

RESOLUTION 2010-063
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REGARDING ARTICLE XXIX OF THE COLORADO CONSTITUTION
CONCERNING ETHICS IN GOVERNMENT

WHEREAS, in 2008, the citizens of Colorado amended the state constitution via the initiative process to add Article XXIX (also known as Amendment 41) concerning ethics in government; and

WHEREAS, Amendment 41 sets forth a detailed regulatory framework that limits gifts to public officials and employees, and creates an independent ethics commission to perform the following functions: hear and investigate complaints filed against state and local officials and employees; issue findings and advisory opinions; and assess penalties in connection with ethics issues arising not only under its own provisions, but also under any other standards of conduct and regulatory requirements as are provided by law; and

WHEREAS, Section 7 of Amendment 41 provides that its provisions shall not apply to home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by Amendment 41; and

WHEREAS, the City, through Article IV, Section 9 of its Charter and Section 2-568 of its City Code, has in place comprehensive regulations which effectively address the ethical behavior of its officials and employees, and which pre-date the adoption of Amendment 41; and

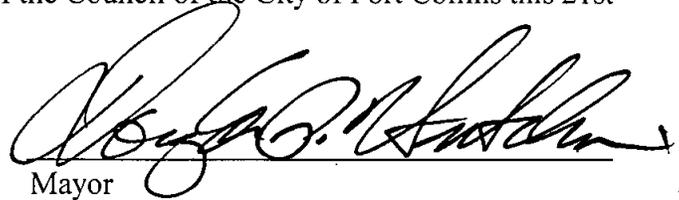
WHEREAS, said City Charter and Code provisions, as well as other provisions of the Charter and City Code, specifically limit gifts to City officials and employees, create a board of ethics for the review and investigation of actual and hypothetical situations involving potential conflicts of interest by Councilmembers and members of City boards and commissions, provide for the ability of City employees to obtain advice concerning ethical issues via consultation with City management and the City Attorney's Office, and establish a penalty and enforcement process concerning the ethical conduct of City officials and employees through prosecution in the Municipal Court; and

WHEREAS, the concerns addressed in Amendment 41 by its creation of an ethics commission are addressed to the extent deemed necessary by the City through its creation of the board of ethics described at Section 2-569 of the City Code, and by the ability of City employees to obtain advice concerning ethical issues via consultation with City management and the City Attorney's Office; and

WHEREAS, the concerns addressed in Amendment 41 by providing jurisdiction to the state ethics commission over other standards of ethical conduct contained in state law are addressed locally to the extent deemed necessary by the City by those state laws which provide for civil and criminal enforcement and advisory opinions by the Secretary of State independent of the state ethics commission, and by the penalties provided under the City Code for violation of similar standards of ethical conduct contained in the City Charter and City Code.

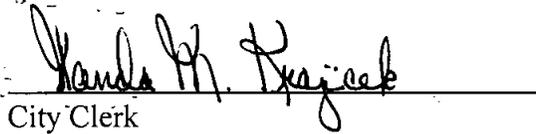
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby finds and determines that the City's Charter and Code adequately and appropriately address those matters covered by Amendment 41, that no further action by the City Council is warranted or necessary in order to further the purposes of Amendment 41 or address the matters contained therein, and that the requirements of Amendment 41 shall not be applicable to the City of Fort Collins.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of September A.D. 2010.



Mayor

ATTEST:



City Clerk