

City Clerk Staff

From: J. Kevin Hunt <jkhesq23@gmail.com>
Sent: Friday, August 5, 2022 6:03 PM
To: Gwen Jones
Cc: Grp. City Council and City Web Site
Subject: Re: [corrected] Alderwoman Savage Must Repent or Resign

Dear President Jones:

I appreciate the Council President taking the time to respond. With regard to the response's reference to the City Attorney's legal opinion concerning mandatory conflict of interest disclosures, it appears that the Council President may have overlooked this paragraph of my email letter of August 4:

"Because no actual proposed regulation was formally before the committee or full Council for consideration and vote, it was likely not technically legally required of Ms. Savage to recuse herself from commenting on the STR study and staff recommendations. But when a person is entrusted by voters with addressing the most critical issue facing Missoulians (as voter surveys affirmed), during a housing emergency and concomitant public health emergency, it was highly inappropriate for Ms. Savage to advocate (referring to bnb owners in the third person) against a regulatory measure under consideration by housing staff for its referral to code enforcement staff and then presentation to the Council as an ordinance for formal consideration."

If the Council President is suggesting that the appropriate ethical standard for Councilpersons is whether their acts or omissions are statutorily prohibited, we are in a lot of trouble. I'd be willing to wager with you that eight out of ten Missoulians would find Ms. Savage's failure to disclose her substantial personal interest in the matter of increasing STR registration fees while advocating against a registration fee increase, to be unethical and unacceptable...particularly when a citizen requested that all Councilors owning/operating STRs disclose that fact.

At minimum, Ms. Savage should have begun her comments with "As an STR owner, I know that..." or with similar language.

Finally, the one who should respond concerning the foregoing, is Councilor Savage herself.

As for Committee Chair West's attempts to cut off the comments of two citizens, it occurred in both instances when the commenters turned to the reasons why Emily Harris-Shears' stated intention to not analyze the study data for its import regarding three very important questions raised by a Councilman and two citizens relating to overall City housing and zoning policy, would be bad public policy. In my case, it was apparently provoked by my example of the kind of public hypotheses the public may derive from those policies, when such analysis is kicked down the road: whether by design or coincidence, it appears that wealthy neighborhoods are protected from involuntary densification.

The Mayor's policy has usually been to permit citizen comments to exceed three minutes when they are germane, factual and not ad hominem, and there is a dearth of commenters. Out of a voting population of about 47,000 Missoulians, four were in virtual attendance at this meeting, and three raised their hands desiring to comment, one of whom merely asked a question.

I do appreciate that many of the same Councilpersons had been in committee meetings most of the day up to that point, and that there was one remaining agenda item to be handled, which was a short Powerpoint presentation. I'd be among the first to agree that our City Councilpersons are underpaid for the work they do, which is far in excess of the 10-15 hours per week recited in City web material. Every time I prepare to attend and/or comment at a meeting concerning a major agenda item, I must put in several hours of time reviewing reports, etc. For you who serve as

alderpersons, we can add to that many more issues, several committee meetings each week, reading/responding to constituent letters, emails and phone calls, and more, making a City Council position tantamount to a full-time job.

I'll take this opportunity to highlight an error in both my original email and the subsequently submitted corrected version: I wrote "monthly" instead of "daily" or "term of rental" in describing a policy under consideration to double or triple STR registration fees. I'll correct that (as well my misspelling of "Ceaurescu" and inclusion of a superfluous "not," in a third and final corrected submission.

Thank you very much for your reply.

Sincerely,

/s/ J. Kevin Hunt
Ward 1 resident homeowner

On Thu, Aug 4, 2022 at 1:25 PM Gwen Jones <JonesG@ci.missoula.mt.us> wrote:

Dear Mr. Hunt, I wanted to respond to your email.

Per the City Attorney's office, the situation you refer to regarding a city councilor owning a Short Term Rental is not a conflict of interest; additionally, we had no action item in front of us to vote on.

Further, the contract with Granicus to gather data on local Short Term Rentals was for 22K, not 50K.

I would add that the Missoula City Council has had a long standing practice of limiting public comment to three minutes, out of respect for everyone's time. When running a committee meeting it is not uncommon for the Chair to ask a participant to please conclude their remarks, so that all are treated equally and we keep the meeting on time.

Thank you for communicating your concerns to us. Take care, -Gwen

Gwen Jones
Ward 3 City Councilwoman
606 Woodford St., Missoula, MT 59801
406 549-3295

Note: All emails to and from this address are in the public domain.

From: J. Kevin Hunt <jkhesq23@gmail.com>
Sent: Thursday, August 4, 2022 9:47 AM
To: Grp. City Council and City Web Site <Council@ci.missoula.mt.us>
Subject: [corrected] Alderwoman Savage Must Repent or Resign

OPEN LETTER TO ALDERWOMAN SAVAGE, MISSOULA CITY COUNCIL AND PEOPLE OF MISSOULA: WARD 1
ALDERWOMAN SAVAGE MUST REPENT OR RESIGN

[Note: a previously transmitted version of this email erroneously referred to one airbnb operated by Ms. Savage, rather than the correct number of two; additionally, the referenced ads were not attached. Subjoined to this corrected version are links to the nationwide ads listing each of Ms. Savage's airbnbs. Additional minor edits have been made for clarity].

August 4, 2022

Dear Councilor Savage & Council, and People of Missoula:

Before one calls upon another to resign from a position of power and trust for which the position holder was hired by voters, decency and respect for dignity demand that one provide cogent, compelling and objectively proper reasons for doing so. Prior to fulfilling that responsibility, I am first compelled by my conscience to preface my case with brief examination of the struggle within that presaged my call for Ward 1 Alderwoman Jennifer Savage's resignation.

The past several months, I've endeavored to adopt a reformed personal outlook in which notwithstanding history, I would presume the integrity of elected city officials and extend them a cooperative hand, couching criticisms in policy terms and assuming that there are not really, among our City electeds and appointees, corrupt officials who pursue their own interests for personal gain and protection of their, and their cronies' interests, including via exploitation of a community crisis.

That sincere effort to vitiate my learned cynicism suffered a grave wounding during the Thursday, August 3, 1:10 pm meeting of the City Council's Housing, Redevelopment & Community Programs Committee (HRPC).

That mortal wound to my intentions was inflicted by Ward 1 Alderwoman Jennifer Savage. It was preceded by warning shots over the bow fired by her Ward 1 colleague, HRPC Chair Heidi West, who attempted to first silence citizen virtual attendee & public commenter Whitney Bergmann (whom I do not know and with whom I've never spoken), then me. Those attempts occurred at points in our respective critiques of the short-term rental (STR) study at which we dared to explain why following Housing Policy Specialist Emily Shears-Harris' recommendation to not crunch the study data now regarding three unanswered questions raised by community members and Alderman Carlino (not a HRPC member and not present) --- would lead to public fomentation of hypothesized ulterior motives behind City housing and zoning policies, the cloaking of which would be surmised to be reflected in Ms. Harris-Shears' reluctance.

My lifelong natural tendency has been to advocate for the accused, as well as to stand alongside and protect from vindictive retribution, those guilty of conduct ranging from petty theft to serial murder. I have been the unpopular advocate for publicly despised men and women unjustly accused of, who were wrongfully convicted of, or who in fact committed and were found guilty of horrific offenses. The mere recitation of details of many of those offenses is capable of triggering visceral reactions and mob mentality demanding death of the offender. I am both proud and exceedingly grateful that empathy, skill and fate enabled me, sometimes after 25 or more years of judicial battle, to permanently remove the sword of Damocles hanging over those persons' heads, providing them with opportunity for redemption and positive purpose in what remains of their imprisoned lives once the state's relentless efforts to lawfully kill them had finally ceased.

I believe that few, if any, people are as bad as their worst act.

For political figures who made errors of judgment or committed private, personal moral transgressions reflecting character flaws unrepresentative of their political lives as a whole, I have typically deemed remorse a sufficient basis for continuing to support them (or at least not for not seeking their abdication of office on the basis of such episodes). For oppressive, brutal dictators, egregious human rights violators and war-makers on their own rebelling people, I have a different view, supporting and accepting revolutionary justice in such contexts.

We're not dealing here with Elena Ceausescu.

Accordingly, it is with no small amount of reflection that I call upon Councilwoman Savage to resign.

Councilwoman Savage should step down because of her inexcusable and unethical failure to disclose the extent of her personal pecuniary stake and interest in an industry the appropriate degree of regulation of which was before the

Council Committee on which she serves, at the August 3 meeting where she advocated for a policy concerning regulation of that industry favorable to her own personal profit-making interests and unfavorable to the public interest. The agenda item then before the committee was presentation and discussion of the Draft study of Short-Term Rentals (STRs) commissioned by the City Council and completed at a cost of approximately \$50K by mega-vendor Granicus.

Specifically, Ms. Savage urged housing staff, and fellow Councilors on the committee, respectively, to not propose or ordain an increase in STR registration fees to twice or thrice the monthly rate of an STR, an option under consideration by housing staff. In support of her position, Ms. Savage said that the many fees incurred by STR owners/operators other than the current registration fee already substantially burden STR operators to the degree that the registration fee increase under staff consideration for recommendation to the Council, would cause many STR operators, especially bnb operators, to have to cease operation.

Ms. Savage did not disclose that she personally owns, operates and nationally advertises a 6-guest, 2 bedroom airbnb at \$225/night and a 4 guest, 1 bedroom "tiny house" airbnb at \$109/night. Subjoined hereto are links to Ms. Savage's nationwide ads promoting each of her airbnbs, one of which garnered 809 reviews. The ads feature Ms. Savage's name and photograph.

In her citizen comment, Whitney Bergmann called upon all councilors who own STRs to disclose the conflict of interest and recuse themselves from consideration of matters pertaining to STR regulation. Ms. Savage still did not do so.

Because no actual proposed regulation was formally before the committee or full Council for consideration and vote, it was likely not technically legally required of Ms. Savage to recuse herself from commenting on the STR study and staff recommendations. But when a person is entrusted by voters with addressing the most critical issue facing Missoulians (as voter surveys affirmed), during a housing emergency and concomitant public health emergency, it was highly inappropriate for Ms. Savage to advocate (referring to bnb owners in the third person) against a regulatory measure under consideration by housing staff for its referral to code enforcement staff and then presentation to the Council as an ordinance for formal consideration.

Ms. Savage's disclosure of her personal stake in the potential promulgation and ordination of an STR registration fee increase at this juncture would be superfluous, because whether or not The Missoulian continues to not report on Ms. Savage's airbnb business and her failure to disclose that business when advocating against a fee increase to pay for heightened STR code compliance enforcement and continuous monitoring of STR trends in Missoula, it's a certainty that other news outlets will do so, as well as reporting on the plethora of calls for her resignation or recall that are certain to henceforth highlight City Council meeting citizen comments.

Most Missoula voters are forgiving of even very egregious misconduct, including criminal behavior, by elected City officials, that arises from addictions afflicting the official, as evidenced by a repentant Mayor Engen's re-election following revelation of his alcohol intoxication-induced behaviors in office while on the job, some of which reportedly posed an imminent threat to the lives and safety of others.

It therefore is possible that a sincere apology by Ms. Savage (who is afflicted with no known addiction) made on the record at the next Council meeting, and pledge to recuse herself from future participation in consideration of STR-related matters, with written copies of the apology and pledge distributed to local news media, would mollify most Missoulians.

Unless and until Ms. Savage takes those steps, however, there is no reasonable citizen alternative to calling upon her to resign.

Sincerely,

/s/ J. Kevin Hunt -- Ward 1

308 Parkside Ln.
Missoula, MT 59802-3130

https://www.airbnb.com/rooms/50519782?source_impression_id=p3_1659566129_EEDE2kjwd9hvJJ95#availability-calendar

https://www.airbnb.com/rooms/7615171?source_impression_id=p3_1659565047_k9tdwwxeyTTPoqhI&guests=1&adults=1&check_in=2022-08-28&check_out=2022-08-30&cancellation_policy_id=51&fbclid=IwAR19_hhnyrDN9b7W58IRpXkjifssEcbcqFEoR1ciOdkuicCbLkW3kYJ_mKA

City Clerk Staff

From: MICHAEL HARRISO <+14065290495>
Sent: Friday, August 5, 2022 3:16 PM
To: Council VM
Subject: Voice Mail (48 seconds)
Attachments: audio.mp3

Yes, my name's Mike. My number is 5290495. It's August 5th, about 3:15 in the afternoon. I need to speak with someone regarding why I'm being told that to enter a public building I have to have an appointment to enter City Hall, otherwise I can't enter the building. And also I need to file a formal complaint to get Jessica Miller at the Mayor's office for lying. And I'm just getting the big run around again. M529 O 495. Thank you.

You received a voice mail from [MICHAEL HARRISO](#).

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