

WEST GREAT FALLS FLOOD CONTROL & DRAINAGE DISTRICT
409 14th Street SW, Suite #2
Great Falls, MT 59404
June 23rd, 2020
WORK SESSION MINUTES

RECEIVED
AUG 17 2020
MeJohnson

- Location of meeting: 409 14th Street SW, Suite #2
- Call to order: 7:00 PM
- Roll Call: Present: Commissioner President Chuck Rogers; Commissioner Kelly Manzer; Secretary/Administrator Janet Fulmer; Guest Sign-In Sheet Attachment "A"

A. Maintenance updates:

- a. Weed spraying: Kelly to get a date set up for spraying evaluation with Jeff from Dr. Lawn.
 - b. Mowing: Needs done first to be able to view item "c."
 - c. Burrowing animals: Kelly viewed one gopher around the abandoned railroad area. Sandy Mares advised the commissioners that marmots were included in the contract for extermination. Robert Dewar stated whatever was used in the past was ineffective.
 - d. Fencing: 2 posts were burnt bad at the old pavilion. Kelly checked with insurance agent and was advised that the District policy would not likely cover the costs and that the deductible would likely be more than the cost of replacement. Kelly will contact Steve Herig at Great Falls Park & Recreation to ask if they would replace posts. Chuck to check into bolts on the trash grates. Sandy Mares advised the commissioners to review the weed contract.
- B. Annual Court Report update: Hearing set for July 9th, 11:00 AM at the Cascade County Courthouse. Sandy Mares completed the mailer cards and sent for mailing.
- C. Wadsworth Lake status: Chuck stated lake not filled up as much as wanted at this point, stopped at 3311.5. Kelly advised that the pipe on the lake drain river side is all filled in, Chuck to check that pipe. Great West Engineering to visit with District on solutions. #247, #280, #323, and #364 all been closed for critical closing per Chuck.
- D. Election status: Attorney Lynn Baker, which the District hired on retainer, presented information regarding the District's 2020 election: Nicky Putnam's term expired May 5, 2020; recorded with the Cascade County Clerk and Recorder is the Certification of the West Great Falls Flood District Election results that was held on May 5th, 2020, signed by 3 Cascade County Commissioners and Clerk & Recorder/Election

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Total Pages: 3 R 0.00 By: mejohnson 08/17/2020 04:03:41 PM
Cascade County, Rina Ft Moore - Clerk & Recorder

Administrator of Cascade County with Cascade County Seal which shows election results of Scott Lankford receiving 252 votes and Nicky Putnum with 222. Election held in 2006 was discussed as to the procedure at that time regarding qualified voters. Ex-Commissioner Ron Litostansky recommended that Mr. Lankford be sworn in, a chairperson selected and to move on with business, which Commissioner Kelly Manzer agreed. Upon agreement by Scott Lankford to abide by judge ruling regarding election, was sworn in reading the Commissioner's Oath, signed, dated, and witnessed by Commissioner Kelly Manzer and Commissioner Chuck Rogers to hold office in the interim, pending legality of election. Commissioner Scott Lankford nominated and made the motion for Commissioner Chuck Rogers to serve the role of President/Chairman, Commissioner Kelly Manzer second the motion, motion passed. Ex-Commissioner Dan Kleinjan asked Scott Lankford what he has to offer and bring to the Commission Board, which Scott went into detail regarding his timeframe of living within the District along the levee, as well as work history.

- E. Secretary/Administrator position: Kelly Manzer read the Contract Agreement between the West Great Falls Flood Control and Draining District and Janet Fulmer with services to be provided by Janet, as well as allowed guests to view Janet's resume.
- F. Other: Member and guests discussed reviewing they Districts By-Laws. There was also input regarding file record retention, telephone and internet services for the District office, as well as reviewing other policies of the District to get up to date. Kelly will check cost for internet service.

- Adjourn: Meeting adjourned 8:46 PM

Date Approved 8 / 10 / 20

West Great Falls Flood Control & Drainage District

Opposed
Chuck Rogers

Chuck Rogers, Commissioner President

Kelly Manzer

Kelly Manzer, Commissioner

Scott Lankford

Scott Lankford, Commissioner

**CERTIFICATION OF THE WEST GREAT FALLS FLOOD DISTRICT
ELECTION**

HELD ON MAY 5th, 2020

STATE OF MONTANA
County of Cascade

The undersigned hereby certify that the within constitutes a full, true and complete Abstract of votes cast in Cascade County at an election held on MAY 5th, 2020.

Total number of active eligible voters at said election were 830.

Total number of eligible voters who cast votes at said election was 482, which is 58% of the total votes cast.

BOARD OF CANVASSERS

James L. Larson
Joe W.
Joe

STATE OF MONTANA
County of Cascade

I, Rina Ft Moore, Clerk & Recorder/ Election Administrator in and for the County of Cascade do hereby certify that the within constitutes a full, true and complete Abstract of the name of each individual receiving votes and the office for which the votes were cast and/or the questions put before the voters, and votes cast for or against said question by county precinct number.

Attest my hand and seal of said County, hereto affixed this 15TH Day of MAY, 2020.

Rina Ft Moore
Rina Ft Moore
Clerk & Recorder/Election
Administrator of Cascade County



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Cascade County, Rina Ft Moore - Clerk & Recorder



CASCADE COUNTY

State of Montana

Telephone: (406) 454-6915 Criminal Department

(406) 454-6904 Civil Department

FAX: (406) 454-6949



Joshua A. Racki
County Attorney

121 Fourth Street North - Suite 2A
Great Falls, Montana 59401

June 18th, 2020

Ms. Rina Fontana Moore
Cascade County Clerk and Recorder/Elections Administrator
325 2nd Avenue North, Suite 100
Great Falls, MT 59401

RE: May 5, 2020 West Great Falls Flood Control and Drainage District Election

Dear Rina:

The Cascade County Attorney's Office has been asked to review and provide a legal opinion with regard to the legality of the May 5, 2020, West Great Falls Flood Control and Drainage District ("District") election.

As you are aware, the elections office conducted an election on May 5, 2020, which included ballots to elect board members for the District. Pursuant to MCA § 85-8-305(1), only persons who hold title or evidence of title to lands within the district can vote. Incumbent board member Ms. Nicky Putnam was unseated in the May 5, 2020, election. On or about May 11th, 2020, Cascade County was notified by Ms. Putnam that a number of votes cast in the District election appeared to be invalid because individuals not qualified to vote in the District election (e.g. who neither held title to nor evidence of title to lands within the District) were permitted to cast votes in the election, in contravention of the requirements in MCA § 85-8-305(1).

Ms. Putnam has argued that the inclusion of ineligible and unqualified votes in the final election tally likely affected the outcome of the election.

Based on election privacy laws, it is not possible at this time to screen out the votes cast by ineligible and unqualified voters to determine which votes were cast

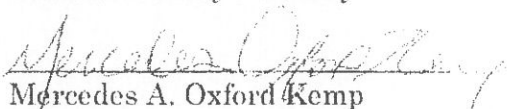
by eligible and qualified individuals verses votes which were not. Consequently, a recount of ballots cast May 5, 2020 is not possible.

Pursuant to MCA § 13-35-108, "If a court finds that the violation of any provision of this title by any person probably affected the outcome of any election, the result of that election may be held void and a special election held at least 85 days after finding." Based upon the foregoing, it is my opinion that legal recourse to address the illegal election requires an aggrieved party to petition the Court to have the election declared void and thereafter obtain an order for a special election.

Pursuant to MCA § 13-35-107(1)(a), a special election must be held within 85 days after the Court finds that there was a violation.

Please let me know if you have any further questions or comments. I am happy to review any contrary legal authority and to discuss this matter further upon request.

JOSHUA A. RACKI
Cascade County Attorney


Mercedes A. Oxford Kemp
Deputy County Attorney

Cc: Kirk Evenson, Esq.
Lynn Baker, Esq.

The Board of Commissioners for the
West Great Falls Flood Control & Drainage District
409 - 14th St. SW, Suite #2
Great Falls, MT 59404-2721

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

IN RE THE MATTER OF:)	Cause No. ADV-66-67075
)	
THE WEST GREAT FALLS FLOOD)	COMMISSIONER'S OATH
CONTROL & DRAINAGE DISTRICT)	

- SCOTT -

I, **LANKFORD** DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT, PROTECT, AND DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF MONTANA, THAT I WILL FAITHFULLY AND IMPARTIALLY DISCHARGE MY DUTY AS COMMISSIONER OF THE WEST GREAT FALLS FLOOD CONTROL AND DRAINAGE DISTRICT, AND THAT I WILL RENDER A TRUE ACCOUNT OF MY DOING TO THE COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF CASCADE, WHENEVER REQUIRED BY LAW OR BY THE ORDER OF SAID COURT, SO HELP ME, GOD.

DATED THIS 6/23 DAY OF JUNE 2020

Scott Lankford
SCOTT LANKFORD

WITNESS: Kelly Manzer
Signature

KELLY MANZER
Name Printed

WITNESS: Charly Rogers
Signature

Charly Rogers
Name Printed