

ORDINANCE NO. 109, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 2, ARTICLE VII, DIVISION 2 OF THE
CODE OF THE CITY OF FORT COLLINS ETHICS RULES
RELATED TO COUNCILMEMBER OBLIGATIONS TO REPORT
CONTACTS WITH CITY STAFF ABOUT NON-ROUTINE CITY
MATTERS

A. In March and April of 2026, the Ethics Review Board (the “Board”) met to consider a request by Councilmember Anne Nelsen for an ethics opinion about questions related to her employment with a City subcontractor and the work she performs for the subcontractor on City projects.

B. Ethics Opinion 2026-01 concluded that, with respect to her employment with a City subcontractor on City projects, Councilmember Nelsen is not barred from working on City projects her employer completes for the City. The Board recommended adoption of Ethics Opinion 2026-01 to City Council, and, on May 5, 2026, City Council adopted the opinion by resolution.

C. City Code Section 2-578 identifies the circumstances in which a Councilmember must report a contact with a City officer or employee regarding a matter that is outside the Councilmember’s role and is not a routine City matter. The requirement applies when the Councilmember contacts a City officer or employee about a request that relates to the officer’s or employee’s official role. A Councilmember who makes such a contact must report it to the City Clerk, City Manager, and other Councilmembers by 5:00 p.m. on the next business day.

D. A “routine City matter” is a customary or standard request, application, registration, reservation, or appeal for City services or approvals that is handled through established processes and standard practices.

E. The nature of the City projects Councilmember Nelsen and any other similarly situated Councilmember will work on for their employer has and will continue to require regular communication and coordination of various City projects with City staff. These contacts will not be about routine City matters.

F. Discussion about this reporting obligation took place during the Board’s April 13, June 9, and July 24, 2026, meetings. The Board recognized that amendments to City Code Section 2-578 should be considered given the frequency of contacts about requests by a Councilmember who is authorized to work for a City subcontractor on a City project. The Board also recognized the value of retaining the requirement that Councilmembers disclose the City projects on which they work because of the authority inherent in their elected office.

G. The Board considered various options for amending the City’s ethics rules and unanimously approved a motion to recommend amendments to Code Section 2-578 consistent with these goals.

H. The proposed amendments to Code Section 2-578 create an exception to the reporting obligation.

I. City Council desires to amend Code Sections 2-578 consistent with the Board's recommended amendments.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 2-578 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-578. - Additional ethical rules of conduct—Mayor and council members.

. . .

(b) If any Councilmember contacts an officer or employee regarding a request in connection with that contacted officer's or employee's role and in relation to a matter that is not a routine City matter and is not within the Councilmember's role as an officer of the City, said Councilmember shall no later than 5:00 p.m. on the next business day after such contact deliver a written disclosure to the City Clerk and the City Manager and to all other members of City Council. The written disclosure must describe the date, time and general subject matter of the contact, together with the identity of the officer or employee contacted. Any private or confidential information, such as tax, utility account, or other personal information may be excluded or redacted from such disclosure. Disclosure by means of an electronic message shall be deemed to constitute written disclosure for purposes of this provision.

The disclosure requirement of this subsection shall not apply to requests made by a Councilmember acting solely within the scope of their employment or professional services on behalf of a contractor, consultant, or other entity engaged by the City, provided that:

- (1) The Ethics Review Board has issued an ethics opinion, and City Council has approved such opinion that the work of the Councilmember on behalf of the City complies with applicable ethics rules; and
- (2) The Councilmember has filed a standing disclosure identifying each City project and the nature of the Councilmember's professional involvement; and
- (3) The Councilmember has otherwise complied with applicable ethics opinions, conflict-of-interest, and disclosure requirements; and
- (4) The request concerns the performance, administration, design, review, coordination, or implementation of the project or contract; and

- (5) The request does not seek special treatment, waiver or modification of applicable requirements, or discretionary action unavailable to similarly situated persons.

Introduced, considered favorably on first reading on August 18, 2026, and approved on second reading for final passage on September 1, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 11, 2026

Approving Attorney: Jenny Lopez Filkins

Exhibit: None