

Polhemus, Debbie

From: Jason Wiener [jason@howsyournetwork.com]
Sent: Monday, March 02, 2009 11:58 AM
To: Polhemus, Debbie
Subject: Comment on SB 486

Please convey the following comments on SB 486 to the committee.

From the language of SB 486, I'm guessing there's a backstory in local politics somewhere. Maybe, once I've heard what motivated this bill, I could find a reason to support it, but as things stand I urge the committee to table it and move on.

Elections are when decision-makers are held accountable for their use of public funds. If 100 citizens of a city or town or county are so aggrieved that they would resort to the procedure outlined in this bill, they should take the case to their elected officials' constituents.

"[E]vidence that the municipality is using the money in a manner that is inconsistent with the stated purpose" is required to initiate the investigation. Is the city clerk, recipient of the petition, supposed to adjudicate this? Have you asked them if they want that job?

"[A]n independent third-party investigation" is called for in response to the petition and the (clerk's?) determination of merit. At what cost and by what standard of independence? A situation in which the provisions of this bill would be invoked will almost certainly be awash in bad blood.

This airy description of adequacy will only open procedural complaints alongside the substantive ones since an elected body could ask for an audit of its practices any time and these provisions would only be invoked when a minority interest group was unable to get recourse through established public procedure.

Finally, "If the conclusion of the investigation is that the levy revenue was not used for the intended purpose, the municipal governing body shall, at its next regular meeting after the hearing, announce how it intends to properly direct the revenue." This appears to direct elected officials to rearrange the budget based on the conclusion of an extra-legislative process. Never mind who decides whether the governing body has "properly directed the revenue"--another investigation perhaps?--but don't civil courts provide recourse if the law is being violated. Moreover, if the budget isn't being written according to the voter' preferences, isn't that what elections are for?

Unless I'm missing something, this bill deserves none of your time and none of your votes.

Thanks for your service and attention to my comments.

Regards,
Jason Wiener
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