

**MINUTES  
BOARD OF LIGHT & POWER  
SPECIAL MEETING OF MAY 21, 2008**

**Call to Order:** Board Chairman Greg Canfield called the meeting to order at 5:30 pm with Board Members Beachum, Hall, and Straub present. Also in attendance were General Manager Richards, Administrative Manager Sawka and Operations Manager Mullins. A motion was made by Beachum and supported by Hall to excuse the absence of Board member Valentine. The motion passed by a unanimous vote of members present.

**Discussion of Information Request:** Richards provided a chronology of the communications regarding a May 6 request for LL&P information from City Clerk Morlock. The request was for one year of fuel bills, staff work-orders and wage and overtime information for all utility staff positions.

The Board discussed a May 7 meeting between Chairman Canfield and Morlock, and Morlock's subsequent letter request to Richards expressed as an official "Freedom of Information Act" request. Richards described further communications with Morlock to clarify the specific information requested and to make sure Morlock understood that as a FOIA request, the utility has consistently required that duplication costs be reimbursed as prescribed by the FOIA act.

Richards advised the Board that he had directed staff to research, compile and duplicate the information as requested. He added that complying with the information request had required almost two full days of staff time and amounted to over 1600 pages of information. He added that the utility's written FOIA response had been delivered to Morlock on May 14. The response included the calculated (reimbursable) costs at \$414.17

Richards informed the Board of a May 19 e-mail from Morlock containing a statement from the City attorney indicating his belief that a FOIA request shouldn't be necessary to obtain the information. Richards advised the City Attorney Wendt and Morlock that the question would be discussed by the Board at their next meeting, and that the Board would ultimately determine whether the documents would be provided without cost.

Discussion followed regarding Morlock's explanation that the request was made on behalf of Councilman Altoft, who requested the information for his work on the committee to review the utility's contribution to the City... the Payment In Lieu of Taxes (PILOT).

Richards expressed his opinion that the information requested couldn't logically be associated in any way to the PILOT contribution, but that he felt the request was a hostile and unreasonable action by a former LL&P employee who has clearly demonstrated his animosity toward the manager and the staff.

Discussion followed about the priority of maintaining a positive relationship with the Council and City staff, and the complications that resulted when the request became a formal FOIA request that required the specific response required under the FOIA law.

An e-mail comment provided by Board member Valentine was read to Board:

*"In reiteration of my email from Friday, May 9, I feel that it is necessary that we as a Board and as an entity of the city comply fully with this request from Betty Morlock.*

*LL&P is a department of the city, and any request for information that comes from City Hall must be honored. It is not doing our organization any good to play hard ball with the city on this.*

*It is my view that the information should be handed over to Betty immediately upon its compilation and that any "bill" that has been given to the city should be rescinded. Robbing Peter to feed Paul doesn't do our ratepayers or the citizens of Lowell any good."*

After further discussion, a motion was made by Straub and supported by Hall that Chairman Canfield would meet with City Clerk Morlock, to request that she provide a letter rescinding the FOIA request. If Morlock agreed, Canfield would provide the documents as a response to a simple and informal request, without any charge. The motion passed by a unanimous vote of all board members present.

#### ADJOURNMENT

The meeting was adjourned at 6:27 pm

Approved

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Greg Canfield – Chairman

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Date