-3858

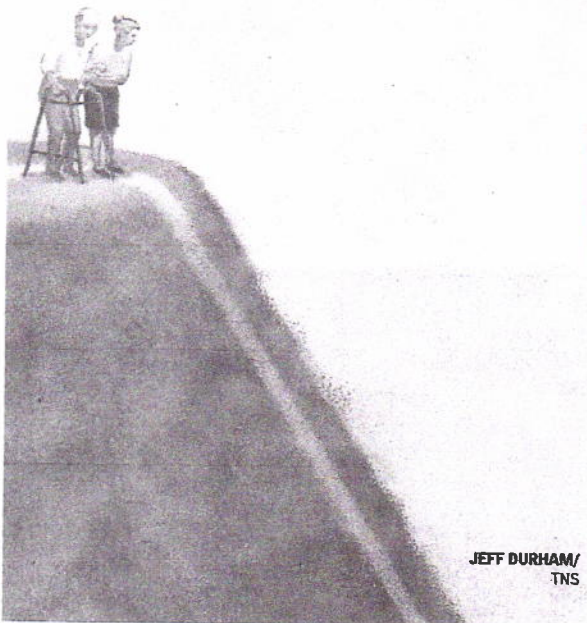
Maisie Sulser – at Large Member Newly created position (6/30/2017) msulser@aearchitects.com – 248-2633

Joni Harman - at-Large Member (6/30/2016) – joni.harman@gmail.com – 690-2002

James A. Patten – at Large Member (6/30/2016) – japatten@ppbglaw.com

16

to discuss end-of-life re the time comes



JEFF DURHAM/
TNS

me" seeks comfort in the purse or in the ne cabinet, 499 want ace they will die in a fferent kind of com- "one" needs to go to rches or the court to s wishes respected at l of life, 499 need to l on their families and re providers. If we see ns fighting bitterly llot measures on legal- doctor-assisted suicide, the majority of people ig that we need to the way we are dying.

rsation Project

fall, The Conversation , which I helped found, rvey showing that 0 percent of Ameri- ink it's important to nversations about how ant to live at the end of ys. This an extraor- figure; 90 percent of

wondering whether they did the right thing. If assisted suicide were legal in every state, it would barely make a dent in that hard reality.

I know there are times when the best medicine may not relieve suffering. Brittany may be such a rare case. I fully respect her choice. But it is dangerous to think we can change a system by focusing on the "one."

Change will come only when we close the gap, when our wishes are expressed and respected. I keep thinking about what Brittany said about life near the end. "Seize the day. What's important to you? What do you care about? What matters? Pursue that."

If all the people who watched her video want to do something that truly matters, start a conversation at the kitchen table with the people you love, people you may have to speak for. Find our Conver-

City using scare tactics to support safety levy

City Administrator Tina Volek said city officials can educate, but are precluded from recommending how people should vote. Is that why Todd Buchanan has led 40 presentations to support it? Wink. Wink. The police and fire departments already have their shopping lists. It is obvious that city officials have stated a bias at council meetings and in The Billings Gazette — which will be another lawsuit if it passes.

The city isn't giving both sides for you to vote how you feel. They give you threats and scare you that someone might die as they wait for police and fire. This is what the schools use when they need money. We paid for a ballpark, a library, millions for the schools and I believe a water treatment upgrade is next. Ya want clean water, don't you?

I wish I could ask for a raise as I need things. My old car needs a starter. Imagine me walking through three feet of snow this winter. That should do it!

**Wayde Carlson
Billings**

MacDonald gets good things done for community

I am writing in support of Margie MacDonald's campaign for House District 51.

Tony O'Donnell's relentlessly negative and divisive campaign, full of half truths and distortions, tells the voters all we need to know.

We do not need his divisive and negative voice in Helena representing us. There are much more important things to get done, because people are hurting and we need leaders who can solve problems and address the challenges we face on a daily basis.

I'm voting for MacDonald, who has run a positive campaign and stands up for all her constituents. She is effective and works with all people of good will to find solutions and get good things done for our community. And she has a proud record of leadership and achievements to back it up.

I urge the residents of House District 51 to join me in voting Margie MacDonald.

**Laurel Shrom
Billings**

Washington wonders move too slow on Ebola

I would like to comment on the gutless politicians in Washington

wonders are the same way. I believe they should have gotten right on this thing and had a travel ban on Africa before it got this far.

Then one person said, "If we stop plane traffic, the virus will get worse." Did I miss something here? It cannot get any worse than Ebola.

What a joke these people are. They need to be removed and replaced with normal thinking people. The virus is already getting out of control.

**Curt Beffert
Billings**

Ceballos will be great Wyoming education leader

I'm celebrating my 21st year teaching Wyoming children middle school math, and for the first time in many years I'm excited about our opportunity to elect an experienced, effective leader to our State Department of Education.

I'm asking you to vote Nov. 4 for Mike Ceballos for state superintendent of public instruction.

As a classroom teacher, I appreciate Ceballos' opposition to adding more non-teaching duties to teachers' responsibilities. He knows that a battery of time-consuming tests wastes valuable instructional time and should not be the lone indicator of student achievement nor teacher/school performance. He advocates for consideration of multiple measures of achievement and for streamlined assessment that gives us meaningful, timely information. I agree with him that many elective courses can increase student success, and I'm impressed with his passion for listening to and learning from educators around the state.

Ceballos is a businessman who holds a deep respect for educators and has been involved in education for many years. His 14 years as president of Qwest Wyoming, long-time service on education boards, knowledge of educational policy and continuous pursuit of lifelong learning provide him the perfect skill set to artfully fulfill the responsibilities of the office of superintendent. He comes with no hidden agenda; rather, a clear vision for bringing all stake holders together and moving our state's education system forward.

**Kathleen McKinley
Cheyenne, Wyo.**

Letter policy

The Gazette welcomes letters to the editor. Letters are subject to editing and must be fewer than 250 words to be considered for publication.

Local man files suit against commissioner of political practices

By Rose Brown - Enterprise Staff Writer

A Park County resident who the Montana Commissioner of Political Practices said violated campaign finance laws in 2010 has now taken legal action against the commissioner.

Pat Wagman filed a civil case in Park County's Sixth Judicial District Court April 10 claiming Commissioner Jonathan Motl violated Montana law earlier this month by not referring his recent decision to the proper county attorneys.

Montana statute says the commissioner is required to refer his decision to the county attorney where the alleged violation occurred.

Wagman's legal complaint claims the alleged violation would have occurred in Park and Sweet Grass counties, because that's where the campaigning took place.

Motl said in a Thursday phone interview the violation was a filing and reporting violation, and since all Montana candidates file and report in Lewis and Clark County, the violation therefore occurred there.

Wagman's complaint states that notifying only the Lewis and Clark County Attorney was "legally absurd."

He asks that the commissioner's decision not to inform the Park and Sweet Grass attorneys be declared illegal and that Motl now be required to refer the recent finding locally. Wagman also asks that Motl pay his legal fees.

The Park County Attorney's Office said last week it agrees with Wagman's claim that the commissioner is required by statute to refer his decision regarding Wagman to Park County for further action, said Kendra Anderson, deputy county attorney.

The Park County Attorney's Office plans to intervene and become a party in Wagman's legal action, Anderson said.



Motl said Thursday he believes Wagman's lawsuit is "an avoidance complaint."

On April 8, after Lewis and Clark County Attorney Leo Gallagher declined to prosecute Wagman, Motl filed a civil action against Wagman in Lewis and Clark County's district court.

Motl's decision regarding Wagman, released earlier this month, states that he violated campaign finance laws when he refused to disclose campaign finance records when asked. Motl also stated in his decision that Wagman accepted services for less than cost from Western Tradition Partnership when he campaigned for senate in 2010. Western Tradition Partnership, now American Tradition Partnership, is a 501(c)(4) grassroots lobbying organization that promotes conservative values and aims to fight "environmental extremism," according to the group's website.

In 2012, a Montana judge ruled that WTP had violated campaign finance laws by failing to report donors and expenditures.

Wagman's attorney, Chris Gallus, said in an email Friday that Wagman is an honest man and he produced all required documents and paid for services provided.

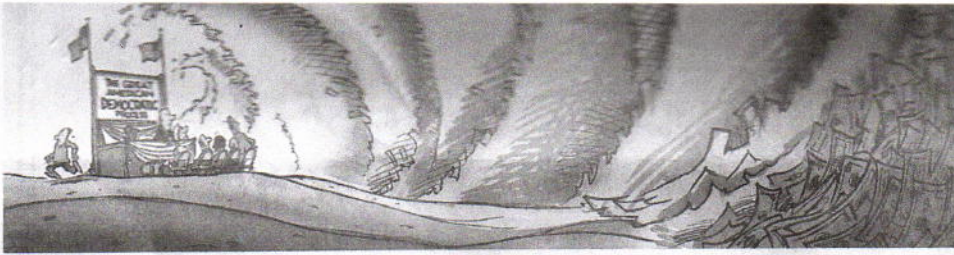
Gallus said in a Thursday phone interview he thinks Commissioner Motl is very liberal and he is selectively targeting his recent findings at conservatives.

In response to Gallus' claim, Motl said his issue with Wagman, as well as with eight other Montana politicians he recently filed civil action against, is not political.

"I don't think the issue is whether or not they were conservative. The issue was whether or not they had a relationship with Western Tradition Partnership," Motl said Thursday. "As a corporation, it cannot get involved in candidate's political campaigns."

While many of the commissioner's findings are settled out of court before litigation, Motl said he did not consider settling with Wagman or the eight other candidates he filed against recently because they "failed the most basic and fundamental public trust responsibility of a candidate running for public office — (they) refused to produce campaign records requested by the commissioner on behalf of the people of Montana."

"I don't see how the commissioner can settle that," he said.



GUEST OPINION

Dark money campaigns skew justice against individual rights

By JAMES C. NELSON

The thumbscrew was a favorite of medieval torturers and 18th century slave traders. The thumbs or toes of the victim were inserted into the device, and then were slowly and painfully crushed by incremental turns of the screw. The U.S. Supreme Court's 2010 decision in Citizens United works like that: Every little turn of the CU screw crushes another constitutional right of ordinary people, its victims.

We know that CU let slip the dogs of Big Money, Big Business, Big Politics and Big Religion to spend unlimited amounts of dark, mega-money to buy "speech" so as to "inform" the public about candidates and issues. Only fools, or the Roberts' majority, could fail to foresee that this monetary deluge would corrupt campaigns, deceive voters and drown out the voices and votes of ordinary citizens. But, then, I repeat myself.

Ads influence judges

So, here's the latest turn of the CU screw. The non-partisan American Constitution Society has just released a followup to its 2013 Justice at Risk report. Authored by Emory law professors Joanna Shepherd and Michael S. Kang, *Skewed Justice: Citizens United, Television Advertising, and State Supreme Court Justices' Decisions in Criminal Cases* describes further empirical research on

the corrosive impact of CU on expenditures in judicial elections and judicial decision making. Not surprisingly, the pernicious effects of money in politics has spread from judicial decision-making in civil cases to criminal cases as well. One more turn of the screw.

Skewed Justice reaches two principal conclusions: First, the more TV ads aired during state supreme court judicial elections in a state, the less likely justices are to vote in favor of criminal defendants. Second, justices in states whose bans on corporate and union spending on elections were struck down by CU were less likely to vote in favor of criminal defendants than they were before the decision. The results are statistically significant across different specifications and with different control variables.

The tactic the dark-money spenders use is to cherry-pick the disfavored judicial candidate's decisions by selecting one or two criminal cases with which to charge the candidate as being "soft on crime." For example: "Justice Jones voted to give a child molester a new trial." We have all seen and heard these "Willie Horton" ads.

Even though the Constitution and law required Justice Jones to vote the way she did, truth is not the objective of the ad; rather, it is to inflame a gullible public and to prejudice the candidate. And, sadly, as Skewed Justice shows, this misleading and malevolent tactic works.

Bottom line: when judicial candidates are forced to look over their shoulders for fear of being saddled with an unpopular, albeit legally correct, decision in a criminal case, they may well vote against the criminal defendant, and, thus, negate his or her right to a fair trial, fair sentence or fair appeal. And that hurts us all; any one of us may wind up in court.

Justice denied

Every person who appears in a court of justice, deserves justice — whether an individual or a business in a civil case or a person who killed an innocent pedestrian while driving intoxicated. Justice is denied when courts and judges fear the consequences of basing their decisions only on the facts and law and ruling in a fair, impartial and independent manner.

Dark mega-money skews the system. Big Money, Big Politics, Big Business and Big Religion don't care. They're happy to turn the screw down another notch and watch the blood flow. Those fundamental constitutional rights that We the People (we human beings) are guaranteed, just don't fit in their play books. But, so what?

After all, the Bigs have the U.S. Supreme Court creating constitutional rights out of thin air just for them — and those are the ones that count.

James C. Nelson of Helena is a retired justice of the Montana Supreme Court.

Ceballos has a proven leadership record as a corporate executive, having served as president of Qwest Wyoming for many years. He has also served as the president of the Wyoming Taxpayers Association and chairman of the Wyoming Business Alliance. He knows firsthand that Wyoming's businesses and industries need an educational system that provides capable graduates who can learn and excel at the demands of an ever-changing workplace. I am convinced that he will be committed to developing our kids to be able to succeed in the workplace of the 21st century.

At this critical time in the evolution of our education system, Ceballos is the right person to lead our education department out of the current turmoil and ensure that our kids graduate with the qualifications necessary to succeed in the business world of the future. His passion for education, his unique qualifications and his long standing commitment to Wyoming's communities make him uniquely qualified to serve our parents, teachers and students as the superintendent of public instruction.

Please join me in voting for a successful business leader with a passion for education and a talent for bringing diverse interests together for the benefit of our education system and most importantly, our kids.

Paul Pinedale

We'll fare better with Curtis and Lewis

"Gun grabbers" is a figment of imagination. If people are told enough that the federal government along with certain legislators, all of our guns, some people will believe it. It's a good vote but a dishonest one. It stirs pe-

I don't like the idea that someone would have to distort the truth to be elected. That person would be the same in office to please an powerful constituent.

We deserve to have ethical voters who are willing to do better, not legislators who enrich their own lifestyle. We would fare much better with Amanda Curtis and John Lewis. I believe I deserve what I want without them.

Democrats promise what they can't deliver

Why are the Democrats living with the train-wreck? Enjoy yourself in China? Good Intentions? You know that road can lead, rolling back the clock a few years ago.

Only fools, or the Roberts' majority, could fail to foresee that this monetary deluge would corrupt campaigns