

	2012 Actual	2013 Budget	Budget Increase/Decrease for 2013	Council Request for 2014
5200 Civilian Salaries	\$295,082.93	391,557.00	391,557.00	396,357.00
5201 Overtime				
5202 Retirement Term Vacation				
5203 PERA				
5204 Workers Compensation				
5205 Equitable Life Insurance				
5206 Dental Insurance				
5207 Cash Back				
5208 Parking for Employees				
5209 Medicare				
5210 City EPO Medical Plan				
5211 Advantage HD Med Plan				
5212 FRA Benefit to Adv Med Plan				
TOTAL SALARIES AND BENEFITS			391,557.00	396,357.00
5213 Office Supplies	\$2,107.37	1,900.00	2,124.00	2,124.00
5214 Paper Supplies (copier paper)	\$769.20	780.00	742.00	780.00
5215 Computer Software	\$280.78	1,700.00	660.00	660.00
5216 Cell Phones equip & supplies	\$1,561.92	6,000.00	1,562.00	1,562.00
5217 General Supplies	\$7,986.25	7,600.00	7,600.00	7,600.00
5218 Postage	\$5.51	150.00	62.00	62.00
5219 Maint Office Machines	\$-	100.00	-	-
5220 Leadership Pikes Peak	\$-	6,000.00	6,000.00	6,000.00
5221 Consulting Services	\$1,200.00	5,000.00	5,000.00	5,000.00
5222 Car Mileage	\$4,819.66	3,350.00	3,350.00	3,350.00
5223 Dues and Membership	\$1,760.32	1,000.00	1,000.00	1,500.00
5224 Meeting Expenses in Town	\$325,657.77	337,986.00	337,986.00	337,986.00
5225 Training	\$2,256.00	4,500.00	2,445.00	4,500.00
5226 Donations			2,446.00	4,000.00
5227 Subscriptions	\$344.48	350.00	350.00	350.00
5228 Travel Out of Town	\$21,637.08	80,500.00	36,511.00	76,000.00
5229 Telephone Long Dist Calls	\$149.88	100.00	129.00	129.00
5230 Cell Phone Airtime	\$329.71	1,200.00	100.00	500.00
5231 Cell Phone Base Charges	\$8,309.02	12,178.00	6,100.00	9,400.00
5232 Printer Consolidation Cost	\$3,471.20	3,800.00	2,570.00	3,800.00
5233 Office Services Printing	\$974.30	4,650.00	2,630.00	2,630.00
TOTAL OFFICE MGMT	\$387,527.97	478,844.00	426,587.00	467,933.00
TOTAL OPERATING EXPENSES				864,290.00

Per Almee, add one intern, \$10/hour x 12 weeks @ 40 hours = \$4800

The remainder of these items are calculated by Budgeting

Consummable office supplies such as pens, tape, calendars, day-timers, paper clips, etc.

Cost of paper has gone up \$4/case to \$33

New applications for phones

New equipment was budgeted for 2013, this amount should be ok for 2014.

Includes frames and matting for resolutions,

U.S. mail, FedEx, UPS, etc.

Are there any contracts coming due? There were no expenses on this in 2012 and none so far in 2013

PP Contract due July 1st

Annual retreat facilitators

Includes sign-language interpreter

Car mileage for Council Administrator and Legislative Assistant

PPACG, CML, National League of Cities, Action 22, Chamber

Includes snacks and beverages available for council meetings

Two CHI conferences/year @ \$500 for Council Administrator and Legislative Assistant

Leave at 10 - this will be reallocation if Council member donates part of their personal expenditures budget

Gazette \$250 and Business Journal \$100

This is where Council's individual budgets are currently tagged to. We are obliged to put in \$8000/council member, + \$4000 total for staff

Airtime above contract

Current cell phone bills are coming in at \$825/month.

So far, Council is on track to spend 2013 budgeted amount - they have started printing agendas for the public

Stationary, business cards, large print jobs, etc.

Please join me!!

Tuesday, Sept 1st, I will be leading a group of community leaders on an important mission for the purpose of meeting elected officials and business leaders from Denver and Pueblo at the State Fair. Governor Hickenlooper, several Denver metro mayors, state and city department officials, and top, important civic leaders will be accessible to visit in a very informal setting, and it is important to our community, and to me, that you and other highly respected local leaders help me take advantage of this opportunity. We need to carry the Colorado Springs banner with individuals who can, and do, have a significant impact on our future.

Our group is called the Pikes Peak Posse. For the past 20 years we have taken an afternoon to go to the State Fair and, with monies donated from those who attend, participate in the junior livestock auction by bidding against, in friendly competition, Denver community and political leaders to buy animals raised by 4H and FAA kids from all over Colorado. These impressive, hardworking young kids save the monies earned from the sale of their animals for their future education.

So, I offer you a twofer. You can help me take advantage of this unique opportunity to carry the Colorado Springs banner with Denver metro, Pueblo, Western slope, and State leaders while, in the process, supporting a great cause and some very special kids. This is a high-powered event at which we can use friendly dialogue (lobbying) to establish relationships with those who will affect our community's future and our economy. While the focus is often on Denver players, there is also important work to do with Pueblo leadership.

Here's the deal; I ask you to please make a tax deductible contribution to the Pikes Peak Range Riders Foundation for \$500, \$250 for elected officials, (all funds will be spent on the purchase of animals) and join a very distinguished and high profile group whose very participation will be of great help to me in sending a message to many who can affect us in meaningful ways. On Sept 1st we will assemble for a Gazette/Taco Bell sponsored lunch and then board a bus, generously donated by Chuck Murphy, and head for Pueblo, returning around 9PM. The bus trip itself provides an opportunity to have informal conversation with other local community leaders. Upon arriving at the State Fair Exhibition Hall in Pueblo, you will pass through a receiving line made up of the kids on whose animals we will be bidding, and who themselves will thank you for doing so. Once inside the hall, you will be able to observe, and participate in if you want, the auction and to mingle with your counterparts from throughout our State. A very large, delicious dinner buffet will be served, allowing you to eat, drink, and visit with State leaders and even sit with our buyers group as they bid for animals. Great fun and a great opportunity.

Please join me on Sept 1st and help me represent Colorado Springs by joining the Pikes Peak Posse so we can outshine the Denver Rustlers. If you can do this, please drop me a quick line at mayorjohnsuthers2015@gmail.com, and I will start having additional information, including an itinerary, list of other attendees, etc. sent to you.

Thanks, and I am looking forward to spending Sept 1st with you as we collectively send a message to Denver and all of Colorado.
John

J-A

Cc: Gomes, Vicki L.; Gonzalez, Eileen; Colligan, Lori M.
Subject: FW: Invitation to the State Fair

Is anyone going on this? There is a Space Wing Leadership and City Council Lunch Meet and Greet scheduled for 1 Sep 1130 to 1, but may be re-scheduled. I abide.

Larry Bagley
District 2, City Council
Cell 719-822-4232

From: Steve Schuck [mailto:SMS@theschuckcorporation.com]
Sent: Thursday, August 13, 2015 4:23 PM
Subject: Invitation to the State Fair

On behalf of John Suthers and the Pikes Peak Posse, please accept this invite to be our guest as we join together with community, political, and business leaders from Denver and Pueblo counterparts on Sept 1st at the state fair in Pueblo. Attached is a letter from John explaining why it is so important to take advantage of this opportunity, and how valuable and enjoyable this experience will be. Not only will you be interacting with other elected officials from throughout the state, your presence will send a message to the young people who have worked so hard to raise the animals on which we will be bidding at the livestock auction. Again, John's letter provides an explanation of what this is all about. Because of the generosity of the more than 50 attendees who will be paying \$500 per person, we are pleased to be able to recognize our appreciation for your public service and host you as our guest. Please read the attached and we would appreciate your earliest convenient response. Thanks for all you do, and hope you can join us Sept 1st.
Best,
The Pikes Peak Posse

--Forwarded Message Attachment--
From: SMS@theschuckcorporation.com
Subject: Invitation to the State Fair
Date: Thu, 13 Aug 2015 22:22:42 +0000

On behalf of John Suthers and the Pikes Peak Posse, please accept this invite to be our

Subject: FW: Invitation to the State Fair
From: Helen Collins <hpchief1@hotmail.com>
Date: 09/25/2015 06:24 PM
To: "taxcutter@msn.com" <taxcutter@msn.com>

From: hcollins@springsgov.com
To: hpchief1@hotmail.com
Subject: Fwd: Invitation to the State Fair
Date: Mon, 24 Aug 2015 04:12:20 +0000

Sent from my iPhone

Begin forwarded message:

From: "Collins, Helen" <hcollins@springsgov.com>
Date: August 19, 2015, 10:05:00 AM MDT
To: "Collins, Helen" <hcollins@springsgov.com>
Subject: Fwd: Invitation to the State Fair

Sent from my iPhone

Begin forwarded message:

From: "Pico, Andy" <apico@springsgov.com>
Date: August 18, 2015, 10:53:52 AM MDT
To: "Colligan, Lori M." <LColligan@springsgov.com>, "Murray, Bill" <Bmurray@springsgov.com>, "Bagley, Larry" <LBagley@springsgov.com>, "Bennett, Merv" <mbennett@springsgov.com>, "Gaebler, Jill" <jgaebler@springsgov.com>, "Knight, Don" <dknight@springsgov.com>, "Strand, Tom" <Tstrand@springsgov.com>, "King, Keith" <kcking@springsgov.com>, "Collins, Helen" <hcollins@springsgov.com>, "Gonzalez, Eileen"

<EGonzalez@springsgov.com>

Subject: RE: Invitation to the State Fair

Lori,

In that case, sign me up for the invitation below.

Thanks,
Andy

From: Colligan, Lori M.

Sent: Tuesday, August 18, 2015 8:23 AM

To: Murray, Bill; Bagley, Larry; Bennett, Merv; Gaebler, Jill; Pico, Andy; Knight, Don; Strand, Tom; King, Keith; Collins, Helen; Gonzalez, Eileen

Subject: RE: Invitation to the State Fair

The Space Wing Leadership and City Council Lunch Meet and Greet will NOT be held on September 1. The Commander is out of town that day. I'm working with them to reschedule and I'll let you know when I have some dates from them.

Thanks,

Lori

From: Bagley, Larry

Sent: Friday, August 14, 2015 10:48 PM

To: Bennett, Merv; Gaebler, Jill; Pico, Andy; Knight, Don; Strand, Tom; Murray, Bill; King, Keith; Collins, Helen

Cc: Gomes, Vicki L.; Gonzalez, Eileen; Colligan, Lori M.

Subject: FW: Invitation to the State Fair

Is anyone going on this? There is a Space Wing Leadership and City Council Lunch Meet and Greet scheduled for 1 Sep 1130 to 1, but may be re-scheduled. I abide.

Larry Bagley
District 2, City Council
Cell 719-822-4232

From: Steve Schuck [<mailto:SMS@theschuckcorporation.com>]

Sent: Thursday, August 13, 2015 4:23 PM

Subject: Invitation to the State Fair

On behalf of John Suthers and the Pikes Peak Posse, please accept

Subject: FW: Pikes Peak Posse - September 1, 2015
From: Helen Collins <hpchief1@hotmail.com>
Date: 08/28/2015 04:27 PM
To: "taxcutter@msn.com" <taxcutter@msn.com>

From: hcollins@springsgov.com
To: hpchief1@hotmail.com
Subject: Fwd: Pikes Peak Posse - September 1, 2015
Date: Fri, 28 Aug 2015 22:21:31 +0000

Sent from my iPhone

Begin forwarded message:

From: "Geitner, Timothy" <TGeitner@springsgov.com>
Date: August 28, 2015, 4:15:30 PM MDT
To: "Bagley, Larry" <LBagley@springsgov.com>, "Bennett, Merv" <mbennett@springsgov.com>, "Collins, Helen" <hcollins@springsgov.com>, "Gaebler, Jill" <jgaebler@springsgov.com>, "King, Keith" <kcking@springsgov.com>, "Knight, Don" <dknight@springsgov.com>, "Murray, Bill" <Bmurray@springsgov.com>, "Pico, Andy" <apico@springsgov.com>, "Strand, Tom" <Tstrand@springsgov.com>
Cc: "Gonzalez, Eileen" <EGonzalez@springsgov.com>
Subject: Pikes Peak Posse - September 1, 2015

Council,

Please find the itinerary for the Pikes Peak Posse and the 146th Colorado State Fair attached. I'm aware of the following Council Members attending...

1. President Pro Tem Gaebler
2. CM Andy Pico
3. CM Bill Murray
4. CM Tom Strand

2015 Colorado State Fair Junior Livestock Sale

Event Itinerary

- 11:30-12:30 Arrive at Broadmoor World Arena (meet outside for pre-fair, camaraderie, tall tales, snacks and refreshments).
- 1:00 Bus departs for the Colorado State Fair
- 2:00 Bus Arrives at Fair to Red Carpet, Fanfare, welcoming and meet and greet the kids
- 2:30-3:00 VIP Socializing bars, hors d'oeuvres and dinner begins
- 3:00-3:35 Continue dinner, VIP introductions & guest speakers
- 3:35 Junior Livestock sale begins
- 6:30 First bus departs Pueblo for World Arena
- 5:00-8:00 Enjoy the Colorado State Fair (rodeo tickets are available)
- 8:00 Second bus departs Pueblo for World Arena
- 9:00 Bus arrives at World Arena

<EGonzalez@springsgov.com>

Subject: RE: Invitation to the State Fair

Also for me, in that case, sign me up for the State Fair invite and put on my calendar please. Lori, in case you don't have the original with the letter, both are attached. From what I have seen, Jill, Andy and I have said yes so far - Merv will be out of town. ✓

Larry Bagley
District 2, City Council
Cell 719-822-4232

From: Pico, Andy

Sent: Tuesday, August 18, 2015 10:54 AM

To: Colligan, Lori M.; Murray, Bill; Bagley, Larry; Bennett, Merv; Gaebler, Jill; Knight, Don; Strand, Tom; King, Keith; Collins, Helen; Gonzalez, Eileen

Subject: RE: Invitation to the State Fair

Lori,

In that case, sign me up for the invitation below.

Thanks,
Andy

From: Colligan, Lori M.

Sent: Tuesday, August 18, 2015 8:23 AM

To: Murray, Bill; Bagley, Larry; Bennett, Merv; Gaebler, Jill; Pico, Andy; Knight, Don; Strand, Tom; King, Keith; Collins, Helen; Gonzalez, Eileen

Subject: RE: Invitation to the State Fair

The Space Wing Leadership and City Council Lunch Meet and Greet will NOT be held on September 1. The Commander is out of town that day. I'm working with them to reschedule and I'll let you know when I have some dates from them.

Thanks,

Lori

From: Bagley, Larry

Sent: Friday, August 14, 2015 10:48 PM

To: Bennett, Merv; Gaebler, Jill; Pico, Andy; Knight, Don; Strand, Tom; Murray, Bill; King, Keith; Collins, Helen

By: Ryan Maye Handy, Gazette

Updated: September 1, 2015 at 2:57 pm

In mid-afternoon on Tuesday the two groups will meet - an El Paso County posse will square off with a group of rustlers from Denver.

But there will be no empty holsters, jangling spurs or weather-worn outlaws at Tuesday's encounter. Instead, the Pikes Peak Posse, a group of El Paso County dignitaries - elected officials, lawmakers and company executives - will enjoy food and drinks with their northern counterparts, the Denver Rustlers, after making a trip to the Colorado State Fair in Pueblo.

For years, the two philanthropic groups have gone to the fair for the junior livestock sale, where the Posse and Rustlers bid with multi-hundred dollar attendance fees from members. But more than a livestock sale, the trip has evolved in a touted networking event for the Front Range's "who's who," a chance for competitors and political rivals to spend hours together dining, drinking and schmoozing behind the scenes of the auction.

While the Pikes Peak Posse plans to spend about \$35,000 buying livestock from 4-H teens, who often put the money into school, "the real reason" to attend Tuesday's event is for the chance to rub elbows with people such as Gov. John Hickenlooper, Mayor John Suthers and retired Air Force Academy Superintendent Mike Gould, said Steve Schuck, an organizer. It helps, of course, that the meeting of the dignitaries is all for a good cause, Schuck added.

"So it is, literally a means by which we support the whole agricultural community," said Schuck.

During the auction, members of the Posse and the Rustlers have an on-site buffet dinner and cash bar, where they can chat business and politics in an informal setting, said Schuck.

"Everybody mills around," he said. "We spend two or three hours just schmoozing it up."

This year, the Posse will have its most impressive showing in its nearly 20 year history, with a guest list that is double the usual turnout. For years, the Posse has failed to collect the names that adorned the Rustlers' list of attendees. It bothered Schuck that, in years past, El Paso County lawmakers would join the Rustlers at the State Fair, instead of the Posse.

"We were never able to get the political leadership in the Springs to recognize how important an opportunity this was to interact with major decision makers in Denver," he said. "It bothered us that our guys were part of the Denver delegation. And we were never able to demonstrate how important it was to have a Colorado Springs presence."

But Mayor John Suthers has changed that. A frequent attendee of the junior livestock auction - but on the Rustlers' side - this year Suthers sent out hundreds of letters to his supporters and other community leaders asking them to join the Posse at the fair. As of Monday, at least 89 people had committed to go. The Posse's guest list is mostly male - only 23 of the guests are women, and include Colorado Springs City Councilwoman Jill Gaebler, El Paso County Commissioner Sallie Clark and Rep. Kit Roupe. Rep. Terri Carver and Lynne Telford, the president of Care and Share, were both on the guest list but had to

2E 4A

had to cancel at the last minute due to family emergencies.

A spot on the Posse's list is purchased with a tax deductible \$500 fee, or \$250 for elected officials. For Denver Rustlers, the fee is \$575, according to the group's website. All money goes towards purchasing livestock at the auction. ✓

With the turnout, Suthers wants the Posse's message to Denver to be clear: there's a "new enthusiasm and vibrancy in Colorado Springs."

"In the letter we indicated that, as you know there is a lot of negotiations going on between Pueblo and Colorado Springs right now," said Suthers, referencing on-going issues over stormwater systems. "A good turn out from the Posse shows that we want to have a relationship with Pueblo."

While some attendees will stick to networking, others will watch the auction, which starts at 2 p.m. and will end around 6 p.m. And if attendees aren't inspired by the schmoozing, bar or buffet, there is plenty of inspiration to be found among the 4-H kids and their livestock.

"It's almost inspiring to see a part of the population that many of us don't get to see very often," said Schuck.

Subject: \$35,000

From: Helen Collins <hpchief1@hotmail.com>

Date: 08/26/2015 08:45 AM

To: "taxcutter@msn.com" <taxcutter@msn.com>

CC: "hpccollins@hotmail.com" <hpccollins@hotmail.com>

CITY TO GIVE AWAY MORE TAXPAYER DOLLARS TO CRONY ORGANIZATION

In another City Council "consent calendar" agenda item this week (these are items that are voted on with no discussion unless specifically "called off consent" by a citizen or member of Council), Council will appropriate \$35,000 of taxpayer dollars (Lodgers and Rental Car Tax) to the "Regional Business Alliance" (RBA). Here is a link to the agenda item: <https://coloradosprings.legistar.com/View.ashx...> . The RBA is the merged result of the former Chamber of Commerce and the "Economic Development Commission."

BUSINESS ALLIANCE AND SUB-ORGANIZATIONS ENDORSE CANDIDATES

The Regional Business Alliance and its predecessors have had a long history of taxpayer and Utilities ratepayer funding, but had a short period of increased scrutiny beginning in 2013 due to their failure to perform and their involvement as a political organization versus as an entity representing all businesses. In the last several years, when there was hope of accountability above cronyism, the City and Utilities budget appropriations to the RBA were delayed or diminished. In particular was a contention that the RBA makes endorsements of political candidates and issues. While the dollars the RBA Political Action Committee give to political candidates come from a separate fund, the endorsements are enmeshed with the parent organization.

Below is a link to their endorsement letter from last April's City Election. Note that the logo on the letter head is the same logo as the Business Alliance's and that the link is found on the RBA web site, not under a separate "PAC" page, but under the RBA website heading "Community Development." The Political Action Committee is separate in name only.

http://www.coloradospringsbusinessalliance.com/.../2015-Mar_C...

BUSINESS ALLIANCE HAS ALSO OFFERED UNCONDITIONAL SUPPORT OF "CITY FOR CHAMPIONS"

The RBA has also authored letters of support and their Board of Directors offered unanimous support to the C4C projects, the majority of funding for which is public dollars. Here is a link to a CS Indy article on the subject:

<http://www.csindy.com/.../18/biz-group-gives-c4c-a-thumbs-up> .

The former RBA CEO was noted for his comments at a Colorado College forum on C4C stating that "no community ever cut itself to prosperity..." implying, of course, that Colorado Springs should attempt to spend itself to prosperity with the City for Champions projects.

CITY OFFICIALS REQUESTING AND VOTING FOR ADDITIONAL DOLLARS RECEIVED RBA ELECTION HELP

EX 3

The extra dollars are being requested by the administration of Mayor John Suthers. The following are donations Suthers received from the RBA PAC for his 2015 mayoral campaign.

John Suthers for Mayor City election: \$2,500

(page 46 of this document: <http://www.springsgov.com/u.../cityclerk/clerkdocs/GetDoc.asp...>)

John Suthers for Mayor Run-Off Election: \$2,000

(page 7 of this document: <http://www.springsgov.com/u.../cityclerk/clerkdocs/GetDoc.asp...>)

This week's appropriation to the RBA will likely be facilitated by affirmative votes for the dollars from the following:

Keith King: \$1,000 in 2013 election

(page 7 of this document: <http://www.springsgov.com/u.../cityclerk/clerkdocs/GetDoc.asp...>)

Larry Bagley: \$2,500 in 2015 election

Merv Bennett: \$1,500 in 2015 election

Tom Strand: \$1,500 in 2015 election

(Bagley, Bennet and Strand contributions in this document, beginning on page 46: <http://www.springsgov.com/u.../cityclerk/clerkdocs/GetDoc.asp...>)

COLORADO SPRINGS UTILITIES RATEPAYER DOLLARS TO THE RBA

Last week's Colorado Springs Utilities Board of Directors meeting saw the unveiling of the 2016 Utilities budget. Five percent rate increases are being sought for electricity and water (more to follow on that). See page 147 of the following link: <https://www.csu.org/CSUDocuments/ubagenda20150819.pdf>.

The "Economic Development Funding" proposed budget shows the RBA to receive \$210,000 of ratepayer dollars (page 159: <https://www.csu.org/CSUDocuments/ubagenda20150819.pdf>) .

UTILITIES DOLLARS TO RBA WILL HAVE LESS ACCOUNTABILITY THAN BEFORE

When RBA funding had been under scrutiny, attempts were made at making the funding for economic development like any other contract—entities must BID to provide services to receive ratepayer dollars, unless it can be shown that there is no other available entity to provide the services. However, perhaps out of concern that public dollars might not automatically flow to the pseudo-political organization, the Board and CSU staff put together a "partnership agreement" (vs. "contract") with the RBA, attempting to include a list of "deliverables" to give the impression that the RBA would be held accountable for what it did with ratepayer dollars. Last week's meeting—in addition to proposing full funding to the RBA at \$210,000—also made modifications to the "partnership" by striking many deliverable and performance measures from the agreement. For example, the following were redlined and no longer required:

- reports to the Board from every other month to semi-annual
- no requirement to meet with businesses who may expand
- no requirement to visit site-selection entities
- elimination of job-creation goals

Ex 3

Subject: RE: What do you think?

From: Helen Collins <hpchief1@hotmail.com>

Date: 08/24/2015 10:10 AM

To: Joel Miller <joel.c.miller@att.net>, Anita Miller <anita.l.miller@att.net>

Joel:

No...They did not offer or get me to sign a censure letter.

✓ Both Bill and Merv kept approaching me to meet with Merv/Eileen. I couldn't trust the outcome because who knows what would have been a result of the meeting. Two against one and no witnesses! I believe in my heart that no matter what I did, they would still go after Doug to get him out of the way fighting against the unjust Suthers' tax increase and TABOR.

✓ This is verbatim Bill Murray's personal note to me when I wasn't available for verbal communication:

This afternoon please consider these issues.

1. This is not an admission of guilt.
2. An investigation judge will raise additional issues which **might jeopardize Doug's parole issues** and complicate a case you have already won.
3. Regardless of any issues of disagreement we might have with each other, you are still a member of our team. The Council and our city still need your active participation. This issue becomes a distraction none of us wants.

I am clearly not in majority, so I compromise where I can and offer solutions when available.

So will ask for you thoughtful consideration in helping resolve this issue.

✓ V/R, Bill Murray

Bill voted for a hearing officer which contradicts what he says in his notes above. Jane Feldman was paid over \$14,000 when the original cap was \$6,000. The hearing officer is going to be paid \$360 per hour with a cap of \$10,000 which will probably go over. I have no idea

Open meetings advocate says Colorado Springs council broke state law

By: [Billie Stanton Anleu](#)

Gallery

Comments: 13

Published: June 14, 2015

In deciding to unanimously cite Councilwoman Helen Collins with three ethics violations last week, the City Council broke state law, attorney Steven D. Zansberg said Friday.

The council had planned to go into executive session Monday to consult its legal counsel, as allowed under the state Open Meetings Law.

Collins would not recuse herself, so the council voted to meet with its attorney two by two.

However, City Council President Merv Bennett was at each council member's meeting with lawyer Suzanne Dugan.

Related:

[Colorado Springs councilwoman requests full hearing before council](#)

Call it a daisy chain, a walking quorum or a meeting tree, said Zansberg, president of the Colorado Freedom of Information Coalition and an attorney for The Gazette.

By whatever name, "They're all labels the court has applied to improper efforts to evade the quorum requirements of the Open Meetings Law."

Asked Friday why he joined in each member's consultation, Bennett said, "So there would be continuity among us, and I could hear everyone's thoughts on what the legalities were.

"Somebody made the recommendation that it would be helpful, so I did," Bennett said, adding that he could not remember who made the recommendation.

"I was just going by legal counsel I'm given" by Dugan.

Dugan could not be reached for comment.

Across the nation, courts have concluded that similar actions violated the law.

The San Antonio City Council's one-on-one meetings with the city manager were found to violate Texas law in 2001.

EX 45

In Arkansas in 2004, the court held that one-on-one meetings between the Fort Smith city administrator and individual board members constituted a meeting that should have been open.

As Colorado Springs council members met with the attorney Monday, Councilman Bill Murray distributed his "One Pager," listing reasons the case against Collins should be dismissed.

"I only made eight copies," Murray told The Gazette. "One for each council member. So I could tell if any got out.

"Every person on the City Council got a copy, including Helen. Before the vote. And I sat down and talked with each of them about it."

So why did Murray join in the unanimous vote to cite Collins with three ethics code violations?

"Because I didn't have a second, and there was no point in jousting with windmills. I asked everybody point-blank whether they'd second my motion to dismiss it when I gave them the letter.

"I asked them point-blank if they'd support me, and everybody said no. That we had to talk about this in the open if we were going to discuss it at all."

Zansberg said, "The fact that one member of the City Council is willing to speak to a reporter about this doesn't cure the violation of a council that deprived the public of exactly this kind of discussion.

"That's why we have an Open Meetings Law - because the public is entitled to those very same findings. They're entitled to more than just the final tally."

Two Pueblo City Council members resigned last year and another faced a recall election after "meeting" by email and text message to deliberate city business, Zansberg said.

Murray said, "I understood the actual wording (in the motion) was - this didn't say the charges had merit. It's just that we wanted to bring them for further review. . I said, if we're going to drag this thing out, why don't we just sit down and talk about it in public and argue it out? I had no support."

Asked about Murray's document, Bennett said, "I don't know anything about that. We didn't discuss it. That wasn't what we were focused on; we were focused on procedure. . I did not know what the vote was going to be."

But Murray said they did discuss it and, "he didn't agree with me."

Collins swiftly was cited in an 8-0 vote Tuesday for tolerating government "waste, fraud, abuse and corruption," acting in ways that may or do "create the appearance" of violating the law or ethical standards, and engaging in activity that may or does create "the appearance of impropriety."

Collins had accepted a real estate deed from former state Rep. Douglas Bruce, author of the Taxpayer's Bill of Rights and a felon, then sold the property and signed the payment over to him.

The controversy arose because Bruce owed the city a judgment. Although one judgment was paid through a lien on the property sold, a second city judgment was filed a day after the December sale.

Bruce paid that judgment in May, when he was called to testify before the city's Independent Ethics

Commission as it investigated Collins' actions.

"It is both ironic and disappointing that in taking official action against a member of the City Council for violating the city's ethics code, the City Council did so by violating a state statute guaranteeing the right of transparency," Zansberg said.

Now, he said, "Councilwoman Collins might well go to court because this (council decision) was made outside the Open Meetings Law."

She could say: "So start over. I wanted it done in the public, and I still want it out in the public," he said.

On Friday, Collins said she'd been notified by the city - by email, a letter in her in-box and certified mail - of the citations against her. She has 10 business days to request a full evidentiary hearing.

On Tuesday, she had said she wanted that hearing before the City Council. Her response Friday was different.

"I haven't decided a plan yet. I will continue to say this is a witch hunt."

As for the apparent violation of the Open Meetings Law, she said, "That will have an effect on my decision."

Did you get this email? R, Helen

Subject: Re: What do you think?
From: joel.c.miller@att.net
Date: Sun, 23 Aug 2015 18:28:28 -0700
To: hpchief1@hotmail.com

Do you know when the hearing is? Can you call anyone you want?
From: joel.c.miller@att.net
To: hpchief1@hotmail.com
Subject: What do you think?
Date: Fri, 21 Aug 2015 19:17:45 -0600

"I write this as a constituent with full expectation of privacy afforded between an elected official and a constituent."

I wrote this letter and was thinking about sending to Council and CC-ing to the media. Of course I wouldn't unless you felt comfortable with me doing so.

Joel

Dear Council President Bennett,

In 2013, City Council passed an ordinance describing procedures for Ethics Investigations. I have included the resolution in case any members of Council would care to read it. There are several steps which require action within ten days by various parties; the presumption being that this would assure due process and preserve rights of the accused, including the right to a "speedy trial." These ideals are fundamental to our American justice system. The resolution specifically offers the accused the option requesting a public evidentiary hearing within 10 days. Failure for such a request within ten days is treated as an admission of guilt.

Helen Collins publicly requested such a hearing within the rapid deadline and asked that it be conducted by City Council. Council denied the request, voting instead to have the hearing conducted by a hearing officer. Based on the months of delay that mock any sense of due process and

behind-closed-doors requests for Helen to sign a letter sanctioning her without the hearing she requested, it appears to me that Council follows rules when they want in a manner that they want.

Had I been on Council during this miscarriage of justice and blatant disregard for due process, I would be embarrassed by the failure to follow our own rules. As a private citizen, I am appalled that, as representatives elected in part to out carry justice in the ethics process, you have given yourselves your own timetable and attempted to "move to impose sanctions" without the hearing Helen is entitled to by your own procedures.

I would appreciate, as would many in the City, an explanation for why after tight timelines in the ethics process, months have passed without your following due process.

Thank you in advance.

Joel Miller
Colorado Springs

EXP