

January 14, 2004

Mr. Bill Simmons  
City Manager  
City of Louisville  
749 Main Street.  
Louisville, CO 80027

Dear Bill:

This letter is in response to your invitation to share our thoughts with you on open government issues in our city. As we understand it, the City Attorney will be providing training to the City Council on this topic. It is our hope the training will cover a range of topics and not be limited simply to legal restrictions on the use of e-mails by elected officials.

There is universal agreement that government is best that is most open. Open government breeds trust that public policy decisions are being made in the full view of the public and that all the important reasons for the decisions have been presented and recorded. For this reason the perception of open government is as important as open government itself. Indeed, our Charter specifically states that it is intended to provide for "an open government in which every member of the community has an opportunity to participate" in a meaningful way.

We all have the responsibility of being constantly vigilant in the pursuit of open government. Rather than using the e-mail issue as an opportunity only to be critical, let us turn it into an opportunity to do a comprehensive review of the City's policies and practices to ensure that government in Louisville not only is as transparent as it can be, but also that it is perceived to be as transparent as it can be.

Specifically, we are taking two actions. First, we request a comprehensive training seminar be developed around the issue of open government. This seminar should be provided every two years to elected and appointed officials. It should focus not only on the strict do's and don'ts associated with public service, but also on the philosophical reasons for open government. The latter is critical since no matter how hard we strive to have explicit rules for open government, there will always be fuzzy lines and unexpected challenges. When those situations present themselves, it is important that government officials approach them from a firm position that favors openness in government.

Second, we have commenced a process to review the adequacy of our charter and municipal ordinances for ensuring open government in Louisville. Elected and appointed officials deserve the protection afforded by Charter provisions and laws that clearly delineate the requirements of open government, and the public deserves a Charter that is unequivocal in its protection of open government. We invite representatives of city government to join us in this process.

In closing, we need to be forthright. Prior to the e-mail incident, we and other citizens have had developing concerns about open government issues in Louisville. Our concerns include:

- 1) Study sessions have gradually moved from their intended purpose of information presentation to consensus building. The public needs to be given the opportunity to meaningfully participate in the vital, formative stages of policy development.
- 2) Agendas for meetings have become vague, with "catch-all" provisions that allow the discussion of non listed items. Agendas for all meetings should list all significant public policy issues that will or likely will be discussed. Otherwise, the public is deprived of the opportunity to meaningfully participate in the resolution of these policy issues.
- 3) Meetings have been held in places that do not afford unrestricted and uninhibited access for the public. When access to a public meeting prevents or discourages the public from attending and participating in the meeting, it cannot be corrected by the posting of a lawful meeting notice.
- 4) Access to public records has become significantly more difficult, unpredictable and expensive than is consistent with the principles that open records are a core component of open government and that public records belong to and are held for the benefit of the public.

We look forward to discussing our concerns with you.

Sincerely,

Signed by:

Ty Gee  
Carol Schmidt  
Jay Berger  
Charles H. Kiepe  
Margaret A. Hornbostel  
Doug Grinbergs  
Barbara W. McKee  
Donald P. McKee  
James B. Ells  
Jan Rowen

John T. Leary  
Wendy J. Phillip  
Maureen Ivy  
Patrick Hornbostel  
Tom Mayer  
Jim Cummings  
Annelise Cummings  
Robert Jones  
Michael Engles  
Gail Hartman (authorized by email)