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1 Tammi E. Fisher
Fisher Law Firm PC
2 502 2nd Ave. E.
PO Box 1038
3 Kalispell MT 59903
(406) 755-4212 phone
4 (406) 755-4214 fax
Attorney for Plaintiffs

ORIGINAL

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

8
9 DAVID G. ALLEN, ELEANOR M. ALLEN,)
JOHNATHON D. ALLEN, AARON C.)
10 ALLEN, KRISTY D. ALLEN, DARREN J.)
CLARKE, JAMES R. FRAME, ROXANNE)
11 M. FRAME, JOHN M. DAY, BILL B.)
BLOMGREN, CHARLES E. HARRIS,)
12 JUDY K. HARRIS, DENNIS THORNTON,)
DONNA THORNTON, JIM ETZLER,)
13 BEVERLY E. ETZLER, CHRIS M.)
RASMUSSEN, REMI C. RASMUSSEN,)
14 LAWRENCE H. ASK, CAROL A. ASK,)
JOYCE C. DAY, RUDY R. MENDEZ,)
15 GENA L. MENDEZ, and PAULINE C.)
DYER,)

16
17 Plaintiffs,

18 vs.

19 LAKESIDE NEIGHBORHOOD PLANNING)
COMMITTEE, JEFF HARRIS,)
20 INDIVIDUALLY AND AS DIRECTOR OF)
21 FLATHEAD COUNTY PLANNING AND)
ZONING, and FLATHEAD COUNTY,)

22 Defendants.
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Cause No. DV-09- 843C

STEWART E. STADLER

**COMPLAINT FOR DECLATORY
AND INJUNCTIVE RELIEF,
VIOLATION OF OPEN MEETINGS
LAWS, AND CHALLENGING
NEIGHBORHOOD PLANNING
PROCESS**

Judge

1 Plaintiffs, by and through their undersigned attorney, Tammi E. Fisher, seek
2 declaratory relief and injunction as against the LAKESIDE NEIGHBORHOOD
3 PLANNING COMMITTEE, JEFF HARRIS, as the Director of Flathead County Planning
4 and Zoning, and FLATHEAD COUNTY (collectively, "Defendants"), and state, for
5 reasons, as follows:
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7 NATURE OF SUIT AND CHALLENGED ACTS

8 1. This is an action brought pursuant to Article II, Section 9 of the Montana
9 Constitution, Article II Section 8 of the Montana Constitution, Mont. Code Ann. § 2-3-
10 203, Mont. Code Ann. § 27-8-201 et. seq., and Mont. Code Ann. § 27-19-101, for the
11 purposes of:
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13 (a) declaring the validity of the process used to develop the Lakeside
14 Neighborhood Plan and Somers Neighborhood Plan under the Flathead
County Growth Policy (adopted pursuant to Mont. Code Ann. § 76-1-601);

15 (b) enjoining and restraining the Defendants from further
16 implementation of the Lakeside Neighborhood Plan and from further
development of a Somers Neighborhood Plan;

17 (c) voiding the Lakeside Neighborhood Plan for non-compliance with
18 the Montana Open Meetings Law; and

19 (d) enjoining and restraining Defendants from destruction of
20 documents and/or websites developed or utilized by Defendants.
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1 2. The Flathead County Growth Policy ("Growth Policy") was enacted March 19,
2 2007, pursuant to Mont. Code Ann. § 76-1-601. The Growth Policy provides guidance
3 for growth in Flathead County and acts as the basis for future land use regulations in
4 Flathead County. (See, *FCGP*, P. xxii.) The development of neighborhood plans is
5 dictated by the Growth Policy, and the purpose of neighborhood plans are to provide
6 "more site specific" guidance for land use. *Id.* A neighborhood plan, once adopted,
7 becomes a part of the Growth Policy.
8

9 3. The Growth Policy, and therefore neighborhood plans, play a significant role in
10 determining how a property owner may use his/her property. Pursuant to Mont. Code
11 Ann. § 76-1-605, in making land use decisions, the governing body must be guided by
12 and give consideration to the general policy and pattern of development set out in the
13 growth policy in the:

- 14 (a) authorization, construction, alteration, or abandonment of public
15 ways, public places, public structures, or public utilities;
- 16 (b) authorization, acceptance, or construction of water mains, sewers,
17 connections, facilities, or utilities; and
- 18 (c) adoption of zoning ordinances or resolutions.

19 Thus, compliance with the Growth Policy (and thereby the neighborhood plans) is
20 an integral component to land use decision-making. Indeed, neighborhood plans are
21 used to guide zoning in an area. Zoning dictates how a property owner can use their
22 land, thus the impacts of a neighborhood plan are significant, and due to the
23 significance of a neighborhood plan, the process for development and implementation
24 must be in accordance with the Growth Policy and Montana law.
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THE PLAINTIFFS

4. Plaintiffs are residents of Flathead County and are record owners of real property in the Lakeside and/or Somers proposed neighborhood plan districts. They are directly impacted by any neighborhood planning efforts in Lakeside and Somers as their ability to develop their respective properties is dictated in large part by the land use designations contained in a neighborhood plan.

THE DEFENDANTS

5. Defendant Lakeside Neighborhood Planning Committee ("LNPC") is a division of Flathead County and is a "governmental body or board" pursuant to Mont. Code Ann. § 2-3-203 and is subject to the Open Meetings Laws of Montana.

6. Defendant Jeff Harris, is the Director of Flathead County Planning and Zoning and is responsible for, *inter alia*, advising neighborhood planning committees on the procedures to follow in developing a neighborhood plan and is mandated to keep complete, accurate and secure records pursuant to FCPZ Regulation § 2.01.020.

7. Defendant Flathead County, is and at all times herein relevant, was a municipality created and existing by virtue of the laws of the State of Montana.

THE FACTS – LAKESIDE NEIGHBORHOOD PLAN

8. On September 12, 2007, the Flathead County Planning Board authorized the Planning Staff to "move forward with neighborhood plan reviews." (*Letter from Jonathan Smith, 6/3/09*).

9. Thereafter, in November 2007, the LNPC was appointed.

1 10. Flathead County taxpayer funds are directed to supporting the LNPC efforts by
2 way of supplying planning staff to the Committee and by way of financial support for
3 various mailings and distributions. Indeed, according to the LNPC Minutes, the LNPC
4 has a "high level of dedicated support from the Planning and Zoning Department" and
5 as such, did not have to hire an "independent planner" in order to develop the Lakeside
6 Neighborhood Plan. Planners from the Flathead County Planning and Zoning Office are
7 listed as "official positions in the [Lakeside Neighborhood Planning] Committee." These
8 resources were provided under the direction of Jeff Harris.

9
10 11. The LNPC then established two websites – www.lakesideplan2008.com, and
11 <http://groups.yahoo.com/group/LakesideNeighborhoodPlan>. The Yahoo website is
12 password protected, and does not allow the public to participate or review any of the
13 activities in the website; the other site is a public website.

14 12. On November 3, 2007, the members of the LNPC were informed by member,
15 Barb Miller, that they,

16 "will be receiving an email inviting you to join a private, by-invitation-only
17 Yahoo Group for communications. It is CRITICAL that you join, per the
18 instructions, and participate actively as this is the primary way I will be
communicating to you as Secretary of the Committee."

19 Eric Giles of the Planning Office, as directed by Jeff Harris, was included in this email,
20 and thus, the Flathead County Planning Office was aware of the "secret" website since
21 November 3, 2007. Despite knowledge of this secret website, the Planning Office, as
22 directed by Jeff Harris, did nothing to cease the perpetuation of the secret website that
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1 did not allow any access by the public. The website informs any viewers that,

2 "this page is currently for use only by those in the LNPC's Yahoo Group.
3 It cannot be accessed from the Lakeside Plan Website available to the
4 public. LNPC members and consultants are asked to keep links from the
5 Yahoo Group to this page confidential."

6 13. The public website, www.lakesideplan2008.com, was developed as "a simple
7 public website where public can go for selected info from the Committee," rather than
8 the full gamut of information shared by LNPC members on the secret website. Indeed,
9 the secret website was delineated the official website for "Committee business."

10 14. As of November 19, 2007, LNPC member, Barb Miller, warned, "after tomorrow's
11 meeting, all info will only be on the Yahoo Group site" thus she dictated that all LNPC
12 members needed to join the invitation-only website. The Planning Office, as directed by
13 Jeff Harris, was included in this email. The Planning Office was privy to every private
14 email sent within the secret website, and engaged in dialogue through the secret
15 website.

16 15. The LNPC then began meeting. Their meetings were held at the private homes
17 of members, and the businesses of members. At the November 20, 2007 meeting held
18 at the private home of a LNPC member, the meeting dates, places and times for LNPC
19 working sessions was established. These working sessions were scheduled to be held
20 at the private residences of the LNPC members, thus only the 13 LNPC members were
21 present to direct the development of the Lakeside Neighborhood Plan. Present at this
22 private meeting was a planner from the Planning Office, serving under the direction of
23 Jeff Harris. Participation in the "private" website was discussed.
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1 16. The LNPC asked for guidance from Planning Office staff. They formulated a list
2 of "questions and issues" for the planners, which included asking for supervision to
3 "make sure whatever we are doing and the content of the plan is in compliance with the
4 Growth Policy and tell us when we are in danger of being in conflict or non-compliance,"
5 and whether the public survey must be mailed specifically to "land owners."

6
7 17. At the December 12, 2007 meeting held at the private residence of a LNPC
8 member, in concert with a planner from the Planning Office, it was determined that the
9 public survey would be distributed to only those holding a post office box in Lakeside.
10 This distribution neglects many large landowners in Lakeside that don't hold a post
11 office box in Lakeside. Thus, the results of the survey are skewed without input from
12 these absentee landowners deeply affected by planning in the area.

13 18. When given notice that the survey distribution was flawed, the LNPC did nothing
14 to remedy the situation.

15 19. At the December 12, 2007 private meeting, the LNPC members were given tasks
16 to complete and were asked to "post [their] written results...on the Yahoo Group site,"
17 rather than the public website.

18
19 20. As of December 13, 2007, the LNPC was advised by the Planning Office to
20 "follow the process for a new [neighborhood] plan...because revisions to the plan will be
21 extensive." That process is outlined in the Flathead County Growth Policy. As
22 delineated *infra*, the process was not followed.

1 21. At another private meeting on January 2, 2008, it was determined that the LNPC
2 would work "on the content of the proposed plan from now to May" when the LNPC
3 determined the public could be involved. The LNPC also determined that they did "not
4 want to go to the extent that Big Fork did [in sending the public survey]" to landowners
5 affected by the Lakeside Neighborhood Plan. Rather, they deemed a more limited
6 distribution to be appropriate, again, neglecting to include within the survey mailing
7 many large landowners deeply affected by the neighborhood plan.
8

9 22. At the January 16, 2008 private committee meeting, the LNPC determined no
10 further LNPC members would be accepted. The LNPC also determined that the
11 proposed survey would be revised and posted on the secret Yahoo website.

12 23. The next private meeting was January 30, 2008. The LNPC determined the final
13 draft of the public survey would be posted on the secret website. The LNPC determined
14 that while they were concerned "about missing out of town people or absentee owners"
15 by mailing the public survey only to post office box holders, this method of notification
16 was the most appropriate yet it was in clear contravention of the Growth Policy. It was
17 further determined that the planner from the Flathead County Planning Office and LNPC
18 member, Barb Miller, would do the actual writing of the Neighborhood Plan document.
19

20 24. On January 31, 2008, the LNPC was informed by members of the public that
21 landowners in Lakeside were not being informed of the neighborhood planning process.
22 In response, Ms. Miller stated that the LNPC "purposely deferred open public meetings
23 to May/June" such that after a draft plan was developed, then absentee landowners
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1 could provide input. However, it was concluded at the February 20, 2008 private
2 meeting, that "initially plan[ing] doc[ument] information would be drawn from survey
3 results" – a survey that did not reach many landowners. As of March 5, 2008, at the
4 next private meeting, the LNPC determined that the concerns raised about absentee
5 landowners not having notice, were no longer valid, as the "Planning Department feels
6 [the LNPC] did due diligence."
7

8 25. At the March 5, 2008 meeting, the Planning Department recommended that the
9 LNPC not publish public meeting dates past May 5, 2008. A LNPC member expressed
10 strong concerns that the LNPC needed to publish dates of public meetings "otherwise
11 [the LNPC's] credibility is compromised."

12 26. At the April 16, 2008 private meeting, the involvement of a member of the public
13 that expressed concerns over public participation and landowner notification methods
14 utilized by the LNPC was discussed. It was determined that this member of the public
15 would be "invited" to attend a May 5, 2008 meeting, after a April 28, 2008 "dress
16 rehearsal" for the May 5th meeting was held.

17 27. On May 7, 2008, the LNPC decided to hold a meeting via Yahoo Group
18 Messaging. This is a direct violation of Montana law.

19 28. On June 24, 2008, after telling the LNPC that it needed to follow the Growth
20 Policy guidelines/procedures for developing a new neighborhood plan, the Planning
21 Office changed its position and informed the LNPC it could follow the "amendment"
22 process delineated in the Growth Policy. The planner, under the direction of Jeff Harris,
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1 with full knowledge of the secret website and private LNPC meetings, further stated "I
2 feel confident the process is being followed."

3 29. According to the June 25, 2008 LNPC minutes, those members of the public that
4 raised concerns about notification and public participation were referred to as
5 "detractors currently bent on disrupting the Lakeside process." Two of these alleged
6 "detractors" were authors of the Growth Policy – the document which guides planning in
7 Flathead County. After being noted as a "detractor," a LNPC member then sent an
8 email to a "detractor" providing advice on how to become a LNPC member. This comes
9 after the LNPC resolved that no further LNPC members would be allowed.
10

11 30. According to a July 10, 2008 email from Jeff Harris to a LNPC member, despite
12 knowledge of the secret website and private meetings, Mr. Harris affirmed his belief that
13 "everything [the LNPC] has done is totally proper and above that done by other
14 community planning processes." He further asserted that community members
15 questioning the procedures followed by the LNPC, are "vocal opponents of anything
16 planning" (even though two of the people referred to wrote the Growth Policy), and their
17 comments were "dribble."
18

19 31. In a July 23, 2008, email between LNPC members on the secret website, one
20 LNPC member scolds another member for proposing to send a letter to the editor
21 calling members of the public questioning the process "extremists." The scolding
22 member notes, "to be successful, the entire planning process should be inclusive and
23 active by allowing all residents and general public the opportunity to participate.
24 (Growth Policy Neighborhood Plans, step one)."
25

1 32. The next private meeting was August 20, 2008. There it was determined that "no
2 public meetings will be held to present the [draft] Plan's content or receive verbal input,"
3 that the LNPC did "not intend to publish" comments provided by the public on the draft
4 Plan; and that as the Plan was drafted, the updated versions would only be available on
5 the secret website. Further, all of the meetings where the Plan was drafted would be
6 held at a private residence. These decisions were made, notwithstanding the fact that
7 the initial draft of the Plan states the mission of the Plan as "guid[ing] future growth in
8 accordance with a vision identified by Lakeside residents through a transparent public
9 process." (*emphasis added.*)
10

11 33. In August 2008, after resolving to not allow any additional members on the
12 LNPC, the LNPC invited another person to join the LNPC. This person is a private land
13 planning consultant, with the stated objectives of helping the LNPC, and "look[ing] out
14 for" another LNPC member's "interests." The LNPC noted the inherent conflict in this
15 statement, but apparently disregarded the same and resolved that they would add this
16 person as a member. He was then invited to join the secret website, such that he could
17 "get emails and meeting notices." This member was to be in charge of drafting maps,
18 land use designations, and the "vision." This land planner is not even a resident of
19 Flathead County, yet he was allowed to be a LNPC member. This offer of inclusion
20 wasn't provided to any other member of the Flathead County public.
21

22 34. As of October 13, 2008, Plum Creek voiced the same concerns as the
23 "detractors" with regard to notice of the Plan and Planning process.
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1 35. On October 31, 2008, a member of the public tried to access the secret website,
2 and was denied access. LNPC member Barb Miller explained,

3 "our group is supposed to be "invitation only" and the invitation supposedly
4 must be sent by me. I did not invite this person to join our group and do
5 not know who it is. I have the group set up so I am notified immediately
6 when a new member joins and as soon as I got this, I banned this email
7 address from participation in anything associated with the group and I
8 deleted this person from the member list...this makes twice within the last
9 year that someone has tried to "infiltrate" and I will be contacting Yahoo
10 about it..."

11 36. On November 3, 2008, the first meeting that was actually in a public place, i.e.,
12 the Lakeside Library, occurred.

13 37. On May 12, 2009, Flathead County acknowledged the existence of the secret
14 website in a memorandum from Deputy County Attorney Jonathan Smith directed to Jeff
15 Harris. Flathead County recommended the LNPC "close down the website."

16 38. On June 8, 2009, the Flathead County Planning Office acknowledged three
17 instances where votes or approvals of items in the draft Plan were made in the secret
18 website via email. The Flathead County Planning Office further acknowledged its
19 participation and correspondence with members of the LNPC on the secret website.

20 39. While the secret website was supposed to have been "opened" to the public for
21 access and review, when opened, of the 521 communications that occurred within the
22 web group, 257 are now missing or have been deleted. Thus, Plaintiffs and the public
23 have again been restricted from knowing the full spectrum of the activity by the LNPC in
24 their secret website. As such, despite assertions from Jeff Harris and his staff, the work
25

1 of the LNPC has not been "transparent." And while Jeff Harris and his staff have
2 asserted the communications of the LNPC on the secret website "appeared a matter of
3 no consequence," there is no plausible way for the public to verify this statement in light
4 of the substantial amount of deleted and missing communications.

5 40. Upon information and belief, Jeff Harris has now directed the secret website be
6 destroyed.

7
8 ILLEGALITY OF LAKESIDE NEIGHBORHOOD PLAN

9 41. Plaintiffs believe the Lakeside Neighborhood Plan as developed is illegal and
10 unenforceable for the reasons set forth in the following ¶s 42-51:

11 42. **Violation of Article II, Section 9 of the Montana Constitution.** No person
12 shall be deprived of the right to examine documents of all public bodies. By destroying
13 the secret website, Plaintiffs are deprived of their right to examine the documents and
14 emails exchanged by the LNPC.

15
16 43. **Violation of Article II, Section 9 of the Montana Constitution.** No person
17 shall be deprived of the right to observe the deliberation of all public bodies. By holding
18 private meetings in private residences, Plaintiffs are deprived of their right to observe
19 the deliberations of the LNPC.

20 44. **Violation of Article II, Section 8 of the Montana Constitution.** Plaintiffs, as
21 members of the public, have the right to expect LNPC would afford them a reasonable
22 opportunity for citizen participation in its operations. By having a secret website, and by
23 holding meetings in private residences, Plaintiffs were not afforded participation in the
24 operations of the LNPC.

1 45. **Violation of Mont. Code Ann. § 45-7-208.** It is unlawful to destroy or otherwise
2 impair the availability of a public record, document or thing. By destroying the secret
3 website, the LNPC/Jeff Harris are violating Mont. Code Ann. § 45-7-208.

4 46. **Violation of Mont. Code Ann. § 2-6-212.** No public record may be disposed of
5 or destroyed without the unanimous approval of the state records committee. The
6 contents of the secret website constitute public records, and therefore the website may
7 not be disposed of or destroyed. Destruction of the secret website constitutes a
8 violation of Montana law.

9
10 47. **Violation of Mont. Code Ann. § 2-3-202.** Anytime the LNPC met to hear,
11 discuss or act on any matter, the meeting is deemed to be open regardless of the
12 matter to be discussed. The LNPC violated Montana Law on myriad occasions by
13 holding meetings in private, via the secret website or via email.

14 48. **Violation of Amendment Process set forth in Lakeside Neighborhood Plan.**
15 The procedure to amend the Lakeside Neighborhood Plan is clear. According to page
16 22 of the Lakeside Neighborhood Plan, "the amendment process is identical to the initial
17 adoption process." The initial adoption process is set forth in the Flathead County
18 Growth Policy, and the pertinent procedures violated are set forth below in ¶ 49.

19
20 49. **Violation of Procedure set forth in Flathead County Growth Policy.** The
21 Lakeside Neighborhood Plan as developed in 1995 was a 22 page document. The
22 "amended" Plan is over 100 pages in length. This is, as pointed out by the Planning
23 Office in December 2007, a "new" plan and should thus follow the procedure outlined in
24 the Growth Policy for a new plan. The Growth Policy requires "a clear majority of both
25

1 landowners and acreage represented within the established boundary of the
2 neighborhood planning process should be in support of a proposed neighborhood plan."

3 The foregoing establishes this requirement was not followed. According to the Growth
4 Policy, the first step in developing the neighborhood plan is to "make a reasonable effort
5 to publicly notify all landowners including sending notification to every address notifying
6 them of initial meeting." Importantly, "each step must be conducted with opportunity for
7 public input and engagement." The LNPC, and with knowledge and consent of the
8 Planning Office, barred public input and engagement through use of private meetings, a
9 secret website and flawed notification procedures.
10

11 **50. Violation of Procedure set forth in Flathead County Growth Policy.** In the
12 alternative, when amending a neighborhood plan, "as the revised draft is being created,
13 interactive workshops will be conducted... Workshops may allow staff, owners of land
14 within the plan boundaries...to refine ideas before they are presented in the revised
15 draft." (*FCGP, Ch. 10, P. 4. emphasis added*). The revised draft Lakeside
16 Neighborhood Plan was already created before public interactive workshops occurred.

17 **51. Violation of Montana Open Meetings Law.** Pursuant to Mont. Code Ann. § 2-
18 3-203, "All meetings of governmental bodies or organizations supported in whole or in
19 part by public funds or expending public funds must be open to the public." The LNPC
20 is supported in part by public funds and is a governmental body. Its meetings, as
21 delineated *supra*, have not been open to the public, thus, the LNPC has violated the
22 Montana Open Meetings Law.
23

1 in Somers were not notified as directed by the Growth Policy of the initial meeting to
2 develop a Somers Neighborhood Plan.

3
4 COUNTS AS AGAINST JEFF HARRIS

5 **56. Failure to Adequately Train and Supervise Committee Members.** As
6 delineated above, Jeff Harris, as the Zoning Administrator, is charged with advising
7 neighborhood planning committees on the procedures to follow in developing a
8 neighborhood plan. Harris was either intentionally failing to act or was so grossly
9 negligent in his training and supervision of the volunteer LNPC members that he was
10 deliberately indifferent to and demonstrated a reckless disregard toward the violations of
11 law alleged herein. Jeff Harris is charged with advising neighborhood plan committees
12 with regard to the procedures set forth in the Growth Policy for the development and
13 amendment of a neighborhood plan. These committees – as well as Plaintiffs – look to
14 Jeff Harris and the Planning Office for guidance. As delineated above, Jeff Harris and
15 his employees failed to properly advise the LNPC on clear mandates of the Growth
16 Policy and the amendment provisions in the current Lakeside Neighborhood Plan.
17 These abject failures led to the violations of law alleged herein.

18
19 **57. Failure to Adequately Train and Supervise Planning Office Employees.** Jeff
20 Harris, as the department head, is charged with supervising all Flathead County
21 Planning and Zoning Office employees. The planners in the Planning Office serve at
22 Jeff Harris' direction. Jeff Harris knew or should have known of the existence of the
23 secret website, which existed for over a year in direct violation of the Montana Open
24 Meetings Law. As delineated herein, Flathead County Planning Office employees were
25

1 active participants in the secret website, and thus actively participated in the violations
2 of law alleged herein.

3 **58. Violations of Zoning Regulation ¶ 2.01.020.** As the Zoning Administrator, Jeff
4 Harris is mandated to keep complete, accurate and secure records pursuant to FCPZ
5 Regulation ¶ 2.01.020. By implementing the destruction of the secret website, Jeff
6 Harris is violating FCPZ Regulation ¶ 2.01.020.

7
8 **59. Failure to Provide Honest Government Services.** As a government employee,
9 Jeff Harris has a duty to provide honest government services. By representing that the
10 LNPC has "done everything proper" while ignoring the violations of law alleged herein,
11 either Jeff Harris was either intentionally disregarding said violations or was deliberately
12 misleading the public that employs him.

13 **60. Failure to Provide Honest Government Services.** As a government employee,
14 Jeff Harris has a duty to provide honest government services. By failing to follow the
15 clear procedures set forth in the Growth Policy for the adoption of a neighborhood plan
16 and the clear procedure set forth in the Lakeside Neighborhood Plan for amendments,
17 either Jeff Harris was either intentionally disregarding said procedures or was
18 deliberately misleading the public that employs him about the process.

19
20 **61. Failure to Provide Honest Government Services.** Jeff Harris is well aware of
21 the Montana Open Meetings Law, having already been reprimanded for participating in
22 a Bigfork Land Use Advisory Committee meeting that was held in secret in May, 2008.
23 By continuing to perpetuate and support secret land use committee activity meetings,
24 Jeff Harris is again failing to provide honest government services.

- 1 6. Grant a mandatory injunction enjoining Jeff Harris and Flathead County from
2 pursuing the development of any future neighborhood plan until this Honorable Court
3 declares the appropriate process for the same;
- 4 7. Grant a mandatory injunction enjoining Defendants from implementation of the
5 Lakeside Neighborhood Plan;
- 6 8. Grant Plaintiffs damages for Jeff Harris' failure to provide honest government
7 services;
- 8 9. Grant Plaintiffs their costs and attorney's fees pursuant to Mont. Code Ann. § 2-
9 3-221; and
- 10 10. Grant such other and further relief which the Court may deem appropriate and
11 just.
12

13 DEMAND FOR JURY TRIAL

14 Plaintiffs hereby demand a trial by jury of all issues so triable in the above action.

15
16 DATED this 25th day of June, 2009.

17
18 FISHER LAW FIRM PC

19
20 By: 

21 Tammi E. Fisher
22 Attorney for Plaintiffs
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