

RESOLUTION 2016-058
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ACCEPTING ADVISORY OPINION AND RECOMMENDATION
NO. 2016-01 OF THE ETHICS REVIEW BOARD

WHEREAS, the City Council has established an Ethics Review Board (the “Board”) consisting of designated members of the City Council; and

WHEREAS, the Board is empowered under Section 2-569 of the City Code to render advisory opinions and recommendations regarding actual or hypothetical situations of Councilmembers or board and commission members of the City; and

WHEREAS, the Ethics Review Board met on July 12, 2016, July 19, 2016, and July 25, 2016, to review and approve the draft Ethics Opinion 2016-01, with continued consideration of an inquiry by Councilmember Campana requesting that the Board consider and provide an advisory opinion regarding whether under the City Charter board and commission members, after declaring and disclosing a conflict of interest in a matter, may participate in that matter on behalf of an interested stakeholder (for example, as a technical professional providing advice to an applicant), so long as they do not personally appear before the board to advocate on behalf of another person, as needed, and how the same question applies to Councilmembers; and

WHEREAS, the Board has issued an advisory opinion with regard to this matter concluding that in the case of a conflict of interest the Charter prohibits City board and commission members from participating in any way as a board or commission member in the decision of interest, but allows participation in a professional or personal capacity; and

WHEREAS, in light of this, the Board has also recommended that the Council adopt Code language to establish and clarify the limits on board and commission member participation in as a representative and in a personal capacity, which in general should allow participation other than direct advocacy on behalf of others, and provide for a variance process for consideration of exceptions to this limit on direct advocacy in cases of special hardship, and intends to further review this issue and recommend Code amendments for Council consideration; and

WHEREAS, the Board has further concluded that a board or commission member is not prohibited from having a financial interest in a sale of services to the City unless her or she supervises the services on behalf of the City, and recommended that Council propose a Charter change in this regard; and

WHEREAS, the Board has also reaffirmed that stricter limits apply to Councilmembers, in light of current Code and statutory provisions, and concluded that Councilmembers are precluded from personally representing any person or interest in front of the Council or any City board or commission, and intends to further review this issue and recommend Code amendments for Council consideration; and

WHEREAS, Section 2-569(e) of the City Code provides that all advisory opinions and recommendations of the Board be placed on the agenda for the next special or regular City Council meeting, at which time the City Council shall determine whether to adopt such opinions and recommendations; and

WHEREAS, the City Council has reviewed the opinion of the Board and wishes to adopt the same.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Opinion No. 2016-01 of the Ethics Review Board, a copy of which is attached hereto and incorporated herein by this reference as Exhibit "A," has been submitted to and reviewed by the City Council, and the Council hereby adopts the opinion contained therein.

Passed and adopted at an adjourned meeting of the Council of the City of Fort Collins this 26th day of July, A.D. 2016.

Mayor

ATTEST:

City Clerk