From:	Ross Best
To:	Administration; Jean Curtiss; Levi Anderson
Cc:	david.erickson@missoulian.com; Debra D. Parker; Grp. City Council and City Web Site; Mayor Staff; dstrohmaier@missoulacounty.us; jslotnick@missoulacounty.us; jvero@missoulacounty.us
Subject:	Re: Illegal Secrecy in Consideration of Affordable Housing Property Sales
Date:	Wednesday, June 9, 2021 12:24:51 AM

After sending the email below, I learned from NBC Montana that both of the affordable housing properties have already been sold. I will be writing further in the next day or two to share my reasons for believing that the Western Montana Mental Health Center is a public agency and has violated its duties under the constitutional Right to Know and Right to Participate.

Ross Best

On Tuesday, June 8, 2021, 11:48:12 PM MDT, Ross Best <rossbest@yahoo.com> wrote:

To the Western Montana Mental Health Center, its Board, and Officers:

I am writing once again to renew my requests that the Western Montana Mental Health Center (WMMHC) and its Board provide to me and the general public reasonable notice of your meetings and the matters to be discussed at them and that you permit members of the public to observe your meetings in their entirety except when otherwise required by legitimately compelling claims of individual privacy.

The Missoulian today and on May 19 has reported on several decisions of your board that do not appear to have been subject to such opportunity for the public to observe. It appears that you may have authorized the marketing of property during an illegally closed portion of a meeting and also conducted secret special meetings without reasonable public notice or opportunity for the public to observe. If that is not the case, then I request that you inform me how proper notice was given or how Board decisions have been made without meetings.

I would like to know whether the decision to authorize putting the affordable housing properties on the market was made during the portion of last month's Board Zoom meeting from which I was excluded.

As a public body of the State of Montana -- and as you have been informed -- your Board is subject to the constitutional and statutory

requirements regarding the Right to Know and the Right to Participate.

Your status as a nonprofit corporation does not exempt you from your duties as a public body in Montana.

You cannot properly close meetings or portions thereof to discuss sales of real property. No overriding claims of individual privacy can be associated with such proposals. The Montana Supreme Court has ruled, in *Great Falls Tribune v. Great Falls Public Schools*, 255 Mont. 125, 841 P.2d 502 (1992), that public meetings may not be closed for the purpose merely of discussing negotiating strategy. And WMMHC has no proprietary interests in the real properties involved that are distinct from the proprietary interests of the people generally in those properties. There is no justification for excluding the public from those portions of meetings. There is clearly great public interest in the disposition of the affordable house projects at issue and in the openness of the process.

It is disgraceful that the Mayor of the City of Missoula should have to complain that he and the City have been kept in the dark in this regard.

It is also disgraceful that you have failed to respond on so basic a matter as my repeated requests for a copy of your bylaws. Once again, your most recent available IRS Form 990s indicate that your bylaws are to be made available to the public upon request.

Because you have apparently excluded me and others improperly from relevant portions of meetings at which real estate questions were to be discussed, I did not know until informed by the Missoulian of the authorization to put the affordable housing properties on the market. I now request that you immediately make available to me and the general public all documents relating to the proposed sales, including, but not limited to, all correspondence, appraisals, offers to purchase, and title reports.

I renew my requests for documents regarding the sale of the Fort Hospital property.

I demand that you conduct no more business relating to proposed sales of real property in secret meetings closed in violation of Montana law. You do not have the legal authority to do so. You should inform any prospective buyers of the legal challenges that have been made to your process.

And you should allow reasonable opportunity for extensive and wide-ranging comment from the public before considering approval of any sales of real property.

A prompt written response will be appreciated.

Thank you.

Ross Best