

FOOTNOTES -- TO THE BURLINGAME "BACKSTORY"

General--See a compilation of scores of articles, letters and columns on Burlingame at www.AspenMatters.com. (The website is not being kept current.)

If further details are desired, please contact me. There are scores of additional documents with further details confirming the facts of the story.

(1) Meeting with Mick Ireland, Little Annie's 3.31.08. I expressed concern about inability to locate Burlingame budget by city manager's office. Followed up with Email 3.31.08 expressing concern about staff analysis.

(2) Aspen Times, "At build-out, the subsidy for Burlingame, including construction costs, 'soft costs' like design and engineering work, fees and the installation of infrastructure within the housing site, would total \$62,522 per lot or unit, according to a recent analysis by the city. The subsidy is based on current cost projections and tentative sales prices for the homes and lots."

<http://www.aspentimes.com/article/20050118/NEWS/101180007&parentprofile=search>

(3) Burlingame brochure:

http://www.aspenmatters.com/burlingame/documents/Burlingame_brochure.pdf

(4) April 28, 2008, informal meeting with Barwick, Henderson, Crook during City Council meeting break

(5) GoBurlingame.com screen shots:

<http://theredant.squarespace.com/storage/GBScreenShot.pdf>

(6) After three months of requests to staff, Barry Crook confirms by email that no such study has been found, after I made a formal Colorado Open Records Act Request. June 27, 2008 email.

(7) Aspen Municipal Code Sec. 9.04.080 regarding false statements.

No person shall knowingly make, publish, circulate or cause to be made, published or circulated in any letter, circular, advertisement, poster or in any other writing or on radio or television any **false statement designed to influence the vote** on any issue or election or defeat of any candidate, nor conspire to do so. (Ord. No. 43-1995, § 1 [part])

COLORADO CODE:

[1-13-109. False or reckless statements relating to candidates or questions submitted to electors - penalties - definitions.](#)

(1) (a) No person shall knowingly make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other communication any **false statement designed to affect the vote** on any issue submitted to the electors at any election or relating to any candidate for election to public office.

(b) Any person who violates any provision of paragraph (a) of this subsection (1) commits a class 1 misdemeanor and, upon conviction thereof, shall be punished as provided in section [18-1.3-501](#), C.R.S.

(2) (a) No person shall **recklessly make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other communication any false statement designed to affect the vote** on any issue submitted to the electors at any election or relating to any candidate for election to public office.

Notwithstanding any other provision of law, for purposes of this subsection (2), a person acts "recklessly" when he or she acts in conscious disregard of the truth or falsity of the statement made, published, broadcasted, or circulated.

(b) Any person who violates any provision of paragraph (a) of this subsection (2) commits a class 2 misdemeanor and, upon conviction thereof, shall be punished as provided in section [18-](#)

[1.3-501](#), C.R.S.

(3) For purposes of this section, "person" means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons, including a group organized under section 527 of the internal revenue code.

Source: L. 80: Entire article R&RE, p. 430, § 1, effective January 1, 1981. L. 2002: (2) amended, p. 1464, § 8, effective October 1. L. 2005: Entire section amended, p. 1366, § 1, effective September 1.

(8) "Just the Facts" memo prepared by the City:

Response: As stated previously, the total expected subsidy per unit for Burlingame Phase I was never as low as \$62,523. The only place that statement was made was in the referenced brochure, and it was wrong."

http://www.aspenmatters.com/burlingame/documents/Burlingame_facts.pdf

(9) Aspen Times: "Assistant City Manager Bentley Henderson told the committee on Tuesday not to put much stock in the brochure information but rather in the actual costs of building phase one of Burlingame. Phase one includes 84 units and another 152 are slated to be built as part of phases two and three."

"The brochure was a **marketing piece, it had no basis in reality,**" he said. "I don't think using the brochure numbers is germane."

<http://www.aspentimes.com/article/20080516/NEWS/947399814>

(10) Request to see Mick before the 4.30.08 public meeting.

<http://theredant.squarespace.com/storage/EmailMickApril29.pdf>

(11) Additional offers to see Mick to inform him of Burlingame issues:

<http://theredant.squarespace.com/storage/EmailMickMay14.pdf>

<http://theredant.squarespace.com/storage/EmailMickMay24.pdf>

(11a) Requests made to Barwick for numbers he promised Task Force---never produced.

<http://theredant.squarespace.com/storage/4.30MemoToBarwickAfter4.30meeting.pdf><http://theredant.squarespace.com/storage/4.30ToBarwickOnHisNumbers.pdf>

12) Aspen Daily News: "Mayor Mick Ireland sees a more sinister hand at play in the dust-up over Burlingame's price tag.

"There's an agenda there," he said. "Some of this is to load costs on to make the project look prohibitively expensive."

Nearly half of the cost increases that the city is projecting for Burlingame are because of increases in the cost of construction, Ireland points out."

<http://www.aspendailynews.com/section/home/council-rehashes-bur>

(13) Reconciliation 5.13.08:

http://www.aspenmatters.com/burlingame/documents/bg_Reconciliation_13May2008.pdf

(14) http://www.aspenmatters.com/burlingame/documents/Burlingame_facts.pdf

(15) City Claims "language error:"

<http://aspenmatters.com/burlingame/documents/RecMemo16May08.pdf>

(16) March schedule: (Note that totals on the schedule are significantly understated. BMC property left out of totals.)

<http://theredant.squarespace.com/storage/Affordable%20Housing%20Plan%20FINAL%20DRAFT%2025March2008.pdf>

(17.1) http://www.aspenmatters.com/burlingame/documents/Burlingame_facts.pdf

(17.2) Times, 6.9.2008 (Barwick calling for Citizens Task force to examine; no follow up.)

<http://www.aspentimes.com/article/20080609/NEWS/787295100>

(17.3) May 27th CC meeting Ireland reports that CPAs will do an "investigation" of who prepared the numbers for the brochure and where they came from, and whether there was wrongdoing. (CPAs generally would not undertake such work. Ireland was apparently just trying to calm concerns, and made this unfounded claim.)

(18) “Can you elaborate on who is doing this investigation, their professional skills in the area of such work, and when their findings will be released?” Email to John Worcester 6.11.08

(19) Aspen Times, June 9, 2008 “But what about the Aspen City Council members who were sitting at the table in 2005, when the approvals for phase one of Burlingame were granted?”

Former City Council member Rachel Richards, now serving as a Pitkin County commissioner, said she had talked with the city’s assets manager, Ed Sadler, in 2005 about the numbers in the brochure. Sadler no longer works for the city, and moved to Iowa in 2006.

“I can remember saying to Ed Sadler, ‘These numbers can’t be right,’” Richards recalled on Friday, adding that Sadler told her the numbers were an attempt to “compare apples to apples” when contrasting Burlingame against other, earlier housing projects.

Conceding that she should have pressed Sadler on the point, Richards said, “That wasn’t where I was focused ... and that was a mistake.”

Instead, she said, all her efforts went into debates of the philosophies and policy debates concerning the need for affordable housing.”

<http://www.aspentimes.com/article/20080609/NEWS/787295100&parentprofile=search>

(20) Correspondence on investigations Marks/Worcester:

<http://theredant.squarespace.com/storage/WorcesterMarks6.13.08Inv..pdf>

(21) Letter to Council to request filming:

<http://theredant.squarespace.com/storage/6.6MMtoCConGRTV%20taping.pdf>

(22) Minutes of 6.9.08 Meeting. See Citizen Comments Item 4. DeVilbiss read from my request/notification letter. <http://aspenspitkin.com/uploads/cc.min.060908.htm> (Ireland and Johnson pretended the next day that no such notification had taken place.)

(23) “Aspen City Council was provided notice of Marilyn Marks’ intentions to record Tuesday’s work session prior to the cameras’ showing up, but some council members said they were still upset by the tactic.” See complete article for other references:

<http://www.aspendailynews.com/section/home/council-upset-extask>

(24) “Johnson, Councilman Steve Skadron and Mayor Mick Ireland then became incensed at what they perceived to be a **sneaky ploy** by Marks. Their displeasure was enhanced by the fact that at Monday night’s council meeting, when Marks made the request that the council record all work sessions, the council said they would decide on the proposal at a later meeting.” Aspen Daily News. <http://www.aspendailynews.com/section/home/grassroots-taping-su>

(25) Mayor Mick Ireland said the work session taping reeked of “the 24/7 political campaign,”

<http://www.aspendailynews.com/section/home/grassroots-taping-su>

(26) "(Marks) is using Burlingame as a political wedge issue, plain and simple," Ireland wrote in the e-mail to fellow council members.

<http://www.aspendailynews.com/section/home/mayor-ireland-sees-c>

(27) "I have found that there is an intention on your part to misconstrue what I say," Johnson said. "I think your attempt to record this meeting after our discussion last night is nothing other than an attempt to catch me up and misconstrue or misquote me."

<http://www.aspendailynews.com/section/home/grassroots-taping-su>

(28) <http://aspenmatters.com/governance/documents/mayorIrelandEmailsJune11to14.pdf>

(29) Note: Not one of Ireland's accusations is remotely true:.

<http://www.aspendailynews.com/section/home/mayor-ireland-sees-c>

(30) Worcester response:

<http://aspenmatters.com/burlingame/documents/WorcesterResponse2ndRequest.pdf>

Perry request:

http://aspenmatters.com/burlingame/documents/Worcester_II.pdf

Ireland response:

<http://aspenmatters.com/burlingame/documents/MicksMemoNoInvest.pdf>

(31) Audit reports:

http://www.aspenpitkin.com/pdfs/misc/burlingame/Burlingame_investigation.pdf

(32) Press Release

<http://www.aspenmatters.com/burlingame/documents/FirstPressRelease.pdf>

<http://www.aspendailynews.com/section/letter-editor/128546>

(33) <http://www.aspendailynews.com/section/columnist/128686>

(34) <http://www.aspendailynews.com/section/letter-editor/128546>

(35) Aspen Daily News: "two audits prepared for the city in the wake of the Burlingame controversy contain some damning conclusions"

<http://www.aspendailynews.com/section/home/128473>

(36)

<http://www.aspentimes.com/article/20080728/NEWS/725740338&parentprofile=&title=City%20cleared%20in%20Burlingame%20probe>

(37) “That is a different set of facts than what was being represented two months ago, and clearly, we were operating from incorrect information,” said City Councilman Dwayne Romero. “No question, it would have swayed our collective thinking.”

<http://www.aspentimes.com/article/20080908/NEWS/809089984&parentprofile=search>

(38) <http://theredant.squarespace.com/red-ant-blog/2008/9/6/you-thought-burlingame-couldnt-get-worse6.html>

(39) 4 million budget note

<http://theredant.squarespace.com/storage/Bgame%204million.pdf>