

AGENDA ITEM SUMMARY

City Council



STAFF

Jenny Lopez Filkins, Chief Deputy City Attorney

SUBJECT

Second Reading of Ordinance No. 109, 2026, 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.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 18, 2026, considers amendments recommended by the Ethics Review Board to a section of City Code related to Councilmember obligations to report a contact with a City officer or employee regarding a request in connection with the contacted officer's or employee's role about a non-routine City matter and not within the Councilmember's role as an officer of the City.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

In March and April of 2026, the Ethics Review Board (the "Board") held meetings to consider a request made 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. The Board recommended adoption of Ethics Opinion 2026-01 to City Council, and, on May 5, 2026, City Council adopted the opinion by resolution. Ethics Opinion 2026-01 concluded that, with respect to her employment with a City subcontractor, Councilmember Nelsen is not barred from working on City projects her employer completes for the City.

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. The Code defines a "routine City matter" as a customary or standard request, application, registration, reservation, or appeal for City services or approvals that is handled through established processes and standard practices.

The nature of the City projects Councilmember Nelsen and any other similarly situated City 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.

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 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.

The Board considered various options for amending the Code and recommended changes to Section 2-578 that create an exception to the current obligation. The exception applies to communications made by a Councilmember in the course of their employment on a City project, provided:

- the Council has approved an ethics opinion that the work of the Councilmember on behalf of the City complies with applicable ethics rules; and
- the Councilmembers files a standing disclosure identifying each City project and the nature of the Councilmember's professional involvement; and
- the Councilmember has otherwise complied with all applicable ethics and conflict-of-interest and disclosure requirements; and
- the request concerns routine project administration; and
- the request does not seek special treatment, waiver or modification of applicable requirements, or discretionary action unavailable to similarly situated persons.

The Board supported ensuring that any recommended Code amendments apply equally to and benefit other similarly situated Councilmembers.

The Board unanimously approved a motion to recommend amendments to City Code Section 2-578.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Ethics Review Board recommended the draft amendments for Council consideration.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 18, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 109, 2026