

DISTRICT COURT, LARIMER COUNTY, COLORADO 201 La Porte Ave., Suite 100 Fort Collins, CO 80521	DATE FILED: December 15, 2016 4:40 PM FILING ID: E9BD9C02EC609 CASE NUMBER: 2016CV144 COURT USE ONLY
Plaintiff: VIRGINIA FARVER, v. Defendants: CITY OF FORT COLLINS, FORT COLLINS ELECTRIC UTILITY; and DOES 1-100.	Case Number: 2015 CV 144 Courtroom: 5B
Kimberly B. Schutt, #25947 WICK & TRAUTWEIN, LLC 323 South College Avenue, Suite 3 P.O. Box 2166, Fort Collins, CO 80522 Phone Number: (970) 482-4011 E-mail: kschutt@wicklaw.com FAX Number: (970) 482-8929 John R. Duval, #10185 FORT COLLINS CITY ATTORNEY'S OFFICE P.O. Box 580 Fort Collins, CO 80522 Phone: (970) 221-6520 Email: jduval@fcgov.com	<p style="text-align: center;">AFFIDAVIT OF WANDA WINKELMANN</p>

AFFIANT, being duly sworn upon oath, states:

1. My name is Wanda Winkelmann. I am over the age of 18 and I have personal knowledge of the matters set forth in this Affidavit.
2. I have been the City Clerk for the City of Fort Collins since July 2012. Pursuant to Article II, Section 12 of the City Charter, the City Clerk is appointed by the City Manager to act as Clerk of the Council. The Charter provides that the City Clerk has the following duties:
 - (1) give notice of Council meetings;
 - (2) keep a journal of Council proceedings;
 - (3) authenticate by his or her signature and permanently record in full all ordinances and resolutions; and
 - (4) perform other duties required by the City Charter or by the City Manager.



3. I am aware of the above-captioned action filed against the City by Plaintiff Virginia Farver. I understand that the action brings several claims to challenge the validity of the City's Advanced Meter Fort Collins Project ("the Project").

4. I have reviewed a copy of the Defendants' Motion for Summary Judgment to be filed in said action ("the Motion"), including the specific ordinances and resolutions described in the Motion's Statement of Undisputed Facts and attached as exhibits to the Motion.

5. Pursuant to Article II, Section 8 of the City Charter, "a true copy of every ordinance, when adopted, shall be numbered and recorded in a book marked 'Ordinance Record,' and adoption and publication shall be authenticated by the signatures of the Mayor and the City Clerk, and by the certificate of the publisher, respectively. The ordinances as adopted by the vote of the qualified electors of the city shall be separately numbered and recorded."

6. I have reviewed the official Ordinance Record kept in the office of the City Clerk and hereby attest that all of the ordinances described in the Motion's Statement of Undisputed Facts and attached as exhibits to the Motion (collectively, "the Ordinances"), are true and correct copies of the measures adopted by Council on the dates stated therein, and bear the signature of the Mayor and City Clerk at the time adopted and the City's seal. Pursuant to Article II, Section 10 of the City Charter, I hereby certify all of the Ordinances by my signature and under seal of the City affixed to this Affidavit.

7. Article II, Sections 7 and 8 of the City Charter contain detailed provisions for public notice of ordinances both before and after adoption by Council. An ordinance is not included in the Ordinance Record unless and until those public notice requirements have been met.

8. I have also reviewed my office's records concerning all the resolutions described in the Motion's Statement of Undisputed Facts and attached as exhibits to the Motion (collectively, "the Resolutions"). I have also reviewed all of the work session agenda items described in the Motion's Statement of Undisputed Facts and attached as exhibits to the Motion (collectively, "the Agenda Items"). I can certify that these Resolutions are true and correct copies of the resolutions adopted by Council or presented to Council on the meeting dates stated therein, and the Resolutions bear the signatures of the Mayor and City Clerk at the time adopted and the City's seal. I can also certify that these Agenda Items are true and correct copies of the agenda item information provided to Council on the meeting dates stated therein. Pursuant to Article IV, Section 5 of the City Charter, I hereby certify all of the Resolutions and the Agenda Items by my signature and under the seal of the City affixed to this Affidavit.

9. Further, as noted above, one duty of City Clerk is to give notice of City Council meetings. Those meetings include Council work sessions. Pursuant to Article II, Section 11 of the City Charter, all Council meetings are open to the public.

10. Pursuant to City Code Section 2-28, regular Council meetings occur on the first and third Tuesdays of the month at 6:00 P.M. in the Council Chambers at City Hall West. The Council also regularly holds work session meetings on the other Tuesdays of the month. Pursuant to

Code Section 2-30(b), all meeting agendas and materials to be reviewed by Council as part of its consideration of agenda items, including work session agendas and materials, are published on the City's website and available for public review several days in advance of any City Council meeting. The web posting of a summary of these agendas has been this City Clerk Office's regular practice beginning in 2000. Beginning in 2003, it became the City Clerk Office's regular practice to also post on its website all of the materials being presented to Council for each agenda item. Further, voting results from every City Council meeting are made public on the City's website within 24 hours following the meeting. The City's website has Council meeting minutes dating back to 1908 available to the public for inspection on its website. Work session agendas and materials dating back to 2000 are available for public inspection on the City's website.

11. Pursuant to City Code Section 2-30(b), it has also been the City Clerk's Office regular practice to post a summary agenda (that lists all proposed Council actions) for each Council meeting at least twenty-four (24) hours before the scheduled meeting. That summary agenda is posted in the vestibule at the south entrance of City Hall West, 300 LaPorte Avenue. This place has been designated in City Code Section 2-34 as a place for posting notices.

12. Accordingly, all of the Council meetings and work sessions at which the Ordinances and Resolutions were adopted and the Agenda Items were presented, would have been open to the public, with prior publication of the agendas and materials as described above. The public therefore had full and timely notice of these meetings and work sessions.

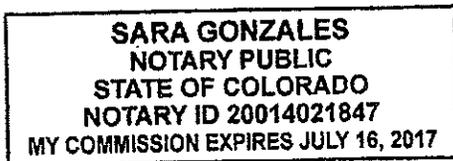
FURTHER, Affiant sayeth naught.

Wanda Winkelmann
 Wanda Winkelmann

STATE OF COLORADO)
) ss.
 COUNTY OF LARIMER)



Subscribed and sworn to before me this 14 day of December, 2016 by the said Wanda Winkelmann.



Sara Gonzales
 Notary Public