

Mr. Mayor, Commissioners, Staff,

I am Jeff Gray, School Board Trustee, representing Great Falls Public Schools,

I would like to take this opportunity to express concerns with this agenda item. As noted in the proposed ordinance, the Title 17 requirements apply only when they are not in conflict with State or Federal law. Of concern is the requirement of the ordinance that public entities who are developing property must comply with all development and property maintenance standards. This mandatory compliance in and of itself is in conflict with State Law as it pertains specifically to school districts.

Our comments this evening are intended to make you aware that State Law allows certain exemptions for school districts. This exemption was underscored by District Judge McMahon's 2017 order in *Nicholson v City of Helena*, as he specifically cited Mont. Code Annotated 7-1-111(3) making it clear that mandatory compliance by school districts of said regulations conflicts with state law. Your powers are clearly denied in 7-1-111(3) in that a local government, you, is prohibited from exercising ANY power that applies to or affects the public school system except any power that is required by law (like adherence to International Building Codes under 20-6-622, for example).

A hearing before the Board of Adjustments on June 18, 2018 clearly set forth necessary alterations and reductions in the existing Title 17 Codes and Regulations. Those alterations and reductions have already been successfully implemented at Giant Springs and CMR, and are planned for Great Falls High School and Longfellow. We were glad to see Assistant City Attorney Joe Cik's comment to the Commissioners during the February 5 work session, as quoted by *The Electric*, that the changes proposed this evening will not affect these current GFPS projects.

As noted in the June 18 Hearing, reductions and alterations are necessary as the District seeks to maximize the utilization of bond proceeds to enhance the educational space for students. As we are constrained by budgets, we prioritize spending money on classroom space, mitigating the amount of future requirement maintenance, and adhering to safety standards for school properties. We must be good stewards of the taxpayers' money and utilize it fully for student educational needs. This prioritization is exactly why 7-1-111(3) exists.

While you certainly can move forward with the adoption of this ordinance, please do so with the understanding based on State Law and Judge McMahon's decision, that it has very limited application on Great Falls Public Schools current or future capital improvement projects. We trust you share our interest in avoiding the unnecessary expenditure of taxpayer money debating this issue in the future.

Thank you for your time this evening.