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P.O. Box 5021, 59403-5021

August 19, 2008

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CITY MANAGER

Montana Municipal Insurance Authority
ATTN: Alan Hulse, CEO
PO Box 6669
Helena MT 59604-6669

RE: Request for Legal Opinion / Guidance

Dear Alan:

As you are well aware the City of Great Falls created the Electric City Power Board, by Ordinance 2925 on November 1, 2005. This has been a controversial board since day one but of late, individual Board Members and staff liaisons have been experiencing accusations of "self-dealing" and "fraudulent" practices. These comments have also spilled over to the City Commission meetings and City Commissioner's. City staff has also become overwhelmed with requests for City staff to copy documents as well as provide written answers to various requests. Many of the requests not only require time and energy but additional research to compile the documents and provide answers to the requests.

City staff has been very diligent in providing responses in as reasonable amount of time as can be feasibly done. Certain citizens are now indicating they are dissatisfied with the content of the responses they are receiving as well as the level of competence and professionalism.

At this time we are seeking some legal guidance on how we can handle this situation in a legal and prudent manner that would alleviate or control the accusations and protect our City Commissioners, City staff and appointed Board Members.

My questions at this time are:

- 1) Is there a need for legal counsel to be present at the Electric City Power Board meetings?
- 2) Are cities and towns required to research and compile documents for the public or are we just required to make records and written materials available for inspection and reproduction?
- 3) Can the City legally develop criteria for the public to submit questions, a set time for answering those questions and establish criteria for charging the public for expenses other than the cost of copying documents?
- 4) At what point do these accusations turn into harassment or character assassination?

My concern is that the subject of Electric City Power and Southern Montana Electric Generation and Transmission is not dying down but rather turning into an inferno. We turn to you and your legal staff for guidance and suggestions on handling these accusations and requests in a legal and prudent manner that would protect the City of Great Falls and its representatives. With all the cities and towns in Montana we are hoping you can pull from your experiences to give us some "What to do and What not to do's" when dealing with these very controversial issues.

Thanks in advance for your time and I am eagerly awaiting your reply.

Sincerely,

Kelly Audet
Risk Manager

cc: ✓ Greg Doyon, City Manager
Coleen Balzarini, Fiscal Services Director

atts.