

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
Fax : 406-444-1643
www.politicalpractices.mt.gov

Campaign Finance and Practices

Complaint Form (10/09)

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COMMISSIONER OF
POLITICAL PRACTICES

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OCT 3 2014

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

Person bringing complaint (Complainant):

Complete Name Sheila Royston
Complete Mailing Address P.O. Box 77
Wilsall, MT 59086
Phone Numbers: Work _____ Home (406) 578-2295

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

Complete Name Clint Tinsley, Marty Malone, and Jim Durgan, individually, and; in their
Complete Mailing Address official capacity as the Park County Commission
City/County Complex; 414 E. Callender St., Livingston, MT 59047
Phone Numbers: Work (406) 222-4106 Home _____

Please complete the second page of this form and describe in detail the facts of the alledged violation.

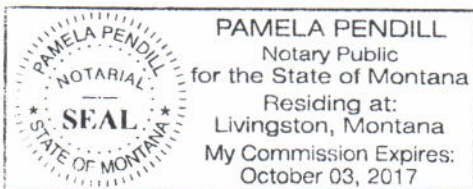
Verification by oath or affirmation

State of Montana, County of Park

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

(SEAL)

Sheila Royston
Signature of Complainant



Subscribed and sworn to before me this 3rd day of Oct., 2014.

Pamela Pendill
Notary Public

My Commission Expires:

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.

This is a complaint concerning a violation of Montana's Election Laws as set forth in Title 13 of the Montana Code Annotated.

My complaint is supported by the following facts and authority.

1. Complainant Sheila Royston is a resident of Wilsall, Montana.
2. Complainant has read and considered *Landsgaard v. Peterson and Wilks, COPP No. 2014-CFP-008*, and proceeds with this complaint in good faith.
3. Respondents Clint Tinsley, Marty Malone, and Jim Durgan are individual members of the Park County Commission.
4. Respondents appointed Senate District 30 Republican candidate Nels Swandal as county attorney.
5. Respondents appointed county attorney nonpartisan candidate Bruce Becker as special deputy county attorney.
6. As more specifically alleged below, Respondents violated § 13-35-214, MCA.

CLAIM 1

On February 5, the local press reported that Respondents appointed Nels Swandal as county attorney to fill a vacancy created when Brett Linneweber announced his resignation on January 28. Respondents did not allow for the consideration of other persons. Swandal is the Republican candidate for SD 30. He is a partner in Swandal Law PLLC & Mediation Center, which was formed after he retired as district judge. Swandal's partners are his daughter Rebecca Swandal and Kendra Anderson.

As a consequence of Swandal's appointment, Respondents appointed five special deputy county attorneys to serve at no cost to the taxpayer. They are as follows:

- Rebecca Swandal, partner Swandal Law PLLC & Mediation Center;
- Kendra Anderson, partner Swandal Law PLLC & Mediation Center;
- Bruce Becker, City of Livingston Attorney;
- Patrick Dringman, Sweet Grass County Attorney; and
- Kimberly Deschene, Meagher County Attorney, and partner Deschene & Swandal PC.

Respondents' appointment of Swandal provides him with an unfair advantage over his Democrat opponent Mary Murphy. Murphy simply cannot compete with the emolument and authority of the county attorney or the free publicity that comes with the office. For example, on April 28, the local press reported that Pat Wagman filed a civil case in Park County Sixth Judicial District Court claiming the COPP violated Montana law by not referring his recent decision to the proper county attorneys in Park and Sweet Grass counties. Swandal directed his office to intervene and become a party in Wagman's lawsuit, a move guaranteed to be popular with conservatives in SD 30. Wagman was found by the COPP to have illegally coordinated his 2010 campaign with WTP/ATP. Gallatin, Park, and Sweet Grass counties have a well documented history of connection and support for WTP/ATP. Respondents created an unlevel playing field for Murphy before the race began.

Further, the action taken for Swandal's law partners/family members/other jurisdictions to prosecute criminals and provide civil litigation services at no charge to the county saves the taxpayers money, which is a direct inducement to vote for Swandal.

Respondents appointed Swandal to a position of trust and emolument, knowing it would aid and promote his state senate candidacy.

CLAIM 2

On January 28, the local press reported that county attorney Brett Linneweber announced his resignation. To fill the vacancy, he recommended Respondents accept applications and then use a panel of local attorneys to appoint a county attorney. On January 30, after Nels Swandal expressed an interest in the position, Linneweber recommended Swandal be appointed county attorney. Chief deputy county attorney Kathleen Carrick asked for the appointment. On February 5, the local press reported that Respondents

appointed Swandal. Tinsley stated, “The biggest issue was, we didn’t want to get in that situation of appointing someone who is running for county attorney”. At the time in question, Carrick and City of Livingston attorney Bruce Becker are candidates. Linneweber said “If either is appointed to serve until the election, it could give them the advantage or appear that the commissioners are endorsing one of them”. On either February 6 or March 6, Respondents signed a resolution appointing Becker as special deputy county attorney to serve at no cost to the taxpayer. Becker did not publicly express his interest in an appointment unlike Carrick.

Respondents’ appointment of Becker provides him with an unfair advantage over his opponent Carrick. The token appointment is an endorsement and a public show of confidence in Becker that was not expressed in Carrick. Becker was appointed to handle criminal felony cases on behalf of Swandal.

A measure of how the appointment may have aided Becker is his rise in popularity since 2012, when he ran for district judge. He received 332 of 4,251 votes, losing a four-way race. In 2014, he received 1,397 of 3,663 votes, winning a three-way race. Carrick was a close second with 1,373.

Further, the action taken for Becker to prosecute criminals at no charge to the county saves the taxpayers money, which is a direct inducement to vote for Becker.

Respondents appointed Becker to a position of trust, knowing it would aid and promote his county attorney candidacy.

7. The actions taken by Respondents are in direct violation of § 13-35-214, MCA:

Illegal influence of voters. A person may not knowingly or purposely, directly or indirectly, individually or through any other person, for any election, in order to induce any elector to vote or refrain from voting or to vote for or against any particular candidate, political party ticket, or ballot issue:

(1) give, lend, agree to give or lend, offer, or promise any money, liquor, or valuable consideration or promise or endeavor to procure any money, liquor, or valuable consideration; or

(2) promise to appoint another person or promise to secure or aid in securing the appointment, nomination, or election of another person to a public or private position or employment or to a position of honor, trust, or emolument in order to aid or promote the candidate's nomination or election, except that the candidate for governor may publicly announce or define the candidate's choice for lieutenant governor.

8. This is not the first time Respondents have attempted to influence voters. I called them out for using public time and public facilities to push partisan rhetoric about federal government spending. Reading an excerpt into public record from Rick Perry's book, *Fed Up! Our Fight to Save America from Washington*, alludes to their allegiance to the Republican party.

9. Rule 44.10.307 of the Administrative Rules of Montana provides that a person who believes a violation of a provision of Title 13, chapters 35 and 37, MCA, has occurred may file a written complaint.

10. Section 13-37-111, MCA, provides the COPP with the authority and jurisdiction to investigate legitimate complaints and to enforce Montana's Election Laws.

Complaints must be:

- signed
- notarized
- delivered in person or by certified mail.

List of Documentary Evidence Attached

- Park County attorney to resign, *Livingston Enterprise*, 1.28.2014
- Personnel Meeting, *Park County Commission Meeting Minutes extract*, 1.28.2014
- Outgoing county attorney recommends replacement, *Livingston Enterprise*, 1.31.2014
- Discussion/Decision Regarding Selection Process for County Attorney Position, *Park County Commission Meeting Minutes extract*, 1.30.2014
- Former judge to fill county attorney seat, *Livingston Enterprise*, 2.5.2014
- Interview and Possible Decision of Nels Swandal for Appointment as County Attorney, *Park County Commission Meeting Minutes extract*, 2.5.2014
- Local man files suit against commissioner of political practices, *Livingston Enterprise*, 4.28.2014
- Park County Resolution No. 1176
- Park County Resolution No. 1177
- Park County Resolution No. 1178
- Park County Resolution No. 1179
- Park County Resolution No. 1180
- Park County Resolution No. 1181
- Park County Resolution No. 1186
- Public Hearings/Ordinances/Resolutions, *Park County Commission Meeting Minutes extract*, 3.6.2014 and 6.17.2014
- Letter to the Editor, *Livingston Enterprise*, 2.25.2013
- Review Daily Correspondence/Agenda, *Park County Commission Meeting Minutes extract*, 2.4.2013

Park County attorney to resign

By Natalie Storey - Enterprise Staff Writer

County Attorney Brett Linneweber announced Tuesday he will resign next month to take a job in the Yellowstone County Attorney's office.

Linneweber gave Park County commissioners his letter of resignation during a meeting Tuesday afternoon. It will take effect Feb. 24. Linneweber said he and his wife had been planning a move to Billings to be near extended family. Although he wanted to continue to prosecute, he wasn't sure about his job prospects. When a job became available in the prosecutor's office in Billings, he said he applied, thinking he might not get another opportunity.

"The chance to continue to prosecute and to be near the grandkids was one I couldn't pass up," Linneweber said.

The job in Billings is senior deputy county attorney. Linneweber said he'll be handling major crimes, much like he did as Park County attorney.

Linneweber has been county attorney since he took over for Tara DePuy in 2005. He was elected to the position twice in 2006 and 2010. City Attorney Bruce Becker and Deputy County Attorney Kathleen Carrick are running for county attorney, a job that pays \$96,396.

Linneweber thanked the commissioners during Tuesday's meeting, saying he is honored to have served as Park County attorney.

"I have loved my job," Linneweber said. "I loved representing the county."

The commissioners are charged with appointing an attorney to serve the rest of Linneweber's term, which ends next January, according to the Montana Code Annotated.



"Vacancies in all county offices, except that of county commissioner, must be filled by appointment by the board of county commissioners," the law reads. "(T)he appointee holds the office, if elective, until the person elected at the next general election is certified."

The commissioners have the discretion to determine the selection process, according to Montana law.

The commissioners accepted Linneweber's resignation Tuesday and set a follow-up meeting for Thursday at 2 p.m. to discuss how they will select a county attorney, who will serve until the election. Linneweber recommended the commissioners accept applications and then use a panel of local attorneys to appoint a county attorney.

The person who is appointed to take Linneweber's place must be in good standing with the Montana Bar Association, have practiced law for three years and have lived in Montana for the last two years, Linneweber said.

Natalie Storey may be reached at nstorey@livent.net [3].

Contact The Livingston Enterprise: 401 South Main St. Livingston, Mt. 59047 (406) 222-2000

Source URL: <http://www.livingstonenterprise.com/content/park-county-attorney-resign>

Links:

[1] <http://www.livingstonenterprise.com/category/byline/natalie-storey-enterprise-staff-writer>

[2] <http://www.livingstonenterprise.com/category/news-section/news/local>

[3] <mailto:nstorey@livent.net>

Correspondence included:

- Memo re. ExecUcare certificate of liability insurance

Review of Minutes for Week of January 20, 2014: Commissioner Malone noted a typo on Page 3 of 10. On Page 5 of 10, a sentence should read, "A contractor gave the Solid Waste Board an estimated cost of \$175,000 to demolish and remove the building, not including environmental study requirements." On Page 6 of 10, a sentence should read, "Commissioner Malone moved to move forward with the process to allow Cooke City residents to vote whether to increase the mill levy to an annual maximum of 35.8 mills."

Commissioner Malone moved to accept the minutes as amended. Commissioner Tinsley seconded the motion. Motion passed.

Adjournment: 10:40 a.m.

Personnel Meeting

@1:31 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan (via telephone), Malone and Tinsley; Brett Linneweber, Kathy Carrick and Kim Lavender, county attorney's office; Raea Morris, administrative assistant; Jill Ouellette, HR; Bruce Becker, city attorney; Natalie Storey, Livingston Enterprise; John Mueller, minutes clerk

County Attorney Brett Linneweber said he called the meeting, there is no legal basis to close the meeting and it should stay open to the public record.

Linneweber said he previously informed the Commission he will not run for re-election. He learned yesterday he was offered a position with the Yellowstone County, County Attorney's Office and will move to Billings to take that job. Linneweber said his resignation from Park County will be effective February 24 at 8:00 a.m. Linneweber said he suggests the Commission put together a panel to select an interim county attorney.

Commissioner Malone moved to accept Linneweber's resignation. Commissioner Durgan seconded the motion. Motion passed.

@1:48 p.m., the meeting adjourned.

Discussion Regarding Resident Concerns of Fleshman Creek Project

@2:30 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan (via telephone), Malone and Tinsley; Parks Frady, public works; Mike Inman, planning; Kim Knutson, fair; Mike Adams, fair board;

Outgoing county attorney recommends replacement

By Natalie Storey - Enterprise Staff Writer

Outgoing Park County Attorney Brett Linneweber recommended Thursday that the County Commission appoint former judge Nels Swandal to take his place until the election.

Linneweber, who has been county attorney since 2005, announced this week he is resigning to take a job with the Yellowstone County Attorney's Office in Billings. His last day will be Feb. 24.

Linneweber and Jill-Ann Ouellette, county human resources analyst, laid out at a Thursday commission meeting two options for county commissioners, who are charged with selecting someone to serve as county attorney until a new one is elected: Accept applications for the position or appoint someone as a "caretaker" who isn't running in the election.

Linneweber said he believed appointing Swandal, who was county attorney from 1983 to 1994, was the right choice because it would help the commissioners avoid the appearance of partiality if they were to appoint another attorney, such as Deputy County Attorney Kathleen Carrick or City Attorney Bruce Becker, both of whom are running in the November election for Linneweber's job.

If either is appointed to serve until the election, it could give them the advantage or appear that the commissioners are endorsing one of them, Linneweber said. Additionally, he said if Carrick is appointed county attorney, there will still be a vacancy in the county attorney's office that must be filled quickly.

If Becker is appointed, he might not be able to leave his post as city attorney right away and there's the potential for conflict between him and Carrick, Linneweber said.

"Quite frankly (appointing Swandal) takes all the politics out of your decision," Linneweber said.

Carrick pleaded her case to commissioners Thursday, saying the transition would be smoother if she took over for Linneweber. The county attorney's office is busy and it's imperative the commissioners decide quickly, she said.

She has the most institutional knowledge about the cases and the procedures, Carrick said.



"I don't think that Brett, having given his resignation, should even be involved in this process," Carrick said.

Becker, who was also at the meeting, said he liked the idea of appointing Swandal until the election.

"It seems like the fair way to go," he said.

Swandal graduated from the University of Montana School of Law in 1978, according to the website of Swandal Law and Mediation Center. He served as a district court judge in Park County from 1995 to 2012.

The commissioners scheduled a meeting with Swandal for Wednesday at 8 a.m. During the meeting, they will discuss whether they will appoint him as county attorney or if he will only serve on the selection committee to find a new county attorney.

Natalie Storey may be reached at nstorey@livent.net [3].

Contact The Livingston Enterprise: 401 South Main St. Livingston, Mt. 59047 (406) 222-2000

Source URL: <http://www.livingstonenterprise.com/content/outgoing-county-attorney-recommends-replacement>

Links:

[1] <http://www.livingstonenterprise.com/category/byline/natalie-storey-enterprise-staff-writer>

[2] <http://www.livingstonenterprise.com/category/news-section/news/local>

[3] <mailto:nstorey@livent.net>

- Memos re. Seven Point Subdivision
- Memo re. March Commission meeting schedule
- Memo re. Federal lands issues

Adjournment: 10:06 a.m.

Discussion/Decision Regarding Selection Process for County Attorney Position

@2:00 p.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Malone and Tinsley; Brett Linneweber, Kathy Carrick, Kim Lavender, Sandy Gordon, county attorney's office; Jill Ouellette, HR; Raea Morris, administrative assistant; Kara Bailey, city judge; Bruce Becker, city attorney; Natalie Storey, Livingston Enterprise; Lois Voges, citizen; John Mueller, minutes clerk

Jill Ouellette, HR, said the Commission has options in appointing an interim county attorney to fill County Attorney Brett Linneweber's office once vacated February 24, such as establishing a selection committee to review applications, interview candidates and provide recommendations. Ouellette said she can have interview questions and a full job description completed within a matter of hours.

County Attorney Brett Linneweber said he does not want to be part of the selection committee, and the idea is for the Commission to also be removed from the process to avoid appearance of bias or conflict of interest. Linneweber said he recommends the option of a caretaker filled by someone not interested in running for the office in November, which takes any politics on the Commission's part out of the issue. Linneweber said retired District Court Judge Nels Swandal is interested in a fulltime caretaker arrangement or will serve as a selection committee member if the Commission selects that option. The interim appointment expires the day the November vote is certified by the county commission. Swandal is out of the state and unavailable to accept any position until February 5.

Kathy Carrick read a portion of statute she said is associated with appointment of a vacant county attorney position. Carrick said she is uniquely aware of everything associated with the county attorney's office, and delaying an appointment will create chaos. Carrick said she does not think Linneweber should be involved with the appointment process having given his resignation from the position. Linneweber said he speaks for the office until the 24th. Tinsley said the Commission asked Linneweber for his assistance and input regarding a selection process for appointing an interim county attorney. The Commission has the final decision on this matter.

Bruce Becker said he likes the idea of a caretaker situation to avoid appearance of conflict of interest and enable Carrick and him to focus efforts on their campaigns.

Commissioner Malone said he thought about a similar situation two months ago with Governor Bullock's opportunity to appoint a caretaker for an open State of Montana Senate seat.

Commissioner Malone moved to set up an interview with Mr. Swandal (February 5 at 8:00 a.m.) and title the meeting appropriately. Commissioner Tinsley seconded the motion. Motion passed.

@2:25 p.m., the meeting adjourned.

January 31, 2014

No Commissioner Meetings Scheduled

Park County Board/Committee Meetings

1:00 p.m. – Solid Waste Board, East Room – Commissioner Tinsley attended

Voided Checks

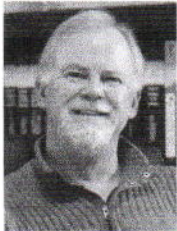
Payroll #s: 49216

Claims #s: 79590

Former judge to fill county attorney seat

By Natalie Storey - Enterprise Staff Writer

The Park County commissioners on Wednesday appointed former Judge Nels Swandal to serve as county attorney until a new one can be elected in November.



NELS SWANDAL

Swandal will take over for outgoing County Attorney Brett Linneweber Feb. 24. Linneweber announced recently he is resigning to take a job with the Yellowstone County Attorney's Office in Billings.

Swandal served as county attorney from 1983 to 1984.

"I always had a lot of respect for his work when he was county attorney," said commissioner Marty Malone, who made a motion to appoint Swandal as the "caretaker" county attorney at a meeting Tuesday morning.

Commissioner Clint Tinsley said appointing Swandal would help the commission avoid showing preference in the election. Deputy County Attorney Kathleen Carrick and City Attorney Bruce Becker are running for the job.



"The biggest issue was we didn't want to get in that situation of appointing someone who is running for county attorney," Tinsley said.

Swandal said the job would be like "going back to the future" for him. He said it came with a great deal of responsibility, but that he enjoyed his time working as a prosecutor.

"They asked me and I have the time to do it," Swandal said.

Linneweber said Swandal's caseload would be light in the beginning because he's trying to take care of as much as possible before he leaves for Billings.

"The transition will be easy," he said. "I suspect we can do it in an afternoon."

Swandal, who is running for a state senate seat, served as district court judge in Park County from 1995 to 2012. He graduated from the University of Montana School of Law in 1978, according to the website of Swandal Law and Mediation Center, a law practice Swandal runs with his daughter Rebecca Swandal as well as Kendra Anderson.

He said he consulted his partners and they gave him permission to take the county attorney job.

Natalie Storey may be reached at nstorey@livent.net ^[3].

Contact The Livingston Enterprise: 401 South Main St. Livingston, Mt. 59047 (406) 222-2000

Source URL: <http://www.livingstonenterprise.com/content/former-judge-fill-county-attorney-seat>

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[2] <http://www.livingstonenterprise.com/category/news-section/news/local>

[3] <mailto:nstorey@livent.net>

February 5, 2014

Interview and Possible Decision of Nels Swandal for Appointment as County Attorney

@8:00 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Brett Linneweber, Kim Lavender, Sandy Gordon, county attorney's office; Jill Ouellette, HR; Bruce Becker, city attorney; Nels Swandal, citizen; Natalie Storey, Livingston Enterprise; John Mueller, minutes clerk

Nels Swandal said he would be willing to accept the open county attorney seat until the November election. Swandal served three terms as county attorney before he served as Montana's 6th Judicial District Judge. He said he has time to serve the position, but may need to appoint a special deputy on occasions. County Attorney Linneweber said such is common practice and will be necessary to avoid conflict of interest in upcoming cases where Swandal was district court judge. Swandal said he will meet with Linneweber to come up to speed on case load and office goings on. Swandal is available to start the position on February 24 at 8:00 a.m., the effective date of Linneweber's resignation from Park County.

Commissioner Malone moved to appoint Nels Swandal to serve out Linneweber's remaining term, which will expire when the Commission certifies the November election results. Commissioner Durgan seconded the motion. Motion passed.

@8:10 a.m., the meeting adjourned.

City-County Meeting

@9:35 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; City Commissioners Dorel Hoglund, James Bennett; Ed Meece, city manager; John Mueller, minutes clerk

There was discussion about the Fleshman Creek Project, City-County Building office space assessment, removing snow from courthouse sidewalks and building insurance.

@10:05 a.m., the meeting adjourned.

Preliminary Budget Review

@10:33 a.m., the meeting opened in the Commission Chambers.

Attendance: Commissioners Durgan, Malone and Tinsley; Martha Miller, auditor; Lani Hartung, finance; John Mueller, minutes clerk

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.

RESOLUTION NO. 1176

RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS, the Park County Attorney has requested prosecutorial assistance regarding criminal prosecutions and civil litigation; and,

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in matters surrounding the aforementioned matters.

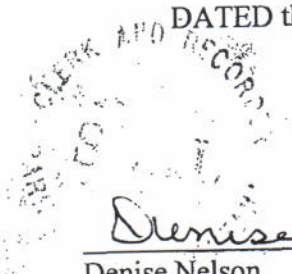
NOW, THEREFORE, IT IS HEREBY RESOLVED:

That Kendra D Anderson, is appointed as special deputy county attorney of Park County for the purpose of assisting in matters surrounding the aforementioned matters.

BE IT FURTHER RESOLVED:

That Park County shall provide no fees for this service, but shall provide, as needed, secretarial assistance and investigative assistance.

DATED this 6th ^{March} day of ~~February~~, 2014.


Denise Nelson
Denise Nelson
Park County Clerk & Recorder

BOARD OF PARK COUNTY
COMMISSIONERS

Clint Tinsley
Clint Tinsley, Chairman

FORM APPROVED:

Nels Swandal
Nels Swandal
Park County Attorney

James R. Durgan
James R. Durgan

Marty Malone
Marty Malone

381056 Fee: \$0.00
Park County Filed 3/6/2014 At 11:14 AM
Denise Nelson, Clk & Rcdr By DN dn

RESOLUTION NO. 1177

RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS, the Park County Attorney has requested prosecutorial assistance regarding criminal prosecutions; and,

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the investigation and prosecution of the matters when needed.


NOW, THEREFORE, IT IS HEREBY RESOLVED:

That Bruce Becker, Attorney for the City of Livingston, is appointed as special deputy county attorney of Park County for the purpose of assisting in any investigation and prosecution that is deemed appropriate and necessary on an as needed basis.

BE IT FURTHER RESOLVED:

That Park County shall provide no fees for this service, but shall provide, as needed, secretarial assistance and investigative assistance.

DATED this 6th March day of February, 2014.


Denise Nelson
Denise Nelson
Park County Clerk & Recorder

BOARD OF PARK COUNTY
COMMISSIONERS

Clint Tinsley
Clint Tinsley, Chairman

FORM APPROVED:

Nels Swandal
Nels Swandal
Park County Attorney

James R. Durgan
James R. Durgan

Marty Malone
Marty Malone

381057 Fee: \$0.00

Park County Filed 3/6/2014 At 11:14 AM
Denise Nelson, Clk & Rcdr By DN dn

RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS, the Park County Attorney has requested prosecutorial assistance regarding criminal prosecutions; and,

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the investigation and prosecution of the matters when needed.

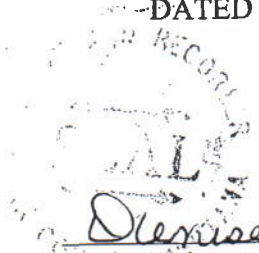
NOW, THEREFORE, IT IS HEREBY RESOLVED:

That Patrick Dringman, Sweetgrass County Attorney, is appointed as special deputy county attorney of Park County for the purpose of assisting in any investigation and prosecution that is deemed appropriate and necessary on an as needed basis.

BE IT FURTHER RESOLVED:

That Park County shall provide no fees for this service, but shall provide, as needed, secretarial assistance and investigative assistance.

DATED this 6th day of March, 2014.



Denise Nelson
Denise Nelson
Park County Clerk & Recorder

BOARD OF PARK COUNTY
COMMISSIONERS

Clint Tinsley
Clint Tinsley, Chairman

FORM APPROVED:

James R. Durgan
James R. Durgan

Nels Swandal
Nels Swandal
Park County Attorney

Marty Malone
Marty Malone

381058 Fee: \$0.00 _____

Park County Filed 3/6/2014 At 11:14 AM
Denise Nelson, Clk & Rcdr By DN DN

RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS, the Park County Attorney has requested prosecutorial assistance regarding criminal prosecutions and civil litigation; and,

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in matters surrounding the aforementioned matters.


NOW, THEREFORE, IT IS HEREBY RESOLVED:

That Rebecca Swandal, is appointed as special deputy county attorney of Park County for the purpose of assisting in matters surrounding the aforementioned matters.

BE IT FURTHER RESOLVED:

That Park County shall provide no fees for this service, but shall provide, as needed, secretarial assistance and investigative assistance.

DATED this 6th day of March, 2014.


Denise Nelson
Denise Nelson
Park County Clerk & Recorder

BOARD OF PARK COUNTY
COMMISSIONERS
Clint Tinsley
Clint Tinsley, Chairman

FORM APPROVED:

James R. Durgan
James R. Durgan

Nels Swandal
Nels Swandal
Park County Attorney

Marty Malone
Marty Malone

381059 Fee: \$0.00 _____

RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS, the Park County Attorney has requested prosecutorial assistance regarding the case of Fletcher v. Park County; and,

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in matters surrounding the aforementioned case.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

That Kendra K Anderson, is appointed as special deputy county attorney of Park County for the purpose of assisting in matters surrounding the aforementioned case

BE IT FURTHER RESOLVED:

That Park County shall provide no fees for this service, but shall provide, as needed, secretarial assistance and investigative assistance.

DATED this 6th March day of ~~February~~, 2014.



Denise Nelson
Denise Nelson
Park County Clerk & Recorder

BOARD OF PARK COUNTY
COMMISSIONERS

Clint Tinsley
Clint Tinsley, Chairman

FORM APPROVED:

Nels Swandal
Nels Swandal
Park County Attorney

James R. Durgan
James R. Durgan

Marty Malone
Marty Malone

381060 Fee: \$0.00 _____

RESOLUTION NO. 1181

RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS, the Park County Attorney has requested prosecutorial assistance regarding the case of Fletcher v. Park County; and,

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in matters surrounding the aforementioned case.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

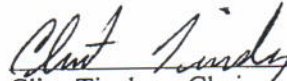
That Rebecca Swandal, is appointed as special deputy county attorney of Park County for the purpose of assisting in matters surrounding the aforementioned case


BE IT FURTHER RESOLVED:


That Park County shall provide no fees for this service, but shall provide, as needed, secretarial assistance and investigative assistance.

DATED this 6th day of March, 2014.

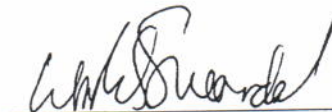
BOARD OF PARK COUNTY
COMMISSIONERS



Clint Tinsley, Chairman


Denise Nelson
Park County Clerk & Recorder


James R. Durgan

FORM APPROVED:


Nels Swandal
Park County Attorney


Marty Malone

381061 Fee: \$0.00 _____

Park County Filed 3/6/2014 At 11:14 AM
Denise Nelson, Clk & Rcdr By DN dn

RESOLUTION NO. 1186

RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEY

WHEREAS, the Park County Attorney has requested prosecutorial assistance regarding criminal prosecutions; and,

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the investigation and prosecution of the matters when needed.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

That Kimberly Deschene, Meagher County Attorney, is appointed as special deputy county attorney of Park County for the purpose of assisting in any investigation and prosecution that is deemed appropriate and necessary on an as needed basis.

BE IT FURTHER RESOLVED:

That Park County shall provide no fees for this service, but shall provide, as needed, secretarial assistance and investigative assistance.

DATED this 17th day of June, 2014.

Denise Nelson
Denise Nelson
Park County Clerk & Recorder



BOARD OF PARK COUNTY
COMMISSIONERS

Clint Tinsley
Clint Tinsley, Chairman

FORM APPROVED:

James R. Durgan
James R. Durgan

Nels Swandal
Nels Swandal
Park County Attorney

Marty Malone
Marty Malone

County Department Updates

Public Works Department Updates: Parks Frady, public works, provided a written report of activities in his department.

ACTION ITEMS

Discussion/Decision on Change Order #2 for Fleshman Creek Project: Kevin Feldman, CTA Engineering, said the change order will result in a decrease in the total project price of \$19,630.30. Total project cost to-date after the change order is \$2,211,202.14.

Commissioner Malone moved the Commission chair take a bill for a city utility conduit to the city manager. Commissioner Tinsley seconded the motion. Motion passed.

Commissioner Malone moved to accept Change Order #2. Commissioner Durgan seconded the motion. Motion passed.

Public Hearings/Ordinances/Resolutions

Signing of a Resolution to Appoint a Special Deputy County Attorney for Fletcher v. Park County: The request is being made by interim County Attorney Swandal to provide the civil deputy county attorney assistance on Fletcher v. Park County. Kendra Anderson and Rebecca Swandal will serve as the special deputies at no charge to the county. Commissioner Durgan moved to approve signing of the resolution. Commissioner Malone seconded the motion. Motion passed.

Signing of a Resolution to Appoint a Special Deputy County Attorney for Prosecutorial Assistance as Needed: The resolution will make Patrick Dringman, Bruce Becker, Rebecca Swandal and Kendra Anderson available to Park County as special deputy county attorneys as needed at no charge to the county. Commissioner Malone moved to sign the resolution. Commissioner Durgan seconded the motion. Motion passed.

CONSENT ITEMS

Public Comment Period, Signing of Administrative Documents/Claims and Review of Daily Correspondence/Agenda

Correspondence included:

- Memo re. draft February 2014 SWB meeting minutes
- Memo re. draft cost policy statement
- Memo re. 2014 TIGER grant information
- Memo re. City-County Meeting agenda
- Memo re. payroll voucher
- Memo re. burial/cremation application
- Memo re. JP training schedule

three individuals mentioned for the hiring committee. Commissioner Durgan seconded the motion. Motion passed.

Review/Sign Letter to Division Administrator of MT Department of Disaster and Emergency Services: Commissioner Malone moved to approve the letter to send to Mr. Tinsley (MDES). Commissioner Durgan seconded the motion. Motion passed.

Public Hearings/Ordinances/Resolutions

Signing of Resolution #1186 for Appointing Kimberly Deschene as Special Deputy County Attorney: Commissioner Malone moved to appoint Kimberly Deschene as special deputy county attorney. Commissioner Durgan seconded the motion. Motion passed.

CONSENT ITEMS

Public Comment Period, County Departmental Updates, Signing of Administrative Documents/Claims and Review of Daily Correspondence/Agenda:

Commissioner Malone said Adult Probation and Parole is willing to pay rent for use of office space in the City-County Complex. Malone asked Frady to come up with a going rental rate.

Correspondence included:

- Memo re. June Fair Board meeting agenda
- Memo re. Library Board meeting agenda
- Memo re. Public Health Emergency Preparedness annual contract
- Memo re. City County Sanitation certificate of liability insurance
- Memo re. Maternal and Child Health Block Grant annual contract
- Memo re. citizen public information request
- Memo re. June Solid Waste Board meeting agenda

Review of Minutes for Week June 9, 2014: Commissioner Malone noted a typo on Page 8 of 10. A motion on Page 8 of 10 about a horse vaccination policy should read, "Commissioner Malone moved to approve the policy. Commissioner Durgan seconded the motion. Motion failed unanimously."

Commissioner Malone moved to accept the minutes as corrected. Commissioner Durgan seconded the motion. Motion passed.

Adjournment: 10:00 a.m.

Allegedly nonpartisan County Commission has set a precedent

Editor:

Public officers are subject to federal and state laws prohibiting political activity at work. On Feb. 4, 2013, the Park County Commission read into the record an excerpt about federal government spending from a book written by Rick Perry, a Republican Party member and current Texas governor.

This allegedly nonpartisan Commission has set a precedent. If the Commission can use public time and public facilities to push partisan rhetoric, so can its constituents. I'm contemplating my selection for the Commission's Book-of-the-Month Club.

*Sheila Royston
Wilsall*

Contact The Livingston Enterprise: 401 South Main St. Livingston, Mt. 59047 (406) 222-2000

Source URL: <http://www.livingstonenterprise.com/content/allegedly-nonpartisan-county-commission-has-set-precedent>

Links:

[1] <http://www.livingstonenterprise.com/category/opinions/opinions/letters>

- Memo email re. Livingston NHS map changes
- Memo email re. Transportation and Safety meeting agenda
- Memo document re. Timberline Concrete Gardiner road shop concrete floor invoice

The civil deputy county attorney asked about time parameters the Commission would like included in the Cooke City snow removal contract.

Commissioner Tinsley asked the Commission if it was amendable to having the recording secretary generate a list of current events, efforts and status of ongoing county projects to possibly assist the *Livingston Enterprise* in publishing routine press releases of county goings-on. The Commission said it is okay with attempting that effort.

Commissioner Malone read into the record an excerpt about federal government spending from a book written by Rick Perry.

@9:16:35 a.m., Tinsley moved to adjourn the meeting. Durgan seconded the motion. The meeting adjourned.

February 4, 2013

Review of Minutes for Week of January 28, 2013

@9:49:05 a.m., Chairman Malone called a meeting to order in the Commission Chambers. Commissioners Durgan, Malone and Tinsley were present. Also present was John Mueller, minutes clerk. No public comment made.

The meeting was scheduled to review Commission meeting minutes for the Week of January 28, 2013.

Commissioner Malone requested a revision to Page 1 of 18, noting the Commission determined to clean out a culvert under a lane owned by Mary Holtz off of Jardine Road. On Page 3 of 18, the middle paragraph should read, "Commissioner Malone provided background history of the status of the creation of Nelson Spring Creek Road." The budget to actual expenditures meeting should state 50 percent of the fiscal year had been expended. On Page 8 of 18; middle paragraph, the last sentence should read, "Younge said he was not aware when he was hired the county could change his job duties." The first sentence of the next paragraph should read, "Jill Ouellette, HR, provided Younge's offer of employment letter." On Page 11 of 18, it should be noted that Carrier is the manufacturer of the courthouse building rooftop HVAC units. On Page 13 of 18, the first paragraph should read, "Julie Sendra, GIS, said road crewmen marked up maps to designate roads in each grader maintenance district. The maps were color coded to show summer, winter and year-round maintenance and road classifications; which define how and how often county roads are maintained by county personnel."

Commissioner Durgan requested a revision to Page 17 of 18, noting Citizen Bill Juhnke said a temporary stop light is needed for westbound traffic exiting I-90 at Exit 333.