

# My duty to Salida's citizens



**Eileen Rogers**

Posted: Wednesday, October 11, 2017 6:18 am

by Eileen Rogers

My fiduciary duty is to closely observe budgets and costs and question when funds are not spent wisely. My responsibility as an elected official is to keep Salida's citizens informed.

During council member comments at last week's Salida City Council meeting, I attempted to inform my fellow council members and our citizens of several concerns. Mayor LiVecchi refused to allow me to complete my remarks. Transparency requires that I write this guest opinion.

Colorado State Statute CRS 31-4-101-(2) states: "The members of the city council shall have the management and control of finances." In May 2016 the majority of council members ceded that authority by approving the mayor's scope of work, allowing the mayor, alone, to assign attorney tasks.

Salida's document retention policy requires council to secure "records documenting and ensuring accountability for the receipt and expenditure of public funds." Contracted municipal attorneys must provide timely invoices, including detailed summaries, to be retained for up to seven years in Salida's document depository.

The mayor's interruption negated council members receiving copies of that policy.

Strangely, July and August's attorney invoices contained my name: "No. 313 Council member Rogers' Special Projects." No. 313 refers to six legal documents never included in the city's attorney invoices master files.

While challenging my efforts to secure those documents, Mr. Kahn claimed 12.7 hours and billed the city \$2,872.66. Resolving this problem should have taken less than two hours, had our mayor, in June, allowed me to assist our attorney in locating the missing items.

August's attorney invoice included another irregular title: "No. 272 Elected Official Public Statement." Were comments made by every council member being scrutinized? Nope, just two — Cheryl Brown-Kovacic and myself.

For six months, February through July, City Attorney Kahn scoured The Mountain Mail and the internet searching for anything suspicious. Our spoken and written words were closely examined, looking for "false public statements and admissions against city interests, public misinformation campaign and fake news promulgation by public officials."

Mr. Kahn claimed 47 hours, charging the city \$9,767.23.

Mayor LiVecchi also directed Mr. Kahn to scrutinize a large number of Salida citizens who have spoken during council meetings, written letters to the editor in The Mountain Mail, published comments on the internet and/or filed requests for copies of official documents using a CORA, the Colorado Open Records Act requests application.

This appears to be a direct violation of our citizens' constitutional rights to free speech.

By Oct. 1, Salida's entire legal costs for 2017 totaled \$773,185.13. Pueblo's total legal costs are comparable, with a population 18 times Salida's. Claiming to be too busy, Mr. Kahn frequently uses outside counsel, further inflating those costs.

Direct oversight, including the six council members, is needed to control our hemorrhaging legal costs.

My recommendations include (1) consideration of hiring a full-time municipal attorney for approximately \$150,000 per year and (2) revisiting the mayor's scope of work and returning the responsibility of directing our attorney to include all of our council members and our city administrator.

*Eileen Rogers represents Ward 2 on Salida City Council.*