

DISTRICT COURT, COUNTY OF LARIMER,  
COLORADO

Larimer County Justice Center  
201 Laporte Avenue, Suite 100  
Fort Collins, Colorado 80521-2762  
(970) 498-6100

**Plaintiff:** THE CITY OF FORT COLLINS, COLORADO,  
a Colorado home rule city and municipal corporation,

v.

**Defendants:** PLANNING ACTION TO TRANSFORM  
HUGHES STADIUM SUSTAINABLY CORP, a Colorado  
nonprofit corporation; and ELENA M. LOPEZ, MELISSA  
ROSAS, AND PAUL PATTERSON, each in their official  
capacity as a petition representative of the persons signing the  
petition for a citizen-initiated ordinance relating to the City  
of Fort Collins rezoning and acquiring certain real property

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Case Number: 2020 CV 30833

Division: 3B

**AFFIDAVIT OF DELYNN COLDIRON**

AFFIANT, being duly sworn upon oath, states:

1. My name is Delynn Coldiron. I am over the age of 18 and I have personal knowledge of the matters set forth in this Affidavit.

2. I am the City Clerk of the City of Fort Collins (the "City"). I was appointed the Interim City Clerk on August 7, 2017, and I was appointed City Clerk on September 26, 2017. Pursuant to Article II, Section 12 of the City Charter and Section 2-494 of the City Code, the City Clerk is appointed by the City Manager to act as Clerk of the Fort Collins City Council (the "Council"). The City Charter and Code provide 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, the City Code or by the City Manager.

3. Included in the duties assigned to me in the City Charter are those set forth in Charter Article X concerning citizen initiatives and referendum.

4. I am aware of the above-captioned action filed by the City against the above-named defendants and I have reviewed the "Complaint for Declaratory Relief Pursuant to C.R.C.P. 57 and the Uniform Declaratory Judgments Law" filed on December 7, 2020, in Larimer County District Court Case No. 2020CV30833 (the "Complaint") and the exhibits filed with the Complaint. I understand the Complaint asks the Larimer County District Court (the "Court") to determine whether the "Initiated Ordinance," as described in the Complaint and attached as Exhibit B of the Complaint, (the "Initiated

Ordinance”) includes certain administrative matters that are not subject to a citizen initiative as provided in the Colorado Constitution and the City Charter.

5. I have also reviewed the “Plaintiff’s Motion for Summary Judgment” to be filed by the City in the above-captioned action (“the Motion”), including the exhibits attached to it that are described in the Motion’s “Statement of Undisputed Material Facts” at paragraph numbers 1, 2, 3, 4, 5, 7, 9, 13, 15 and 18.

6. 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.”

7. I have reviewed the official Ordinance Record kept in the Office of the City Clerk (the “Clerk’s Office”) and hereby attest that the ordinances described in paragraphs 13 and 15 of the Motion’s Statement of Undisputed Material Facts and attached as Exhibits 10 and 11 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 the Ordinances by my signature and under seal of the City affixed to this Affidavit. I further certify that the “Annexation Ordinance” attached as Exhibit 13 to the Motion was recorded in the records of the Larimer County Colorado Clerk and Recorder on October 30, 2018, at Reception #20180066468.

8. I have reviewed Clerk’s Office records concerning the resolutions adopted by City Council and can certify Resolution 2020-105 described in paragraph 9 of the Motion’s Statement of

Undisputed Material Facts and attached as Exhibit 9 to the Motion is a true and correct copy of the Resolution 2020-105 the City Council adopted on November 17, 2020 (“Resolution 2020-105”).

9. On August 27, 2020, Defendants Elena M. Lopez, Melissa Rosas and Paul Patterson (collectively, the “Petition Representatives”) submitted to the Clerk’s Office the “Notice of Intent to Circulate an Initiative Petition related to the Hughes Stadium Property” dated August 27, 2020 (the “Notice of Intent to Circulate”) and I certify Exhibit 3 attached to the Motion is a true and correct copy of the Notice of Intent to Circulate.

10. On or about September 3, 2020, the Petition Representatives submitted to Clerk’s Office the form of the petition for the Initiated Ordinance to be circulated for signing by the City’s registered electors (the “Petition”), and I certify Exhibit 4 attached to the Motion is a true and correct copy of the Petition.

11. On September 4, 2020, the form of the Petition was approved in the “Petition Form Approval” dated September 4, 2020, signed by Chief Deputy City Clerk Rita Knoll, (the “Petition Approval”) and I certify Exhibit 5 attached to the Motion is a true and correct copy of the Petition Approval.

12. On November 2, 2020, the Petition Representative Melissa Rosas submitted the signed Petition to the Clerk’s Office as evidenced by the “Petition Receipt” (the “Petition Receipt”) and I certify Exhibit 6 attached to the Motion is a true and correct copy of the Petition Receipt..

13. After examining the signatures in the signed Petition, I issued on November 5, 2020, my “Statement of Initiative Petition Sufficiency” dated November 5, 2020, (the “Statement of Sufficiency”) and I certify Exhibit 7 attached to the Motion is a true and correct copy of the Statement of Sufficiency.

14. I certified in the Statement of Sufficiency that the Petition contained more than the 3,280 valid signatures required for the Initiated Ordinance to be placed on the ballot of the City's April 6, 2021, regular election.

15. I certify that the form and wording of the Initiated Ordinance in the Petition for which I issued the Statement of Sufficiency is as shown in Exhibit 8 attached to the Motion.

16. I presented the Statement of Sufficiency to the Council at its regular meeting on November 17, 2020, the Council's next regular meeting after I issued the Statement of Sufficiency.

17. At its November 17, 2020, meeting, the Council adopted Resolution 2020-105 provisionally and conditionally submitting in Section 2 of Resolution 2020-105, subject to this declaratory action, the Initiated Ordinance to a vote of the City's registered electors at the City's April 6, 2021, regular election.

18. The Council also provisionally and conditionally adopted in Section 3 of Resolution 2020-105, subject to this declaratory action, the ballot title and submission clause for the Initiated Ordinance to be submitted to the City's registered electors on the ballot at the City's April 6, 2021, regular election.

19. Defendants Elena M. Lopez, Melissa Rosas and Paul Patterson are the City registered electors designated as the "petition representatives" in the Notice of Intent to Circulate and the Petition as required by Charter Article X, Section 5(e) for citizen-initiated ordinances.

20. The City is organized and existing as a home rule municipality under Article XX of the Colorado Constitution as provided in the Charter of the City of Fort Collins (the "Charter").

21. Exhibit 14 attached to the Motion is a true, correct and complete copy of the Charter in the form it has existed since the City's electors last approved amendments to the Charter at the City's November 7, 2017, special election.

FURTHER, Affiant sayeth naught.

*Delynn Coldiron*  
Delynn Coldiron

STATE OF COLORADO )

) ss.

COUNTY OF LARIMER )

Subscribed and sworn to before me this 6<sup>th</sup> day of January, 2021, by Delynn Coldiron.

*Aimee Jensen*  
Notary Public

**AIMEE JENSEN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19964022195  
MY COMMISSION EXPIRES JANUARY 13, 2021**