

**Superintendent of Schools
Matthew Henry
COUNTY OF GALLATIN**
◆
Bozeman, Montana
matthew.henry@gallatin.mt.gov



June 21, 2021

Ms. Sandra Wilson
Chairman
Bozeman School District #7 Board of Trustees
P.O. Box 520
Bozeman, MT 59715

Dear Ms. Wilson and the Trustees of Bozeman School District #7:

I am writing to inform you of my appointment of a successor to the vacant trustee position on the Bozeman School Board pursuant to Section 20-3-309(1), MCA. The written appointment is provided in the enclosed Notification of Appointment.

It is unfortunate that the vacancy created by Andrew Willett was not discovered in time for the May 4th election. The untimely disclosure of Mr. Willett's disqualification for office created challenges for us and the community. For you, it was the loss of authority to appoint a successor. For me, it is the task of making an appointment without precedent; and for the community, the inability to express its will through a duly held election.

My approach to filling the vacancy was to consider applicants and appoint a competent successor as provided in the law. Toward that end my office developed an application process that was transparent and included public interviews. A focus group comprised of 14 individuals representing interests in the community, including seven members from the Bozeman School District, was assembled to provide feedback.

Six applicants were interviewed for the position. Of them, Ryan Williams received broad support from the group and was my choice for the appointment. The surprise ruling that Colonel Williams is unable to hold office as an active duty officer, however, created yet another challenge. My options were to appoint a person of my own choosing, reopen the application window, or select a candidate from the current pool of applicants.

Making an individual appointment without public input is not a viable option, and there is no assurance that extending the application window would result in new applicants or a different outcome. In either case the process would be prolonged. The best course of action was to choose one of the five remaining applicants.

Of the five, three were previous candidates in the May 2021 election. The willingness of these individuals to subject themselves to the scrutiny of running for office and to earn

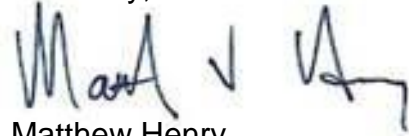
votes was a deciding factor to consider them above the others. The input that my office received from the public confirmed that the appointment should reflect the will of the people in the May election.

The most reliable basis for choosing among the three is the public support that was expressed for them in the form of votes. It is presumptuous to think that my judgment or that of the focus group should outweigh that of thousands of voters in the May election. The logical conclusion is that the highest vote getter among the three candidates should be selected for the appointment.

In the end it seems that neither of us has made the appointment. Despite our efforts to create a process that engaged the public, there is no substitute for the capacity of the people for deciding elections. As Abraham Lincoln said, "We cannot have free government without elections."¹ In this instance, we must trust that it was the community that made the appointment.

I appreciate your support and affirmation of this process. Your assistance and participation on the focus group are also appreciated. It has been a privilege to serve you in this capacity and if I can be of further assistance, please do not hesitate to contact me. Per Section 20-3-309(1), MCA, I have notified the person of the appointment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Henry". The signature is stylized and somewhat cursive.

Matthew Henry
Superintendent of Schools

Enclosure (1)

cc: Casey Bertram, Bozeman School District #7 Interim Co-Superintendent
Marilyn King, Bozeman School District #7 Interim Co-Superintendent
Mike Waterman, Bozeman School District #7 Clerk

¹ Caroline Harnsberger, *The Lincoln Treasury* (Chicago: Wilcox & Follett Co., 1950), 85.