

CITIZEN INITIATIVE PETITION

TO THE TOWN CLERK OF PAONIA:

We, the undersigned registered electors of the Town of Paonia, Colorado, hereby propose the following ordinance be submitted to the registered electors of the Town for their approval or rejection at the next regular or special election:

ORDINANCE NO. 2025-__

AN INITIATED ORDINANCE REQUIRING PRESERVATION AND DISCLOSURE OF ELECTRONIC COMMUNICATION SYSTEM AUDIT LOGS

RECITALS

WHEREAS, the Town of Paonia is a statutory municipality organized under C.R.S. § 31-1-203; and

WHEREAS, transparency and accountability in government require preservation of records documenting official activities; and

WHEREAS, modern government business is conducted primarily through electronic communication systems that automatically generate audit logs; and

WHEREAS, the Town has repeatedly claimed "no responsive records" when citizens request audit logs that should exist; and

WHEREAS, without audit logs, there is no way to verify whether public business is conducted properly, records are preserved, or open records laws are followed; and

WHEREAS, the People have the right to ensure government activities are documented and available for public oversight;

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF PAONIA, COLORADO:

Section 1. Policy.

It shall be the policy of the Town of Paonia that government transparency requires preservation and availability of electronic records, including system-generated audit logs that document government activities, consistent with the Colorado Open Records Act, C.R.S. § 24-72-201 et seq.

Section 2. Definitions.

(a) "**Electronic communication system**" means any email, messaging, or communication platform used to conduct Town business, including but not limited to Microsoft 365, Google Workspace, or any successor systems.

(b) "**Audit logs**" means system-generated records that track user activities, including but not limited to:

- User login/logout times and locations
- Email sent/received timestamps and parties
- File access and modifications
- Account changes and administrative actions
- Deletion activities

(c) "**Town business**" means any communication or activity relating to public duties, regardless of device or account used.

Section 3. Preservation Required.

- (a) The Town shall preserve all audit logs from any electronic communication system used for Town business for a minimum of three (3) years, or longer if required by state retention schedules pursuant to C.R.S. § 24-80-101 et seq.
- (b) The Town shall maintain audit log generation at the highest level of detail available in the system.
- (c) The Town shall not disable, circumvent, or reduce audit log generation.
- (d) Nothing in this ordinance requires retention beyond what is required by state law, but establishes a minimum retention period for audit logs specifically.

Section 4. Public Access.

- (a) Audit logs are public records subject to disclosure under the Colorado Open Records Act, C.R.S. § 24-72-201 et seq.
- (b) Upon request, the Town shall provide audit logs within three (3) working days as required by C.R.S. § 24-72-203(3)(a), unless extended to seven (7) working days pursuant to C.R.S. § 24-72-203(3)(b).
- (c) The Town may charge fees only as authorized by C.R.S. § 24-72-205, specifically:
- No more than \$33.58 per hour after the first hour for research and retrieval
 - Actual costs for electronic copies
 - No charge for the first hour of time
- (d) The Town may withhold or redact only information that falls within the specific exceptions listed in C.R.S. § 24-72-204, including but not limited to:
- Records protected by attorney-client privilege per C.R.S. § 24-72-204(3)(a)(IV)
 - Personnel files per C.R.S. § 24-72-204(3)(a)(II)
 - Records that would reveal security arrangements per C.R.S. § 24-72-204(3)(a)(XVIII)
 - Any other exception specifically enumerated in CORA

Section 5. Prohibited Acts.

- (a) No person shall delete, alter, or destroy audit logs except pursuant to the retention schedule.
- (b) No person shall use personal email accounts to circumvent this ordinance.
- (c) No person shall disable or reduce audit log functionality.

Section 6. Enforcement.

- (a) Violations constitute unlawful destruction of public records pursuant to C.R.S. § 18-8-114 (criminal) and may be pursued under C.R.S. § 24-72-204.5 (civil enforcement).
- (b) Citizens may seek injunctive relief pursuant to C.R.S. § 24-72-204(5) and may recover attorney fees as provided in C.R.S. § 24-72-204(5.5) if the court finds the denial of access was arbitrary or capricious.
- (c) The Town shall report quarterly on audit log preservation compliance.
- (d) Nothing in this ordinance limits any remedies available under CORA or other applicable law.

Section 7. Implementation.

The Town shall implement procedures to comply with this ordinance within 30 days of its effective date.

Section 8. Severability.

If any provision is held invalid, the remainder continues in effect.

Section 9. Effective Date.

This ordinance takes effect immediately upon certification of election results.

ADOPTED BY THE PEOPLE OF THE TOWN OF PAONIA, COLORADO

Date: _____

ATTEST:

Town Clerk

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the qualified electors of the Town of Paonia, Colorado at the election held on _____, 2025.

Town Clerk

SIGNATURE COLLECTION SECTION

WARNING: IT IS AGAINST THE LAW: For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR OF THE TOWN OF PAONIA

#	Signature	Printed Name	Residence Address	Date
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____

[Continue for required number of signature lines]

AFFIDAVIT OF CIRCULATOR

I, _____, swear or affirm that:

1. I have read and understand the laws governing the circulation of petitions
2. I circulated this petition and witnessed each signature
3. Each signature is of a registered elector of the Town of Paonia
4. To the best of my knowledge, each signature is genuine

Signature of Circulator

State of Colorado)

) ss.

County of Delta)

Subscribed and sworn before me this ____ day of _____, 2025.

Notary Public

COVER LETTER FOR SUBMISSION

09/03/2025

Town Clerk

Town of Paonia

214 Grand Avenue

Paonia, CO 81428

Re: Submission of Citizen Initiative Petition - Electronic Communication Audit Log Transparency

Dear Town Clerk,

I hereby submit this citizen initiative petition which establishes legislative policy requiring preservation and disclosure of electronic communication system audit logs.

This Initiative is Clearly Legislative Because It:

1. **Establishes transparency policy** for government records

2. **Sets retention standards** applying to all electronic systems
3. **Defines public records** classification for audit logs
4. **Creates general rules** for all Town operations
5. **Addresses government accountability** - a core legislative function

The Initiative Does NOT:

- Direct specific administrative acts
- Require creation of new records
- Interfere with day-to-day operations
- Impose burdensome requirements

Simple and Reasonable:

This initiative simply requires the Town to:

- Keep the audit logs that systems automatically generate
- Provide them when requested under CORA
- Not delete or disable audit logging

These logs already exist. This just ensures they're preserved and available for public oversight.

Technology-Neutral Approach:

By referring to "electronic communication systems" rather than specific platforms, this ordinance remains effective regardless of whether the Town uses Microsoft 365, Google Workspace, or any future system.

Legal Framework:

Per *Vagneur v. City of Aspen*, 295 P.3d 493 (Colo. 2013), the initiative power must be "liberally construed." Establishing transparency and records retention policies is quintessentially legislative.

This is analogous to:

- Open records laws
- Records retention schedules
- Transparency requirements
- Public meeting rules

All of these set policy about government openness - exactly what this initiative does.

Public Interest:

Recent refusals to provide Microsoft 365 audit logs, claiming "no responsive records," demonstrate the need for clear policy. These logs exist and should be available for public oversight.

Transparency is fundamental to democratic governance. The People have the right to establish policies ensuring government activities are documented and available for review.

Minimal Burden:

- Audit logs are generated automatically
- No new work required
- Standard practice in most organizations
- Only provided when specifically requested
- Uses existing CORA procedures

Please confirm receipt and acceptance of this petition for circulation within five (5) business days. Any concerns should be provided in writing.

The question of government transparency and records preservation is exactly the type of policy matter voters should decide.

Respectfully submitted,

Pete McCarthy
119 1/2 Dorris Ave, Paonia, CO 81428

cc: Town Attorney
Mayor

WHY THIS VERSION WORKS:

Simple Requirements:

1. **Preserve** what already exists (3 years)
2. **Provide** when requested via CORA
3. **Don't disable** audit logging

Technology-Neutral:

- Works for Microsoft 365 (current)
- Works for Google Workspace
- Works for any future system
- Covers any "electronic communication system"

Reasonable Scope:

- Only audit logs (not email content)
- Only when requested (not automatic posting)
- Standard retention period (3 years)
- Normal CORA procedures apply

Clear Legislative Nature:

- Sets policy on transparency
- Defines public records
- Establishes retention requirements
- Creates enforcement mechanisms

This initiative simply says: "Keep the logs your system already makes and provide them when asked."
That's reasonable, simple, and clearly legislative.