

2026-01
OPINION OF THE ETHICS REVIEW BOARD
OF THE CITY COUNCIL OF THE CITY OF FORT COLLINS

April 13, 2026

The City Council Ethics Review Board (“the Board”) met on March 4 and March 31, 2026, to consider and render an advisory opinion addressing four questions submitted to the Board by Councilmember Anne Nelsen on February 5, 2026. Councilmember Nelsen asked for an advisory opinion under City Code Section 2-579(d)(1) regarding:

- (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?)

The Board’s conclusions and recommendations are summarized as follows:

- 1) With respect to her employment at [au]workshop Councilmember Nelsen is not barred from working on City projects her employer performs for the City. Based on the facts as presented in this review related to her employment with [au]workshop, the Board does not consider that work as it has been described to entail a foreseeable, measurable financial benefit to Councilmember Nelsen. She has provided information that, whether she works on City projects for [au]workshop or not, this will have no impact favorable or unfavorable on her compensation. This opinion is predicated upon the current facts; any alteration to this premise could render this opinion inapplicable. Concerns have arisen about the unusual circumstances of the work of a Councilmember being supervised by City staff and the potential for operational

conflicts.

- 2) The Board's finding that Councilmember Nelsen does not have a financial interest in a sale of [au]workshop's services to the City does not affect Councilmember Nelsen as an employee of [au]workshop regardless of whether she works on her employer's contracted work for the City. Councilmember Nelsen has provided information that, whether she works on City projects for [au]workshop or not, this will have no impact favorable or unfavorable on her compensation. This opinion is predicated upon the current facts; any alteration to this premise could render this opinion inapplicable.
- 3) The Board finds that Councilmember Nelsen does not have a financial interest in any specific, pending Council decision regarding [au]workshop nor in any category of Council decision, although there may be instances in the future where [au]workshop is likely to be affected by a City project or decision that impacts [au]workshop as a property owner or business operated in City limits. In that instance, the Board finds an evaluation of the potential implications for Councilmember Nelsen personally, if any, would be prudent. The Board encourages Councilmember Nelsen to consider the potential for an appearance of impropriety and consider declaring a conflict where there is a question as to a potential financial interest in a Council decision.
- 4) The Board finds that Councilmember Nelsen does not have a personal interest in any specific, pending Council decision nor in any category of Council decision, ~~unless she continues to work on City projects for [au]workshop~~. There may be instances in the future where impacts to or interests of [au]workshop could give rise to a personal interest for Councilmember Nelsen, particularly on projects she is involved in professionally. The Board encourages Councilmember Nelsen to consider the potential for an appearance of impropriety and consider declaring a conflict where there is a question as to a potential personal interest in a Council decision.
- 5) The Board also considered the application of state ethics laws to Councilmember Nelsen's circumstances. The Board finds that the noted state law ethics provision does not bar Councilmember Nelsen from participating in Council decisions as a general matter. However, because she is barred from participating in matters where she is an "agent" for her employer, work by Councilmember Nelsen on City projects, even if not barred under the City Charter, would raise questions as to her participation in decisions impacting [au]workshop projects in which she is involved. The statutory provision increases the likelihood that Councilmember Nelsen would be required to refrain from involvement in Council decisions if she is working on matters for the City. In that event, Councilmember Nelsen would need to declare a conflict of interest on such a matter in advance of City Council's consideration and refrain from influencing or participating in the matter.

Overview of Ethics Opinion 2026-01

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Background

Under City Code Section 2-579, Councilmembers may present to the Council's Ethics Review Board inquiries regarding the application of state or local ethical rules to actual or hypothetical situations involving potential conflicts of interest. Upon completion of its review, the Ethics Review Board adopts an Ethics Opinion that is then presented to the City Council for consideration and possible adoption by the Council by resolution.

The local ethics provisions considered as part of this inquiry are City Charter Article IV, Section 9(a), regarding conflicts of interest and related definitions, Section 9(b) regarding a prohibition on a sale of services to the City by a councilmember. The state ethics provision considered as part of this inquiry is Colorado Revised Statutes Section 24-18-109(2). These provisions are discussed and examined below as applicable.

Business Relationship Between the City and [au]workshop and Councilmember Nelsen's Position and Role at [au]workshop

- Councilmember Nelsen is employed as an architect by a private company, [au]workshop, as a salaried, full-time employee; she does not hold an ownership interest in [au]workshop.
- [au]workshop performs architectural and design work under contract with BHA Design (BHA) and Logan Simpson Designs (LSD).
- BHA and LSD, in turn, provide services to the City of Fort Collins pursuant to professional services agreements.
- [au]workshop bills BHA and LSD for time spent by [au]workshop employees, including Councilmember Nelsen, on City-related projects.
- Councilmember Nelsen's employment is not tied to the City's contract with her employer, [au]workshop.

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- Councilmember Nelsen does not receive any project-specific commission, guaranteed profit sharing, or other direct compensation tied to [au]workshop's City work.
- Councilmember Nelsen's regular pay, any discretionary bonus consideration, her performance evaluations and her employment standing are not directly increased or otherwise made more favorable because of [au]workshop's involvement in City contracts.
- Councilmember Nelsen does not have authority in her employment with [au]workshop to enter contracts with firms such as BHA or LSD and has not done so.
- Typically, [au]workshop rotates work assignments. Under this practice, Councilmember Nelsen would be assigned to work on a given project when it is her turn in the rotation.
- Councilmember Nelsen has most recently worked on a landscape design for a City of Fort Collins park, Tailwinds. City staff supervised the work of Councilmember Nelsen, but this generally was prior to appointment to City Council.
- [au]workshop is in the process of extending their contract with BHA for work to be completed during the construction administration phase at Spring Canyon Park.
- [au]workshop and potentially Councilmember Nelsen could work in the future on additional City projects through [au]workshop's contracts with BHA and LSD or others.
- City Council may be asked to approve appropriations, or project authorizations that could require architectural or design services of the type provided by [au]workshop through BHA.
- Immediately after her appointment to City Council, Councilmember Nelsen was in the process of finishing a project at Tailwinds Park and met with staff to do a final walk-through. [au]workshop has not billed LSD for these services and Councilmember Nelsen will complete no other work for the design firms that contract with the City until the ERB issues a decision on the questions raised.
- Contracts between the City and BHA Design and LSD are not approved by City Council. Instead, they are secured through the City's purchasing process described in Chapter 8, Article IV of the Fort Collins Municipal Code.
- Councilmember Nelsen has spoken with her employer about not working on City projects.
- She is compensated the same amount regardless of whether her employer performs City work as a contractor;
- The contractors that utilize services of the [au]workshop choose various firms of the same type as [au]workshop to perform City work and selections made are based on long-standing working relationships;
- The contractors who utilize the services of [au]workshop also contract with other companies to perform work on City contracts;
- [au]workshop's services have been used by contractors to work only on small aspects or projects within larger City projects.

- On March 30, 2026, Councilmember Nelsen provided information to the Board about the terms and conditions of her [au]workshop employment in a letter from her attorney and her affidavit.

Authorities for Consideration:

1. Specific Prohibition on Sales to the City

Article IV, Section 9(b)(1) prohibits a City Councilmember from having a financial interest in a sale to the City of any services.

Section 9. Conflicts of interest.

(b) *Rules of conduct concerning conflicts of interest.*

(1) *Sales to the city.* No officer or employee, or relative of such officer or employee, may have a financial interest in the sale to the city of any real or personal property, equipment, material, supplies or services, except personal services provided to the city as an officer or employee, if:

- a. such officer or employee is a member of the Council;
- b. such officer or employee exercises, directly or indirectly, any decision-making authority on behalf of the city concerning such sale; or
- c. in the case of services, such officer or employee exercises any supervisory authority in their role as a city officer or employee over the services to be rendered to the city.

2. Financial Interest Definition

The Charter defines “financial interest” as follows (emphasis added):

Financial interest means any interest equated with money or its equivalent. Financial interest **does not include**:

(1) the interest that an officer, employee or relative has as an employee of a business, or as a holder of an ownership interest in such business, in a decision of any public body, **when the decision financially benefits or otherwise affects such business but entails no foreseeable, measurable financial benefit to the officer, employee or relative;**

(2) the interest that an officer, employee or relative has as a nonsalaried officer or member of a nonprofit corporation or association or of an educational, religious, charitable, fraternal or civic organization in the holdings of such corporation, association or organization;

(3) the interest that an officer, employee or relative has as a recipient of public services when such services are generally provided by the city on the same terms and

conditions to all similarly situated citizens, regardless of whether such recipient is an officer, employee or relative;

(4) the interest that an officer, employee or relative has as a recipient of a commercially reasonable loan made in the ordinary course of business by a lending institution, in such lending institution;

(5) the interest that an officer, employee or relative has as a shareholder in a mutual or common investment fund in the holdings of such fund unless the shareholder actively participates in the management of such fund;

(6) the interest that an officer, employee or relative has as a policyholder in an insurance company, a depositor in a duly established savings association or bank, or a similar interest-holder, unless the discretionary act of such person, as an officer or employee, could immediately, definitely and measurably affect the value of such policy, deposit or similar interest;

(7) the interest that an officer, employee or relative has as an owner of government-issued securities unless the discretionary act of such owner, as an officer or employee, could immediately, definitely and measurably affect the value of such securities; or

(8) the interest that an officer or employee has in the compensation received from the city for personal services provided to the city as an officer or employee.

3. Personal Interest Definition

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 judgment 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. Personal interest shall not include:

(1) the interest that an officer, employee or relative has as a member of a board, commission, committee, or authority of another governmental entity or of a nonprofit corporation or association or of an educational, religious, charitable, fraternal, or civic organization;

(2) the interest that an officer, employee or relative has in the receipt of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens; or

(3) the interest that an officer or employee has in the compensation, benefits, or terms and conditions of his or her employment with the city.

Related **key terms** (from Section 2-575) of the City Code) include:

- (2) *Benefit* = an advantage or gain.
- (6) *Different in kind from that experienced by the general public* = of a different type or nature not shared by the public generally and that is not merely different in degree from that experienced by the public generally.
- (7) *Direct* = resulting immediately and proximately from the circumstances and not from an intervening cause.
- (8) *Detriment* = disadvantage, injury, damage or loss.
- (13) *Public services* = city services provided to or made available for the public's benefit.
- (15) *Relative* = the spouse or minor child of the officer or employee, any person claimed by the officer or employee as a dependent for income tax purposes, or any person residing in and sharing with the officer or employee the expenses of the household.
- (18) *Substantial* = more than nominal in value, degree, amount or extent.

4. Conflicts of Interest Under State Law

Colorado law provides ethics provisions for local government officials, including Colorado Revised Statutes Section 24-18-109.

1. As defined for the purpose of the **statutory ethics provisions**:

- i. Councilmembers are "**local government officials**" (as defined in Section 24-18-102(6)).
- ii. "**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. (Section 24-18-102(4)).

2. **Section 24-18-109(2)**, C.R.S., provides that a local government official or employee shall not (in relevant part):

- i. 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 (§ 24-18-109(2)(a)); or
- ii. 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** (§ 24-18-109(2)(b));

3. A member of a 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 and refrain from participating in the decision unless necessary to obtain a quorum (§ 24-18-109(3)).
 - i. In light of the relationship between this provision and the constitutional limit on members of the General Assembly, the way the constitutional limit has been applied to the General Assembly may provide some useful guidance in considering the meaning of “personal or private interest.” Further elaborating on this limit on members of the General Assembly is Joint Rule 42, which states a legislative interpretation of the limit.

To summarize, Joint Rule 42 provides that:

a) If the passage or failure of a measure will result in the legislator deriving a direct financial or pecuniary benefit that is greater than any such benefit derived by or shared by other persons in the legislator’s profession, occupation, industry or region, the legislator is considered to have a personal, private or financial interest in the measure.

b) If the interest a legislator has in a measure affects the entire membership of a class to which the legislator belongs, the interest is not deemed to be a personal, private or financial interest.

Merriam-Webster’s online definition of the term “pecuniary” is: **1.** consisting of or measured in money; such as *pecuniary aid* *pecuniary gifts*; **2:** of or relating to money.

4. **Article XXIX of the Colorado constitution – also referred to as “Amendment 41,”** sets out limits for state and local officers and employees, by establishing limits on the acceptance of gifts and forming an Independent Ethics Commission to hear complaints about conduct of covered officials. While the amendment applies to municipalities in general, Section 7 provides, “Any county or municipality may adopt ordinances or charter provisions with respect to ethics matters that are more stringent than any of the provisions contained in this article. *The requirements of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by this article.*” (Emphasis added.)

Since the enactment of Amendment 41, it has been generally understood that Section 7 exempts home-rule cities that have enacted their own local charter and code ethics provisions, like Fort Collins, from its provisions.

In September 2010, the City Council adopted Resolution 2010-063, finding and determining that the City’s Charter and Code adequately and appropriately address

those matters covered by Amendment 41, that no further action by the City Council is warranted or necessary in order to further the purposes of Amendment 41 or address the matters contained therein, and that the requirements of Amendment 41 shall not be applicable to the City of Fort Collins.

Application of the Prohibition on a Sale of Services to the City and Its Impact on Councilmember Nelsen's Work and Employment with [au]workshop

(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?

FINDING: Councilmember Nelsen does not have a financial interest in a sale of services to the City. With respect to her employment at [au]workshop, Councilmember Nelsen is not barred from working on City projects her employer performs for the City.

Based on the facts as presented in this review related to her employment with [au]workshop, the Board does not consider that work as it has been described to entail a foreseeable, measurable financial benefit to Councilmember Nelsen.

Councilmember Nelsen has provided information that, whether she works on City projects or not, this will have no impact favorable or unfavorable on her compensation. This opinion is predicated upon the current facts; any alteration to this premise could render this opinion inapplicable.

It may be helpful for Councilmember Nelsen to seek assurance and commitment from [au]workshop that her actions as a City Councilmember will not influence in any way her treatment, compensation or other circumstances in connection with her employment.

City Charter Article VI, Section 9(b)(1) prohibits a City Councilmember from having a financial interest in a sale of services to the City. The wording of Article IV, Section 9(b)(1) is an outright prohibition. The prohibition applies to City Councilmembers who have a financial interest in a sale of services to the City.

Councilmember Nelsen provided factual background to the City prior to the March 4, 2026, Board meeting, which was noted in the Agenda Item Summary. During the meeting, the Board directed questions to Councilmember Nelsen and elicited additional relevant background noted on pages 3 and 4.

On March 30, 2026, Councilmember Nelsen provided additional relevant information in the form of an affidavit as well as statements to the Board during its March 31, 2026, meeting. The information provided on March 30 and during the March 31 Board meeting establishes that Councilmember Nelsen does not receive any project-specific

commission, guaranteed profit sharing, or other direct compensation tied to [au]workshop's City work. Councilmember Nelsen's regular pay, any discretionary bonus consideration, her performance evaluations and her employment standing are not directly increased or otherwise made more favorable because of [au]workshop's involvement in City contracts

The definition of "financial interest" in the Charter is broad. A financial interest includes being an employee of a business entity involved in transactions that receive City money for their services and will experience a financial benefit, but not if there will be no foreseeable, measurable financial benefit to that officer as an employee. The Board noted that the fact that the money, in this case, passes through another entity does not bear on the analysis if other facts suggest there will be a foreseeable, measurable financial benefit from the "sale to the City." As noted, Councilmember Nelsen's company would bill BHA and LSD, as presumably would other companies with City contracts, for her time spent on City projects.

The consensus of the Board is that Councilmember Nelsen does not have a financial interest in a sale to the City because there is no foreseeable, measurable interest in the sale of [au]workshop's services to the City.

The Board members agreed that the facts supporting their finding include:

- Councilmember Nelsen's [au]workshop compensation does not change with her assigned projects;
- the City projects [au]workshop completes for the City are a small portion of [au]workshop's business;
- Councilmember Nelsen is distanced from [au]workshop's relationship with the City;
- Councilmember Nelsen's compensation and position with [au]workshop don't change based on her assigned work;
- [au]workshop architects receive their salaries based on their total work for [au]workshop and not based on any specific project;
- Councilmember Nelsen's [au]workshop compensation is the same regardless of how she records her time on projects;
- Councilmembers do not participate in the City's procurement process in any way.

Board members noted concerns about the unusual circumstances of the work of a councilmember being supervised by City staff and the potential for operational conflicts. Board members noted that staff has a tendency to be deferential to Councilmembers because of their leadership positions.

(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?

FINDING: The Board's finding that Councilmember Nelsen does not having a financial interest in a sale of services to the City does not affect Councilmember Nelsen as an employee of [au]workshop regardless whether she works on her employer's contracted work for the City.

Councilmember Nelsen has provided information that, whether she works on City projects or not, this will have no impact favorable or unfavorable on her compensation. This opinion is predicated upon the current facts; any alteration to this premise could render this opinion inapplicable.

The Board discussed the information provided before and during the March 4, and March 31, 2026, meetings about the circumstances, terms and conditions of Councilmember Nelsen's employment. They noted that:

- Councilmember Nelsen is one of several employees that work on City projects for [au]workshop];
- Her employment with [au]workshop is not conditioned on Councilmember Nelsen working on City projects; and
- Contractors such as BHA and LSD contract with several consulting companies other than [au]workshop to perform the City work.

Considering this information, the Board concludes the City Charter prohibition on councilmembers having a financial interest in a sale of services to the City does not affect Councilmember Nelsen as an employee of [au]workshop if she does not work on her employer's contracted work for the City.

Application of Conflicts/Ethics Provisions to Council Decisions

- (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?)

Council Decisions Related to [au]workshop

Financial Interest Under City Charter

FINDING: The Board finds that Councilmember Nelsen does not have a financial interest in any specific, pending Council decision regarding [au]workshop nor in any category of Council decision, although there may be instances in the future where [au]workshop is likely to be affected by a City project or decision that impacts [au]workshop as a property owner or business operated in City limits. In that instance, the Board finds an evaluation of the potential implications for Councilmember Nelsen personally, if any, would be prudent.

The Board encourages Councilmember Nelsen to consider the potential for an appearance of impropriety and consider declaring a conflict where there is a question as to a potential financial interest in a Council decision.

The Board discussed the types of Council decisions that may raise a conflict of interest for Councilmember Nelsen due to a financial interest. The questions raised in the request for this ethics opinion did not identify a specific Council decision or category of decisions that are anticipated to come before Council that could raise a conflict of interest for Councilmember Nelsen. Past Board ethics opinions have addressed only specific Council decisions or categories of decisions anticipated to come before Council.

The Board concluded that that Councilmember Nelsen does not have a financial interest in any specific, pending Council decision regarding [au]workshop nor in any category of Council decision, although there may be instances in the future where [au]workshop is likely to be affected by a City project or decision that impacts [au]workshop as a property owner or business operated in City limits. In that instance, the Board finds an evaluation of the potential implications for Councilmember Nelsen personally, if any, would be prudent.

The key question, when future Council decisions that could affect [au]workshop arise, is whether there is a foreseeable, measurable financial benefit to Councilmember Nelsen.

The Board encourages Councilmember Nelsen to consider the potential for an appearance of impropriety and consider declaring a conflict where there is a question as to a potential financial interest in a Council decision.

Personal Interest Under City Charter

(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?)

FINDING: The Board finds that Councilmember Nelsen does not have a personal interest in any specific, pending Council decision regarding [au]workshop nor in any category of Council decision, although there may be instances in the future where [au]workshop is likely to be affected by a City project or decision that impacts [au]workshop as a property owner or business operated in City limits. In that instance, the Board finds an evaluation of the potential implications for Councilmember Nelsen personally, if any, would be prudent.

The Board encourages Councilmember Nelsen to consider the potential for an appearance of impropriety and consider declaring a conflict where there is a question as to a potential financial interest in a Council decision.

Whether Councilmember Nelsen has a personal interest in the types of decisions Council makes regarding [au]workshop by virtue of her employment is governed by the standard of whether because of the Council decision she would experience **some direct and substantial benefit or detriment, different in kind from that experienced by the general public.**

In the past, the question of divided loyalties between a councilmember's duties as an elected City officer and an employee of another community entity have arisen. Although in recent years there has been much speculation as to whether an employee is under pressure to act as a Councilmember in a manner that will please their employer, usually this is based on speculation that there will be a direct and substantial benefit or detriment to the employee/Councilmember.

To give rise to a personal interest, there must be a specific circumstance that indicates some relationship between the employer's interest in the decision and how the employer will treat the employee/Councilmember, or some other way the decision impacts the interests of the employee/Councilmember in their professional or personal capacity. In other words, Councilmember Nelsen is unlikely to have a personal interest in a decision related to [au]workshop, unless there is an evidence-based and not speculative reason to think [au]workshop will act for or against her as a result of a specific decision she makes as a Councilmember, or the decision implicates some particular interest of hers, such as her professional reputation or credentials.

A matter could come before the Council at some point that could give rise to a personal interest for Councilmember Nelsen. For example, a decision that directly affects the interests of [au]workshop could be found to relate directly and closely enough to Councilmember Nelsen's role and work with the [au]workshop to merit a close look as to whether a personal interest is presented.

It may be helpful for Councilmember Nelsen to seek assurance and commitment from [au]workshop that her actions as a City Councilmember will not influence in any way her treatment, compensation or other circumstances in connection with her employment.

The Board encouraged Councilmember Nelsen to consider the appearance of impropriety and declare a conflict even if there is no clear evidence of a personal interest in a Council decision. The issue is participation in a decision where public confidence might be eroded because members of the public suspect decisions are influenced by professional connections or for personal interest reasons.

State Ethics Provisions

FINDING: The Board finds that the noted state law ethics provision does not bar Councilmember Nelsen from participating in Council decisions as a general matter. However, because she is barred from participating in matters where she is an “agent” for her employer, work by Councilmember Nelsen on City projects, even if not barred under the City Charter, would raise questions as to her participation in decisions impacting [au]workshop projects she is involved in.

The statutory provision increases the likelihood that Councilmember Nelsen would be required to refrain from involvement in Council decisions if she is working on matters for the City. In that event, Councilmember Nelsen would need to declare a conflict of interest on such matter in advance of City Council’s consideration and refrain from influencing or participating in the matter.

The Board concluded that the noted state law ethics provision does not bar Councilmember Nelsen from participating in Council decisions as a general matter. However, because she is barred from participating in matters where she is an “agent” for her employer, work by Councilmember Nelsen on City projects, even if not barred under the City Charter, would raise questions about her participation in decisions impacting [au]workshop projects. The statutory provision would increase the likelihood that Councilmember Nelsen would be required to refrain from involvement in Council decisions if she is working on matters for the City. In that event, Councilmember Nelsen would need to declare a conflict of interest on such a matter in advance of City Council’s consideration and refrain from influencing or participating in the matter.

This advisory opinion was reviewed and approved by Mayor Pro Tem Julie Pignataro and Councilmembers Melanie Potyondy and Amy Hoeven, as the designated regular members of the Ethics Review Board, at a meeting of the Ethics Review Board on April 13, 2026. Pursuant to Section 2-579(d) of the City Code, this opinion and recommendation is to be immediately filed with the City Clerk and made available for public inspection. This opinion shall be considered by the City Council at its meeting on May 5, 2026

Dated this 13th day of April, 2026.

Jenny Lopez Filkins, Sr. Deputy City Attorney