

Longmont Advocate

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[Council being dishonest about emails](#)

On Sunday June 14, 2009 the Longmont **Times-Call** did a fairly large piece on emails and Open Records. It sounded sort of familiar as I've written about it over the last year, did my own Open Records request for these emails, and my wife has discussed this with council members.

Something I want you to keep in mind when you read these stories and the editorial that came out the same day: when you hear a councilmember, **Karen Benker** in particular because she asked point blank about this issue, don't assume for a second "*they didn't know*". They knew alright.

April 30, 2008 on this site and YourHub, I wrote a story called "[Can of Worms](#)". Do I assume they all read my stuff? Of course not. The point is what they asked during a City Council meeting of their then **City Attorney Clay Douglas**. Here are some relevant parts:

At the April 29, 2008 Longmont City Council meeting, at the late, nearly eleven o'clock hour, something interesting happened. Quite often, the most interesting things happen during "Council Comments" at the end of every meeting, it's worth Tivo'ing.

Councilmember **Karen Benker** asked City Attorney Clay Douglas about (the LifeBridge Open Records request) and it turned into a fairly long discussion covering **emails, phone calls**, and the **recording and reporting of these**. Some of you may not have been aware, but **every correspondence you send to city council, and presumably city staff, is of the open record variety. And, when councilmembers receive these, they are to forward them on to city staff for retention.**

I got the strong impression this hasn't been followed by some on council. And there seemed to be concern about "**personal**" **emails**, and when items are confidential and when they aren't. It sounds like very little is private when it comes to just about any correspondence between constituents and their city council members.

Apparently, the proper way for a councilmember to respond to an email is for them to CC the reply to the appropriate city staff email address so they get a copy of the original email and the response. And it was also implied that if the councilmember replies and forwards the reply on, it must include the original email from the constituent or **the Open Records Act was not properly followed.**

There's more, relating to Open Meetings laws and how this "new" council was

advised of all of this. No excuses. These councilmembers were well aware of all the laws and procedures, but will they be held accountable? What do you think?

This was an interesting quote in the TC story: "City Council members who are not making all their e-mails available to the public are **violating the Colorado Open Records Act**, said Steve Zansberg, a Denver-based media attorney."

Karen Benker basically admitted to violating this in one of the stories (['Lot of room for error' built in](#)). Even if it "*wasn't made clear to her when she was appointed to the council in 2005*", this is a **lifetime bureaucrat**, are you really buying that? And again, she asked the City Attorney during an open council meeting about this April of 2008, over a year ago! **So not only has she violated this statute, she's lying about her knowledge and legal advice on this issue.**

I did an Open Records request of council emails a few months ago. I was shocked at gaping holes in time of absolutely no emails, **entire months wiped clean**. I know for a fact I sent some emails to councilmembers before, during, and after that time period. Most were not forwarded. And as you saw, Councilmember **Brian Hansen** was the worst offender in this program and Times-Call attack dog **Sean McCoy** wouldn't even respond for their story. A pretty important issue, don't you think?

Well, not if you're the local village idiots who think **Benker, McCoy, Hansen, and Levison** can do no wrong. Yes, that's right, they are defending **blatant intentional flaunting and violating of state law**. Why not? They have the majority, right? The new City Attorney probably isn't aware of what the previous one said about this (and that list grows by the month), so don't expect much there.

So which is it, are they just babes in the woods playing it by ear? Or outright lawlessness?

Chris Rodriguez