

REQUEST UNDER THE COLORADO OPEN RECORDS ACT

January 24, 2022

City of Aspen
c/o Deputy City Clerk
427 Rio Grande Place
3rd Floor
Aspen, CO 81611

BY WEB PORTAL:

<https://www.cityofaspen.com/FormCenter/Clerk-17/Request-for-Public-Records-76>

To Whom It May Concern:

On behalf of Energy Policy Advocates, a non-profit public policy institute, pursuant to the Colorado Open Public Records Act, C.R.S. § 24-72-201 to 206, I hereby request copies of all electronic correspondence and accompanying information, including email, Signal, WhatsApp, Telegram, Instant Messaging, Teams or Skype Chats, also any attachments, that a) was sent to or from or which copies (including cc: and bcc:) i) Ashley Peri, ii) CJ Oliver (Sustainability Director) and/or iii) Mayor Terre, that b) also includes anywhere in an email “thread” or in any attachment(s), one or more of the following, i) @RMI.org, ii) @SWenergy.org, and/or iii) “Elise Jones” (quotation marks indicating only the search term), and c) is dated from September 1, **2021** through January 24, **2022**, inclusive.

We write to you as the party whose “Essential Job Functions [include] Record Management: Researches records requests in response to board/commission and the public inquiries ensuring compliance with CORA. Answers routine questions and provides written material concerning boards/commissions activities and procedures.”

<https://www.cityofaspen.com/DocumentCenter/View/5257/Deputy-City-Clerk-2020?bidId=>

We request that the city conduct a non-conflicted search, as necessary to fulfill its obligation to conduct a reasonable search. A non-conflicted and therefore proper processing of this request does not merely entail asking the employee named in the request if they possess responsive information. We request that the city assert in its response whether that response is based on a search conducted by the faculty identified in the request, or by another party.

Any records meeting this request’s search parameters are inherently related to the employee’s work in a policy position at this public institution.

In the event that the city’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

EPA is a non-profit public interest organization organized under the laws of Washington State, dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. As such, it does not seek these records for commercial purposes. Rather, EPA seeks these records to determine certain uses of taxpayer-funded resources by faculty including to what extent they are used in the performance or pursuit of certain “global warming” related activism, combining political or policy advocacy with dedicated publicly funded resources.

We note the City’s fee schedule is based on copying charges for pages copied, or disk/CDROM/tape. We seek electronic records, and request them electronically, in their native format. As such, there is no reasonable basis for printing paper copies whether for mailing or scanning, or for creating a disk for mailing.

With that said, in the interests of expediting the search and processing of this Request, EPA is willing to pay fees up \$100. Please provide an estimate of anticipated costs in the event that fees for processing this Request will exceed \$100 and the basis therefor.

EPA’s ability to obtain fee waivers is essential to this work. EPA intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. EPA ensures the public is made aware of its work and findings via media, its website epadvocates.org. The public information obtained by EPA have been relied upon by established media outlets, including the Washington Times and Wall Street Journal editorial page.¹

Furthermore, as this matter involves a significant issue of public interest, please produce responsive records as they become available on a rolling basis but consistent with CORA’s prescribed timelines.

To keep costs and copying to a minimum please provide copies of all responsive records in electronic format if you have them (records requested are emails, so this should be all of them).

We look forward to your response. If you have any questions, do not hesitate to contact me by email at Schilling@allhookedup.com.

Sincerely,



Rob Schilling
Executive Director
Energy Policy Advocates

¹ See, e.g., EPA In the News at <http://epadvocates.org/news/>; see also, e.g., Stuart Parker, “Conservative Group Says States’ Ozone Suit ‘Trojan Horse’ for GHG Limits,” Inside EPA, February 24, 2021, and https://www.wsj.com/articles/bidens-backdoor-climate-plan-11616020338?mod=opinion_lead_pos1.