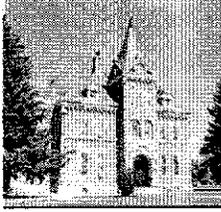


EXHIBIT 21  
DATE 3/31/05  
#B 794



# **BOULDER MONITOR & JEFFERSON COUNTY COURIER**

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March 31, 2005

## **TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE ON HB 794**

**Jan Anderson  
Editor and Publisher  
Boulder Monitor and Jefferson County Courier**

### **Committee Members:**

Thank you for this opportunity to address House Bill 794. My name is Jan Anderson, and I am the editor and publisher of the Jefferson County Courier and the Boulder Monitor.

In 2003 we found it necessary to file three lawsuits against the Jefferson County commission for violations of Montana's open meeting provisions. Before we ever filed a suit, we spent two years warning the commissioners that their processes were flawed. We spoke to the commission about it. We editorialized about it. We wrote to the commission and read aloud in public meetings our letters of concern. We offered to share an educational videotape on open meetings. We met with the county attorney, who advised the commission to act differently. Nevertheless, the commission continued to make important decisions in meetings at which there was no agenda and no recorded minutes.

Despite very grave concerns about the commission denying the public access, we hesitated a long time before finally filing a suit. We were concerned that taxpayers would wind up footing the bill when we eventually prevailed, as we were confident we would.

Even after we did file suit, the commission continued to deny the public access, leading to our filing three lawsuits in about four months. In one case, the commission issued a memo eliminating staff in several county offices. That decision was made without any public notice, without any public comment on the proposal, without a discussion by the commission in public, and even without any opportunity for the other elected officials to be informed about the plans prior to the memo announcing the decision. Among the cuts was the elimination of all staff in the office of the public health nurse, effectively eliminating the public health office in Jefferson County.

Eventually, the commissioners admitted violating the open meeting requirements. They changed many of their procedures, and they also placed the issue of whether to fund a public health office for the county on the ballot. The voters, who never had a chance to comment before the release of the layoff memo, restored the health office funding by approving a mill levy.

In our settlement agreement, the commissioners agreed to pay our attorney fees with \$1500 of taxpayer money. They also paid \$1 more, which is all that we requested because we did not want the taxpayers forced to spend money on actions that denied them access and were never discussed with the public in the first place. In addition, the commissioners agreed to learn and follow the open meeting and public access provisions. We believe they have made great strides in that regard.

If the changes proposed in HB 794 had been in place, it would have been the individual commissioners, not the wronged taxpayers, who paid the bill. It is also possible that the commissioners would have worked harder and faster to correct their ways if they had known that they themselves would be picking up the bill.

The taxpayers should not have to foot the bill when public officials refuse to learn and follow the state's 33-year-old public access provisions. We urge this committee to vote in favor of HB 794.