

RESOLUTION 2026-070
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ACCEPTING AND ADOPTING ETHICS OPINION NO. 2026-01
OF THE ETHICS REVIEW BOARD ADVISING COUNCILMEMBER
ANNE NELSEN IN RESPONSE TO HER REQUEST FOR AN
ADVISORY OPINION

A. The City Council has established an Ethics Review Board (the “Board”) consisting of designated members of the City Council.

B. The Board is empowered under 2-579(d)(1) of the City Code to render advisory opinions and recommendations regarding actual or hypothetical situations of Councilmembers or board and commission members of the City. After review and investigation, the Board will render advisory opinions or interpretations pertaining to such inquiries under the relevant provisions of the Charter and City Code and the applicable provisions of state law, if any, and make written recommendations to the City Council concerning the same.

C. The primary purpose of the advisory opinion process is to provide guidance to Councilmembers and other City officers and employees to assist them in complying with the rules, requirements, and procedures pertaining to ethics established by the City Charter and City Code and applicable provisions of state statutes.

D. On February 5, 2026, Councilmember Anne Nelsen requested that the Board consider and provide an advisory opinion regarding the following questions:

(1) Does the City Charter prohibition on Councilmembers having a financial interest in sales of services to the City bar Nelsen from working on her employer’s contracted work for the City?

(2) Does the City Charter prohibition on Councilmembers having a financial interest in sales of services to the City affect Nelsen as an employee of [au]workshop if she does not work on her employer’s contracted work for the City?

(3) Assuming [au]workshop continues to work for the City as described, or on other contracts for services, in what circumstances does Nelsen’s employment at [au]workshop give rise to a financial interest under the Charter and Code? (What circumstances would constitute a foreseeable, measurable financial benefit to Nelsen?)

(4) Assuming [au]workshop continues to work for the City as described, or on other contracts for services, in what circumstances does Nelsen’s employment at [au]workshop give rise to a personal interest under the Charter and Code? (What circumstances would constitute a significant

benefit or detriment to Nelsen that would be different in kind from that experienced by the general public?)

E. Ethics opinions recommended by the Board and adopted by City Council serve as guidance when future ethics issues arise and provide the rationale necessary to apply consistent logic to future issues. The City Council last considered and approved an advisory ethics opinion recommended by the Board in 2021.

F. The Board, comprised of Councilmembers Amy Hoeven, Julie Pignataro, and Melanie Potyondy, met on March 4, March 31, and April 13, 2026, to consider Councilmember Nelsen's inquiry. The Board carefully analyzed and evaluated the applicable law, including applicable Charter and City Code provisions and state ethics provisions, gathered evidence from Councilmember Nelsen, and pursued relevant lines of inquiry.

G. At the conclusion of its review and discussions, the Board unanimously adopted and issued 2026-01 Opinion of the Ethics Review Board of the City Council of the City of Fort Collins, attached hereto as Exhibit A and incorporated herein by reference, describing and explaining its advisory conclusions and recommendations to Councilmember Nelsen.

H. The City Attorney's Office advised the Board as legal counsel.

I. Code Section 2-579(d)(1)(d) requires all advisory opinions and recommendations of the Board be placed on the next special or regular City Council meeting agenda. City Council shall determine whether to adopt such opinions and recommendations.

J. City Council has reviewed Exhibit A and wishes to adopt the same.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. City Council has reviewed Exhibit A and hereby accepts and adopts the recommendations and findings contained therein.

Passed and adopted on May 5, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: May 5, 2026

Approving Attorney: Jenny Lopez Filkins

Exhibit: Exhibit A – 2026-01 Opinion of the Ethics Review Board of the City
Council of the City of Fort Collins