

Concerned Citizens of the Valley
concernedcitizens838@gmail.com

April 20, 2023

Commissioner Bill Berg
Commissioner Mike Story
Commissioner Clint Tinsley

Dear Commissioner Berg, Commissioner Story, and Commissioner Tinsley,

I am once again writing on behalf of the Concerned Citizens of the Valley 838 (CCV). We would like to bring two additional issues to the County's attention.

1. The map that the Cooke City/Silver Gate/Colter Pass Sewer Board (SB) posted to their website two days before the March meeting is inaccurate and misleading. The map can be found at: <https://ccsgsewerdistrict.com/sewer-district-map/>

Shortly after the map was posted on the SB website, a property owner in the Silver Gate area provided written comment ahead of the March 22 SB meeting to that effect. At the meeting, she read her comments into the record. The SB stated during the meeting that the map was an accurate representation based on the Sewer Board By-laws and chose to adjourn without addressing her concern.

In a follow up email this same individual once again asked that the map be taken down, but the SB has not done so. An individual SB member responded by email "Just because you don't like the map does not make it 'inaccurate'". I am attaching two of the four images posted to the website. One is labeled as Complete Sewer District and one is labeled Sewer District - Silver Gate.

Please note that the SB's image labeled "Complete Sewer District" tapers off to a fine point on the west end. The Silver Gate townsite itself is not included on this map even though the legal narrative description of the District in Appendix A of the SB By-laws clearly includes the townsite. In the context of our communities, this is not a trivial omission.

The image labeled Sewer District - Silver Gate is, in fact, an area between Silver Gate and Cooke City. It includes a cluster of homes around Bastings Lane on both the north and south sides of the highway.

Finally, an area of Cooke City around Harris Lane is included on the map though our reading of the bylaws suggests that it is not in the District.

Fortunately, the Park County Election Office has made its own determination of who is eligible to vote in the election that is now underway. At our request, the Election Office graciously made its list of eligible properties available to CCV and we believe the list corresponds to what is described in the SB Bylaws. Also, CCV recently obtained a map from the County depicting the Sewer District. I am attaching that County-produced map so you make a direct comparison with the map the Sewer Board has posted to their website.

We can only hope that most voters have conferred with the Election Office rather than using the inaccurate SB map to determine their eligibility to vote.

CCV thought the matter could be resolved simply by bringing the map issue directly to the Sewer Board's attention. However, in this, as on previous occasions, we find that the Board is unwilling to hear our comments. They paid \$1000 for a map and apparently made no effort to consider its accuracy before accepting and posting the product on the SB website and representing it as an accurate depiction of the sewer district boundaries. Their lack of attention to this type of detail does little to inspire our confidence in the current Sewer Board directors' ability to manage a large and expensive infrastructure project going forward.

2. The appointment of Dave Tanner to replace Tony Krusniak (who had not attended a SB meeting for over a year) was badly mishandled and is, at the very least, suspect. CCV also believes proper public notice of this agenda item was not provided. Mr. Tanner stated during the meeting that he is an employee of Sewer Board President Bob Smith who owns and operates the Super 8 Motel in Cooke City.

Although several citizens objected to the potentially significant conflict of interest Mr. Tanner will have if he faces a vote on any action items supported by Mr. Smith, this objection was rapidly pushed aside. Board Member Ken Hufford stated that such

apparent conflicts are not uncommon in small communities where a limited number of residents are available to serve. In this case, however, another candidate was available, present, appeared on the agenda, followed the process lined out in the district bylaws and state law, and stepped forward to volunteer his service.

This appointment is perhaps all the more disturbing precisely because Mr. Smith's business was recently closed by the County Sanitarian because of his own leaking septic system.

Park County inquires about potential conflicts of interest of individuals seeking to be appointed to County boards. Specifically, the application form to serve on County boards cites a memo from the Park County Attorney's Office regarding potential conflicts. The memo is based on the Montana Code of Ethics, which prohibits a board member from performing "official acts that directly or substantially affect that member's private business or in which the member has a substantial financial interest." Dave's appointment is not consistent with the stated ethics expectations the County Commission has of volunteer boards performing public duties. (See attached Park County Board-Application Form.)

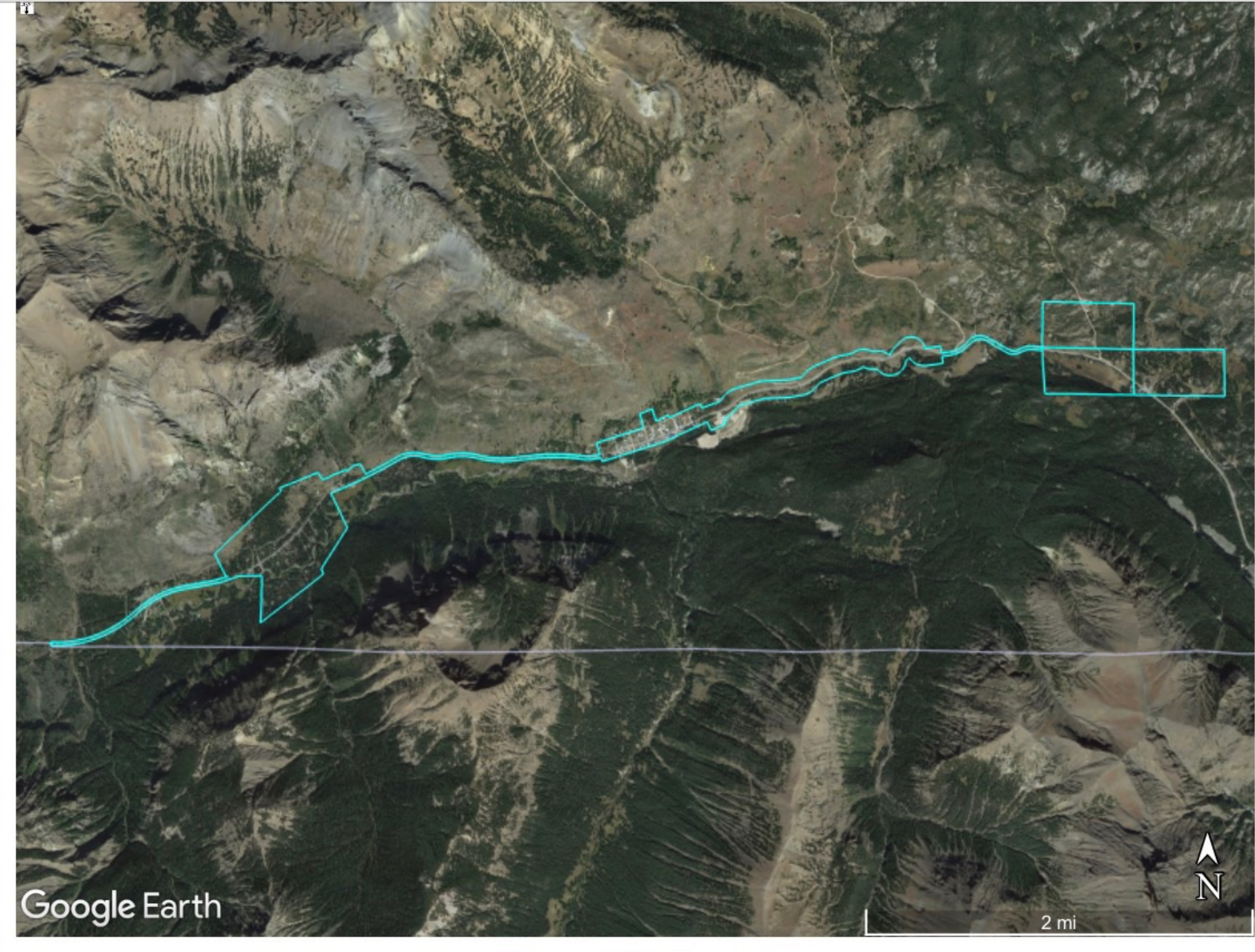
The Sewer Board continues to demonstrate it has little to no regard for its duty to act as public servants in the best interest of the state, county, public as a whole, and specifically sewer district residents.

Respectfully submitted,

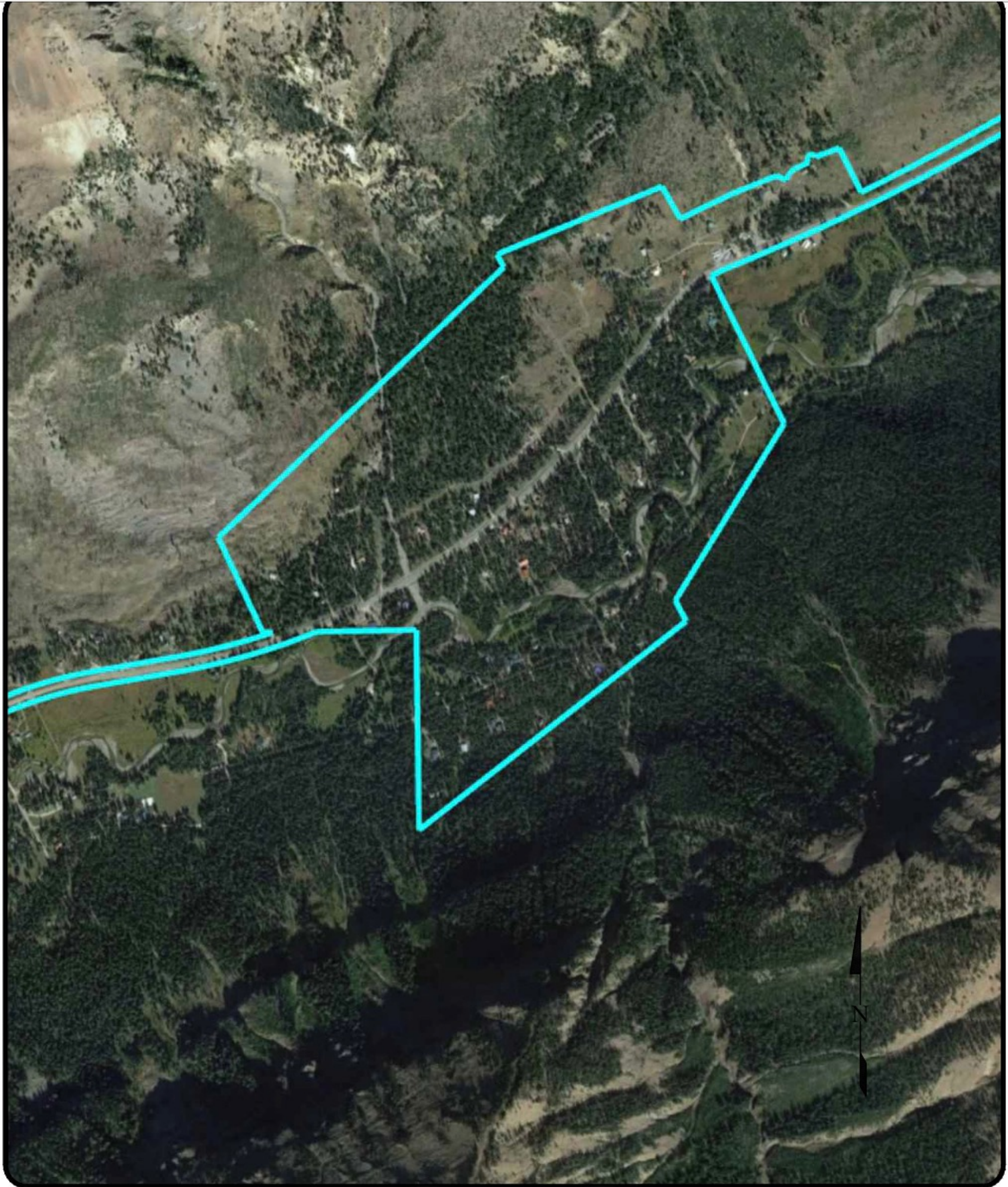
Judy Visty, Treasurer
Concerned Citizens of the Valley 838

Attachments: Area labeled complete district on SB website map; Area mislabeled Silver Gate on SB website map; CookeCityWaterSewerDistrictCountyMap; Park County Board Application Form

cc: Kendra Lassiter, Bob Smith, Kenny Hufford, Allen Edens, Lilly Tuholske, Mark Bostrum, Autumn Coleman, Anna Miller



Complete Sewer District



COCKE COUNTY SILVER GATE

EXHIBIT

Sewer District – Silver Gate

**Silver Gate townsite; not included
on Sewer Board's website map.**



Cooke City Water Sewer District

0 0.25 0.5 1 1.5 2 Miles

Cooke City Water Sewer District
Park County, MT



This map is for informational purposes only and not for legal, engineering or surveying purposes. Park County assumes no legal responsibility for this information and shall not be liable for any claims or damages arising out of the use of this information.

Application for Volunteer Boards and Advisory Committee
Park County, Montana

Date: _____ Name of Board: _____

Name: _____

Address: _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____ Fax Number: _____

Are you a resident of Park County? _____

Reasons you are interested in this position: _____

Describe any background, experience and interests that you have which may assist you in performing the responsibility of this appointment:

Occupation: _____

Education: _____

Experience: _____

(Please attach a detailed resume if desired)

Have you served on any previous boards or in any governmental positions in the past?

If yes, please explain: _____

Circle which meetings you would be available for: Night Daytime Both

Do you foresee any potential conflicts of interest that you might have in performing the duties as a board member? (*See attached letter as example*) If yes, please explain:

If a conflict of interest arose for you, how would you deal with it as an appointed member of the board? _____

Please return this application to Park County Commissioners office. It can be returned in person, fax, by mail to 414 E. Callender St. Livingston, MT 59047 Fax- 222-4160

PARK COUNTY ATTORNEY'S OFFICE

414 East Callender Street • Livingston, MT 59047 • Telephone: (406) 222-4150 • Fax (406) 222-4152

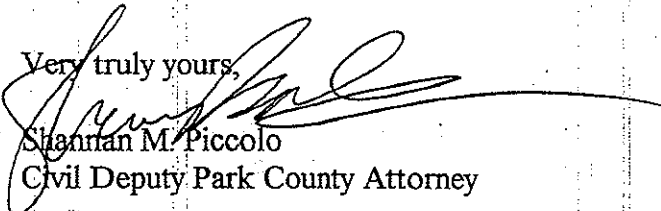
DATE: May 17, 2010
TO: All Park County Boards
FROM: Shannan M. Piccolo, civil deputy county attorney
RE: Conflict of Interest Update

The Montana Code of Ethics applies to all members of a quasi-judicial board or a board with rule-making authority. As a board member you have a duty to do what is in the best interest of the state, county and public as a whole. A member of a board may not perform an official act that may directly or substantially affect the member's private business or in which the member has a substantial financial interest. An official act means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority. The law governing conflict of interest is very narrow and only applies to financial interests. However, if a board member has any other conflict such as a personal relationship (positive or negative) that would interfere with their duty the member should refrain from acting.

At the beginning of each board meeting, there must be a request by the chair for all board members to disclose any conflict of interest they may have. If a board member has a conflict of interest they may not vote on that issue, but may take part in the rest of the meeting. However, if a situation arises where a member may appear to have a financial interest in a matter before the board, the board member must disclose the interest. If there is no conflict and only an appearance of one, the member may vote after disclosing the situation.

An example of a conflict of interest would be the Airport Board hearing a request to resurface the runway and a member owns a paving company that submitted a bid to do the resurfacing. Another example would be the Board of Adjustments hearing a variance request for a gravel pit next to a member's property and the gravel pit would have a negative impact on the value of the member's property. If you have a concern regarding whether or not there is a conflict, please feel free to contact me.

Very truly yours,


Shannan M. Piccolo
Civil Deputy Park County Attorney


RECEIVED MAY 17 2010