From:	Jim Nugent
To:	Grp. City Council and City Web Site; Dept. Mayors Office; Dept. City Clerk; Ellen Leahy; Ellen Leahy (eleahy@co.missoula.mt.us); Shannon Therriault; Lisa Beczkiewicz; Arwyn Welander
Cc:	Dept. Attorney
Subject:	FW: Clarification of FOIA request
Date:	Friday, October 2, 2020 5:15:55 PM

From: Jim Nugent
Sent: Friday, October 2, 2020 5:15 PM
To: 'libertyvaporsmoke@gmail.com' <libertyvaporsmoke@gmail.com>
Subject: Clarification of FOIA request

Liberty Vapor:

City officials have received multiple requests from you/Montana Smoke Free Association, Hamilton, Montana at the end of this week.

Clarification of your requests would be beneficial to you, for the reasons that pursuant to Montana public information law state law provides that the city may charge you fees for gathering public information that is actual city public information gathered/compiled pursuant to your request. In addition, a public agency is allowed to estimate what the estimated costs might be and to require that you pay an advance deposit the initial estimated fee prior to the city commencing work gathering city public information for you.

Your initial requests are somewhat overbroad as well as inaccurate in some respects; so you could benefit from revising your requests submitted to the City.

The federal Freedom of Information Act that you state you rely on applies to federal agencies and federal government; not local municipal governments.

Further, there is no “Emergency” flavor ban being considered by the Missoula City Council. While the Missoula City Council is considering a proposed city ordinance addressing flavored tobacco products it is not and has not been identified as an “Emergency” ordinance.

Also as you should know your requests to the city may only be for public information that is public information possessed by the City of Missoula. The Missoula health department is staffed with Missoula County employees and is administered by Missoula County. Their records are Missoula County records, not City of Missoula public information records. The City is not the keeper of Missoula County public information. he City owes no duty or responsibility to you to gather public information from other public agencies pursuant to your request.

You likely are able to obtain to obtain much of the public information that you are interested in on the city web site. The Missoula City Council materials, meeting minutes, exhibits, documents, and other public information under consideration are on the City web site which you may readily access by yourself. The City does not have any duty, responsibility or obligation to gather any city public information that is readily available to you on the city web site. Thus, you should review the city web site and obtain the public information materials that are readily available to you on the city web site

prior to submitting any revised request for city public information.

Also, be aware that the Missoula City Council does not have its own staff. The primary city employee that assists the city council is the city clerk. You may obtain an abundance of city public information at the Missoula City Clerk web site.

The city website has a form that you may complete to submit your public information requests for public information that is not already readily available to you on the city web site or elsewhere.

JIM NUGENT