

ORDINANCE NO. 167, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-568(c)(2) OF THE CODE OF THE CITY
OF FORT COLLINS PERTAINING TO RULES OF CONDUCT
APPLICABLE TO COUNCILMEMBER CONDUCT

WHEREAS, Article IV, Section 9 of the Charter of the City establishes conflicts of interest provisions governing City officers and employees; and

WHEREAS, Section 2-568 of the City Code establishes Ethical Rules of Conduct and Section 2-568(c)(2) currently prohibits a Councilmember representing “any person or interest before the City Council or any board or commission of the City”; and

WHEREAS, City Code Section 2-569 establishes the Ethics Review Board (the “Review Board”) and sets out the procedures under which the Review Board operates; and

WHEREAS, in 2016, the Review Board considered various questions related to the Charter and Code provisions related to conflicts of interest culminating in Ethics Opinion 2016-01, which was adopted by the City Council in Resolution 2016-058; and

WHEREAS, the Review Board met several times in 2017 to review, address and clarify restrictions and permitted actions of Councilmembers with conflicts of interest; and

WHEREAS, the Ethics Review Board met on February 7 and February 14, 2017, to review and approve the draft Ethics Opinion 2017-01, responding to an inquiry by then Councilmember Campana requesting that the Board consider and provide an advisory opinion regarding whether under the City Charter and City Code City Councilmembers who have declared a conflict of interest regarding a matter may discuss that matter in his or her personal or professional capacity with City staff, which opinion was adopted by the City Council in Resolution 2017-025; and

WHEREAS, the Review Board discussed specific revisions to Section 2-568(c)(2) at meetings on February 7, 2017, February 14, 2017, March 21, 2017, and November 7, 2017, and on both occasions recommended that the Council adopt the proposed amendment to the City Code as set forth herein; and

WHEREAS, the City Council finds and intends that this amended language be enacted to clarify the effects of a Councilmember conflict of interest and to facilitate the enforcement of this provision.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2-568(c)(2) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-568. Ethical rules of conduct.

...

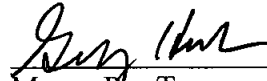
(c) Rules of Conduct.

...

(2) With respect to any matter regarding which a Councilmember has declared a conflict of interest, said Councilmember is prohibited from discussing with, or otherwise attempting in any capacity to influence, directly or indirectly, any City officer or employee, and from representing any person or interest before the City Council or any board of commission of the City or in dealing with any City officer or employee, except that such Councilmember may represent with any City employee or before the City Council or a board or commission of the City his or her own interest or that of a relative provided said Councilmember does not violate Section 2-568(c)(5) or (c)(6).

...

Introduced, considered favorably on first reading, and ordered published this 5th day of December, A.D. 2017, and to be presented for final passage on the 19th day of December, A.D. 2017.



Mayor Pro Tem

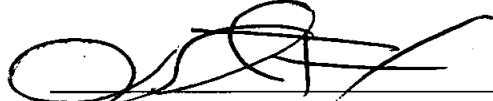
ATTEST:



City Clerk



Passed and adopted on final reading on the 19th day of December, A.D. 2017.



Mayor

ATTEST:



City Clerk

