



# Livingston City Commission Special Agenda

August 28, 2023

4:00 PM

City – County Complex, Community Room  
Join Zoom Meeting

<https://us02web.zoom.us/j/83686913039?pwd=RGZBODMzVmoxZjIjSdm9EenRZTllYz09>

Meeting ID: 836 8691 3039

Passcode: 094513

1. Call to Order

2. Roll Call

3. Public Comment

*Individuals are reminded that public comments should be limited to item over which the City Commission has supervision, control jurisdiction, or advisory power (MCA 2-3-202)*

4. Consent Items

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings

*Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)*

8. Ordinances

9. Resolutions

**A. RESOLUTION 5106: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ORDERING A MAIL BALLOT ELECTION FOR THE CITY'S MUNICIPAL ELECTION AND CALLING FOR AN ELECTION TO BE HELD.**

10. Action Items

11. City Manager Comment

12. City Commission Comments

13. Adjournment

Calendar of Events

Supplemental Material

## Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

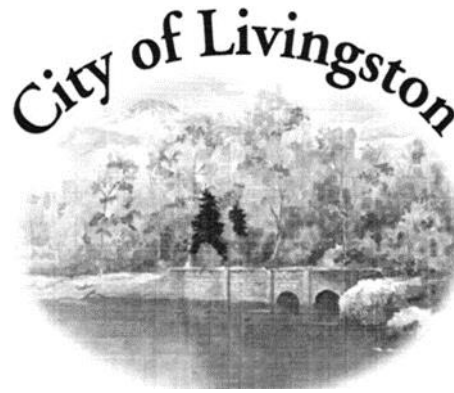
**File Attachments for Item:**

**A. RESOLUTION 5106: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ORDERING A MAIL BALLOT ELECTION FOR THE CITY'S MUNICIPAL ELECTION AND CALLING FOR AN ELECTION TO BE HELD.**

**City Manager**  
Grant Gager

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www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Melissa Nootz

**Vice Chair**  
Karrie Kahle

**Commissioners**  
Mel Friedman  
Quentin Schwarz  
Torrey Lyons

Date: 8/28/2023  
To: Chair Nootz and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Resolution 5106**

**Recommendation and Summary**

Staff is recommending that the City Commission approve passage of Resolution 5106 calling for the 2023 municipal general election to be conducted by mail by adopting the following motion:

“I move to approve Resolution 5106 and authorize the Chair to sign the Resolution.”

The reasons for the update are as follows:

- Montana Code Annotated provides that Election Administrators may conduct elections by mail ballot.
- The City of Livingston previously expected a referendum on the establishment of a Special District.

**Introduction and History**

Montana Code Annotated (MCA) Chapter 19 of Title 13 provides that certain elections may be conducted using mail ballots. However, a political subdivision may advise the County Election Administrator of its preference for the conduct of elections.

**Analysis**

City staff previously expected that the community would be asked to support creation of a Special District pursuant to Chapter 11 of Title 7 of the MCA and wanted to ensure maximum opportunity for the public to vote. However, recent project developments have cancelled the opportunity for such a referendum.

**Fiscal Impact**

Conducting the election by mail will reduce cost to the City.

**Strategic Alignment**

Conducting the election by mail is consistent with past practice.

**Attachments**

- Resolution 5106

**RESOLUTION NO. 5106**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ORDERING A MAIL BALLOT ELECTION FOR THE CITY’S MUNICIPAL ELECTION AND CALLING FOR AN ELECTION TO BE HELD.**

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**WHEREAS,** [MCA 13-19-204](#) provides that the City may, by Resolution, object to the conduct of its election by a mail ballot; and

**WHEREAS,** the City Commission previously passed Resolution 5093 objecting to a mail ballot as it expected that the Community would be asked to support the creation of a new Special District pursuant to [MCA 7-11-1001](#); and

**WHEREAS,** the City Commission understands that creation of a Special District will no longer be considered in the November 2023 election and wishes to rescind the effect of Resolution 5093;

**NOW, THEREFORE, BE IT RESOLVED,** by the City Commission of the City of Livingston, Montana, notifies the Park County Election Administrator of the City’s desire as follows:

The City Commission hereby assents to the conduction of the 2023 municipal elections by mail ballot and requests that the municipal general election for 2023 be conducted by mail.

**BE IT FURTHER RESOLVED,** that a copy of this Resolution be filed with the Park County Election Administrator promptly after passage.

Dated this 28<sup>th</sup> day of August, 2023.

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**MELISSA NOOTZ, Chair**

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**EMILY HUTCHINSON,**  
City Clerk

\_\_\_\_\_  
**JON HESSE,**  
City Attorney