

City Clerk Staff

From: J. Kevin Hunt <jkhesq23@gmail.com>
Sent: Friday, August 12, 2022 3:04 PM
To: Ginny Merriam
Cc: Grp. City Council and City Web Site
Subject: Request for itemization of Police Budget allocation
Attachments: 08-12-2022 CityPubRecReqMPDjkh2FIN.pdf

Dear City Records Manager & City Council:

Attached to this email as a pdf document file, please find my Public Records law request submitted today to the City Records Manager for records and information related to a draft City budget item for Missoula Police Department. The text of my Public Records Request is also reproduced below in the body of this email for convenience.

Sincerely,

/s/ J. Kevin Hunt

REQUEST FOR PUBLIC INFORMATION AND RECORDS

TO: GINNY MERRIAM
Records Manager
Office of the Mayor – City of Missoula
435 Ryman St.
Missoula, MT 59802

VIA EMAIL: GMerriam@ci.missoula.mt.us

FROM: J. Kevin Hunt
308 Parkside Ln.
Missoula, MT 59802
Tel. (971) 295-1969
Email: jkhesq23@gmail.com

DATE: August 12, 2022

INFO COPY: Missoula City Council
council@ci.missoula.mt.us

RE: REQUEST FOR PUBLIC RECORDS & PUBLIC INFORMATION

GREETINGS:

By this four-page written and electronic communication, pursuant to Montana Constitution Article II, section 9 and MCA 2-6-1002 *et seq*, the undersigned citizen and resident of the City of Missoula, in the County of Missoula, State of Montana, hereby respectfully requests and demands disclosure to him of the following public records and information:

ALL SUCH PUBLIC RECORDS AND INFORMATION, AS DEFINED BY MCA 2-6-1002 (11), (13), IDENTIFYING THE ACTUAL PURPOSES AND AMOUNTS OF ALL EXPENDITURES DESCRIBED IN THE PENDING DRAFT CITY BUDGET AS “OTHER,” “MISCELLANEOUS” OR BY SYNONYMOUS OTHER TERMINOLOGY, IN OR ABOUT THE AMOUNT OF \$400,000, FOR MISSOULA POLICE DEPARTMENT.

This request encompasses all records relevant or material hereto that are fixed in any medium and retrievable in usable form for future reference, and includes all information relevant or material hereto prepared, owned, used, or retained by the City of Missoula and any public agency thereof relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

TIME IS OF THE ESSENCE.

IN SUPPORT OF THIS REQUEST, the undersigned relies upon the foregoing, upon his following Declaration incorporated within, and upon applicable legal Authorities including but not limited to the referenced Montana Constitutional and statutory provisions subjoined hereto.

STATE OF MONTANA)

) ss: DECLARATION OF J. KEVIN HUNT

County of Missoula)

I, **J. KEVIN HUNT**, do hereby solemnly affirm by my electronic signature below that the following enumerated averments offered in support of the within *REQUEST FOR PUBLIC RECORDS AND INFORMATION* are true to the best of my knowledge and belief derived from my sensory perceptions, and that as to representations of my opinion(s) herein concerning public interest value of the records and information sought herein, I believe said opinion(s) to accurately depict actual public interest.

1. I am a citizen of the United States and State of Montana residing within the City of Missoula, in the County of Missoula and State of Montana. In this *Declaration* and the *Request for Public Records and Information* of which it is a part:

(a) “**Missoula**” refers to the City of Missoula in the County of Missoula, in the State of Montana, United States of America.

(b) “**City**” refers to Missoula.

(c) “**City Council**” refers to the City Council of Missoula.

(d) “**Mayor**” and “**Mayor’s office**” refer to the current elected or acting Mayor of Missoula, and also encompass all staff of the Mayor, in particular the *de jure* Records Manager GINNY MERRIAM and her staff and designees, and any *de facto* Records Manager(s) and other person(s) charged with performing or actually performing the duties described in MCA 2-6-1002(14).

2. The City Council has under its review and consideration a Draft Budget prepared by the Mayor's office. According to statements made on the record by an elected member of the City Council during its public meeting held on Monday, August 8, 2022, said Budget contains an item for allocation of funds to Missoula Police Department in or about the amount of FOUR HUNDRED THOUSAND DOLLARS (\$400,000), the specific purpose(s) of which is/are identified in said budget as "Other."

3. On August 12, 2022, I placed a telephone call to the Missoula Police Department via its non-emergency telephone number, which call was answered by a person self-identified as "MICAH" (spelling of whose name here is according to phonetic sound of that self-identification). I asked MICAH for the name of the person to whom I should direct a public information and records request for disclosure of the specific purposes of the approximately \$400,000 item described in paragraph 2 of this *Declaration*. MICAH replied that such request should be made to "the Mayor's office."

4. The specific purposes of said budget item is a matter of substantial public interest, especially in light of much public controversy over: **(a)** news from the Mayor's office that Missoula residents will incur an increase in the amount of their property tax dedicated to City purposes, of or about 12% over that representing the amount so dedicated in the immediately preceding year's City Budget: **(b)** the Missoula County Commission's decision to refer to County voters (including Missoula residents) a referendum proposing a 20-mil property tax levy, an unknown amount of revenues from which would be shared with the City of Missoula for unspecified purposes.

Sincerely,

/s/ J. Kevin Hunt

J. Kevin Hunt

Authorities:

Montana Constitution, Article II, section 9: "Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure. "

MCA 2-6-1001: "Purpose. The purpose of this chapter is to ensure efficient and effective management of public records and public information, in accordance with Article II, sections 8 through 10, of the Montana constitution, for the state of Montana and its political subdivisions."

MCA 2-6-1002: Definitions.

(10) "Public agency" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "Public information" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(12) "Public officer" means any person who has been elected or appointed as an officer of state or local government.

(13) "Public record" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(14) "Records manager" means an individual designated by a public agency to be responsible for coordinating the efficient and effective management of the agency's public records and information.

MCA 2-6-1003 (2), cl 2: "A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

City Clerk Staff

From: Ben Weiss
Sent: Friday, August 12, 2022 12:09 PM
To: Grp. City Council and City Web Site
Subject: new policy resource re: bike laws

Hi folks,

A new resource was recently published by the National Association of City Transportation Official (NACTO) about enforcement and policy surrounding bicycle riding. Thought you may want to check it out: <https://nacto.org/wp-content/uploads/2022/08/Bikeway-Design-Enforcement-Paper.pdf>