

ORDINANCE NO. 157, 2025
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 RELATING TO THE
GIFT ACCEPTANCE RESTRICTIONS AND THE DEFINITIONS
SECTION OF THE CITY'S ETHICS RULES

A. Under "other business" at its January 21, 2025, City Council meeting, several members of the City Council asked the Ethics Review Board ("ERB") to review the City's restrictions on officers' and employees' acceptance of gifts, honoraria and favors and consider whether they recommend changes to the restrictions.

B. Section 2-576(b) of the City Code prohibits officers (and employees) from accepting a gift or favor if it might be construed as compensation for an official decision or would tend to impair independence of judgment in official duties. Code Section 2-576(b) currently does not provide sufficient clarification for officers and employees.

C. The ERB met on April 7, May 5, June 2 and July 7, 2025. On May 5, 2025, the ERB focused its discussion on current gift restrictions, whether to add a specific value restriction to the City Code, and whether to modify exceptions or restrictions to acceptance of gifts.

D. At its May 5 meeting, the ERB also reviewed and considered gift restrictions of other Colorado municipalities, the state of Colorado and some other states.

E. The ERB discussed questions and issues that Councilmembers and staff frequently encounter when interpreting the City's current gift restrictions.

F. The ERB recommends amendments that address frequently encountered questions and issues and align with common gift restrictions of other Colorado municipalities.

G. The ERB recommends an amendment to add a specific value restriction and period for acceptance of unsolicited gifts.

H. The ERB recommends amendments to Code Section 2-576(b) that provide more categories and examples of gifts that are permissible and that are prohibited.

I. Proposed amendments to Code Section 2-576(b) will decrease confusion for officers and employees and should minimize the risk that an officer or employee will inadvertently accept a prohibited gift.

J. Proposed amendments to Section 2-575 of the City Code amend and clarify the definitions of "officers" and "employees" and distinguish between the two roles.

K. Proposed amendments to Code Section 2-576(b) will decrease confusion for officers and employees and should minimize the risk that an officer or employee will inadvertently accept a prohibited gift.

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 as follows:

Section 1. Section 2-575 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-575. Ethical rules of conduct—Definitions.

The following words, terms and phrases, when used in this Division, and in Section 9 of the Charter Article IV, shall have the following meanings:

- (a) *Attempt to influence or influence*, as it pertains to this Division, shall mean take any action intended to impact, shape, control, sway, bias or prejudice.
- (b) *Benefit* shall mean an advantage or gain.
- (c) *Board and commission member* shall mean a member of any appointive board or commission of the City.
- (d) *Confidential information or information received in confidence* shall mean:
 - (1) Information contained in any writing that may properly be withheld from public inspection under the provisions of the Colorado Open Records Act and that is marked "confidential" when provided to the officer or employee;
 - (2) All information exchanged or discussed in any executive session properly convened under § 2-31 or 2-71 of the Code, except to the extent that such information is also contained in a public record available to the general public under the provisions of the Colorado Open Records Act; or
 - (3) All communications between attorneys representing the City and officers or employees of the City that are subject to the attorney-client privilege, whether oral or written, unless the privilege has been waived.
- (e) *Councilmember* shall mean a member of the City Council.
- (f) *Different in kind from that experienced by the general public* shall mean 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.
- (g) *Direct* shall mean resulting immediately and proximately from the circumstances and not from an intervening cause.
- (h) *Detriment* shall mean disadvantage, injury, damage or loss.
- (i) *Employee* shall mean any person holding a position by employment in service of the City, whether part-time or full-time.
- (j) *Financial interest* shall have the meaning given to this term in Section 9(a) of Charter Article IV, which states:

Financial interest means any interest equated with money or its equivalent. Financial interest shall 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.
- (k) *Officer* shall mean any person holding a position by election, or appointment, including any member of the City Council and any member of any authority, board, committee or commission of the City, other than an authority that is:
- (1) Established under the provisions of the Colorado Revised Statutes;
 - (2) Governed by state statutory rules of ethical conduct; and
 - (3) Expressly exempted from the provisions of Article IV of the City Charter by ordinance of the City Council.
- (l) *Personal interest* shall have the meaning given to this term in Section 9(a) of the Charter Article IV, which states:

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.
- (m) *Public body* shall have the meaning given to this term in Section 9(a) of Charter Article IV, which states:
- Public body* means the Council or any authority, board, committee, commission, service area, department or office of the city.
- (n) *Public services* shall mean city services provided to or made available for the public's benefit.
- (o) *Purchases from the city*, as described in Section 9(b)(2) of Charter Article IV, shall not include payments by an employee to the city pursuant to an agreement for housing in which such employee is required to live as a condition of employment with the city.
- (p) *Related entity* shall mean any corporation, limited liability company, partnership, sole proprietorship, joint venture, trust, estate, foundation, association, business, company or any other organization, whether or not operated for profit, with respect to which an officer or employee, or a relative of the same, has a substantial ownership interest in, is employed by, is an agent for or otherwise represents in any legal capacity.
- (q) *Relative* shall have the meaning given to this word in Section 9(a) of Charter Article IV, which states:
- Relative* means 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.
- (r) *Routine City matter* shall mean a usual and ordinary registration, reservation, or other request or application, within a program or for public services or City approval, such as a registration for a recreation class, reservation of a park shelter, request for standard utility services or application for a building permit, development approval or variance, or an appeal, provided that the same is

carried out using a routine process or system or in a manner consistent with standard practices.

- (s) *Similarly situated citizens* shall mean citizens in like circumstances having comparable legal rights and obligations.
- (t) *Substantial* shall mean more than nominal in value, degree, amount or extent.

Section 2. Section 2-576 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-576. Ethical rules of conduct—Officers and employees.

. . .

- (b) Hospitality and Gifts: No officer, employee or relative shall solicit, accept, or give any gift related to the officer, employee or relative's duties and responsibilities on behalf of the City. Except as expressly stated below, an officer, employee or relative must not offer or receive accommodations, tours, event tickets, recreation, entertainment, meals or other similar personal benefits when such gift could influence or be perceived to influence objectivity when interacting with, representing, or conducting business for or on behalf of the City.
- (c) All officers and employees shall refrain from soliciting or accepting any gifts from a donor who has a matter pending before or expected to come before City Council.
- (d) All officers and employees shall refrain from accepting payment for any speeches, debates or appearances at other public events.
- (e) Exceptions: The following gifts are not prohibited under this section unless the gift could reasonably be considered a bribe or a means of improper influence on a direct official action:
 - (1) Campaign contributions as defined by law and reported as required by Chapter 7, Article V of this Code;
 - (2) Subject to the following conditions, an unsolicited item or items of value less than the dollar amount established in Colorado Constitution, Article XXIX, Section 3, from any third party in any twelve-month period (\$75 as of January 1, 2025):
 - (a) The cost of the gift is the retail value of the item unless the receiver has knowledge that the giver paid more than the retail value, in which case the cost is the amount actually paid.
 - (b) For admission to a charity event, the cost of admission to the event is the amount the event organizer reports to the Internal Revenue Service as the non-deductible portion of the event.
 - (c) It is not permissible to accept a gift where an officer or employee has paid part of its cost to reduce the value to less than the amount set forth in subsection (e)(1).

- (d) Relatives of officers and employees, except those of Councilmembers, may only accept a free or discounted event ticket if they attend the event with an officer or employee. Event tickets for elected officials are covered under subsection (e)(15) of this section.
- (3) An unsolicited, nonpecuniary token or award of appreciation that is reasonable in value and purpose, such as plaques and professional awards, publicly presented by a nonprofit or governmental organization in recognition of public service;
 - (4) A component of compensation paid or other recognition given in the normal course of employment, appointment, volunteer services, or business, including taxable employee benefits.
 - (5) Any scholarship or grant or other financial aid for education given to any covered person or immediate family member for any reason.
 - (6) The cost of admission to any charity event attended on behalf of the City or any of its affiliated organizations if the cost of admission is less than the dollar amount established in Colorado Constitution, Article XXIX, Section 3.
 - (7) Any gift solicitation for a charitable purpose as determined to be appropriate by the City or its affiliated entities.
 - (8) Any gift, whether solicited or not, given to and accepted on behalf of the City to benefit a public safety or community purpose.
 - (9) Awards or prizes given at competitions or drawings at events where no admission is charged and which are open to the public.
 - (10) For Councilmembers, the City Attorney and City Manager, reasonable cost (e.g., fees, meals, lodging, registration or admission, and/or transportation) and attendance at conferences, seminars, events, or meetings, so long as the conference, event, or meeting is attended on behalf of the City and is documented, and the Councilmember, City Attorney or City Manager is scheduled to deliver a speech, participate in a presentation, participate on a panel, or receive an award, or they are wearing their City of Fort Collins name tag identifying them as a City representative; and
 - (a) The cost of the conference, seminar, event, or meeting is paid pursuant to a vendor agreement or contract; or
 - (b) The cost of the conference, seminar, event, or meeting is paid by a governmental entity or an organization to which the City Council has appointed the Councilmember, or an entity affiliated with or formed by the City; or
 - (c) The officer has been asked by the City Manager's Office to attend the event on behalf of the City.
 - (11) Reasonable cost and frequency of City sponsored educational events, so long as the events are reported on the disclosures required under City Code section 2-656, if required.

- (12) For employees, reasonable cost (e.g., fees, meals, ticket to event, lodging, registration or admission and transportation) of attendance at conferences, seminars events or meetings attended on behalf of the City and documented and the employee is scheduled to deliver a speech, participate in a presentation, participate on a panel or receive an award; and
 - (a) the cost of the conference, seminar, event or meeting is paid by a governmental entity or an IRC 501(c)(3) organization or an entity affiliated with or formed by the City; or
 - (b) the employee has been asked by City management to attend the event on behalf of the City.
- (13) Perishable or consumable gifts given to a City department or group if the gift is:
 - (a) approved by the City Manager;
 - (b) not donated by a City service provider or vendor; or
 - (c) the receiving department is not responsible for regulating or otherwise transacting City business with the donor.
- (14) Gifts accepted in an officer or employee's official capacity that will become property of the City.
- (15) For Councilmembers and their relatives, reasonable cost and frequency of meals and event tickets pertaining to their official duties as members of City Council so long as the gift is documented and is not intended to affect, and does not affect, a direct official action.
- (16) A non-pecuniary award of reasonable value and frequency publicly presented by an entity affiliated with or formed by the City or to which the City Council has appointed the Councilmember or the City has appointed the employee and in recognition of their service as an officer or employee.
- (17) Discounts that are similarly available to all employees, or discounts that are offered to the public generally or to a large segment of the public (i.e., all uniformed personnel, all government employees, or all first responders).
- (18) Reasonable cost of travel on behalf of the City (e.g., fees, meals, lodging, and/or transportation) to another City, whether in Colorado or out-of-state, to observe programs, projects or operations in that City and/or of its City Council.
- (19) Any other exception approved in an advisory opinion of the Ethics Review Board.

Introduced, considered favorably on first reading on September 16, 2025, and approved on second reading for final passage on October 7, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: October 17, 2025

Approving Attorney: Jenny Lopez Filkins

Exhibit: None