AFFIDAVIT

STATE OF COLORADO)	
)	SS
U.S. Dist. Court)	

- I, Darin Atteberry, City Manager for the City of Fort Collins, swear or affirm and state under penalty of perjury:
 - 1. I have read Judge Martinez's notice of disclosure regarding his prior involvement with the ACLU and the congressional records indicating that he asserted the attorney/client privilege over some interactions related to his involvement with that panel/organization.
 - 2. In my role as City Manager, I reaffirm that Fort Collins' panhandling ordinance is an important protection to the health, safety, and welfare of the City and its citizens and I harbor doubts that Judge Martinez could remain impartial with regard to the merits of this case.
 - 3. In my role as City Manager, I therefore believe, for the reasons raised in the Motion for Judicial Recusal as filed by the City's attorneys, that recusal would avoid any appearance of partiality.

(Signature)

<u>Darin A. Atteberry</u> (Print or Type Name) SUBSCRIBED AND SWORN to before me this 23rd day of February, 2015, by Darin A. Atteberry, as Fort Collins City Manager.

WITNESS my hand and official seal.

[SEAL]

My Commission Expires: Wy 16, 2017