

AFFIDAVIT OF Bret Waters

STATE OF COLORADO)
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COUNTY OF EL PASO)

1. My name is Bret Waters, and I am the County Administrator. In such role, I am responsible for overseeing and managing various administrative departments, inclusive of the Public Information Office, which handles Colorado Open Records Requests.
2. On July 13th, 2021 I became aware of a Colorado Open Records Act (CORA) from Rebecca Marshall, which requested, "All invoices (paid and unpaid) and contracts/agreements between El Paso County and the Cheyenne Mountain Zoo for employee zoo passes from 1 Jan 2016- 7 July 2021; Budgetary details and disbursement information about the source of the county funds that were used to pay for the staff zoo days. I'd like to see documentation about what fund paid for the zoo passes; Email communications (and attachments) from 1/1/21- 7/7/21 of all senior leadership staff members who made the decision to fund the El Paso County employee zoo passes that mention the zoo day events and passes."
3. On Tuesday, July 27th I received the potential relevant documents in possession of El Paso County PIO. I began to review the documents and completed my review on the same day.
4. In my opinion, the following emails relating to executive-level decision making reflect information so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government:
 - a. Six (6) documents from January 2021 to April 2021 which reflect discussions among executive-level staff on ideas, and the available budget, for staff appreciation.
 - b. Twelve (12) documents from May 2021 which reflect continued discussions and the sharing of ideas among executive-level staff and other staff on possible options for staff appreciation.
 - c. Thirteen (13) documents from June 2021 which reflect continued discussions among executive-level staff and other staff centered on gathered information and price quotes received from the zoo as well as possible methods of implementation for staff appreciation day at the zoo. The documents also reflect discussions among executive-level staff and other staff in the decision to implement additional zoo days to accommodate all employees overseen by county administration.


5. In my opinion, each of the documents referenced above reflect the intimate “deliberative process” of agents of the County in making an important executive decision, which included strategizing and negotiating internally, and disclosure of the information contained in these documents would stifle honest, frank and open discussion surrounding this process.

6. Disclosure is specifically against the public interest for the following reasons:
 - a. Executive and decision making staff must be able to openly and candidly communicate. In doing so, such staff must have the ability to strategize and consider negotiation points, which if released to the general public, would harm the County’s negotiating position and ultimately the taxpayers of El Paso County.

 - b. There would be a grave harm to the County if it could not rely on the honest, frank, and open thoughts of County officials, employees, and community members who choose to serve as interviewers; likewise, it would be a grave harm to the County if executive level decision makers could not in good faith communicate internally regarding matters of negotiation and strategizing.

7. The County, as a local government, would suffer significant harm if it could not rely on the honest, frank, and open thoughts of County officials, employees, and executive level staff who communicate on strategic and matters subject to negotiation, where if such a position were made public, the County would suffer significant harm as such members would no longer be comfortable communicating with one another in an open and frank manner.

Further affiant sayeth naught.

By: 
Bret Waters

Sworn to and subscribed before me this
28th day of July, 2021.


Notary Public

Commission expires: 3/5/22

