For City Clerk's Use Only: Date Filed: _____ Initials: _____

Return this completed form to:

City Clerk's Office, 300 LaPorte Avenue, Fort Collins, CO 80521, or email to cityclerk@fcgov.com

NOTICE OF BALLOT TITLE AND/OR SUBMISSION CLAUSE PROTEST

Protestor Information*: Name, address, telephone number(s), and email address of the protestor (who must be a registered elector)

Name: Kathryn Dubiel	**Phone #:** 970 658 7233
Address: 2936 Eindborough Drive Fort Collins CO 80525	**Email:** tm.k.i.dubiel@gmail.com
Protestor's Signature: Kathryn Dubiel Digitally signed by Kathryn Dubiel Date: 2025.08.31 23:21:05 -06'00'	**Date of Proposed City Council Action:** September 2, 2025

GROUNDS FOR PROTEST

Protest of **Proposed Ballot Title and/or Submission Clause** (as permitted under Municipal Code Section 7-156).

Title of Ordinance or Resolution being protested:

Resolution No. 2025-082 Referring Ordinance No.141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025

The Grounds of the Protest (with particularity):

Fifteen Fort Collins electors file this protest to object to the Submission Clause included in Resolution No. 2025-082 on the basis of the facts presented in the attachment to this document. This attachment explains the grounds of the protest.

Note: Additional protestors' information and signatures as required are provided in the attachment "Additional Protestors."

(Attach additional sheets as necessary)

A protest of proposed ballot title and/or submission clause, in accordance with Section 7-156, must be filed with the City Clerk no later than noon on the Monday immediately preceding the date upon which the City Council will consider the ordinance on First reading, or resolution, setting the ballot title and submission clause.

***If more than one protestor, please provide the name, address, telephone number(s), email address, and signature of each protestor on the back of this form or on additional sheets.**

Protest of Ballot Title and Submission Clause included in Resolution 2025-082

Submitted by Kathryn Dubiel, registered elector of Fort Collins

The basis of this protest is the inconsistency in words used to describe the role and use of the Hughes site by the Indigenous members of our community.

The changing use of words makes the reader question what the Indigenous community can assert as their role and use of the land without having to make a legal challenge. Tracing the changing word usage suggests that the City Council is not making a commitment to the Indigenous community commensurate with the Recommendations of the Civic Assembly. .

The Final Report of the Civic Assembly delivered to the City Council at the May 27, 2025 work session references Indigenous roles and uses multiple times and shows the Civic Assembly's intention to have the Indigenous community play a key role in the site's development and use. The Concept of Indigenous use received 100% support as well as the Minor Element of consultation with indigenous leaders to plan for the twin Cottonwoods. The delegates regarded no other group's use or involvement in planning as highly.

Part 1. Supermajority Recommendations – Concepts

Bullet #1 Indigenous use (**100%** support)

Bullet #3 Indigenous groups should be consulted in each step of the development of the entire property (**95%** support)

Bullet #10 Designate a portion of the site for cultural/educational opportunities with emphasis on indigenous voices (**79%** support)

Part 1. Supermajority Recommendations – Major Uses

Bullet #3 A portion of the site **set aside** to educate and inform about the historical and cultural practices of indigenous people (**89%** support)

Explanatory text added by Healthy Democracy consultants and included with post-Civic Assembly revised report 5/9/2025: ***Outreach*** *to indigenous groups* ***would better inform*** *site development.*

Bullet #4 **Multi-use center for** public gatherings, wildlife rehabilitation (i.e. wildlife hospital facility), learning and education, and **Indigenous cultural representation** (**79%** support)

Part 1. Supermajority Recommendations – Minor Elements

Bullet #2 Local indigenous leaders should be **consulted regarding the use and preservation** of the twin Cottonwood trees on the site (**100%** support)

Civic Assembly rated the Indigenous community's interests 

The Council's Ordinance No. 141, 2025 paints a different picture. The Recitals reflect the tone of the Civic Assembly with strong, supportive, inclusive and wording:

Recital D (b) **Include** Indigenous/Native American consultation, and **provide** support and opportunities for Indigenous communities

Recital D (e) **Include** a multi-use center for public gatherings, wildlife rehabilitation . . . and Indigenous cultural representation

Recitals rated the Indigenous community's interests 

Compare how the Enacting Clause weakens the language:

Enacting Clause #2 The City will **endeavor** to engage in on-going consultations with Native American tribes and the Indigenous community throughout the development of the Hughes site;

Enacting Clauses rated the Indigenous community's interests 

Note that it's the Enacting Clauses (BE IT ORDAINED) that are key to the adopted law and its enforcement. As in the case of the 2021 Citizen-Initiated Ordinance for Keeping Hughes Open Space, the Recitals did not carry the weight that the Enacting Clauses did unless brought to adjudication in the Courts. The Indigenous community would not have grounds to enforce the Civic Assembly's Recommendations nor the commitments mentioned in the Recitals without engaging the City in a legal challenge on legislative intent.

Finally, compare the wording used in the Submission Clause.

The voter will read stronger words in the Submission Clause than are used in the Enacting Clause (BE IT ORDAINED). The Submission Clause should not mislead the voter nor misrepresent the fact that a weaker word, ENDEAVOR, is used in the Enacting Clause.

Submission Clause

Bullet #2 "requiring the City **to consult** with Native American tribes and the Indigenous community throughout the process"

100% support of the Concept for indigenous use

95% support for consulting at each step of development on the entire property

79% designate a portion of the site for use with an emphasis on indigenous voices

89% a portion of the site **set aside**

79% support for a **Multi-use center that includes Indigenous cultural representation**

100% support for **being consulted regarding the use and preservation** of twin cottonwood trees that have significance to the Native People

Recitals: **include** and **provide**

Enacting Clause: **ENDEAVOR**

Voter-facing Submission Clause: r**equiring** the City **to consult** with Native American tribes and the Indigenous community **throughout the process**

The remedy sought is to present the voter with a word similar to ENDEAVOR so that they will not be misled. The Submission Clause should not differ so significantly from the Ordinance.

Additionally while three major uses have been named and have been designated with "up to" acreage sizes, the set aside for indigenous people's use of the site is not one of those three. See the Concepts and Major Use Supermajority Recommendations of the Civic Assembly. If Council members want to use the Civic Assembly as the basis for this multi-use plan, then the Council should include a major use "set aside" for the Indigenous community's use.

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Robert F LaSala

Address 7109 Housmer Park. Dr Fort Collins, Co 80525

Phone number (303) 249-2817

Email address bob.lasala@icloud.com

Signature RFL
Robert LaSala (Sep 1, 2025 07:15:58 GMT+3)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Carlos Bonilla

Address 3013 Eindborough Drive, Fort Collins, CO 80525

Phone number 970-443-4247

Email address debussyscat@gmail.com

Signature Carlos Bonilla
Carlos Bonilla (Aug 31, 2025 19:40:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Charles Kopp

Address 501 Hanna St., Fort Collins, CO 80521

Phone number 970-672-8597

Email address charleskopp01@gmail.com

Signature Charles Kopp
Charles Kopp (Aug 31, 2025 19:31:24 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Dianna Murphy

Address 2500 Leghorn Dr Fort Collins Co 80526

Phone number 970 846 6933

Email address seaofcortez16@gmail.com

Signature dianna murphy
dianna murphy (Aug 31, 2025 18:16:53 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Guadalupe Sandoval

Address 3220 W. Prospect Rd

Phone number 970-988-6417

Email address nurseloop@gotmail.com

Signature _____
Guadalupe Sandoval (Aug 31, 2025 19:31:36 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Holly J Young

Address 2207 Kiowa Ct

Phone number 970-691-0895

Email address holly080459@gmail.com

Signature Holly Young
Holly Young (Aug 31, 2025 21:29:02 MDT)

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Janine Gentile

Address 2901 Garrett Dr., Fort Collins, CO 80526

Phone number 9703913961

Email address j9gentile@gmail.com

Signature _____
Janine Gentile (Aug 31, 2025 21:35:50 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Kathryn Dubiel

Address 2936 Eindborough Drive Fort Collins CO 80525

Phone number 970 658 7233

Email address tm.k.i.dubiel@gmail.com

Signature Kathryn Dubiel
Kathryn Dubiel (Sep 1, 2025 00:26:05 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Mary Rundquist

Address 2211 west mulberry lot 219

Phone number 9704207738

Email address maryrundquist@gmail.com

Signature Mary Rundquist
Mary Rundquist (Aug 31, 2025 20:19:55 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Nancy Eckardt

Address 2836 Skimmerhorn St., Fort Collins, CO 80526

Phone number 9708173472

Email address nan.eckardt@gmail.com

Signature Nancy Eckardt
Nancy Eckardt (Aug 31, 2025 18:27:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Paul Patterson

Address 2936 Eindborough

Phone number 970-420-5611

Email address plpatterson3@outlook.com

Signature Paul L Patterson III
Paul L. Patterson III (Aug 31, 2025 20:39:18 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Renee Walkup

Address 3514 Pratolina court

Phone number 404 2717438

Email address walkup@salespeak.com

Signature _____
Renee Walkup (Aug 31, 2025 21:53:28 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name TAMRA MEURER

Address 4021 spruce dr

Phone number 970-388-5588

Email address Tamra.meurer@outlook.com

Signature
Tamra Meurer (Aug 31, 2025 19:27:03 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Thomas Farnsworth

Address 2707 Dixon Creek Lane

Phone number 970 213 1822

Email address farns2707@msn.com

Signature Thomas Farnsworth
Thomas Farnsworth (Sep 1, 2025 00:14:40 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Victoria M. McLane

Address 1607 Ticonderoga Drive

Phone number 970-226-1006

Email address vmhmclane@gmail.com

Signature Victoria M. McLane
Victoria M. McLane (Aug 31, 2025 20:03:54 MDT)

08/31/2025