

# Mayor Miller's Address and Update during Jan 16 Regular Council Meeting

We have just experienced the equivalent of a natural disaster. Unlike a natural disaster however, this event was manmade. I am back in a council meeting today because of a very quick ruling by our Ninth Judicial District Court Judge that the action taken by the Council to remove me from my position was illegal. The Court found the City Council made this decision behind closed doors, without adequate notice and without proper disclosure to the public. In doing so, the City Council violated both Montana Code and the Montana Constitution.

I was removed without having been charged with a crime or found guilty of any violation of law or policy. This act is egregious. I was removed for merely disagreeing with two questionable legal opinions, which is absolutely within my right. I encourage citizens to read the due process provisions in our City Charter that City Council members are required to afford to one of their peer Council members if they wish to remove them from office. It is a complicated procedure outlined in our Charter that provides the Council member a formal Hearing and an opportunity to defend themselves. The Council gave me no similar process protections, but rather rushed to declare my position as Mayor "vacant" without ever telling the public of their intentions and then acting to do so illegally behind closed doors.

The larger point, however, is that City Council had no legal

authority to remove me from my position as Mayor and head of the Executive Branch of the City of Conrad. By attempting to do so again by scheduling a second meeting for January 4th, the City Council triggered yet another lawsuit against the city by taking actions that are directly contrary to Montana law. More of the taxpayers' dollars will now be spent from the City's general fund to defend actions of the City Council that should not have been taken in the first place.

While I disagreed with the City Attorney Daniel Jones' interpretation of the Fair Labor Standards Act (FLSA) opinion on requirements of overtime pay for an administrative Police Chief, I did authorize his overtime payments, including backpay. So, contrary to the libelous statements on social media, and in unprofessional resignation letters, I did actually heed the advice of the City Attorney.

I appointed Officer Padilla as Chief and supported his salary of more than \$70,000.00 a year because of the importance of his administrative role in keeping our citizens safe, thus making him our highest-paid city employee. In private discussions and communications with our City Attorney, I asked for guidance on what to do with months of previously signed timesheets that did not reflect overtime hours later reported by Police Chief Ernest Padilla. In these private communications, I asked if we had an obligation to report the inaccurate timesheets

to the Montana Public Safety Officer Standards and Training (POST) Council. I was extremely clear in my discussions with the attorney that I had no desire to report the Chief and was only asking if I had a legal obligation to do so. When I was finally advised "no" in a conversation with the city attorney, I again heeded his advice. I did not report the Chief to POST. Simply posing this question was later used to attack me and was not kept in confidence.

Concerning the grievance investigation opinion on alleged retaliation. I was never given an opportunity to refute or address the findings in the report. I do not agree that I had retaliated against the Chief. I especially disagree with the mischaracterization of me contained in the report. I maintain I did my job within the parameters of the Executive Branch and never abused my role.

I'm not perfect and I do take responsibility for my part in the lack of facilitating communication. In hindsight, I should have asked Council to immediately review our policies and procedures to help ensure we had no gaps in navigating the new FLSA territory we entered. I could have scheduled a meeting and/or work session to evaluate this but did not.

Unfortunately for Conrad, the City Council broke the law in meeting illegally to purportedly declare my office as Mayor "vacant", acting on advice of the City Attorney, and that illegality is now a part of the official Court

record. They are continuing to act illegally in further attempting to remove me from my office as Mayor, contrary to the separation of powers principles in the Montana Constitution.

This has cost our town in so many ways: financially, voter disenfranchisement, employee disheartening, slowing progress in our town's important business matters, in addition to ripple effects impacting in our community in many other ways. It gravely affects our personal relationships and is causing terrible divisions.

To council, I will not ask for you to consider your actions as grounds to resign or encourage you to apologize to the public. Rather, my hope is that you search your hearts and ask if you can move forward by turning over a new leaf, working alongside me to steadily confront city business, increase our professional face of the city, be genuinely transparent, and be determined to work with each other to make positive changes in our town.

To the citizens, I am also going to ask that you participate in the healing process. I have seen horrible statements made on social media and have heard rumors flying rampant. I can see the great division this is causing. These negative statements can impact our businesses, are not constructive, and pull our community down further every day. I ask that the division be stopped immediately. We ALL must work together to heal and unify our town!

We need to get back to business and be edifying in speech and behavior. Let's find solutions and work together to make our town great again. I continue to work for all of you.

"My words and deeds are all in God's Hands: In all, I wait upon Him." – St. Joan of Arc