

PUBLIC MEETING – August 7, 2006

The Public Meeting was called to order at 6:35 p.m. by Chairman Carey. Also present were Commissioner Curtiss, Commissioner Evans, Chief Civil Deputy County Attorney Mike Sehestedt and Director of Rural Initiatives Pat O'Herren.

Commissioner Carey: (introductions) – The purpose of tonight's meeting is to conduct a public hearing on the question of whether or not to put the voters in November asking them whether or not they want to create a Community Council. Patrick O'Herren is going to give us a very brief background on what Community Council is and what it isn't and from there we'll go straight to your questions or observations, what have you. Go ahead Pat.

Pat O'Herren: Thank you. Most of you have, I think, seen the slide presentation about Community Councils. We actually had the members of the Seeley Lake Community Council come down and visit with you. You've had a public meeting after that which community councils were also discussed, so I'll try to be very brief tonight. Where we'll start is how Community Councils are created. Basically they're enabled through the legislature and County Commissioners. Each county can create as many Community Councils as are needed. The way that works is citizen's request that the Commissioners create some sort of a council. If you recall back in April there was a petition that circulated through the valley that asked the Commissioners to hold a public hearing on whether or not to create a Community Council. Tonight is that public hearing. If I recall correctly, there were about 70 residents who signed that petition, it may have been a few more but it was a fairly impressive turnout. That petition was circulated by local residents here, Roger Donald and Ken Wolff, primarily were responsible for that and I see they're here tonight in the audience. The County, after they hold a public hearing, the Commissioners actually make a decision as to whether or not to put the issue of a Community Council to a public vote and that's done at a regular election if the Commissioners decide after tonight that they would like to put it on the ballot. If you would like them to put it on the ballot, then it will be on the November 7 ballot. It will show up as a ballot initiative here in the valley. You may have seen in the paper in East Missoula, last week, they had their public hearing and the Commissioners agreed to put it on the ballot in East Missoula. So there will be at least that one Community Council on the ballot in November. If it's approved, generally what happens is that the council is created by the County Commissioners, they appoint interim members. Those members are in charge of coming up with bylaws, setting up meeting times and dates and places and recruiting people to appear on the ballot for the following election in May, if a council is voted up or down in November. If it's voted up then obviously that interim council has to create bylaws and that sort of thing. The next election would be in the spring, generally the school election. As far as funding goes, the council is funded by the Commissioners to the tune of about \$1000 a year. That's grant money that comes to the council and it's used for things like mailings, getting information out, putting ads in the paper so that people know about the issues that are facing the valley. That information then is passed on from the council to the County Commissioners and visa versa. I'm going to skip through the slide show really quickly here...a couple of things that Community Councils are – they're advisory in nature only. They cannot make decisions, they do not make decisions on subdivisions, on zoning, on whether grants are approved or not. They simply take information from the valley and pass it on to the County Commissioners. That is also true the other way, if there are issues in the valley that the council needs to hear about, the County Commissioners can provide the council with that information. The same holds true with state or federal agencies. The MDT had a project on Highway 83 – they can come to the Community Council and the Council holds a meeting tries to get as many people involved as possible and so that's another way that information can go back and forth. Councils are a liaison basically. They're a way of getting official information to the community and to get the sentiments of the community back to elected officials or state or federal agencies. The key here is that they're only as affective as the collaboration amongst the members of the valley. In other words if the valley is split, then that information is going to be passed on that the valley is split on a particular issue. If the valley feels very strongly about something, then it's believed that the elected members will pass that information on. It's not an agenda for public or for personal agendas to be forwarded on. It's a council that represents the valley, not individual views of members on the council. There is no authority over subdivisions, as I mentioned, roads, bridges, zoning, air quality has been an issue, open burning has been an issue for a lot of the log home manufacturers here. The council can't change those sorts of regulations that are coming from the state level or even the federal level. It's not a taxing body. The council cannot levy taxes, so it's not something that

has any official capacity in that manner. It truly is advisory only. As one of the council members in Seeley Lake puts it, the Community Councils have unlimited powers of advice, and that's about it. In terms of the Swan Valley, as you know there's been a great deal of interest in a Community Council, as I mentioned a petition was signed by a fair number of folks. The purpose of tonight's meeting is to see if that petition was representative of the valley. If you would like to see a Community Council formed, or not, the Commissioners are here to hear your views on that. They have the ability to make a decision tonight or to postpone it. If a decision is made to put it on the ballot, as I mentioned it would be on the November ballot, then we would go from there. Obviously if it's not something that you feel should be supported, you need to let the Commissioners know that also. I think that's about it.

Commissioner Carey: Thank you, Pat. Okay, who would like to get started? Come on up here to the microphone and give us your name please.

Val Hopkins: I've been associated with this valley since 1946. My first question is why do the Commissioners appoint the people on the council and not the members of the valley?

Commissioner Carey: The members of the valley will...the Commissioners appoint an interim committee just to get things going so that you develop some bylaws and then the following spring, during the school elections, the voters in the valley will then elect the council members.

Val Hopkins: This isn't initially...

Commissioner Carey: This just gets you started.

Mike Sehestedt: Here's the deal. If we wanted to do...first of all the first question is do we want to put the Community Council to a vote? If the answer to that is yes, I suppose in theory we could do a combined election where you're voting yes or no on the community council and then if the council is created, have a slate of candidates up for election initially. The one hang up on that is we have to have this to the elections office, the decision has to be made by August 24 which may or may not be enough time for people to get petitions in or...The problem with doing the initial election is we're kind of running up against a deadline. The 24th is the closing for anything to be on the ballot this November. Two possibilities, one we could do in November...actually three possibilities – do in November a yes/no and then simply leave the authorization sit there and at the school election in May, elect the first council. That means you're without an active Community Council until the May election when the members are elected. The second choice the Commissioners could, if it's approved, appoint members to serve until the school election in May. Third choice, and one that would be kind of tough to implement, could provide for concurrent election both on the question of creating the Community Council and on electing the members. But that would mean anyone who wanted to stand for election for the Community Council would have to get their petition for nomination in no later than the 24th of this month. So, mechanical you're...the response to your question is there are multiple possibilities, I guess just hear what people want to do with it.

Val Hopkins: But doesn't the government go from the people up? Instead of from the like you people down?

Mike Sehestedt: Right and that's how these are. First of all, the question is, are you going to authorize it? If you do, do we fill the slots or do we wait until there's an election and fill them at that time? But how we do it is really something to be decided here tonight. What we've done in the past with the other Community Councils is the procedure outlined by Commissioner Carey. We have a subsequent election, what happens then is we'll have five, assuming we decide on five members, the top vote getter gets gold medal and gets three years. The next two high vote getters get silver medals and get two year terms and the remaining two get the bronze medal and one year terms. There are those that suggest possibly the medal rank ought to be reversed. (Laughter)

Chris Burke: You're talking like they're winners...ya know? Gold, silver, bronze....that's not....

Commissioner Carey: Ma'am if you'd like to speak, please come to the mic.

Mike Sehestedt: Oh, that's if when we run for the first Community Council there will be an election. All of the seats on the Community Council will be filled at that election, whether we have it in May as is traditional or if we tried to combine it with the November election. The only possibility for appointment to the Community Council is the interim period between voter approval of the council and that first school election at which the members are elected. There's no intention, and we've never done a Community Council with long term appointed members. The members of the Community Council will....

Chris Burke: How long is long term? What are you talking, two years?

Mike Sehestedt: No, May. Basically, the answer is if the Community Council is created, there will be an election for the council with the May school election in 2007, so you're talking November creation....seven months until the May school election. That would be the longest possible period.

Chris Burke: That is the longer possible period?

Mike Sehestedt: For appointed members, yes.

Commissioner Curtiss: At that first election then, they do staggered terms so there would be some terms that are one year, some that are two and some that are three. After that, the election in 2008 would be an election for three year terms. They would be three year terms after that. Unless you chose your bylaws to say something different, but that's what standard is.

Gary Lazarowski: If we decide to have a Community Council, if the first group of people are appointed, then you say that they get to come up with the bylaws and this and that. Well, do they have any ground rules that they have to follow when they come up with bylaws or this and that? My thing is that I'd rather be electing somebody that's going to be coming up with bylaws rather than have someone appointed. I just wonder about how that works.

Commissioner Carey: We're just working off of what has been a successful model, maybe we need to do something different up here.

Commissioner Curtiss: We do have model bylaws that other councils have used, so they wouldn't be a lot different, I would imagine.

Mike Sehestedt: I would say....

Chris Burke: Model bylaws (inaudible)

Commissioner Carey: Ma'am, you're out of order please.

Commissioner Evans: Could I ask you when you come up to testify to tell us whether you want it. If you want this on the ballot and if you want people to put their names on the ballot at the same time so you can have an elected group. If so as they've said you have to hurry and get your names in to the Clerk and Records Office to be on the ballot. So if you'd tell us whether that's what you want, that would be wonderful.

Ken Wolff: I am a native son. My family first arrived in this community in 1924. On behalf of this community, our thanks to the County Commissioners and the County staffers for coming up here tonight. For many years now this community has not had a democratically elected community voice. Since the highway our front first became a county road in 1935, then a paved highway in the mid-1950s, there have been tremendous changes around here. Even more changes face this community in the near future and we need an elected community voice. The only agenda item tonight is to decide whether to place the issue of a Condon Community Council on the ballot this fall. To oppose such is sort of like opposing democracy and my Purple Hears tell me I have a vested interest in the democratic process. I urge the Commissioners to place this issue on the ballot. I say, Let the People Decide! Thank you.

Joyce Sharp: I would like to have this issue placed on the ballot, please.

Mary Anne Judge: I have not been here since 1924, or 34 or 44, I got here in 1997. I love this valley and I would like to see us have some representation. I would like to see the Community Council happen. I would like to see it on the ballot so we can all decide whether we want it or not. If that does happen, I would be happy to have an appointed council for the first seven months because it has been my experience that there are standards for bylaws. That it's not inventing the wheel all over again. There are formats that can be used and it can be changed, it's not cut in stone, it can always be changed. So that's my view.

Jay Brand: I'm usually too busy and I don't get to take in a lot of these meetings in full which is...myself and a number of other folks that have showed up here. There's a lot of secret meeting happening in this valley and a lot of things go on that the rest of us really, not having the time or the notification, can't participate in and therein all of the names on this petition to bring a council – and I'd urge the Commissioners to initiate this – and if there's anyway that there's something that we can do – if we could make nominations here tonight for temporary appointed people. My personal view, I'm not pointing a finger at anyone, but there's a private agenda that has worked very well to set public policy and that's why we're all here tonight. There are a lot of us that really want a say. We would like our custom and our culture maintained without out-of-state interests and other things bearing on that. If there's something that we can do, that we can nominate people that are not already in a government position or a grant position or some other position that is wielding the power here. I'd like to see old time residents here. People that are not already a part of the political agenda, I call it. I'd like to old time community people here that really understand what this valley is, what it was built from and understand that there's change that has to be here, but it doesn't have to meet the ecosystem center or people coming in and making offers that will close off sections of ground. I personally would like to see a great about of these Plum Creek sections transferred to the state. The state has done a very fine administration and it's open to the public. Much of this is getting shut off behind our back. If there's something that we can do to help you tonight, temporarily set this in place and get it under way, I'd say let's get it done.

Melanie Parker: Absolutely I would love to see it go to a vote. I believe in democracy. I've heard what Ken just said a couple of times before and it really moves me. That's what this country is about, people coming together and making decisions together about their future. I know that sounds trite, but to me that rings pretty true. The only thing I had a question about is this community does have a Lake County part and a Missoula County part and I wonder, down the road, is there any precedent for communities that straddle two county lines to have any kind of a way to include residents on both sides of the line? Obviously residents on that side didn't elect you, but has there ever been a hybrid or is there a mechanism that you're aware of that has ever functioned for a rural community in that situation?

Mike Sehestedt: The short answer is no there's nothing I'm aware of. The long answer is it doesn't say we can't work something out. Lake County doesn't...to the best of my knowledge, hasn't done Community Councils yet. But we might be able to work something in terms of an inter local to actually make it formal. Certainly there is nothing here that would keep the Community Council, if one is established, from speaking to address this kind of multi-county issue and cooperating with the folks on the other side of the county line. If the decision is to have a Community Council, ultimately the voters make that decision, if there's interest, I'd be happy to work with the Community Council and with Lake County to see what we can do to extend it. I kind of suspect that the fire district over the other side of the line would provide an appropriate boundary to define the community on their side – but those are things...I don't live up here and I don't have the answers, but we can work with Lake County and work with the residents if there's interest.

Bud Moore: I live here in the valley and I just want to speak here a little bit in favor of going ahead with this council. We have tried a Community Council, got into it a little bit; at least twice since I've been here and I'm a newcomer, I've only been here 32 years. I really mean that, I'm really a newcomer here, but what has happened to the valley...we need some way to unite us a little better and I think a council would be a step in the right direction there. Then the valley has gotten so...things have changed and there are piles and piles and big big decisions are here now that we didn't have at all, even just 25 years ago. We need something here. It might be interesting to you that the first time that we tried this since I've been here the opposition came from mainly from the old timers. They treasured their connection with the County Commissioners and

they saw the council as another layer of government that might cut them off from the Commissioners a little bit. But I just feel strongly that we do need a voice, an advisory one, maybe that's all we really should have, but we need that now and some way to vote so if we don't like what's going on we can always vote them out or vote someone else in. That will kind of tie us together, I think a little better, than we are now. So I'd like to see it done as soon as we can.

Sharon Lamar: I've been a landowner since 1976, so I too am a relative newcomer. However, we all should have a voice and I'm in favor of forming the Community Council and all the democratic ideals along with that, I think it's a good thing to give our community a voice. With Plum Creek selling a lot of the land and the diversity of wildlife that we have here, we're very unique to the rest of County, so I think it's really important that this small community has a voice. Thank you.

Gary Lazarowski: I would just like to say that I'm in support of the Community Council, too.

Anne Dahl: I would just like to say that I'd like to see Community Council and I'd like to see it on the ballot in November and I don't care whether the group is appointed to start with or voted for, as long as we have good candidates who are able to step up to the table in time. So that's my big concern, but I'd be glad to have it happen any way it happens.

Bob Cushman: I wonder if there are any people here who might like to be appointed to the interim council and perhaps they'd indicate that. We could get some idea and you'd get some idea because how are you going to do it? What is the technique for appointing an interim council?

Commissioner Evans: Generally a written application and an interview.

Bob Cushman: People who wish to put in an application? Okay.

Mike Sehestedt: Right. The general county rule on any appointments is publish notice, ask for applications and then basically interview and appoint from there.

Chris Burke: I just want to say that I would really not like to see this valley developed and just the way that everything else is in this world that we see when we go to town, and we drive here or there, we see things that we're not very happy with, ya know? You drive here and there and people look at you and they're not smiling' and they're not waiving'. When you're in this valley, people look at you and smile and we waive, ya know? And we do and we love everybody who lives here. We love everybody, no matter whether you do good for this valley or not, it doesn't matter and we need a voice. There's too many of us here to not have voice, we need a voice. And I would just like to say for all of us here, maybe people have already said it, but I would like to say it, this is an awesome awesome place to live and people drive through here every day and they look at where we live and they want to live here. They drive through here, they think that this is the most beautiful place to live, but it's only a beautiful place to live because we all live here. That's what makes it what it is. It doesn't make it what it is because of what it looks like or what we think it is, it is what it is because we are all here and that's what makes it what it is. And I would really like to see it stay that way and if I could have a voice in that I want a voice.

Mike Lake: Resident of Swan Valley and I brought an agenda with me. The history of the community club in Swan Valley has been the saddle club, the snowmobile club, the community club of which I happen to have some of the old resident's notes because my mom was the secretary for these. We do need a strong representation with the Commissioners in this valley and we haven't had one for approximately 14 years. 70 people signing a petition is less than 20% of the valley! The representation in this meeting tonight is less than 20% of the valley. So it should come to a vote. I personally do not care for the Commissioners appointing the first set of council members. I think they should also be elected at the first go around. So if people would like to be a council member, they should come forward tonight and I'll throw my name in the hat. Thank you.

Roger Donald: I think it's truly important that we have a Community Council. The changes in this valley that have already started and that are about to happen are explosive. Anybody watched television tonight, saw that 8% of our oil supply is going to go down which means that the price of oil is going to go up. Well Plum Creek is going to sell a lot of land which means that the price of land in this valley ought to go down...guess what, it's going up! That means the changes here are going to be explosive. Now what does a community like this need? The first thing we need is information; what is happening. If you have a Community Council, the County Commissioners and other state agencies and even federal agencies will be informing that council of what is happening, who is trying to make changes, what regulations are about to be put in place, so that the community then can be aware of what government...how government is going to affect the community. The second thing that the community needs is leverage. Okay, this is an advisory body and it's not going to have much leverage. The only alternative to that is to incorporate as a town which is simply financially, politically impossible. We cannot afford to be a town. This is the best we can do in terms of leverage. My attitude is if we have a Community Council, what's the worst that can happen? It will wither on the vine. This is absolutely the worst that will happen. If it works, we will get information and we will be able to tell the people who govern our lives what it is we want and what we don't want. Okay, obviously I'm for the Community Council. Let me explain something which I'm sure you all understand, from the various arguments you've heard about us wanting nominations at the same time – despite what the Missoulian says, which is...well I used to work in the media – is the world's worst newspaper...this community is badly divided and there is a feeling in this community that it is essentially more conservative than the County Commissioners. There is a very real worry that if the County Commissioners appoint people who set up the bylaws and so forth, the game will be fixed. That is what the worry is, whether that's a real worry or not, I haven't the vaguest idea. I'd like for the lawyer to tell me after the bylaws have been established, can the elected people change the bylaws?

Mike Sehestedt: The answer is yes. The bylaws are just something like we'll have a secretary, we'll have a treasurer, we'll have regular meetings – they're essentially strictly procedural rules. We'll conduct our meetings according to Roberts Rules of Order or Masons...those sorts of pretty narrow procedural sorts of things. They do not impact on any matters of substance or the bylaws don't set an agenda for any particular council meeting, let alone any particular future council. So they're...when we say bylaws, we're talking about how they're going to conduct business not what business they're going to conduct or what decisions they're going to make on the business that comes before them.

Roger Donald: Okay, I think that's a very helpful thing in terms of the attitude of the community anyway. I am obviously for a council.

Commissioner Evans: Michael, have we determined that seven will be the number?

Mike Sehestedt: I haven't...I don't think anyone's determined anything. Kind of our traditional when we create a Community Council we've defaulted to five. It needs to be an odd number, it could be three, it could be eleven. Five seems to be the number that everyone's comfortable with, it's big enough that you get fairly reflective of the community as a whole and not so big you have trouble filling the positions. The question of how many is also a question on creating the Community Council. I don't know, maybe there have been discussions in which seven has been cast around up here, I just haven't been privy to them.

Commissioner Evans: I'd like to say that in regards to your concern about us appointing folks that are different philosophically, we're kind of limited on how many people apply. If there's a five person board and we get four applicants, we don't have a lot to pick from. If we get 20 applicants, we have a lot to pick from. So a lot of that depends on how many of you folks want to be on this council should we put it on the ballot and how many of you apply and are willing to come in for an interview. So that comes back to you folks, we don't go out and hunt you up according to our own philosophical views.

Commissioner Carey: We also attempt, whether it's successful or not, we attempt to appoint people who are leaders in the sense that they're interests and abilities are in getting people together and not splitting people apart. That's hard to do with an application and an interview, but from our perspective that's what works with these things. If we can really get community leaders who help bring a community together then we all are better off for it.

Tom Parker: I think the idea of putting it on the ballot this fall is a good idea. I think we need to reconsider the opportunities that are available to the community to better inform ourselves and better involve ourselves in the issues of the day. I share many of the same concerns that many of the other previous speakers put forth this evening. The land use change, the changes that we're in the middle of here need better informed citizenry and better involved citizens to make the decisions to meet these sorts of challenges and issues. Thank you.

Commissioner Evans: I'd like to see in a raise of hands how many of you think five is a great number and how many think seven is a great number. Five? Okay it appears that five is the number. Thank you.

Don Erickson: I signed the petition, I'm not sure I'll vote for it, but I think it needs to be put forth before the citizens to vote for it. I would like to see the – and I've talked with a number of people who express and interest, even tonight in being a member of it and I don't see why we can't get them on the ballot in the November election. What's involved in a petition to be on the ballot?

Commissioner Curtiss: It's just an application in this case. You don't have to have a petition signed by other electors, do you?

Mike Sehestedt: No, basically you file a statement with the election administrator that says you want to be a candidate for the Swan Valley Community Council. It's pretty simple and straight forward and easy to do. Since the question has come up here, I've been looking trying to decide and if the decision is to go with an elected council initially, what I'm going to recommend it that the initial election just be until the school election in May and here's my reasoning, a couple of parts – first of all usually the time to file applications for public office opens 135 days before the election and it closes 75 days before, so you're looking at a 60 day open season to file. Here if we were to make the decision tonight, you'd only have 17 days to get your name in – for word to get out, for all the people that aren't here to know it's coming up, think about it make their decision and file for it. That's not to say that we couldn't elect based on that limited notice the first five members, if that's what's chosen. But my recommendation would be in May we do an election for all five positions and at that point set the terms based on highest gets three years, next two two years and the last two one year terms and start the system that way. I may be unduly worried about the only 17 days for the word to get out and get your statements of interest in being elected in to the election administrator but it concerns me, but I think if we just did it for the short term filling the council and then did the full blown election with the school election it would work for me. The elections administrator is probably going to be close to homicidal for my approval because we've already got a really long ballot, but that's just the price of democracy.

Don Erickson: If that's the case, why not have the election in November for whether or not to have it and then the election in May and forget about the appointments. Since we haven't had anybody for the last ten years anyway, so what's another three or four months?

Mike Sehestedt: It works for me legally, it's a question for you guys.

Val Hopkins: I'd like the people that are going to be in here now appointed and elected by the people in the valley NOT by the County Commissioners.

Commissioner Curtiss: And Val would you like that to just wait until May or do it with the November?

Val Hopkins: I would actually like to see people nominated today.

Chris Burke: Right now.

Val Hopkins: That's what we're here for.

Commissioner Curtiss: I have a list that people can sign their names if they're interested tonight in being on the council, but we would also need to advertise it even though we have such a short turnaround because not everyone's here tonight.

Mary Anne Judge: That was my point. With 20% representation here tonight, it's really not fair to the entire community I don't think, until we open it up and let everyone know.

Commissioner Carey: So if folks vote for the Community Council to be created in November, we'll just wait until the school election in May for you folks to elect people to the council.

Duane Forter: I do think that elected representation would be a valuable asset to all residents in the valley. However, I do have to question about trying to have nominations for an election that the electorate has not yet decided whether they're going to have the council. It sounds to me like the cart is in front of the horse. Although however desirable elected council members would be, we still don't know if we're going to have the council yet.

Mike Sehestedt: That's an excellent point. If you win the election, but the electorate says no on the council, you'll know you're the most popular man in the valley, but it would have no other meaning.

Commissioner Curtiss: So following Barbara's lead, I think we could probably just take a show of hands on a couple things – one is how many people here would like to see it put on the ballot (everyone) – another one to me, since I grew up here and know that there's different choices of names, I'll give you two choices, Swan Valley Community Council or Condon Community Council? (Swan Valley Community Council) We already did the raise of hands on the number of council members, so the other would be it sounds like most people are more comfortable with...well, do we want the first council to be appointed or elected? (elected) And do you want it to be elected in November or May? (May) Part of it is, if you think about the time line if the election happens in November you're not going to get too much going until January anyway, so May's probably soon enough and if give people plenty of opportunity.

Seeing no further public comment, Commissioner Carey closed the hearing.

Commissioner Evans moved to accept the decision of the residents and put the Swan Valley Community Council on the ballot in November with members of the council to be chosen by election in May, should the council be created. Commissioner Curtiss seconded. The motion carried on a vote of 3-0.

There being no further business to come before the Commissioners we're in recess at 7:25 p.m.