

Disclaimer: I am not a licensed attorney in Colorado, nor purporting to be one by submitting this Ethics Complaint.

To the best of my knowledge, information contained within this ethics complaint is accurate and factual, as executed to the best of my ability.

I request that the City of Fort Collins Ethics Review Board evaluate the information given herein and that the Board take any and all appropriate procedures and actions as outlined in the applicable City, State, and Federal laws, not solely limited to the specific ones discussed within this complaint.

Due to the nature of submitting a complaint of this weight I ask that the review process be explicitly contingent upon my presence at City Hall during the Ethics Review Board Meeting.

I submit this complaint with the expressed statement that additional material may be submitted, and the complaint revised, as needed, as new information is discovered and investigated, reserving all rights to do so.

COMPLAINANT

Rory Heath
PO Box 271777
Fort Collins, CO 80527

COMPLAINEES

Wade Troxell
Mayor, City of Fort Collins
Associate Professor, Mechanical Engineering, Colorado State University
Director, Center for Networked Distributed Energy, Colorado State University
Director, RamLab, Colorado State University

Kristin Stephens
Mayor Pro Tem, Fort Collins City Council
Councilmember representing District 4, Fort Collins City Council
Graduate Coordinator, Department of Statistics, Colorado State University
Program Assistant II, Department of Statistics, Colorado State University

Ken Summers
Councilmember representing District 5, Fort Collins City Council
Owner and Registered Agent, KGS Consulting

ALLEGATIONS

There exists a consistent betrayal of the public trust vested in the elected officials and the city staff of Fort Collins. This act was evident in varying levels throughout this process and perpetrated by various individuals. The most egregious and measurable violation of this trust was evident in the actions of 3 Fort Collins City Council Members, with questions surrounding why they voted against the overwhelming majority of citizens' wishes, continually, in strong light of each councilmembers' obvious conflicts of interest. The councilmembers in violation are Wade Troxell, Kristin Stephens and Ken Summers.

Wade Troxell and Kristin Stephens are both current employees of Colorado State University. Colorado State University, in seeking to sell a tract of land it owns to Lennar Homes, is seeking government approval before the very city council that Wade Troxell and Kristin Stephens are both voting members of. This is textbook conflict of interest and corruption at the elected official level. Each has significant personal and social interests, significant financial interests, and thus, significant related Conflicts of Interest.

Ken Summers, by all indications, owns and operates KGS Consulting, a business with the key taglines of "Opening Doors", "Providing Access" and "Empowering Influence" listed just below its' entity name, as currently seen on Ken Summers' own website, Kensummers.org. The contents of this website are an explicit billboard for "pay for play" in the political realm. Kensummers.org is a website still very much in use and regularly updated, with a post by the user "kensummers" on 12/23/2019. Ken Summers' email address and personal phone number are listed on the same page, below the list of services he is able to provide. This advertisement for influence into governmental decisions, in light of Ken Summers' present standing as councilmember brings all of his actions under justified scrutiny. Further, when seen voting opposite of the public will, his actions become that much more suspicious and in question.

Summers himself also possesses a near "sky is the limit" conflict of interest from a personal, social, and even specific business perspective, possibly even including related lobbying statutes and laws. To really understand the extent to which Summers' actions have effected his position of public trust, an intense investigation will be required; up to and including obtaining copies of financial statements, business transactions and the like. Opening up the possibility of selling influence invites all possible outside suitors into the legislative process.

The actions of the councilmembers in question have specifically affected the integrity and the procedure of Fort Collins City Government in the consideration and the voting of City Ordinance No. 138, 2019 and even the Ethics Review Board that convened on 12/16/2019.

FACTS

1. Wade Troxell is currently and gainfully employed by Colorado State University. Mr. Troxell is an Associate Professor in the Mechanical Engineering department as well as the Director of the Center

for Networked Distributed Energy, as well as Director for RamLab. Kristin Stephens is currently and gainfully employed by Colorado State University. Ms. Stephens is the Graduate Coordinator of the Department of Statistics and Program II Assistant in the Department of Statistics. (*contained within Ex. 17*)

2. Wade Troxell and Kristin Stephens both took an Oath to CSU as a condition to their employment at CSU. (*see Ex. 11*)
3. Ken Summers is the presumable owner of KGS Consulting, as displayed as a feature tab on the website kensummers.org. Kenneth G Summers is listed as the registered agent on the Colorado Secretary of State website directory for the same KGS Consulting. (*see Ex. 18*)
4. Colorado State University is the owner of a tract of land bounded to the West by Horsetooth Reservoir and it's related Open Space, and bounded to the East by South Overland trail. More particularly described by the accompanying and attached documents, and more generally referred to simply as the former site of Hughes Stadium.
5. The university is attempting to sell this land to a developer, Lennar Homes, under conditional terms, via a Purchase Agreement. (*contained within Ex. 17*)
6. The Purchase Agreement in place explicitly lists an "Additional Purchase Price" to be paid as bonus for every housing unit sold on the property. Also explicitly listed in the Purchase Agreement is a clause titled "Preliminary Entitlement Confirmation" whereby Lennar homes is given a means by which to remove itself from the agreement if a stated minimum number of units is not met. (*contained within Ex. 17*)
7. Wade Troxell has collected a paycheck, aka compensation for his employment and efforts. Wages have been exchanged as consideration for services rendered in the past and continuing to be rendered into the future.
8. Further, Mr. Troxell has gained national notoriety from his continued employment and involvement at programs housed within the CSU System and within the academic buildings of Colorado State University. (*contained within Ex. 17*)
9. Troxell is a director and by extension, a fiduciary, for the Center and the Ramlab. (*contained within Ex. 17*)
10. Wade Troxell, though currently an associate professor, could conceivably be promoted to a full professor or even further promoted to a Dean or the like, as had been the case in the past. This promotion would carry with it all of the additional benefits of the new title.
11. Kristin Stephens has collected a paycheck, aka compensation for her employment and efforts. Wages have been exchanged as consideration for services rendered in the past and continuing to be rendered into the future. (*contained within Ex. 17*)
12. Kristin Stephens, though currently listed as a Graduate Coordinator and a Program Assistant, could conceivably be promoted to a position with better career opportunities, research authoring possibilities or a myriad of other benefits.
13. Ken Summers, through his KGS Consulting, offers the following services via his website (*see Ex. 4*) :
 - "Opening Doors"
 - "Providing Access"
 - "Empowering Influence"
 - "PERSONAL CONTACT WITH LEGISLATORS to inform them of your position on a bill and why you support or oppose the legislation."
 - "COMMUNICATION WITH DEPARTMENTS that interface with your business on the writing and implementation of rules"
 - "TOURS AND RECEPTIONS that provide legislators an opportunity to learn firsthand about the work that you do"

- “Navigating through the maze of the political arena can be a challenge. That is why an individual with experience working with you and advocating on your behalf can make a difference.”
14. In 2017 Mayor Wade Troxell received campaign contributions from the National Association of Realtors Fund in the amount of \$39,722. This number was added to \$5,000 that had rolled over from a previous campaign, and \$15,000 collected during this campaign. By definition, local realtors are dependent on housing as their “inventory” by which to make their commission, an overwhelming part of their personal compensation. (*see Ex. 9*)
 15. *Thompson Area Against Stroh Quarry, Inc. et al v. Board of County Commissioners of Larimer et al, Larimer County District Court Case No. 2018CV30371*, A court decision within Larimer County, entered in August of 2019, has directly and specifically addressed the question as to whether a campaign contribution would warrant recusal by a government official, in any capacity. (*see Ex. 9*)
 16. Wade Troxell had previously recused himself in a matter related to CSU in 2017 regarding ordinance No.051, 2017. (*see Ex. 9*)
 17. When collecting research data at the Drake Centre Event regarding as to which zoning was preferred by the general public, a narrow offering of 5 different scenarios was given, with none being composed only of RF and none containing POL. (*see Ex. 2*)
 18. When asked for public comment and public feedback throughout the re-zoning process, there exists an absolute preponderance of evidence to support the conclusion that the public would support either the bare minimum of development for that parcel of land or no development at all, leaving it just how it is now, untouched. (*see Ex. 1*)

GOVERNING LAW

The governing laws presented below are only a selection of applicable laws to the Complaint. As such, consideration of the matter before the Board is not limited only to those cited below and within this Complaint.

The references made below are given in smaller snippet form. Please review the full attached exhibits, and the full verbiage of each statute, etc. *Please see Ex. 5, 6, 7, 8, 9.*

- Fort Collins City Code Sec 2-568 (a) lays out the definitions by which to define the following portions of the city code
- Fort Collins City Code Sec 2-568 (a) (11) states “personal Interest means any interest (other than a financial interest) by reason of which an officer or employee, or a relative of such officer or employee, would, in the judgement of a reasonably prudent person, realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public.” Also citing Section 9(A) of the Charter Article IV.
- Fort Collins City Code Sec 2-568 (a) (18) states: Substantial shall mean more than nominal in value, degree, amount or extent.
- Fort Collins City Code Sec 2-569 (c)(2) states: “To Review and investigate actual or hypothetical situations involving potential conflicts of interest presented by individual Councilmembers or board and commission members”
- Fort Collins City Code Sec 2-569 (d)(1) (a) states: “Any person who believes that a Councilmember or board and commission member had violated any provision of state law or the Charter or Code pertaining to ethical conduct may file a complaint with the city clerk...”

- Fort Collins City Code Sec 2-569 (d)(1) (b) states: "... the Review Board shall consider the following: (1) whether the allegations in the complaint, if true, would constitute a violation of state or local ethical rules."
- Fort Collins City Code Sec 2-569 (g) states: "Compliance with the applicable provisions of the Charter and Code and the provisions of state law, as well as decisions regarding the existence of nonexistence of conflicts of interest and the appropriate actions to be taken in relation thereto, shall be the responsibility of each individual Councilmember or board and commission member, except as provided in..."
- Colorado Revised Statute 24-18-102 states:

"As used in this part 1, unless the context otherwise requires:

- (1) "Business" means any corporation, limited liability company, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.
- (2) "Compensation" means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another.
- (3) "Employee" means any temporary or permanent employee of a state agency or any local government, except a member of the general assembly and an employee under contract to the state.
- (4) "Financial interest" means a substantial interest held by an individual which is:
 - (a) An ownership interest in a business;
 - (b) A creditor interest in an insolvent business;
 - (c) An employment or a prospective employment for which negotiations have begun;
 - (d) An ownership interest in real or personal property;
 - (e) A loan or any other debtor interest; or
 - (f) A directorship or officership in a business.
- (5) "Local government" means the government of any county, city and county, city, town, special district, or school district.
- (6) "Local government official" means an elected or appointed official of a local government but does not include an employee of a local government.
- (7) "Official act" or "official action" means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.
- (8) "Public officer" means any elected officer, the head of a principal department of the executive branch, and any other state officer. "Public officer" does not include a member of the general assembly, a member of the judiciary, any local government

official, or any member of a board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

(9) "State agency" means the state; the general assembly and its committees; every executive department, board, commission, committee, bureau, and office; every state institution of higher education, whether established by the state constitution or by law, and every governing board thereof; and every independent commission and other political subdivision of the state government except the courts."

- Colorado Revised Statute 24-18-103 states:

"(1) **The holding of public office or employment is a public trust**, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials, and employees. A public officer, member of the general assembly, local government official, or employee shall carry out his duties for the benefit of the people of the state.

(2) A public officer, member of the general assembly, **local government official**, or employee whose conduct departs from his fiduciary duty is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his trust. The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the general fund of the state or local government. Judicial proceedings pursuant to this section shall be in addition to any criminal action which may be brought against such public officer, member of the general assembly, local government official, or employee."

- Colorado Revised Statute 24-18-104 (1)states: " Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust. A public officer, a member of the general assembly, a local government official, or an employee shall not:..."
- Please consider Colorado Revised Statute 24-18-105, in it's entirety.
- Colorado Revised Statute 24-18-109 states:

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust.

(2) **A local government official** or local government employee shall not:

(a) Engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his official duties;

(b) **Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or**

(c) Accept goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee serves, under a contract or other means by which the person receives payment or other compensation from the local government, unless the

totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the official or employee does not receive any substantial benefit resulting from his or her official or governmental status that is unavailable to members of the public generally.

(3) (a) A member of the governing body of a local government who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.

(b) A member of the governing body of a local government may vote notwithstanding paragraph (a) of this subsection (3) if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the voluntary disclosure procedures under section 24-18-110.

(4) It shall not be a breach of fiduciary duty and the public trust for a local government official or local government employee to:

(a) Use local government facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates; or

(b) Accept or receive a benefit as an indirect consequence of transacting local government business.

(5) (a) Notwithstanding any other provision of this article 18, it is neither a conflict of interest nor a breach of fiduciary duty or the public trust for a local government official who is a member of the governing body of a local government to serve on a board of directors of a nonprofit entity and, when serving on the governing body, to vote on matters that may pertain to or benefit the nonprofit entity.

(b)

(I) Except as provided in subsection (5)(b)(II) of this section, a local government official is not required to provide or file a disclosure or otherwise comply with the requirements of subsection (3) of this section unless the local government official has a financial interest in, or the local government official or an immediate family member receives services from, the nonprofit entity independent of the official's membership on the board of directors of the nonprofit entity.

(II) A local government official who serves on the board of directors of a nonprofit entity shall publicly announce his or her relationship with the nonprofit entity before voting on a matter that provides a direct and substantial economic benefit to the nonprofit entity.

In applying the laws referenced and re-stated above, there exist numerous applications, arguments and even very clear cut violations of law and worse yet, violations of the public trust given to the individuals in question.

ANALYSIS

Wade Troxell and Kristin Stephens have a direct personal Interest in CSU, a bias because of their relationship with CSU, and a means by which they can be rewarded by CSU as expertly laid out in a previous, and wholly separate ethics complaint regarding the very same ordinance. (*see Ex. 17*) Their refusal to recuse themselves from the process gave them a means by which they could exert their bias and personal/professional agenda upon the final decision. (*see Ex. 3, in lieu of a typed transcript pertaining to the 11/5/2019 Council Meeting, in addition to all other meetings as related to the Ordinance referenced within this Complaint*)

At every occasion that public comment was collected, the overwhelming majority of respondents asked for zoning that maximized open space, and minimized the number of houses placed on the parcel of land in question. The original materials for the First Reading of the ordinance relating to this parcel of land contained a breathtaking 655 pages full of citizens begging their elected officials to vote with the will of the people and approve a zoning solution best exhibited by either RF or POL zoning for the entirety of the tract. (*see Ex. 1*)

When it came time to declare their voting intentions, both Wade Troxell, Kristin Stephens, and Ken Summers, even upon being directly advised by city staff that affordable housing was unenforceable, chose to vote for higher density/ more housing units under the false rationale that this would create more affordable housing. (*see Ex. 3, in lieu of a typed transcript pertaining to the 11/5/2019 Council Meeting, in addition to all other meetings as related to the Ordinance referenced within this Complaint*)

This voting rationale, especially when told that their argument was proven invalid on record, is suspicious to say the least. By all appearances and indications, Troxell and Stephens voted in line with a course of action that would benefit their employer/ the entity that they are representatives for. Their votes were just opposite of the overwhelming public opinion. Further, the fact that they were even allowed to guide and participate in the discussion is alarming and a tainting of the sanctity of government, and especially alarming when considering their fiduciary duty to their constituents and the greater good of the Colorado public. (*see Ex. 1, and all applicable laws regarding fiduciary duty, not limited only to the ones contained within this complaint*)

Further bringing into question the sanctity of the process is the way that research data was collected and presented to Council, and similarly presented to the public. At the Drake Centre, public respondents were railroaded into choosing amongst only 5 options, with all options containing a large amount of homes to be built in their relating zoning. (*see Ex. 2*)

No options were given that had exclusive RF or POL zoning. Coupled with the slides presented by city staff summarizing support for each of the narrow options, a misrepresentation of the public's will and wishes was provided, with ease. Even the digitization of the post-it comments edited some comments by practice. (*see page 19 and 15 of Ex.1*)

Fundamentally, this is an affront to the will of the people, as perpetrated by city staff and further brings into question the trust that is placed in local government officials, and city staff. These were both actions supported by city staff and referenced by the Councilmembers in question. Also interesting was

Troxell's previous recusal when a similar conflict of interest arose in relation to his employment at CSU in 2017 regarding Ordinance No. 051, 2017.

By the wording and definitions of the State Statutes and the Fort Collins Codes that generally reference the State Statutes, (see Ex. 6, 7, 8), Troxell and Stephens are representatives and employees of CSU/ the seller of the parcel described in the ordinance. Within (Ex. 6,7,8), there are numerous applications of the terms and concepts introduced within the law, resulting in a very clear violation of nearly each applicable one.

Councilperson Summers was presented the same overwhelming number of responses from citizens begging for Open Space and at worst, RF zoning, and just like Troxell and Stephens, he voted against the wishes of the very people that he was entrusted to represent and vote in line with. This decision to vote against the people before him, against the 655 pages of public comment and against the public's wishes in general was particularly alarming when considered in the frame of his website ie "Providing Access", "Empowering Influence". When looked at in that context, a vote against the public will, and instead in line with a possible private commercial interest seems to have possibly occurred.

There is also a workplace sociological factor involved in Troxell and Stephens inherent bias towards their workplace. Not only is their future success tied to the future of CSU, but their success is also tied to their relationships with the people whom all fly the same CSU flag. It is a known psychological assertion that those together, all striving towards the same goal, especially in employment, regardless of the sector, tend to exhibit a groupthink mentality and one that is in line with supporting the endeavors of the organization as a whole, regardless of evidence to the contrary; even to the detriment of those not a part of the same organization. Key examples of this can be seen in the Milgram Experiment on Obedience to Authority, The Solomon Asch Conformity Concept, and Irving Janis' work regarding the identification and study of the idea of "groupthink." (see Ex. 12, 13, 14)

Previous opponents of the fact that employment within State Education is still employment, with all of it's associated trappings, have argued that there is somehow a difference between the two. When evaluating any differences between public and private employment, they share nearly all of the same key characteristics: They show up to perform work duties at a common location usually, get a paycheck from this work, network and socialize with their peers and fellow employees while at work. They even share the same common goal of the prosperity and continued success of that entity that they represent.

This goal in this case is firmed up by an oath to CSU which they both took. (see Ex. 11)

When evaluating the issue of conflict of interest, the *Academic Faculty and Administrative Professional Manual of Colorado State University* (see Ex. 10) states "External obligations, financial interests, and activities of each University employee must be managed so that there is no interference with the employee's primary obligation and commitment to the University." When evaluating which of Troxell and Stephen's conflicting interests will win out, it's very clear that the CSU Staff Manual dictates that The University's interests must win out. In this case, dictating that CSU's interest must win out over the public's wishes regarding this Ordinance and the fate of the associated parcel of land. This fact is laid out in writing. In fact, Troxell and Stephens are to even remove themselves from the interference, as per the same Manual.

Also in relation to this passage in the CSU Manual is the fact that Troxell and Stephens have not even properly adhered to the policies of CSU, nor the public trust placed within them by that employment, by removing themselves from the interference

All of these actions, and suspicious voting patterns, coupled with Troxell and Stephens steadfast refusal to simply recuse themselves places us on the doorsteps of a very scary political principle: corruption. Continuing on this course and allowing these individuals to vote on, much less influence the discussion on the topic, is improper and casts a shade of impropriety on the process.

Further, it has been shown again and again that this approach to determining the fate of a such a large and valuable swath of land is the wrong way to go about it. This is evidence that the fate of the Hughes Site needs to be in the hands of the thousands of people that have enjoyed it, and not just in the hands of 7 people too easily influenced by outside interests and unwilling to recognize their own inherent bias. (*see Ex. 1*)

At no point during this process has government aptly summarized the people's opinion for them, nor should they be allowed to.

Further disconcerting was the question as to whether the Ethics Review Board that previously met on 12/16/2019 can even be considered to be unbiased, when council themselves are asked to essentially police themselves in the manner. I feel that asking anyone to objectively judge and evaluate a peer whom shares the same duties and responsibilities as oneself is not a fair process in the least due to inherent biases. I.e., you're naturally inclined to feel sympathetic to someone who encounters the same possible challenges and possible pitfalls before them.

What personally concerns me in the matter is the voracity with which Ken Summers attacked all arguments in support of an investigation into the Ethics Complaint (*see future exhibit to be added of record of the Ethics Review Board meeting having taken place on 12/16/2019*). Considering Ken's own promises of "Opening Doors", "Providing Access", and "Empowering Influence" on his website, I can't help but fear that Ken's own consulting business has somehow tainted even the Ethics Review Board. And to be honest, I don't even know where to start on all of the processes that Ken could have tainted by his actions and questionable motives.

The question to consistently be asked here is: What happens when the needs and goals of a client of Ken's consulting service runs opposite of that of his constituents? The fact that the possibility even exists that he could arrive at this decision juncture is unacceptable, especially in view of the public trust that is placed upon him. In fact, the very idea of "opening doors" and "selling access" is antithetical to a properly represented constituency.

When looking to outside advice and academic legal guidance on the subject, Robert Wechsler, a graduate of Harvard College and Columbia University Law School, and contributor to Columbia Law School's Center for The Advancement of Public Integrity, offers terrific exploration of the topic through two writings, *Local Government Ethics Programs: A resource for Ethics Commission Member, Local Officials, Attorneys, Journalists, and Students*, and *A Manual for Ethics Reform EX and Local Government Ethics Programs In a Nutshell*. (*see Ex. 15, 16*) In the past, Wechsler has even contributed to *The Washington Post* regarding Washington D.C. politics.

Finally, regarding the topic of campaign contributions by the National Association of Realtors Fund to Mayor Troxell's election campaign, there exists case law regarding proportionally large contributions to a candidate's election campaign serving to "violate a person's due process rights to an impartial decision-making body." (see *Ex. 5,9*) This case law, found in the same county as the parcel in consideration, is a terrific path by which to approach Troxell's actions from an additional front.

CONCLUSION

In summary, the following has been presented:

- I. Fort Collins Mayor Wade Troxell and Fort Collins City Councilmember Kristin Stephens are both employees of Colorado State University, the very same entity seeking favorable re-zoning so that the sale of a large 165-acre parcel of land may be successfully sold to Lennar Homes, a developer.
- II. Fort Collins City Councilmember Ken Summers is currently hosting on his website kensummers.org, a page dedicated to his political consulting business/lobbyist business. This page promises direct influence of legislative matters that can be interpreted to mean either the influence of a third party, or of himself, in exchange for compensation of some sort.
- III. The actions of all three individuals, as it pertains to all related activities relating to the consideration of Fort Collins Ordinance No. 138, 2019 (including all related Ethics Complaints hearings), are in direct violation of State and Municipal Ethical and Conflict of Interest Laws. All three individuals have also failed in performing their fiduciary duty to the people of Colorado, a duty ingrained within their public service, and in the case of Troxell and Stephens, their employment by Colorado State University.
- IV. A consistent effort to minimize the representation of the public's wishes regarding the end use of the parcel of land in consideration has been continually undertaken by city staff and City Elected officials.

I request that the Ethics Review Board investigate all ethics violations made by Wade Troxell, Kristin Stephens, and Ken Summers. I request that the Board carry this out using all tools and options at its disposal and do so by taking to heart the public's explicit, expressed, and continual wishes regarding one of the most important pieces of land to Fort Collins' Identity. I specifically request that Wade Troxell, Kristin Stephens and Ken Summers are removed from all interactions with the decision-making process, and severe remediation actions are taken to address the harm to the process already caused.

In closing, I'd like to give the opportunity for a few other members of the public to speak and have their voices heard in a more direct way:

"No westward growth. Open Space. Walking trails only."

"500-600 Homes added to this area unacceptable"

"Encourage CSU to look for a buyer that will keep it open space"

“This ‘open space’ has been an outdoor recreation location well-known by the community and used as such for many, many years. Development is taking this away from the community. {post-it note placed over word, illegible} allow lots of open space.”

“Takes public access and enjoyment/ shared use out of the picture. Not fair when we have to stare at those houses instead of our beautiful foothills habitat every day.”

Above quotes excerpted from Exhibit 1, and pages 94-112 of the First Reading Packet for Ordinance No. 138, 2019.

In light of this complaint, and consistent with the actions taken regarding past Ethics Review Board Complaints, I respectfully request a delay in any matters before Council in relation to Ordinance No. 138, 2019, commonly referred to as “The Hughes Re-Zoning.” As explicitly acknowledged and stated on 11/19/2019, the mere appearance of impropriety in the process could forever stain the process and further erode the public trust in Council’s actions.

Submitted with respect and severe concern to the Ethics Review Board this 21st day of January, 2020.

Rory Heath