

LAUREL C.A.R.E.D.

Community Advocates for Responsible Economic Development
Laurel, Montana | laurelcares.com

February 25, 2026

Note: This correspondence is also provided in email format for the convenience of all officials addressed herein and for filing purposes.

TO:

Mayor Dave Waggoner — citymayor@laurel.mt.gov
Kurt Markegard, Chief Administrative Officer — kmarkegard@laurel.mt.gov

CC:

Michele L. Braukmann, City Attorney — civilattorney@laurel.mt.gov
Attorney General Austin Knudsen — contactdoj@mt.gov
Commissioner Chris Gallus / Deputy Commissioner Shelley Hendricksen-Scott
Montana Commissioner of Political Practices — cppcompliance@mt.gov | cpphelp@mt.gov

RE: FORMAL WRITTEN NOTICE -- Emergency Ordinance Agenda Request | Public Records Production | Employment of Family Members | Mayor's Capacity to Serve | City of Laurel, Montana

Mayor Waggoner and Mr. Markegard,

I am sending this letter at the direct suggestion of Brittney Harakal, the Mayor's administrative assistant, who recommended I follow up my voicemail messages in writing. This is now the third form of contact I have made on each of the matters below -- by voicemail to Mayor Waggoner, by voicemail to Mr. Markegard, and by message left with Ms. Harakal. I have not received a response to any of them. I am writing to formally document these requests and to demand written responses.

I am copying the Office of the Montana Attorney General and the Commissioner of Political Practices on this correspondence. The matters raised below involve urgent public safety concerns, a potential violation of Montana's anti-nepotism statute, inadequate compliance with Montana's public records laws, and a serious question about whether the Mayor of the City of Laurel is capable of performing the mandatory duties of his office. These matters have gone unaddressed by city leadership long enough that outside oversight is both appropriate and necessary.

I require a written response to each of the four matters below by end of business Friday, February 28, 2026.

I. EMERGENCY ORDINANCE -- AGENDA REQUEST FOR MARCH 3, 2026

On behalf of myself as a resident of Laurel, Montana and Yellowstone County, and on behalf of Laurel C.A.R.E.D. -- Community Advocates for Responsible Economic Development -- I am formally requesting that the School Protection Buffer Emergency Ordinance be placed on the agenda for the March 3, 2026 City Council meeting.

This request is not new. It has been made by voicemail and by phone message and has not been acknowledged. I am now placing it in writing for the third time.

At the City Council meeting held on February 24, 2026, I submitted this request into the public record during public comment, notifying the city that I had emailed a letter of request. That submission included the full text of the proposed emergency ordinance drafted by Laurel C.A.R.E.D. for adoption by the City of Laurel under MCA 76-2-306, as well as a companion interim zoning resolution drafted for adoption by the Yellowstone County Board of Commissioners under MCA 76-2-206. Both draft instruments were prepared to assist in the expediency of the process and to ensure that the City Attorney and County Attorney have complete working drafts available for immediate review and modification prior to adoption.

The proposed ordinance establishes a one-mile minimum separation between correctional and secure detention facilities and schools, parks, residential zones, churches, and licensed daycares. It is legally grounded in MCA 76-2-306, is consistent with Laurel's own Municipal Code, and reflects a commitment that BOI Executive Director Dan Villa made on camera at the December 9, 2025 City Council meeting -- that BOI will follow every existing city resolution, ordinance, and process governing land use in Laurel. I am asking this Council to give him something to comply with.

The annexation vote that would allow this facility to proceed can occur at any time. Every day without a protective ordinance in place is a day that vote can happen without it. Place this item on the agenda for March 3. That is not a large ask. It is the minimum ask.

I require a written response confirming whether this item will be agendized.

II. PUBLIC RECORDS REQUEST -- RECORDS PRODUCTION METHOD

I am raising a concern about the manner in which the Mayor's communications were produced, and I am requesting that this portion of the production be corrected.

Under **MCA 2-6-1002(11)**, public records include all information prepared, owned, used, or retained by a government entity in the transaction of official business, regardless of the medium or device on which that information is stored. A public official's communications about city business are public records whether conducted on a city-issued device or a personal phone. The device does not

determine the record's status -- the subject matter does.

Under **MCA 2-6-1003**, every person has the right to examine and obtain a copy of any public information of this state. That right is not satisfied when the production of records is filtered through the personal judgment of the subject of the inquiry.

It appears that Mayor Waggoner personally searched his own phone for names he deemed relevant, took screenshots of the results, and submitted those screenshots as the responsive records. With respect, that is not an appropriate method of producing public records. A public officer whose own communications are the subject of a records request should not be self-selecting which records to disclose based on his own assessment of what is relevant. That determination belongs to a neutral party -- not to the Mayor himself.

I am asking that the City Attorney arrange for a qualified, neutral, third-party IT professional to conduct a proper and complete search of the Mayor's communications -- on all devices used to conduct city business -- and that the results be produced in full, without personal filtering by the Mayor or his office. This is not an extraordinary request. It is the appropriate standard for records production when the subject of the request is also the custodian of the records.

III. EMPLOYMENT OF FAMILY MEMBERS -- REQUEST FOR RESPONSE

I am asking Mayor Waggoner directly, and on the record: what is your response to community questions regarding the termination of city employees and the subsequent hiring of three of your own children to positions within the City of Laurel -- including positions within the wastewater department where you yourself previously worked?

This is a matter of public record. The individuals in question are city employees whose employment is publicly documented. I have been informed that their compensation arrangements raised concerns within the city employee union, and that as a result, these individuals are no longer part of the union and are compensated through a separate arrangement outside of standard union pay structures.

Montana law is explicit on this point:

MCA 2-2-302 provides that it is unlawful for any person at the head of any department of any political subdivision of the state -- which includes the City of Laurel and its Mayor -- to appoint to any position of trust or emolument any person related by consanguinity within the fourth degree. Children are first-degree relations, well within the prohibited range.

MCA 2-2-303 further makes it unlawful to enter into any agreement or promise to make such an appointment.

I am not rendering a legal conclusion in this letter. I am asking a direct question that the Mayor has not answered despite multiple contacts, noting that Montana's anti-nepotism statute is directly applicable to this situation, and providing formal notice to the Commissioner of Political Practices so that Commissioner Gallus may determine whether any inquiry is warranted within his jurisdiction.

IV. MAYOR WAGGONER'S CAPACITY TO PERFORM THE DUTIES OF HIS OFFICE

I am raising this concern plainly and on the record, because it is a conversation the community of Laurel is already having openly -- including among those who work in and around City Hall -- and because it is directly relevant to the City's ability to respond to the urgent matters described in this letter.

Mayor Waggoner has been significantly absent from the active discharge of his mayoral duties. His health challenges are known to the community, and I say this with no personal disrespect for what he is facing. But the duties of the Mayor of the City of Laurel are not optional. Under **MCA 7-3-4320**, the mayor shall exercise the powers conferred and perform all duties imposed by law and the ordinances of the municipality. These are mandatory obligations.

The City of Laurel is in the middle of a crisis that requires immediate and aggressive action from its chief elected officer. Emergency ordinances need to be placed on agendas. Records requests need to be properly managed. Constituent communications need to be returned. Meetings need to be attended and decisions need to be made. These things are not happening.

Montana law provides a clear framework for situations in which a mayor is unable or unwilling to perform these duties:

MCA 7-4-4111 provides that a vacancy in the office of mayor occurs upon the incumbent's open neglect or refusal to discharge the duties of the office. If such a vacancy is determined to exist, **MCA 7-4-4112** requires the City Council to fill that vacancy within 30 days.

Montana's **Recall Act, MCA 2-16-601**, provides that 20 percent of a municipality's registered voters may petition for the recall of an elected municipal official on grounds of incompetence or lack of physical or mental fitness to perform the duties of the office.

It is not the responsibility of the residents of Laurel to subsidize the continuation of an office that is not being actively filled. The people of this city deserve a mayor who can show up for them. The matters before this city right now demand exactly that.

I am asking Mayor Waggoner directly, and for the third time: Do you intend to resign? If not, what is your specific plan for actively discharging the mandatory duties of your office during this critical period for the City of Laurel?

I expect written responses to each of the four matters raised in this letter. I am sending this correspondence because I was advised to do so, because this is the third contact I have made on each of these matters, and because the silence from city leadership on issues of urgent public concern is no longer something I am prepared to accept without a formal written record.

The community of Laurel is watching. The Attorney General's office and the Commissioner of Political Practices are now aware. I will continue to pursue every available avenue until these matters receive the attention they are owed.

Respectfully but without reservation,

Elizabeth Gilg

Resident, City of Laurel and Yellowstone County, Montana

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