

EMAIL #1

On Dec 7, 2011, at 10:40 AM,

"Bill Cahill" <cahilb@ci.loveland.co.us<mailto:cahilb@ci.loveland.co.us>>; wrote:

I want to inform the Council of an interesting issue that has arisen from an informational request from Liam Weston. Last week, he had asked the City Clerk's office about discussions of "COIN" by the City Council in executive session. Terry Andrews checked with me, and our response was that COIN has not been discussed in City Council meetings. (COIN was just announced as an economic development technology initiative by the Governor about a week and half ago, and City staff have not been involved in it; we learned of it by reading it in the paper.)

Following that response, Mr. Weston responded with the e-mail which is reproduced below. The meeting he is referring to (giving the wrong day in his e-mail) was the City Council's gathering with Cumberland & Western at the Agilent property last Tuesday, November 29. This was duly posted as a Council meeting due to the presence of three or more Councilors, but no general public were present. Those present at the event were eight Councilors (Councilor Shaffer was not present due to being out of town); Bill Murfrees and Buddy Stearns from Cumberland; and Betsey Hale.

You will see that Mr. Weston refers to hearing a "tape of poor quality" in his e-mail. This event was not recorded by City staff or by Cumberland representatives.

This was a publicly-noticed meeting, so it is not an executive session or a secret meeting in any way. Further, Colorado law allows recording by an individual of conversations in which that individual is present. Provided that the individual is present, no permission for recording is needed from others in the conversation.

I simply want to make Council Members aware of this.

Thank you.

Bill
William D. Cahill
City Manager
City of Loveland

EMAIL #2

From: Ward IV - Cathleen McEwen
Sent: Wednesday, December 07, 2011 03:21 PM

To: Bill Cahill
Cc: City Council; Betsey Hale; Terry Andrews; Temp CCMail
Subject: Re: Liam Weston Informational Request

Attorneys are prohibited from recording conversations.

Cat

Sent from my iPad

EMAIL #3

From: Mayor - Cecil Gutierrez
Sent: Wednesday, December 07, 2011 10:07 PM
To: Ward IV - Cathleen McEwen; Bill Cahill
Cc: City Council; Betsey Hale; Terry Andrews; Temp CCMail
Subject: Re: Liam Weston Informational Request

It couldn't have been me. It's too hard to conceal my reel to reel.

Cecil

EMAIL #4

From: Ward I - Daryle Klassen

Sent: Thursday, December 08, 2011 2:29 PM

To: Mayor - Cecil Gutierrez; Ward IV - Cathleen McEwen; Bill Cahill

Cc: City Council; Betsey Hale; Terry Andrews; Temp CCMail

Subject: RE: Liam Weston Informational Request

Hello All.....

It wasn't me. I don't know what the concern is about whoever it was. Any publicly advertised meeting is open to recording by anyone, So, whoever did the recording did nothing, NOTHING, illegal nor irregular. Any member of the public, or any member of the council, or anyone from C & W would have placed a ten foot tall tape deck on the table, asking NO permission and recorded the entire conversations. The same fact pertained to the museum meeting with the legislators. So, what's the beef ?

Regards,

Daryle Klassen

EMAIL #5

On Dec 8, 2011, at 3:17 PM,

"Ward III - Hugh McKean" <Hugh.McKean@ci.loveland.co.us> wrote:

This is asinine. As I read these emails it all boils down to, "It wasn't me". That said, it wasn't me. Daryle, you make a great point and one that I wholeheartedly agree with. These are public meetings and so, instead of someone taking notes on a pad there may be a recording to memorialize the conversations. Maybe for that individual that is a good thing and provides a very accurate record of what is said, by whom and when. Probably not a bad idea. However it does make difficult staff responses to information requests if there is not a good after action report about what was discussed. Bill, is this something that we should incorporate into the process of meetings such as this, when posted and open to the public, some sort of record so that staff can refer back to whatever were the topics discussed?

Not a problem by any measure.

Hugh

Hugh McKean
Loveland City Council
Ward III
970-581-3754

EMAIL #6

From: Mayor - Cecil Gutierrez

Sent: Thursday, December 08, 2011 5:25 PM

To: Ward III - Hugh McKean

Cc: Ward I - Daryle Klassen; Ward IV - Cathleen McEwen; Bill Cahill; City Council; Betsey Hale; Terry Andrews; Temp CCMail

Subject: Re: Liam Weston Informational Request

My initial response was intended as humor. Poor humor obviously. I don't care who is recording because I will always say what I have to say. I have nothing to hide, so as far as I'm concerned, record away oh "masked recorder," no matter your motives.

Cecil

EMAIL #7

From: Ward II - Joan Shaffer
Sent: Tuesday, December 13, 2011 11:39 AM
To: Mayor - Cecil Gutierrez; Ward III - Hugh McKean
Cc: Ward I - Daryle Klassen; Ward IV - Cathleen McEwen; Bill Cahill; City Council; Betsey Hale; Terry Andrews; Temp CCMail
Subject: RE: Liam Weston Informational Request

I find this all quite disheartening. In my first two years on council, I thought we as representatives of our community have done an admirable job of learning to work together, respect differences, cross divides, and pull in the same direction for the people of Loveland. While taping public meetings is not illegal, and I don't fear what might be recorded, the practice of doing so for release to the press or a blogger for no other purpose but to stir up ill will and apparent distrust of fellow councilors is sad, indeed.

Joan

EMAIL #8

From: Ward II - Phil Farley
Sent: Tuesday, December 13, 2011 3:17 PM
To: Ward II - Joan Shaffer; Mayor - Cecil Gutierrez; Ward III - Hugh McKean
Cc: Ward I - Daryle Klassen; Ward IV - Cathleen McEwen; Bill Cahill; City Council; Betsey Hale; Terry Andrews; Temp CCMail
Subject: RE: Liam Weston Informational Request

I find myself in agreement with Cecil and Joan. While I have no issue with the recording of any posted meeting, I find it very surprising that someone would do it such an underhanded manner.

Rotary gives us an excellent set of guiding principals would work well with us.

I quote the Rotary Four Way Test:

Of the things we think, say or do

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it be beneficial to all concerned?
4. Will it build good will and better friendships?

The "secret" recording of our public meetings appears to violate these simple principles.

If someone want's to record our meetings, please be above board and honor the integrity we expect from us all. I'm confident that the recording of a meeting will not change the way we speak, but it could build a level of distrust that has the potential of interfering with good, open communication.

Best regards,

Phil

Phil Farley
City Council
Ward II
775 Rossum Drive
Loveland, CO 80537
Voice: (970) 667-1257
Email: Phil.Farley@ci.loveland.co.us

EMAIL #9

From: Ward I - Daryle Klassen

Sent: Tuesday, December 13, 2011 11:11 PM

To: Ward II - Phil Farley; Ward II - Joan Shaffer; Mayor - Cecil Gutierrez; Ward III - Hugh McKean

Cc: Ward IV - Cathleen McEwen; Bill Cahill; City Council; Betsey Hale; Terry Andrews; Temp CCMAIL

Subject: RE: Liam Weston Informational Request

Hello All !

As the former owner of a news media, and operating a news room for 13 years which at one time was named Colorado's news station of the year, followed the following year with my news director, Mr. Keith McCord (a present news TV anchor in Salt Lake City for the past 23 years), there is NO, REPEAT NO need for any person in a publicly advertised meeting of public officials to declare, nor reveal any recording device. Check the law. Whoever did this recording did nothing illegal nor clandestine. My only criticism of whoever, was their choice of the recording device. The sound quality was horrible. There was nothing underhanded in what happened. I believe in transparency.

Regards, Daryle Klassen, Ward One

EMAIL #10

From: Ward II - Phil Farley

Sent: Wednesday, December 14, 2011 7:08 PM

To: Ward I - Daryle Klassen; Ward II - Joan Shaffer; Mayor - Cecil Gutierrez; Ward III - Hugh McKean

Cc: Ward IV - Cathleen McEwen; Bill Cahill; City Council; Betsey Hale; Terry Andrews; Temp CCMAIL

Subject: RE: Liam Weston Informational Request

I also believe in transparency. We are not talking about legality only how we should demonstrate transparency to each other and the public. I don't think that a clandestine(to use your word) recording establishes the kind of mutual trust I would like to see nor does it establish the kind of relationship we want to engender with our business partners.

Best regards,

Phil

Phil Farley

City Council

Ward II

775 Rossum Drive

Loveland, CO 80537

Voice: (970) 667-1257

Email: Phil.Farley@ci.loveland.co.us

EMAIL #11

From: Ward I - Daryle Klassen
Sent: Thursday, December 15, 2011 2:37 PM
To: Ward II - Phil Farley
Subject: RE: Liam Weston Informational Request

Phil,

As I was told by my first speech broadcast and journalism teacher, "There is no such thing as a dead microphone." Because we do not particularly like what the blogger had to say (and that includes me), we then try to make an issue out of a microphone that was or was not in sight. This seems to imply that what we might, or might not say, has to do whether there is a microphone in sight. This in sight, or out of sight is a non-issue. A public meeting Of public officials, duly advertised, does not require anyone to hold the microphone up in the air for all to see. Enough spin on this. I'm wondering if we learned anything by the \$25,000 we recently spent. Yes, we are talking about legality. Totally. Daryle Klassen

EMAIL #12

From: Ralph.Trenary@ci.loveland.co.us
To: coloklas@msn.com
CC: CCouncil@ci.loveland.co.us; cahilb@ci.loveland.co.us; TEMPCC@ci.loveland.co.us
Date: Thu, 15 Dec 2011 15:57:36 -0700
Subject: RE: Liam Weston Informational Request

Councilor Klassen,

I am concerned by the content and consistency of your position on these deceptive and damaging recordings. Let me convey my highest assurance that I have yet to see any evidence or argument that would lead me to consider dismissing, ignoring nor forgetting what has been done to this Council.

It is the absolute truth that on Nov 29 the blogger was not present. To date there is no admission of who was acting as the agent/source of the blogger. This is deceptive.

Unless you are implying that one of our guests or city staff were the agent of this blogger, then we are regrettably facing the likelihood that a member of City Council made the recording. This strikes me as a betrayal of professional conduct and fiduciary trust amongst the members of the Council.

To deny this as the situation of Nov 29 implies that the recording was made by an unknown person outside of that meeting room. That would constitute clandestine surveillance and imply the use of specialized technology. A new factor that could result in further investigation as it removes the present at the meeting or party to the conversation exemption.

I object to your inference that criticism of these secret recordings is a recurrence of errors made during Executive Session and then subjected to a lawsuit. Irrelevant. The sequence of events, circumstances and actions of those present show no similarity.

Failing to cross the line into illegal conduct does remove the fundamental conclusion that the creation of the Nov 29 secret recording by a member of the Council was wrong. I have yet to see any desire for an investigation aimed at any finding of civil or criminal wrong-doing.

I am reassured by numerous expressions that regardless of the cloak of legality, the Nov 29 secret recording was wrong. My fundamental standards of moral and ethical conduct do not allow me to condone letting this slide by without protest and condemnation.

Sincerely,

Ralph Trenary

City Councilor - Ward 4
Loveland, Colorado
Ralph.Trenary@ci.loveland.co.us<mailto:Ralph.Trenary@ci.loveland.co.us>;
City voice message 970-962-2197
970-213-9224 cell/v-mail/text
Alternate email - Trenary4Loveland@gmail.com

Facebook - Ralph Trenary – City Councilor, Loveland, Colorado

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EMAIL #13

From: Daryle Klassen <coloklas@msn.com>
To: Ward IV - Ralph Trenary <Ralph.Trenary@ci.loveland.co.us>; City Council <CCouncil@ci.loveland.co.us>; Bill Cahill <cahilb@ci.loveland.co.us>
Subject: RE: Liam Weston Informational Request
Date: Thu, 15 Dec 2011 16:58:34 -0700
Ralph:

Ok, let's just keep up this tripe. I will address your response sentence by sentence. For these recording(s) to be deceptive, they would first have to be illegal. They were not. Damage to council? Only to their ego, hearing some things they don't want people to hear in a publicly advertised meeting. It is your choice to not ignore and consider them damaging.

So the Blogger was not present. So What? No admission of who was acting as the source. So What? Deceptive? I sent reporting agents into the world on thousands of occasions to bring me recording and information for my editing and reporting. Nothing deceptive or illegal.

I made no implications of any kind as to who made the recording. It doesn't matter who made the recording. No illegal activity took place. There is no such thing as clandestine surveillance of a publicly advertised meeting of elected officials. This cannot happen. The use of specialized technology would be totally legal. You seem to forget.....this was a publicly advertised meeting of elected officials. No illegal recording, by any one, with any sort of technology could take place. You don't seem to understand this. The recording being made by a known or unknown person has no bearing.

You may object to my criticism of these recordings being referenced to another lawsuit which cost us a minimum of \$25,000. There are similarities. Both have to do with recordings and actions and associated legalities. I was being harshly criticized in that situation also, only to eventually learn I was correct. You were not there. But you are free to object even without knowing.

You refer to the November 29 meeting as having a "secret" recording. A secret recording could not have existed because no such requirement existed for any recording maker to hold up their hand and their microphone and say...."Hey Lookie here. I'm making a recording" You and I may have preferred that such person do so, but no requirement exists for them to do so. I finally see an admission from you that says....."I have yet to see any desire for an investigation aimed at any finding of civil or criminal wrong=doing."

You may conclude as you are totally free to conclude that the November 29th recording was wrong. You may adhere to YOUR fundamental standards of moral and ethical conduct as you see fit and protest and condemn to your heart's content.

I will abide by the law as best I know and defend, stoutly, those laws, even when they touch someone's sensibilities.

Regards, Daryle Klassen