

May 9, 2017

Town of Calhan
Town Hall/Clerk
556 Colorado Avenue
Calhan, CO 80808

Town Attorney for the Town of Calhan, Jeff Parker

Attn: Records Managers VIA ELECTRONIC MAIL ONLY

Re: Open Records Act Request

Dear Records Manager for the Town Clerk and Town Attorney for the Town of Calhan:

Pursuant to the Colorado Open Records Act (“CORA”), COLO. REV. STAT. §§ 24-72-201 *et seq.*, I hereby request a copy or reasonable opportunity to inspect the following records:

All records concerning any or all of the following matters / items:

- a. Work conducted or efforts in progress concerning the “procedures, including revisions to its procurement process” that are stated to be implemented for the Town of Calhan as outlined in the communication dated January 18, 2017 from Jefferson H. Parker, Town Attorney, to Justin Bailey and David Hannum, Sanders Law Firm, LLC.

I hereby request an opportunity to inspect all records (electronic, written, or otherwise) that fall within the above-described categories. I request a reasonable opportunity to inspect all written and electronic documents related to these subjects, including but not limited to reports, correspondence, memoranda, electronic mail messages, and handwritten notes.

If you determine that portions of any records covered by this request are exempt from disclosure, please separate the exempt portions from the nonexempt portions and provide us with access to the nonexempt portions. Bearing in mind that exceptions to the Open Records Act should be narrowly construed, *Freedom Newspapers v. Tollefson*, 961 P.2d 1150 (Colo. App. 1998), please provide me with a specific description of any record or portion of the record you determine to be exempt, along with a particularized description of the legal bases for withholding it. COLO. REV. STAT. § 24-72-204(4).

Release of the records sought by this CORA request will serve the public interest by substantially

Town of Calhan
Attn: Records Manager or Town Clerk
Re: Colorado Open Records Act Request
May 9, 2017
Page 2 of 2

contributing to the public's understanding of the Town of Calhan's policies related to resource planning. I will make any information received in response to this CORA request available to members of the public as appropriate. Therefore, I hereby request a waiver of any fees for this CORA request. If this request is denied, please do not incur any expense in excess of \$50 without receiving specific authorization from me in advance.

I look forward to your prompt response as required by law. The preference is to receive the response to this request in electronic form, but if necessary, some or all may be made in paper form, directed to the address listed below.

Please feel free to call me, Leslie Weise directly at cell phone (303) 523-0016 if you have any questions. Thank you very much for your assistance.

Sincerely yours,

/Leslie Weise/

Weise Consulting
17780 Caribou Drive
Monument, Colorado 80132
Weise.us
Cell: 303.523.0016

Cc: Justin T. Bailey
David W. Hannum, Sanders Law Firm, LLC

----- Forwarded Message -----

From: "townclerk@calhan.co" <townclerk@calhan.co>
To: 'Leslie Weise' <leslie@weise.us>
Cc: 'Jeff Parker' <jhparker@hpwclaw.com>
Sent: Tuesday, May 9, 2017 1:29 PM
Subject: RE: Colorado Open Records Request - May 9, 2017

Ms. Weise,

I have attached a revision to the employee manual and a revision to the purchasing policy that were approved at the Board of Trustee's regular meeting on May 8, 2017. I have also attached section 12 of the purchasing policy that is on the June agenda to be approved by the Board.

Cindy Tompkins, CMC
Town Clerk

From: Leslie Weise [mailto:leslie@weise.us]
Sent: Tuesday, May 09, 2017 11:31 AM
To: jhparker@hpwclaw.com; townclerk@calhan.co
Cc: Justin Bailey <justin@perrysanderslaw.com>; David Hannum <david@perrysanderslaw.com>
Subject: Colorado Open Records Request - May 9, 2017

Dear Ms. Tompkins and Mr. Parker,

Please see the attached request for records to the Town of Calhan's Town Attorney and Town Clerk under the Colorado Open Records Act.

Thank you.
Leslie



responsibilities, or which could be construed as a reward for action taken in the course of official duties.

- Present a proposed procurement contract with a potential vendor, contractor or businesses to a departmental committee or Town Board without disclosing any known family relationship or economic ties the employee or any other town employee has with the potential vendor, contractor or business, as required by the Town's Purchasing and Procurement Policy.
- Authorize or permit use of Town equipment outside for purposes other than those directly related to Town functions without Town Board knowledge and consent.

Salary Advances

- Pre-approved salary advances may be granted to employees for the purpose of allowing the employee to make designated purchases of materials required for the proper performance of such employee's job or employment.
- Upon approval by the Board of Trustees, or their designated agent, of the purchase by the employee of the designated, necessary, employment-related materials or items, a salary advance not to exceed one hundred percent (100%) of an employee's net monthly salary may be made to the employee.
- Salary advances will be repaid by salary deduction at a minimum deduction of ten percent (10%) of each amount advanced. All advances will be repaid at the end of the calendar year; or if employment is terminated, a deduction of the total amount due will be made at the time the final check is issued.

No Smoking Policy

All work areas and break areas at the Town Hall are designated as tobacco free areas. In addition, there will be no tobacco in any town owned vehicle to include Public Works and the Police Department.

Electronic Communication Policy

This policy governs the use of computers, networks, and related services of the Town of Calhan. Users of these resources are responsible for reading, understanding, and complying with this policy. Computers and networks can provide access to resources within and outside the Town of Calhan, as well as

2.3. The Public Works Director shall be responsible for facilities management procurement involving Town of Calhan real property and facilities.

2.4. The Chief of Police shall be responsible for procurement of specialized goods and equipment unique to and necessary for the operation of the police department.

2.5. Procurement Authority and Approval:

2.5.1. Unbudgeted purchases and procurement requisitions of goods and services require approval by the Calhan Board of Trustees (*hereinafter referred to as the "Board"*).

2.5.2. Except for Public Works Department inventory items, budgeted procurement over *one thousand dollars (\$1000)* (~~amended May 9, 2016~~) requires Board approval. Budgeted procurement under *one thousand dollars (\$1000)* (~~amended May 9, 2016~~) shall be at the discretion of the respective Department Heads.

2.5.3. Department Heads shall decide whether to use ~~sole~~ single - source or competitive procurement based on such factors as the nature, scope, and urgency of the procurement action, and which would be most economical, efficient and in the best interests of the Town of Calhan.

3. ETHICAL RELATIONSHIPS ~~WITH VENDORS:~~

3.1 Town employees are obligated to establish and maintain ethical supply/service relations. Acceptance or solicitation of entertainment, loans, gifts, or special consideration from vendors to town employees ~~will is not be~~ permitted.

3.2 When presenting a proposed procurement contract, Town employees are obligated to disclose to the departmental committee and the Board any known family relationships or economic ties Town employees have to potential vendors, contractors or businesses. For purposes of this policy, "family relationship" means spouses, ex-spouses, parents, children, brothers, sisters, brothers- and sisters-in-law, fathers- and mothers-in-law, aunts, uncles, stepparents, stepbrothers, stepsisters, stepchildren; and "economic ties" means any interest including, without limitation, a family member serving as a partner, stockholder, manager or employee of the potential vendor, contractor or business.

4. DEVELOPING PROCUREMENT REQUIREMENTS: The procurement process for goods, services, and/or construction begins by establishing and justifying the need for such procurement, and developing the requirements of such procurement.

12. EXCEPTIONS:

12.1 Cooperative Purchasing: Products or services for which other public agencies have gone through a competitive bidding process and are able to have their bid prices extended to the Town are exempt from the competitive bidding guidelines. The Town may also participate in joint bidding with other agencies if it is in the best interest of Town to do so.

12.2 Sole Source or Single Source Purchases: Purchase of products or services that can be provided by only one supplier or only from one source due to patent, copyright or other issues ("Sole Source Purchase") are exempt from the competitive bidding guidelines. Examples include utility providers, upgrades to existing software, or travel and education expenses. Contracts for the procurement of materials, equipment or services that can be provided by only one supplier based on the technology required or the uniqueness of the materials, equipment or services ("Single Source Purchase") are exempt from the competitive bidding guidelines. Town staff may negotiate a fair and reasonable contract price with the supplier of Sole Source and Single Source Purchase, and approval of the contract is required by the Town Board.

12.4 Emergency Procurement: Emergency purchases that arise from failure to anticipate needs should be avoided. Repeated requests for emergency purchases should be subject to administrative review by the Board. When by reason of emergency or in the interest of public health and safety, it is not feasible or practical to follow standard purchasing and procurement procedures set forth herein, the responsible department head shall execute such emergency procurement action deemed necessary and shall have an electronic mail message sent out to all board members regarding the need for the purchase and the cost. Board members will respond with agreement or not. The purchase shall be affirmed at the next regularly scheduled board meeting.