

From: [will ryerson](#)
To: [Council](#)
Subject: [EXTERNAL] Against Any ICE Cooperation in Billings
Date: Tuesday, January 20, 2026 5:29:08 PM



Dear City Council Members,

I am a Billings resident and live on the North Side. Like many others in our community and around the country, I am deeply upset, disturbed and concerned by the escalating presence of ICE in cities such as Minneapolis (where I have friends and family), and the murder of Renee Good and shooting, maiming and injuries of others at the hands of ICE. They are agents of chaos in our communities, an occupying force who are committing illegal acts of terror against citizens and undocumented community members alike (all of which have rights!).

I urge you, in the strongest possible terms, to not cooperate in any way, shape or form with ICE in Billings. Thanks for reading.

best,
-will

From: [Cynthia Jesse](#)
To: [Council](#)
Subject: [EXTERNAL] Citizen's request
Date: Tuesday, January 20, 2026 10:53:58 AM



Good Morning Members of the Council,

January 19th, 2026

I taught in elementary and middle schools for thirty-five years in Title I schools across Billings, but primarily on the south side of Billings. I retired thirteen years ago, but have continued to volunteer at Riverside Middle School with Builders Club, a Kiwanis sponsored club that models the personal satisfaction of community service and leadership skills to middle schoolers. I have a long personal connection with this "Melting Pot" of students, and their parents, brothers and sisters, aunts and uncles, and their cousins. I do not want to see students and their families terrorized by ICE agents.

I have a personal connection with law enforcement in Billings. My husband, Terry Jesse, was a Yellowstone County Sheriff's Deputy, and then a mental health counselor for the inmates at the Yellowstone County Jail for several years. If my husband was still working in law enforcement today, I wouldn't want him placed in harm's way by ICE agents who are not properly trained. Nor would I want him to be placed in a position to choose whether to participate in illegal seizures and/or brutal treatment of United States Citizens.

Protect unpaid peaceful protesters. I do not want them to be victimized or killed by ICE.
Please do everything you can to protect all of us. I will support legal and compassionate law enforcement.
Thank you for your consideration,
Cynthia Jesse.
1826 Songbird Dr.
Billings, Mt. 59101

From: [Liz Forster](#)
To: [Council; Nicholson, Mark](#); [Shaw, Kendra](#)
Subject: [EXTERNAL] Comments on Energy and Conservation Commission
Date: Tuesday, January 20, 2026 8:15:19 AM



Good morning,

I write to comment ahead of your discussion on the future of the Energy and Conservation Commission. In short, this Commission has provided an essential service to the City of Billings and its people. The Commission has helped the people of Billings save money, reduce waste, and pursue smart energy and conservation strategies. The Commission's leadership on these issues makes Billings not only a better place to live but also a leader among cities in Montana, including becoming the first LEED Gold certified city in Montana and the entire region. Frankly, that is one of my favorite facts about Billings, and I tell people it with pride for the place I live.

The Commission has the opportunity to save the city and its people even more money:

- The ECC's final report and recommendations found that only 20% of the city-owned street lights are LED lights. If all city-owned street lights were LED, the City would save \$3.5 million in energy and maintenance costs over 15 years, or \$230,000 a year. Like most cities, Billings is always looking for ways to more efficiently use its budget, especially in the face of public safety concerns, and ensuring the Commission can accomplish this goal is an effective way to find that extra money. The replacement of these bulbs also has been shown in other cities to decrease crime in areas with LED street lights, including a [21% decrease](#) in street gun crime in areas with LED street lights in Philadelphia. A win-win, in my view.
- The ECC's final report and recommendations also found that the installation of solar panels at four existing City sites could save the City \$150k to \$300k per year on energy costs after the 6-9 year period to recoup installation costs. Energy costs are only increasing and being proactive now about becoming energy self-sufficient will only lead to benefits for the City in the future.
- The ECC already has been able to reduce the use of potable water in watering city parks by 30-35% annually, without any complaints from the public. Like energy costs, the cost of water will likely only continue to increase, particularly as the city grows and demand increases. Having a Commission in place to be proactive now will ensure the City can grow while staying affordable and beautiful.

These are just some of the ways the Commission can help the City of Billings continue to become a more efficiently, economically-run city that is at the forefront of public administration in the state and the region. I support the continuation of the work of the ECC in whatever form the Council sees fit or the formation of an advisory council to continue this inspired work. I also support the city allocating a staff person for this work, as the savings they can realize will more than pay for any salary allocated.

Thank you for considering my comments, and I hope you take them to heart in evaluating the future of the ECC.

Best,

Liz Forster
406-318-5354

From: [Karen Jarussi](#)
To: [Council](#)
Subject: [EXTERNAL] Continue the ECC!
Date: Tuesday, January 20, 2026 11:36:47 AM



Dear Members of the Billings City Council,

I am writing to ask you to allow the Energy and Conservation Commission to continue to do its good work! Its accomplishments to date are impressive- after much hard work, we were the first City in Montana to achieve LEED Gold certification, a coveted status. The ECC continues to make valuable recommendations on ways we as a city can save money, for example in our use of LED street lights, solar panels at appropriate sites, park maintenance practices, etc.

Billings benefits from having a cohesive structure and strategy for staying up to date in this ever changing world. That's what the ECC gives us. And with the support of talented City staff and with ever better technology available to us, the ECC will no doubt continue to find more ways to be more efficient, less costly, and more sustainable. This saves us money and will make our City a more desirable place to live, work and play.

Please keep the ECC's work going and let us all continue to benefit from it.

Thank you

Karen Jarussi
Billings, Montana

From: [Jerry Kilts](#)
To: [Council](#)
Subject: [EXTERNAL] ECC
Date: Tuesday, January 20, 2026 10:41:23 AM

Good Morning - I just wanted to say I strongly support the continuation of ECC. As a long time resident and business owner I have seen and heard of the great work ECC has already done and look forward to what it can do for Billings in the future. From helping get a larger portion of our streetlights changed to LED to the use of more solar panels with our city services and utilities it seems ECC can be of a great help in financial savings and making Billings more "livable". Thanks for your consideration. Jerry Kilts

From: [Bill Walker](#)
To: [Council](#)
Subject: [EXTERNAL] Energy and Conservation Commission
Date: Tuesday, January 20, 2026 1:32:23 PM



Please, please continue the commission.
Bill Walker

From: [Jim Thomas-DeJongh](#)
To: [Council](#)
Subject: [EXTERNAL] Energy and Water require all hands on deck
Date: Tuesday, January 20, 2026 12:06:00 PM



Dear Council Representatives Roy Neese and Denis Pitman,

Managing rising energy and water costs requires knowledge and leadership. Join us in supporting the continuation of the goals and savings fostered by the Energy and Conservation Commission. Our household strives to keep energy costs and water usage to a minimum and we expect our city to lead the charge. Energy costs are rising and technological opportunities are dynamic, yielding more potential for savings and efficiencies.

We are proud that our city is LEED certified and appreciative to the city employees that achieved this challenging level of expertise and recognition.

Sincerely,

Jim and April Thomas-DeJongh
910 Nutter Blvd

From: [Barbara Gulick](#)
To: [Council](#)
Subject: [EXTERNAL] Extension of Energy and Conservation Commission
Date: Tuesday, January 20, 2026 12:02:23 PM



Members of Billings City Council:

I urge you to extend the Energy and Conservation Commission. Their work record is compelling!

Thank you for your consideration.

Barbara Gulick
bgulick720@gmail.com

From: [Zach Allen](#)
To: [Council](#)
Subject: [EXTERNAL] ICE in Billings
Date: Tuesday, January 20, 2026 10:56:42 AM

Dear City Council members,

I am extremely concerned about ICE and US border patrol coming to and being in Billings. I love our community and I do not want ICE and Border Control tearing it apart by taking members of our community. I do not want Billings Police Department to work along side ICE and Border Patrol. That will leave lasting damage to families and members of our Billings community. Please sign a 287g petition. We must keep our community safe and secure. Billings is better together.

Thank You,
Zachary Allen

From: [Tasheena Duran](#)
To: [Schuster, Tracey](#); [Nelson, Mike](#); [Council](#)
Cc: tlduran2003@gmail.com; [Dahl, Gina](#); [Watson, Laura](#)
Subject: [EXTERNAL] RE: Unlawful Obstruction of Constitutional Right to Know Case #20-76444 (Death of Cole Stump)
Date: Tuesday, January 20, 2026 3:12:42 PM



FINAL DEMAND LETTER

DATE: January 21, 2026

TO:Gina Dahl, City Attorney, City of Billings
Laura Watson, Deputy City Attorney, City of Billings
Tracey Schuster, Paralegal, City of Billings
Yellowstone County Attorney's Office - Civil Division
Mayor Nelson, City of Billings
Billings City Council

FROM:

Tasheena Duran
Justice for Cole Stump
tlduran2003@gmail.com

RE: FINAL DEMAND - GPS/AVL Historical Data, Forensic Standard Operating Procedures, Unlawful Email Blocking, and Pattern of Bad Faith Obstruction - Case #20-76444 (Officer-Involved Shooting Death of Coleman "Cole" Stump, October 12, 2020)

I. EXECUTIVE SUMMARY

This letter constitutes formal notice of the City of Billings' systematic violation of my constitutional Right to Know under Article II, Section 9 of the Montana Constitution and statutory rights under the Montana Public Records Act (MCA 2-6-1001 et seq.).

Over the past five years, I have made repeated good-faith requests for public records concerning the investigation into my brother's death in an officer-involved shooting. The City has responded with a documented pattern of obstruction including:

- Manual blocking of my email address to prevent communication (January 6, 2026)
- False claims that GPS/AVL historical data "does not exist" despite written policy requiring its retention (Administrative Order 131)
- Admission of evidence destruction (ballistics testing before DNA swabbing) without producing the policy that authorized it
- 100% fee increase applied retroactively to correct the City's own incomplete prior disclosure
- Jurisdictional ping-pong with no agency accepting responsibility
- Repeated suggestions to "file a lawsuit" instead of providing public records

This conduct violates Montana constitutional and statutory law, constitutes bad faith obstruction of lawful records requests, and may support claims for sanctions, attorney fees, and injunctive relief.

This is your final opportunity to comply before I seek judicial intervention.

II. FACTUAL BACKGROUND

A. The Death of Cole Stump

On October 12, 2020, my brother Coleman "Cole" Stump, a Native American man, was shot and killed by Billings Police Department officers in an alley at 2290 Avenue C. The officers involved were:

Officer Bickford

Officer Grommes

Officer Vladic

Officer Nelson

And additional officers.

The investigation was conducted by BPD and reviewed by the Yellowstone County Attorney's Office. A Coroner's Inquest was held in 2022. No criminal charges were filed against any officer.

B. Five Years of Public Records Requests

Since November 2020, I have submitted at least eight documented Public Records Requests seeking information about my brother's death:

- 2020-2021: Initial requests for incident reports, body camera footage, officer identities, and investigative files

- April 11, 2021: Chief Rich St. John declared "the investigation is complete" but refused to release records until after the inquest

- 2022: After the inquest, limited records were provided including:

- Fire/EMS reports (21 pages, \$5.25 fee)

Some WatchGuard dash camera videos (without GPS metadata)

Heavily redacted police reports

- October 12, 2022: After my 5th-8th requests, Deputy City Attorney Thomas Pardy sent a dismissive letter stating the City had provided "almost everything" and repeatedly told me to "file a Petition in District Court" rather than continuing to respond to lawful requests

- December 31, 2025 - January 6, 2026: I submitted two new requests based on newly discovered contradictions in prior responses:

Request for forensic SOPs regarding evidence sequencing

Request for GPS/AVL historical data contradicting 2021 claim it "does not exist"

- January 6, 2026: My email address was manually blocked by City staff, preventing me from communicating about active requests

III. IMMEDIATE VIOLATIONS REQUIRING REMEDY

VIOLATION #1: UNLAWFUL EMAIL BLOCKING (January 6, 2026)

The Facts

On January 6, 2026, at approximately 2:44 PM, I received an automated bounce-back message when attempting to communicate with City Attorney staff regarding my pending public records request:

"Message blocked

Your message to SchusterT@billingsmt.gov has been blocked.

The response from the remote server was:

550 Envelope blocked - User Entry"

Technical documentation from the email security provider (Mimecast) defines error code "550

- User Entry" as follows:

"Personal block policy is in place for a specific email address or domain"

Resolution: "Remove the email address/domain from the Managed Senders list"

This is not a system error. This is not spam filtering. This is manual blocking of a specific individual.

City's False Denial

When I reported this block using an alternative email address, Assistant City Administrator Kevin Iffland responded claiming my emails "have not been blocked." This statement was factually false. I have preserved screenshots proving the block.

Paralegal Tracey Schuster later admitted staff had to contact IT to investigate "why the system blocked the email"—tacitly acknowledging the block occurred.

Legal Violation

Montana Code Annotated 2-6-1006(1) explicitly requires:

"A public agency shall make the means of requesting public information accessible to all persons."

Manually blocking a requester's email address after that person challenged fee increases and identified missing records constitutes:

Obstruction of constitutional right of access (Montana Const. Art. II, Sec. 9)

Violation of MCA 2-6-1006(1) (accessibility requirement)

Retaliation for exercising protected rights

Bad faith obstruction supporting award of attorney fees and sanctions

Timeline Proving Retaliatory Intent

2:43 PM - I sent email challenging doubled fees and demanding GPS data

2:44 PM - Email blocked with "550 User Entry" error

3:01 PM - I sent formal protest from alternative address

4:46 PM - City admits investigating "why the system blocked the email"

The block occurred one minute after I challenged the City's fee structure and contradictory GPS claims. This timing evidences retaliatory intent.

DEMAND #1: IMMEDIATE UNBLOCKING

Within 24 hours of receipt of this letter, the City must:

- Remove tduran2003@gmail.com from any and all "Managed Senders," block lists, or filtering systems
- Provide written confirmation from IT department that the block has been removed
- Provide copies of all emails, IT tickets, and communications related to the decision to block my email address, including:
 - Who authorized the block
 - When it was implemented
 - Stated justification
 - All internal communications discussing the requester or this case
- Failure to comply within 24 hours will be cited as ongoing constitutional violation in emergency court petition.

VIOLATION #2: FALSE CLAIMS ABOUT GPS/AVL DATA CONTRADICTING WRITTEN POLICY

Background: March 2021 - "GPS Data Does Not Exist"

On March 30, 2021, Deputy City Attorney Thomas Pardy responded to my request for GPS/AVL location data for patrol vehicles involved in the shooting. His response stated: "After research I have discovered that such information is not recorded in any way. The BPD can only see real time information. The Billings Police Department does not store the location of vehicles, so we are unable to provide that information." "That system is not currently configured to cache and display in any other format but real-time."

In a subsequent Public Records Response, this claim was repeated with a cost justification: "GPS-Locating an officer can be done in real time. However, the BPD does not log/store GPS history... The financial burden to maintain that data is too expensive."

The Policy Contradiction: Administrative Order 131

The City of Billings maintains Administrative Order No. 131, titled "Automatic Vehicle Location (AVL)" which explicitly contradicts these claims.

Administrative Order 131 states:

The AVL system is intended to provide "both real time and historical information" regarding vehicle location.

This historical data "may be used during investigation into allegations of employee misconduct."

Analysis:

Policy Requires Historical Data: If the written policy authorizes use of "historical information" for investigations, that data must be stored. You cannot use data that doesn't exist.

Investigative Purpose: AO 131 specifically contemplates using GPS history for "employee misconduct" investigations—exactly the type of investigation conducted here.

"Too Expensive" Claim is Implausible: The City successfully stores terabytes of high-definition WatchGuard video (1-3 GB per hour). GPS coordinate data consists of simple text requiring only kilobytes of storage—approximately 3,000 to 10,000 times smaller than video. The claim that GPS text logging is "too expensive" while simultaneously maintaining massive video archives is technically nonsensical.

System Capabilities Confirm Logging: The WatchGuard 4RE system utilized by BPD includes "RATF" (Record-After-The-Fact) buffering capability. This technology requires constant processing and buffering of heavy data streams. GPS logging is a standard background function of such systems that does not increase costs. Disabling it is a choice to avoid accountability, not a cost-saving measure.

Video Evidence Shows Tracking: Officer Farrell's dash camera (Unit 1579) shows Unit 1428 entering the alley at a precise timestamp (22:42:00-22:42:10). The ability to identify specific units and their movements at precise times suggests timestamp and location metadata exists or existed.

The Legal Problem

The City has either:

Option A: Violated its own Administrative Order 131 by failing to maintain required historical GPS data, OR

Option B: Maintained the GPS data as required by policy but falsely claimed it doesn't exist to avoid disclosure

Either scenario constitutes a violation of Montana public records law.

Additionally, if GPS data existed in October 2020 but has since been deleted, this constitutes spoliation of evidence in a homicide investigation—particularly egregious given the ongoing dispute over the facts of the shooting.

DEMAND #2: PRODUCE GPS DATA OR EXPLAIN POLICY VIOLATION

Within 10 business days, the City must provide one of the following:

Option A - Compliance: Produce all GPS/AVL historical data for every patrol unit present at or responding to 2290 Avenue C on October 12-13, 2020, including but not limited to:

Unit 1428 (seen entering alley at 22:42:00-22:42:10 on Officer Farrell's dash cam)

Unit 1579 (Officer Farrell)

Units assigned to Officer Grommes, Officer Bickford, Officer Nelson, Officer Vladic

Units assigned to Sergeant Hoeger and Officer DeNio

Any other unit that responded to call #20-76444

Data should include: GPS coordinates, timestamps, speed, direction, and all associated metadata from the WatchGuard system.

Option B - Admission of Policy Violation: If no GPS data was retained, provide written explanation, signed by the Chief of Police, explaining:

- Why the Department violated Administrative Order 131's requirement for historical data
- When the decision was made to not retain GPS logs
- Who authorized violating AO 131
- What corrective measures have been implemented
- Copies of the "vendor quote or internal audit" cited as justification for the "financial burden" claim

Option C - Spoliation Admission: If GPS data existed in 2020 but has since been destroyed, provide:

- Date of destruction
- Records retention schedule authorizing destruction
- Identity of person(s) who authorized destruction
- Explanation of why evidence in a disputed homicide was destroyed while requests were pending

This is not a new request—this is demanding compliance with the City's own mandatory Administrative Order 131.

VIOLATION #3: EVIDENCE DESTRUCTION WITHOUT POLICY JUSTIFICATION

The Admission

In response to my 2022 Public Records Request, the City provided documents concerning forensic testing of the Taurus pistol allegedly possessed by Cole Stump. The official response contained this remarkable admission:

"A test for DNA/fingerprints could not be conducted due to the first test; matching the ammo to the guns"

What This Means

The Billings Police Department chose to conduct ballistics testing first, which requires:

- Handling the firearm extensively
- Loading ammunition
- Firing the weapon multiple times
- Ejecting shell casings

This process destroys biological evidence including:

- Touch DNA on the grip, trigger, and slide
- Fingerprints on metal and polymer surfaces
- Any trace evidence that could prove who actually held or fired the weapon

Only after destroying this evidence did the Department consider DNA/fingerprint analysis—at which point it was "too late" because the first test had contaminated the firearm.

Why This Matters

In this case, there are disputed facts about:

- Whether Cole Stump actually possessed the gun
- Whether he fired it
- Whether he pointed it at officers
- The sequence of events leading to the shooting
- DNA and fingerprint evidence could have conclusively answered these questions. That evidence was deliberately destroyed through the choice to prioritize ballistics testing.

Standard forensic protocols typically require non-destructive testing before destructive testing for precisely this reason. I am seeking the written Standard Operating Procedure that authorized this deviation from standard practice.

DEMAND #3: PRODUCE FORENSIC SEQUENCING POLICY

Within 10 business days, the City must produce:

Evidence Sequencing Policy: The specific Standard Operating Procedure (SOP) or General Order dictating the "order of operations" for evidence containing multiple forensic markers. Does written policy require DNA swabbing before or after ballistics submission?

Firearm Submission Guidelines: Written protocols regarding submission of firearms for "Touch DNA" analysis, including preservation requirements.

Chain of Custody & Preservation Policy: The policy instructing officers on how to preserve biological evidence on weapons recovered from crime scenes prior to mechanical testing.

If no written policy exists authorizing ballistics-before-DNA testing, provide:

Written Admission: Signed statement from the Chief of Police or Evidence Supervisor confirming that the decision to test ballistics before DNA was made at the discretion of investigating officers in this specific case, without written policy guidance.

Disciplinary Records: Any disciplinary actions, corrective measures, or policy changes implemented as a result of this evidence destruction.

If you claim this information is maintained by the State Crime Lab or other agency, provide documentation of which agency maintains these policies and confirmation that you have forwarded my request to that agency.

VIOLATION #4: UNLAWFUL FEE MANIPULATION

2022 Fee Structure

When I paid for the Fire Department EMS report and other records in 2022, the fee structure was:

\$10 per hour for staff time

First hour waived

Paper copies: \$0.25 per page

Total charged: \$5.25 for 21 pages

This fee structure was documented in official City correspondence dated February 22, 2024 (responding to my February 16, 2024 request).

2026 Fee Structure - 100% Increase

In January 2026, Paralegal Tracey Schuster's acknowledgment of my new Public Records Request stated:

"Time: \$20 per hour if staff/attorney time required for response exceeds 30 minutes."

This represents:

100% increase in hourly rate (\$10 → \$20)

50% reduction in free time threshold (60 minutes → 30 minutes)

Why This is Unlawful As Applied to This Request

My current request seeks GPS/AVL metadata that should have been included with the 2022 WatchGuard video production.

In 2021, I was told this data "does not exist." I paid for WatchGuard videos in 2022. Those videos were provided without the GPS metadata that is natively integrated into the

WatchGuard 4RE system.

I am now requesting the complete record that should have been provided in 2022. This is not a new request—it is correcting the City's incomplete prior disclosure.

Applying a doubled fee structure to correct the City's own error constitutes:

- Improper financial penalty for the agency's failure to provide complete records
- Punitive fee structure designed to deter the exercise of constitutional rights
- Violation of MCA 2-6-1006(3) requiring fees not exceed "actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible"

Actual Cost Analysis

The GPS metadata I am requesting:

- Already exists in the WatchGuard system database (per AO 131)
- Was already accessed when staff retrieved the video files in 2022
- Requires only exporting the associated metadata fields that were deliberately excluded from the 2022 production
- Should take minutes, not hours given that the videos have already been located and processed
- There is no legitimate "actual cost" justification for charging \$20/hour when the City is simply correcting an incomplete prior production.

DEMAND #4: APPLY ORIGINAL FEE STRUCTURE

The City must apply the 2022 fee structure to this request:

-\$10 per hour (not \$20)
First hour waived (not first 30 minutes)
Actual costs only for correcting the incomplete 2022 disclosure

Alternatively, waive all fees entirely on the grounds that:

- This corrects the City's error in providing incomplete records in 2022
- The requester is a family member seeking records about a relative's death
- The City has already been compensated for locating and processing these files
- Public interest in transparency regarding officer-involved shooting outweighs minimal copying costs

VIOLATION #5: JURISDICTIONAL SHELL GAME - NO AGENCY ACCEPTS RESPONSIBILITY

The Pattern

Over five years, I have been bounced between agencies with no one accepting responsibility for producing records:

2021: Billings Police Department → City Attorney's Office

2022: City Attorney → "file a lawsuit" (October 2022 letter)

January 2026:

Request sent to City Attorney Gina Dahl → forwarded to Tracey Schuster
Schuster responds: "all public records requests for this case need to be fulfilled by the Yellowstone County Attorney's Office"

County Attorney's Office: "Your request has been received and we will get back to you ASAP"

No substantive response from any agency

Legal Problem

Montana law does not permit agencies to avoid disclosure obligations through jurisdictional gamesmanship.

MCA 2-6-1006(2) requires:

"Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person..."

Each agency that maintains responsive records has an independent obligation to produce them.

Specific Records Maintained by Each Agency

Billings Police Department maintains:

- GPS/AVL historical data (per AO 131)
- WatchGuard video system and associated metadata
- Standard Operating Procedures for evidence collection
- Internal policies on forensic testing sequencing
- Officer roster for October 12, 2020
- Incident reports and supplements

City of Billings Attorney's Office maintains:

- Public Records Request files and responses
- Legal review of disclosure decisions
- Communications regarding email blocking decision
- Fee schedules and payment records

Yellowstone County Attorney's Office maintains:

- Investigation file from review of officer-involved shooting
- Coroner's inquest materials
- Determination not to prosecute
- Witness statements and evidence not originated by BPD

Each agency must produce records it maintains. One agency cannot refuse disclosure by claiming another agency should respond.

DEMAND #5: EACH AGENCY MUST RESPOND FOR RECORDS IT MAINTAINS

Within 10 business days:

Billings Police Department must produce:
GPS/AVL data (Demand #2)
Forensic SOPs (Demand #3)
Email blocking documentation (Demand #1)

City Attorney's Office must produce:
Email blocking authorization and communications
Fee schedule changes and justification
All internal communications regarding this requester or case

Yellowstone County Attorney's Office must clarify:
Which specific records it maintains
Timeline for production
Whether it is claiming any exemptions
No agency may refuse by claiming "another agency should respond." Produce what you have or state specifically that you maintain no responsive records.

IV. PATTERN OF BAD FAITH OBSTRUCTION

The violations described above are not isolated incidents. They represent a five-year pattern of obstruction designed to prevent disclosure of public records regarding my brother's death.

Timeline of Obstruction

November 2020 - April 2021: "Investigation ongoing, cannot release"

April 11, 2021: Chief St. John declares investigation "complete" but refuses release until after inquest

2021-2022: Limited records provided; GPS data claimed to "not exist"

October 12, 2022: After 5th-8th requests, City tells me I've gotten "almost everything" and should "file a Petition in District Court" rather than continuing to request records (Deputy City Attorney Pardy letter)

December 2025 - January 2026:
New requests reveal GPS data contradiction
Fee structure doubled
Email address manually blocked one minute after challenging fees

Tactics Employed

False claims of non-existence (GPS data)
Evidence destruction without policy justification (ballistics before DNA)
Fee manipulation (100% increase)
Email blocking to prevent communication
Jurisdictional ping-pong (BPD → City → County → back)
Suggestion to litigate instead of complying with law
Delay tactics ("30 days or more" even for correcting prior errors)

Legal Standard for Bad Faith

Montana courts have recognized that public agencies engaging in bad faith obstruction of records requests may be subject to:

- Mandatory disclosure orders
- Attorney fees and costs (Nelson v. City of Billings, 2018 MT 36)
- Sanctions for spoliation of evidence
- Injunctive relief preventing continued obstruction

Bad faith can be established through:

Pattern of delay and obstruction over extended period
False statements about existence of records
Retaliation against requester
Fee manipulation to create financial barriers
Failure to comply with agency's own policies
All elements are present in this case.

V. CONSTITUTIONAL AND STATUTORY AUTHORITY

Montana Constitution - Article II, Section 9

"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."

This is an affirmative constitutional right, not a privilege subject to agency discretion.

Montana Public Records Act - MCA 2-6-1001 et seq.

MCA 2-6-1002(11): Defines "public information" broadly to include all information maintained by public agencies, subject only to specific statutory exemptions.

MCA 2-6-1006(1): "A public agency shall make the means of requesting public information accessible to all persons."

MCA 2-6-1006(2): Agencies must respond in "timely manner" by making records available or providing estimate and fee information.

MCA 2-6-1006(3): Fees may not exceed "actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible."

City's own policy requiring GPS/AVL system to provide "both real time and historical information" for use in "investigation into allegations of employee misconduct."

None of These Laws Contain an Exception for "File a Lawsuit"

The City cannot lawfully respond to requests by suggesting litigation. The remedy for disputed requests is:

Agency provides records or cites specific exemption

If denied, requester may seek AG determination (MCA 2-6-1009)

If still disputed, requester may petition District Court

The agency does not get to skip steps 1 and 2 by telling requesters to "just sue us."

VI. DEMANDS FOR IMMEDIATE COMPLIANCE

To avoid litigation, the City of Billings and Yellowstone County must immediately comply with the following demands:

DEMAND #1: UNBLOCK EMAIL (24 Hours)

Remove tduran2003@gmail.com from all block lists

Provide written IT confirmation

Produce all communications regarding the blocking decision

DEMAND #2: PRODUCE GPS DATA (10 Business Days)

All GPS/AVL historical data for units at scene on October 12-13, 2020, OR

Written explanation of why AO 131 was violated, OR

Admission that data was destroyed (spoliation)

DEMAND #3: PRODUCE FORENSIC POLICIES (10 Business Days)

Evidence sequencing SOPs

Firearm DNA preservation protocols

Explanation of ballistics-before-DNA decision

DEMAND #4: APPLY ORIGINAL FEES (Immediate)

Restore 2022 fee structure (\$10/hr, first hour waived)

Or waive fees entirely for correcting incomplete prior production

DEMAND #5: AGENCY-SPECIFIC RESPONSES (10 Business Days)

Each agency must produce records it maintains

No jurisdictional buck-passing

Specific exemption citations for any withheld records

DEMAND #6: VAUGHN INDEX (10 Business Days)

Provide detailed index of ALL withheld documents with:

Document description

Date created
Author/recipient
Page count
Specific statutory exemption claimed (not just "confidential")
Explanation of why exemption applies

DEMAND #7: PRESERVATION NOTICE (Immediate)

All documents, emails, IT logs, GPS data, metadata, and communications related to:

Cole Stump investigation (Case #20-76444)

My public records requests

Email blocking decision

GPS/AVL data claims

Fee structure decisions

Must be preserved for litigation. Destruction after this notice constitutes spoliation of evidence.

VII. NOTICE OF INTENT TO SEEK JUDICIAL RELIEF

If the above demands are not met within the specified timeframes, I will immediately file a Petition for Writ of Mandate and Declaratory Relief in the Yellowstone County District Court seeking:

A. Emergency Injunctive Relief

Temporary restraining order preventing further email blocking

Preliminary injunction compelling immediate production of GPS data

Preservation order preventing destruction of evidence

B. Declaratory Judgment

Declaration that GPS data must be produced per AO 131

Declaration that email blocking violates constitutional right of access

Declaration that forensic policies are public records not exempt from disclosure

Declaration that fee increases are improper and punitive

C. Mandatory Injunction (Writ of Mandate)

Court order compelling production of all requested records

In camera review of withheld documents by District Judge

Court determination of proper exemptions and fees

D. Sanctions and Attorney Fees

Attorney fees and costs under bad faith exception

Sanctions for email blocking and retaliatory conduct

Sanctions for spoliation if GPS data was destroyed

Costs of litigation including expert witness fees

E. Evidence to Be Presented

Screenshots proving email blocking (January 6, 2026)

Administrative Order 131 contradicting "no GPS data" claim

Fee comparison showing 100% increase (2022 vs. 2026)

Official admission of evidence destruction (ballistics before DNA)
Pattern of referrals with no substantive response over 5+ years
October 2022 letter telling requester to "file a lawsuit"

F. Legal Claims

Violation of Montana Constitution Art. II, Sec. 9
Violation of Montana Public Records Act (MCA 2-6-1001 et seq.)
Violation of Administrative Order 131
Bad faith obstruction of public records access
Retaliation for exercising constitutional rights
Spoliation of evidence (if GPS data destroyed)
Breach of mandatory duty (mandamus)

VIII. GOOD FAITH ATTEMPT TO RESOLVE

I am providing this comprehensive demand letter as a final good faith opportunity to resolve these issues without court intervention.

I recognize that:

Litigation is expensive for both parties
Court resources are limited
Transparency is better achieved through cooperation than confrontation

However, after five years of obstruction, I can no longer accept:
False claims that records don't exist when your own policies require them
Blocking my email address to prevent communication
Doubling fees to create financial barriers
Jurisdictional games where no one takes responsibility
Being told to "file a lawsuit" instead of receiving public records

I am entitled to these records under Montana law. I am asking you to comply with the law.

IX. RESPONSE REQUIRED

Please provide written response to this demand letter within 10 business days (by February 4, 2026) confirming:

Email unblocked (must occur within 24 hours)
Timeline for GPS data production
Timeline for forensic SOP production
Confirmation of fee structure to be applied
Agency-by-agency response regarding which records each maintains
Vaughn index of withheld documents
Preservation of all relevant materials
Failure to respond or substantial compliance with these demands will result in immediate filing of court petition.

X. CONCLUSION

My brother was killed by law enforcement officers over five years ago. I have been seeking basic information about what happened that night through lawful public records requests.

Instead of transparency, I have encountered:

A wall of obstruction
False claims about missing data
Evidence destruction
Email blocking
Financial barriers
Bureaucratic runarounds

This ends now.

You have 10 business days to comply with Montana law and provide the public records I am entitled to receive.

If you choose continued obstruction over compliance, I will see you in court.

Respectfully submitted,
Tasheena Duran
Justice for Cole Stump

IF NEEDED I CAN EMAIL ENCLOSURES OF ALL DOCUMENTS

From: [Kari Boiter](#)
To: [Council](#)
Cc: [Denise Boggio](#); [Hannah Reno](#); [Joe Stout](#); [Jordan Webber](#); [Kevin Holland](#); [Iffland, Kevin](#); [Maddox, Wynnette](#); [St. John, Rich](#)
Subject: [EXTERNAL] Re: Upcoming meeting(s)
Date: Tuesday, January 20, 2026 12:38:18 PM



Good morning, Mayor and City Council —

In the spirit of transparency, I wish to make all aware of the communication below that was sent out by Chief St. John today, regarding ongoing hurdles that prevent the Citizen Police Advisory Board from meeting.

Please be advised that according to the Resolution language passed by City Council in September, the renewed CPAB term expires on December 31, 2029, regardless of when City Council takes action to appoint Board members. As a reminder, the previous iteration of the Board lost a full quarter of its 4-year-term due to similar inaction by the City, which served as a detriment to the Board's limited capacity.

As always, please don't hesitate to reach out with any questions, concerns or suggestions.

Thank you,

Kari Boiter
Phone: (406) 544-9164
Email: kariboiter@gmail.com

Message composed on a mobile device. Please excuse errors and/or brevity.

On Jan 20, 2026, at 8:49 AM, St. John, Rich <stjohnr@billingsmt.gov> wrote:

FYI to all, CM Kennedy pulled the CPAB discussion off tonight's agenda. A follow-up date has not been determined. As such, CPAB is stalled until further notice. There will be no meeting in January.



Rich St. John
Chief of Police
Billings Police Department
stjohnr@billingsmt.gov

billingsmt.gov
ci.billings.mt.us

P.O. Box 1554 • Billings, MT 59103
P 406.657.8472 F 406.657.8417

disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information such as information related to individual privacy may be protected from disclosure under law. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

From: [robin ziler](#)
To: [Council](#)
Subject: [EXTERNAL] Roads projects
Date: Tuesday, January 20, 2026 7:39:44 PM



Alot going on with westend not much with heights

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: [Lindley, Andrew](#)
To: [.MayorAndCouncil](#); [Kukulski, Chris](#)
Subject: Discussion of appointments
Date: Tuesday, January 20, 2026 11:51:35 AM
Attachments: [Outlook-A picture .png](#)

Hello everyone,

Looking back at the meeting minutes from December 8th, the motion that was passed 7-4 was to postpone further discussion of the appointments to the second work session in January, which is tonight.

Without a further motion delaying that I think we need to discuss this tonight.

Thank you,



Andrew Lindley
Councilmember - Ward 4
lindleya@billingsmt.gov

billingsmt.gov

P.O. Box 1178
Billings, MT 59103
P 406.534.0105

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From: [Morgan, Tyrone](#)
To: [Aguirre, Amy](#); [Alex Mitchell](#); [arcmtdutyList@redcross.org](#); [Aspenlieder, Scott](#); [Bentz, Kevin](#); [Biggins, Becky](#); [Council](#); [Bovett, Mike](#); [Card, Tanya](#); [Cole, Bill](#); [Dan Paris - SO](#) (dparis@yellowstonecountymt.gov); [Dennler, Jeremy](#); [Desroches, Kayla](#); [Ekblad, Andy](#); [Fender, Jaime](#); [Fire1](#); [Fire2](#); [Fire3](#); [Fire4](#); [Fire5](#); [Fire6](#); [Fire7](#); [Fire8](#); [Frank Fritz](#); [Gary Burke](#); [Gazette, Billings \(E-mail\)](#); [Green, Dave](#); [Gudmundson, Clayton](#); [Hallam, Steven](#); [Harper, R.D.](#); [Haynie, Jessica](#); [Hoeger, Tina](#); [Hiness, Cassie](#); [Hoppel, Matt](#); [Hunt, Travis](#); [Iffland, Kevin](#); [Jagers, Justin](#); [Kennedy, Bill](#); [Kent, Jay](#); [Krivitz, Brian](#); [KTVO \(Jay, David\)](#) (djay@ktvq.com); [KTVO \(news@ktvq.com\)](#); [KUBL-970 \(newsradio970 @yahoo.com\)](#); [Kukulski, Chris](#); [KULR8 \(news@kulr.com\)](#); [Lennick, Matthew](#); [Lindley, Andrew](#); [Love, Jeff](#); [Lowe, Chris](#); [Lyon, Jason](#); [Martinez, Priscilla](#); [McLain, Andrew](#); [Michael](#); [Mitchell, Darrek](#); [Morgan, Tyrone](#); [MT News \(Cyphers, Donald\)](#) ([montananews@journalist.com](#)); [Neese, Roy](#); [Nelson, Mike](#); [Nicholson, Mark](#); [O'Donnell, Tony](#); [Pitman, Denis](#); [Rob Rogers](#); [Robertus, Justin](#); [Shaw, Kendra](#); [Swing, BC](#); [Tate, John](#); [Turner Fitzgerald, Lynn](#) (turnerfitz@aol.com); [Wakeupmt](#); [Williams, Stephen ATF](#); [Yeager, Derek](#)
Subject: Media Release Building Fire 5450 Elysian Road
Date: Tuesday, January 20, 2026 5:41:52 PM
Attachments: [MEDIA RELEASE 5450 Elysian Road.pdf](#)

All

Please see the attached media release for the building fire at 5450 Elysian Road.



Tyrone Morgan, Deputy Fire Marshal
Billings Fire Department
2305 8th Avenue North
Billings, MT 59101
(406) 657-8426
morganty@billingsmt.gov



**BILLINGS FIRE DEPARTMENT
OFFICE OF THE FIRE MARSHAL
FIRE INVESTIGATION MEDIA RELEASE**

DATE	1/20/2026	TIME	0818 Hours
LOCATION	5450 Elysian Road	SUITE / APT / UNIT	N/A
BUSINESS	N/A		
INCIDENT TYPE	BUILDING FIRE	INCIDENT NUMBER	2026-00862

INCIDENT DESCRIPTION

The Billings Fire Department responded to a building fire at 5450 Elysian Road. An accidental fire occurred in an unoccupied upstairs bedroom. A handheld deep tissue massage device equipped with a rechargeable lithium-ion battery was charging on the bed at the time of the incident. An electrical failure involving the device cannot be ruled out and is consistent with the observed fire damage.

The fire resulted in significant mass loss of the bed, pillows, blankets, and wall hangings. The remaining bedroom sustained heavy smoke staining. Earlier in the morning, the homeowner closed the bedroom door, which helped limit the spread of the fire to other areas of the home. The closed door also contributed to a ventilation-limited fire condition until heat and pressure caused the bedroom window to fail.

The two occupants were in the basement at the time of the fire and were alerted by interconnected smoke alarms. The early warning allowed both occupants to safely exit the residence without injury.

A full structure fire response was dispatched, consisting of four engine companies, one truck company, one Battalion Chief, one Safety Officer, and one ambulance, for a total of 17 firefighters and EMS personnel. Units were returned to service as the incident was brought under control and extinguished.

An updated media release will be provided as additional information becomes available.

COMMENTS, OTHER AGENCIES INVOLVED

Please keep in mind that the presence of law enforcement doesn't always mean an incident is criminal. Unless advised otherwise in these comments, any questions concerning this investigation should first go through the Fire Prevention Bureau contact listed at the bottom of this form.

Smoke and carbon monoxide alarms save lives by providing early warning of fire or dangerous gas levels, giving you and your family time to escape. These alarms are a critical part of home safety, but only if they are working. Test your alarms today and replace the batteries if needed—it could make all the difference in an emergency.

FIRE PREVENTION BUREAU INVESTIGATOR		DEPUTY FIRE MARSHAL TYRONE MORGAN	
PHONE	406-657-8426	EMAIL	morganty@billingsmt.gov

From: [Dahl, Gina](#)
To: [Council](#)
Subject: FW: initiative process
Date: Tuesday, January 20, 2026 9:00:47 PM
Attachments: [51 Mont. Op. Atty. Gen. No. 12 \(003\).doc.pdf](#)

Mayor and Council,

With the start of a new year and a majority of new council members, I am sending some information I sent last year about the initiative process.

Please see below and the attached Attorney General opinion and let me know if you have any questions. Thanks.

Gina

From: Dahl, Gina
Sent: Tuesday, June 24, 2025 9:40 AM
To: .MayorAndCouncil <Mayor&Council@billingsmt.gov>
Subject: RE: initiative process

Mayor and Council,

As a follow up to last night's meeting and the concerns expressed about voting on a Council Initiative, I'm providing the following authority to alleviate those concerns. Montana Attorney General Mike McGrath weighed in on this issue in 2005 (51 Mont. Op. Atty. Gen. No. 12, attached). Previous City Attorney Brent Brooks specifically inquired about Council Initiatives and AG McGrath held that such direction to staff is "procedural and do not constitute a 'final decision' on the substance of an issue... Moreover, Mont. Code Ann. § 7-1-4143 requires that the citizens shall be afforded a 'reasonable opportunity to participate prior to the final decision.' Assuming that the public will be given such an opportunity at a later date, then the initiative suggestions need not be listed on the agenda." See highlighted section in attached document.

BMCC 2-214 (14) provides:

Council initiatives. This section of the agenda is reserved for individual councilmember requests for future legislative or staff action. These shall be limited to giving direction to staff to assist in formulating policies, work plans, etc. for future consideration of the city council. An initiative moves forward by majority vote of the city council.

Because the City of Billings has procedures in place to ensure public participation on any matter prior to the final decision of Council, there is no reason to delay a vote on a Council Initiative if Council wishes to direct staff during a regular business meeting.

I hope this information has been helpful. I did not provide any of the current statutes

cited in this opinion, but I would be happy to do so if any of you would like that information.



Gina Dahl
City Attorney
dahlg@billingsmt.gov

billingsmt.gov

P.O. Box 1178
Billings, MT 59103
P 406.657.8202

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51 Mont. Op. Atty. Gen. No. 12 (Mont.A.G.), 2005 WL 3610067

Office of the Attorney General

State of Montana

Opinion No. 12

December 30, 2005

***1** CITIES AND TOWNS-Public comment and participation;

LOCAL GOVERNMENT-Public comment and participation;

MUNICIPAL GOVERNMENT-Public comment and participation;

OPEN MEETINGS-Public comment and participation in municipal government;

STATUTORY CONSTRUCTION-Construing statutes incorporated by reference, construing plain meaning of statutes;

MONTANA CODE ANNOTATED-Title 2, chapter 3; sections 1-2-101,-102 to-108, 2-3-101 to-104,-101,-102, (1),-103, (1), (b),-108,-111 to-114,-111,-112,-201,-202,-203, (3), 7-1-4141 to 4143,-4141,-4142,-4143;

MONTANA CONSTITUTION-Article II, sections 8 and 9;

OPINIONS OF THE ATTORNEY GENERAL-47 Op. Att'y Gen. No. 13 (1998), 42 Op. Att'y Gen. No. 51 (1988).

HELD: 1. A city council must provide an agenda item for public comment on non-agenda matters only for issues that are of significant interest to the public. Public notice is required for any meeting of the council.

2. A city council must provide an agenda item for public comment on non-agenda matters of significant interest to the public even when the council meets in informal work sessions where no action may be taken.

3. The right of the public to comment at a meeting of a city council on non-agenda items extends to matters that may involve an interest in individual privacy. The presiding officer retains the power to close the meeting to other members of the public upon a determination that the right of individual privacy clearly outweighs the merits of public disclosure.

4. Montana Code Annotated tit. 2, ch. 3 applies to all advisory boards, commissions and committees of the city council subject to the limitation that such entities need not permit public comment on matters that are not of significant interest to the public.

5. Only an item that is not of significant public interest or is otherwise exempt from the public participation requirements of [Mont. Code Ann. § 2-3-103](#) may be added to the city council agenda and acted upon at the same meeting.

Mr. Brent Brooks
City Attorney
City Attorney's Office
P.O. Box 1178
Billings, Montana 59103-1178

Dear Mr. Brooks:

You have requested my opinion on a number of questions relating to the public notice and comment provisions of [Mont. Code Ann. § 2-3-103](#) as amended in 2003 by House Bill 94 ("HB 94"). Your particular questions relate to the application of the amended statute to city councils, committees and commissions of the same. Specifically you have asked:

1. Is public notice with public comment required only for city council decisions that are of significant interest to the public?
2. Is public comment required when the council meets in informal work sessions where no action is taken?
3. What are “public matters” upon which the public may comment?
4. Does House Bill 94 apply to all advisory boards and commissions of a city council?
5. Can an item be added to a city council agenda at the time of the meeting and acted upon at the same meeting?

*2 The analysis of these questions requires an interpretation and understanding of the complex relationship between the “Right to Know” provision of our [Constitution, article II, section 9](#); the section that defines a citizen’s “Right of Participation”, [article II, section 8](#); and the statutes implementing these constitutional provisions. Both constitutional provisions recognize and describe the public’s right to be involved in the workings of state and local government. But the scope of the public’s right is differently defined.

The constitutional language suggests the complexity of the relationship between these two rights. The “right to know” gives the public the right to “examine documents” and “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.” [Mont. Const. art. II, § 9](#) (emphasis added). The constitutional “right of participation” is more limited. The public has a right to “expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.” [Mont. Const. art. II, § 8](#) (emphasis added).

The use of the phrase “all public bodies or agencies of state government and its subdivisions” in [section 9](#) and the narrower term “governmental agencies” in [section 8](#) has significance for the determination of the answers to your questions. [Section 9](#) gives the public a right to know that applies to every public body in the state. Subject to the individual privacy exception, the public has a right to observe the deliberations and examine the documents of every public body. In contrast, [section 8](#) defines the constitutional right to participation that applies to a much narrower group of public entities. Under this section the public has a right to participation only in the operation of “agencies” and only “as may be provided by law.”

The constitutional history of [section 8](#) demonstrates that the drafters of our constitution intended that the term “governmental agencies” have a narrow meaning. Delegate Wade Dahood, chair of the Bill of Rights Committee, described the purpose of [section 8](#) as follows: “What is intended by [Section 8](#) is that any rules and regulations that shall be made and formulated and announced by any governmental agency ... shall not be made until some notice is given so that the citizen will have a reasonable opportunity to participate” II 1972 Mont. Const. Conv. 1655 (1972). Additional questioning of delegate Dahood followed:

CHAIRMAN GRAYBILL: His question, Mr. Dahood, was, is the city council a governmental agency?

DELEGATE DAHOOD: The city council, in my judgment, would not be the type of governmental agency that’s contemplated by [Section 8](#).

*3 DELEGATE HELIKER: May I ask—inquire further? Then you—this applies only to appointive agencies?

DELEGATE DAHOOD: Basically, that’s true, because a city council, for example, just like a Legislature, is not going to act without regard to the-citizen participation. They are not going to do it; but the governmental agencies that are not elected, that are appointed, that function to carry out the laws that are passed, are the ones, of course that will enact rules and regulations and make the decisions that affect people with the effect of law, without, sometimes, having any regard for citizen participation.

Id. at 1667.

It is my opinion that the constitutional right to participate found in [article II, section 8](#) does not apply to local elected bodies such as a city council. However, it does not follow that the public has no right to participate in city council matters. [Section 8](#) is not self-executing and the legislature has provided for these rights.

In 1975 the legislature passed House Bill 396, “An act to implement Article II, section 8 of the 1972 Constitution by providing guidelines for citizen participation in the operations of government agencies.” This law, now codified at [Mont. Code Ann. § 2-3-101](#) to-104, and-111 to-114, gave legislative substance to the public right of participation. The act, however, continued to define the right of public participation only with reference to state and local “agencies.” Since the law was intended to implement [article II, section 8](#), it is reasonable to assume that the legislature intended to use the term as it was used by the drafters of the Constitution.

The legislature brought the right of public participation to the city councils of the state in 1979 with the enactment of Senate Bill 503. This bill was a general municipal government act of thirty-one separate sections. Sections 17, 18 and 19 extended a statutory right to the public to participate in meetings of municipal governing bodies, boards, authorities, and committees. These sections are codified at [Mont. Code Ann. § 7-1-4141](#) to-4143 and provide as follows:

7-1-4141. Public Meeting Required. (1) All meetings of municipal governing bodies, boards, authorities, committees, or other entities created by a municipality shall be open to the public except as provided in 2-3-203.

....

7-1-4142. Public Participation. Each municipal governing body, committee, board, authority or entity, in accordance with Article II, section 8 of the Montana Constitution and Title 2, chapter 3, shall develop procedures for permitting and encouraging the public to participate in decisions that are of significant interest to the public.

7-1-4143. Participation. In any meeting required to be open to the public, the governing body, committee, board, authority or entity shall adopt rules for conducting the meeting, affording citizens a reasonable opportunity to participate prior to the final decision.

*4 The above analysis leads to the conclusion that the framers of the constitution left to the legislature the crafting of any right of public participation in the activities of a city council. It addressed the issue in 1979 with the adoption of the provisions quoted in the preceding paragraph.

Before the passage of HB 94, the public right of participation before both the “agencies” described in title 2 and the “municipal entities” of title 7 was limited to those matters of “significant interest to the public.”

The passage of House Bill 94 in 2003 added a new dimension to the rights of public participation. The legislation set forth a right to comment on non-agenda issues that is applicable to “any public matter,” regardless of the level of interest to the public. [Montana Code Annotated § 2-3-103](#) reads as follows:

(a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final action is taken that is of significant interest to the public. The agenda for a meeting, as defined in 2-3-202, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. However, the agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in 2-3-212.

(b) For purposes of this section, “public matter” does not include contested case and other adjudicative proceeding.

(House Bill 94 amendments underscored.)

The public participation procedures for city councils must be “developed” “in accordance with Title 2, chapter 3.” [Mont. Code Ann. § 7-1-4142](#). When reference is made in a statute to another part of the Montana Code, it is presumed to refer to that part of the code “as it may be amended or changed from time to time.” Such “presumption may be overcome only by a clear showing that a subsequent amendment or change ... is inconsistent with the continued purpose or meaning of the section referring to it.” [Mont. Code Ann. § 1-2-108](#). To the extent possible, these related statutes must be harmonized to give effect to each. [Gregg v Whitefish City Council](#), 2004 MT 262, ¶ 38, 323 Mont. 109, 99 P3d 151.

With this framework in mind, I turn to your questions.

I.

As a public body, the city council must open its meetings to the public to meet the requirements of [article II, section 9 of the Constitution](#) and [Mont. Code Ann. §§ 2-3-201 and 7-1-4141](#). A meeting is not effectively open without public notice of the meeting. “Montana law requires that public notice be given of meetings subject to the requirements of the open meeting statutes. Without public notice, an ‘open’ meeting is open in theory only, not in practice.” [Common Cause of Montana v. Statutory Comm. to Nominate Candidates for Comm'r of Political Practices](#), 263 Mont. 324, 331, 868 P.2d 604, 609 (1994) (citation omitted). These constitutionally mandated open meeting requirements are imposed on all public bodies irrespective of whether the business being conducted by the body is “of significant interest to the public.” Public notice of any meeting of the city council or its committees is therefore a requirement of the law of Montana.

*5 Under the Supreme Court’s decision in [Common Cause](#), the right to notice that a meeting will be held is an element of the constitutional right to know under [article II, section 9](#). As discussed in Part V, [infra](#), it does not follow, however, that the public has a right to advance notice of matters that will be considered during a meeting that are not of significant interest to the public.

The public’s right to participate in city council requires only that procedures be developed to permit public participation in issues that are of “significant public interest.” [Mont. Code Ann. § 7-1-4142](#). It does not require those procedures to include a right to participate on issues that are not of “significant public interest.” The statute provides that these procedures shall be developed in accordance with title 2, chapter 3. That reference is presumed to incorporate any amendments. But the presumption is defeated when the referenced code is amended so that it is “inconsistent with the continued purpose or meaning of” the statute. [Mont. Code Ann. § 1-2-108](#). Only those requirements of HB 94 that are consistent with [Mont. Code Ann. § 7-1-4142](#) may be incorporated by reference.

I conclude that when HB 94 requires an agenda item for public comment on non-agenda matters, this mandate is imposed upon a city council only to the extent that the comments are directed to matters of significant interest to the public. The express purpose of [Mont. Code Ann. § 7-1-4142](#) is to permit and encourage “the public to participate in decisions that are of significant interest to the public.” House Bill 94 is inconsistent with the purpose of [Mont. Code Ann. § 7-1-4142](#) to the extent that it would require the council to allow public comment on matters that are not of significant interest to the public. However, related statutes must be harmonized to the extent possible, as enunciated by the Montana Supreme Court in [Gregg](#). Therefore the city council must provide an agenda item for public comment on non-agenda, public matters. But it is not required to take public comment on matters that are not of significant interest to the public.

II.

Your second question deals with the application of HB 94 to “informal meetings.” This also requires consideration of the meaning of [Mont. Code Ann. § 7-1-4142](#) after the amendment of [Mont. Code Ann. § 2-3-103](#) by House Bill 94.

The answer to your question turns on the definition of “meeting” in [Mont. Code Ann. § 2-3-103](#). This section defines “meeting” with reference to [Mont. Code Ann. § 2-3-202](#). Section 202 states that a “meeting” is “the convening of a quorum of the constituent membership of a public agency or association ... to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.” (Emphasis added.) Our open meeting law does not require action or the possibility of action before the deliberations of a public body must be open to the public. It is sufficient that the body will “hear” or “discuss” a public issue. [Common Cause of Montana](#), 263 Mont. at 331. When the council meets in informal work sessions where no action is taken, it is nevertheless a “meeting” within the definition of the statute. See 47 Op. Att'y. Gen. No. 13 (1998) (“Informal governmental action, which includes discussions and information-gathering, must be considered a meeting open to the public”); cf. 42 Op. Att'y. Gen. No 51 (1988) (“Use of ‘deliberations’ and ‘discussions’ in the context of open meeting laws connotes collective discussion and collective acquisition of information among the ‘constituent membership’ of the agency.”) (Emphasis added.)

*6 Therefore, the informal work sessions of the council must be considered “meetings” to which the public participation provisions apply. Consistent with Part I, the council must include on the agenda for its informal meetings a period for public

comment on non-agenda items of significant interest to the public that are within the jurisdiction of the council. The sessions need not permit public comment on non-agenda matters that are not of significant interest to the public.

In addition you have asked whether public notice and comment on agenda items at the informal working sessions is required. Nothing in [Mont. Code Ann. §§ 2-3-103, 7-1-4142](#),-4143 or any other statute of which I am aware, requires public comment on agenda items in these sessions. The language of [Mont. Code Ann. § 2-3-103](#) only requires procedures to “ensure adequate notice and assist public participation before a final agency action.” (Emphasis added.) Furthermore, [Mont. Code Ann. § 7-1-4143](#) requires the council to adopt procedures “affording citizens a reasonable opportunity to participate prior to the final decision.” The Billings ordinance specifying the rules of procedure for work sessions, BMCC § 2-222, states that “no motions will be entertained nor votes taken.” No action, let alone final action can be taken at the work sessions. If the council affords a reasonable opportunity for public participation at a later date, but before final action, the mandate of the statute has been met.

III.

House Bill 94 contains two limitations on the types of “public matters” subject to comment. A public matter “does not include contested case and other adjudicative proceedings.” [Mont. Code Ann. § 2-3-103\(b\)](#). In addition, the public participation rights do not extend to the exceptions listed in [Mont. Code Ann. § 2-3-112](#) (emergency situations, ministerial acts or decisions required to protect the interest of the agency). You have suggested that there should be an additional limitation for matters involving individual privacy.

You correctly note that [article II, section 9 of our Constitution](#) limits the right to know and observe governmental proceedings where “the demand of individual privacy clearly exceeds the merits of public disclosure.” You suggest that the legislative history supports the conclusion that public comment should be limited by this privacy right. The minutes of the Senate Committee on Local Government, February 6, 2003, record the following exchange between Senator Mangan and the sponsor, Rep. Lawson:

Senator Mangan asked about the cases they had in Great Falls where a student is facing disciplinary action. Are there rules or guidelines in place for this type of privacy interest?

Representative Lawson replied that was why the word public was inserted in committee. Originally it was left open with any matter and that is why the word public was inserted to take care of issues just like that.

*7 The consideration of your question starts with the application of traditional rules of statutory interpretation. “Where the language is clear and unambiguous, no further interpretation is required.” [State v. Burkhart](#), 2004 MT 372, ¶ 47, 325 Mont. 27, 103 P.3d 1037. (Emphasis added.) In such cases, resort to “any other means of interpretation” is improper. [Softich v. Baker](#), 171 Mont. 135, 136-37, 556 P.2d 902 (1976). For purposes of implementing [Mont. Code Ann. § 2-3-103](#), House Bill 94 specifically excluded from the definition of “public matter” any “contested case or other adjudicative proceeding.” [Mont. Code Ann. § 2-3-103\(1\)\(b\)](#). The bill included no other exceptions. In construing a statute one may not “insert what has been omitted or omit what has been inserted.” [Mont. Code Ann. § 1-2-101](#). Therefore, recognition of a broad exception for any matter involving an individual privacy right is inappropriate.

However, in 47 Op. Att'y Gen. No. 13 (1998), Attorney General Mazurek addressed the question of the meaning of the phrase “significant interest to the public” in a manner that provides some guidance here. In that opinion, after noting the absence of any helpful authority, General Mazurek opined that “any non-ministerial decision or action of a county commission which has meaning to or affects a portion of the community requires notice to the public and opportunity for the public to participate in the decision making process.” This definition may in fact address the issue with which Senator Mangan had concern.

Although there might be some exceptional cases to the contrary, disciplining a student would generally not be a subject that has meaning to or affects a portion of the community. Rather, such a decision is generally a matter of interest only to the involved students, parents and school official. Generally, it would be a private matter and not a permissible subject for comment. But a disciplinary or other issue with a teacher or other employee might be a “public matter,” affecting the whole community, even though its discussion or consideration would lead to subjects about which the teacher or employee would have a legitimate privacy right. Consistent with this view, in 47 Op. Att'y Gen. No. 13 (1998), General Mazurek commented

favorably on a case in which the Montana First Judicial District Court held that extension of a school superintendent's contract was a matter of significant interest to the public, and on similar holdings in two Texas cases involving termination of contracts of a school superintendent and a police chief.

This does not mean that the public comment period provides a license for members of the public to violate the privacy rights of other persons. The open meeting laws recognize that the chair of a meeting may close it to the public if the "discussion" touches matters of individual privacy and the presiding officer determines that the interest of individual privacy clearly outweighs the public's right to know. [Mont. Code Ann. § 2-3-203\(3\)](#), incorporated by reference in [Mont. Code Ann. § 7-1-4141](#). If a member of the public ventures into an area in which the presiding officer makes such a finding, the officer may exclude other members of the public from the meeting and hear the comment in closed session under these provisions.

IV.

*8 You have suggested that advisory boards, commissions and committees are not "agencies" as defined by [Mont. Code Ann. § 2-3-102](#), and because they are not "agencies" they are not subject to the new requirements imposed by House Bill 94. I disagree.

As noted above, the right to participate under [article II, section 8](#), is not self-executing but exists only as provided by law. [Mont. Code Ann. § 7-1-4142](#) is quite clear in extending the right to participate to "each municipal governing body, committee, board, authority or entity, in accordance with Article II, section 8 of the Montana constitution and Title 2, chapter 3." Thus it is my opinion that any "municipal entity" is subject to the right of the public to participate in any action that is of significant interest to the public. Under the analysis in Part I, that would extend to such entities the obligation to comply with Mont. Code Ann. tit. 2, ch. 3 to the extent of any public comments directed at matters of significant public interest.

V.

You have asked if an item can be added to the city council agenda at the time of the meeting and acted upon at the same meeting. The answer to this question is suggested by the principles applied in part I above.

"The procedures for assisting public participation must include a method of affording interested persons reasonable opportunity to submit data, views or arguments orally or in written form, prior to making a final decision that is of significant interest to the public." [Mont. Code Ann. § 2-3-111](#). As noted above, "adequate notice" is required by [Mont. Code Ann. § 2-3-103](#). Thus, if an issue of significant interest is discussed in the public comment period and the council wishes to take action on the issue, the council must place the matter on the agenda for a subsequent meeting and provide adequate notice. Through this procedure, the public's right to participate will be protected.

If the council permits discussion on an issue that has no significant interest to the public and action is advisable, the council may act upon it immediately. The council is not required by [Mont. Code Ann. § 7-1-4142](#) to place any matter on a future agenda or provide for public comment on any subject that was discussed if that matter has no "significant public interest." Nor is it required to place items on a future agenda that are exempted from the public participation requirements by [Mont. Code Ann. § 2-3-112](#).

You specifically inquired about "Council Initiatives." Council initiatives are directions to staff on legislative or staff action to be considered at a future city council meeting. Such directions appear to be procedural and do not constitute a "final decision" on the substance of an issue. As noted, [Mont. Code Ann. § 2-3-112](#) specifically exempts ministerial acts from the notice and public participation requirements. Moreover, [Mont. Code Ann. § 7-1-4143](#) requires that the citizens shall be afforded a "reasonable opportunity to participate prior to the final decision." Assuming that the public will be given such an opportunity at a later date, then the initiative suggestions need not be listed on the agenda.

*9 THEREFORE, IT IS MY OPINION:

1. A city council must provide an agenda item for public comment on non-agenda matters only for issues that are of significant interest to the public. Public notice is required for any meeting of the council.
2. A city council must provide an agenda item for public comment on non-agenda matters of significant interest to the public

even when the council meets in informal work sessions where no action may be taken.

3. The right of the public to comment at a meeting of a city council on non-agenda items extends to matters that may involve an interest in individual privacy. The presiding officer retains the power to close the meeting to other members of the public upon a determination that the right of individual privacy clearly outweighs the merits of public disclosure.
4. Montana Code Annotated tit. 2, ch. 3 applies to all advisory boards, commissions and committees of the city council subject to the limitation that such entities need not permit public comment on matters that are not of significant interest to the public.
5. Only an item that is not of significant public interest or is otherwise exempt from the public participation requirements of [Mont. Code Ann. § 2-3-103](#) may be added to the city council agenda and acted upon at the same meeting.

Very truly yours,

Mike McGrath
Attorney General

51 Mont. Op. Atty. Gen. No. 12 (Mont.A.G.), 2005 WL 3610067

End of Document

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From: [Lindley, Andrew](#)
To: [.MayorAndCouncil](#); [Kukulski, Chris](#)
Subject: Re: Discussion of appointments
Date: Tuesday, January 20, 2026 12:44:30 PM
Attachments: [Outlook-A picture.png](#)
[Outlook-A picture.png](#)

Council, Mayor, and Chris,

I had a quick call with my ward-mate Scott and he explained the way that we've done council courtesies in the event of a work session agenda item brought by a CM that had a schedule conflict.

I'm sure I'll be in that situation many times in the next four years as well. I'm fine with the discussion happening at the next work session when CM Kennedy is back.

The reason it caught my attention is that board appointments are high on my priority list as the year begins.

As I mentioned in a prior email, I would really like to establish a Technology Advisory Board to assist with making sure that city is safe and secure as we can be and that we utilize the tremendous technology experience that exists in our city to avoid issues with system upgrades like we saw with the water system.

I would like to ask that discussion of the technology advisory board is also part of the next work session agenda.

Thanks,



Andrew Lindley
Councilmember - Ward 4
lindleya@billingsmt.gov

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From: Lindley, Andrew <LindleyA@billingsmt.gov>
Sent: Tuesday, January 20, 2026 11:51 AM
To: .MayorAndCouncil <Mayor&Council@billingsmt.gov>; Kukulski, Chris <kukulskic@billingsmt.gov>
Subject: Discussion of appointments

Hello everyone,

Looking back at the meeting minutes from December 8th, the motion that was passed 7-4 was to postpone further discussion of the appointments to the second work session in January, which is tonight.

Without a further motion delaying that I think we need to discuss this tonight.

Thank you,



Andrew Lindley
Councilmember - Ward 4
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From: [Shaw, Kendra](#)
To: [Dahl, Gina](#); [Council](#)
Subject: Re: initiative process
Date: Tuesday, January 20, 2026 10:28:46 PM

Thank you Gina!

Over the last few years it seems we (council) have made this process needlessly cumbersome. If it was streamlined and clarified that would help both councilmembers and staff. Gina, do you know if there are any old resolutions related to initiatives outlining procedure?

Kendra Shaw
Councilwoman, Ward 1
Text: (406) 670-7772

From: Dahl, Gina <dahlg@billingsmt.gov>
Sent: Tuesday, January 20, 2026 9:00 PM
To: Council <council@billingsmt.gov>
Subject: FW: initiative process

Mayor and Council,

With the start of a new year and a majority of new council members, I am sending some information I sent last year about the initiative process.

Please see below and the attached Attorney General opinion and let me know if you have any questions. Thanks.

Gina

From: Dahl, Gina
Sent: Tuesday, June 24, 2025 9:40 AM
To: .MayorAndCouncil <Mayor&Council@billingsmt.gov>
Subject: RE: initiative process

Mayor and Council,

As a follow up to last night's meeting and the concerns expressed about voting on a Council Initiative, I'm providing the following authority to alleviate those concerns. Montana Attorney General Mike McGrath weighed in on this issue in 2005 (51 Mont. Op. Atty. Gen. No. 12, attached). Previous City Attorney Brent Brooks specifically inquired about Council Initiatives and AG McGrath held that such direction to staff is "procedural and do not constitute a 'final decision' on the substance of an issue... Moreover, Mont. Code Ann. § 7-1-4143 requires that the citizens shall be afforded a 'reasonable opportunity to participate prior to the final decision.' Assuming that the public will be given such an opportunity at a later date, then the initiative suggestions need not be listed on the agenda." See highlighted section in attached document.

BMCC 2-214 (14) provides:

Council initiatives. This section of the agenda is reserved for individual councilmember requests for future legislative or staff action. These shall be limited to giving direction to staff to assist in formulating policies, work plans, etc. for future consideration of the city council. An initiative moves forward by majority vote of the city council.

Because the City of Billings has procedures in place to ensure public participation on any matter prior to the final decision of Council, there is no reason to delay a vote on a Council Initiative if Council wishes to direct staff during a regular business meeting.

I hope this information has been helpful. I did not provide any of the current statutes cited in this opinion, but I would be happy to do so if any of you would like that information.



billingsmt.gov

Gina Dahl
City Attorney
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