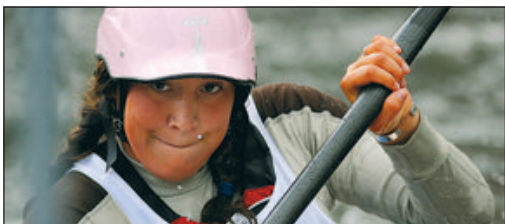


**TODAY'S QUICK 'CAST**  
Afternoon storms possible  
**TOMORROW**  
Late-day thunder. High of 75 and low of 50.  
Full forecast on Page C8



73  
53

**SPORTS, B1**  
**WET AND WILD**  
**TIMES IN LYONS**  
Kayakers hit the slalom course



**SUNDAY LIFE, C1**  
**LOCAL ROTARY**  
**URNS 90**  
Members carry organization

# TIMES-CALL

No. 165 SUNDAY, JUNE 14, 2009 | LONGMONT, COLORADO \$1.25

## IN THE NEWS

### Body found in Boulder Creek ID'd as Longmont man

**BOULDER** — The body of a man pulled from Boulder Creek on Friday has been identified as 52-year-old Michael Thomas Reagan of Longmont, according to the Boulder County Coroner's Office.

The coroner identified Reagan on Saturday. According to the coroner's office, no foul play is suspected, but the cause and manner of death has not yet been determined.

Reagan's body was found at about 5 p.m. Friday by a father and son walking along the bike path on the west side of Folsom Street, police said. The two called 911 and alerted others nearby, who pulled the body from the creek.

Police say Reagan did not appear to be dressed for recreational water activities. It is not known how long he was in the water.

### Ahmadinejad victory rejected by U.S.

**NIAGARA FALLS, Ontario** — The U.S. on Saturday refused to accept headline President Mahmoud Ahmadinejad's claim of a landslide re-election victory in Iran and said it was looking into allegations of election fraud.

Any hopes by the Obama administration of gaining a result similar to Lebanon's recent election, won by a Western-backed moderate coalition, appeared to be in jeopardy.

MORE FROM IRAN, D1

### North Korea vows to construct more nukes

**BEIJING** — North Korea, calling itself a "proud nuclear power," vowed Saturday to forge ahead with its nuclear program in defiance of the latest United Nations sanctions resolution.

In a statement released by the Foreign Ministry, North Korea said it intended to weaponize its remaining stockpile of plutonium and to pursue uranium enrichment.

Bluster is the stock and trade of the government's propaganda machine, but coming on the heels of an apparently successful nuclear test May 25, the threats are chilling.

**WHAT IF A NUCLEAR BOMB WAS DETONATED? FIND OUT ON PAGE D1**

### Hospitals wary of Obama's health cuts

**WASHINGTON** — President Barack Obama said Saturday he wants to help pay for his health care overhaul by slowing Medicare and Medicaid spending, but hospitals, medical technicians and others are resisting.

The president suggests trimming federal payments to hospitals by about \$200 billion over the next 10 years, saying greater efficiencies and broader insurance coverage will justify the change.

Hospitals say the proposed cuts are unfair and will harm the sick and elderly.

Times-Call staff and wire reports

# AN EMPTY INBOX

New Message

Inbox (7 new messages)

Inbox

Junk E-mail

Calendar

Contacts

Folders

Public Folders

### City Council e-mail

City Council e-mails are public documents, but Longmont leaders are not consistently making those e-mails available to the public. Six Longmont City Council members use private e-mail addresses for their city-related e-mails, and the council members are not following the city policy to make the messages available to residents who may want to keep track of what their elected officials are reading, writing and doing.

**Mary Blue** (maryblue@msn.com)  
E-mails in public inbox: 43  
E-mails after T-C request: 73\*

**Karen Benker** (karenbenkerlg@earthlink.net)  
E-mails in public inbox: 195  
E-mails after T-C request: 810\*

**Brian Hansen** (council\_hansen@hotmail.com)  
E-mails in public inbox: 0  
E-mails after T-C request: 1,422\*

**Sarah Levison** (levison4longmont@yahoo.com)  
E-mails in public inbox: 76  
E-mails after T-C request: 1,842\*

**Sean McCoy** (seanmccoycc@q.com)  
E-mails in public inbox: 9  
E-mails after T-C request: 521\*

**Gabe Santos** (gabe.santos@ci.longmont.co.us)  
E-mails in public inbox: 1,145  
E-mails after T-C request: 1,526\*

View Messages

< Page 1 of 2 >

"I think everybody (on the council) should have transparency in communications. Obviously, that is probably not being done to the extent it should."

**Roger Lange** (roger\_lange@qwest.net)  
E-mails in public inbox: 19  
E-mails after T-C request: 1,611\*

"I might have been a little negligent in the beginning just because I wasn't used to it. I have been doing everything I can to keep up with it."

"I'll go ahead and make the switch (to a city e-mail) just to be open and transparent, just so everyone can take a look at the e-mails I get. If there's any doubt, I'll take that next step."

Hansen did not respond to numerous requests, by phone and in person, for an interview.

"If you're going to be zealous about your e-mail, you might not be as well prepared to do your public duty — the other part of your public duty."

McCoy declined to comment for this story.

"I thought it was very awkward that we would have to provide our own e-mail address. Just in the back of my mind it just bothered me."

\*There were 1,487 e-mails in the City Council public inbox March 17. These e-mails dated back to Jan. 5. The Times-Call then submitted an open records request for all e-mails in each council member's account. That request netted 7,805 e-mails, some of which date back to 2006. Because of the format in which the T-C received the files, there is no way to tell how many of those e-mails arrived in council members' e-mail accounts between Jan. 5 and March 17.

Times-Call

## CITY POLICY

**City Council E-mail Messages policy:** Any electronic correspondence, except confidential information, sent to or by the City Council shall also be deposited in the City Council's public electronic mailbox by forwarding or copying the e-mail to city.council@ci.longmont.co.us.

City Council members receiving e-mail from the public regarding city business should forward a copy of that e-mail to this public information mailbox unless the person sending the correspondence has specifically expressed a desire to have the correspondence remain private.

Internal mail system users corresponding with the entire City Council may select "City Council & Mayor" from the city's internal address book and the e-mail correspondence will automatically go into the appropriate public mailbox. The City Council's public e-mailbox will be maintained by the City Clerk in accordance with this policy.

## COLORADO OPEN RECORDS ACT

**24-72-203. Public records open to inspection.** b) Where public records are kept only in miniaturized or digital form, whether on magnetic or optical disks, tapes, microfilm, microfiche, or otherwise, the official custodian shall:

(I) Adopt a policy regarding the retention, archiving, and destruction of such records; and

(II) Take such measures as are necessary to assist the public in locating any specific public records sought and to ensure public access to the public records without unreasonable delay or unreasonable cost. Such measures may include, without limitation, the availability of viewing stations for public records kept on microfiche; the provision of portable disk copies of

computer files; or direct electronic access via on-line bulletin boards or other means.

**24-72-204.5. Adoption of electronic mail policy.** (1) On or before July 1, 1997, the state or any agency, institution, or political subdivision thereof that operates or maintains an electronic mail communications system shall adopt a written policy on any monitoring of electronic mail communications and the circumstances under which it will be conducted.

(2) The policy shall include a statement that correspondence of the employee in the form of electronic mail may be a public record under the public records law and may be subject to public inspection under section 24-72-203.

## Council e-mails tough to find

By Rachel Carter  
Longmont Times-Call

**LONGMONT** — In a back room at the city clerk's office sits a computer where anyone can sort through Longmont City Council members' e-mails.

Problem is, all of the e-mails that are supposed to be there aren't.

Six of the seven council members haven't been following the city's own policy that requires them to send every one of their e-mails to an inbox where the public can access those files — which are, by law, public documents. Those council members have been violating Colorado

Please see **E-MAILS** on A5

## 'Lot of room for error' built in

By Pierrette J. Shields  
and Rachel Carter  
Longmont Times-Call

**LONGMONT** — Mayor Roger Lange wants Longmont City Council members to switch to city e-mail addresses.

Using private e-mail addresses for council communications — which are, by law, public documents — isn't working, and Lange even acknowledges he hasn't been following the city's own policy for council e-mails.

"I think everybody (on the council) should have trans-

Please see **LOT OF ROOM** on A5

## Hundreds join for Carbon Valley walk against cancer

By Scott Rochat  
Longmont Times-Call

**FREDERICK** — Sometimes rain fell. Sometimes lightning flashed. The walkers kept going.

After all, this was the Relay for Life. Walking against cancer was worth a few raindrops.

"Lives are truly being saved

by your being here," said Sarah Dakin, one of the event's organizers, as crowds gathered Friday for the Carbon Valley walk at Frederick High School.

"You're not just here for a party."

Now in its 25th year nationally, the annual relay raises money for the American Cancer So-

Please see **WALK** on A6



## NOSE TO NOSE

Lily, a Labradoodle, checks out Reese Cupkins, a guinea pig, during Longmont's annual Pet and Doll Parade in Roosevelt Park on Saturday.

Lewis Geyer/  
Times-Call

## INSIDE

<b>C3</b> Business	<b>C1</b> Life	<b>D2</b> Obituaries	<b>C2</b> Sudoku
<b>D3</b> Classifieds	<b>A3</b> Lottery	<b>A4</b> Opinion	<b>A7</b> T-C Line
<b>C2</b> Crossword	<b>A6</b> Movies	<b>B1</b> Sports	<b>A6</b> Things to Do

Have a news tip? Call 720-494-5435 or e-mail [newstips@times-call.com](mailto:newstips@times-call.com).  
For subscription or home delivery questions, call 303-684-5358.  
To place a classified advertisement, call 303-776-2244.



6 66467 10002 0

## DID YOU KNOW...

our John Hobart Collection watches come with **free** battery replacement for life!



**SNYDER JEWELERS**  
Third Generation • Established 1948

2201 KEN PRATT BLVD. LONGMONT • (303)776.2992 • [WWW.SNYDERJEWELERS.COM](http://WWW.SNYDERJEWELERS.COM)



# E-MAILS: One council member has a city address

From A1

open-records laws, according to a Denver media attorney.

Only one council member has a city e-mail address that routes council messages automatically into a publicly accessible inbox. The rest have a grab bag of e-mail accounts: Hotmail, Yahoo, Qwest, Earthlink, MSN and q.com.

Until mid-April, none of them had a city e-mail address. Gabe Santos, who was using gabe@gabe.santos.com, switched to a city address — gabe.santos@ci.longmont.co.us — on April 13.

Per state law, City Council members' e-mails are public records that must be available for public inspection. City policy requires City Council members to copy or forward any message (except those with confidential information) they receive or send to the public mailbox at city.council@ci.longmont.co.us — a policy six council members weren't following consistently.

The public mailbox contained 1,487 e-mails on March 17, dating back to Jan. 5. The city keeps e-mails in that inbox, where residents can read them, for 60 days before the system automatically deletes older messages.

Of those, the number of e-mails that each council member had forwarded ranged from zero messages from Brian Hansen to 1,145 from Santos.

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.

"Let's say the city had one office where the public



Richard M. Hackett/Times-Call

City Council, from left: Brian Hansen, Sean McCoy, Karen Benker, Mayor Roger Lange, Mary Blue, Sarah Levison and Gabe Santos.

could show up and review public documents, but the City Council puts only half of the documents in that office and keeps the other half in their living rooms," Zansberg said. "You don't go to their house and say, 'I'd like to look at those documents.' They're denying access to records that are public records."

To corral the rest of the messages, the Times-Call submitted an open-records request for all e-mails in each council member's account. Once the city completed that request, the total number of messages in the public inbox jumped to more than 7,800.

But getting those e-mails proved to be difficult because each council member has a private account. And

once in hand, the files were hard to access and read, and all but impossible to sort and compare to the 1,487 messages that were in the council's public inbox on March 17.

So why does each council member use a private account, and why hasn't the city given each council member a city e-mail address? Because the technology had not been readily available — or useable — until recently, officials say.

The city started providing e-mail accounts to council members in the late 1990s, back in the dial-up days when e-mail addresses were through an Internet provider, such as Earthlink or AOL, assistant to the city manager Sandi Seader said. The city didn't have the

technology to give each City Council member his or her own city e-mail address that they would be able to check from home.

At the time, remote access — which would allow City Council members or city employees to log into their city e-mail accounts from home — was not secure and was not user-friendly, Seader said — which is how council members ended up with a variety of non-city e-mail addresses.

For years, the city's Lotus Notes e-mail software didn't allow remote access, Longmont chief information officer Jim Wall said. That changed within the past couple years, but the Web-based access was "very clunky" and difficult to use,

Wall said. So the city still didn't switch council members to city e-mail.

In November, the city upgraded to Lotus Notes 8, a version that features usable, secure, browser-based remote access, Wall said.

The new version makes telecommuting available to all city employees — and remote e-mail access available to all City Council members.

But the city didn't switch over council members' e-mail accounts with the upgrade, which was complete in January. That was, in part, because some council members have used their e-mail addresses for years, and people are familiar with those addresses, Seader said.

The city in late January

gave all seven council members the option to switch to city e-mail addresses, Seader said. Only Santos did.

He continued to manually forward his e-mails to the public inbox as he began testing his new city e-mail address in January.

In all fairness, Seader said, council members who were elected in November 2007 asked for direction about setting up their City Council e-mail accounts, but the city did not have a good option to provide public accounts to the council.

Seader said any City Council members elected this November will automatically get city e-mail addresses.

But the city has no plans to switch current council members to city e-mail, Seader said. She couldn't answer what the city would do if a new council member was elected and asked to use a personal e-mail address — or if a current council member was re-elected and wanted to keep his or her current e-mail account.

"Our role is to support them in whatever they feel they need; it's rare that we dictate back to them how to do things," Seader said. "But this is a different issue, and we probably should have considered it differently; I'm willing to admit that."

Zansberg said switching council members to city e-mail addresses "certainly would be conducive to making public documents available for public inspection."

"I don't think there's a cost to it, and it would seem — particularly in light of the knowledge that this other system isn't working — that the city should," Zansberg said.

Rachel Carter can be reached at 303-684-5216 or rcarter@times-call.com.

## OPEN RECORDS REQUEST DIFFICULT TO FULFILL

LONGMONT — The Times-Call submitted a Colorado Open Records Act request March 24 for all e-mails from each Longmont City Council member's account, giving the city until April 4 — seven more days than the three required by law — to round up the messages.

Longmont city clerk Valeria Skitt said that when her office received the newspaper's request, she planned to burn each council member's e-mails to a disc. But that didn't work with some accounts. So Skitt told council members that either they could forward their e-mails to the public inbox — at city.council@ci.longmont.co.us — or employees would do it for them if they provided passwords to their accounts.

Benker and McCoy opted to

forward their own, Skitt said.

City staff forwarded Hansen, Lange and Levison's e-mails.

Santos chose to burn his e-mails to a disc, which city staff then uploaded into the public inbox. Blue had been managing her account, Skitt said, copying e-mails into the public inbox when she responded (although not when she received e-mails, per city policy) and deleting others.

But as employees started forwarding the e-mails to the city's public-access inbox, they were locked out of some of the accounts.

Sending massive numbers of messages triggered the e-mail provider's spam settings, locking them out of Hansen's Hotmail account and Levison's Yahoo accounts.

"It was whatever we could do, and then we got closed out (of the

account)," Skitt said. "Then we'd come back the next day and start over."

So, the city asked for more time. The Times-Call agreed to extend the deadline to noon April 8. Skitt estimated her staff spent about two hours a day for about two weeks fulfilling the Times-Call's open-records request.

State law assumes that public records should be made available "within a reasonable time" that "shall be presumed to be three working days or less." The law says that deadline can be extended if "extenuating circumstances exist," but "such period of extension shall not exceed seven working days."

It took the city 11 business days to fulfill the request.

When the clerk's office finished the task, the public inbox held more than 7,800 e-mails.

Because those e-mails were forwarded rather than saved to a disc, each message was stamped with the day it was sent to the public inbox — making it all but impossible to sort several thousand e-mails by the date they were originally sent or received.

And that made it all but impossible to compare how many of those 7,800-plus e-mails should have been in the public inbox between Jan. 5 and March 17, when the number of e-mails council members had forwarded to that inbox ranged from 1,145 to zero.

Some e-mails dated as far back as 2006, and there is no way to know how many messages council members received between January and March that they already had deleted.

Once the city finished the Times-

Call's open records request, how to get those files in a usable format also became an issue. Because the city uses Lotus Notes and because all the e-mails were sent to the public inbox, burning the messages to a disc wouldn't do any good because the files wouldn't be viewable on a computer without Lotus Notes.

The city can convert the e-mails to a text file, but doing so bogs down each e-mail with lines and lines of coding. Still, it was the only workable option, so the city gave the Times-Call a disc with the e-mails.

On that disc was one, 53-megabyte, 20,664-page document containing the text of the e-mails — a document the Times-Call still is combing through.

— RACHEL CARTER

## LOT OF ROOM: Private e-mail addresses for communications isn't working

From A1

parency in communications," Lange said. "Obviously, that is probably not being done to the extent it should. ... I am quite sure there is a better way to do it, and that is if we all get city e-mail addresses."

Some council members say they didn't understand the city's e-mail policy. Some say it is too time-consuming. Others wouldn't say anything.

While e-mail messages sent to and from the Longmont City Council about city business are public documents, council members said Longmont's system puts the burden on them to make sure the documents are available to the public.

The six City Council members who use private e-mail addresses are supposed to forward e-mails — sent to or by council members — to a public city account.

A Times-Call review of those e-mails showed that council members did that to varying degrees, and one councilman did not forward any messages to the account.

As of late January, city e-mail addresses were made available to council members. Councilman Gabe Santos is the only one of the sev-

en members to request a city address, which takes the responsibility of forwarding messages to the public account out of his hands.

"I thought it was very awkward that we would have to provide our own e-mail address," Santos said. "Just in the back of my mind, it just bothered me."

He said he found it difficult and cumbersome to re-member to forward city-related e-mails out of his personal account and into the shared inbox.

"There was a lot of room for error," Santos said.

Santos said he's aware of the public nature of government-based work based on his experience working in federal and state government and that, as an elected official, his correspondence is available to the public.

Lange and Councilwoman Mary Blue both believed they only had to send copies of e-mails to which they responded to the public account. City policy requires that received e-mails — answered or unanswered — also must be sent to the public account.

"A lot of times, I will get an e-mail directed to me only," Lange said. "I just read it. That is where it ends."

Blue said she has had trouble with the system but

has tried to improve.

"I might have been a little negligent in the beginning just because I wasn't used to it. I have been doing everything I can to keep up with it," she said.

Blue said she doesn't see the need for an official city address and did not sign up when one became available to her.

"I drug my feet and it is not because I wanted to withhold any information or carry on any secret conversations with people," she said. "I am 71 years old and I am doing well with one e-mail address."

If city e-mail addresses became mandatory, Blue said, she would make the switch.

"If it is a requirement, I am going to follow the city directive," she said.

Still, Blue said she doesn't believe a city e-mail address would prevent an official from skirting the law if he or she wanted to.

"There are always ways to get around stuff if you don't want to comply," she said.

Councilwoman Karen Benker had not been following the policy, she said, because it wasn't made clear to her when she was appointed to the council in 2005.

Now that she has discussed the policy with the

city attorney, she follows it, Benker said.

The current system might not be the best, but it's satisfactory, Benker said, and she doesn't think it would make "much of a difference" to switch all council members to city e-mail addresses.

Still, she plans to ask for one in the near future.

"I'll go ahead and make the switch just to be open and transparent, just so everyone can take a look at the e-mails I get," she said. "If there's any doubt, I'll take that next step."

Both Benker and Councilwoman Sarah Levison pointed out that, in November 2007, they asked to be assigned city e-mail addresses and were told that wasn't an option.

Now that it is, Levison doesn't know whether she will ask for one.

Levison said when she replies to an e-mail, she copies it to the public inbox. She does her best to forward her messages there, Levison said, but assumed that city staff copied e-mails they send to the council to the public inbox and that it wasn't necessary to forward the "blanket" e-mails she gets from policy institutes.

She said not all council members have the "luxury of time" to copy or forward

every single message they receive, and she doesn't search through her junk e-mail folder for diverted messages.

"Something needs to be set up to make it efficient and not make e-mail burdensome," Levison said.

But she doesn't want to switch to a city e-mail because hundreds of people use her current Yahoo address. And many city materials, including her business cards, would have to be reprinted.

Levison said she might consider getting a city e-mail address, but it has not been a priority. Her priorities are reading the council packet each week and being prepared to do the public's business at meetings, she said.

"If you're going to be zealous about your e-mail, you might not be as well prepared to do your public duty — the other part of your public duty," she said.

Councilman Brian Hansen forwarded no e-mails to the public account between January and March. He did not respond to the Times-Call's numerous requests — by phone and in person — for interviews on the issue.

Councilman Sean McCoy declined to comment on the topic after a reporter asked

him for an interview.

Longmont city clerk Valeria Skitt said she and her staff, while going through the council's e-mails to fulfill a Times-Call's open records request in March, didn't see anything that suggests the council is conducting public business outside of public meetings.

"There's nothing covert happening with the e-mail; it's just not easily accessible to the public," Skitt said.

Mayor Lange said he has no reason to worry that any council members have abused the current system.

But he said he would now like to get a city e-mail address and would like to see the entire council do the same.

In his work with councils from other cities, he said he's not aware of another city where the council uses private addresses for public business.

"We can have a better system, and we should," he said. "I think it would be my desire that we are all on the same page. ... It is in the best interest to do it, then you don't have to worry about it."

Pierrette J. Shields can be reached at 303-684-5273 or pshields@times-call.com. Rachel Carter can be reached at 303-684-5216 or rcarter@times-call.com.