

John Moore
P.O. Box 1515
Ennis, MT 59729
jmoore@ennispolice.com
406-748-7478

12/15/2023

Nici Haas	Ginger Guinn
Mayor	Town Clerk / Human Relations
Town of Ennis	Town of Ennis
328 W. Main Street	328 W. Main Street
Ennis, MT 59729	Ennis, MT 59729

Dear Mayor Haas and Clerk Guinn,

I hope this letter finds you well. I am writing to follow up on my previous communication regarding the ongoing hostile work environment that I have been subjected to and continue to experience at the Town of Ennis regarding the Town Commissioners. As of December 15th, 2023, I have not observed any improvements in the situation, in fact the issues persist and continue to get worse. I am deeply concerned about the ongoing behavior and circumstances that have created an uncomfortable, unproductive and extremely hostile work environment for me, the Police Department, and now the IT Department.

I am the Chief of Police for the Ennis Police Department as well as the IT Administrator for the Town of Ennis, and through my daily duties, I contact several people, including friends, co-workers, and family of Town Commissioners. Some contacts require law enforcement action within my allotted powers. These contacts from my daily duties have apparently caused some Town Commissioners to continue their

personal attacks against me during public meetings after I have already advised the Town of the hostile work environment.

After my first letter dated October 8th, 2023, the attacks calmed for a short time. On November 1st, 2023 the Town Attorney sent a letter to all commissioners saying in part "The Commissioners are therefore advised to proceed with caution and to be mindful at all times that the Commissioners are strictly "prohibited" to remove or supervise employees, and that the Commissioners have no "power or duties" to enter contracts -- as all these powers are reserved to the Mayor. Even the appearance of acting negligently or with intent to violate these tenants would present exposure to undetermined risks and claims."

On November 6th, 2023 after the Town Attorney's letter and his lengthy legal opinion regarding the Sheriff's Office MOU which apparently went against Commissioner Hankins, Allison and Palmerton's opinions, Commissioner Hankins sent an email to the Town Clerk and Mayor stating "Can I please get a copy of 2018 MOU for sheriff dept, copy of Greenbaum's contract, audit of both officers' hours for the last 3 months, a copy of the town's employee handbook and SOP." It appears from Hankins email she is continuing to single out the police department requesting an "audit" of the police hours. This may be within her legislative duties however; it is highly suspicious given her previous actions and attacks related to the police department and the Town Attorney's recent email and opinion. Commissioner Hankins did not request an "audit" of any other department's hours.

At the November 9th, Town Commission meeting Commissioner Hankins read into public record her opinions. Included in her opinions was a statement about the Town attorney being biased and "The town needs to implement a policy of use it or lose it when it comes to vacation and compensated absence to avoid huge payouts". Again, it appears Commissioner Hankins is unwilling to familiarize herself with state law and the vacation/sick time laws. Commissioner Hankins continues in her letter "In my opinion, the mayor, chief of police and town attorney are acting as sole executives of the town and not getting council approval on this subject as well as the application for the grant." Commissioner Hankins again in a public meeting is accusing me of misconduct.

After the Town Commissioners were unable to remove me or defund / replace the police department legally, they began focusing on my other duties as the IT Administrator. In an email dated December 1st, 2023 to the Mayor, Commissioner Hankins said in part "Also, I'd like to know where I should direct parties that have shown interest in helping the town, I have 2 attorney's that would like to see the job description / compensation as well as a couple people that may be interested in the IT position and would like additional info. I'd refer them to the town clerk, but don't want them to be turned away as we may not currently be hiring."

Commissioner Hankins was informed in the Town Attorney's email on November 1st employee matters are a matter for the Mayor. Commissioner Hankins is by her own admission soliciting persons to replace an employee (IT Administrator) outside of her authority in an unlawful manner and clearly attempting to go around the Town Clerk showing she is aware the replacement attempt is not proper, is unlawful, or is a violation of the prohibition in the Town Charter and Town Code. Commissioner Hankins clearly does not care if such actions are a violation or a clear breach of the town code. It appears if Commissioner Hankins does not like someone, she will make every attempt to replace those employees even if the attempts are unlawful.

On December 12th, 2023 I received a resignation letter from Officer Fisher. Officer Fisher made it clear in his letter of resignation that due to the hostile work environment created by the Town Commission he chose to seek employment elsewhere. Officer Fisher did not want to tender his resignation however, he felt due to the Town Commission attacking the Police Department and myself personally he had no choice to seek employment in a more stable and less hostile environment. Officer Fisher requested his resignation letter be part of the next Town Commission public record in hopes the Town Commission would realize the environment they have created and the Town Commissions behavior would cease.

Prior to the start of the December 14th, 2023 Town Commission Meeting the Town Commissioners demanded to know how Officer Fishers resignation letter was made public. Officer Fisher read his resignation letter during the Commission meeting but refused to answer any questions. Officer Fisher did

not want to create any more of a contentious environment in a public meeting by answering questions regarding his employment from an already hostile Town Commission. In the same meeting Commissioner Hankins and Palmerton continued their attack against me, the IT Department and the Police Department despite the clear warning from the Town Attorney's November 1st email.

Commissioner Palmerton began demanding the Police Department change their operation and schedule attempting to dictate police department operation and policy. Palmerton continued her disregard of the Town Attorney's advice that they [Town Commission] have replacements for the IT Administrator, wanting to remove me from the IT duties.

Commissioner Hankins continued comments about the solicitation of a new IT employee and after being upset I forwarded a public document (Hankins December 1st email) to the Town Attorney for his knowledge. The email contained information regarding my previous hostile work environment complaint the Town Attorney should be aware of. Commissioner Hankins made the statement, I should be removed from the IT Administrator position accusing me of a conflict of interest..

During the meeting the Town Attorney again warned the Commissioners regarding employee matters. Several other comments and conversations which are concerning were made by Commissioners at the public meeting which can be reviewed on the recorded meeting footage.

The Town Charter says:

ARTICLE II: CITY COMMISSION

2.01: COMPOSITION, TERMS, ELECTION, QUALIFICATIONS, COMPENSATION, REMOVAL, FILLING OF VACANCIES, MEETINGS:

J. The commission shall meet regularly at least once a month at such times and places as the commission may prescribe. Special meetings may be held on the call of the mayor or four (4) members of the commission, or by ten percent (10%) of the eligible voters. Such meetings shall be public and, whenever practicable, upon twenty-four (24) hours notice. The commission may recess for the purpose

of discussing in a closed session, limited to its own membership, any matter which would tend to defame or prejudice the character or reputation of any person, provided the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the commission until the matter is placed on the agenda.

2.04: PROHIBITIONS:

A. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the mayor or any of his/her subordinates are empowered to appoint.

B. Except for the purpose of inquiry or investigation under this charter or city ordinances, the commission or its members shall deal with city employees who are subject to the direction and supervision of the mayor solely through the mayor.

and

ARTICLE III: CITY MAYOR

3.02: POWERS AND DUTIES OF THE MAYOR:

B. The mayor shall:

3. Direct, supervise and administer all departments, agencies, and offices of the city except as otherwise provided by law or this charter;

Town Ordinance says:

CHAPTER 6 TOWN COMMISSION

1-6-6: VACANCY OF OFFICE:

2. Ground For Forfeiture: A commissioner shall forfeit his/her office if he/she:

b. Violates any expressed prohibition of this code.

1-6-8: PROHIBITIONS:

A. Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the mayor or any of his/her subordinates are empowered to appoint.

B. Except for the purpose of inquiry or investigation under the charter or town ordinances, the commission or its members shall deal with town employees who are subject to the direction and supervision of the mayor solely through the mayor.

and

1-7-7: POWERS AND DUTIES:

B. Duties: The mayor shall:

3. Direct, supervise and administer all departments, agencies and offices of the town except as otherwise provided by law or the charter.

Montana Code Annotated says:

45-7-401. Official misconduct. (1) A public servant commits the offense of official misconduct when in an official capacity the public servant commits any of the following acts:

- (b) knowingly performs an act in an official capacity that the public servant knows is forbidden by law;

Commissioner Palmerton and Hankins have unlawfully violated the Town Charter, Town Ordinance and State Law by purposely and knowingly continuing to step outside of their roles as Town Commissioners. These Commissioners are attempting to remove employees, control department operations and dictate employee's actions as well as publicly abominating employees even after they were warned by the Town Attorney. Commissioner Hankins and Palmerton have attacked me personally by defaming and prejudicing my character and reputation in a public meeting.

I continue to be publicly humiliated, embarrassed, and harassed by the Town Commissioners who have created an extremely hostile work environment. I become physically ill even thinking of attending a public meeting with the Town Commissioners due to the treatment I have had to endure over the last several months and continue to endure.

It appears some Commissioners are hoping that I will leave the employment of the Town in the same manner that Officer Fisher resigned. Certain Town Commissioners continue to have a clear and personal objective to defund the Ennis Police Department and/or constructively discharge me from my job under

any circumstances, even if it is done unlawfully. They are creating such an extremely hostile environment I am unable to effectively function and perform my job functions safely. The Commissioners continue to ruin my reputation by disparaging comments during public meetings.

I continue to have no formal substantiated complaints that have been filed with the Mayor or Police Department regarding the officers, myself, or the department's operation. I have no corrective action reports in my employment file for the Police Department or related to IT. I have no negative reviews in my employee file. I have scored perfectly on all State / Federal security audits relating to the network security and CJIN security. Employees of the Town are happy with my IT work and I have received no complaints regarding my IT work from Town employees or the Mayor.

This hostile environment continues to make it challenging to concentrate and focus on my work tasks. The stress, anxiety, and emotional toll of this harassment, intimidation, embarrassment, and hostility hinder my ability to be productive and efficient. The constant stress and emotional toll of this hostile work environment continues to lead to anxiety, depression, sleepless nights, nausea, heartburn, lack of appetite, and possibly other symptoms and health problems not realized yet but complicated by the intolerable work environment created by the Town Commission. These conditions continue to impair my ability to concentrate, make decisions, and interact with colleagues and citizens effectively.

I am demanding the practice of the Town Commission operating outside of their authority and the clear personal harassment including the intimidation of myself, the Police Department and the IT Department cease immediately. Public comments by the Town Commission regarding any and all employees and their work shall cease immediately. Commissioner Hankins and Palmerton shall be censured. In lieu of removal under 1-6-6 (A) (2) (b) Commissioner Hankins and Palmerton must be suspended for at least three meetings. The Town Commission shall be properly educated by a legal expert and/or MMIA staff regarding the Town Commissioners roles and proper meeting etiquette. All Town Commissioners shall also comply with the US Constitution, Federal Laws, Montana Constitution, Montana Code Annotated, as well as the Charter and Ordinances of the Town of Ennis. The Town Commissioners unlawful actions and personal attacks shall cease immediately.

A swift resolution in this matter is required so I may continue my duties efficiently and without harassment.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line.

John Moore
Chief of Police