From: John Longley
Sent: Monday, October 06, 2008 1:51 PM
To: Barry Caplan
Cc: cameron hamilton; ; Felipe Martinez; Pedro "Pete" Martinez; Brian Ward; Julia M. Lew; Patrice Hildreth; John Lollis
Subject: RE: Request about council email addresses and public/private business

Mr. Caplan:

I have forwarded your message to the Council, City Attorney, Deputy City Manager and the Chief Deputy City Clerk for their consideration and its disclosure to the public.

John Longley

From: Barry Caplan [mailto:bcaplan@gmail.com]
Sent: Monday, October 06, 2008 10:02 AM
To: John Longley; Julia M. Lew
Subject: Re: Request about council email addresses and public/private business

Mr. Longley and Ms. Lew:

Thank you for the information attached to the Council Agenda for 10/7/2008 (Item 26) regarding Council Email Addresses. I will do my best to attend, but I have a followup question or two in advance of the meeting for Ms. Lew, if I may.

I read your opinion, and while it may be correct, it is hard for me or anyone else to tell on such short notice. There is not a single citation regarding how you came to the conclusion. Can you possibly provide me (and the Council and the public) with your citations well before they are asked to act on Mr. Longley's recommendations so we can all understand that which we are being asked to rely on?

Regardless of scholarship, the sticky wicket is that your opinion absolves some communications form public disclosure, but not all, but does not address how the Public will be able to recover any past communications that should be public, nor does it address how such communications will be kept separate in the future.

Additionally, I noticed that Ms. Lew's opinion is on letterhead of her private firm, but does not disclose the relationship and any conflict of interest (if any) with the City or any other parties involved in the transmission facilities of email.

Such conflicts might include, but not be limited to: ISPs, communications equipment and/or service providers, telephone companies, representing other localities about whom I have pointed out have similar issues, and so on. Not to mention any times you yourself may have communicated with Council Members in either of the categories you mention in your note, via private email, or with others who have had such communication.

Is there a reason why that boilerplate piece is missing?

Best regards,
Barry Caplan