

**August 17, 2020 Regular Session of the Beaverhead County Commissioners**

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on August 17, 2020 at 9:00 a.m. in the Commissioners' Room of the Beaverhead County Courthouse. Present: Chairman C. Thomas Rice, Commissioner Mike McGinley, Commissioner John H. Jackson and their Assistant Cindy Decker.

**Updates on County Projects:**

Road Supervisor Bob Ferris and Public Works Secretary Jamie Flynn joined the meeting. He spoke with Gilman Construction this morning and they are hoping to get the milling done this week. He suggested to Jamie that they may need a project number for the Carrigan millings project; she will get that to him.

Sheriff Craft joined the meeting and reported that as of today, all of his deputy patrol cars are equipped with video cameras. He stated that a great debt of gratitude is owed to MCS (Motor Carrier Services) as they have donated six cameras. There were also substantial donations from the County Attorney and Dillon Baptist Church. Paul mentioned that these cameras are equipped with POE systems that allow them to drive into the parking lot and download the videos without even touching them. The CAD System has the capability of automatically bringing up pertinent questions for the dispatchers when a call comes in.

He has not had any more communication from Tom Dunne regarding the Wise River Repeater site as of today.

Paul stated that he would like to see the Lemhi Pass Road remain closed for now. The Commissioners will keep this in mind for the 9:30 Resolution.

He stated that the interview committee recommends hiring Yvonne Phillips to fill the full-time dispatch position.

**MOTION:** Commissioner Jackson moved and Commissioner Rice seconded that Yvonne Phillips be hired to fill the full time dispatch position. A verbal vote was taken and the motion carried unanimously.

Paul also mentioned that he would like to offer either one or two part time dispatch positions and asked the commissioners for their input. He commented that he *actually* would like to hire another full-time position if it is in the budget. Commissioner Rice stated that he should meet together with Commissioner McGinley and with the Chief of Police as well as they share in the expense of dispatch. If the budget calls for it, the commissioners gave their blessing.

Jim Gross from Wise River joined the meeting. He wanted to discuss the permitting for the repeater site up there. He is frustrated with the delay. Paul mentioned that they are requiring Native American studies to be released. He will make it a point to speak with Molly at the Wisdom Forest Service this week.

County Attorney Jed Fitch joined the meeting. He reported that some of the walls are up in his office and have been painted. He is beyond anxious to get moved back into his own office. His deputy is on vacation this week.

Casey Elliott from the Tribune joined the meeting.

Mike stated that Beaverhead County has rented the Search & Rescue Building to the Forest Service while the Bear Creek Fire is still active.

The following Road Department Report was submitted and scanned into the minutes:

BEAVERHEAD COUNTY ROAD WORK  
August 9<sup>th</sup> to August 15<sup>th</sup>, 2020  
Dillon, Lima and Wisdom Areas

DILLON AREA

- Bladed on the following roads: East Bench, Trout Creek, Stoddard, Anderson, Carrigan, Flynn, Blacktail, Schoolhouse, Hartwig, Burma, and Medicine Lodge.
- Mowed on the Pioneer Mountain Scenic Byway.
- Delivered "Road Closed" signs to Lemhi Pass for the Bear Creek fire.
- Hauled cattle guard blocks.
- Road checked Dillon area roads.
- Equipment service and repair.

LIMA AREA

- Bladed on the following roads: South Valley and North Valley.
- Dirt work on Big Sheep Creek Road.
- Cleaned shop.
- Road checked Lima and Dell area roads.
- Equipment service and repair.

WISDOM AREA

- Hauled gravel.
- Yard and shop maintenance.
- Road checked Jackson and Wisdom area roads.
- Equipment service and repair.

**Action on Previous Meeting Minutes:**

The minutes of the August 10, 2020 meeting were read and the following motion was made:

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that the minutes of the August 10, 2020 meeting be approved. A verbal vote was taken and the motion carried unanimously.

**Public Comments on Subjects Under County Jurisdiction Not on Agenda**

Commissioner McGinley commented that the MACo Resolutions were due last Friday and Beaverhead County has submitted one regarding the difference between "small" and "utility" scale solar farms and clarify their tax code. The State code is just too vague. Other counties have used the word "utility" to define "large or very large" solar farms. If the word "small" is used, there is an automatic tax break that cuts their taxes by at least 2/3 and then they ask for an additional tax abatement. Eric Bryson and Jason from MACo are working on the legal wording for this Resolution.

MOTION: Commissioner Jackson moved and Commissioner Rice seconded that this resolution be approved and sponsored by Beaverhead County. A verbal vote was taken and the motion carried unanimously.

Mike mentioned that no one really knows what the Legislative Session will look like this year because of Covid. He said it will be beneficial to contact our two representatives regarding this resolution ahead of time.

**Discussion & Action ~ Ordinance 2020-01 – Emergency Road Closure – Lemhi Pass**

County Attorney Jed Fitch stated that all the commissioners need to do today is to affirm the emergency ordinance that was signed by Chairman Rice last week. DES Coordinator Tom Wagenknecht joined the meeting to advise the commissioners that there were a few small issues with road closures regarding signage. There are two landfill containers at the fire camp. Public Health Director Sue Hansen and Tom will be headed up to the camp this week to go over the Covid and Isolation plans. The fire is still active and a little over 6000 acres as of today.

After brief discussion, the following motion was made:

**MOTION:** Commissioner Jackson moved and Commissioner Rice seconded that Emergency Ordinance 2020-01 – Emergency Road Closure – Lemhi Pass be affirmed. A verbal vote was taken and the motion carried unanimously.

It will remain in effect until the Bear Creek Fire is under control.

**Discussion & Action ~ Resolution 2020-20 – Calling for November 3, 2020 General Election to be Conducted by Mail Ballot**

Clerk & Recorder Stacey Reynolds joined the meeting and stated her reasons for this Resolution. Wise River residents Jim and Debra Gross joined the meeting as well. Stacey stated that she has made this decision because of the whole Covid issue. It would be very difficult to enforce masks, cleaning and social distancing at the polling places, not to mention that the average age of the election judges is 62 so that is a concern too. She will make drop off ballot locations available in the normal rural polling places.

Commissioner McGinley wanted Stacey to speak about the security of mail in ballots for Beaverhead County. She stated that ID is required in Montana and that mail ballots are actually more accurate than in person. Every ballot is tracked by the number and is processed when her office receives it. Our local post office went above and beyond for the primary. Ballots are delivered every day even on the night of the election. There were maybe 10 ballots that were rejected at the last election because they were stamped after the deadline. The *only* difference between an absentee ballot and a mail ballot is that in a mail ballot election, ballots are mailed to every registered voter and absentee ballots are only mailed to voters who have requested to vote absentee. The actual BALLOTS are exactly the same.

57% of voters are voting absentee ballot right now. There is a rotation of names of the candidates on the ballots so every person has equal chances to have their name at the top of the list.

Jim Gross asked Stacey to address the accuracy of the polling rolls. She stated that every day the polling rolls and registrations are checked in her office. They also cross check the death records.

Mr. Gross is concerned about the mail service and the delays that they experience in Wise River.

Stacey stated that there are so many checks and balances in place in Beaverhead County that she is very comfortable with the mail ballot. Debra asked that Stacey publish a notice in the Montana Standard because they don't get the Dillonite in Wise River. Stacey advised that she will do that.

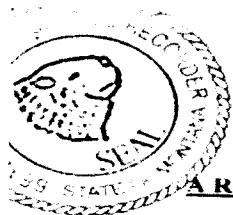
Dillon resident George Warner joined the meeting to express concerns he has regarding mail ballots not only locally but statewide; particularly the Tribal Reservations.

Stacey advised that the Beaverhead County Republican Central Committee has offered their support regarding this Resolution.

After brief discussion, the following motion was made:

**MOTION:** Commissioner McGinley moved and Commissioner Jackson seconded that Resolution 2020-20 – Calling for November 3, 2020 General Election to be Conducted by Mail Ballot, be adopted. A verbal vote was taken and the motion carried unanimously.

A copy of the Resolution can be viewed below:



108977 Fee: \$ 0.00 File: 2020-20 Page: 1
BEAVERHEAD COUNTY Filed 8/17/2020 At 4:50 PM
Stacey Reynolds, Clerk and Recorder
By: \_\_\_\_\_

RESOLUTION NO. 2020-20

A RESOLUTION CALLING FOR THE NOVEMBER 3, 2020 GENERAL ELECTION TO BE CONDUCTED BY MAIL BALLOT

WHEREAS, due to the global outbreak of COVID-19 Novel Coronavirus, on March 25, 2020, Governor Bullock of the State of Montana issued a directive implementing Executive Orders 2-2020 and 3-2020, permitting counties to conduct the June 2, 2020 primary under the mail ballot provisions of Title 13 Chapter 19, and suspending Section § 13-19-104(3)(a), MCA, this purpose only; and

WHEREAS, on August 6, 2020, Governor Bullock issued a Directive implanting Executive Orders 2-2020 and 3-2020 and providing for measures to implement the 2020 November General Election safely; and

WHEREAS, Governor Bullock's directive recognizes that the Centers for Disease Control and Prevention has urged states to "encourage voters to use voting methods that minimize direct contact with other people and reduce crowd size at polling stations"; and

WHEREAS, on March 18, 2020, C. Thomas Rice, Chair of the Beaverhead County Board of Commissioners, declared that a state of emergency existed in Beaverhead County, Montana, as a result of the threat of the outbreak of the communicable disease COVID-19; and

WHEREAS, conducting a polling place election poses an enhanced risk to public health and human safety due to the COVID-19 pandemic by promoting community transmission of the virus and endangering voters, poll workers, and non-voters alike; and

WHEREAS, § 13-19-202, MCA, allows a governing body to request that the election administrator conduct an election by use of mail ballots; and

WHEREAS, the mail ballot provisions of Title 13, Chapter 19, MCA allow for in-person voting at the Courthouse prior to the November 3, 2020, General Election. In that regard, Governor Bullock's March 25, 2020 directive includes measures required for safe registration and voting, at the courthouse, which is utilized as an early polling place and location for dropping off ballots. Further, the regular "rural" polling place locations will be utilized on Election Day only as ballot drop box locations, and will include provisions that include the adoption and enforcement of social distancing; and

WHEREAS, for a county choosing to conduct the November 3, 2020 General Election by mail ballot election, Governor Bullock's August 6, 2020 directive requires the county to expand opportunities for early voting by (1) making ballots available at the election administrator's office or other designated location from October 2, 2020 until the end of the election; (2) allowing voters to apply for, receive, and mark a ballot in-person in a manner consistent with § 13-13-222, MCA; (3) sending mail ballots 25 days before the end of the election, on October 9, 2020, consistent with the timeline for absentee ballots at § 13-13-205, MCA; and (4) including a prominent notice with instructions sent to voters with mail ballots that a postage stamp is not necessary to return the ballot by mail; and

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BEAVERHEAD COUNTY Filed 8/17/2020 At 4:50 PM

WHEREAS, Governor Bullock's August 6, 2020, directive also requires that a county conducting the 2020 General Election by mail ballot election submit a written plan to the Secretary of State under §§ 13-19-201, MCA, et seq. by September 4, 2020; and

WHEREAS, the Board of County Commissioners of Beaverhead County finds that conducting the November 3 General Election by mail ballot election is necessary to protect the health, safety, and general welfare of the citizens of Beaverhead County;

NOW THEREFORE, it is hereby resolved as follows:

- 1. The Board of County Commissioners of Beaverhead County, Montana, hereby requests that the Beaverhead County Clerk and Recorder, as election administrator for Beaverhead County, conduct the November 3, 2020 Primary Election by mail ballot.
2. The November 4, mail ballot election shall be held consistent with Governor Bullock's August 6, 2020 directive, including the requirements that the election administrator
A. Make ballots available at her office or other designated location from October 2, 2020, until the end of the election;
B. Allow voters to apply for, receive, and mark a ballot in-person in a manner consistent with § 13-13-222, MCA;
C. Send mail ballots 25 days before the end of the election, on October 9, 2020, consistent with the timeline for absentee ballots at § 13-13-205, MCA;
D. Include a prominent notice with instructions sent to voters with mail ballots that a postage stamp is not necessary to return the ballot by mail; and
E. Submit a written plan to the Secretary of State under § 13-19-201, MCA, et seq. by September 4, 2020
3. The election administrator shall establish, implement, and enforce the safe registration and voting measures identified in Governor Bullock's August 6, 2020 directive for all in-person voting for the November 3, 2020 General Election.

DATED this 17 day of August, 2020.

BOARD OF COUNTY COMMISSIONERS OF BEAVERHEAD COUNTY

John H. Jackson
Commissioner

C. Thomas Rice
Chairman

Michael J. McGinley
Commissioner

ATTEST

Stacey Reynolds
Clerk and Recorder, Beaverhead County

Resolution 2020-20 A RESOLUTION CALLING FOR THE NOVEMBER 3, 2020 GENERAL ELECTION TO BE CONDUCTED BY MAIL BALLOT

**Unfinished Business / Other Topics of Discussion**

George Warner asked Commissioner Rice to look up a Resolution from 2001 regarding his documents for the Board of Health.

Fox Run Special District residents Cornie Hudson and Darryl Turner joined the meeting to discuss some concerns they have regarding the Fox Run Special District fee assessments. Jed Fitch also joined the meeting.

Commissioner McGinley commented that the board has elected officials who are responsible for decisions; that is where these questions should be directed.

Cornie and Darryl thanked the commissioners and left the meeting.

**Recess**

At 12:00 noon, Chairman Rice recessed the meeting. At 1:30 p.m., Chairman Rice reconvened the meeting with Commissioner McGinley, Commissioner Jackson and their Assistant Cindy Decker present.

**Preliminary Budget Discussion**

At this time, the commissioners discussed the Preliminary Budget together.

**Unfinished Business/Other Topics of Discussion:**

Routine matters occupied the attention of the Board for the remainder of the day.

**Payment of Invoices:**

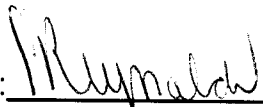
The Commissioners reviewed and approved invoices for a total of \$109,312.40, beginning with check #205318 and ending with check #205371. The Invoice Payment Schedule is located in the Financial Administrator's Office.

**Public Comments on Subjects Under County Jurisdiction:**

There were no public comments.

**Adjourn:**

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Attest:   
Clerk of the Board

Approved:   
Chairman of the Board