

ORDINANCE NO. 224, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-31 OF THE CODE OF THE CITY OF
FORT COLLINS CONCERNING ALLOWING EXECUTIVE
SESSIONS TO DISCUSS ANY MATTER AUTHORIZED BY
COLORADO OPEN MEETINGS LAW

A. Colorado law requires governing bodies of local governments such as City Council to conduct meetings open to the public, except for executive sessions. Similarly, Fort Collins Municipal Code Section 2-31 allows City Council, by two-thirds (2/3) vote, to meet in executive session, which is closed to the public.

B. A coordinated election was held on November 4, 2025, and voters approved a City Charter amendment that added a basis for executive sessions. The additional basis for executive sessions is to discuss and consider any matter authorized by the Colorado Open Meetings Law, as amended.

C. Section 2-31 of the City Code addresses the bases for executive sessions with more detail and consistent with Article II, Section 11 of the City Charter.

D. Proposed amendments to Section 2-31 will add the voter-approved basis for City Council to meet in executive session.

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 2-31 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-31. Executive sessions.

(a) The City Council, and any committee of the City Council, may, by two-thirds ($\frac{2}{3}$) majority vote of those members present and voting, hold an executive session upon announcement of the topic for discussion in the executive session, which announcement shall include a specific citation to the provision of this Section that authorizes the City Council or Council committee to meet in executive session, and shall identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is to be held. Said executive session may be held only at a regular or special meeting and only for the purposes of considering any of the following matters and providing direction, through individual expressions of opinion, to City staff or other persons with regard to such matters:

(1) Personnel matters restricted to those described in Subparagraphs a. through d. below. Except as provided in Subparagraph c. below, "personnel matters" shall not include discussions concerning any member of the City Council or members of City boards and commissions, or discussions concerning the

appointment of persons to fill such positions, or to discussions of personnel policies that do not require the discussion of matters personal to particular employees:

- a. Matters involving the hiring, appointment, dismissal, demotion, promotion, assignment and discipline of City personnel, and the review and discussion of the performance and proposed compensation and benefits of the City Manager, City Attorney and Municipal Judge.
 - b. Consideration of complaints or charges against individual City personnel, provided that such matter shall not be considered in executive session if the individual concerned requests that the matter be considered in open session.
 - c. Consideration of actual or hypothetical situations involving potential conflicts of interests with individual Councilmembers or City board or commission members, provided that no executive session shall be held for the purpose of concealing the fact that a member of the City Council or of a City board or commission has a financial or personal interest in the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest from the City.
 - d. Consideration and discussion of strategy matters relating to negotiations with employee groups including unions.
- (2) Meetings with the City Attorney or other attorneys representing the City regarding specific legal questions related to litigation or potential litigation involving the City and/or the manner in which particular policies, practices or regulations of the City may be affected by existing or proposed provisions of federal, state or local law.
- (3) Consideration of water and real property acquisitions and sales by the City.
- (4) Consideration of electric utility matters if such matters pertain to issues of competition in the electric utility industry.
- (5) Consideration, by the Council or any board or commission established under Article XII, Section 7(e) of the City Charter, of matters pertaining to issues of competition in providing the telecommunication facilities and services authorized in Article XII, Section 7 of the City Charter and City Code Section 26-398 including, without limitation, matters subject to negotiation, strategic planning, pricing, sales and marketing, development phasing and any other matter allowed under Colorado law.
- (6) Consideration of any other matter authorized to be discussed in executive session by the Colorado Open Meetings law, as amended.

(b) No final legislative action shall be taken by the City in executive session. Such final legislative action may be taken only in an open meeting.

(c) Executive sessions shall be closed to the general public, but the City Council may permit any person or group to attend such sessions. Councilmembers not present and voting for a regular or special Council meeting may nonetheless participate in an executive session that is part of that meeting using remote technology.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: December 26, 2025
Approving Attorney: Carrie Daggett

Exhibit: None