

August 3, 2021

Hello Town of Lyons Board of Ethics:

I here provide a formal ethics violation complaint regarding recent actions by Lyons Trustee Mark Browning. I believe that my particular complaint also goes deeper into how our elected town government expects to interact with those who it represents.

To start: two items for context: 1) I am fully aware of the prolonged and dedicated service Trustee Browning has provided to the town. 2) I lack any personal antagonism towards him. He and I have had many one-on-one communications over the years, on substantial matters of town governance and town policy; sometimes agreeing, sometimes not, but very often governed by clear mutual courtesy and respect. This is the style of discourse, on contentious issues, our Ethics Code was designed to support.

Unhappily, on August 1, 2021, on the social media site Facebook: Lyons Open Discussion, which includes 2000 members, Trustee Browning committed a grave violation of our town's code of ethics. See Attachment 1.

This violation rises to the level of affecting my professional and personal reputation, and it may accomplish material damage to myself, my livelihood, and my family. It accuses me of lying to the Open Discussion members and also in an identical letter to the Board of Trustees about town policy matters.

The posting was one act of defamation, but included in it was an invitation for anyone to email him, using the *townoflyons.com* email address he provided, to receive a copy of a document he prepared (See Attachment 2). It is entitled: "Errors, distortions and misinformation in Brackenridge post/email".

I do not know how many individuals were provided this document by Trustee Browning, but it further defames me in very personal terms, and it was clearly intended to be distributed from his town email account. To accuse me of errors is fine. To accuse me of "misinformation" is to accuse me, without any basis at all, of lying.

Please note that the posting itself uses the term "disinformation" instead of "misinformation". Both words are commonly understood as meaning the same: purposeful deceit. Lying. If in any doubt, look up their definitions. I stand accused by Trustee Browning, in both the FB posting, before 2000 members, and in the Word document, made available on request, from a Town of Lyons email address, of being a liar.

As a scientist, depending for my livelihood on a professional reputation of truthfulness, of respecting facts, and on honesty; of being able to be trusted with sensitive documents such as tenure review packages, journal article submittals, and grant proposal reviews, and, perhaps most importantly, of my own research being submitted for publication without there being any

question that the data could be fabricated or any of the results embellished: to be accused of lying, in what is essentially a public location with 2000 members, is unacceptable and professionally damaging.

For what reason does Trustee Browning imagine I am making up lies to tell the board he serves on, and the public? Why is it not possible to have a honest difference of opinion about town policy matters, without a town trustee accusing me of lying?

At first believing his posting to be simply an error made in momentary anger, I requested from Trustee Browning an apology on the same day. I waited. But as of this date, evening of August 3, I have so far not received a response from either. And the posting remains.

Trustee Browning may believe that inclusion on this facebook posting of the following disclaimer allows him to vent his anger at me, but they do not. Those words are:

“postings on this site are my own and do not necessarily represent the Town of Lyons’s positions or opinions”.

Inclusion of the townoflyons email address belies that disclaimer. And indicating that this is his personal opinion does not at all remove his responsibilities, as follows, under the Code of Ethics. And the longer document Trustee Browning prepared and stated he would circulate, from his townoflyons email address, does not include that disclaimer.

Below are some quotes from the Lyons Code of Ethics.
Board members are to:

“13). remember that they are “ambassadors” of the Town of Lyons and as such, should interact with all persons and entities whether in public or in private in a respectful and fair manner at all times.

26). interact with all persons and entities in a respectful and fair manner at all times, and should not criticize any member of the public for his or her requests or views.

10). Town Officers should serve as a model of leadership and civility to the Community

26). Town Officers must avoid personal attacks of any kind at all cost.

6). Town Officers must remember that Lyons is a small town at heart. Town Officers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Lyons. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Town Officers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.”

Trustee Browning has directly violated these parts of the Code of Ethics. It is now up to the Board of Ethics to deliberate on this matter and determine any outcome. I want the Ethics Board to know that, as regards this Ethics Code complaint, a public apology and removal of his email post by Trustee Browning is all that is desired.

Sincerely,

J. Robert Brakenridge

Robert Brakenridge

107 Bohn Ct

Lyons, CO

Attachment 1. Lyons Open Discussion Facebook posting by Trustee Mark Browning, August 1, 2021

All Comments ▼



Mark Browning

I no longer engage in "debates" in Lyons OD. And I won't debate the above post. All I will say is that it is full of falsehoods, distortions and disinformation. Don't believe what was posted. Anyone with a serious interest in this topic is welcome to email me at MBrowning@townoflyons.com and I will be glad to reply. (The postings on this site are my own and do not necessarily represent the Town of Lyons's positions or opinions.)

Like · Reply · 2d



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- Ben Jammin
- Helen Vanderwerken
- Hollie Rogin
- Yelena Hughes
- Mystie Brackett

Attachment 2. Word Document by Trustee Browning, made available to Lyons Open Discussion public on their request.

Errors, distortions and misinformation in Brackenridge post/email

1. BOT "largely removed the savings" from net metering. No, BOT retained the savings for 8.5 years for current net metering customers and reduced savings for new rooftop installers.
2. Existing net metering customers were "grandfathered over decades". No, through January 2030 – 8.5 years. A blatant, deliberate falsehood.
3. "I think" savings go with the property. No, they don't. If you'd read the policy change or paid attention to BOT discussions, where this specific question was answered, you'd know the correct answer. Blasting a UEB/BOT policy when you haven't even read it or taken the effort to attend discussions or review them on video is lazy. If you care enough to bash Town boards on FB, get involved in the process when it happens, not afterward. You offered no input whatsoever at either the UEB or BOT levels, but chose to play "keyboard warrior" on FB, where UEB Chair Jim Kerr made you look foolish.
4. "Using public money". Yes, largely financed by a DOLA grant. For Lyons taxpayers, who elect the BOT and whose interest the BOT is supposed to represent, there is a projected 8-year payback with a positive return on investment thereafter. In the long run, this SAVES \$ for Lyons residents. "Using public money" is highly misleading. More like "Saving Lyons money."
5. "Strongly discourage" rooftop solar. False. Residents can still do rooftop solar and get some savings, just not the level of subsidies that has been provided. Several residents have done it since terms were changed last year. Rooftop solar is NOT being "strongly discouraged", but rather just no longer "strongly subsidized".
6. Why use Town land for solar farm? The very reasons you cite for rooftop solar: to save money (for all residents, not just the mostly affluent ones doing rooftop solar on large houses), to feed solar power into our local grid, and to reduce dependence on coal-fired generator plants. It's totally hypocritical to advocate for those things in one place and reject in another place the Town's efforts to accomplish the same things – in a more efficient manner than rooftop solar.
7. The acre behind the bike park isn't used by anyone currently. Only a small part of the Lot F corner where the solar farm might go is used maybe 3 times a year for cross-country meets – a use that can be accommodated with careful solar farm placement and a slight re-routing of the running path. These areas are NOT "used every day and every week" – false.
8. Build in the floodplain. No, as clearly set out in the packet materials, DOLA (source of grant \$) was reluctant to put it in the floodplain. Not conveying that fact is obvious disinformation.
9. County parcels – Not only in the floodplain, but not on the Town's electric system, requiring connection costs. Again, disinformation.
10. UEB "hearing from utility representatives". Just like recent slam at the BOT for what it "supposedly" did in executive session, this nasty little jibe at the UEB is petty, prejudicial and insulting. Of course the UEB consulted with MEAN about solar energy production in Lyons. Lyons is locked into MEAN as power supplier for decades to come, so discussing solar policies with MEAN is a necessity. UEB wouldn't be doing its homework if it didn't. But to imply "utility representatives" are directing UEB policy is a slam on the integrity of local citizens serving on the UEB, just like the "supposedly" slam at the BOT's integrity. Shame on you.