

## WHICH SIDE DOES THE CITY ATTORNEY REALLY REPRESENT ?

Last October, THE CHEYENNE HERALD broke the story about Maggie Carter's unfortunate filing of fraudulent vouchers to cover up her misuse of a City-issued credit card.

Two issues ago, we revealed that Police Chief Bob Fecht had purchased a bogus mail-order "Master's in Criminal Justice" degree and charged the City more than \$2500 for it.

Whenever we print such shocking revelations, we always receive a number of new tips from current or former public employees. Sometimes they have knowledge about things which have happened in the past. Sometimes it's a tip about the existence of public documents THE HERALD might find downright fascinating.

*[A special "Thank You" right here to all who've shared such tips or suggestions in the past. Please keep the letters and emails coming, folks. We're moving as fast as we can with the limited resources we've got available to us.]*

Occasionally, what we receive after one of our stories is a heads-up about a nutty plan or project being hatched behind closed doors.

Just such a plan was related to me last fall, at about the very time that Pete Laybourn was winning a seat on the Cheyenne City Council by an impressive margin.

But it wasn't merely a nutty idea from behind closed doors. It was an idea so toxic, so perverted, and so contrary to what we think of as responsible local government that I did nothing more than mentally file it away for future reference in the highly unlikely event that it came to pass in the future.

But come to pass it has ... and every thinking citizen of Cheyenne should be enraged by it. Here's the scenario as related to me SIX MONTHS AGO:

1. Pete Laybourn gets elected to the City Council.
2. When a contract involving AVI Engineering comes before the new Council, Laybourn can be counted on to talk about AVI's spotty performance on prior City contracts and the many problems the City has had with concrete pavement when AVI has acted as the Construction Manager on such street projects.
3. AVI will threaten to sue Laybourn for harming AVI's reputation with his comments.
4. The City Attorney will advise the City Council that what Laybourn said about AVI went "beyond the scope of his duties as a Councilman".

5. The City Council, acting upon the advice of the City Attorney, will declare that the City will not defend Laybourn if he gets sued by AVI.

That, in a nutshell, is what I heard last fall ... a plan to set up the new City Councilman and to put him and his family in personal financial jeopardy. Presumably, the ultimate goal of such an unethical or illegal scheme would be to undo an honest election by forcing Laybourn off the Council through resignation or other means.

About the only minor details missing from the bizarre scheme I heard about six months ago were the identities of AVI's attorneys (Speight & McCue), the color of their stationery (kinda yellow, maybe beige), and the number of pages in their threatening letter (four). All the rest was pretty much right on target.

### Bad Advice Ad Nauseam

Mayor Jack Spiker and most members of the Council continue to believe that they're getting top-notch legal advice from City Attorney Mike Basom. Such confidence is hard to understand for some citizens who've watched the City make one costly misstep after another in recent years.

Mr. Basom was, let's not forget, the one who advised that it would be perfectly legal for the City Council to annex a tract of land west of town belonging to one of the Mayor's relatives. Basom apparently told the all-too-eager Council that the three miles separating the proposed development from the City Limits would qualify as "adjacent" under the State's annexation statutes.

Such boneheaded advice ended up costing the City of Cheyenne several hundred thousand dollars in legal fees to outside attorneys, only to come up on the losing end of multiple Supreme Court decisions concerning illegal annexations of obviously non-adjacent properties.

Mr. Basom was also the one who lied to a District Court judge in open court in order to carry the day on the parking garage lawsuit.

In most cities, such lying to a judge would probably get a City Attorney canned ... but not in Cheyenne, Wyoming. Here we're more likely to reward such actions with a raise, enhanced stature, a bigger staff, and perhaps an official letter of commendation or two.

Working to Mr. Basom's obvious advantage is the fact that the "clients" he's now playing to ... the Mayor and the

other Laybourn-haters on the current City Council ... are, for the most part, people who would never find the personal or professional initiative to investigate whether or not the advice they're receiving from the City Attorney's office is correct or even plausible.

As Mayor Jack Spiker himself once said, "If ANY attorney tells you something, it's the LAW and you HAVE to do it." (No kidding, he actually said that. Want to know something even goofier? He apparently really believes it!)

### Honest Broker or Closed Door Schemer?

At their May 9<sup>th</sup> meeting, the City Council went into Executive Session so City Attorney Basom could advise the group privately about the various threats of litigation contained in the Speight-McCue letter.

No action was taken during the Executive Session and there have been no public comments from the participants about what was discussed.

Apparently no reports or other papers which might be considered "public documents" were distributed, so we're left to speculate about what the Council members might have learned from the City Attorney and whether he gave the members a balanced appraisal of the situation or merely told them what they wanted to hear ... that Pete Laybourn is ripe for picking.

If Mr. Basom conveniently failed to educate the Mayor and the Council fully and properly about the "absolute or conditional privilege" elected officials ... even members of the Cheyenne City Council ... enjoy when they speak on public issues or contracts which come before them, then he's not being an honest broker of legal advice and should be directed by the Mayor or the Council to go back and prepare an accurate analysis of the subject.

Like it or not, Councilman Pete Laybourn got elected fair and square last fall. He is now (and probably will be for the next 43 months) one of the "clients" to whom Cheyenne's City Attorney owes absolute fidelity and honesty. If he can't bring himself to do that, Mike Basom should resign and look for employment elsewhere.

And if it turns out that the current City Attorney ... or any other City employee or official ... had discussions last fall with outside parties or attorneys concerning a pre-planned scheme like the one detailed here, finding other gainful employment may be way, way down the worry list.

### Final Thoughts

*I learned about the idiotic Speight-McCue letter on Friday, May 6<sup>th</sup>. It made me very, very concerned about what the future holds in store for Cheyenne.*

*That evening, the TV was filled with extremely disturbing news and images from far-away places like Tikrit & Jalalabad, Sadr City & Kandahar, Mosul & Mazar-e-Shariff.*

*I can find those places on maps of Iraq and Afghanistan, but I sure wouldn't want to be there. They're very dangerous places where brave American men and women are being killed and maimed on a regular basis.*

*When skeptics ask why Americans are fighting and dying there, the OFFICIAL reason given by our leaders is so that those long-oppressed people can know the same joy of democracy that we do.*

*Let's hope that when the people of Iraq and Afghanistan finally achieve OUR goal for them they don't consider adopting the new Cheyenne-style version of democracy as suggested by the sleazy Speight-McCue letter and the behind-the-scenes support for its subversive intent from our Mayor, our City Attorney, and a significant portion of our current City Council.*

*Let's hope they don't try to emulate our pathetic example where thugs cleverly disguised as respectable attorneys can openly and brazenly threaten an elected official with economic retaliation and possible removal from office if he doesn't vote and speak in the exact manner they deem appropriate.*

*Let's hope too that they'll have better luck finding local civic leaders with integrity and courage than we in Cheyenne seem to be having. If not, all those lost American limbs and lives may turn out to be nothing more than another sad, disgraceful waste.*

### PETER ENVY

*City Councilman Pete Laybourn has only ONE of the ten possible votes on the City of Cheyenne's governing body, so it's both baffling and amusing to observe the other members who despise him and what he stands for.*

*All Pete has to do is walk into a room and Jack Spiker, Patrick Collins, Tom Segrave, Don Pierson, and Joe Bonds ("The Fearful Five") seem to start moving a little closer together. It's laughingly similar to scenes from movies where lost back-country skiers or hikers huddle together to share their body heat while waiting to be rescued by someone smarter or braver.*

*At first I thought The Fearful Five hated Pete Laybourn because they feared him physically, but I think I've finally figured out what's REALLY going on here.*

*It's PETER ENVY, a repressed and secret wish that they themselves could be more like Pete ... more like the kind of City Councilman each of them told the voters THEY would be when they first ran for office.*

*Each one of them no doubt campaigned on the promise that they would work hard, that they would study the issues carefully before casting a vote, that they would not be swayed by business interests or personal relationships, and that they would not waste the public's money.*

*That's what Pete Laybourn promised when he campaigned and won decisively last fall. The important difference between Pete and The Fearful Five is that Pete can be counted on to actually do it ... and that galls the hell out of them because it serves as a constant irritating reminder of the civic leaders they didn't become!!*

### HOW IRONIC

*The current disgraceful attempt at bringing Pete Laybourn down by intimidation and threats is an example of petty small-town politics at its worst. We should all hang our heads in collective shame.*

*It makes me think back to an incident a year ago when Council member Judy Case questioned a secret \$11,000 raise to then-Council secretary Maggie Carter. Mrs. Case was given a Letter of Reprimand for raising the issue in an open meeting. The letter was signed by current Council President Patrick Collins.*

*When Mrs. Case asked Collins why he thought he had the authority to issue such a Letter of Reprimand to a fellow member of the City Council, he reportedly replied, "Because I'm your superior."*

*Such egotistical and unjustified self-importance among the Council's new leaders may be contributing to the current situation involving the threat directed at Pete Laybourn. It's doubtful that the foolish Speight-McCue letter would have been written or delivered if the authors of it had ANY doubts about how Spiker, Collins, and the other members of The Fearful Five would react. Their silence and acquiescence were apparently assumed.*

*How ironic it is then that, if the shameful Speight-McCue letter had singled out ANY other member of the City Council for threat and attempted intimidation, it would be Pete Laybourn himself who would be pounding the dais with his fist and pulling the microphone closer so everyone could hear him scream, "This letter from the Speight-McCue law firm is an outrage. It's a threat to every member of this Council and every citizen of Cheyenne. It's an attack on the very core of our democratic values. No one tells us how to think! No one tells us what to say!! No one tells us how to vote!!!"*

*Did we hear anything even vaguely similar from the mousy members of The Fearful Five?*

*No, they were all huddled over in the corner sharing their body heat and waiting for someone smarter and braver to save them.*

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