

**Subject:** RE: CORA request: How did Troxell get to be President of the EUEB?  
**From:** Christine Macrina (cmacrina@fcgov.com)  
**To:** sutherix@yahoo.com;  
**Cc:** CDAGGETT@fcgov.com; calton@fcgov.com; DECOLDIRON@fcgov.com; jduval@fcgov.com; RKNOLL@fcgov.com;  
**Date:** Thursday, March 14, 2019 4:21 PM

DATE FILED: March 15, 2019  
CASE NUMBER: 2018CV149

In response to your open records request regarding Electric Utility Enterprise Board the following attachments are being provided:

Ordinance Number 003

Section 7. – Telecommunication facilities and services

Section 19.3. – Revenue securities

Section 7. – Ordinances, publication and effective date

Section 4. – Organization.

City of Fort Collins Regular Election April 4, 2017 canvassing board certifying results.

Minutes from the City Council Meeting held on April 11, 2017

City of Fort Collins Regular Election April 7, 2015 canvassing board certifying results.

Thank you.

**CHRISTINE MACRINA**  
Boards and Commissions Coordinator  
[City of Fort Collins](#)  
970-416-2525 office

**From:** Eric Sutherland <sutherix@yahoo.com>  
**Sent:** Sunday, March 10, 2019 3:12 PM  
**To:** Rita Knoll <RKNOLL@fcgov.com>; Christine Macrina <cmacrina@fcgov.com>; Delynn Coldiron <DECOLDIRON@fcgov.com>  
**Cc:** Wade Troxell <WTroxell@fcgov.com>; Gerry Horak <ghorak@fcgov.com>  
**Subject:** CORA request: How did Troxell get to be President of the EUEB?

With great disbelief that the staff of the Office of the City Clerk of the City of Fort Collins could possibly act with bad faith, I once again request inspection of public records responding to the following criteria:

#### PART ONE

Public records that evidence the appointment, election, asendancy or other means of installment of Wade Troxell as President of the Electric Utlity Enterprise Board or "EUEB" at any time but particularly in regard to 'actions' 'taken' by the EUEB on or around April 3, 2018.

#### PART TWO

Public records that evidence the appointment, election, asendancy or other means of installment of Gerry Horak as Vice President of the Electric Utlity Enterprise Board or "EUEB" at any time but particularly in regard to 'actions' 'taken' by the EUEB on or around April 3, 2018.

#### PART THREE

Public records that evidence the appointment, election, asendancy or other means of installment of either Gerry Horak as an individual or Wade Troxell as an individual to any position that may be construed to be a member of the EUEB.

#### Background:

We had a constitution in Colorado. That constitution was amended by popular vote to include Article XXI section 4, which generally states, as relevant here, that no person may weild governmental authority unless that person is elected to a governmental office or is appointed to that office in a manner prescribed by law.

That part about "appointed to office" may be interpreted as broadly as necessary for the purposes of this request for inspection of public records to include appointments that may be automatic in nature, such as when someone is elected to one position and, by virtue of an existing law, automatically is installed in some other office. However, the part about an existing law is absolutely essential.

In an affidavit signed by Ms. Knoll on July 18th, 2018, Ms. Knoll has sworn to the following statement:

*6. I certify that the Mayor of Fort Collins is also the President of the Electric Utility Enterprise Board.*

Of course, whether or not this statement is true is not of any importance. However, whether or not Wade Troxell was proscribed from exercising governmental power as the President of of the EUEB because he had never been elected to that position and could not be deemed to have been installed in that position by appointment or otherwise is of significant importance.

Consequently, records responsive to this request are limited exclusively to those records that evidence that Wade Troxell or any other Mayor of Fort Collins may be deemed to have properly exercised the office of President of the EUEB.

In other words, Ms. Knoll, just because you say he is the President of the EUEB has about as much weight in a court of law as you saying that Wade Troxell is the President of the Delusional Mayor's Rainbow and Unicorn society, which he may be considering how this broadband thing is working so far, but it doesn't mean that he may exercise governmental power in that position.

## Attachments

- ORDINANCE\_NUMBER\_003\_APR-03-2018 (3).pdf (2.90MB)
- Section\_7.\_\_\_\_Telecommunication\_facilities\_and\_services. (1).doc (30.00KB)
- Section\_19.3.\_\_\_\_Revenue\_securities. (3).doc (22.50KB)
- Section\_7.\_\_\_\_Ordinances\_publication\_and\_effective\_date..doc (22.50KB)
- Section\_4.\_\_\_\_Organization..doc (20.00KB)
- April 4-2017-Canvassing Board Election Results.pdf (73.48KB)
- CITY-COUNCIL-MINUTES\_APR-11-2017.pdf (48.77KB)
- April 7, 2015- Canvassing Board Election Results.pdf (106.09KB)