



City Clerk
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fcgov.com/cityclerk

October 19, 2017

Mark Spencer
Southwest Projects Coordinator
Judicial Watch
MSpencer@JUDICIAL WATCH.ORG

Mr. Spencer,

This letter and several documents are provided in response to your open records request dated Wednesday, October 4, 2017. These records are being provided on a flash drive overnighted to [REDACTED]

There are several documents responsive to your request that will not be disclosed. These records are not disclosed for the following reasons:

- 1) The communications or documents are not “records” in that they meet the definition of “work product” (see Colorado Revised Statutes §24-72-202 (6)(II)(A) and (6)(b)(II) and (6.5)(a) and (b));
- 2) The records are privileged, such as under the attorney-client privilege, or contain confidential commercial information and must not be disclosed pursuant to Colorado Revised Statutes §24-72-204 (3)(a)(IV); and
- 3) The records were submitted by or on behalf of an applicant who is not a finalist and cannot be disclosed pursuant to Colorado Revised Statutes §24-72-204 (3)(a)(XI)(A).

The records custodian has also elected not to disclose some of these documents for the additional reason that they are subject to the deliberative process privilege referenced in Colorado Revised Statutes §24-72-204 (3)(a)(XIII). A privilege log and sworn affidavit from City Manager Darin Atteberry are attached as required by this statutory provision.

Kind regards,

A handwritten signature in cursive script that reads "Christine Macrina".


Christine Macrina
Boards and Commissions Coordinator

October 19, 2017

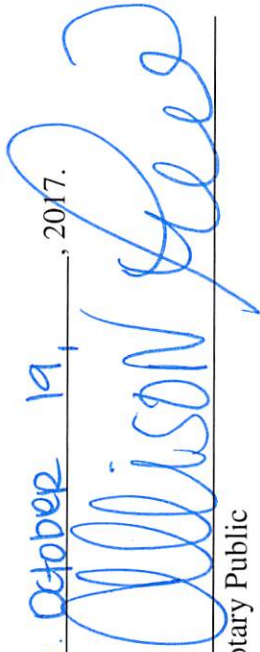
Pursuant to Colorado Revised Statute §24-72-204(3)(a)(XIII), I, Darin A. Atteberry, as City Manager of the City of Fort Collins, Colorado, hereby swear and affirm under oath that the following documents are withheld from a response provided to the open records request made by Mark Spencer of Judicial Watch on or about October 4, 2017 for the reasons described below:

Description of Document	Reason Document Privileged	Description of Substantial Injury to the Public Interest
#1- 9/22/17 Email exchanges between City staff re: inaccuracies in Judicial Watch blog post	Intra-city communication contains candid dialogue regarding the City's response to the blog post and a candidate name is included.	Such material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government.
#2- 9/22/17 Email exchanges between City staff re: 2 draft versions of responses to Judicial Watch blog post inaccuracies	Intra-city communication contains candid dialogue regarding the City's response to the blog post and a candidate name is included.	Such material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government.

<p>#3 9/24/17 Email exchanges between City staff members re: removing police chief candidate's name from communications</p>	<p>Intra-city communication contains candid dialogue regarding references to a candidate in earlier public communication and a candidate name is included.</p>	<p>Such material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government.</p>
<p>#4 9/22/17 Email exchanges between City staff members containing draft public statements in response to Judicial Watch blog post for City Manager's review</p>	<p>Intra-city communication contains candid dialogue regarding the City's response to numerous emails sent by third parties regard the Judicial Watch blog post and a candidate name is included.</p>	<p>Such material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government.</p>
<p>#5 9/22/17 Email exchanges between City staff members containing draft public statements to City Council about police chief recruitment</p>	<p>Intra-city communication contains candid dialogue regarding updating the City Council about the Judicial Watch post and the police chief recruitment and a candidate name is included.</p>	<p>Such material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government.</p>
<p>#6 9/26/17 Chief of Police Recruitment Update with four potential finalists identified and information about options for terminating the agreement with Ralph Andersen and Associates</p>	<p>Intra-city communication contains candid dialogue about terminating the professional services agreement with Ralph Andersen and Associates and a list of four potential candidates who are not finalists.</p>	<p>Such material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government.</p>
<p>#7 6/13/17 Emails between City staff re: drafting press release for City Manager's coffee talk sessions</p>	<p>Intra-city communication contains candid dialogue regarding preparation of City press release.</p>	<p>Such material is so candid that public disclosure is likely to stifle honest and frank discussion within the government.</p>


By: _____
Darin A. Atteberry, City Manager of the City of Fort Collins, Colorado

SWORN and AFFIRMED under oath by Darin A. Atteberry as City Manager for the City of Fort Collins, Colorado, on

THUR. October 19, _____, 2017.


Notary Public

ALLISON LEIGH RECIO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144025233
MY COMMISSION EXPIRES JUNE 25, 2018

My commission expires: June 25, 2018

