

CITY OF LEWISTOWN ETHIC'S COMMITTEE MEETING

DATE March 5, 2020

The Lewistown Ethic's Committee met at City Hall in the Council Chambers. Mayor Elmer Littlefield Jr. (Liquor Commissioner) called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

ROLL CALL: Present: Alderman Sally Clark, Linda Helle, Alderman Kendall Miller, Kevin Delmastro, Mayor Elmer R. Littlefield Jr., Attorney Nathan Collins and City Clerk Cindy Goddard. Also present: Jason Herrick, Ed Helle, Trever Kelley, Leigh Farmer, and Billie Simmons.

BUSINESS: Alleged Ordinance Violation

Alderman Kendall Miller received a letter from Jayson Herrick that the Mayor had violated an ordinance.

Mayor Littlefield Liquor Commissioner recused himself at this time the remainder of the committee chooses an acting commissioner. Linda Helle made a motion for Alderman Kendall Miller to be acting commissioner, second by Alderman Clark, all agreed.

Alderman Clark asked Linda Helle if she was uncomfortable being on the committee since she had mentioned it last time. Helle explained that it is uncomfortable for everyone since it is a small community and will stay on the committee. Alderman Miller said he should not be voting. He explained how he is in a way affected by the whole situation since he was also running for Alderman when all this took place. Alderman Miller was presented with the complaint from Jason Herrick in late December and he then took it to Attorney Collins. Alderman Miller said he will chair the meeting but sustain from voting.

Alderman Miller said that during last election that supposedly the Mayor supported some one (4) that were running. Alderman Clark said we are here to determine if there is enough proof to move forward and it is entirely up to the committee. Alderman Clark said that the ordinance says that the city was supposed to get back with Jason Herrick (complainant) within seven business days after receiving the complaint. Alderman Miller explained that he didn't take it directly to the Attorney because of the holidays. City Clerk Cindy Goddard explained that she had tried to schedule at least four different meetings but there was always someone that could not attend. Alderman Miller said he did not know everyone did not have a copy of letter and was sorry.

Page 2
March 5, 2020

Nathan said November 14, 2019 complaint appears to be the same except for the sentence that says "Mr. Littlefield made these contributions on official city time." If that is the case then this matter can be continued.

Alderman Miller said it is up to the committee to determine now. Helle said that the last time they couldn't determine if the Mayor's position is 24 hours a day or not. Need to bring in the people that were involved to see when this was exactly done.

The Mayor is paid for compensated time, not fixed hours, it includes any period of time when on city property and during official duties. Alderman Clark and Helle think it is determined by the conversation. If we feel there is a violation then continue. According to the Attorney General it is based on statute, it is not an ordinance.

Attorney Collins read ethics ordinance. If the complaint is deemed to sufficiently allege a violation of this subchapter and there is a determination of probable cause based on evidence presented by the complainant then schedule hearing within four weeks. Need to determine probable cause with enough evidence to proceed. 33.27(C)

Need a motion to pursue to bring in the people that are involved. Die from second.

Per Attorney Collins first need to determine the findings of probable cause against the Mayor.

Looked at 33.27(C) and read again.

Repeated again Mayor Littlefield alleged to make campaign contributions on compensated time.

Previous Analysis was read by Attorney Collins.

We need a motion to determine if a violation of the ethics ordinance was done within ethics complaint do you find those allegations to be true, yes or no.

Alderman Miller stated that when he was mayor he had an employee that campaigned against him and I couldn't do anything.

The government has not determined a definition of official time and official duties.

Linda Helle feels this was already discussed and determined at the last meeting, and why is this being brought up after 2 years.

Alderman Miller said we probably will end up determining set hours for the mayor.

Page 3
March 5, 2020

Kendall Miller believes his objectivity is compromised because he feels he is involved with the complaint and taking himself out and not voting.

At this time the committee is to decide whether to table or not.

Motion to table by Alderman Clark, second by Linda Helle all ayes motion carried.

Kevin Delmastro will not be available for at least 2 months because of work schedule. He is to call when he can attend a meeting so it can be scheduled

Alderman Clark made motion to adjourn at 7:28 p.m., second by Kevin Delmastro.



City Clerk, Cindy Goddard