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## PUBLIC NOTICE

### ETHICS REVIEW BOARD MEETING

An Ethics Review Board meeting will be held Friday, July 31, 2020 from 5:00 p.m. - 7:00 p.m. Due to COVID-19 precautionary measures in place this is a virtual meeting only. The public access to this meeting will be via ZOOM by calling in to the information below:

Join Zoom Meeting

<https://zoom.us/j/99189431474>

Meeting ID: 991 8943 1474

One tap mobile

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Meeting ID: 991 8943 1474

Find your local number: <https://zoom.us/u/adATmofmHD>



## AGENDA

Ethics Review Board Meeting  
CIC Conference Room  
City Hall (300 Laporte Avenue)  
July 31, 2020  
5:00 p.m. Via Zoom Meeting

Join Zoom Meeting

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1. Selection of Presiding Officer for Ethics Review Board as it considers the pending complaint.
2. Review and Approval of the July 24, 2020 Minutes of the Ethics Review Board.
3. Initial screening of a June 19, 2020 ethics complaint filed by Michael Pruznick alleging that Councilmember Susan Gutowsky committed various ethics violations.
4. Initial screening of a June 19, 2020 ethics complaint filed by Michael Pruznick alleging that Mayor Pro Tem Kristin Stephens committed various ethics violations.
5. Other Business.
6. Adjournment.

**Ethics Review Board Meeting Minutes**  
**July 24, 2020**  
**3:00 p.m. Meeting Via Zoom**

Ethics Review Board members in attendance: Mayor Pro Tem Kristin Stephens and Councilmembers Julie Pignataro and Ken Summers.

Staff in attendance: Carrie Daggett, City Attorney; Jeanne Sanford, Paralegal.

Other Attendees: Councilmember Emily Gorgol; Kevin Jones, Fort Collins Chamber of Commerce.

A meeting of the City Council Ethics Review Board (“Board”) was held on Friday, July 24, 2020, at 3:00 p.m. via Zoom Meeting.

Ethics Review Board Chair, Mayor Pro Tem Kristin Stephens, called the meeting to order at 3:01 p.m. and reviewed the Agenda which contained the following items:

1. Review and Approval of the July 24, 2020 Minutes of the Ethics Review Board.
2. Review and Approval of the revised draft Ethics Opinion 2020-02, with continued consideration of an inquiry by Councilmember Gorgol pursuant to City Code Section 2-569(d)(2) requesting that the Board consider and provide an advisory opinion regarding the questions of:
  - (a) Under the conflicts of interest provisions in the City Charter, does my employment and role at the Family Center/La Familia prevent me from participating in the City Council’s decision(s) regarding (1) the establishment of manufactured housing zone district; or (2) the rezoning of particular manufactured housing communities?
  - (b) Under the ethics provisions in the laws of the State of Colorado, does my employment and role at the Family Center/La Familia prevent me from participating in the City Council’s decision(s) regarding (1) the establishment of manufactured housing zone district; or (2) the rezoning of particular manufactured housing communities?
3. Other Business.
4. Adjournment

Paralegal Jeanne Sanford did role call: Kristin Stephens: present, Julie Pignataro: present, Ken Summers: present.

Chair Stephens then called the first item, which was approval of the 7/24/2020 Minutes.

Councilmember Julie Pignataro made a motion to approve the Minutes and Councilmember Ken Summers seconded the motion.

Paralegal Jeanne Sanford took a role call of the vote. Chair Stephens: yes, Councilmember Pignataro, yes, Councilmember Ken Summers, yes. The approval of the Minutes was passed by unanimous vote.

Chair Stephens called for the second agenda item which was the review and approval of the revised draft Ethics Opinion. 2020-02.

City Attorney Daggett stated that last Wednesday, 7/15, the Agenda Item Summary (“AIS”) included a description of Councilmember Gorgol’s role at LaFamilia with background on the City Charter and State law requirements. Ms. Daggett continued that last Friday, 7/17, the Board met with no additional Agenda Item Summary (“AIS”), but a draft opinion. This meeting, Ms. Daggett stated a new AIS has been prepared and would call the Board’s attention to bates stamp page 8 on the new AIS. The questions have been reframed a little bit to help the Board walk back through the issues where there has been difficulty reaching a shared agreement. Ms. Daggett explained she also provided additional information, in follow up to Councilmember Summers’s questions related to State law provision 24-18-109(3,) regarding *personal or private interest*. Additional resources were attached on how these questions are being interpreted and answered on the state level.

City Attorney Daggett provided an explanation at page 11, under question 3. This provision is understood to be the local government version of language in our state constitution that applies to members of the General Assembly. The General Assembly has stated an interpretation of this limit in Joint Rule 42, which explains the meaning of “personal or private interest”.

City Attorney Daggett read her summary of the rule. Ms. Daggett explained the example and language on the legislative website gave a guidance document which can be found at bates stamp pages 70-73. The Board reviewed those questions on the referenced pages. Ms. Daggett further explained if the Board was to apply those questions to Councilmember Gorgol’s issue, a way to formulate the question might be does the measure apply differently to her vs. others in her class?

Ms. Daggett stated she provided the Board with three options to the draft opinion. The first option, Option A, found at bates stamp page 75, was an updated version of the prior Option from July 17, which was a determination that Councilmember Gorgol has a personal interest in all the listed Council actions.

Option B provides that a personal interest exists only in the rezonings of properties where Councilmember Gorgol has a work relationship with the property owners.

Option C states there is no conflict in any of Councilmember Gorgol’s questions, but the Board recommends she continue to evaluate her ability to participate in rezoning decisions in an unbiased way.

City Attorney Daggett directed the Board to the conclusion language and last page and a half of the Opinion versions, which is the heart of the decision stated in each version.

Chair Stephens asked Councilmembers for feedback about whether any of the versions capture their thinking.

Councilmember Summers replied he was leaning toward Option A or perhaps B. Mr. Summers stated in this situation, Councilmember Gorgol is not part of a class, she is an employee of a specific entity. Councilmember Summers stated he felt there is an interest that Councilmember Gorgol has, by virtue of her history with residents in particular and in her modified role being Director of Public Policy and Grants, providing advice and counsel on the success of these endeavors. Mr. Summers further stated that

Ms. Gorgol also has a role as City Council person and in this situation, those two interest are in conflict with one another; that is his opinion.

Councilmember Pignataro stated she could get her head around Option B, but for different reasons; it is more about Councilmember Gorgol's role as an advisor to those who reach out to policy makers. Because that group has reached out to her to vote in a particular way, even though Councilmember Gorgol did not, she still advises that group how to reach out to Council.

Councilmember Gorgol stated she is not a supervisor or above them, but yes she does advise on process questions such as who the right public contact is.

Councilmember Summers asked Councilmember Gorgol about the title of her job and what in the job description of a policy director applies to her.

Councilmember Gorgol replied that outcomes are community-led projects and she works with staff members on meeting agendas and building bridges with elected officials; she is further removed from community outcomes aspect.

Chair Stephens asked Councilmember Gorgol is she used to be more involved with residents?

Councilmember Gorgol replied when she was working more closely to residents, she was working more on building relationships.

Councilmember Summers asked her if that was when she was on Council?

Councilmember Gorgol stated yes, there was some overlap.

Chair Stephens suggested perhaps the Board could coalesce around Option B then. Chair Stephens stated regarding conflicts with individual zonings, in contrast to personal relationships with those folks, Councilmember Gorgol has relationships that are tied to her work and it could be tricky for her to vote on specific zonings related to those relationships, and that could be perceived as a conflict. The zone district Code amendment decision in general is less tricky.

City Attorney Daggett suggested that if it looks like Option B is the option that makes the most sense to focus on, she suggested the Board look at that language and talk about whether the Board would like to see any revisions to the language of Option B.

Councilmember Pignataro stated it was fine for the Board to walk through Option B. She may, however, under Other Business, talk about how councilmembers make their money outside of Council and clear up the questions about the employment aspect of conflicts of interest to avoid a lot of time administratively on this as there have been so many ethics complaints on this topic.

Councilmember Summers agreed.

Chair Stephens agreed that it is one of the issues that becomes tricky as Council is making laws about the Fort Collins community since Councilmembers need to have outside jobs because there is not really a salary while being on Council. Chair Stephens stated she would like clarity around this as the Board is

dealing with questions that are not so clear cut; it's more nuanced. Ms. Stephens gave Gino Campana's outside employment as an example while he was on Council.

The Board discussed the philosophical nature of conflict of interest and the employer's piece in it.

City Attorney Daggett pointed to some of the specific language in the Charter that defines the term "financial interest" and noted that similar kinds of more specific provisions could be suggested that would address the employment/employee issues more specifically. Ms. Daggett noted that the Council has asked for more on this and other ethics issues that will be coming forward later this year for Council discussion.

City Attorney asked the Board if their support is for Ethics Opinion 2020-02 Option B?

Councilmember Summers stated yes, it is the best place for us to be on this. Chair Stephens and Councilmember Pignataro agreed.

City Attorney read the part of the Opinion, under Option B conclusion section and noted the concern about particular rezonings.

Councilmember Summers stated he was comfortable with the addition of clarifying language: "decision for the rezonings".

The Board discussed how to reference the Council decisions discussed in the Opinion and worked on getting the language of Option B to everyone's agreement.

City Attorney Daggett stated as far as the rezonings, she guessed there are about 7-9 mobile home parks coming up for rezoning and Councilmember Gorgol may only have a conflict with a few of those; Ms. Gorgol will have to recuse herself as those specific properties come up.

City Attorney Daggett stated she would work with the City Clerk over the weekend to get an agenda item added to the agenda and posted for next Tuesday's meeting.

Chair Stephens asked if any other Board members had questions.

Councilmember Pignataro stated no, but she wanted to state that all these decisions are complicated and full of nuances, so she appreciates all the efforts of staff and Councilmember Gorgol being patient with all the questions.

Chair Stephens thanked Councilmember Gorgol for asking for this opinion as these are important factors to think about ahead of time.

Councilmember Summers stated he was good with all the suggested changes.

Councilmember Pignataro made a Motion to adopt Option B of the Ethics Opinion, as edited. Councilmember Summers seconded the Motion.

Paralegal Jeanne Sanford took a roll call of the vote: Chair Stephens – yes, Councilmember Pignataro – yes, Councilmember Summers – yes.

The motion to adopt Option B, with the discussed revisions, of the Ethics Opinion 2002-02 passed with unanimous vote.

Under *Other Business*, City Attorney Daggett updated the Board that she has been working on ethics-related material to bring to Council which includes the structure of the Ethics Review Board and also the question of what is in our Charter. There has been a slight delay due to all that has been going on, but Ms. Daggett stated she hoped to get this to Council within the next month or two.

City Attorney Daggett also updated the Board that she has arranged for special legal counsel, Clay Douglas, formerly the City Attorney of Longmont, on Michael Pruznick's complaints as Mr. Pruznick's complaint raises questions about evaluations and compensation of the City Attorney. Mr. Douglas will be working to get materials out next week in advance of the July 31 Board meeting for the screening step of his complaints. Ms. Daggett noted that Mayor Troxell will be the alternate on the Board and will participate instead of Mayor Pro Tem Kristin Stephens on the Pruznick complaints.

Meeting adjourned at 4:23 pm.

DRAFT

Meeting adjourned at 3:01.pm

**AGENDA ITEM SUMMARY**

July 31, 2020

Ethics Review Board

**STAFF**

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Claybourne M. Douglas, Special Counsel

**SUBJECT**

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Consideration of whether a Complaint filed by Michael Pruznick alleging City Code violations by Councilmember Susan Gutowsky warrants further investigation.

**EXECUTIVE SUMMARY**

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The purpose of this item is to complete the initial screening by the Ethics Review Board of a complaint filed with the Board under City Code Section 2-569(d), as described below.

**STAFF RECOMMENDATION**

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Staff recommends that the Board consider the Complaint and determine whether to proceed with an investigation of the Complaint.

**BACKGROUND / DISCUSSION**

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Under City Code Section 2-569(d), any person who believes a Councilmember or board or commission member has violated any provision of state law or the City Charter or City Code pertaining to ethical conduct may file a complaint with the City Clerk. After notice to the complaining party and subject of the complaint, the Ethics Review Board then considers the complaint. A copy of Section 2-569 is provided as an attachment to this Agenda Item Summary.

**The Complaint:**

The Board will consider nine allegations Michael Pruznick, a Fort Collins resident, lodged by email against Councilmember Susan Gutowsky on Saturday, June 19, 2020 (the "Complaint"). The 15-page Complaint and exhibits are attached to this Agenda Item Summary. The following is an excerpt expressing Mr. Pruznick's concern:

**ALLEGATIONS:****1) PERSONAL AND FINANCIAL BENEFIT NOT AFFORDED TO OTHERS:**

*The conditional deferred prosecution with dismissal and sealed records for violation of Fort Collins Municipal Code 7-140(A)(1) provided by the offices of the City Manager, City Attorney and City Judge to the Subject represents a leniency not offered to others and thus constitutes both financial (no fine) and personal (no jail) conflict of interest. Charter Section 9(b)(3), Code 2-568(a)(8), Code 2-568(a)(10), and others.*

**2A) CITY MANAGER REVIEW CONFLICT OF INTEREST:**

*While under the legal supervision of the Office of the City Manager, the Subject did participate in the annual performance review of the City Manager, constituting a*

*personal conflict of interest. Charter Section 9(b)(3), Code 2-568(a)(8), Code 2-568(a)(10), and others.*

**2B) CITY MANAGER SALARY SETTING CONFLICT OF INTEREST:**

*While under the legal supervision of the Office of the City Manager, the Subject did participate in the annual salary setting of the City Manager, constituting both 18-8-303 compensation for past official behavior (a.k.a. kick back) and 18-8-302 bribery for continued leniency. Charter Section 9(b)(3), Code 2-568(a)(8), Code 2-568(a)(10), and others.*

**3A) CITY ATTORNEY REVIEW CONFLICT OF INTEREST:**

*While under the legal supervision of the Office of the City Attorney, the Subject did participate in the annual performance review of the City Attorney, constituting a personal conflict of interest. Charter Section 9(b)(3), Code 2-568(a)(8), Code 2-568(a)(10), and others.*

**3B) CITY ATTORNEY SALARY SETTING CONFLICT OF INTEREST:**

*While under the legal supervision of the Office of the City Attorney, the Subject did participate in the annual salary setting of the City Attorney, constituting both 18-8-303 compensation for past official behavior (a.k.a. kick back) and 18-8-302 bribery for continued leniency. Charter Section 9(b)(3), Code 2-568(a)(8), Code 2-568(a)(10), and others.*

**4A) CITY JUDGE REVIEW CONFLICT OF INTEREST:**

*While under the legal supervision of the Office of the City Judge, the Subject did participate in the annual performance review of the City Judge, constituting a personal conflict of interest. Charter Section 9(b)(3), Code 2-568(a)(8), Code 2-568(a)(10), and others.*

**4B) CITY JUDGE SALARY SETTING CONFLICT OF INTEREST:**

*While under the legal supervision of the Office of the City Judge, the Subject did participate in the annual salary setting of the City Judge, constituting both 18-8-303 compensation for past official behavior(a.k.a. kick back) and 18-8-302 bribery for continued leniency. Charter Section 9(b)(3), Code 2-568(a)(8), Code 2-568(a)(10), and others.*

**5) INTERFERING WITH ADMINISTRATIVE SERVICE:**

*The Subject used the Office of the City Attorney to obtain leniency in violation of Charter Section 13 and Code 7-20 to obtain the sign off necessary to prove compliance to court. Also 7-568(4) and 7-568(5).*

*The Subject used the Office of the City Attorney to obtain leniency in violation of Charter Section 13 and Code 7-20 to obtain the sign off necessary to prove compliance to court. Also 7-568(4) and 7-568(5).*

6) *FAILURE TO REPORT CANDIDACY:*

*The Subject made a public announcement of re-election and did not file the required affidavit within ten days of becoming a candidate and is thus disqualified from re-election. Code 7-132, Code 7-133.*

**Applicable Charter and City Code Provisions:**

**Fort Collins Home Rule Charter**

**Article IV. GENERAL PROVISIONS**

**Section 9. - Conflicts of interest.**

...

(b) *Rules of conduct concerning conflicts of interest.*

...

- (3) *Interests in other decisions.* Any officer or employee who has, or whose relative has, a financial or personal interest in any decision of any public body of which he or she is a member or to which he or she makes recommendations, shall, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and shall refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.

**ARTICLE II. - CITY COUNCIL**

**Section 13. - Council not to interfere with administrative service.**

Except for purposes of inquiry, the Council and its members shall deal with the administrative service of the city solely through the City Manager, and neither the Council nor any member shall give orders to any subordinates of the City Manager either publicly or privately.

**Fort Collins Municipal Code**

Sec. 7-20. - Duties of city clerk.

The City Clerk shall:

- (1) Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of Article V;
  - (2) Keep a copy of any report or statement required to be filed by Article V for a period of one (1) year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one (1) year after the candidate leaves office;
  - (3) Make reports and statements filed under Article V available on the City's website no later than the next business day;
  - (4) Report complaints received regarding alleged violations of Article V to the City Manager.
  - (5) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in Article VIII;
  - (6) Establish procedures for conducting mail ballot elections consistent with the provisions contained in Article VIII, including efforts to inform uniformed and overseas voters of the upcoming election;
  - (7) Supervise the conduct of mail ballot elections;
  - (8) Employ temporary election workers as needed;
  - (9) Take all necessary steps to protect the confidentiality of voted ballots and the integrity of the election;
- and
- (10) Serve as, or designate a qualified employee of the City Clerk to serve as, the City's Designated Election Official, as defined in Section 1-1-104(8), C.R.S., for any election coordinated with Larimer County pursuant to Section 1-7-116, C.R.S.

**Municipal Code Sec. 2-568 (4) (5) (8) & (10)**

Sec. 2-568. - Ethical rules of conduct.

...

- (4) Confidential information or information received in confidence shall mean:
- a. 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;
  - b. 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
  - c. 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.
- (5) Councilmember shall mean a member of the City Council.

...

- (8) *Detriment* shall mean disadvantage, injury, damage or loss.

...

- (10) *Officer* or *employee* shall mean any person holding a position by election, appointment or employment in the service of the City, whether part-time or full-time, 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:
- a. Established under the provisions of the Colorado Revised Statutes;
  - b. Governed by state statutory rules of ethical conduct; and
  - c. Expressly exempted from the provisions of Article IV of the City Charter by ordinance of the City Council.

**Municipal Code Sec. 7-133**

Sec. 7-133. - Candidate affidavit; disclosure statement; failure to file.

- (a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.
- (b) Each candidate shall file a financial disclosure statement pursuant to § 2-636 with the City Clerk at the same time as filing an acceptance of nomination.
- (c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought.
- (d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

**Municipal Code Sec. 7-568(4) and 7-568(5)**

These references do not appear in the Municipal Code, but may reflect typographically incorrect references to Municipal Code Sec. 2-568 (4) & (5), above.

**Colorado Revised Statutes****C.R.S. § 18-8-302. Bribery**

(1) A person commits the crime of bribery, if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity; or

(b) While a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced.

(2) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

(3) Bribery is a class 3 felony.

**C.R.S. § 18-8-303. Compensation for past official behavior**

(1) A person commits a class 6 felony, if he:

(a) Solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised a discretion in his favor, whether or not he has in so doing violated his duty; or

(b) Offers, confers, or agrees to confer compensation, acceptance of which is prohibited by this section.

**C.R.S. § 18-8-301. Definitions**

The definitions contained in section 18-8-101 are applicable to this part 3, unless the context otherwise requires, and, in addition to those definitions:

(1) "Benefit" means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.

(2) "Party officer" means a person who holds any position or office in a political party, whether by election, appointment, or otherwise.

(3) "Pecuniary benefit" is benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.

(4) "Public servant", as used in sections 18-8-302 to 18-8-308, includes persons who presently occupy the position of a public servant as defined in section 18-8-101(3) or have been elected, appointed, or designated to become a public servant although not yet occupying that position.

**C.R.S. § 18-1-901(3) – Definitions**

...

(b) "Benefit" means any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary.

...

(i) "Government" includes the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function.

...

(j) "Governmental function" includes any activity which a public servant is legally authorized to undertake on behalf of government.

**The Board Determination:**

The Board is required under the Code to evaluate the Complaint and determine by majority **vote** whether to formally investigate the Complaint. In doing so, the Board should consider:

1. Whether the allegations in the Complaint, if true, would constitute a violation of state or local ethical rules;

2. The reliability and sufficiency of any facts asserted in support of the allegations; and
3. Any other facts or circumstances the Board may consider relevant.

If the Board determines that the Complaint does not warrant investigation, the Board then sends written notice to the complainant of that determination and the reasoning behind it. A copy of that notice is also sent to the subject of the Complaint and the City Council.

### 1. Is a violation alleged?

The following is a checklist to assist the Board in evaluating whether the Complaint, under the facts asserted, alleges a violation of either of the relevant Code sections:

**A. Home Rule Charter Section 9(b)(3) (Disclosing financial or personal interest and abstaining from voting, attempting to influence or otherwise participating in public body decision):**

<u>Y /N /Maybe</u>	<u>Element</u>
--------------------	----------------

1.  Was Councilmember Gutowsky an officer or employee?
2.  If yes, did a public body of which Councilmember Gutowsky was a member or to which she makes recommendations make a decision to grant deferred prosecution for her campaign sign charges?
3.  If yes, did Councilmember Gutowsky have a financial or personal interest in that decision?
4.  If yes, did Councilmember Gutowsky fail to disclose that interest in official city records and refrain from voting on, attempting to influence or otherwise participating in that decision as an officer or employee?

**If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.**

**B. C.R.S. § 18-8-303. Compensation [favorable review or salary recommendation] for past official behavior**

<u>Y /N /Maybe</u>	<u>Element</u>
--------------------	----------------

1.  Did Councilmember Gutowsky offer, confer or agree to confer on the City Manager, City Attorney or Municipal Judge any pecuniary benefit [favorable review or salary recommendation] ?
2.  If so, was the pecuniary benefit for the City Manager, City Attorney or Municipal Judge having, as a public servant ["past official behavior"], given a decision, opinion, recommendation, or vote favorable to Councilmember Gutowsky or for having otherwise exercised their discretion in Councilmember Gutowsky’s favor [deferred prosecution]?

**If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.**

**C. C.R.S. § 18-8-302. Bribery**

**Y /N /Maybe      Element**

1.  Did Councilmember Gutowsky offer, confer or agree to confer any pecuniary benefit [favorable review or salary recommendation] upon a public servant [City Manager, City Attorney or Municipal Judge] with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action ["continued leniency"] in the [City Manager, City Attorney or Municipal Judge's] official capacity; or
2.  Did Councilmember Gutowsky, while a public servant, solicit, accept or agree to accept any pecuniary benefit upon an agreement or understanding that her vote, opinion, judgment, exercise of discretion, or other action as a public servant [would] thereby be influenced.

**If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.**

**D. Fort Collins City Charter Section 13. - Council not to interfere with administrative service.**

**Y /N /Maybe      Element**

1.  “Except for purposes of inquiry” did Councilmember Gutowsky, fail to “deal with the administrative service of the City solely through the City manager?”
2.  Did Councilmember Gutowsky "give orders to any subordinates of the City manager either publicly or privately?”

**If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.**

**E. Fort Collins Municipal Code Sec. 7-20. - Duties of city clerk.**

1.  Did Councilmember Gutowsky “[use] the Office of the City Clerk to obtain leniency in violation of Code 7-20 to obtain the sign off necessary to prove compliance to court”?
2.  Did Councilmember Gutowsky “[use] the Office of the City Attorney to obtain leniency in violation of Code 7-20 to obtain the sign off necessary to prove compliance to court”?

**If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.**

**F. Fort Collins Municipal code Sec. 7-133. - Candidate affidavit; disclosure statement; failure to file.**

1. [REDACTED] Did Councilmember Gutowsky “become a candidate” by stating “I am preparing to run for re-election!” in her April 29, 2020 “Completion of Mandatory Project” email message to the City Clerk?
3. [REDACTED] If so, did Councilmember Gutowsky file the required affidavit before April 29, 2020 “Completion of Mandatory Project” email message to the City Clerk?

**If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.**

If the Board determines that there is no potential violation under the facts alleged, the Board should make a motion to that effect that explains the Board’s reasoning, and then vote to make that determination. If the Board makes this determination, no further action is needed on the Complaint (other than the provision of notice as required in the Code).

**2. Are the facts alleged reliable and sufficient to support the allegation of a violation?**

If the Board determines that there may have been a violation, then the Board will need to evaluate whether the facts asserted are reliable and sufficient enough to support the allegation in the Complaint that a violation occurred, making an investigation of the Complaint appropriate. The Board may have knowledge of information that contradicts the asserted facts, or there may be a lack of information needed to form a reasonable suspicion that the violation alleged in the Complaint occurred.

**3. Are there any other facts or circumstances relevant to the Board’s determination of whether the Complaint warrants further investigation?**

If there is additional information available or presented to the Board that leads the Board to conclude that the Complaint does not merit further investigation, the Board should identify that information and explain how it affects the Board’s decision as to whether further investigation is warranted.

After the completion of its review of all factors, if it has not already made a determination, the Board will need to make a motion and vote on whether it has determined that further investigation is warranted, explaining the reasoning for its decision.

**Next Steps:**

As noted above, if the Board makes this determination, no further action is needed on the Complaint (other than the provision of notice as required in the Code).

Alternatively, if the Board determines that further investigation is warranted, staff will suggest a schedule for next steps for the Board to proceed to that phase of the process. At the end of the Board’s review and investigation, if any, the Board will issue an Ethics Opinion stating the outcome of its action. The Board’s Ethics Opinion is then presented to the City Council for consideration and possible adoption by resolution.

**ATTACHMENTS**

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1. Fort Collins Charter Article IV, Section 9. - Conflicts of interest.
2. Fort Collins Charter Article II, Section 13 - Council not to interfere with administrative service.
3. Fort Collins Municipal Code Sec. 7-20 - Duties of city clerk.
4. Fort Collins Municipal Code Sec. 2-568 (4) (5) (8) & (10)
5. Fort Collins Municipal Code Sec. 2-569
6. Fort Collins Municipal Code Sec. 7-133
7. Colorado Revised Statute § 18-8-302. Bribery
8. Colorado Revised Statute § 18-8-303. Compensation for past official behavior
9. Colorado Revised Statute § 18-8-301. Definitions
10. Colorado Revised Statute § 18-1-901(3) – Definitions
11. 2020-06-19 Complaint – Conflict Gutowsky
12. Corey Hoffmann Engagement Letter
13. IGA for Judicial Services
14. Gutowsky Signed Deferred Prosecution-110519
15. Gutowsky Deferred Prosecution Dismissal Order 6-1-20

Section 9. - Conflicts of interest.

- (a) *Definitions.* For purposes of construction of this Section 9, the following words and phrases shall have the following meanings:

*Business* means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or entity.

*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.

*Officer or employee* means any person holding a position by election, appointment or employment in the service of the city, whether part-time or full-time, including a 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 this Article by ordinance of the Council.

*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.

*Public body* means the Council or any authority, board, committee, commission, service area, department or office of the city.

*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.

(b) *Rules of conduct concerning conflicts of interest.*

- (1) *Sales to the city.* No officer or employee, or relative of such officer or employee, shall have a financial interest in the sale to the city of any real or personal property, equipment, material, supplies or services, except personal services provided to the city as an officer or employee, if:
  - a. such officer or employee is a member of the Council;
  - b. such officer or employee exercises, directly or indirectly, any decision-making authority on behalf of the city concerning such sale; or
  - c. in the case of services, such officer or employee exercises any supervisory authority in his or her role as a city officer or employee over the services to be rendered to the city.
- (2) *Purchases from the city.* No officer, employee or relative shall, directly or indirectly, purchase any real or personal property from the city, except such property as is offered for sale at an established price, and not by bid or auction, on the same terms and conditions as to all members of the general public.
- (3) *Interests in other decisions.* Any officer or employee who has, or whose relative has, a financial or personal interest in any decision of any public body of which he or she is a member or to which he or she makes recommendations, shall, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and shall refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.
- (4) *Disclosure procedure.* If any officer or employee has any financial or personal interest requiring disclosure under subsection (3) of this section, such person shall immediately upon discovery thereof declare such interest by delivering a written statement to the City Clerk, with copies to the City Manager and, if applicable, to the chairperson of the public body of which such person is a member, which statement shall contain the name of the officer or employee, the office or position held with the city by such person, and the nature of the interest. If said officer or employee shall discover such financial or personal interest during the course of a meeting or in such other circumstance as to render it practically impossible to deliver such written statement prior to action upon the matter in question, said officer or employee shall immediately declare such interest by giving oral notice to all present, including a description of the nature of the interest.
- (5) *Violations.* Any contract made in violation of this Section shall be voidable by the city. If voided within one (1) year of the date of execution thereof, the party obtaining payment by reason of such contract shall, if required by the city, forthwith return to the city all or any designated portion of the monies received by such individual from the city by reason of said contract, together with interest at the lawful maximum rate for interest on judgments.

(Res. No. 71-12, 2-11-71, approved, election 4-6-71; Ord. No. 155, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 10, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01; Ord. No. [003, 2017](#), § 2, 1-17-17, approved, election 4-4-17)

City Charter, Article II, Section 13. - Council not to interfere with administrative service.

Except for purposes of inquiry, the Council and its members shall deal with the administrative service of the city solely through the City Manager, and neither the Council nor any member shall give orders to any subordinates of the City Manager either publicly or privately.

City Code Sec. 7-20. - Duties of city clerk.

The City Clerk shall:

- (1) Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of Article V;
- (2) Keep a copy of any report or statement required to be filed by Article V for a period of one (1) year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one (1) year after the candidate leaves office;
- (3) Make reports and statements filed under Article V available on the City's website no later than the next business day;
- (4) Report complaints received regarding alleged violations of Article V to the City Manager.
- (5) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in Article VIII;
- (6) Establish procedures for conducting mail ballot elections consistent with the provisions contained in Article VIII, including efforts to inform uniformed and overseas voters of the upcoming election;
- (7) Supervise the conduct of mail ballot elections;
- (8) Employ temporary election workers as needed;
- (9) Take all necessary steps to protect the confidentiality of voted ballots and the integrity of the election; and
- (10) Serve as, or designate a qualified employee of the City Clerk to serve as, the City's Designated Election Official, as defined in Section 1-1-104(8), C.R.S., for any election coordinated with Larimer County pursuant to Section 1-7-116, C.R.S.

( [Ord. No. 021, 2016, § 3, 3-1-16](#) ; Ord. No. [005, 2017](#) , § 2, 1-17-17; Ord. No. [045, 2018](#) , § 2, 4-3-18)

City Code Sec. 2-568. - Ethical rules of conduct.

(a) Definitions. The following words, terms and phrases, when used in this Section, Section 2-569 and in Section 9 of the Charter Article IV, shall have the following meanings:

- (1) *Attempt to influence or influence*, as it pertains to this Section, shall mean take any action intended to impact, shape, control, sway, bias or prejudice.
- (2) *Benefit* shall mean an advantage or gain.
- (3) *Board and commission member* shall mean a member of any appointive board or commission of the City.
- (4) *Confidential information or information received in confidence* shall mean:
  - a. 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;
  - b. 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
  - c. 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.
- (5) *Councilmember* shall mean a member of the City Council.
- (6) *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.
- (7) *Direct* shall mean resulting immediately and proximately from the circumstances and not from an intervening cause.
- (8) *Detriment* shall mean disadvantage, injury, damage or loss.
- (9) *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:

- a. 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;
- b. 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;
- c. 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;
- d. 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;

- e. 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;
  - f. 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;
  - g. 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
  - h. 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.
- (10) *Officer or employee* shall mean any person holding a position by election, appointment or employment in the service of the City, whether part-time or full-time, 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:
- a. Established under the provisions of the Colorado Revised Statutes;
  - b. Governed by state statutory rules of ethical conduct; and
  - c. Expressly exempted from the provisions of Article IV of the City Charter by ordinance of the City Council.
- (11) *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:
- a. 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;
  - b. 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
  - c. the interest that an officer or employee has in the compensation, benefits, or terms and conditions of his or her employment with the city.
- (12) *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.
- (13) *Public services* shall mean city services provided to or made available for the public's benefit.
- (14) *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.
- (15) *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.

- (16) *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.

- (17) *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.

- (18) *Similarly situated citizens* shall mean citizens in like circumstances having comparable legal rights and obligations.

- (19) *Substantial* shall mean more than nominal in value, degree, amount or extent.

- (b) Notwithstanding the provisions of § 1-15 of the Code, an alleged violation of the provisions of this Section by a member of the City Council shall not be prosecuted in the Municipal Court as a misdemeanor criminal offense but shall instead be referred to the Ethics Review Board for an advisory opinion and recommendation under the provisions of § 2-569.

- (c) Rules of conduct.

- (1) Use and disclosure of confidential information. The following rules shall apply to the use and disclosure of confidential information by officers and employees of the City. In the event of any conflict among these provisions, the more specific provision shall take precedence over the more general provision.

- a. No use for personal gain. No officer or employee shall knowingly use information received in confidence as an officer or employee to advance the financial or personal interests of the officer or employee or others.
- b. Disclosure of confidential information, generally. No officer or employee shall knowingly disclose any confidential information to any person who is not an officer or employee or to an officer or employee whose official duties are unrelated to the subject matter of the confidential information or to maintaining an official record of such information on behalf of the City, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
- c. Disclosure of confidential information provided to the City Council. All information received in confidence by the City Council shall remain confidential, and no officer or employee shall knowingly disclose any such confidential information to any person to whom such information was not originally distributed by City staff unless and until the City Council has, by majority vote, consented to its release, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
- d. Disclosure of information discussed in executive session. No officer or employee shall knowingly disclose any confidential information discussed in an executive session to any person who was not present during such discussion, other than members of such body who were unable to attend the executive session, without the prior knowledge and consent of the body holding such executive session, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of

governmental authority, or illegal or unethical practices. In the event that a matter discussed in executive session comes before the City Council or a board or commission of the City for formal action at an open meeting, or if such formal action is anticipated, nothing herein shall be construed as prohibiting a member of the body that will be taking such formal action from stating his or her position or opinion with regard to the matter, as long as such statements do not divulge confidential information received from others during the executive session.

- e. Certain distribution and discussion by City Manager and City Attorney permitted. Notwithstanding the provisions of Subparagraphs c. and d. above, the City Manager and City Attorney may further distribute confidential information provided to the City Council and may disclose confidential information discussed in any executive session of the City Council, or of a Council committee, to such staff members and/or board and commission members as they may consider reasonably necessary to enable them to fully advise the City Council or to implement any direction given by the City Council or to advise other officers and employees of the City whose official duties are related to the subject matter of the confidential information or to maintaining a record of the same on behalf of the City.
  - f. No disclosure of confidential information to officer or employee having conflict of interest. No officer or employee who has filed a statement of conflict of interest with the City Clerk under Article IV, Section 9 of the Charter, or who has been determined by the City Council under the provisions of Subparagraph g. below to have a conflict of interest, shall knowingly elicit, accept or inspect any confidential information pertaining to the subject matter of such conflict of interest, nor shall any such officer or employee attend or participate in an executive session of the City Council, or of a Council committee or board or commission of the City, pertaining to said subject matter.
  - g. The City Council may determine that a Councilmember shall not receive confidential information or attend executive sessions on a particular topic if the City Council first determines that said Councilmember has a conflict of interest in the subject matter of such confidential information and/or executive session. Any such determination by the City Council shall be made only after the City Council has received an advisory opinion and recommendation of the Ethics Review Board on the question, rendered in accordance with the provisions of § 2-569.
- (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 or 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).
- (3) In any action in which a member of a City board or commission member ("member") declares a conflict of interest, such member shall not communicate to or attempt to influence such board or commission regarding such item, in any capacity, except that:
- a. the member may communicate with said board or commission to protect a strictly personal interest, in the same or similar ways in which the public is permitted to communicate with the board or commission.
  - b. the member may prepare materials on behalf of another for a project in the normal course of business or operation, so long as the purpose of those materials is not directly and substantially related to advocacy before said member's board or commission. Those materials may be included in materials submitted by another to said member's board or commission so long as they fall within this exception. For illustrative purposes, such materials may include, but are not necessarily limited to architectural plans, technical studies, and engineering designs.

- c. if a member has declared a conflict of interest in a matter in accordance with the City Charter and Code and so is precluded from participating in or influencing the decision of his or her board or commission, he or she may request a variance from the limitations of this subsection from the City Council in the following circumstances, and in the following manner:
    - 1. The member must submit a request for a variance to the City Clerk on a form provided by the City Clerk for such purpose.
    - 2. The member must demonstrate that without the variance, he or she would suffer an exceptional hardship, and that no reasonable alternative exists that would allow for that hardship to be avoided or substantially mitigated;
    - 3. The City Council must act by resolution to approve or disapprove the requested variance.
  - d. This limitation does not apply to other members, partners, or other parties of the member's or firm or entity, who may continue to work on the project and may advocate to such member's board or commission, provided that the member has declared the conflict and refrains from participating in the matter consistent with the application limitations.
- (4) All officers and employees shall refrain from accepting payment for any speeches, debates or other public events and shall further refrain from accepting any gift or favor which, in the judgment of a reasonably prudent person, would tend to impair the officer's or employee's independence of judgment in the performance of his or her official duties. The following shall not constitute prohibited gifts or favors under this Section:
- a. Campaign contributions reported as required by Chapter 7, Article V of this Code;
  - b. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
  - c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which an officer or employee is scheduled to participate;
  - d. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer or employee which is not extraordinary when viewed in light of the position held by such officer or employee;
  - e. Items of perishable or nonpermanent value that are insignificant in value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events; and
  - f. Payment of salary from employment, including other employment in addition to that earned from being an officer or employee.
- (5) No officer or employee shall request on his or her own behalf, or for or through a relative or related entity, from any other officer or employee, or grant to any other officer or employee, or relative or related entity of the same, any consideration, treatment or advantage in the interpretation, administration or enforcement of the Charter, Code, any City regulation, policy or program or in the provision of public services, that is substantially different from that available to other persons in the same circumstances or having the same need.
- (6) If any Councilmember contacts an officer or employee regarding a request in connection with that contacted officer's or employee's role and in relation to a matter that is not a routine City matter and is not within the Councilmember's role as an officer of the City, said Councilmember shall no later than 5:00 p.m. on the next business day after such contact deliver a written disclosure to the City Clerk and the City Manager and to all other members of City Council. The written disclosure must describe the date, time and general subject matter of the contact, together with the identity of the officer or employee contacted. Any private or confidential information, such as tax, utility account, or other personal information may be excluded or

redacted from such disclosure. Disclosure by means of an electronic message shall be deemed to constitute written disclosure for purposes of this provision.

(Ord. No. 112, 1989, § 1, 8-1-89; Ord. No. 162, 2000, § 2, 11-21-00; Ord. No. 109, 2002, §§ 1—4, 8-20-02; [Ord. No. 145, 2014, 11-4-14](#); [Ord. No. 159, 2014, §§ 1—3, 11-18-14](#); Ord. No. [037, 2017](#), §§ 2, 3, 3-7-17; Ord. No. [167, 2017](#), § 2, 12-19-17; Ord. No. [057, 2020](#), § 2, 4-21-20)

Sec. 2-569. - Board of ethics.

- (a) In order to assist the Councilmembers and board and commission members in interpreting and applying the definitions, rules and procedures pertaining to ethics established by the Charter and Code and by the applicable provisions of state statute, there is hereby created a Board of the City to be known as the Ethics Review Board, hereafter referred to in this Division as the "Review Board."
- (b) The Review Board shall consist of three (3) Councilmembers elected by the City Council, one (1) of whom shall be elected by the Review Board to serve as a chairperson. One (1) alternate shall also be appointed by the City Council to serve in the event that a regular member of the Review Board is unavailable or in the event that any particular complaint or inquiry is directed towards a member of the Review Board.
- (c) Subject to the provisions of Subsection (d) below, the duties and responsibilities of the Review Board shall be as follows:
  - (1) To review and investigate complaints of unethical conduct filed against Councilmembers or board and commission members by any person;
  - (2) To review and investigate actual or hypothetical situations involving potential conflicts of interest presented by individual Councilmembers or board and commission members;
  - (3) After review and investigation, to render advisory opinions or interpretations pertaining to such complaints or inquiries under the relevant provisions of the Charter and Code and the applicable provisions of state law, if any, and to make written recommendations to the City Council and any affected board or commission concerning the same; and
  - (4) To propose any revisions to the provisions of the Charter or Code or other regulations, rules or policies of the City pertaining to ethical conduct as the Review Board may deem necessary and appropriate in the best interests of the City.
- (d) Complaints and inquiries shall be submitted to the Review Board only according to the following procedures:
  - (1) *Complaints.*
    - a. Any person who believes that a Councilmember or board and commission member has violated any provision of state law or the Charter or Code pertaining to ethical conduct may file a complaint with the City Clerk, who shall immediately notify the chairperson of the Review Board, the Councilmembers or board and commission members named in the complaint and the City Council. The complaint shall be promptly scheduled for consideration by the Review Board as soon as reasonably practicable. No more than thirty (30) working days after the date of filing of the complaint, the Review Board shall meet and consider the complaint. In the event extenuating circumstances arise in the scheduling and preparation for such meeting, the time for meeting shall be extended by fourteen (14) calendar days. All Councilmembers or board and commission members named in the complaint, as well as the complainant, shall be given written notice of such meeting at least three (3) working days prior to the meeting. A notice of the complaint, including the identity of the complainant shall be posted along with the meeting notice.
    - b. Upon receipt of any such complaint, the Review Board shall, after consultation with the City Attorney, decide by majority vote whether to formally investigate the complaint. In making such determination, the Review Board shall consider the following: (1) whether the allegations in the complaint, if true, would constitute a violation of state or local ethical rules; (2) the reliability and sufficiency of any facts asserted in support of the allegations; and (3) any other facts or circumstances that the Review Board may consider relevant. If the Review Board determines that the complaint does not warrant investigation, the Review Board shall send written notice to the complainant of its determination and the reasoning behind that determination, and shall provide a copy of such notice, together with

a copy of the complaint, to all Councilmembers or board or commission members named in the complaint, as well as the City Council.

- c. In the event that a complaint is filed with the City Clerk under the provisions of this Subsection which alleges a violation on the part of two (2) or more members of the Review Board (including the alternate), such complaint shall not be referred to the regular Review Board for review but shall instead be submitted to an alternate Review Board consisting of all remaining Councilmembers who are not named in the complaint; provided, however, that if five (5) or more Councilmembers are named in the complaint, the alternate Review Board shall also include as many members of City boards and commissions as are necessary to constitute a seven-member board. Said Board and commission members shall be selected at random by the City Clerk within ten (10) working days of the date upon which the complaint is filed with the City Clerk. Any board and commission members selected by the City Clerk who elect not to serve on the alternate Review Board shall immediately so notify the City Clerk, who shall thereafter select as many additional board and commission members as are necessary to constitute the seven-member alternate Review Board. The procedures utilized by the alternate Review Board for reviewing and investigating the complaint and rendering an advisory opinion and recommendation shall be as provided in Subsections (b) and (e) of this Section, except that: (i) the opinion and recommendation of such Board shall be final and shall not be submitted to the City Council for review or adoption by the City Council unless at least three (3) Councilmembers remain available to consider and take action on the opinion and recommendation; and (ii) the City Council and City staff shall, upon request by the alternate Review Board, make available to such Board all information in the possession of the city that is relevant to the Board's investigation, including, without limitation, tape recordings of any relevant executive sessions, unless the release of said information is prohibited by state or federal law; and, in reviewing and discussing such information, the Board shall abide by any local, state or federal confidentiality requirements that might limit or prohibit the release of such information to third parties.
- (2) *City Council inquiries.* Any Councilmember may present directly to the Review Board any inquiry regarding the application of ethical rules of conduct under state statute or the Charter or Code to any actual or hypothetical situation of a Councilmember or board and commission member.
- (e) In performing its review and investigation of any complaint or inquiry submitted in accordance with Subsection (d) hereof, the Review Board shall afford all affected Councilmembers or board and commission members an opportunity to present their interpretations of the facts at issue and of the applicable provisions of law before rendering its opinion and recommendation. The Review Board may also request such additional materials or information from City staff or members of the public which it considers reasonably necessary or helpful to its deliberations. In addition, in the case of a complaint, the Review Board shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of such documents as the Review Board may consider necessary to its investigation. After investigation, the Review Board shall forthwith issue an advisory opinion and recommendation to the City Council, which shall immediately thereafter be filed with the City Clerk and be available for public inspection. Said opinion and recommendation shall be submitted to city Council at a regular City Council meeting, at which time the City Council shall determine whether to adopt the same. Any whose conduct or circumstance is the subject of the opinion shall refrain from participating in any deliberations of the City Council regarding the opinion.
  - (f) The City Attorney shall provide legal advice to the Review Board and shall prepare and execute all advisory opinions and recommendations of the review board.
  - (g) Compliance with the applicable provisions of the Charter and Code and the provisions of state law, as well as decisions regarding the existence or nonexistence of conflicts of interest and the appropriate actions to be taken in relation thereto, shall be the responsibility of each individual Councilmember or board and commission member, except as provided in Subparagraph 2-568(c)(1)(g). An opinion adopted by the City Council under Subsection (e) of this Section shall

constitute an affirmative defense to any civil or criminal action or any other sanction against a Councilmember or board or commission member acting in reliance thereon.

(Ord. No. 112, 1989, § 1, 8-1-89; Ord. No. 17, 1993, 2-16-93; Ord. No. 64, 1993, 7-20-93; Ord. 132, 2001, § 2, 9-18-01; Ord. No. 110, 2002, §§ 1—3, 8-20-02; [Ord. No. 144, 2014, 11-4-14](#); Ord. No. [102, 2019](#), § 2, 9-3-19)

City Code Sec. 7-133. - Candidate affidavit; disclosure statement; failure to file.

- (a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.
- (b) Each candidate shall file a financial disclosure statement pursuant to § 2-636 with the City Clerk at the same time as filing an acceptance of nomination.
- (c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought.
- (d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

(Ord. No. 162, 2000, § 1, 11-21-00; Ord. No. 148, 2001, § 2, 11-6-01; Ord. No. [045, 2018](#), § 5, 4-3-18)

CRS § 18-8-302

(1) A person commits the crime of bribery, if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity; or

(b) While a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced.

(2) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

(3) Bribery is a class 3 felony.

CRS § 18-8-303

(1) A person commits a class 6 felony, if he:

(a) Solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised a discretion in his favor, whether or not he has in so doing violated his duty; or

(b) Offers, confers, or agrees to confer compensation, acceptance of which is prohibited by this section.

CO Rev Stat § 18-8-301

The definitions contained in section 18-8-101 are applicable to this part 3, unless the context otherwise requires, and, in addition to those definitions:

- (1) "Benefit" means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.
- (2) "Party officer" means a person who holds any position or office in a political party, whether by election, appointment, or otherwise.
- (3) "Pecuniary benefit" is benefit in the form of money, property, commercial interests, or anything the primary significance of which is economic gain.
- (4) "Public servant", as used in sections 18-8-302 to 18-8-308, includes persons who presently occupy the position of a public servant as defined in section 18-8-101 (3) or have been elected, appointed, or designated to become a public servant although not yet occupying that position.

## C.R.S. Sec. 18-1-901

(3)(a) “To aid” or “to assist” includes knowingly to give or lend money or extend credit to be used for, or to make possible or available, or to further the activity thus aided or assisted.

(b) “Benefit” means any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary.

(c) “Bodily injury” means physical pain, illness, or any impairment of physical or mental condition.

(d) “Deadly physical force” means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.

(e) “Deadly weapon” means:

(I) A firearm, whether loaded or unloaded; or

(II) A knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

(III), (IV) Deleted by [Laws 2013, Ch. 39, § 1, eff. March 15, 2013.](#)

(f) “Deface” means to alter the appearance of something by removing, distorting, adding to, or covering all or a part of the thing.

(g) “Dwelling” means a building which is used, intended to be used, or usually used by a person for habitation.

(h) “Firearm” means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

(i) “Government” includes the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function.

(j) “Governmental function” includes any activity which a public servant is legally authorized to undertake on behalf of government.

(k) “Motor vehicle” includes any self-propelled device by which persons or property may be moved, carried, or transported from one place to another by land, water, or air,

except devices operated on rails, tracks, or cables fixed to the ground or supported by pylons, towers, or other structures.

(l) Repealed by [Laws 2003, Ch. 242, § 1, eff. Aug. 6, 2003.](#)

(m) “Pecuniary benefit” means benefit in the form of money, property, commercial interests, or anything else, the primary significance of which is economic gain.

(n) “Public place” means a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities.

(o) “Public servant” means any officer or employee of government, whether elected or appointed, and any person participating as an advisor, consultant, process server, or otherwise in performing a governmental function, but the term does not include witnesses.

(o.5) “Restorative justice practices” means practices that emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices. Restorative justice practices are facilitated meetings attended voluntarily by the victim or victim's representatives, the victim's supporters, the offender, and the offender's supporters and may include community members. By engaging the parties to the offense in voluntary dialogue, restorative justice practices provide an opportunity for the offender to accept responsibility for the harm caused to the victim and community, promote victim healing, and enable the participants to agree on consequences to repair the harm, to the extent possible, including but not limited to apologies, community service, reparation, restoration, and counseling. Restorative justice practices may be used in addition to any other conditions, consequences, or sentence imposed by the court.

(p) “Serious bodily injury” means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

(q) “Tamper” means to interfere with something improperly, to meddle with it, or to make unwarranted alterations in its condition.

(r) “Thing of value” includes real property, tangible and intangible personal property, contract rights, choses in action, services, confidential information, medical records information, and any rights of use or enjoyment connected therewith.

(s) "Utility" means an enterprise which provides gas, sewer, electric, steam, water, transportation, or communication services, and includes any carrier, pipeline, transmitter, or source, whether publicly or privately owned or operated.

## DATE:

2020-06-19

## TITLE:

Conflict of Interest Ethics Complaint

## REPORTING PARTY:

Michael Pruznick ; 636 Castle Ridge Court ; Fort Collins 80525 ;  
970-673-7840 ; mikepruz@gmail.com

## SUBJECT:

Fort Collins District 1 Council Member Susan Gutowsky

## PROCESS SUGGESTIONS:

During the 2020-03-06 hearing, there were many interruptions from the Subject(s) and Reporting Party during board discussion. To eliminate such temptations, the Reporting Party proposes the following: 5m each for presentation for evidence/defense, 5m each for rebuttals, board inquiries and discussions, 5m each for closing statements, final board deliberation and vote. Subject and Reporting Party to hold all comments during board discussion for closing statements and not interrupt the board discussion. In each case the Reporting Party goes first and the Subject second. The Reporting Party agrees to this modification. If the Subject also agrees, this process may be placed in the agenda without further permission from the Reporting Party.

## EXECUTIVE SUMMARY:

1) Council Member Gutowsky used her position as the boss of the City Manager (and thus the City Clerk), the City Attorney (and thus the sub-contracted prosecutor), and the City Judge (and thus the outsourced Judge), to obtain an extremely lenient plea bargain that provided a financial benefit (no fine) and a personal benefit (no jail) different in kind than others.

2) Condition one was to not cheat in a city election during a six month period in which there was no city election. That is not a condition, but a guarantee, a benefit not afforded to others. -- "No election violations during the deferral period" -- 2019-11-05 to 2020-05-05, there were no elections during this period. Candidate committee closed on 2019-05-07, prior to the court setting the condition. No chance of failure!

3) Condition two was to deliver a report to the City Clerk, with no substantive guidance or validation of content. -- "Mrs. Gutowsky to prepare a presentation for the City Clerk's Office to provide in future elections regarding the application of Section 7-140 of the Fort Collin Municipal Code" -- as evidenced by the City Clerk sign-off, "In regards to the above case, the City Clerk's office has received the attached documents. It is our understanding that Ms. Gutowsky has submitted these to fulfill the mandatory project assigned to her as part of her case." -- No sign-off that it would "provide in future elections regarding the application of Section 7-140".

A) The FAQ document is mostly about non 7-140 stuff, and the part with 7-140 is mostly a quote of the law with a statement of "Needs to be cleaned up by city council. ... the language should be amended to be clear and not open to interpretation," which is irrelevant given that her peers on council are in the process for decriminalizing 7-140 so she can legally cheat in the future, not face jail/fine,

but charge the civil penalty to a 3rd party, her campaign committee. How many other people have the ability to get their peers to change the law for them?

B) Most of Q&A is really just plagiarized from the existing election guide. See annotated version attached. Great example from a former school board member, "Personally, I am pleased with the result." Who else gets the case dismissed and the records sealed for plagiarism?

4) Additionally, while under the supervision of the offices of the City Manager, Attorney, and Judge, the Subject participated in their reviews and salary settings knowing that a conflict of interest existed. The salary settings may also qualify as a kick-back for past leniency and a bribe to ensure continued leniency.

5) Further, the Subject had the City Clerk file her presentation with the court, "I'll leave it to you to take care of that for me." That is not an authorized Clerk function per the Charter or Code and the CORA request for such authorization and the required disclosure for council members using staff for non-routine functions failed to provide public records. This is a violation of using the administration staff directly and failure to go through the City Manager. [Clerk says this is her routine job, Reporting Party disagrees, it is not on the list].

6) Finally, the request included a re-election candidacy notice and no affidavit was filed within the required timeline, "In fact, I may read the FAQ again as I am preparing to run for re-election!" [Clerk says this is not an announcement, Reporting Party disagrees, it was in a "place accessible to the public"].

#### ALLEGATIONS:

##### 1) PERSONAL AND FINANCIAL BENEFIT NOT AFFORDED TO OTHERS:

The conditional deferred prosecution with dismissal and sealed records for violation of Fort Collins Municipal Code 7-140(A) (1) provided by the offices of the City Manager, City Attorney and City Judge to the Subject represents a leniency not offered to others and thus constitutes both financial (no fine) and personal (no jail) conflict of interest. Charter Section 9(b) (3), Code 2-568(a) (8), Code 2-568(a) (10), and others.

##### 2A) CITY MANAGER REVIEW CONFLICT OF INTEREST:

While under the legal supervision of the Office of the City Manager, the Subject did participate in the annual performance review of the City Manger, constituting a personal conflict of interest. Charter Section 9(b) (3), Code 2-568(a) (8), Code 2-568(a) (10), and others.

##### 2B) CITY MANAGER SALARY SETTING CONFLICT OF INTEREST:

While under the legal supervision of the Office of the City Manager, the Subject did participate in the annual salary setting of the City Manger, constituting both 18-8-303 compensation for past official behavior (a.k.a. kick back) and 18-8-302 bribery for continued leniency. Charter Section 9(b) (3), Code 2-568(a) (8), Code 2-568(a) (10), and others.

##### 3A) CITY ATTORNEY REVIEW CONFLICT OF INTEREST:

While under the legal supervision of the Office of the City Attorney, the Subject did participate in the annual performance review of the City Attorney, constituting a personal conflict of interest. Charter Section 9(b) (3), Code 2-568(a) (8), Code 2-568(a) (10), and others.

##### 3B) CITY ATTORNEY SALARY SETTING CONFLICT OF INTEREST:

While under the legal supervision of the Office of the City Attorney, the Subject did participate in the annual salary setting of the City Attorney, constituting both 18-8-303 compensation for past official behavior (a.k.a. kick back) and 18-8-302 bribery for continued leniency. Charter Section 9(b) (3), Code 2-568(a) (8), Code 2-568(a) (10), and others.

4A) CITY JUDGE REVIEW CONFLICT OF INTEREST:

While under the legal supervision of the Office of the City Judge, the Subject did participate in the annual performance review of the City Judge, constituting a personal conflict of interest. Charter Section 9(b) (3), Code 2-568(a) (8), Code 2-568(a) (10), and others.

4B) CITY JUDGE SALARY SETTING CONFLICT OF INTEREST:

While under the legal supervision of the Office of the City Judge, the Subject did participate in the annual salary setting of the City Judge, constituting both 18-8-303 compensation for past official behavior (a.k.a. kick back) and 18-8-302 bribery for continued leniency. Charter Section 9(b) (3), Code 2-568(a) (8), Code 2-568(a) (10), and others.

5) INTERFERING WITH ADMINISTRATIVE SERVICE:

The Subject used the Office of the City Clerk to obtain leniency in violation of Charter Section 13 and Code 7-20 to obtain the sign off necessary to prove compliance to court. Also 7-568(4) and 7-568(5).

The Subject used the Office of the City Attorney to obtain leniency in violation of Charter Section 13 and Code 7-20 to obtain the sign off necessary to prove compliance to court. Also 7-568(4) and 7-568(5).

6) FAILURE TO REPORT CANDIDACY:

The Subject made a public announcement of re-election and did not file the required affidavit within ten days of becoming a candidate and is thus disqualified from re-election. Code 7-132, Code 7-133.

REQUESTED OUTCOMES:

1) That the conditional deferred prosecution plea bargain be revoked and that the Subject be required to plea guilty and accept the maximum punishment for refusing to address the campaign violations on multiple occasions, refusing to accept responsibility for her actions, and multiple acts of conflict of interest.

2) As the conflict of interest makes the executive session for the annual and semi-annual reviews of the City Manager, City Attorney, and City Judge open public meetings, the recordings and detailed minutes must be placed on the city's web-site in the same place and location as is done for any other open public council meeting. This applies to all such executive sessions during the oversight period, Nov/Dec 2019, May 2020, and any others the Reporting Party may have missed.

3) As the conflict of interest nullifies the salary settings for the City Manager, City Attorney, and City Judge, such ordinances must be declared null and void, the salaries be reset to their previous values, and excess payments and benefits received must be returned to the city without unnecessary delay.

4) That the Subject be charged with the appropriate crimes for violating 18-8-302, 18-8-303, and the City Charter. That excessive leniency be prohibited. That, upon conviction, she be removed from office as required by the City Charter.

5) Because of the City Clerk's and City Attorney's involvement in assisting the Subject with her personal and private business (informing the court of the completion of the requirement), they must also be investigated for possible misconduct.

6) Because the Outsourced Prosecutor and Outsourced Judge approved a plea deal that involved the City Clerk, both should also be investigated for misconduct. Both should know full well (one being a attorney for the city and one being a current sitting city judge) that the City Clerk cannot vouch that a private citizen completed their court assignment. Further, the only way the prosecutor could involve the City Clerk is with permission of the City Manager, but as with the City Attorney and City Judge, he is conflicted out and could not give such approval. Finally, read the submitted Q&A and FAQ, they are mostly plagiarized from the City Campaign Manual. Any Prosecutor and Judge that signed off on this would, in the mind of reasonable and prudent people, have been doing a favor to protect the Subject in violation of their duty and public trust. REFERENCE: The Truth About Marijuana, p78, "Corey Hoffmann, for the City of Fort Collins did an excellent job", Conflict of Interest to be the attorney for the City and prosecute a sitting council member.

SUPPORTING EVIDENCE:

0) The numbers below correspond to the allegation numbers above:

1A) Excerpts from Fort Collins Coloradoan, 2020-03-13, "Man accused of breaking into Fort Collins home, assaulting woman gets deferred sentence." TXXXXX CXXX, drugged involuntarily, three-year deferred sentence, which means the felony charge will be removed from CXXX's record if he fully complies with the stipulations of his sentence, which include a substance abuse evaluation and completing recommended programming.

1B) In this case the victim of an illegal drugging had to plea guilty and was only eligible for a deferred sentence, not a deferred prosecution, and must complete a strict 3-year condition and must subsequently apply for expunging of his record, and may be denied certain benefits during this time, and has to disclose his felony status to employers and others.

1C) Compare to the Subject, who

i) Received two warning notices from the City Clerk, 2019-03-12 and 2019-03-26 and refused to comply. Apparently, it was too difficult to order stickers and issue a press release asking anyone with a defective sign to contact her for a sticker.

ii) On 2019-08-30 met with and told the Greeley Police that she was unaware of 7-140 at her 2019-02-18 launch party despite the fact that she signed her candidate affidavit on 2019-01-02 certifying that she was familiar with Article 5 of Chapter 7 of the City Code which contains 7-140.

iii) During this same meeting, she also blamed her staffers, but did not take any responsibility herself.

iv) During this same meeting, she also suggested to the police that District 5 Council Member Ross Cunniff would vouch for her.

v) Who reported on her 35-day before campaign finance report that she bought food for her 2019-02-18 Launch Event a day later, 2019-02-19.

vi) Who, after stealing an election, will legally no longer have

a record, could commit the same crime the next day, and still be a first time offender.

vii) No one else gets the City Attorney to outsource to a former City Attorney that offers a plea in which a term is, don't cheat in a city election from Nov19 to May20, a period in which there is no city election, and your case will be dismissed and the records sealed. Clearly, the outsourced attorney knew to get re-hired, he must keep his boss's boss out of trouble.

viii) And, the City Judge outsourced to a another Judge who agreed this was a reasonable condition. A condition that cannot be broken is not a condition. It is special treatment not afforded to similarly situated persons. Clearly, the outsourced judge knew to get re-hired, she must keep her boss's boss out of trouble.

1D) Compare to District 1 Candidate Joe Somodi who received a similar notice of possible violation, but he had admitted and fixed the deficiency before it was forwarded to the Greeley Police, and thus avoided charges. District 1 Candidate Joe Somodi will still have a record that cannot be sealed for doing the right thing, while the Subject has been offered dismissal and sealed records for refusing to accept responsibility. Clearly, the Subject has been offered a benefit not offered to the general public in a similar situation. Clearly, inner circle members who commit crimes get special treatment not offered to others.

1E) Upon discovering this issue, the Reporting Party sent several emails to the Subject via the cityleaders@fcgov.com email asking her to come forward and to this date she has refused.

1F) The Reporting Party also asked other council and community members to get the Subject to step forward. At this time, it is unknown if those people declined the Reporting Party's request or were unsuccessful in getting the Subject to step forward.

1G) Given the current events in Minneapolis, where three officers stood by and put TEAM-BLUE before TEAM-HUMANITY and watched as their buddy committed an atrocity, we must consider that the other council members standing by constitutes the Subject accepting a protection benefit not afforded to others.

1F) But it gets even worse. In this case, the Subject's buddies are not just standing by, they are actively changing the law to decriminalize her cheating so that in the next election she can commit this act and it is a civil infraction against her campaign committee, not herself. No jail, No fine. No one else who breaks the law gets a law change initiated by the City Clerk's office and supported by council to allow them to legally cheat in the future. That would be the same City Clerk assigned to approve the mandatory court ordered assignment, which should have been another conflict of interest.

1G) In fact, when the Reporting Party's wife was charged with a red light ticket, she learned that the owner that looked most like the suspect is charged, even through it was clear from the pictures that the suspect was not her. In this case, the city refused our request to change the law, to stop charging known innocent people. If the city isn't willing to stop the charging of known innocent people, then the only explanation to reasonable and prudent people for helping a guilty person is benefit not afforded others. REFERENCE: Summons #P1450609, 2014-02-05, Officer R Berry, Badge #FCC145. Traffic Code 615(3) "... If, however, the vehicle is registered in more than one (1) person's name, the summons and complaint shall be issued to that registrant who the issuing peace officer determines, under all the facts and circumstances, was the person most likely depicted ..."

Last updated Ord.097,2009

2A, 3A, 4A) Each of these offices recused themselves due to conflict of interest -- they cannot review the person who reviews them. From at least 2019-08-23 (first record of investigation found so far) through at least 2020-06-01 (dismissal) and possibly until sealing, these offices (public bodies) were now responsible for reviewing her. Thus, it was a conflict for her to review them while under their supervision. As the Subject was not needed for a quorum, no exception applies. Given the leniency of the plea deal, it is clear to reasonable and prudent people that the review would include a bias such as, "Thanks for helping me beat the wrap! Thanks Attorney and Judge for outsourcing the right people. Thanks Manager for making up for picking the wrong outsourced police, by bringing in your City Clerk."

2A) (i) Reference the Reporting Party's 2019-11-12 public comments, listing the numerous and ongoing failures of the City Manager. Short summary of the top 10 points, in order of the slides: Financial Impacts not disclosed, increasing community problems, increasing CO2, rewarding failure, hiding bad data, stealing from citizens, go-dirty to go-solar policy that harms businesses and environment, enforcing proposed changes as though they were law, leadership of hate costing the taxpayers \$225,000, and worst of all policies that reward rich white dudes at the expense of low income minorities. Clearly, the Subject had personal and financial reasons to ignore these failures. Say the Subject never broke the law, then, free of conflict, she may have been the only one to see these failures and with her strength, her objections and concerns could have changed the conversation. However, her conflict deprived her of this viewpoint, and thus made her the strong voice that could have silenced others. This is why she was required to declare conflict of interest -- it biases her viewpoint and others.

2B, 3B, 4B) To reasonable and prudent people, watching the Subject compliment each office for their job and take an active role in the motions, shows her strong position. But, is that because it is true, or because her conflict caused her to ignore the issues listed above, or because she wanted to give a personal thank you? Given the overwhelming evidence in this case, a reasonable and prudent person can only come to one conclusion, conflict of interest, and further investigation for kick-back and bribery.

2B) (i) It is worth noting that with the City Manger, the Subject was the deciding vote. Without her support or if she had recused herself, the motion would have failed. This case is really the same issue as 2A(i) above, with the addition that a reasonable and prudent person would realize that the Subject could not be objective in the salary setting. At a minimum there is a personal and financial conflict of interest. Worst case, it represents kick-back and bribery.

5A) The Subject ordered the City Clerk to "I'll leave it to you to take care of that for me." This is not an inquiry, but an order, for the City Clerk to file the documents with the Court on behalf of the Subject. Council Members are prohibited from ordering the City Clerk to conduct their personal Private Citizen business.

5B) Further, the Subject included the City Attorney, not the outsourced prosecuting attorney, in 2020-04-29 message, knowing full well that the City Attorney is recused due to conflict of interest. This further supports the allegations in 2A, 3A, and 4A. The Subject is having personal contact with the City Attorney on the issue the City Attorney is not allowed to be involved in.

6) The email from the Subject to the City Clerk is clearly an email announcing candidacy and clearly states she will use it if she was

running, then states "In fact," she is preparing to run for re-election. However, she failed to file the required affidavit on time and is thus disqualified from running for "re-election". She may still be able to run for Mayor, but clearly she cannot run for her current seat, re-election.

ADDITIONAL EVIDENCE REQUESTS:

0) At least ten (10) days prior to the hearing, the city shall, at the city's expense, provide a full unabridged unredacted copy of the "ADDITIONAL EVIDENCE REQUESTS:" referenced here to all parties to allow for timely review before the hearing and to include such in the agenda item summary for the hearing. It is the City's obligation to provide the authoritative versions of these documents to all parties to eliminate authenticity questions at the hearing. As evidenced by the board not believing the Ken Summers letter and having a follow-up hearing.

1) The Reporting Party's CORA Request, initial request date 2020-02-11, completed via email "Tue, 18 Feb 2020 16:28:36", email subject "02-11-2020 CORA REQUEST: April 2019 election investigations and prosecutions", files, complaint-15\_robby-morland\_susan-gutowsky.pdf, complaint-12\_marge-norskog\_reporting-susan-gutowsky-for-city-council\_website.pdf, complaint-12\_email-notification-to-susan-gutowsky-of-election-complaint.pdf, complaint-15\_email-notification-to-susan-gutowsky-of-additional-election-complaint.pdf

2) Fort Collins Police Services, Report #19-13957, Citation Number 0000332159, Charge 7-140(A)(1) Responsibility for Communications, Reported Date 2019-09-19.

3) Greeley Police Department, Case Number 19G074166, Reported Date, 2019-08-23.

4) Fort Collins Municipal Court, Docket Number 19-13957, Date of Violation 2019-03-26, Case Number 2019-0006414-MD, Offense 7-140 Responsibility for Communications, Citation Number 0000332159, Date Issued 2019-09-19.

5) Subject's presentation delivered to the City Clerk, the Q and A, the FAQ, and the full emails to show if such came from personal or council email (illegal use of government computer).

6) City Clerk's 2020-05-04 letter to the Court stating compliance with the mandatory project.

7) Any other emails between the City Clerk, the Subject, City Council, and City Staff on this subject. Specifically, the Clerk said she did certain things that are not on the approved list, if there was any type of consulting or advice with anyone else in the city about how to respond.

8) The agenda items and signed resolutions showing the new and old salaries for City Manager, City Attorney, and City Judge, and the percent increases, and the peer comps (especially the average raise for a retiring judge, given the extortion on the Riverside Solar Array transfer -- sign up with the city or lose your credit).

9) Any other documents requested by the Subject or the board shall be delivered to all parties at least ten (10) days prior to the hearing.

ADDITIONAL DETAILS:

1) The Subject has committed multiple violations on multiple occasions. The Subject has made it clear the law does not apply to her.

2) The Subject couldn't be bothered to order stickers and issue a press release asking those with the "incomplete" sign to let her know so she could add a sticker. Looking at the other cases that would have been enough to avoid being charged in the first place. Do you think if a U.S. Marine was running for office, they would have made such a pathetic excuse? Of course not, the word isn't even in their dictionary. Based on the evidence below, it is reasonable to conclude the Subject feared the notice of the mistake would have had a negative impact on her social media presence. One act of honor and responsibility could have prevented this complaint, instead she put image before integrity and now the entire city leadership is at risk.

3) The Subject spent eight years on the school board with oversight authority of staff and student punishments. The Subject knows the difference between a condition and a guarantee. The Subject knows her plea represented a leniency not afforded to others. The Subject knows she is guilty of conflict of interest.

4) The Subject, instead of engaging her attorney or the Court Clerk, she violated the Charter by going around the City Manager and again violated the Charter by directly ordering the City Clerk to file her personal court documents. In this effort, the Subject also illegally engaged the City Attorney in an issue that the Subject knew the City Attorney was conflicted out of. The Reporting Party is not surprised. He watched, while the Subject was on the school board, as she refused to listen to the citizen and approved flawed ballot language, then she allowed the wrong person to file the court documents, then she blamed the respondent and appellant for suing the district, when in fact, it was the district that had initiated the law suit against all residents. When people are rewarded for failure, they just keep failing so they can get bigger awards. But, sooner or later, they all cross that line that cannot be uncrossed. The Subject has a history of denial and blaming others that must be factored into requiring the maximum punishment allowed.

5) The Subject knew the City Manager, City Attorney, and City Judge could not review her case (because she was their boss) and had to conflict out. Yet, after the court made them the boss of her conditions, she failed to recuse herself from their reviews. In fact, at the 2020-05-26 council meeting, after being made aware of this conflict, the Subject outright refused to recuse herself, she even refused to ask if she had a conflict. The standard is to ask the City Attorney to refute such citizen claims, the fact that not a single council member asked the City Attorney in this case is supporting evidence. At the 2020-06-02 council meeting, the City Manager was willing to demean a citizen without evidence. The fact that no one refuted the Reporting Party's claim is supporting evidence. For, in that moment, the city could have squashed this complaint. The Charter is clear, the Subject isn't even allowed to vote to go into executive session. Even something as minor as agreeing that staff correctly outsourced her case is a conflict of interest for the Subject. The Subject was required to exclude herself but did not. And the City Attorney, knowing the Subject had illegally contacted her on 2020-04-29, failed in her duty to the City and now those tapes will become public, and the City Attorney may face misconduct charges or termination of employment for participating in the cover up instead of protecting the City.

6) The Subject was also prohibited from participating in the salary settings. The Reporting Party clearly documented at the 2019-11-12 and 2020-05-26 public comments for executive session the City Manager's failures in areas of council's and the Subject's top priorities. Did the Subject criticize the City Manager for these failures? No, it is prohibited by the Respectful Workplace Policy. Did the Subject remain neutral? No. The Subject thanked the City Manager

for his failures and supported his significant raise. In what world does someone get thanks and raise for failure? When that thanks and raise are for keeping that member out of jail. Stealing from a disabled female immigrant and lies and misinformation to cover it up. Illegally blocking a fossil fuel free home project. Trying to shutdown the leading award winning solar home in town based on false information, during a declared Climate Emergency (NOTE: The award was issued through a city partnership). Giving profit priority over people and planet, when the former doesn't have a declared emergency but the latter two do. And the list goes on. There is no doubt to a reasonable person that the only reason the Subject voted against her public position and dismissed the City Manager's failures was to protect her private conflict of interest.

7) 2019-12-03, first reading of salary settings moved to 2020-01-07, but first reading really occurred on 2019-12-17. The Subject rewarded the City Manager for tricking the public into thinking this items would be after the holidays.

8) 2019-12-17 The Subject participated in all three salary settings. The Subject was quiet for the City Judge, at 1h:32m made favorable statements for the City Attorney about to keep salary above 50th percenile and to keep our employees and much appreciate the work that you've done, at 1h:50m made favorable statements for the City Manager about, a well run top notch city, what we have, what the Manager is doing, leadership with broadband.

9) 2020-01-07 The Subject participated in all three salary settings. The City Judge and City Attorney were on consent. The City Manager was individual discussion with the Subject making the second for the motion. NOTE: The Subject was the deciding vote. See 1h:13m to 1h:21m.

#### APPLICATION OF POLICIES:

1A) Charter 9/a Financial interest means any interest equated with money or its equivalent.

A misdemeanor fine is an "interest equated with money"

A presentation that required sign off from the City Clerk's office without payment of fee is an "interest equated with money"

1B) Charter 9/a 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.

Imprisonment for a misdemeanor is an "interest (other than a financial interest)"

Dismissal of charges are an "interest (other than a financial interest)"

Sealing of records is an "interest (other than a financial interest)"

A condition which cannot be broken is an "interest (other than a financial interest)"

A presentation that required sign off from the City Clerk's office is an "interest (other than a financial interest)"

1C) Charter 9/b/3 Interests in other decisions. Any officer or employee who has, or whose relative has, a financial or personal interest in

any decision of any public body of which he or she is a member or to which he or she makes recommendations, shall, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and shall refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.

The Subject is a career politician, two terms on the school district and this is her second term on council. She is well familiar with the conflict of interest laws, especially the state laws that are common between both offices.

There is no doubt that the Subject "discovery" her conflict of interest when the City Manager (police), City Attorney, and City Judge, all declared a conflict of interest.

As it was a conflict for staff to review their boss who reviews them, then, without any doubt it was a conflict for the boss to review her staff while subject to their review in the court case. Conflict goes in both directions.

Any doubt of this conflict was eliminated on 2020-04-29 when the Subject included both her attorney and the City Attorney (not the outsourced attorney) on the sign-off email to the City Clerk, asking "who is in charge of making sure that the Court makes note of the completion of my project and takes the necessary steps to "seal the deal." I'll leave it to you to take care of that for me. whether Private Citizen or Council Member, the City Clerk is not authorized to "take care of that for me", yet she did as evidenced by the 2020-05-04 email stating "It is our understanding that Ms. Gutowsky has submitted these to fulfill the mandatory project assigned to her as part of her case. ... Delynn Coldiron, CMC, City Clerk, City of Fort Collins, which again includes the City Attorney, not the outsourced attorney.

1D) Charter 9/b/4 ... If said officer or employee shall discover such financial or personal interest during the course of a meeting or in such other circumstance as to render it practically impossible to deliver such written statement prior to action upon the matter in question, said officer or employee shall immediately declare such interest by giving oral notice to all present, including a description of the nature of the interest.

In addition to previously mentioned discovery, public comments at the 2020-05-26 meeting leave not doubt about discovery.

1E) Code, 2-568/a/1 Benefit shall mean an advantage or gain.

Avoiding a fine, imprisonment, and a criminal record are advantages and gains.

Sealed records and ability to a repeat first time offender are advantages and gains.

Having friends on council and in the City Clerk's office that sponsor law changes that make it easier to cheat in the future are advantages and gains.

Law changes to eliminate the future possibility of personal jail and fines are advantages and gains.

1F) Code, 2-568/a/5 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.

Previously established.

1G) Code, 2-568/a/6 Direct shall mean resulting immediately and proximately from the circumstances and not from an intervening cause.

Accepting the plea created the benefit, with no intervening cause.

Completing the mandatory project created additional benefits, with no intervening cause.

1H) Code, 2-568/a/7 Detriment shall mean disadvantage, injury, damage or loss.

Subject has not received a known detriment. Her conflict is using city resources to gain a benefit to avoid and hide a personal detriment.

1I) Code, 2-568/a/11 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.

Referenced elsewhere.

1J) Code, 2-568/a/16 Similarly situated citizens shall mean citizens in like circumstances having comparable legal rights and obligations.

Do you think Cook and Perez were offered, "Don't break into a home in a city natural area during the next six months and your charges will be dismissed and records sealed"? Of course not. Such a conditions would be ludicrous. In fact, it is not a condition, in is a get out jail and fine guarantee. As are the conditions the Subject received. Such conditions are not available to the general public, but only to members of the inner circle, who are the boss of the three prosecuting offices and the sign off team. NOTE: If you do not get this example, there are NO HOMES in a city natural area.

1K) Code, 2-568/a/17 Substantial shall mean more than nominal in value, degree, amount or extent.

Clearly substantial as evidenced by the Subject, Council, and Staff hiding her crime and putting significant effort into changing the law to protect her in the future.

1L) Code, 2-568/c/1 To review and investigate complaints of unethical conduct filed against Councilmembers or board and commission members by any person;

This complaint is to "review and investigate complaints of unethical conduct filed against Councilmembers" [or one councilmember in this case]

1M) Code, 2-568/c/2 To review and investigate actual or hypothetical situations involving potential conflicts of interest presented by individual Councilmembers or board and commission members;

This is just to point out that any council member could have referred this case per the Reporting Party's 2020-02-07, "Independent Review Needed" email, but by turning a blind eye all became co-conspirators.

2A) Financial interest (exceptions, abridged):

a) business interest with no foreseeable measurable financial benefit

- b) non profit, education, religious, charitable, fraternal or civic organization;
- c) recipient of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens
- d) commercially reasonable loan
- e) shareholder in a mutual or common investment fund
- f) policyholder in an insurance company, depositor
- g) owner of government-issued securities
- h) compensation received from the city for personal services provided

2B) Personal interest (exceptions, abridged):

- a) board, commission, committee, or authority of another governmental entity
- b) recipient of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens
- c) compensation, benefits, or terms and conditions of his or her employment with the city

3) None of the exceptions apply. The only one that could apply are 2/A/c and 2/B/b. But, they do not apply. While it is possible that a plea bargain could be determined "generally provided," the level of leniency in this case is unheard of, as established elsewhere in this complaint. In fact, use of the City Clerk and City Attorney to complete the mandatory assignment is explicitly prohibited by 2/A/c.

Charter/12. - The City Clerk shall: (1) give notice of Council meetings; (2) keep a journal of Council proceedings; (3) authenticate by his or her signature and permanently record in full all ordinances and resolutions; and (4) perform other duties required by this Charter or by the City Manager.

Filing personal court documents for council members is not on the list of approved tasks. And, if the City Manager were to approve such a task, that would still violate the "generally provided" requirement.

Charter/13 Council not to interfere with administrative service. Except for purposes of inquiry, the Council and its members shall deal with the administrative service of the city solely through the City Manager, and neither the Council nor any member shall give orders to any subordinates of the City Manager either publicly or privately.

The attached emails clearly show the Subject working with the City Clerk for approval and the City Clerk providing the court with certification of the Subject delivery of the presentation. The problem here, is that in the court case, the Subject is a private citizen and not entitled to such services by the Office of the City Clerk. And, as previously stated, the Council Member ordered the City Clerk to complete the task for her. The Subject did not ask if she was allowed to do so.

Code/7/20. - The City Clerk shall: (1) Provide forms and instructions to assist candidates and the public in complying with the reporting requirements of Article V; (2) Keep a copy of any report or statement required to be filed by Article V for a period of one (1) year from

the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one (1) year after the candidate leaves office; (3) Make reports and statements filed under Article V available on the City's website no later than the next business day; (4) Report complaints received regarding alleged violations of Article V to the City Manager. (5) Prescribe the form of materials to be used in the conduct of mail ballot elections consistent with the provisions contained in Article VIII; (6) Establish procedures for conducting mail ballot elections consistent with the provisions contained in Article VIII, including efforts to inform uniformed and overseas voters of the upcoming election; (7) Supervise the conduct of mail ballot elections; (8) Employ temporary election workers as needed; (9) Take all necessary steps to protect the confidentiality of voted ballots and the integrity of the election; and (10) Serve as, or designate a qualified employee of the City Clerk to serve as, the City's Designated Election Official, as defined in Section 1-1-104(8), C.R.S., for any election coordinated with Larimer County pursuant to Section 1-7-116, C.R.S.

The City Clerk is not authorized to sign off on election punishments. The City Clerk is only authorized to report violations. In fact, in petitions (such as the bag-fee repeal), it is a conflict of interest for the City Clerk to notarize petitions they were to review. Thus, it must be a conflict of interest for the City Clerk to provide a sign off on a condition to the court or a violation they reviewed and deemed reportable. Before court, the Clerk was the prosecutor, after court, the Clerk is the judge. There are mutually exclusive positions. It is a conflict for the City Clerk to hold both roles. Thus, the sign-off is null and void and the City must notify the Court of such.

Code/7/132 Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate if the person has publicly announced an intention to seek such election or ...

The Subject is a candidate for re-election as of the 2020-04-29 public announcement, per "as I am preparing to run for re-election!"

Code/7/132 Public announcement shall mean ... (2) A statement made by the candidate signifying an interest in, or exploring the possibility of, seeking the office by means of a speech, advertisement or other communication reported or appearing in public media or in any place accessible to the public, including social media, that a reasonable person would expect to become public.

By sending a public record email that is subject to CORA, stating the Subject's intent to run for re-election, the Subject made a "public announcement" per "in any place accessible to the public."

Further, as the Subject made it clear, "it is something I would use", the Subject received a benefit not available to the general public, City Clerk sign-off of a court approved document by certifying to the Court, the City Clerk provided campaign assistance to the Subject that is not available to the general public.

The City Clerk is not allowed to help or assist candidates in elections, the Subject, by combining the re-election announcement with this document, the City Clerk was not allowed to deliver the document to the court, as such was in the Subject's own statements assisting in her re-election.

Code/7/133. - Candidate affidavit; disclosure statement; failure to file. (a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten

(10) days, that the candidate is familiar with the provisions of this Article. (b) Each candidate shall file a financial disclosure statement pursuant to § 2-636 with the City Clerk at the same time as filing an acceptance of nomination. (c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such person as a candidate for the office being sought. (d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

The Subject became a Candidate 2020-04-29 and failed to file the required affidavit with ten days, thus the Subject is disqualified from being a candidate.

OTHER RELATED ACTIONS:

0) The purpose of pointing out these issues is to remind the board members of there history of bias against the Reporting Party and the teamwork they have shared with the Subject, and to remind them to eliminate their bias before the hearing.

1) The Reporting Party has named several council members in his 2020-06-05 COVID-19 Face Mask Policy Violation complaint. A complaint that could have been avoided if council had admitted and fixed their mistake. Instead, a council member demeaned the Reporting Party for his complaint and the remaining members stood by quietly, just as those three cops did in Minneapolis. Depending on the status of this complaint, it could affect the bias of committee members. NOTE: Since writing this, the Reporting Party received an email saying staff determined that it is okay for council to violate the mask policy every 10m:45s. This is clearly a ruling to protect council at the risk of the community as it directly violates the CDC safe practices. Then, at 2020-06-16 meeting, Summers and Troxell showed even more disregard for the policy. This is what happens when the subordinate needs to rule on the boss. Can anyone say conflict of interest.

2) The Reporting Party has named several council members in his 2020-06-19 Respectful Workplace Complaint, failure to appoint to committee, as he has the premier solar home in town and was denied appointment due to his protected status in favor of less qualified applicants. Depending on the status of this complaint, it could affect the bias of committee members.

From 2020-05-26 public comments for the City Manager review:

"I have the premier solar home in town, -29 HERS (best in town, 3rd best in the state), -26 mtons-co2/year, 98.3% grid-free capable, and a public benefit of \$150,000 per year (based on being the equivalent of planting 500 trees per year at a cost of \$300/tree), for a solar cost 20% less than the city's current rates and full system with battery equal to the city's current rates (before credits and rebates). That makes my project about 10x better than Revive and about 25x better than Montava. Also seems off track to pursue a 130% more model, when a better 20% less free market model with public private partnership opportunities exists. The Reporting party would also like to point out the irony of the city thanking him for winning the solar ambassador award from the solar co-op that the city publicly funded by restricting the winning project."

NOTE: These are the comments the Reporting Party typed up, actual words spoken at the time may differ slightly. Verify with the video.

3) The Reporting Party and his family have been targeted by the city on several occasions.

A) The stealing of \$6.86 cents from his wife (see public comments

from 2019-11-12 City Manager review). It's not the money, it is the denial.

B) Energy Services Engineer Leland Keller illegally holding him to a PROPOSED 24-month rule months before council voted on it (2019-03-21, Subject: RE: 24-month rule).

C) Energy Services Senior Manager John Phelan threatening the Reporting Party's Award Winning project with the lie of "unwarranted subsidies", when the project generates a public benefit estimated at over \$150,000/year. Also note that Mr. Phelan did not disclose any "unwarranted subsidies in the FINANCIAL IMPACTS of Ordinance 70,2019, the ordinance that blocked the Reporting Party's Fossil Fuel Free Project and created the current project.

4) During the 2019-11-12 Agenda Item for the City Manager Review, the Reporting Party gave public comments showing a number of concerns the Reporting Party hoped the council would discuss with the City Manager and bring him in better alignment. Specifically, the Reporting Party gave council a link to a recording of City Staff lying to his wife about the Time of Day rate start date. To date, web server logs indicated only three hits to that URL, all three being the Reporting Party's test to insure the link would work. This shows that the council, and thus anyone assigned to oversee this hearing, has an established history of blatantly ignoring the Reporting Party's concerns. They did not listen before, during, or after the City Manager's review. This creates a bias towards the Reporting Party. The selected members of the board for this hearing should state why they will listen this time when they didn't listen last time. Further, every citizen should be concerned that the council refused to listen to evidence of wrongdoing then gave the City Manager a great compliment and a great salary increase. How much evidence of police racism and misconduct have they chosen to ignore?

5) The city has a history of harassment towards the Reporting Party that is on-going and pervasive. This must be factored into the ethics review process to minimize bias on the part of the hearing officers.

#### RESPECTFUL WORKPLACE POLICY:

- 1) The Respectful Workplace Policy could constitute a systematic bias in favor of the Subject.
- 2) It applies to "all interactions between members of City Council, Appointed Officials, and City employees and contractors", which means it applies between the members of the Ethics Review Board and the Subject, but not the Reporting Party.
- 3) It further prohibits members of the Ethics Review Board from, "Disparaging a person to colleagues or peers," "Disparaging the person to others or in the media," "Disparaging the person to potential new employers," and "Threatening legal action," towards the Subject, but not towards the Reporting Party.
- 4) These conflicts could prevent the members of the Ethics Review Board from speaking freely for fear of being charged for violating the Respectful Workplace Policy. This conflict must be resolved and provided to both parties at least ten (10) days prior to the hearing and included in the agenda packet.

#### CONCLUSIONS:

- 1) As a council member the Subject received the same election complaint updates as the rest of council and knew what others had done and what their disposition was. By the time the Subject was interviewed by the police she was well aware of what the standard was for other similarly

situated persons. The Subject knew full well what the disposition was for those who admitted and fixed their mistakes, and still accepted a significantly lesser punishment for herself, the ability to have the records sealed. The Subject was well aware that she was receiving a personal and financial benefit substantially better than what others received.

2) As the City Police, City Attorney, and City Judge recused themselves due to conflict of interest, the Subject was well aware that her subordinates had a conflict in reviewing her actions, and thus she was well aware that she had a conflict of reviewing their actions while her court case was open. The Subject failed to recuse herself.

3) The Subject didn't just sit quietly at the salary settings and vote yes or no. She took an active role in making and supporting motions and making strong favorable comments for all three subordinates and supporting very nice raises, especially for the City Manager and outgoing Judge. Her great satisfaction in their work was clear. The question for a reasonable and prudent person is, was it because of their work or leniency they obtained on her behalf? The answer is clear, when considering council and the member's own priorities. Even if the answer isn't clear, the conflict of interest still exists. The Subject cannot be a in a discussion or vote in which she has a personal or financial interest. She had both in all six cases (3 reviews, 3 salaries).

4) The Subject used the City Clerk and City Attorney to deliver her documents to the court. A service not available to the public and which council members are prohibited from doing. Further, at the time the Subject engaged the City Attorney, she was well aware of the conflict and that there was an outsourced Attorney.

5) If the board finds the subject not guilty, then consider the implication. The Court and Police will no longer protect and serve but be a revolving door to letting criminals off. As career criminals realize this, they will move here and we will have the lowest crime stats and yet still have the highest crime rate. All accused will simply deny the charges and blame two others, say the Mayor and the Mayor Pro Tem. Then, they will ask for the Big G Deal. Dismissal and sealed records for simply not cheating in an election they didn't participate in and plagiarizing a public document. Don't forget the burden on the City Clerk's office to receive the document and draft a letter informing the court that the accused did deliver the required document. Protect our city by doing your duty and finding the subject guilty as required by the law.

6) If the board does not agree that the subject is guilty above every and all doubt, then the board needs to be asking the Reporting Party clarifying questions or be very detailed and transparent as to why they disagree.



**From:** Leland Keller <lkeller@fcgov.com>  
**To:** "mikepruz@gmail.com" <mikepruz@gmail.com>  
**Subject:** RE: 24-month rule  
**Date:** Thu, 21 Mar 2019 23:24:46 +0000

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0056

Hi Mr. Pruznick,

The 120% rule represented in City Code (Sec 26-464 (p) 1 a (link<[https://-library.municode.com/co/fort\\_collins/codes/municipal\\_code?-nodeId=CH26UT\\_ARTVIEL\\_DIV4RAFECH\\_S26-464REENSESCR](https://-library.municode.com/co/fort_collins/codes/municipal_code?-nodeId=CH26UT_ARTVIEL_DIV4RAFECH_S26-464REENSESCR)>) stipulates that the solar PV system size limit calculation is based on 'average annual electricity consumption'. The definition of this term is being proposed as a 24 month period in pending code changes. When 24 months of historical data are not available, alternative options for standard sizing can be used. Practice in recent years has been to consider two years of load history when determining the 120% limit.

As my correspondence on March 5 with Liz Klinger at Sopris Solar indicates, your current levels of consumption do provide an average annual energy consumption which, when multiplied by 120%, supports the approval of the solar PV system design submitted in January for 'pre-approval'. At your current level of energy consumption, the most recent month of usage increases your 120% limit from 41,239 kWh to a system production limit of 44,071 kwh/yr. There is no need for any additional pre-approval review. Sopris Solar was encouraged to submit a complete interconnection application for review, as well as building permit application.

I am unclear about the fee for which you are requesting a waiver. That question would need to be posed at the time the fee is assessed. There is no fee associated with the Solar Rebate Program. If this relates to the Electric Development fee for increasing the size of your service above 200 amps, that fee supports the engineering work required to assess the impacts of the proposed change on equipment supporting the reliable distribution of electricity to your premises and neighbors on the same distribution transformer.

Regards,  
Leland

Leland Keller  
Energy Services Engineer  
Residential Solar Rebates, Battery Storage, Community Solar  
Fort Collins Utilities  
970-221-6857  
[FCU Svces logo]

-----Original Message-----

From: mikepruz@gmail.com <mikepruz@gmail.com>  
Sent: Wednesday, March 20, 2019 12:16 PM  
To: Leland Keller <lkeller@fcgov.com>  
Subject: 24-month rule

Leland,

I was just informed by my solar provider that the 120% rule now uses a 24-month average instead of a 12-month average and that I no longer qualify for my fossil fuel free array. Or more accurately, my 52.2 KW 95% F3 project is now only allowed to be 33.9 KW or 63% F3. When did this change? I have emails from staff five years ago, when I started this project, stating a 12 month average. Requiring 36,000 kwhr of wasted coal fired electric and 25 metric tons of CO2 to go fossil fuel free is contraindicated.

Is there any way the city will offer a waiver for a fee? Since I've shown that I can keep to off-peak use at 7.95 cents/kwhr (see URL below). Since I'll have no actual use, maybe the waiver fee should be the non-summer SS rate of 4.28 cents/-kwhr, that's about \$1,540.80 for the estimated 36,000 kwhr I need for the "BEFORE" array. The array goes up sooner, less economic and environmental harm, city still gets revenue to cover its overhead, seems like everyone wins. Great opportunity for the current mayor to brag about this public private partnership with ballots already arriving.

Otherwise, I'll delay until after the election and see if the new council is more reasonable than the current council. If so, back to the 12-month rule and up goes the array. If not, I'll generate the use.

Still results in a 90% CO2 savings over the next 25 years. 100% would be better.

Michael

REFERENCE:

The attached spreadsheet show that the "BEFORE" array qualified under the 12-month average. The "NOW" array is what the 24-month average limits me to.

<http://pruz.org/temp/pruz-rate.png>

[image001.jpg image/jpeg (4345 bytes)]





**From:** John Phelan <JPHELAN@fcgov.com>

**To:** Sierra Anderson <sanderson@fcgov.com>, "mikepruz@gmail.com"

0059

<mikepruz@gmail.com>, Julie Pignataro <jpignataro@fcgov.com>, Darin Atteberry <DATTEBERRY@fcgov.com>

**CC:** Leland Keller <lkeller@fcgov.com>, Lisa Rosintoski <LRosintoski@fcgov.com>, Kevin Gertig <KGERTIG@fcgov.com>, Jeff Mihelich <jmihelich@fcgov.com>, SAR Admin Team <SAR-Admin-Team@fcgov.com>, John Phelan <JPHELAN@fcgov.com>

**Subject:** RE: Response to: Utility Bill Credit (Council SAR #53595)

**Date:** Mon, 2 Mar 2020 15:57:23 +0000

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Mr. Pruznick,

We have approved an exception to the 12 month solar operation portion of our annual account credit payout per your request. You can expect to hear from Utilities billing department in the next several weeks regarding your account balance.

We will also be initiating a review of current net metering rates, associated annual payout procedures, and solar system sizing policies. To address situations where customers may generate a significant energy and bill credit balance due to variations in their energy consumption or production, Utilities may need to revise procedures to avoid unwarranted subsidies from other ratepayers. This review is anticipated to be completed in Q3 2020 and will be included in Energy Board work plans.

Let me know if you have any questions.

Thanks.

John

John Phelan, P.E.  
Energy Services Senior Manager  
Fort Collins Utilities  
970-416-2539  
----

Gratitude is a quality similar to electricity; it must be produced and discharged and used up in order to exist. William Faulkner

**From:** Sierra Anderson <sanderson@fcgov.com>

**Sent:** Friday, February 14, 2020 3:20 PM

**To:** mikepruz@gmail.com; Julie Pignataro <jpignataro@fcgov.com>; Darin Atteberry <DATTEBERRY@fcgov.com>

**Cc:** John Phelan <JPHELAN@fcgov.com>; Leland Keller <lkeller@fcgov.com>; Lisa Rosintoski <LRosintoski@fcgov.com>; Kevin Gertig <KGERTIG@fcgov.com>; Jeff Mihelich <jmihelich@fcgov.com>; SAR Admin Team <SAR-Admin-Team@fcgov.com>

**Subject:** RE: Response to: Utility Bill Credit (Council SAR #53595)

Dear Mr. Pruznick,

Thank you for your recent email and for sharing your question regarding your utility account balance. Please see the following response from Energy Services Senior Manager, John Phelan, on behalf of Councilmember Pignataro and City Manager Darin Atteberry.

Kind regards,

Sierra Anderson

Graduate Management Assistant | City Manager's Office

City of Fort Collins  
sanderson@fcgov.com<mailto:sanderson@fcgov.com>  
970-416-2253

0060

[cid:image001.png@01D5F070.95BE0780]<https://www.fcgov.com/excellence/>

Mr. Pruznick,

Thanks for reaching out to us regarding your utility account balance. You bring up some valid points. We are continuing to identify the potential issues (e.g. code versus standard operating procedures) to be able to give you a complete answer. Thanks for your patience; I expect to be able to provide more information the week of February 24th.

John Phelan  
Energy Services Senior Manager  
jphelan@fcgov.com<mailto:jphelan@fcgov.com>  
970-416-2539

Original Request

From: Julie Pignataro <jpignataro@fcgov.com<mailto:jpignataro@fcgov.com>>  
Sent: Monday, February 10, 2020 10:02 AM  
To: Darin Atteberry <DATTEBERRY@fcgov.com<mailto:DATTEBERRY@fcgov.com>>  
Subject: Fw: Utility Bill Credit Payout

Darin,

Can you please ask for a response (can just be to me if they prefer) regarding what kind of credit Mr. Pruznick is owed?

Julie Pignataro  
City of Fort Collins  
Councilmember, District 2

With limited exceptions, emails and any files transmitted with them are subject to public disclosure under the Colorado Open Records Act (CORA). To promote transparency, emails will be visible in an online archive, unless the sender puts #PRIVATE in the subject line of the email. However, the City of Fort Collins can't guarantee that any email to or from Council will remain private under CORA.

---

From: mikepruz@gmail.com<mailto:mikepruz@gmail.com>  
<mikepruz@gmail.com<mailto:mikepruz@gmail.com>>  
Sent: Sunday, February 9, 2020 8:51 PM  
To: Julie Pignataro  
Subject: Utility Bill Credit Payout

Julie,

I realize that I do not qualify for a "pay" under the "longer than 1 year" rule below, but I have a larger than average credit and there is no risk to the city that I will owe anything in the next year, so there is no justifiable reason for the city to hold my money. If fact, it might be risky for the city to have such an arbitrary policy without paying me reasonable interest. I don't know if this policy is a non-negotiable ordinance, or negotiable. In either case I'm asking for a full payout of my outstanding credit as of March 1st, if now allowed under current policy, then see that they policy is changed to allow my payout.

<https://www.fcgov.com/utilities/residential/renewables/solar-rebates/faqs>

Oversizing solar PV systems can present a financial risk to the customer. Fort Collins Utilities does not pay customers for accumulated credits from solar generation unless all the following criteria are met: The net credit on the account exceeds \$300 on March 1; The net metering account has been active for longer than 1 year; and The customer does not receive all standard services from Fort Collins Utilities. This is because any excess credits from electricity generation are applied toward other utility (water, stormwater, wastewater) bills.

[image001.png image/png (34274 bytes)]







## Fort Collins Solar Co-op

COLORADO / 2020

159  
Participants

48  
Installations

388 kW  
Capacity

\$972k  
Invested

\$0k  
25-Year Savings

Installed By



Community partners



## Yampa Valley Solar Co-op

COLORADO / 2020

122  
Participants

18  
Installations

154 kW  
Capacity

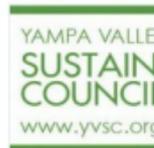
\$410k  
Invested

\$0k  
25-Year Savings

Installed By



Community partners

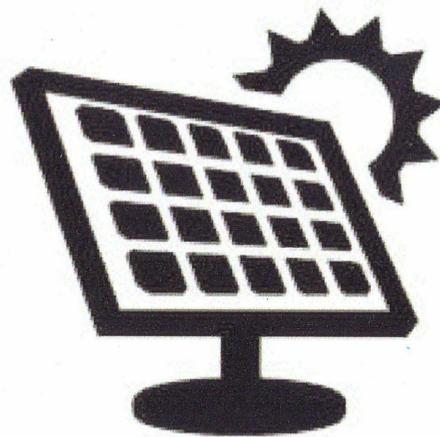






**SOLAR UNITED NEIGHBORS**

**Solar Ambassador  
Award**



**Solar United Neighbors would like to recognize**

***Michael Pruznick***

For installing the largest solar system in the co-op, being an outstanding advocate for advancing solar energy, and supporting homeowners in the community as they made the decision to go solar,  
on this day

**December 19<sup>th</sup>, 2019**



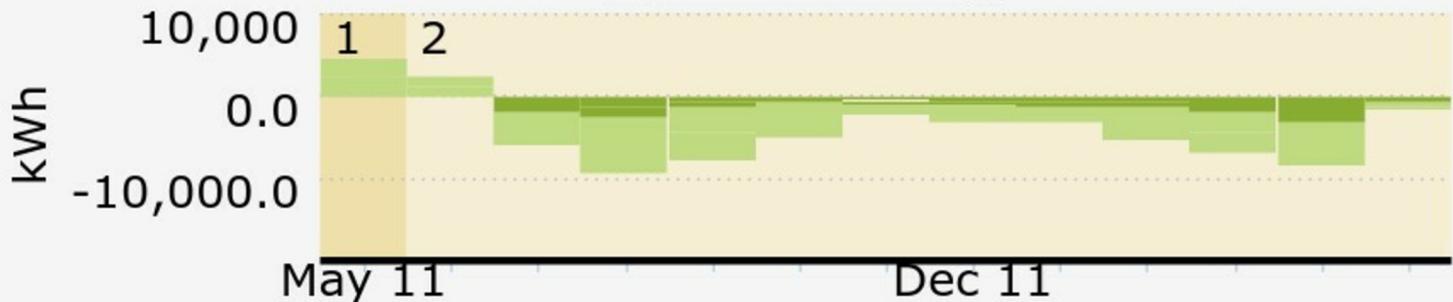
My Use Details

Zoom: 1 Day 1 Bill 1 Year

0067

Weather: Temp Off

1) Time of Day: ■ On Peak ■ Off Peak  
 2) Time of Day: ■ On Peak ■ Off Peak



◀ May 11, 2019 - Jul 10, 2020 ▶

**E125**

Date	On Peak	Off Peak	Total
10/10/18 - 07/11/19	5.181	3,524.259	3,529.440

**ZEROCOSTTOU**

Date	On Peak	Off Peak	Total
07/11/19 - 07/10/20	-8,177.410	-21,603.172	-29,780.582

Note: Totals may not add up due to rounding.

 [Download](#)



[More Details](#)



### Environmental Impact



tree  
-47

Planting this many trees would offset your carbon impact for the current bill period.

### Did you know?

Generating 1 kWh of electricity, enough to power a 100W light bulb for 10 hours, creates 1.587 lbs of carbon dioxide. Electricity in the U.S. is produced from a variety of sources. 50% is generated from coal, 19% natural gas, 19% nuclear, 7% hydro-electric, 3% oil, and 2% from renewable sources such as biomass, wind, geothermal and solar.

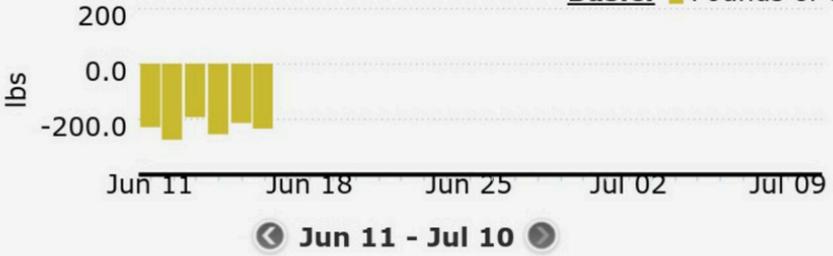
If you are part of the Green Energy Program with 100 percent offset, your carbon impact is reduced to zero.

### My Carbon Details

Zoom: 1 Day 1 Bill 1 Year

Weather: Temp Off

Basic: Pounds of carbon



Date	Pounds of carbon
06/11/20 - 07/10/20	-1,392.583

$1392.583/47 = 29.6 \text{ lbs-cos/tree}$   
 or  $41660.562 = 1406 \text{ trees/11mo}$   
 or  $1533 \text{ trees/year}$   
 @\$300/tree  
 \$459,900 public benefit

### Environmental Benefits



CO2 Emission Saved  
28,027.81 kg



Equivalent Trees Planted  
466.47

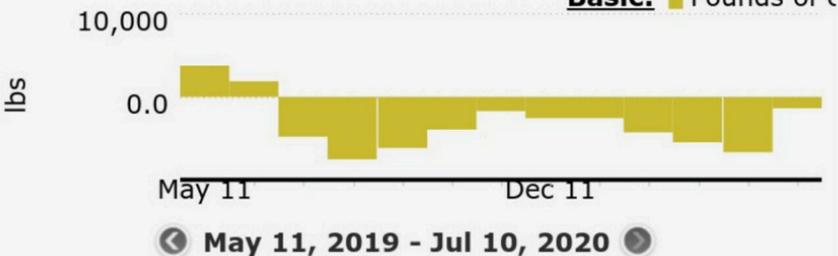
Solar Controller  
 says 466.47  
 trees in 337 days  
 or 505/trees year  
 or \$151,568  
 public benefit

### My Carbon Details

Zoom: 1 Day 1 Bill 1 Year

Weather: Temp Off

Basic: Pounds of carbon



Date	Pounds of carbon
05/11/19 - 07/10/20	-41,660.562



Account Number [redacted] Account Name [redacted] Pruznick Service Address [redacted] Castle Ridge Ct Bill Date 01/26/2017 Due Date 02/22/2017 Amount Due 0071 [redacted]

Billing ID [redacted]

Service	Service Date			Meter Readings		Usage (1000 Gallons)	Charge
	From	To	Days	Previous	Present		
Water Charge	12/16/2016	01/17/2017	32	797061	801517	4.456	[redacted]
Sewer Charge	12/16/2016	01/17/2017					

Account Number [redacted] Account Name [redacted] Pruznick Service Address [redacted] Castle Ridge Ct Bill Date 10/29/2019 Due Date 11/21/2019 Amount Due [redacted]

Billing ID [redacted]

Service	Service Date			Meter Readings		Usage (1000 Gallons)	Charge
	From	To	Days	Previous	Present		
Water Charge	09/16/2019	10/17/2019	31	1072764	1076154	3.39	[redacted]
Sewer Charge	09/16/2019	10/17/2019					

1,076,154 + 6,470 = 1,082,624 Mtr Number: 892 [redacted]  
 Mtr Number: 892 [redacted]  
 6.47 on 11/15/2019

2019-10 1,076,154  
 2016-12 797,061  
 DELTA 279,093  
 MONTHS 34  
 GAL/MON 8,208

2019-11 1,082,624  
 2016-12 797,061  
 DELTA 285,563  
 MONTHS 35  
 GAL/MON 8,158

**AVERAGE**  
 $(8208 - 10000) / 10000 = -18\%$   
**MY HOUSE**  
 $22226 / 8600 = 2.6$   
**EXPECTED**  
 $10000 * 2.6 = 26000$   
**NORMALIZED**  
 $(8208 - 26000) / 26000 = -68\%$

**64038 HOMES**  
 \* 1842 GAL/HOME/MO  
 \* 12 MO/YR  
 / 325851 GAL/AF  
 = 4344 AF/YR SAVED  
**55% REDUCTION IN HALLIGAN?**

	2018 RATES	2019 RATES	% INCREASE
<b>Electric</b> 700 kilowatt-hours/month	\$71.96	\$75.41	4.8%
<b>Water</b> 10,000 gallons/month	\$47.88	\$47.88	0%
<b>Wastewater</b> 4,800 gallons/month WQA	\$34.45	\$34.45	0%
<b>Stormwater</b> 8,600 sq. ft. lot, light runoff	\$15.42	\$15.73	2%
<b>Total Average Monthly Utility Bill</b>	\$169.71	\$173.47	2.2%

Based on data from the American Community Survey, in 2017 there were 64,038 households in the city, with an average size of 2.46 people per household. The homeowner vacancy rate was 0.9%, with a median rent of \$1191/month. The median house has 5.7 rooms, and has a value of \$308,800. Oct 29, 2019

**CSU:**  
 I solemnly (swear)\* (affirm)\* that I will uphold the constitution of the United States and the constitution of the State of Colorado, and I will faithfully perform the duties of the position upon which I am about to enter.

**FOCO:**  
 I <name> do solemnly swear that I will support the constitution of the United States and [the constitution] the laws of the state of Colorado and the Charter and Ordinances of the City of Fort Collins and that I will faithfully perform the duties of the office or employment upon which I am about to enter TO THE BEST OF MY ABILITY



# 2017-2019 - PRUZNICK WATER USE - BETTER FOR LESS!

Account Number [REDACTED] Account Name [REDACTED] Pruznick Service Address [REDACTED] Castle Ridge Ct Bill Date 01/26/2017 Due Date 02/22/2017 Amount Due [REDACTED] <sup>0073</sup>

Billing ID [REDACTED]

Service	Service Date			Meter Readings		Usage (1000 Gallons)	Charge
	From	To	Days	Previous	Present		
Water Charge	12/16/2016	01/17/2017	32	797061	801517	4.456	[REDACTED]
Sewer Charge	12/16/2016	01/17/2017					[REDACTED]

Account Number [REDACTED] Account Name [REDACTED] Pruznick Service Address [REDACTED] Castle Ridge Ct Bill Date 10/29/2019 Due Date 11/21/2019 Amount Due [REDACTED]

Billing ID [REDACTED]

22,226 sqft, 12 zones blue grass

Account Number [REDACTED] Account Name [REDACTED] Pruznick Service Address [REDACTED] Castle Ridge Ct Bill Date 12/26/2019 Due Date 01/22/2020 Amount Due [REDACTED]

Billing ID [REDACTED]

10,000 GAL POOL, 500 GAL HOTTUB

Service	Service Date			Meter Readings		Usage (1000 Gallons)	Charge
	From	To	Days	Previous	Present		
Water Charge	11/15/2019	12/16/2019	31	1082629	1083998	1.369	[REDACTED]
Sewer Charge	11/15/2019	12/16/2019					[REDACTED]

**(1083998-797061)/36 = 7970 g/m = -20%,-69% ==> No Halligan if all**



Adapted from Fort Collins 2014 Climate Action Status Report  
<https://www.fcgov.com/climateaction/pdf/2014CAPInventoryReport.pdf>

## 2011 Sustainability Services Formed

0075

CO2 DOWN

CO2 UP

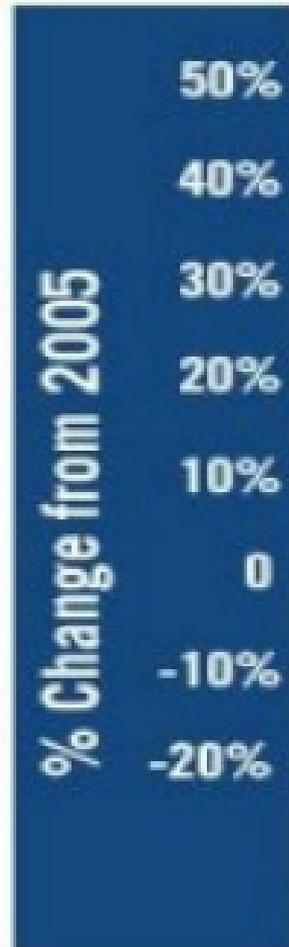
BEFORE:GOOD

AFTER:BAD

% Change from 2005

50%  
40%  
30%  
20%  
10%  
0  
-10%  
-20%

2005 2006 2007 2008 2009 2010 2011 2012 2013 2014





ORDINANCE NO. 070, 2019  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 AMENDING SECTION 26-391 OF THE CODE OF THE CITY OF FORT COLLINS  
 TO ADD AND REVISE DEFINITIONS RELATED TO THE CITY'S  
 MUNICIPAL ELECTRIC UTILITY SYSTEM

WHEREAS, the City owns and operates a municipal electric distribution system to deliver electric power purchased by the City to retail customers and to accommodate interconnection of customer-owned renewable power generation devices; and

WHEREAS, Chapter 26 of the City Code regulates and governs the provision of utility services and sets forth definitions of terms used to describe and applicable to conditions for receipt of utility services; and

WHEREAS, such provisions require updating and modification from time to time, for purposes of clarification and to ensure the Code remains a dynamic document capable of responding to issues identified by staff, customers, and citizens and changes in the law regarding the delivery of public utility services; and

WHEREAS, staff has proposed that identified definitions be added and amended in Chapter 26 of the City Code to clarify how net-metered customer generation technologies are managed, and to better inform customers and align with current utility practices; and

WHEREAS, in light of the foregoing, the City Council has determined the amendment and supplementation of definitions in Chapter 26 of the City Code is necessary and will be beneficial for the ratepayers of the City's Electric Utility and for the efficient administration of Utility functions.

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 26-391 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-391. - Definitions.**

*The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:*

...

*Average annual electricity consumption shall mean the average monthly consumption of the previous twenty-four (24) months of electricity use times twelve (12x).*

...

*Qualifying renewable technology shall mean a qualifying facility that generates electricity using renewable resources such as solar, fuel cell, wind, geothermal, combined heat and power or biomass technology, or that stores energy.*

...

Introduced, considered favorably on first reading, and ordered published this 21st day of May, A.D. 2019, and to be presented for final passage on the 4th day of June, A.D. 2019.

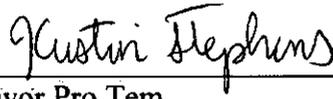
  
Mayor

ATTEST:

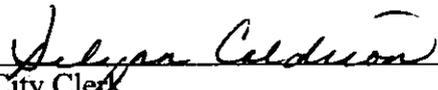
  
Chief Deputy City Clerk



Passed and adopted on final reading on the 4th day of June, A.D. 2019.

  
Mayor Pro Tem

ATTEST:

  
City Clerk



Attachment 11 gutowsky-clerk-signoff-1.pdf

**From:** Susan Gutowsky  
**To:** [Delynn Coldiron](#); [Carrie Daggett](#); [Nick Cummings](#)  
**Subject:** Completion of Mandatory Project  
**Date:** Wednesday, April 29, 2020 4:41:25 PM  
**Attachments:** [Candidate Guidelines F and Q.docx](#)

---

Hi Delynn--In keeping with our discussion earlier this month, I have completed the project mandated by the Municipal Court. Personally, I am pleased with the result as it is something I would use if I were contemplating running for municipal public office. In fact, I may read the FAQ again as I am preparing to run for re-election! I think I captured the essential pieces of information that a potential candidate would be seeking. I hope you find it as useful as I think it is. In a separate e-mail, I will send you a series of comments/suggestions regarding items of information that might be altered to make them clearer. These are simply my thoughts and you may use them or not use them as you see fit. I'm not sure who is in charge of making sure that the Court makes note of the completion of my project and takes the necessary steps to "seal the deal." I'll leave it to you to take care of that for me. Thanks, Susan



**From:** Susan Gutowsky  
**To:** [Delynn Coldiron](#); [Carrie Daggett](#); [Nick Cummings](#)  
**Subject:** Completion of Mandatory Project  
**Date:** Wednesday, April 29, 2020 5:49:30 PM  
**Attachments:** [FAQ \(2\).docx](#)

---

Hi Delynn--Here is part 2 of the project. Susan



**From:** [Delynn Coldiron](#)  
**To:** [court@fcgov.com](mailto:court@fcgov.com)  
**Cc:** [Susan Gutowsky](#); [Carrie Daggett](#); [Nick Cummings](#)  
**Subject:** Case # 2019-6414-MD  
**Date:** Monday, May 4, 2020 10:10:00 AM  
**Attachments:** [Court Mandatory Project Part 1 Candidate Guidelines F and Q.docx](#)  
[Court Mandatory Project Part 2 Candidate Guidelines F and Q.docx](#)  
[image001.png](#)

---

To Whom It May Concern –

In regards to the above case, the City Clerk's office has received the attached documents. It is our understanding that Ms. Gutowsky has submitted these to fulfill the mandatory project assigned to her as part of her case.

Please let me know if you have any questions.

Thanks!

*Delynn Coldiron, CMC*  
City Clerk  
City of Fort Collins  
970-416-2995  
[decoldiron@fcgov.com](mailto:decoldiron@fcgov.com)

[Tell us about our service. we want to know!](#)



Attachment 14 2020-02-07.subpoena-email.pdf

**From:** <mikepruz@gmail.com>

**To:** "cityleaders@fcgov.com" <cityleaders@fcgov.com>

0086

**Subject:** Independent Review Needed, Executive Session Tapes Must Be Preserved

**Date:** Fri, 7 Feb 2020 15:31:35 -0700

---

> I have no idea what you are talking about with respect to a  
> conviction involving a "high ranking city official". Can you be more  
> specific?

>  
Based on the above message, clearly something is missing. Did you ask at the council dinner? Did you get an answer? Did anyone ask during the Probation Item?

How come "conditional deferred prosecution with sealable records" did not make the list of "Current Alternative Sentencing Options on slide 3?"

While I support the probation option, let's be clear, there are now two justice tracks. Friends of the state get "conditional deferred prosecution with sealable records" and enemies of the state get "conviction with probation". So much for equity and inclusion.

Why would your fellow council member change their behavior, given the following pathetic required conditions:

- 1) Don't post certain signs during a period of time in which it is illegal to post such signs.
- 2) Give a presentation to the city clerk. That is so vague, it could end up being, "Thanks for supporting the law change so I don't have to worry about this again."

Do you think anyone else gets such light treatment or is this reserved for cases when the suspect is the boss's boss? Only the council ethics committee could subpoena the necessary court records to prove everyone gets this treatment. But the presentation from the Probation Items, makes it clear not everyone gets this treatment. The only real question is how bad is the injustice for enemies of the state.

We've seen what happened to other staffers that aired the city's dirty laundry, we see how you treat those that blame staff for wrong doing (by the way, will my wife get her \$6.86 back, with interest)? Clearly personal (no jail time) and financial (no fine) conflict of interest. Did this person disclose by 5pm the next day, this special treatment? Of course not, or the person above wouldn't have been surprised.

You need to preserve the executive session tapes, have an independent audit, and take it from there. If a fellow council member reviewed the people that in charge of their conditional deferred prosecution and set their salary, that could be a CRS 18-8-303, the city charter (removal from office upon conviction), reason to make the executive session tapes public, and to repeal the salary settings. Remember, the average citizen doesn't get to do such reviews, so conflict of interest clearly applies. If you have any doubt, not that both the police and court outsourced. Records do not indicate if the prosecutor was out sourced or not. If 2/3 or your experts was it as a conflict of interest for them to be involved in the council members case, then there is no doubt that that it is a conflict for the council member to be involved in their case during the conditional deferred prosecution period.

I would suggest than every council member that wasn't in the loop, file

an ethics complaint. You can subpoena. Subpoena me and demand that I 0087  
release the information I have, I will fully cooperate as long as  
everything is public. It your job to police yourself. Please take  
that role seriously.

I'm still hoping the suspect will come forward and confess everything  
to the public. As I said before, what you did was understandable and  
forgivable. However, the cover up, and the conspiracy to cover up are  
not.

I've volunteered to do my part. You need to call an investigation and  
subpoena me, but if the person steps up that won't be needed.

Michael Pruznick  
Personal opinion as a private citizen



**Time for council to understand and accept that the city manager is doing more harm than good.**

**Did you know, in advance, that Ordinance 70 was going to block my fossil fuel free home project and make the taxpayers buy me a \$150,000 transformer plus an estimated \$3,000/yr in net-metering payouts?**

**This was not disclosed in the AIS "FINANCIAL IMPACTS"  
Would you have voted differently had you known?**

**Maybe we do need full-time paid city council?**

**Personal Opinion as a Private Citizen**

# Stadium, Mall, Broadband, Don't Make Up For This <sup>0090</sup>

**2015 COMMUNITY ISSUES  
(from when Troxell and I  
first ran against each other)**

**Homelessness**

**Downtown Parking**

**Traffic Congestion**

**Train Noise**

**Train Delays**

**All of these are worse today  
with no end in sight**

**2019 COMMUNITY ISSUES**

**Everything from 2015**

**Affordable Housing Crisis**

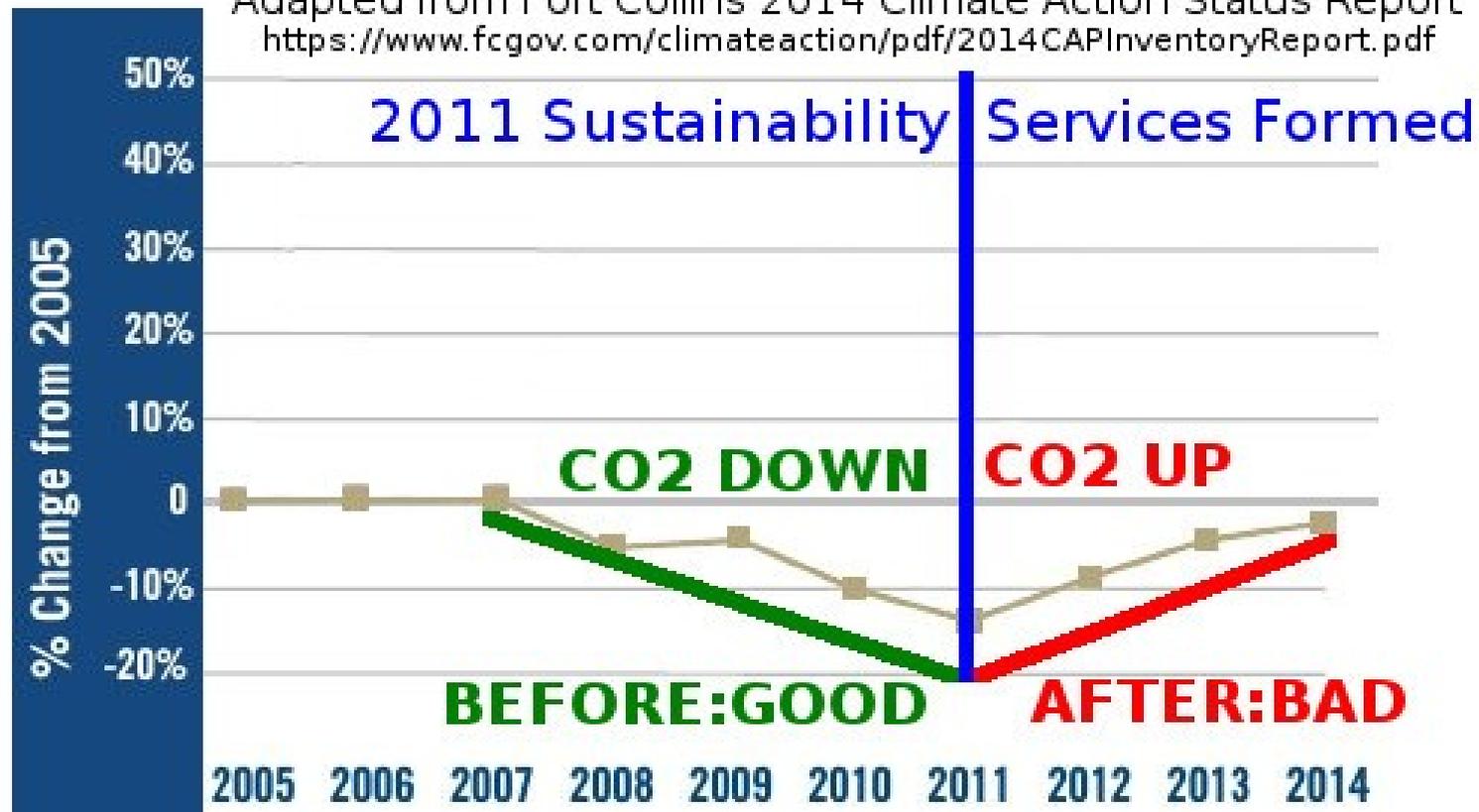
**Childcare Crisis**

**Irrigation Surcharge Crisis**

**Peak Hour Energy Crisis**

**Climate Emergency**

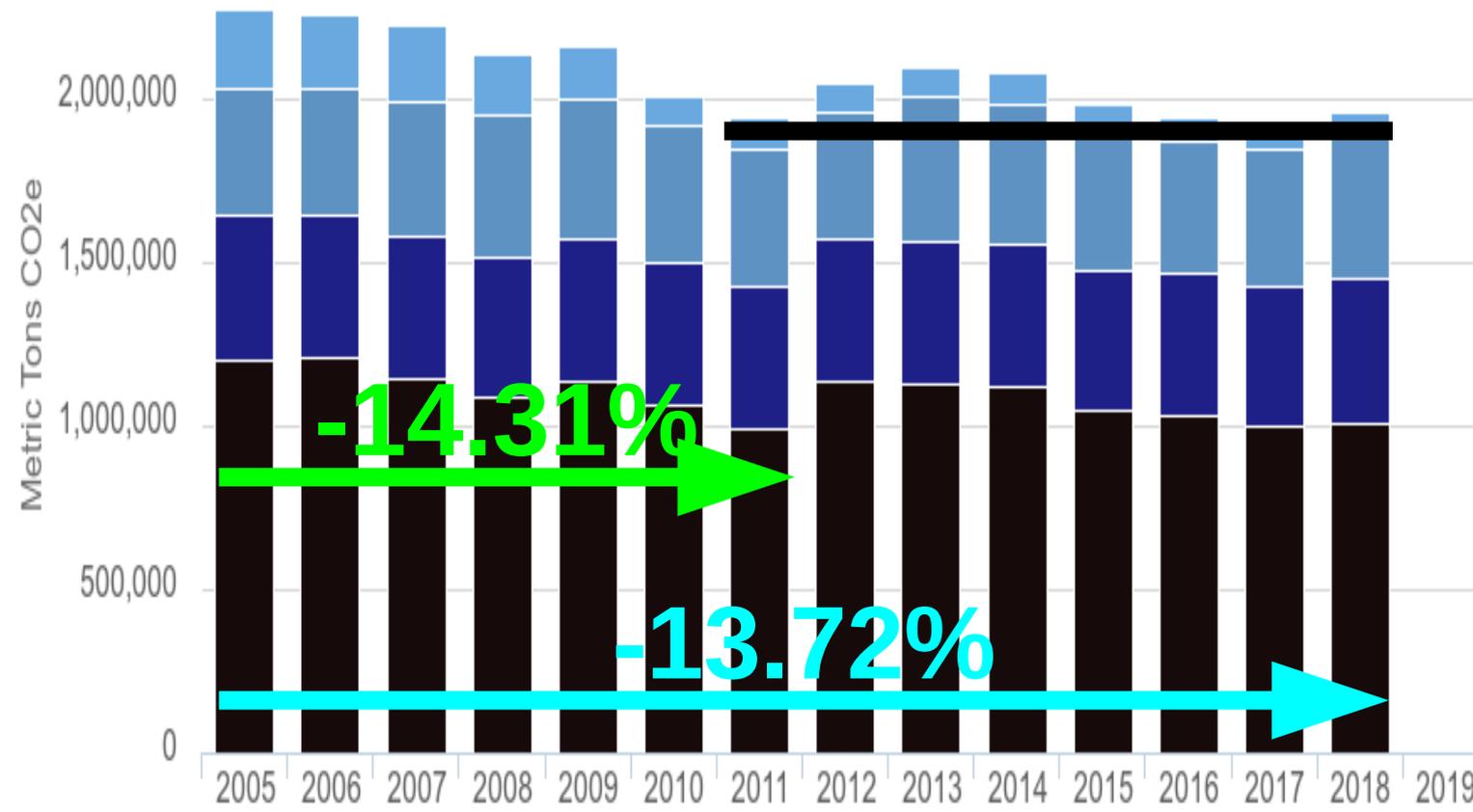
**A Private Sector CEO Would Have Been Fired By Now**



**Sustainability is a failure  
as implemented by the  
city manager**

**2005-2011 : -14.31%**  
**2005-2018 : -13.72%**  
**2011-2018 : +0.69%**

0091



**7 years later and we are  
worse than we started  
the sustainability movement**

**2005 = 2,276,172**  
**2011 = 1,950,466**  
**2018 = 1,963,919**

**UP 13,453 MTCO2E**

# Why?

0092

https://www.fcgov.com/news/?id=5762

## Press Releases

### Bruce Hendee, City's First Sustainability Services Director, to Retire February 27

⚠ This press release was posted 1,725 days ago and may contain inaccurate information.

[Show archived press release](#)

#### Contact Information

- Jeff Mihelich, Deputy City Manager, 970-221-6684, [jmihelich@fcgov.com](mailto:jmihelich@fcgov.com), Website: <http://www.fcgov.com>

Bruce Hendee, Chief Sustainability Officer for the City of Fort Collins since 2011 and founding director of the (

Deputy City Manager Jeff Mihelich is managing the national search for a new Chief Sustainability Officer and c

City Manager Darin Atteberry hired Hendee in 2011 to elevate the City's sustainability efforts. Together, they cr  
Economic Health, Social Sustainability and Environmental Services under one umbrella.

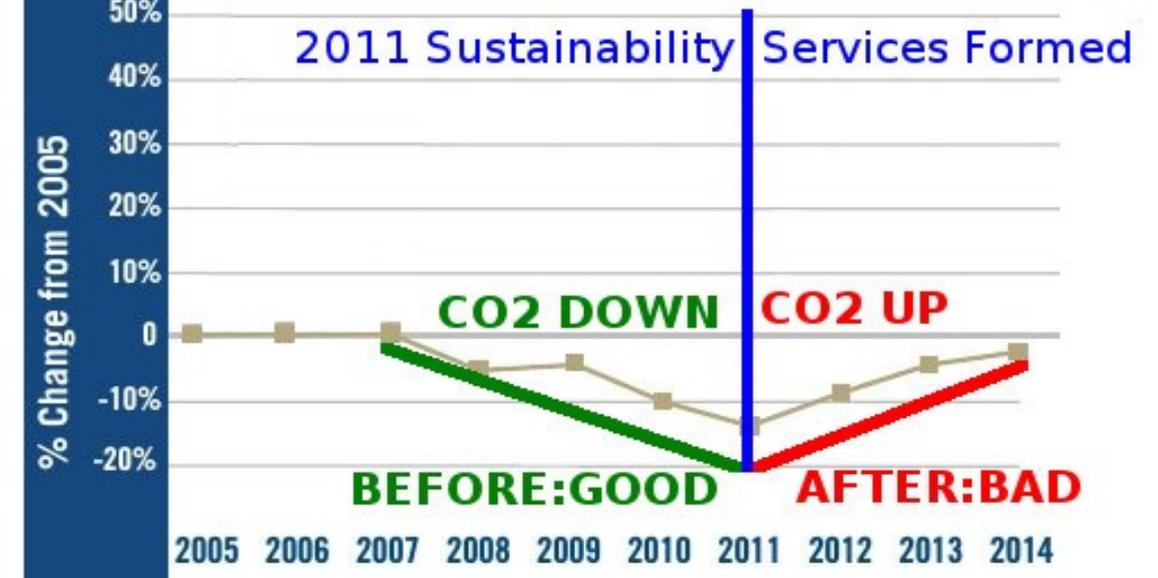
Under Hendee's leadership, the three departments began to integrate staff and develop interlocking strategic |  
guidance resulted in the City adopting new zero-waste goals and creating an internal sustainability "toolkit" th  
helped renew projects under the umbrella of FortZED, which is a collaboration of Colorado Clean Energy Clust  
technology that could benefit the community, state and globe.

"Bruce's passion about the triple bottom line has truly benefited the community and led to his role on my staff  
said. "Because of Bruce, the phrase 'triple bottom line' has become part of our vocabulary. He is a true visiona  
missed. We wish him the best and hope he will continue to stay involved in our community."

Hendee brought more than 30 years of experience in planning and design to the City. He was the founder and president of BHA Design, a landscape architecture and land planning firm in Fort Collins that he led for 20 years before selling his company and joining the City.

**Instead of being fired for failure, the city manager allowed retirement with honor**

Adapted from Fort Collins 2014 Climate Action Status Report  
<https://www.fcgov.com/climateaction/pdf/2014CAPInventoryReport.pdf>

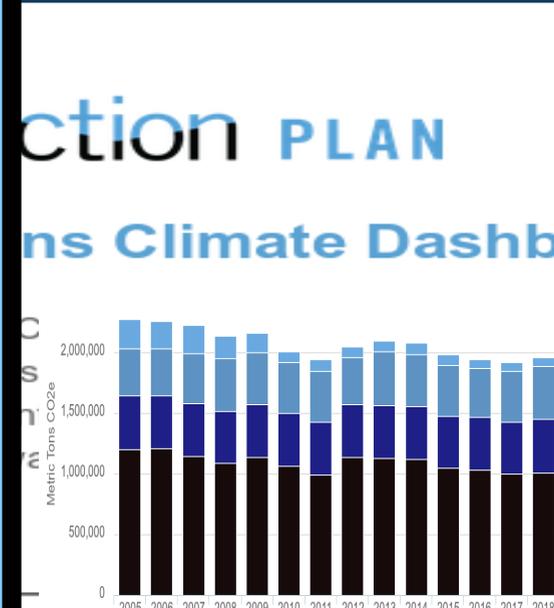


**Need To Stop Rewarding Failure**

# Why?

<https://ftcollinscap.clearpointstrategy.com/>

We will never solve the problem with a city manager who is a data manipulation expert



**Environmental Indicators**  
Community Greenhouse Gas Inventory  
2018  
**2 Million**  
Metric Tons CO<sub>2</sub>e (-14%)

Are we down or just less down?  
One says the city manager spent our tax dollars wisely.  
The other says he wasted them

Down 14% since 2005  
Down 34% per capita since 2005  
Last updated 9.13.19

**Emissions Down**

Need To Stop The Waste And Manipulation

# Crooks In Government -- Loss Of Trust

0094

## Partial Transcript 2019-04-09 call to city utilities

**PRUZNICK:** "I need to know when the time of day hours change for us."

**CITY:** "It starts in May whenever your May bill is. We'll take a meter reading for your May bill and from that point forward you'll be on the new time of day pricing."

However, Pruznick was billed for \$6.86 for 28.494 kwhr of peak hours on May 1st (Ironically because of the 120% rule coal use requirement to go solar)

Pruznick called city and asked for refund as soon as it was discovered.

City said NO, Pruznick Appealed, City said NO, FINAL ANSWER!

Pruznick is an expert in peak hour management and only used 0.072 kwhr (\$0.02) in peak hours usage prior to this.

Do you want a City Manager that steals from your constituents and punishes/discourages such impressive peak-hour reductions?

Is this what the Malcolm Baldrige National Quality Award means?

<http://pruz.org/temp/20190409.foco.peak.mp3>

## Are You Going To Laugh At Me Again?

# Only 33.747 kwhr peak use before going solar

0095

Date	On Peak	Off Peak	Total
10/10/18 - 07/11/19	0.072	48,318.654	48,318.726

**OCT: this is me learning**

Date	On Peak	Off Peak	Total
10/10/18 - 07/11/19	28.566	53,028.768	53,057.334

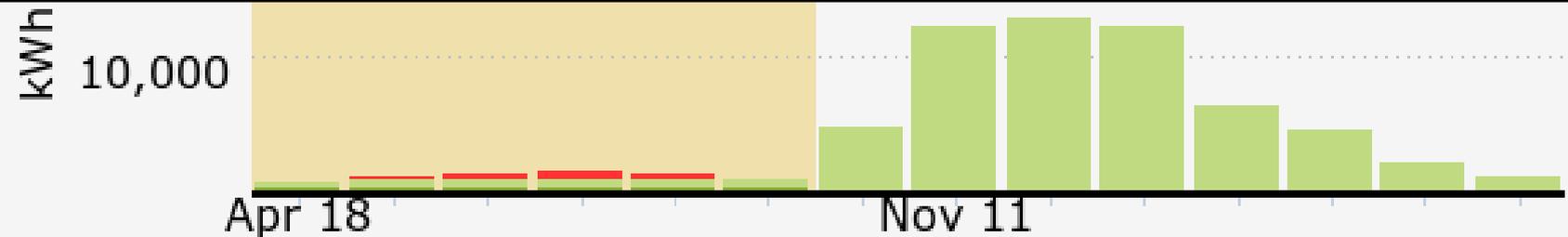
**MAY: this is city mistake**

Date	On Peak	Off Peak	Total
10/10/18 - 07/11/19	33.747	56,553.027	56,586.774

**JUL: this was solar install**

**City Manager is responsible for 84% of my peak use**

**City Manager's go dirty to go solar policy harms businesses and the environment.**

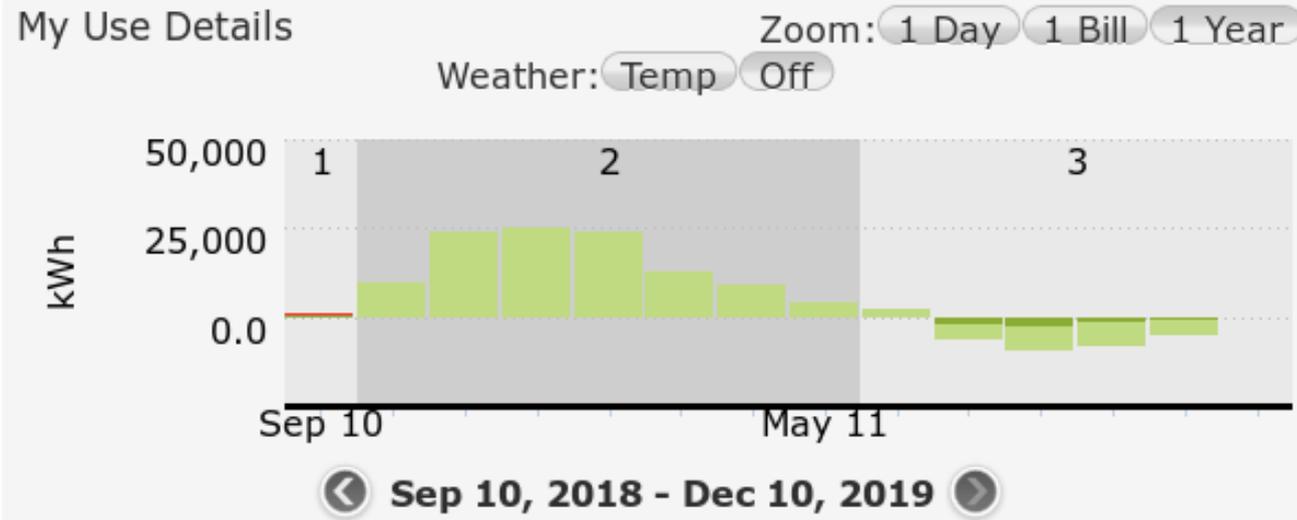


**All that money to WY coal instead of local businesses.  
All that unnecessary CO2 released.  
Paid for by low-income minorities who cannot avoid peak hours**

**Look What The City Manager's 120% Rule Forced Me To Do!**

# City Goal net-zero 2050

0096



**Why did city manager force me to burn that "2" coal to go solar?**

**Why did city manager block my fossil fuel free home by changing the 120% rule from 12 to 24 months**

**Why did city manager reject my application to CAP CAC given I'm the only one in town who has actually solved this problem for 17% less than the utility**

## E100

Date	0 - 500 kWh	501 - 1,000 kWh	> 1,000 kWh	Total
01/01/14 - 10/10/18	500.000	500.000	107.720	1,107.720

## E125

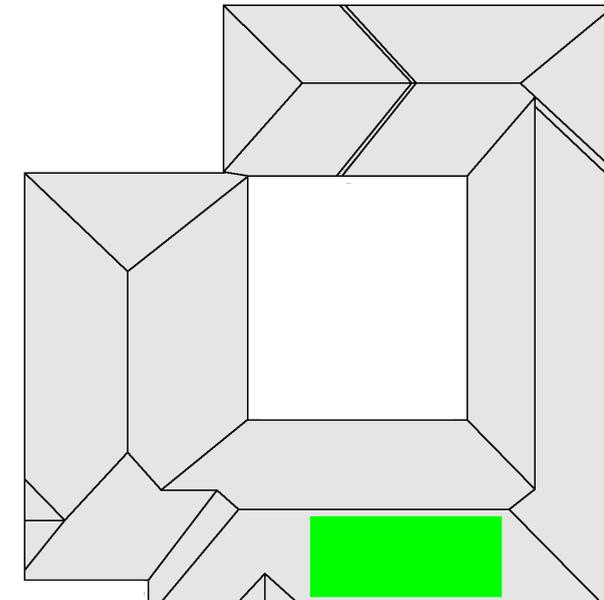
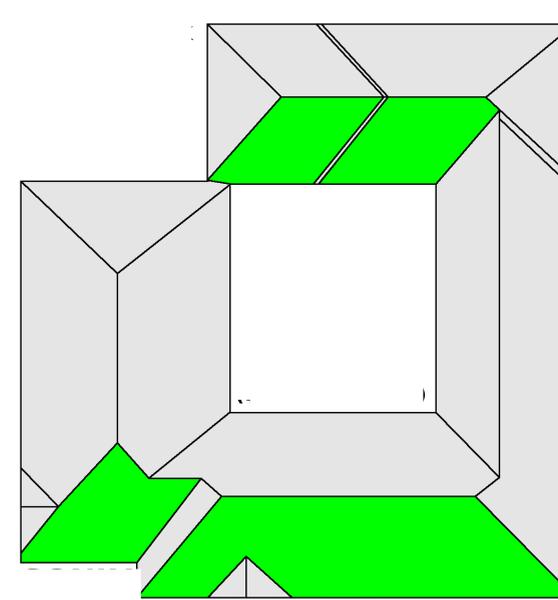
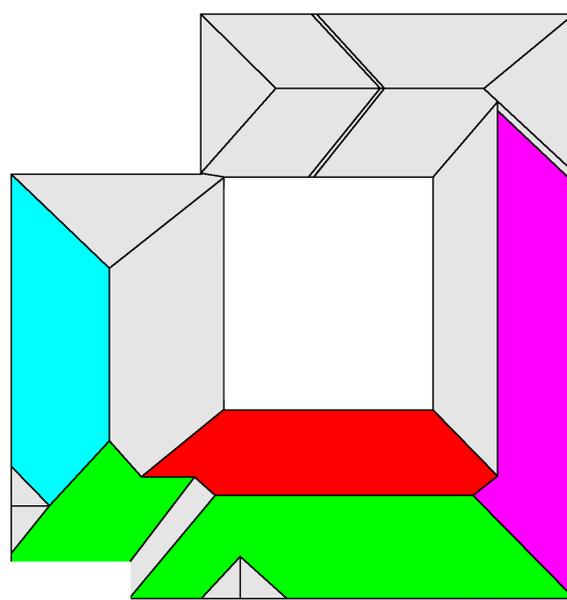
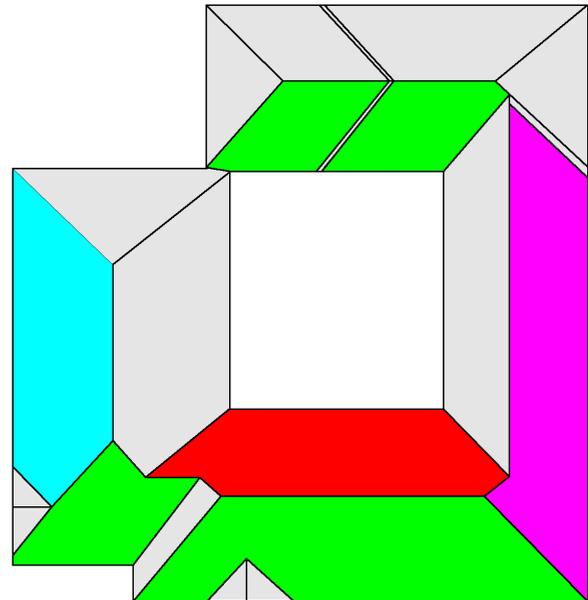
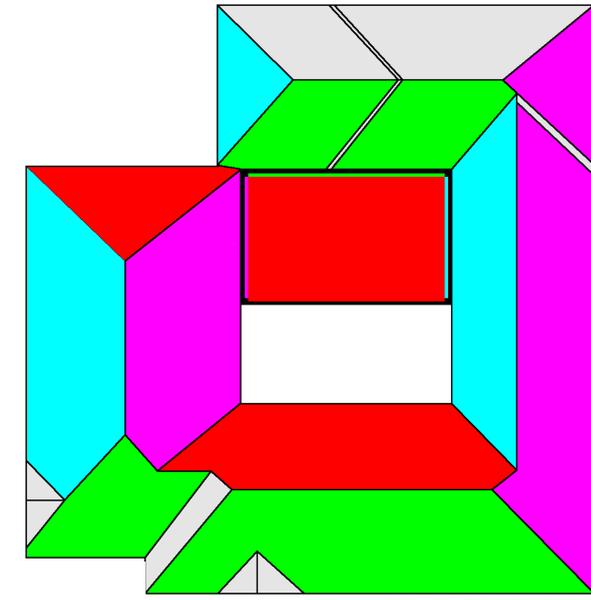
Date	On Peak	Off Peak	Total
10/10/18 - 07/11/19	33.747	56,553.027	56,586.774

## ZEROCOSTTOU

Date	On Peak	Off Peak	Total
07/11/19 - 12/10/19	-3,099.933	-11,104.670	-14,204.603

**Pruznick 900lb/mo net-positive \$0.0895/kwhr**

# Did you know O70 blocked my fossil fuel free home <sup>0097</sup>



net-pos  
10 avg  
homes  
net-meter as  
carbon tax  
NO payouts  
allowed

net-zero  
w/retail use  
NO  
transformer  
upgrades  
allowed

no net-net  
no trans up  
95% f3  
but  
qualify  
120% rule  
first

\$150,000  
transformer  
and  
\$3,000/yr  
net-net  
THANKS  
CM

this is  
what the  
city manager  
historically  
wanted me  
to build

2nd Place For Mayor, \$225,000 Taxpayer Gift From The CM

# BONUS: Free coal-fired peak hour air conditioning <sup>0098</sup>

PRODUCTION   
USE 

**Low-income minorities that cannot avoid peak hour use are subsidizing this rich white dude's peak hour air conditioning because of the systematic racism built into the City Manager's policies.**

**Is Council going to support systematic racism or end it?  
I've run for Mayor 3 times to stop this -- my conscience is clear!  
IS YOURS?**

**Who is paying the \$0.1618/kwhr price difference?**

# CONCLUSION

0099

**Let me know if you have any follow-up questions  
(my phone and email are on file)**

**THE FOLLOWING ACTIONS  
SHOULD BE TAKEN IMMEDIATELY**

**City Manager Should Be Fired For Cause  
(his hand picked 2nd isn't going to make things better)**

**Michael Pruznick Should Be Hired As Interim City Manager  
(And I'll do it for just 400% of poverty, the ACA cut-off)**

**Humble and Humility Doesn't Solve Problems -- Action Does**

Attachment 16 ticket.pdf

CAMERA RADAR/RED LIGHT CLERKS' OFFICE  
FORT COLLINS MUNICIPAL COURT  
215 N. MASON ST, 1ST FLOOR  
FORT COLLINS, CO 80521

**SUMMONS AND COMPLAINT**  
CAMERA RADAR/RED LIGHT CAMERA VIOLATIONS  
IN FORT COLLINS MUNICIPAL COURT  
IN AND FOR FORT COLLINS, STATE OF COLORADO

Under Colorado Law you may have certain rights concerning this violation, including the right not to pay any fine until a citation has been personally served upon you by a certified peace officer. You can also be served by certified mail. **IF, HOWEVER, YOU DISREGARD THIS SUMMONS, YOU CAN BE PERSONALLY SERVED AND THE COST OF SUCH SERVICE, WHICH WILL BE AT LEAST \$35.00, WILL BE ADDED TO THE FINE INDICATED BELOW.**

**READ BOTH SIDES OF THIS DOCUMENT**

**If you come to the court, bring this document, your driver's license and the violation images that were enclosed.**

**Court Location:**  
215 N. Mason St, 1st Floor  
Fort Collins, CO 80521 (970) 221-6867  
**Mailing Address:**  
PO Box 580  
Fort Collins, CO 80522-0580

**Court Hours:** 7:30 AM - 11:30AM, Mon-Fri  
12:30 PM - 4:30 PM, Mon-Fri

**SUMMONS #:** P1450609

**VIOLATION DATA**

NAME: First, Middle, Last [REDACTED] PRUZNICK		DATE OF ISSUE 02/05/2014		APPEAR BY OR POSTMARKED BY: [REDACTED]		
ADDRESS [REDACTED]		DATE OF VIOLATION [REDACTED]		TIME OF VIOLATION [REDACTED]		
CITY FT COLLINS	STATE CO	ZIP CODE [REDACTED]	FINE AMOUNT <b>\$75.00</b>	SERVICE COST	TOTAL DUE	REFERENCE NO.
VEHICLE LICENSE NO. [REDACTED]	STATE CO	YEAR OF VEHICLE [REDACTED]	ORDINANCE VIOLATION Code of the City of Fort Collins: Section 28-16 as amended in 28-17 Common Code <b>604(1)(c)</b>			
MAKE [REDACTED]	BODY STYLE [REDACTED]	LOCATION OF VIOLATION [REDACTED]				
REGISTERED OWNER OF VEHICLE		<b>RED LIGHT VIOLATION</b>				

**THE UNDERSIGNED HAS PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED THE ABOVE DESCRIBED VIOLATION(S) AGAINST THE PEOPLE OF THE CITY OF FORT COLLINS, COLORADO.**

*R. Beery*

NAME: R BEERY

FCC145  
BADGE

02/05/2014  
DATE

YOU MAY RESPOND TO THIS SUMMONS BY CHOOSING ONE OF THE FOLLOWING OPTIONS. IF YOU DO NOT CHOOSE ONE OF THESE OPTIONS, YOU CAN BE PERSONALLY SERVED AT YOUR OWN EXPENSE, WHICH WILL BE AT LEAST \$35.00, OR YOU CAN BE SERVED BY CERTIFIED MAIL, IN ADDITION TO THE FINE INDICATED ABOVE.

- 1. PAY THE FINE:** Payments are accepted in person, by phone, by mail or on the web at [www.fcgov.com](http://www.fcgov.com). You may pay in person, if you so desire, at the Camera Radar/Red Light Clerks' Office at the address above. Payment in person may be made in cash, check, money order, VISA, MasterCard or Discover. To pay by mail with check or money order only, payable to: "Fort Collins Municipal Court," complete the Option 1 coupon (page 2) and return the coupon in the enclosed envelope with payment. Payment by telephone with VISA, MasterCard or Discover may be done by calling the Clerks' office at (970) 221-6867.
- 2. CONTEST THE VIOLATION:** If you contest the violation because you are not the driver in the photograph, complete the Option 2 coupon (page 2) and return the coupon in the enclosed envelope with all the requested information. You may call the Clerks' office at (970) 221-6867 for further instructions. If you are contesting the violation for some other reason, you must appear at the Camera Radar/Red Light Clerks' Office to set the case for trial. The referenced summons needs to accompany your trial request. The trial will be set for a future date.
- 3. IDENTIFY NEW DRIVER:** If you were not the driver of the vehicle at the time of the violation or you sold the vehicle prior to the violation date, you may identify a new driver or the actual owner. Complete the Option 3 coupon (page 2) identifying the new driver/actual owner and return the coupon in the enclosed envelope.

**If you received this notice and are a business or corporation, please identify the driver of the vehicle on the enclosed form.**

**Under State law, no points will be assessed against your driving record as a result of this violation. In addition, this violation will not be reported to the Colorado Division of Motor Vehicles.**

**If you disregard this notice you can be personally served at your own expense, which will be at least \$35.00, in addition to the fine indicated above, after which, failure to pay your fine in accordance with the instructions herein, could result in further civil action against you and may adversely affect your credit rating. You can also be served by certified mail.**

**RETAIN THIS COPY FOR YOUR RECORDS**



## SO YOU WANT TO RUN FOR A FORT COLLINS MUNICIPAL OFFICE?

### HERE ARE SOME FREQUENTLY ASKED QUESTIONS (AND ANSWERS!) TO GET YOU STARTED

- Q. Where would I find a Candidate Handbook to give me detailed information?
- A. Go to <http://www.fcgov.com/cityclerk/files/candidateguidelines2019> to get a list of candidate guidelines. Throughout these Guidelines there will be references to additional materials. Those additional materials are provided online and available in the City Clerk's Office upon request.

- Q. Who administers the regular and special municipal elections?
- A. Municipal elections are administered by the City Clerk's Office under the provisions of the City Code, the City Charter and Colorado law. The City Clerk's office will assist you through the election process as much as possible; however, they cannot provide legal advice.

All regular and special municipal elections are administered by the City Clerk's Office under the provisions of the City Code, the City Charter, and Colorado law.

Office will assist you through the election process as much as possible. However, the City Clerk's Office cannot provide legal advice. You should consult with your own attorney about the application of the law to your individual situation.

- Q. What are the hours of operation for the City Clerk's Office?
- A. The City Clerk's Office is open from 8:00 a.m. to 5:00 p.m. Monday through Friday, with the exception of legal holidays.

The City Clerk's Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of legal holidays.

- Q. When are regular municipal elections held?
- A. Regular municipal elections are held the first Tuesday after the first Monday in April in odd-numbered years.

of, and deadlines for, candidacy for municipal office in the city of Fort Collins at a regular municipal election. Regular municipal elections are held the first Tuesday after the first Monday in April in odd-numbered years. In addition, general information is provided regarding administration of the election and basic information about the organization of the City Council.

- Q. How do people vote in a municipal election?
- A. All municipal elections are conducted by mail ballot. A ballot will be mailed to each eligible City voter approximately two weeks before the election. Voters may either mail in ballots (City pays return postage) or drop them off at designated locations.
- A. Unincorporated areas of Fort Collins are not eligible to vote in a municipal election.

All municipal elections are conducted by mail ballot. A ballot will be mailed to each eligible City voter approximately **two weeks** before the election. The mail ballot package will contain a ballot listing the candidates for which the voter is entitled to vote and ballot questions (if any), instructions on how to vote the ballot, and a return envelope with an affidavit that must be completed by the voter (as required by the City Code).

- **Return the ballot by mail.** (No postage is required - the City pays return postage.)
- **Drop the ballot off** during normal working hours at the City Clerk's Office, 300 LaPorte Avenue, or at the following locations:

Q. Who is eligible to be a candidate for municipal office?

A. To run for municipal office an individual must, at the time of the election:

- Be a citizen of the United States
  - Be at least 21 years of age
  - Have been a registered elector within the city for at least one year immediately preceding the election and
  - In the case of a District Councilmember, have continuously resided in the District from which he or she is to be elected since the date of accepting any nomination for election under Article VIII, Section 3 of the City Charter. (The acceptance of nomination is part of the nomination petition process)
- Is a citizen of the United States;
  - Is at least 21 years of age;
  - Has been a registered elector within the city for at least one year immediately preceding the election, and
  - In the case of a District Councilmember, has continuously resided in the District from which he or she is to be elected since the date of accepting any nomination for election under Article VIII, Section 3 of the City Charter. (The acceptance of nomination is a part of the nomination petition process.)

Q. What other information about eligibility would be useful?

A. It would be good to know that no person convicted of a felony may run for municipal office and that the elections are non-partisan.

No person who has been convicted of a felony is eligible to be a candidate for or hold the office of Councilmember.

All municipal elections are non-partisan. Staff will not answer questions regarding a candidate's party affiliation. Such questions will be referred to the candidate.

Q. How long are the terms of municipal elected officials?

A. The Mayor is elected for a two-year term and City Council members are elected to four-year terms, unless appointed to the position, in which case they serve a two-year term. The City Council members are elected by the voters in their particular district, the mayor is elected by voters at large.

#### **OFFICE OF MAYOR**

---

Candidates for the office of Mayor are nominated by registered electors in the city at-large and are voted upon citywide.

#### **DISTRICT COUNCIL OFFICE**

---

Candidates for District office must have continuously resided within the Council District they seek to represent since the date of accepting nomination, and are nominated and elected by registered voters in the candidate's District. (The acceptance of nomination is a part of the nomination petition process.)

Q. How do I get nominated to run for City Council or Mayor?

A. Each candidate for municipal office must circulate and submit a nomination petition containing 25 sufficient signatures. Petitions for City Council candidates must be signed by registered electors who reside within the District. Candidates for Mayor must obtain signatures of registered electors who live with the city. Candidates are encouraged to obtain more than the required 25 signatures. The City Clerk's Office will examine signatures until 25 valid signatures have been verified. A copy of this petition can be obtained online and or can be picked up at the City Clerk's Office.

Each District candidate's petition must be signed by at least **25 registered electors who reside within the District.**

Candidates for Mayor must each obtain signatures of **25 registered electors who live within the city.**

???? NOT SURE "PICKED UP AT" IS TRUE. THOUGHT IT WAS ALL ON LINE AND DIGITAL -- EITHER WRONG OR FIRST NEW ITEM.

Q. Are there petition deadlines?

- A. As provided by the Charter and state law, nomination petitions must be circulated and filed no earlier 70 days before the election and no later than 49 days before the election.

### **PETITION DEADLINES**

---

As provided by the *Charter* and state law, nomination petitions must be circulated and filed no earlier than 70 days before the election; no later than 49 days before the election.

- Q. How do I know what District I live in and what the boundaries are?
- A. A large 30" x 44" detailed color District-Precinct map showing Council Districts and City and County precincts within the Districts is available in the City Clerk's Office.

### **DISTRICT/PRECINCT BOUNDARIES**

---

A large (30" x 44") detailed color District-Precinct map showing Council Districts and City and County precincts within the Districts is available in the City Clerk's Office.

- Q. When can I start my campaign?
- A. You may commence your campaign when you become a candidate. There are two ways you become a candidate:
- Registration of your candidate committee
  - A statement made by the candidate that he/she is seeking the office. This can be by means of a speech, advertisement or other communication reported or appearing in public media, or in any place accessible to the public, including social media, that a reasonable person would expect to become public. (City Code, Sec 7-132)

*Public announcement* shall mean:

- (1) Registration of a candidate committee; or
- (2) A statement made by the candidate signifying an interest in, or exploring the possibility of, seeking the office by means of a speech, advertisement or other communication reported or appearing in public media or in any place accessible to the public, including social media, that a reasonable person would expect to become public. (City Code, Sec 7-132)

- Q. What should I know about campaign materials?
- A. Whenever a candidate or candidate committee makes an expenditure for the purpose of financing communications expressly advocating a particular result in an election, the communication must clearly state that the communication is “PAID FOR BY THE CANDIDATE OR CANDIDATE COMMITTEE.” THIS REQUIRED STATEMENT MUST BE CLEAR AND CONSPICUOUS IN THE COMMUNICATION, INCLUDING YARD SIGNS! (City Code Sec. 7-140) Check page 9 of the Candidate Guidelines for a more detailed description of this important requirement.

#### **IDENTIFICATION OF WRITTEN CAMPAIGN MATERIALS**

---

Whenever a candidate or candidate committee makes an expenditure for the purpose of financing communications expressly advocating a particular result in an election or solicits any contribution or contribution in-kind through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising, the communication must clearly state that the communication is paid for by the candidate or candidate committee. (City Code Sec. 7-140)

- Q. What should I know about door-to-door solicitation?
- A. Political solicitations are exempt from the City Code provision prohibiting door-to-door solicitations, except where the occupant of a private residence has chosen to post a “NO SOLICITATION” or “NO TRESPASSING” sign near the entrance to the premises. Posting of such a sign prohibits ANY kind of solicitation at that residence.

#### **IDENTIFICATION OF WRITTEN CAMPAIGN MATERIALS**

---

Whenever a candidate or candidate committee makes an expenditure for the purpose of financing communications expressly advocating a particular result in an election or solicits any contribution or contribution in-kind through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing or any other type of general public political advertising, the communication must clearly state that the communication is paid for by the candidate or candidate committee. (City Code Sec. 7-140)

- Q. What should I know about signs?
- A. Election signs fall within the definition of temporary signs and must meet all standards in Land Use Code Section 3.8.7.2. Although permits are required for banners, temporary signs (commonly known as yard signs) do not require a permit. However, it is important to know that they must be placed on private property with the consent of the owner. They are not permitted on park land, medians, sidewalks, street rights-of-way, or on any City-owned property without a permit. It is important to know that placement of election signs constitutes an announcement of candidacy and triggers the requirement to file a Candidate Affidavit.

### **ELECTION SIGNS**

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Election signs fall within the definition of temporary signs and must meet all standards in Land Use Code Section 3.8.7.2. Permits are not required for placement of non-banner temporary signs on private property; however, permission must be obtained from the property owner before signs are placed on private property. If the temporary sign is a banner, a permit is required. Temporary signs may only be placed upon private property behind the sidewalk and only with the consent of the property owner.

Note: The placement of election signs constitutes an announcement of candidacy and triggers the requirement to file a Candidate Affidavit (see page 11).

- Q. What is a Candidate Affidavit and why do I need to file one?
- A. When an individual becomes a candidate, he or she must file a Candidate Affidavit within 10 days. Failure to file an affidavit as required by the City Code will result in the disqualification of the individual as a candidate for the office being sought. Candidate Affidavit forms are available online through the City Clerk's Office.

When an individual becomes a candidate as defined in Section 7-132 of the City Code, he or she must file a [Candidate Affidavit](#) within 10 days. In addition to certifying that he or she is a candidate for municipal office, the Candidate Affidavit also includes a statement certifying that he or she is familiar with the provisions of Chapter 7, Article V of the City Code.

Failure to file a Candidate Affidavit as required by the City Code will result in the disqualification of the individual as a candidate for the office being sought.

- Q. What is a Candidate Committee and why do I need one?
- A. A candidate committee consists of a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. It is the vehicle for keeping track of monies spent and received and for reporting such information to the City Clerk on required deadlines. For this reason, it is extremely important to have someone you know very well and TRUST to be your treasurer. They will be invaluable during your campaign! A candidate may only have one candidate committee. Remember that all candidate committees are required to register with the City Clerk BEFORE accepting contributions. The Committee Registration form is available online and at the City Clerk's Office.

A candidate committee consists of a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate.

A candidate can only have one candidate committee.

All candidate committees are required to register with the City Clerk **before** accepting contributions.

The [Committee Registration](#) form is available online and in the City Clerk's Office.

???? THE PART ABOUT IT IS THE VEHICLE ... INVALUABLE ..." looks original

- Q. What should I know about bank accounts?
- A. All contributions received by a candidate committee must be deposited and maintained in financial institution in a separate account, the title of which must include the name of the committee. Documentation of the account, satisfactory to the City Clerk, is required with the committee registration.

### **BANK ACCOUNTS**

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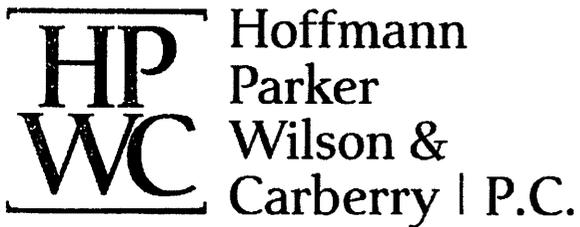
All contributions received by a candidate committee must be deposited and maintained in a financial institution in a separate account, the title of which must include the name of the committee. Documentation of the account, satisfactory to the City Clerk, is required with the committee registration.

- Q. What do I need to know about campaign reports?
- A. All candidate committees are required to report to the City Clerk their contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind in the amount of \$20 or more, expenditures made and obligations entered into by the committee. Contributions are limited to \$100 for Mayoral candidates and \$75 for District Councilmember candidates. Check p. 12-15 of the Candidate Handbook for specific due dates for these reports as well as other important financial information.

All candidate committees are required to report to the City Clerk their contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind in the amount of \$20 or more, expenditures made, and obligations entered into by the committee.

Contributions are subject to the following limits:

- \$100 total for Mayoral candidates
- \$75 total to District Councilmember candidates



Corey Y. Hoffmann  
Kendra L. Carberry  
Jefferson H. Parker  
M. Patrick Wilson

Of Counsel  
J. Matthew Mire

**Denver Office**  
511 16<sup>th</sup> Street, Suite 610  
Denver, CO 80202-4260  
(303) 825-6444

**Vail Office**  
P.O. Box 2616  
Vail, CO 81658  
(970) 390-4941

Ryan S. Malarky  
Elizabeth R. Cross  
Kathryn M. Sellars  
Ashley N. Pollock  
Jessica B. King

March 18, 2016

Carrie Daggett, Esq.  
City Attorney  
City of Fort Collins  
P.O. Box 5890  
Ft. Collins, CO 80522

**Re: Engagement as Special Counsel/Prosecutor**

Dear Carrie:

The purpose of this letter is to offer our engagement as special legal counsel for special prosecution services as they may be necessary for the City of Fort Collins ("Fort Collins"). I have attached a firm resume for your review and consideration.

It is my understanding that we have been requested to be available as needed represent Fort Collins as special prosecutor in such matters where the City Attorney's Office may have a conflict of interest. I would coordinate and oversee the services we perform on behalf of Fort Collins.

As you know, the ethics of our profession mandate that upon commencement of representation of a client on a legal matter, clients understand and agree with the financial commitments involved. We calculate fees based on hourly rates for the time spent by the respective attorneys involved. This firm's hourly rate for such services is \$180. We would, as necessary, create separate billing matters for each case for which special prosecution services are requested.

In addition, we will bill the following out-of-pocket expenses (to the extent they are incurred): messenger services for delivering or picking up documents, computer assisted research, photocopy work, and postage. We will bill these disbursements monthly.

March 18, 2016

Page 2

If anything I have stated in this letter presents a problem or is unclear, please advise me promptly so that we may discuss it and reach a full understanding. Otherwise, if Fort Collins desires to enter into this contractual arrangement, please execute a copy of this engagement agreement and return it to me at your convenience.

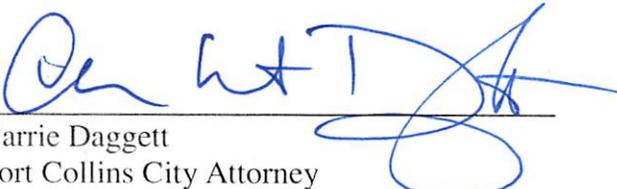
If you have any questions, please do not hesitate to contact me.

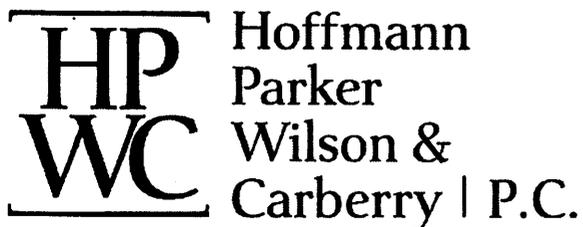
Very truly yours,

Corey Y. Hoffmann  
cyhoffmann@hpwclaw.com

/  
Encl.

ACCEPTED AND AGREED TO THIS 11<sup>th</sup> DAY OF April.

  
\_\_\_\_\_  
Carrie Daggett  
Fort Collins City Attorney



Corey Y. Hoffmann  
Kendra L. Carberry  
Jefferson H. Parker  
M. Patrick Wilson

Of Counsel  
J. Matthew Mire

**Denver Office**  
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Ryan S. Malarky  
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Kathryn M. Sellars  
Ashley N. Pollock  
Jessica B. King

### **HOFFMANN, PARKER, WILSON & CARBERRY, P.C.**

Hoffmann, Parker, Wilson & Carberry, P.C. (formerly Hayes, Phillips, Hoffmann & Carberry, P.C.) is a law firm with its primary office in downtown Denver and a satellite office in Vail. Specializing in local government law, the firm has a combined total of more than 90 years of experience among its attorneys, including particular expertise in the following areas:

- Acting as general counsel to the following local governments: the Cities of Northglenn, Black Hawk, Victor and Manitou Springs; the Towns of Vail, Superior, Hudson, Foxfield, Elizabeth, Kiowa, Winter Park, Mountain View, Gilcrest, Buena Vista, Calhan, Platteville and Silverthorne; and Morgan County.
- Acting as general counsel to the following special districts: the Alameda Water & Sanitation District; the Superior Metropolitan District No. 1; the Superior Metropolitan Interchange District; the Parker Water & Sanitation District; the Health Services District of Northern Larimer County; the Fremont Sanitation District; and the North Lincoln Water & Sanitation District.
- Acting as general counsel to the following other public entities: the Wheat Ridge Urban Renewal Authority; the Superior Urban Renewal Authority; the Northglenn Urban Renewal Authority; the Parker Authority for Reinvestment, the Vail Reinvestment Authority; the Church Ditch Water Authority; and the Table Mountain Animal Center d/b/a Foothills Animal Clinic.
- Acting as special counsel to the following public entities: the Towns of Parker, Crested Butte and Avon; the Cities of Centennial, Commerce City, Fort Collins, Lakewood, Longmont, Golden, Grand Junction, Englewood, Thornton and Aurora; the Counties of El Paso and Douglas; the City & County of Denver; Metro Wastewater Reclamation District; the Upper Black Squirrel Creek Groundwater Management District; the Vail Recreation District; the Fire and Police Pension Association; the Denver Public Schools ProComp Trust; and the Colorado Springs Ethics Commission.
- Acting as hearing officer for the following public entities: the City & County of Denver (tax, public works); the City of Golden (liquor/marijuana licensing); the City of Aurora

(tax); Denver International Airport (concessions); the City of Lakewood (campaign finance); the City of Fort Collins (land use, employment); and the Town of Dillon (liquor/marijuana licensing).

- Litigation of land use, contract and annexation matters.
- Defense of local governments, including law enforcement officials, against civil rights suits brought under 42 U.S.C. § 1983.
- Employment law, including defense of wrongful discharge cases, collective bargaining, the Fair Labor Standards Act and other federal regulation, and development of policies, procedures, contracts and ordinances to help the public employer avoid liability.
- Election law, including TABOR compliance and initiative, referendum and recall.
- Negotiation and drafting of development agreements.
- Drafting legislation, both state and local, and lobbying and testifying before legislative committees.
- Municipal court prosecution.

Among the publications authored by the firm's lawyers, the following include some of the articles most pertinent to local governments.

K. Carberry, *Redistricting – A Municipal Perspective*, Colorado Municipalities (Vol. 88, No. 1, February 2012).

K. Carberry, *Redistricting: A Municipal Perspective*, The Colorado Lawyer (Vol. 31, No. 2, February 2002).

K. Carberry, D. Atencio and A. McGihon, *Colorado Election Law Update* (published by the National Business Institute, July 2001).

P. Wilson, *Eminent Domain Law in Colorado*, The Colorado Lawyer (Vol. 35, Nos. 9 and 11, 2006);

P. Wilson and J. Sperber, *Blazing a Trail: Condemning Ways of Necessity in the New West*, Current condemnation Law, American Bar Association (2006);

P. Wilson and C. Price, *Local government Sales and Use Taxes*, The Colorado Lawyer, (Vol. 40., No. 7, 2011)

In the area of continuing legal education, the firm's lawyers participate regularly in every Colorado Municipal League seminar on municipal law. Firm members have also received regional and national recognition for their expertise through several speaking invitations. The many addresses given by the firm's lawyers include the following:

C. Hoffmann, *Survey of Municipal Law*, Colorado Municipal League Seminar on Municipal Law (October 2012).

C. Hoffmann, *Special Issues in Eminent Domain*, Colorado Municipal League Seminar on Municipal Law (October 2011).

C. Hoffmann, *Medical Marijuana: Issues to Consider Regarding Local Control*, Colorado Municipal League Annual Conference (June 2010).

C. Hoffmann, *Eminent Domain, Legislative Authority and Abandonment, or how to Contract Regarding the Power of Eminent Domain While Retaining the Necessary Legislative Discretion*, CLE International (August 2007).

C. Hoffmann, *A Primer on Local Government Regulation of Land Use and Development* Rocky Mountain Land Use Institute (March 2006 and April 2005).

C. Hoffmann, *The Municipal Clerk as Hearing Officer*, Master Municipal Clerks Academy (September 2004).

K. Carberry, G. Wilson and S. Roy, *Open Meetings & Open Records – 10 Tough Questions*, Colorado Municipal League Annual Conference (June 2013).

K. Carberry, C. Hoffmann and T. Haas-Davidson, *Counties: Love the One(s) You're With*, Colorado Municipal League Annual Conference (June 2013).

K. Carberry, *Rules of the Game – When a Municipal Clerk Acts in a Quasi-Judicial Capacity*, Colorado Municipal Clerks' Association Annual Conference (November 2010).

K. Carberry, R. Gregory, B. Ortiz and V. Matheson, *Wild Urbanism – Coyotes, Prairie Dogs and Chicken Coops*, Colorado Municipal League Annual Conference (June 2010).

K. Carberry, S. Light and K. Aviles, *Revenue Sharing Perks and Pitfalls – Yes it Can Work!*, Colorado Municipal League Annual Conference (June 2009).

K. Carberry and J. Parker, *Residential Door-to-Door Solicitation*, Colorado Municipal League Annual Seminar on Municipal Law (October 2007).

K. Carberry, *Special District 2002 Election Workshop*, Colorado Department of Local Affairs (October and November 2001).

K. Carberry, *Legislative Redistricting at the State and Local Levels: Implications for Municipalities*, Colorado Municipal League Annual Seminar on Municipal Law (October 2001).

**INTERGOVERNMENTAL AGREEMENT  
FOR JUDICIAL AND ADMINISTRATIVE SERVICES**

THIS AGREEMENT is made and entered into as of May 1<sup>st</sup>, 2017, by and between THE CITY OF FORT COLLINS, COLORADO (“Fort Collins”), THE CITY OF LOVELAND, COLORADO (“Loveland”) and THE CITY OF GREELEY, COLORADO (“Greeley”) and each and all also will be collectively referred to as the “Municipality” or the “Municipalities.”

WITNESSETH:

WHEREAS, pursuant to Section 29-1-203, C.R.S., governments may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, the Municipal Courts of Cities and Towns are generally held and presided over by Municipal Judges employed by the Municipalities; and

WHEREAS, on occasion, the Municipal Judges may be prevented from sitting on the bench or presiding over a case by reason of personal conflict of interest, vacation, illness or other reason, and in some cases the Assistant Municipal Judge (also known as the temporary judge) may also be unavailable; and

WHEREAS, in order to provide cost-effective and efficient special judicial services to temporarily replace the services of the Municipal Judge in the event of a conflict of interest or other circumstance, the Municipalities desire to cooperatively exchange the services of their Municipal Judge with each other; and

WHEREAS, Section 1 of Article VII of the Fort Collins City Charter sets forth the requirements for the appointment of the Municipal Judge and temporary judge, including that the temporary judge be a reputable and qualified attorney; and

WHEREAS, Section 9-2 of the City of Loveland Charter sets forth the requirements for appointment of the Municipal Judge and deputy municipal judges, including that such judges shall be an attorney at law admitted to practice in Colorado; and

WHEREAS, Section 7-1 of the Charter of the City of Greeley sets forth the requirements for appointment of the Judge or Judges of the Municipal Court and states that in the Judge or Judges’ absence the Council shall designate an attorney to serve as Judge; and

WHEREAS, the City Councils of all three Municipalities have the authority to designate an attorney to serve as a deputy or temporary judge; and

WHEREAS, by Resolution 2017-034 the Fort Collins City Council recognized that the Loveland Municipal Judge, the Honorable Geri Joneson, and the Greeley Municipal Judge, the Honorable Brandi Nieto are reputable and qualified attorneys; and

WHEREAS, by Resolution R-35-2017 the Loveland City Council recognized that the Fort Collins Municipal Judge, the Honorable Kathleen M. Lane, and the Greeley Municipal Judge are attorneys at law licensed to practice in Colorado; and

WHEREAS, by Resolution 31, 2017, the Greeley City Council recognized the Fort Collins Municipal Judge and the Loveland Municipal Judge as attorneys qualified to serve as assistant judges in accordance with Section 2.08.050 of the Greeley Municipal Code; and

WHEREAS, the Fort Collins City Council authorized the Mayor of Fort Collins to execute an intergovernmental agreement between Fort Collins, Loveland and Greeley for the purpose of appointing Judge Joneson and Judge Nieto as temporary judges, through December 31, 2018, with such language in an intergovernmental agreement as the Municipalities determine is appropriate to provide for the exchange of judicial services when needed; and

WHEREAS, the Loveland City Council has authorized the Mayor of Loveland to execute an intergovernmental agreement between Fort Collins, Loveland and Greeley, for the purpose of appointing Judge Lane and Judge Nieto as deputy judges through December 31, 2018, with such language in an intergovernmental agreement as the Municipalities determine is appropriate to provide for the exchange of judicial services when needed; and

WHEREAS, the Greeley City Council has authorized the Mayor of Greeley to execute an intergovernmental agreement between Fort Collins, Loveland and Greeley, for the purpose of appointing Judge Joneson and Judge Lane to serve as assistant judges through December 31, 2018, with such language in an intergovernmental agreement as the Municipalities determine is appropriate to provide for the exchange of judicial services when needed; and

WHEREAS, the Municipalities' City Councils have determined it would be in the best interests of their respective Municipalities to enter into an Intergovernmental Agreement to authorize the exchange of such judicial services under appropriate circumstances and to establish the terms and conditions upon which such exchange of services should occur.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Exchange of Judicial Services. If the presiding Municipal Judge of Fort Collins, Loveland or Greeley, in her discretion, determines that a conflict of interest exists, or that any assistant or backup judges are unavailable to perform the normal duties of her position, the lead presiding Municipal Judge ("the Requesting Municipal Judge") shall determine whether it would

be appropriate to exchange judicial services under this Agreement. In making such determination, the Requesting Municipal Judge shall consider the unique circumstances which give rise to the need for a secondary assistant or backup Municipal Judge as well as any other factors which the Requesting Municipal Judge may consider to be relevant. If the City Council or the Municipal Judge for a Municipality determines that an exchange of judicial services would be appropriate under this Agreement, the Requesting Municipal Judge shall notify the Municipal Judge for either of the other Municipalities, (“the Responding Municipal Judge”) and request that she provide such services.

Upon receipt of such request, the Responding Municipal Judge shall determine whether such services may be provided without unduly interfering with the Responding Municipality’s ability to perform the normal duties of its own court. The Responding Municipal Judge shall notify the Requesting Municipal Judge within three (3) working days as to whether the request for judicial services can be accommodated. If so, the Responding Municipal Judge will provide such services. If no response is received from the Responding Municipal Judge within three (3) working days, the request shall be deemed denied.

2. Reimbursement of Costs. The party for whom judicial services are rendered under this Agreement (“the Requesting Municipality”) shall provide a replacement judge for judicial services for the other party (“the Responding Municipality”) if requested by the Responding Municipality, and shall reimburse the Responding Municipality for all out-of-pocket expenses incurred in rendering the requested judicial services. Such expenses shall include, without limitation, cost of reproducing documents, mileage, and long distance telephone calls, and shall exclude any reimbursement for compensation paid by the Responding Municipality to its Municipal Judge, its Temporary or Assistant or Deputy Judge, or to its support staff. Payment of such expenses shall be made within thirty (30) days of the date of receipt of any billing therefor. The Requesting Municipality shall endeavor to limit the costs to the Responding Municipality by providing staff support as needed, copies of documents and the use of equipment such as telephones or computers.

3. Employment Status. Throughout the delivery of the requested secondary judicial services, the Responding Municipal Judge and/or her personnel shall discharge the responsibilities of the Requesting Municipality in accordance with the Requesting Municipality’s Charter and Code and other laws applicable to Requesting Municipality but shall continue to be employed solely by the Responding Municipality, and the delivery of such judicial services for the Requesting Municipality by the Responding Municipal Judge and/or her personnel shall be considered to be within the scope of the performance of the Responding Municipal Judge’s duties for and employment by the Responding Municipality.

4. Workers' Compensation Insurance and Other Benefits. If the Responding Municipal Judge or other personnel of the Responding Municipality is injured, disabled or dies while providing services to the Requesting Municipality under this Agreement, said individual

shall remain covered by, and eligible for, the workers compensation and other benefits to which said individual would otherwise be entitled if the injury, disability or death had occurred while acting solely as an employee of the Responding Municipality and not providing services to the Requesting Municipality under this Agreement. Nothing herein shall be deemed to create an employment relationship between the Requesting Municipality and the Responding Municipal Judge.

5. Governing Law. This Agreement shall be governed by and enforced in accordance with the laws of the State of Colorado. In addition, the Municipalities acknowledge that there are legal constraints imposed upon them by the constitutions, statutes, rules and regulations of the State of Colorado and of the United States, and by their respective charters and codes and that, subject to such constraints, the Municipalities intend to carry out the terms and conditions of this Agreement. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law. Venue for any judicial proceeding concerning this Agreement shall only be in the District Court for Larimer or Weld County, Colorado.

6. Liability and Governmental Immunity. Each party is responsible for its own negligence and that of its officers, employees and agents. However, the parties agree that all liabilities, claims and demands shall be subject to any notice requirements, defenses, immunities or limitations to liability under the Colorado Governmental Immunity Act (Section 24-10-101, C.R.S., et seq.) and to any other defenses, immunities or limitations to liability available to the Requesting Municipality under state and federal law.

7. Obligations Subject to Appropriation. The financial obligations of the parties under this Agreement in subsequent fiscal years are subject to the appropriation of funds sufficient and intended for such purposes by each party's City Council in its discretion.

8. Term. The term of this Agreement shall continue through December 31, 2018. Any party may withdraw from this Agreement at any time by giving written notice of termination to the each of the other parties not less than thirty (30) days prior to the date of withdrawal.

9. Prior Agreement. This Agreement replaces and supersedes the Intergovernmental Agreement for Judicial and Administrative Services between the parties dated January 18, 1994, which shall be of no further force or effect.

IN WITNESS WHEREOF, the Municipalities have executed this Agreement the day and year first above written.

*[Signature pages follow.]*

CITY OF LOVELAND, COLORADO

Date: April 26, 2017

By: Cecil A. Gutierrez  
Cecil Gutierrez, Mayor

ATTEST:

[Signature]  
City Clerk, Aziz

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney



CITY OF GREELEY, COLORADO

Date: May 1, 2017

By: Thomas E. Norton  
Thomas E. Norton, Mayor

ATTEST:

Betsy A. Felder  
City Clerk

Approved as to Substance:

Roy Otto  
Roy Otto

Approved as to Availability of Funds:

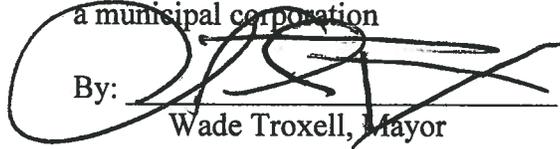
Victoria Runkle  
Victoria Runkle

APPROVED AS TO FORM:

Doug Marek  
Doug Marek

CITY OF FORT COLLINS, COLORADO  
a municipal corporation

Date: 5/1/17

By:   
Wade Troxell, Mayor

ATTEST:

  
City Clerk



APPROVED AS TO FORM:

  
Senior Assistant City Attorney

**MUNICIPAL COURT, FORT COLLINS, COLORADO**

Case No.: 2019-0006414-MD

Citation No. 0000332159

Charge(s): Responsibility for Communications

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**MOTION AND ORDER FOR DEFERRED PROSECUTION**

(Misdemeanor)

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CITY OF FORT COLLINS, by and on behalf of  
The People of the State of Colorado,

v.

**GUTOWSKY, SUSAN**

1418 Stonehenge Drive

Fort Collins, Colorado

Phone: (970) 294-2575

Email:

---

Upon motion by the City and Mrs. Gutowsky, Mrs. Gutowsky does not tender a plea to the charge in this matter of violating Section 7-140(a)(1) of the Fort Collins Municipal Code – Responsibility for [Election] Communications, and knowingly and voluntarily waives her rights to a have a trial within 91 days of arraignment and a jury trial, and agrees to the condition(s) stipulated below. Mrs. Gutowsky understands that this deferred prosecution is conditioned upon her compliance with the condition(s) stipulated below and payment of the assessed costs.

If all of the conditions have been met, the Court will then dismiss the charge(s) in this case without Mrs. Gutowsky's appearance. If Mrs. Gutowsky does wish to appear and request such dismissal, she may do so at 9:30 AM on any arraignment morning at least 2 weeks after the last completion date listed below. *After dismissal of all charges in a non-traffic misdemeanor case, Mrs. Gutowsky may file a motion with this Court for the sealing of records pursuant to Section 24-72-702.5, C.R.S.* If, instead, the Prosecutor files a Motion to Revoke the Deferred Prosecution (within 30 days after the last completion date) based on an alleged violation of any condition, then the Court will mail a letter to Mrs. Gutowsky to appear and show cause why the case should not be set for trial. Failure of Mrs. Gutowsky to appear at the show cause hearing will result in the revocation of this deferred prosecution and the setting of a trial date on this case. A Notice of Trial would then be mailed to Mrs. Gutowsky. Failure on the part of Mrs. Gutowsky to appear for trial will result in the issuance of a warrant for Mrs. Gutowsky's arrest for failure to appear.

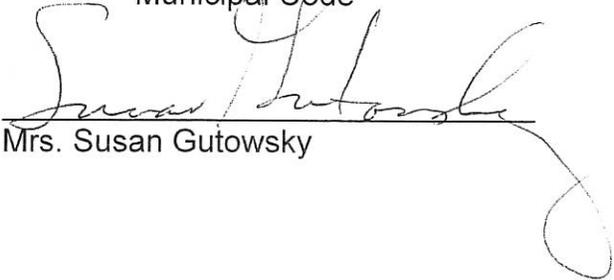
The factual basis for the charge in this case is the absence of the "paid for by" language required by Section 7-140 of the Fort Collins Municipal Code on the yard signs that indicated on their face "Susan Gutowsky City Council Neighborhoods & Community". If a deferred prosecution was not offered regarding this matter, Mrs. Gutowsky would have tendered a not guilty plea.

CONDITION(S):

THROUGH/PROOF DUE BY:

- [X] (a) No Election Violations  
During the deferral period;  
and
- (b) Mrs. Gutowsky to prepare  
presentation for the City  
Clerk's Office to provide in  
future elections regarding  
the application of Section 7-  
140 of the Fort Collins  
Municipal Code

Completion date: May 5, 2020



Mrs. Susan Gutowsky



Municipal Judge  
Dated: November 5, 2019

MUNICIPAL COURT, CITY OF FORT COLLINS 215 N. Mason Street, Fort Collins, CO 80524 Phone (970) 221-6800 Fax (970) 416-2162 court@fcgov.com	
THE CITY OF FORT COLLINS, by and on behalf of The People of the State of Colorado, vs.	
Defendant: <b>GUTOWSKY, SUSAN,</b>	<b>▲ COURT USE ONLY ▲</b>
1418 STONEHENGE DR FORT COLLINS, CO 80525  Phone: (970) 294-2575 Email:	Case No: 2019-0006414-MD Citation No. 0000332159 Charge(s): Responsibility for Communications Police Reference No.: 19-13957
<b>Order of Dismissal/Acquittal of All Charges and <i>Advisement concerning</i></b> <b><i>Option to Request Sealing of Criminal Justice Records</i></b> (Adult, Non-traffic Misdemeanor or Petty Offense Case)	

Defense Attorney: Nicholas G Cummings

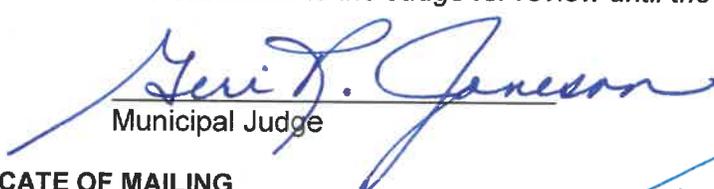
Date of Birth: 07/08/1948

In the above-captioned case, the following Order has been entered:

- The Defendant was acquitted (found "not guilty") of all charges in this case on \_\_\_\_\_ (date).  
 The case was completely dismissed on \_\_\_\_\_ (date) and the dismissal was not part of a plea agreement on a separate case against the same Defendant.  
 The Defendant completed a diversion agreement on \_\_\_\_\_ (date).  
 The Defendant completed a deferred prosecution or deferred judgment and sentence on 05/29/2020 (date) and all charges are now dismissed.

Also, the Defendant has paid any and all restitution, fines, court costs and/or fees assessed by the Court, if any, so there is no balance due in the case. **This case is now closed.**

*The Court therefore advises the Defendant that s/he may request that any criminal justice records, except identifying information, related to this case be sealed promptly pursuant to § 24-72-705, C.R.S. This request should be made by written motion (see form available on the Court's web site), accompanied by either the \$65 Sealed Records Fee or a Petition of Indigence, requesting that such fee be waived in this case. Please note that if such a Petition is filed but denied, your Motion will not be submitted to the Judge for review until the fee is paid.*

Date: 6.1.20
  
Municipal Judge

**CERTIFICATE OF MAILING**

I certify that on \_\_\_\_\_ (date), I delivered a copy of this Order to the following:

- 
- Hand-Delivered,
- 
- E-filed, or
- 
- Mailed to:
- 
- Defendant and/or
- 
- Defendant's Attorney

Court Clerk's signature: 

**AGENDA ITEM SUMMARY**

July 31, 2020

Ethics Review Board

**STAFF**

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Claybourne M. Douglas, Special Counsel

**SUBJECT**

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Consideration of whether a Complaint filed by Michael Pruznick alleging City Code violations by Councilmember Kristin Stephens warrants further investigation.

**EXECUTIVE SUMMARY**

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The purpose of this item is to complete the initial screening by the Ethics Review Board of a complaint filed with the Board under City Code Section 2-569(d), as described below.

**STAFF RECOMMENDATION**

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Staff recommends that the Board consider the Complaint and determine whether to proceed with an investigation of the Complaint.

**BACKGROUND / DISCUSSION**

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Under City Code Section 2-569(d), any person who believes a Councilmember or board or commission member has violated any provision of state law or the City Charter or City Code pertaining to ethical conduct may file a complaint with the City Clerk. After notice to the complaining party and subject of the complaint, the Ethics Review Board then considers the complaint. A copy of Section 2-569 is provided as an attachment to this Agenda Item Summary.

**The Complaint:**

The Board will consider nine allegations Michael Pruznick, a Fort Collins resident, lodged by email against Councilmember Kristin Stephens on Saturday, June 19, 2020 (the "Complaint"). The entire 15 page Complaint is attached to this Agenda Item Summary. The following is an excerpt expressing Mr. Pruznick's concern:

**ALLEGATIONS:**

1) **FINANCIAL CONFLICT OF INTEREST** *The Subject used her position on council to create financial gain for her Committee, "Interests in other decision", Charter 9(b)(3), Code 2-568(a)(8), and others.*

2) **PERSONAL CONFLICT OF INTEREST** *The Subject used her position on council to create personal benefit above and beyond what her competitors have access to for her Campaign, "Interests in other decision", Charter 9(b)(3), Code 2-568(a)(10), and others.*

3) **INTEREST IN OTHER DECISIONS** *After receiving a campaign contribution of \$250 from S.M.F., the Subject voted to appoint that person to a city board. This appears to*

violate Charter 9(3), Code 2-568(4), Code 2-568(5), and possibility 18-8-302 (bribery) and 18-8-303 (kickback). The appointee in question had the best HERS project in town, -3, until the Reporting Party created his -29 HERS home. The Reporting Party, despite being a community leader in these areas, was also denied appointment to the CAP-CAC and Water Board (-68% less water than average at the time, if everyone did this, Halligan Expansion would not be needed) because of his skin color and other protected characteristics per the Respectful Workplace Policy. A reasonable and prudent person would be suspicious about conflict of interest when less qualified donors and receiving appoints over more qualified non-donors with real-world working solutions. The Reporting Party does not have the full authority to investigate.

4) **INTEREST IN OTHER DECISIONS** After receiving a campaign contribution of \$250 from Representative Jeni Arndt, the Subject voted for the Montava project which would have benefited from the passage of Representative Jeni Arndt's Connected Municipal Use Bill, HB20-1097. Several aspects of this bill are inconsistent with Arndt's general positions (see below) and give sufficient appearance of impropriety that violations of Charter 9(3), Code 2-568(4), Code 2-568(5), 18-8-302, 18-8-303, and similar should be investigated because of the link between financial and personal interests and their positions in public decision making bodies.

5) **OTHER**

A) Code 2-568(2), may apply to several items above as well, "No Councilmember shall represent any person or interest" Any person includes one's self. Specifically the Subject's own interest in county affordable and environmental housing.

B) Code 2-568(3) may apply in several of the above as well, for none of the exceptions apply. "refrain from accepting any gift or favor which, in the judgment of a reasonably prudent person, would tend to impair the officer's or employee's independence of judgment in the performance of his or her official duties. Specifically, votes that align with Non Chapter 7, Article V campaign contributions, but are contrary to publicly stated priorities but consistent with County Campaign needs.

**Applicable Charter and City Code Provisions:**

**Fort Collins Home Rule Charter**

**Article IV. GENERAL PROVISIONS**

**Section 9. - Conflicts of interest.**

...  
(b) *Rules of conduct concerning conflicts of interest.*

- ...  
(3) *Interests in other decisions.* Any officer or employee who has, or whose relative has, a financial or personal interest in any decision of any public body of which he or she is a member or to which he or she makes recommendations, shall, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and shall refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.

**Fort Collins Municipal Code**

**Municipal Code Sec. 2-568 [Since the complaint includes several apparently incomplete and ambiguous references to subsections, the entire section is reproduced here.]**

Sec. 2-568. - Ethical rules of conduct.

(a) Definitions. The following words, terms and phrases, when used in this Section, Section 2-569 and in Section 9 of the Charter Article IV, shall have the following meanings:

- (1) *Attempt to influence or influence*, as it pertains to this Section, shall mean take any action intended to impact, shape, control, sway, bias or prejudice.
- (2) *Benefit* shall mean an advantage or gain.
- (3) *Board and commission member* shall mean a member of any appointive board or commission of the City.
- (4) *Confidential information or information received in confidence* shall mean:
  - a. 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;
  - b. 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
  - c. 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.
- (5) *Councilmember* shall mean a member of the City Council.
- (6) *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.
- (7) *Direct* shall mean resulting immediately and proximately from the circumstances and not from an intervening cause.
- (8) *Detriment* shall mean disadvantage, injury, damage or loss.
- (9) *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:

- a. 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;
- b. 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;
- c. 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;
- d. 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;
- e. 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;
- f. 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;
- g. 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
- h. 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.

- (10) *Officer* or *employee* shall mean any person holding a position by election, appointment or employment in the service of the City, whether part-time or full-time, 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:
- Established under the provisions of the Colorado Revised Statutes;
  - Governed by state statutory rules of ethical conduct; and
  - Expressly exempted from the provisions of Article IV of the City Charter by ordinance of the City Council.
- (11) *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:
- 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;
  - 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
  - the interest that an officer or employee has in the compensation, benefits, or terms and conditions of his or her employment with the city.
- (12) *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.
- (13) *Public services* shall mean city services provided to or made available for the public's benefit.
- (14) *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.
- (15) *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.
- (16) *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.
- (17) *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.
- (18) *Similarly situated citizens* shall mean citizens in like circumstances having comparable legal rights and obligations.
- (19) *Substantial* shall mean more than nominal in value, degree, amount or extent.
- (b) Notwithstanding the provisions of § 1-15 of the Code, an alleged violation of the provisions of this Section by a member of the City Council shall not be prosecuted in the Municipal Court as a misdemeanor criminal offense but shall instead be referred to the Ethics Review Board for an advisory opinion and recommendation under the provisions of § 2-569.
- (c) Rules of conduct.
- (1) Use and disclosure of confidential information. The following rules shall apply to the use and disclosure of confidential information by officers and employees of the City. In the event of any conflict among these provisions, the more specific provision shall take precedence over the more general provision.

- a. No use for personal gain. No officer or employee shall knowingly use information received in confidence as an officer or employee to advance the financial or personal interests of the officer or employee or others.
  - b. Disclosure of confidential information, generally. No officer or employee shall knowingly disclose any confidential information to any person who is not an officer or employee or to an officer or employee whose official duties are unrelated to the subject matter of the confidential information or to maintaining an official record of such information on behalf of the City, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
  - c. Disclosure of confidential information provided to the City Council. All information received in confidence by the City Council shall remain confidential, and no officer or employee shall knowingly disclose any such confidential information to any person to whom such information was not originally distributed by City staff unless and until the City Council has, by majority vote, consented to its release, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
  - d. Disclosure of information discussed in executive session. No officer or employee shall knowingly disclose any confidential information discussed in an executive session to any person who was not present during such discussion, other than members of such body who were unable to attend the executive session, without the prior knowledge and consent of the body holding such executive session, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices. In the event that a matter discussed in executive session comes before the City Council or a board or commission of the City for formal action at an open meeting, or if such formal action is anticipated, nothing herein shall be construed as prohibiting a member of the body that will be taking such formal action from stating his or her position or opinion with regard to the matter, as long as such statements do not divulge confidential information received from others during the executive session.
  - e. Certain distribution and discussion by City Manager and City Attorney permitted. Notwithstanding the provisions of Subparagraphs c. and d. above, the City Manager and City Attorney may further distribute confidential information provided to the City Council and may disclose confidential information discussed in any executive session of the City Council, or of a Council committee, to such staff members and/or board and commission members as they may consider reasonably necessary to enable them to fully advise the City Council or to implement any direction given by the City Council or to advise other officers and employees of the City whose official duties are related to the subject matter of the confidential information or to maintaining a record of the same on behalf of the City.
  - f. No disclosure of confidential information to officer or employee having conflict of interest. No officer or employee who has filed a statement of conflict of interest with the City Clerk under Article IV, Section 9 of the Charter, or who has been determined by the City Council under the provisions of Subparagraph g. below to have a conflict of interest, shall knowingly elicit, accept or inspect any confidential information pertaining to the subject matter of such conflict of interest, nor shall any such officer or employee attend or participate in an executive session of the City Council, or of a Council committee or board or commission of the City, pertaining to said subject matter.
  - g. The City Council may determine that a Councilmember shall not receive confidential information or attend executive sessions on a particular topic if the City Council first determines that said Councilmember has a conflict of interest in the subject matter of such confidential information and/or executive session. Any such determination by the City Council shall be made only after the City Council has received an advisory opinion and recommendation of the Ethics Review Board on the question, rendered in accordance with the provisions of § 2-569.
- (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 or 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).
- (3) In any action in which a member of a City board or commission member ("member") declares a conflict of interest, such member shall not communicate to or attempt to influence such board or commission regarding such item, in any capacity, except that:
- a. the member may communicate with said board or commission to protect a strictly personal interest, in the same or similar ways in which the public is permitted to communicate with the board or commission.
  - b. the member may prepare materials on behalf of another for a project in the normal course of business or operation, so long as the purpose of those materials is not directly and substantially related to advocacy before said member's board or commission. Those materials may be included in materials submitted by another to said member's board or commission so long as they fall within this exception. For illustrative purposes, such materials may include, but are not necessarily limited to architectural plans, technical studies, and engineering designs.
  - c. if a member has declared a conflict of interest in a matter in accordance with the City Charter and Code and so is precluded from participating in or influencing the decision of his or her board or commission, he or she may request a variance from the limitations of this subsection from the City Council in the following circumstances, and in the following manner:
    1. The member must submit a request for a variance to the City Clerk on a form provided by the City Clerk for such purpose.
    2. The member must demonstrate that without the variance, he or she would suffer an exceptional hardship, and that no reasonable alternative exists that would allow for that hardship to be avoided or substantially mitigated;
    3. The City Council must act by resolution to approve or disapprove the requested variance.
  - d. This limitation does not apply to other members, partners, or other parties of the member's or firm or entity, who may continue to work on the project and may advocate to such member's board or commission, provided that the member has declared the conflict and refrains from participating in the matter consistent with the application limitations.
- (4) All officers and employees shall refrain from accepting payment for any speeches, debates or other public events and shall further refrain from accepting any gift or favor which, in the judgment of a reasonably prudent person, would tend to impair the officer's or employee's independence of judgment in the performance of his or her official duties. The following shall not constitute prohibited gifts or favors under this Section:
- a. Campaign contributions reported as required by Chapter 7, Article V of this Code;
  - b. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
  - c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which an officer or employee is scheduled to participate;
  - d. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer or employee which is not extraordinary when viewed in light of the position held by such officer or employee;
  - e. Items of perishable or nonpermanent value that are insignificant in value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events; and
  - f. Payment of salary from employment, including other employment in addition to that earned from being an officer or employee.
- (5) No officer or employee shall request on his or her own behalf, or for or through a relative or related entity, from any other officer or employee, or grant to any other officer or employee, or relative or related entity of the same, any consideration, treatment or advantage in the interpretation, administration or enforcement of the Charter, Code, any City regulation, policy or program or in the provision of public services, that is substantially different from that available to other persons in the same circumstances or having the same need.
- (6) If any Councilmember contacts an officer or employee regarding a request in connection with that contacted officer's or employee's role and in relation to a matter that is not a routine City matter and is not within the Councilmember's role as an officer of the City, said Councilmember shall no later than

5:00 p.m. on the next business day after such contact deliver a written disclosure to the City Clerk and the City Manager and to all other members of City Council. The written disclosure must describe the date, time and general subject matter of the contact, together with the identity of the officer or employee contacted. Any private or confidential information, such as tax, utility account, or other personal information may be excluded or redacted from such disclosure. Disclosure by means of an electronic message shall be deemed to constitute written disclosure for purposes of this provision.

### **Colorado Revised Statutes**

#### **C.R.S. § 18-8-302. Bribery**

- (1) A person commits the crime of bribery, if:
- (a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity; or
  - (b) While a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced.
- (2) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.
- (3) Bribery is a class 3 felony.

#### **C.R.S. § 18-8-303. Compensation for past official behavior**

- (1) A person commits a class 6 felony, if he:
- (a) Solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised a discretion in his favor, whether or not he has in so doing violated his duty; or
  - (b) Offers, confers, or agrees to confer compensation, acceptance of which is prohibited by this section.

#### **C.R.S. § 18-8-301. Definitions**

The definitions contained in section 18-8-101 are applicable to this part 3, unless the context otherwise requires, and, in addition to those definitions:

- (1) "Benefit" means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.
- (2) "Party officer" means a person who holds any position or office in a political party, whether by election, appointment, or otherwise.
- (3) "Pecuniary benefit" is benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.
- (4) "Public servant", as used in sections 18-8-302 to 18-8-308, includes persons who presently occupy the position of a public servant as defined in section 18-8-101(3) or have been elected, appointed, or designated to become a public servant although not yet occupying that position.

#### **C.R.S. § 18-1-901(3) – Definitions**

...

- (b) "Benefit" means any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary.

...

- (i) "Government" includes the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function.

...

- (j) "Governmental function" includes any activity which a public servant is legally authorized to undertake on behalf of government.

**The Board Determination:**

The Board is required under the Code to evaluate the Complaint and determine by majority **vote** whether to formally investigate the Complaint. In doing so, the Board should consider:

1. Whether the allegations in the Complaint, if true, would constitute a violation of state or local ethical rules;
2. The reliability and sufficiency of any facts asserted in support of the allegations; and
3. Any other facts or circumstances the Board may consider relevant.

If the Board determines that the Complaint does not warrant investigation, the Board then sends written notice to the complainant of that determination and the reasoning behind it. A copy of that notice is also sent to the subject of the Complaint and the City Council.

**1. Is a violation alleged?**

The following is a checklist to assist the Board in evaluating whether the Complaint, under the facts asserted, alleges a violation of either of the relevant Code sections:

**A. Home Rule Charter Section 9(b)(3) (Disclosing financial or personal interest and abstaining from voting, attempting to influence or otherwise participating in public body decision):****Y /N /Maybe      Element**

1.  Was Councilmember Stephens an officer or employee?
2.  If yes, did a public body of which Councilmember Stephens was a member or to which she made recommendations make a decision in which Councilmember Stephens or her relative had a financial or personal interest?
3.  If yes, did Councilmember Stephens fail to both (a) disclose that interest in official city records and (b) refrain from voting on, attempting to influence or otherwise participating in that decision as an officer or employee?

**If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.**

**B. C.R.S. § 18-8-302. Bribery****Y /N /Maybe      Element**

1.  Did Councilmember Stephens offer, confer or agree to confer any pecuniary benefit [appointment to a City board] upon a public servant [S.M.F.] with the intent to influence the public servant's [S.M.F.'s] vote, opinion, judgment, exercise of discretion, or other action in the public servant's [S.M.F.'s] official capacity; or
2.  Did Councilmember Stephens, while a public servant, solicit, accept or agree to accept any pecuniary benefit upon an agreement or understanding that her vote, opinion, judgment, exercise of discretion, or other action [appointment of S.M.F. to a City board] as a public servant [would] thereby be influenced.

If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.

### C. C.R.S. § 18-8-303. Compensation for past official behavior

Y /N /Maybe	Element
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1.  Did Councilmember Stephens offer, confer or agree to confer on S.M.F., as a public servant, any pecuniary benefit or compensation?
2.  If so, was the pecuniary benefit or compensation for S.M.F., as a public servant, given for a decision, opinion, recommendation, or vote favorable to Councilmember Stephens or for having otherwise exercised their discretion in Councilmember Stephens’s favor?

If there are no “yes” responses in the preceding items in the far left column, there is no potential violation. If there is any yes response in the preceding items in the far left column, there is a potential violation.

If the Board determines that there is no potential violation under the facts alleged, the Board should make a motion to that effect that explains the Board’s reasoning, and then vote to make that determination. If the Board makes this determination, no further action is needed on the Complaint (other than the provision of notice as required in the Code).

#### 2. Are the facts alleged reliable and sufficient to support the allegation of a violation?

If the Board determines that there may be have been a violation, then the Board will need to evaluate whether the facts asserted are reliable and sufficient enough to support the allegation in the Complaint that a violation occurred, making an investigation of the Complaint appropriate. The Board may have knowledge of information that contradicts the asserted facts, or there may be a lack of information needed to form a reasonable suspicion that the violation alleged in the Complaint occurred.

#### 3. Are there any other facts or circumstances relevant to the Board’s determination of whether the Complaint warrants further investigation?

If there is additional information available or presented to the Board that leads the Board to conclude that the Complaint does not merit further investigation, the Board should identify that information and explain how it affects the Board’s decision as to whether further investigation is warranted.

After the completion of its review of all factors, if it has not already made a determination, the Board will need to make a motion and vote on whether it has determined that further investigation is warranted, explaining the reasoning for its decision.

#### Next Steps:

As noted above, if the Board makes this determination, no further action is needed on the Complaint (other than the provision of notice as required in the Code).

Alternatively, if the Board determines that further investigation is warranted, staff will suggest a schedule for next steps for the Board to proceed to that phase of the process. At the end of the Board’s review and investigation, if any, the Board will issue an Ethics Opinion stating the outcome

of its action. The Board's Ethics Opinion is then presented to the City Council for consideration and possible adoption by resolution.

## **ATTACHMENTS**

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1. **Fort Collins Charter Article IV, Section 9. - Conflicts of interest**
2. **Fort Collins Municipal Code Sec. 2-568**
3. **Fort Collins Municipal Code Sec. 2-569**
4. **C.R.S. § 18-8-302. Bribery**
5. **C.R.S. § 18-8-303. Compensation for past official behavior**
6. **C.R.S. § 18-8-301. Definitions**
7. **C.R.S. § 18-1-901(3) – Definitions**
8. **2020-06-19 complaint - conflict-Stephens**

Section 9. - Conflicts of interest.

- (a) *Definitions.* For purposes of construction of this Section 9, the following words and phrases shall have the following meanings:

*Business* means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or entity.

*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.

*Officer or employee* means any person holding a position by election, appointment or employment in the service of the city, whether part-time or full-time, including a 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 this Article by ordinance of the Council.

*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.

*Public body* means the Council or any authority, board, committee, commission, service area, department or office of the city.

*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.

(b) *Rules of conduct concerning conflicts of interest.*

- (1) *Sales to the city.* No officer or employee, or relative of such officer or employee, shall have a financial interest in the sale to the city of any real or personal property, equipment, material, supplies or services, except personal services provided to the city as an officer or employee, if:
  - a. such officer or employee is a member of the Council;
  - b. such officer or employee exercises, directly or indirectly, any decision-making authority on behalf of the city concerning such sale; or
  - c. in the case of services, such officer or employee exercises any supervisory authority in his or her role as a city officer or employee over the services to be rendered to the city.
- (2) *Purchases from the city.* No officer, employee or relative shall, directly or indirectly, purchase any real or personal property from the city, except such property as is offered for sale at an established price, and not by bid or auction, on the same terms and conditions as to all members of the general public.
- (3) *Interests in other decisions.* Any officer or employee who has, or whose relative has, a financial or personal interest in any decision of any public body of which he or she is a member or to which he or she makes recommendations, shall, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and shall refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.
- (4) *Disclosure procedure.* If any officer or employee has any financial or personal interest requiring disclosure under subsection (3) of this section, such person shall immediately upon discovery thereof declare such interest by delivering a written statement to the City Clerk, with copies to the City Manager and, if applicable, to the chairperson of the public body of which such person is a member, which statement shall contain the name of the officer or employee, the office or position held with the city by such person, and the nature of the interest. If said officer or employee shall discover such financial or personal interest during the course of a meeting or in such other circumstance as to render it practically impossible to deliver such written statement prior to action upon the matter in question, said officer or employee shall immediately declare such interest by giving oral notice to all present, including a description of the nature of the interest.
- (5) *Violations.* Any contract made in violation of this Section shall be voidable by the city. If voided within one (1) year of the date of execution thereof, the party obtaining payment by reason of such contract shall, if required by the city, forthwith return to the city all or any designated portion of the monies received by such individual from the city by reason of said contract, together with interest at the lawful maximum rate for interest on judgments.

(Res. No. 71-12, 2-11-71, approved, election 4-6-71; Ord. No. 155, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 10, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01; Ord. No. [003, 2017](#), § 2, 1-17-17, approved, election 4-4-17)

City Code Sec. 2-568. - Ethical rules of conduct.

(a) Definitions. The following words, terms and phrases, when used in this Section, Section 2-569 and in Section 9 of the Charter Article IV, shall have the following meanings:

- (1) *Attempt to influence or influence*, as it pertains to this Section, shall mean take any action intended to impact, shape, control, sway, bias or prejudice.
- (2) *Benefit* shall mean an advantage or gain.
- (3) *Board and commission member* shall mean a member of any appointive board or commission of the City.
- (4) *Confidential information or information received in confidence* shall mean:
  - a. 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;
  - b. 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
  - c. 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.
- (5) *Councilmember* shall mean a member of the City Council.
- (6) *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.
- (7) *Direct* shall mean resulting immediately and proximately from the circumstances and not from an intervening cause.
- (8) *Detriment* shall mean disadvantage, injury, damage or loss.
- (9) *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:

- a. 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;
- b. 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;
- c. 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;
- d. 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;

- e. 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;
  - f. 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;
  - g. 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
  - h. 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.
- (10) *Officer or employee* shall mean any person holding a position by election, appointment or employment in the service of the City, whether part-time or full-time, 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:
- a. Established under the provisions of the Colorado Revised Statutes;
  - b. Governed by state statutory rules of ethical conduct; and
  - c. Expressly exempted from the provisions of Article IV of the City Charter by ordinance of the City Council.
- (11) *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:
- a. 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;
  - b. 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
  - c. the interest that an officer or employee has in the compensation, benefits, or terms and conditions of his or her employment with the city.
- (12) *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.
- (13) *Public services* shall mean city services provided to or made available for the public's benefit.
- (14) *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.
- (15) *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.

- (16) *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.
- (17) *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.
- (18) *Similarly situated citizens* shall mean citizens in like circumstances having comparable legal rights and obligations.
- (19) *Substantial* shall mean more than nominal in value, degree, amount or extent.
- (b) Notwithstanding the provisions of § 1-15 of the Code, an alleged violation of the provisions of this Section by a member of the City Council shall not be prosecuted in the Municipal Court as a misdemeanor criminal offense but shall instead be referred to the Ethics Review Board for an advisory opinion and recommendation under the provisions of § 2-569.
- (c) Rules of conduct.
- (1) Use and disclosure of confidential information. The following rules shall apply to the use and disclosure of confidential information by officers and employees of the City. In the event of any conflict among these provisions, the more specific provision shall take precedence over the more general provision.
- a. No use for personal gain. No officer or employee shall knowingly use information received in confidence as an officer or employee to advance the financial or personal interests of the officer or employee or others.
  - b. Disclosure of confidential information, generally. No officer or employee shall knowingly disclose any confidential information to any person who is not an officer or employee or to an officer or employee whose official duties are unrelated to the subject matter of the confidential information or to maintaining an official record of such information on behalf of the City, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
  - c. Disclosure of confidential information provided to the City Council. All information received in confidence by the City Council shall remain confidential, and no officer or employee shall knowingly disclose any such confidential information to any person to whom such information was not originally distributed by City staff unless and until the City Council has, by majority vote, consented to its release, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
  - d. Disclosure of information discussed in executive session. No officer or employee shall knowingly disclose any confidential information discussed in an executive session to any person who was not present during such discussion, other than members of such body who were unable to attend the executive session, without the prior knowledge and consent of the body holding such executive session, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of

governmental authority, or illegal or unethical practices. In the event that a matter discussed in executive session comes before the City Council or a board or commission of the City for formal action at an open meeting, or if such formal action is anticipated, nothing herein shall be construed as prohibiting a member of the body that will be taking such formal action from stating his or her position or opinion with regard to the matter, as long as such statements do not divulge confidential information received from others during the executive session.

- e. Certain distribution and discussion by City Manager and City Attorney permitted. Notwithstanding the provisions of Subparagraphs c. and d. above, the City Manager and City Attorney may further distribute confidential information provided to the City Council and may disclose confidential information discussed in any executive session of the City Council, or of a Council committee, to such staff members and/or board and commission members as they may consider reasonably necessary to enable them to fully advise the City Council or to implement any direction given by the City Council or to advise other officers and employees of the City whose official duties are related to the subject matter of the confidential information or to maintaining a record of the same on behalf of the City.
  - f. No disclosure of confidential information to officer or employee having conflict of interest. No officer or employee who has filed a statement of conflict of interest with the City Clerk under Article IV, Section 9 of the Charter, or who has been determined by the City Council under the provisions of Subparagraph g. below to have a conflict of interest, shall knowingly elicit, accept or inspect any confidential information pertaining to the subject matter of such conflict of interest, nor shall any such officer or employee attend or participate in an executive session of the City Council, or of a Council committee or board or commission of the City, pertaining to said subject matter.
  - g. The City Council may determine that a Councilmember shall not receive confidential information or attend executive sessions on a particular topic if the City Council first determines that said Councilmember has a conflict of interest in the subject matter of such confidential information and/or executive session. Any such determination by the City Council shall be made only after the City Council has received an advisory opinion and recommendation of the Ethics Review Board on the question, rendered in accordance with the provisions of § 2-569.
- (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 or 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).
- (3) In any action in which a member of a City board or commission member ("member") declares a conflict of interest, such member shall not communicate to or attempt to influence such board or commission regarding such item, in any capacity, except that:
- a. the member may communicate with said board or commission to protect a strictly personal interest, in the same or similar ways in which the public is permitted to communicate with the board or commission.
  - b. the member may prepare materials on behalf of another for a project in the normal course of business or operation, so long as the purpose of those materials is not directly and substantially related to advocacy before said member's board or commission. Those materials may be included in materials submitted by another to said member's board or commission so long as they fall within this exception. For illustrative purposes, such materials may include, but are not necessarily limited to architectural plans, technical studies, and engineering designs.

- c. if a member has declared a conflict of interest in a matter in accordance with the City Charter and Code and so is precluded from participating in or influencing the decision of his or her board or commission, he or she may request a variance from the limitations of this subsection from the City Council in the following circumstances, and in the following manner:
    - 1. The member must submit a request for a variance to the City Clerk on a form provided by the City Clerk for such purpose.
    - 2. The member must demonstrate that without the variance, he or she would suffer an exceptional hardship, and that no reasonable alternative exists that would allow for that hardship to be avoided or substantially mitigated;
    - 3. The City Council must act by resolution to approve or disapprove the requested variance.
  - d. This limitation does not apply to other members, partners, or other parties of the member's or firm or entity, who may continue to work on the project and may advocate to such member's board or commission, provided that the member has declared the conflict and refrains from participating in the matter consistent with the application limitations.
- (4) All officers and employees shall refrain from accepting payment for any speeches, debates or other public events and shall further refrain from accepting any gift or favor which, in the judgment of a reasonably prudent person, would tend to impair the officer's or employee's independence of judgment in the performance of his or her official duties. The following shall not constitute prohibited gifts or favors under this Section:
- a. Campaign contributions reported as required by Chapter 7, Article V of this Code;
  - b. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
  - c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which an officer or employee is scheduled to participate;
  - d. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer or employee which is not extraordinary when viewed in light of the position held by such officer or employee;
  - e. Items of perishable or nonpermanent value that are insignificant in value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events; and
  - f. Payment of salary from employment, including other employment in addition to that earned from being an officer or employee.
- (5) No officer or employee shall request on his or her own behalf, or for or through a relative or related entity, from any other officer or employee, or grant to any other officer or employee, or relative or related entity of the same, any consideration, treatment or advantage in the interpretation, administration or enforcement of the Charter, Code, any City regulation, policy or program or in the provision of public services, that is substantially different from that available to other persons in the same circumstances or having the same need.
- (6) If any Councilmember contacts an officer or employee regarding a request in connection with that contacted officer's or employee's role and in relation to a matter that is not a routine City matter and is not within the Councilmember's role as an officer of the City, said Councilmember shall no later than 5:00 p.m. on the next business day after such contact deliver a written disclosure to the City Clerk and the City Manager and to all other members of City Council. The written disclosure must describe the date, time and general subject matter of the contact, together with the identity of the officer or employee contacted. Any private or confidential information, such as tax, utility account, or other personal information may be excluded or

redacted from such disclosure. Disclosure by means of an electronic message shall be deemed to constitute written disclosure for purposes of this provision.

(Ord. No. 112, 1989, § 1, 8-1-89; Ord. No. 162, 2000, § 2, 11-21-00; Ord. No. 109, 2002, §§ 1—4, 8-20-02; [Ord. No. 145, 2014, 11-4-14](#); [Ord. No. 159, 2014, §§ 1—3, 11-18-14](#); Ord. No. [037, 2017](#), §§ 2, 3, 3-7-17; Ord. No. [167, 2017](#), § 2, 12-19-17; Ord. No. [057, 2020](#), § 2, 4-21-20)

Sec. 2-569. - Board of ethics.

- (a) In order to assist the Councilmembers and board and commission members in interpreting and applying the definitions, rules and procedures pertaining to ethics established by the Charter and Code and by the applicable provisions of state statute, there is hereby created a Board of the City to be known as the Ethics Review Board, hereafter referred to in this Division as the "Review Board."
- (b) The Review Board shall consist of three (3) Councilmembers elected by the City Council, one (1) of whom shall be elected by the Review Board to serve as a chairperson. One (1) alternate shall also be appointed by the City Council to serve in the event that a regular member of the Review Board is unavailable or in the event that any particular complaint or inquiry is directed towards a member of the Review Board.
- (c) Subject to the provisions of Subsection (d) below, the duties and responsibilities of the Review Board shall be as follows:
  - (1) To review and investigate complaints of unethical conduct filed against Councilmembers or board and commission members by any person;
  - (2) To review and investigate actual or hypothetical situations involving potential conflicts of interest presented by individual Councilmembers or board and commission members;
  - (3) After review and investigation, to render advisory opinions or interpretations pertaining to such complaints or inquiries under the relevant provisions of the Charter and Code and the applicable provisions of state law, if any, and to make written recommendations to the City Council and any affected board or commission concerning the same; and
  - (4) To propose any revisions to the provisions of the Charter or Code or other regulations, rules or policies of the City pertaining to ethical conduct as the Review Board may deem necessary and appropriate in the best interests of the City.
- (d) Complaints and inquiries shall be submitted to the Review Board only according to the following procedures:
  - (1) *Complaints.*
    - a. Any person who believes that a Councilmember or board and commission member has violated any provision of state law or the Charter or Code pertaining to ethical conduct may file a complaint with the City Clerk, who shall immediately notify the chairperson of the Review Board, the Councilmembers or board and commission members named in the complaint and the City Council. The complaint shall be promptly scheduled for consideration by the Review Board as soon as reasonably practicable. No more than thirty (30) working days after the date of filing of the complaint, the Review Board shall meet and consider the complaint. In the event extenuating circumstances arise in the scheduling and preparation for such meeting, the time for meeting shall be extended by fourteen (14) calendar days. All Councilmembers or board and commission members named in the complaint, as well as the complainant, shall be given written notice of such meeting at least three (3) working days prior to the meeting. A notice of the complaint, including the identity of the complainant shall be posted along with the meeting notice.
    - b. Upon receipt of any such complaint, the Review Board shall, after consultation with the City Attorney, decide by majority vote whether to formally investigate the complaint. In making such determination, the Review Board shall consider the following: (1) whether the allegations in the complaint, if true, would constitute a violation of state or local ethical rules; (2) the reliability and sufficiency of any facts asserted in support of the allegations; and (3) any other facts or circumstances that the Review Board may consider relevant. If the Review Board determines that the complaint does not warrant investigation, the Review Board shall send written notice to the complainant of its determination and the reasoning behind that determination, and shall provide a copy of such notice, together with

a copy of the complaint, to all Councilmembers or board or commission members named in the complaint, as well as the City Council.

- c. In the event that a complaint is filed with the City Clerk under the provisions of this Subsection which alleges a violation on the part of two (2) or more members of the Review Board (including the alternate), such complaint shall not be referred to the regular Review Board for review but shall instead be submitted to an alternate Review Board consisting of all remaining Councilmembers who are not named in the complaint; provided, however, that if five (5) or more Councilmembers are named in the complaint, the alternate Review Board shall also include as many members of City boards and commissions as are necessary to constitute a seven-member board. Said Board and commission members shall be selected at random by the City Clerk within ten (10) working days of the date upon which the complaint is filed with the City Clerk. Any board and commission members selected by the City Clerk who elect not to serve on the alternate Review Board shall immediately so notify the City Clerk, who shall thereafter select as many additional board and commission members as are necessary to constitute the seven-member alternate Review Board. The procedures utilized by the alternate Review Board for reviewing and investigating the complaint and rendering an advisory opinion and recommendation shall be as provided in Subsections (b) and (e) of this Section, except that: (i) the opinion and recommendation of such Board shall be final and shall not be submitted to the City Council for review or adoption by the City Council unless at least three (3) Councilmembers remain available to consider and take action on the opinion and recommendation; and (ii) the City Council and City staff shall, upon request by the alternate Review Board, make available to such Board all information in the possession of the city that is relevant to the Board's investigation, including, without limitation, tape recordings of any relevant executive sessions, unless the release of said information is prohibited by state or federal law; and, in reviewing and discussing such information, the Board shall abide by any local, state or federal confidentiality requirements that might limit or prohibit the release of such information to third parties.
- (2) *City Council inquiries.* Any Councilmember may present directly to the Review Board any inquiry regarding the application of ethical rules of conduct under state statute or the Charter or Code to any actual or hypothetical situation of a Councilmember or board and commission member.
- (e) In performing its review and investigation of any complaint or inquiry submitted in accordance with Subsection (d) hereof, the Review Board shall afford all affected Councilmembers or board and commission members an opportunity to present their interpretations of the facts at issue and of the applicable provisions of law before rendering its opinion and recommendation. The Review Board may also request such additional materials or information from City staff or members of the public which it considers reasonably necessary or helpful to its deliberations. In addition, in the case of a complaint, the Review Board shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of such documents as the Review Board may consider necessary to its investigation. After investigation, the Review Board shall forthwith issue an advisory opinion and recommendation to the City Council, which shall immediately thereafter be filed with the City Clerk and be available for public inspection. Said opinion and recommendation shall be submitted to city Council at a regular City Council meeting, at which time the City Council shall determine whether to adopt the same. Any whose conduct or circumstance is the subject of the opinion shall refrain from participating in any deliberations of the City Council regarding the opinion.
- (f) The City Attorney shall provide legal advice to the Review Board and shall prepare and execute all advisory opinions and recommendations of the review board.
- (g) Compliance with the applicable provisions of the Charter and Code and the provisions of state law, as well as decisions regarding the existence or nonexistence of conflicts of interest and the appropriate actions to be taken in relation thereto, shall be the responsibility of each individual Councilmember or board and commission member, except as provided in Subparagraph 2-568(c)(1)(g). An opinion adopted by the City Council under Subsection (e) of this Section shall

constitute an affirmative defense to any civil or criminal action or any other sanction against a Councilmember or board or commission member acting in reliance thereon.

(Ord. No. 112, 1989, § 1, 8-1-89; Ord. No. 17, 1993, 2-16-93; Ord. No. 64, 1993, 7-20-93; Ord. 132, 2001, § 2, 9-18-01; Ord. No. 110, 2002, §§ 1—3, 8-20-02; [Ord. No. 144, 2014, 11-4-14](#); Ord. No. [102, 2019](#), § 2, 9-3-19)

CRS § 18-8-302

(1) A person commits the crime of bribery, if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity; or

(b) While a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced.

(2) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

(3) Bribery is a class 3 felony.

## CRS § 18-8-303

(1) A person commits a class 6 felony, if he:

(a) Solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised a discretion in his favor, whether or not he has in so doing violated his duty; or

(b) Offers, confers, or agrees to confer compensation, acceptance of which is prohibited by this section.

CO Rev Stat § 18-8-301

The definitions contained in section 18-8-101 are applicable to this part 3, unless the context otherwise requires, and, in addition to those definitions:

- (1) "Benefit" means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.
- (2) "Party officer" means a person who holds any position or office in a political party, whether by election, appointment, or otherwise.
- (3) "Pecuniary benefit" is benefit in the form of money, property, commercial interests, or anything the primary significance of which is economic gain.
- (4) "Public servant", as used in sections 18-8-302 to 18-8-308, includes persons who presently occupy the position of a public servant as defined in section 18-8-101 (3) or have been elected, appointed, or designated to become a public servant although not yet occupying that position.

## C.R.S. Sec. 18-1-901

(3)(a) “To aid” or “to assist” includes knowingly to give or lend money or extend credit to be used for, or to make possible or available, or to further the activity thus aided or assisted.

(b) “Benefit” means any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary.

(c) “Bodily injury” means physical pain, illness, or any impairment of physical or mental condition.

(d) “Deadly physical force” means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.

(e) “Deadly weapon” means:

(I) A firearm, whether loaded or unloaded; or

(II) A knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

(III), (IV) Deleted by [Laws 2013, Ch. 39, § 1, eff. March 15, 2013.](#)

(f) “Deface” means to alter the appearance of something by removing, distorting, adding to, or covering all or a part of the thing.

(g) “Dwelling” means a building which is used, intended to be used, or usually used by a person for habitation.

(h) “Firearm” means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

(i) “Government” includes the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function.

(j) “Governmental function” includes any activity which a public servant is legally authorized to undertake on behalf of government.

(k) “Motor vehicle” includes any self-propelled device by which persons or property may be moved, carried, or transported from one place to another by land, water, or air,

except devices operated on rails, tracks, or cables fixed to the ground or supported by pylons, towers, or other structures.

(l) Repealed by [Laws 2003, Ch. 242, § 1, eff. Aug. 6, 2003.](#)

(m) “Pecuniary benefit” means benefit in the form of money, property, commercial interests, or anything else, the primary significance of which is economic gain.

(n) “Public place” means a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities.

(o) “Public servant” means any officer or employee of government, whether elected or appointed, and any person participating as an advisor, consultant, process server, or otherwise in performing a governmental function, but the term does not include witnesses.

(o.5) “Restorative justice practices” means practices that emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices. Restorative justice practices are facilitated meetings attended voluntarily by the victim or victim's representatives, the victim's supporters, the offender, and the offender's supporters and may include community members. By engaging the parties to the offense in voluntary dialogue, restorative justice practices provide an opportunity for the offender to accept responsibility for the harm caused to the victim and community, promote victim healing, and enable the participants to agree on consequences to repair the harm, to the extent possible, including but not limited to apologies, community service, reparation, restoration, and counseling. Restorative justice practices may be used in addition to any other conditions, consequences, or sentence imposed by the court.

(p) “Serious bodily injury” means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

(q) “Tamper” means to interfere with something improperly, to meddle with it, or to make unwarranted alterations in its condition.

(r) “Thing of value” includes real property, tangible and intangible personal property, contract rights, choses in action, services, confidential information, medical records information, and any rights of use or enjoyment connected therewith.

(s) "Utility" means an enterprise which provides gas, sewer, electric, steam, water, transportation, or communication services, and includes any carrier, pipeline, transmitter, or source, whether publicly or privately owned or operated.

## DATE:

2020-06-19

## TITLE:

Conflict of Interest Ethics Complaint

## REPORTING PARTY:

Michael Pruznick ; 636 Castle Ridge Court ; Fort Collins 80525 ;  
970-673-7840 ; mikepruz@gmail.com

## SUBJECT:

Fort Collins District 4 Council Member Kristin Stephens

## PROCESS SUGGESTIONS:

During the 2020-03-06 hearing, there were many interruptions from the Subject(s) and Reporting Party during board discussion. To eliminate such temptations, the Reporting Party proposes the following: 5m each for presentation for evidence/defense, 5m each for rebuttals, board inquiries and discussions, 5m each for closing statements, final board deliberation and vote. Subject and Reporting Party to hold all comments during board discussion for closing statements and not interrupt the board discussion. In each case the Reporting Party goes first and the Subject second. The Reporting Party agrees to this modification. If the Subject also agrees, this process may be placed in the agenda without further permission from the Reporting Party.

## EXECUTIVE SUMMARY:

- 1) County Candidate Stephens is running on a platform to "work with our municipalities" and "to work with local municipal leaders" to bring affordable and environmental housing to the county.
- 2) Council Member Stephens exploited her position on council to support and approve the Montava affordable and environmental housing project in the county.
- 3) By participating in the Montava items, Council Member Stephens brought a direct, foreseeable, measurable, and substantial financial and personal benefit to herself as County Candidate Stephens.
- 4) Council Member Stephens created a personal and financial benefit for County Candidate Stephens, which is different in degree from that experienced by the general public and similarly situated citizens, namely the other candidates who did not have the opportunity to vote to use city resources to complete their campaign goals.
- 5) Council Member Stephens is prohibited from using her position on council to promote County Candidate Stephens.
- 6) Council Member Stephens has a financial conflict of interest, "any interest equated with money or its equivalent" and none of exceptions apply (see below).
- 7) Council Member Stephens has a personal conflict of interest, [abridged] "any interest (other than a financial interest) an officer, would, in the judgment of a reasonably prudent person, realize or experience some direct and substantial benefit different in kind from that experienced by the general public" and none of the exceptions apply (see below).

8) Further proof of the conflict of interest is the role Council Member Stephens played in blocking the Pruznick Fossil Fuel Free Home and her failure to follow through on the issue between the Reporting Party and the staff that plan to harm the Pruznick Net Positive Home. 2019-05-31, "Solar Follow (originally Connexion)" "[Stephens] I know you had some questions about solar on your house from last night. Let me know if I can forward some specific questions on to staff. ... [Pruznick] I encourage you to ask staff for their detailed analysis that shows why my project should be restricted/terminated and share that with me, so we can look for win-win solutions. Personally, I think the city is already winning big-time. I made the investment, but the community is getting over \$150,000 per year in benefits plus cleaner air." In the mind of a reasonable and prudent person, an environmentalist Council Member that blocks two carbon reducing projects in the city but supports a large dirty carbon sourcing project in the county, could only be doing it because of the conflict of interest benefit it provides to her as County Candidate.

#### ALLEGATIONS:

##### 1) FINANCIAL CONFLICT OF INTEREST

The Subject used her position on council to create financial gain for her Committee, "Interests in other decision", Charter 9(b) (3), Code 2-568(a) (8), and others.

##### 2) PERSONAL CONFLICT OF INTEREST

The Subject used her position on council to create personal benefit above and beyond what her competitors have access to for her Campaign, "Interests in other decision", Charter 9(b) (3), Code 2-568(a) (10), and others.

##### 3) INTEREST IN OTHER DECISIONS

After receiving a campaign contribution of \$250 from S.M.F., the Subject voted to appoint that person to a city board. This appears to violate Charter 9(3), Code 2-568(4), Code 2-568(5), and possibility 18-8-302 (bribery) and 18-8-303 (kickback). The appointee in question had the best HERS project in town, -3, until the Reporting Party created his -29 HERS home. The Reporting Party, despite being a community leader in these areas, was also denied appointment to the CAP-CAC and Water Board (-68% less water than average at the time, if everyone did this, Halligan Expansion would not be needed) because of his skin color and other protected characteristics per the Respectful Workplace Policy. A reasonable and prudent person would be suspicious about conflict of interest when less qualified donors and receiving appoints over more qualified non-donors with real-world working solutions. The Reporting Party does not have the full authority to investigate.

##### 4) INTEREST IN OTHER DECISIONS

After receiving a campaign contribution of \$250 from Representative Jeni Arndt, the Subject voted for the Montava project which would have benefited from the passage of Representative Jeni Arndt's Connected Municipal Use Bill, HB20-1097. Several aspects of this bill are inconsistent with Arndt's general positions (see below) and give sufficient appearance of impropriety that violations of Charter 9(3), Code 2-568(4), Code 2-568(5), 18-8-302, 18-8-303, and similar should be investigated because of the link between financial and personal interests and their positions in public decision making bodies.

##### 5) OTHER

A) Code 2-568(2), may apply to several items above as well, "No

Councilmember shall represent any person or interest" Any person includes one's self. Specifically the Subject's own interest in county affordable and environmental housing.

B) Code 2-568(3) may apply in several of the above as well, for none of the exceptions apply. "refrain from accepting any gift or favor which, in the judgment of a reasonably prudent person, would tend to impair the officer's or employee's independence of judgment in the performance of his or her official duties. Specifically, votes that align with Non Chapter 7, Article V campaign contributions, but are contrary to publicly stated priorities but consistent with County Campaign needs.

REQUESTED OUTCOMES:

- 1) That all affordable housing items related to the county jurisdiction the Subject participated in be declared null and void, Montava or otherwise.
- 2) That all environmental stewardship items related to the county jurisdiction the Subject participated in be declared null and void, Montava or otherwise.
- 3) That the Ethics Board review all agenda items since the Candidate declared her county commissioner candidacy for additional violations, such as the 2020-05-12 executive session, as both items were county related. Item 1 Montava, Item 2 Environmental Stewardship.
- 4) That any and all executive session tapes be made public and be linked from the main council meeting page.
- 5) That the council member be censured until her trial, conviction, and removal from office for multiple charter violations.
- 6) That appropriate charges be forwarded to the appropriate jurisdictions with the requirement that the Subject not be eligible for the Gutowsky deal. The, don't cheat in an election during a time when there is no election. Or in this case, something like, the charges will be dropped and the records sealed if you don't act in conflict of interest for items in which you have no conflict.
- 7) Reference, Amendment 41(e), (e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, AND OF A PENALTY MECHANISM TO ENFORCE THOSE STANDARDS." Not a non-penalty mechanism that makes the violation go away to protect appearances.

SUPPORTING EVIDENCE:

- 1) In the 2020-03-06 Ken Summers hearing it was determined that if a council member posted a billboard (web-site) and collected money, it would be a conflict of interest. A subsequent hearing was scheduled to see if money was collected.
- 2) The Subject has a web-site (billboard) advertising her support, not only for affordable housing, but a regional approach, which would include Fort Collins City support.
- 3) The "Kristin for Larimer" site contains the text, "My name is Kristin Stephens and I want to". This establishes that it is her site and thus meets the direct requirement. It was not written in the 3rd person or on her behalf, as would be the case for an independent committee.
- 4) Colorado TRACER records further prove the direct relationship between the Subject and the Committee, and thus the "interest equated

with money."

A) On 2019-11-24 the Committee, "Kristin for Larimer" was formed with the express purpose of collecting and spending money to "ELECT KRISTIN STEPHENS AS LARIMER COUNTY COMMISSIONER, DISTRICT 2"

B) On 2019-11-24 the Subject filed an affidavit with the Committee certifying her candidacy and creating a direct link between this committee and her candidacy.

C) Both documents were filed less than 20 minutes apart showing coordination and directness, 9:31PM for the Committee, 9:48PM for the Candidate.

D) Given that the committee was created late on the 24th and the first contributions were recorded the next day, 11/25, AB \$20, AN \$100 (CSU), GT \$100 (Pueblo), WT \$100 (CSU). Google search shows an established relationship between each of these donors and the Candidate, so it was foreseeable. Also on the early list, fellow Democrat and County Commissioner John Kefals, 2019-12-08, Former Mayor Susan Kirkpatrick, 2019-12-08, and Former Mayor Gerry Horak, 2019-12-08, This complaint is about the Subject and finds no evidence of any wrong doing in this matter by any Supporter listed here in any way.

E) Finally, the Committee address is the Subject's home address which eliminates any and all doubt about direct.

5) The TRACER 2020-06-09 report shows the Subject collected \$18,576.00 to help her bring affordable housing to the county, which is measurable and substantial. Foreseeable previously established.

6) Two endorsements specifically called out her commitment to affordable housing.

A) "Kristin has consistently supported working families, the environment and affordable housing" (Joe Neguse, U.S. Congressman, Colorado CD 2)

B) "Kristin has worked hard for affordable housing" (John Kefalas, Larimer County Commissioner)

C) The Subject could not vote against these "big gun" endorsements.

D) However, it would have been honorable for her to recuse herself. Disappointing to many, but honorable. Rather than risk losing a few votes to disappointment, the Subject, pre-disposed by the Gutowsky cover-up, cheated, knowing her fellow council members, even those of the opposite party, would protect her.

7) One endorsement specifically called out her commitment to transparency

A) "worked for more open and transparent government." (Cathy Kipp, Colorado State Representative, HD 52)

B) Transparency means disclosing candidacy and taking an active role to avoid it.

C) When the Reporting Party was on the Parking Board and ran for office, he made such disclosure and was able to avoid all conflicts.

D) There is no excuse for this from a career politician (2nd city term, running for a 3rd office, promotion to county), backed by career politicians, and whose campaign report shows at least five

separate expenditures for "Consulting and Professional Services".

9) Fort Collins City Council Voting Results show that:

A) On 2020-01-07 a quorum existed (5 of 7), but the Subject was not present and all Montava items were postponed, 18, 19, 20. The video shows the City Manager stating the reason as, "to ensure that all council members are able to participate" and the mayor suspending the rules to make this happen (21m:02 - 28m:30s). This should be considered a benefit not afforded to others in similar situations. No one else gets delays so they can support their outside election campaign.

B) On 2020-01-14 the Subject participated in and voted for all Montava items, 1A, 1B, 1C, 1D, 2, 3.

C) On 2020-02-18 the Subject participated in and voted for all Montava items, 21, 22.

D) There may be others. The Ethics Board should do an exhaustive investigation.

10) The position of County Commissioner represents both a personal and financial conflict of interest

A) County is a higher office than City, promotion to a higher office, personal benefit.

B) County pay is \$120,485/yr, City is \$853/mo\*12=\$10,236/yr, \$110,249 is both measurable and substantial.

11) As reported in the Coloradoan, 2019-12-25, "Max Moss of HF2M has been working with Fort Collins staff to bring down costs, which he says is essential to pulling off the expansive project and realizing the city's affordable and attainable housing aspirations." Thus, the Candidate's support of this project was necessary and such support insured the affordable housing needed for the Subject's election campaign.

12) As reported in ires-net, "Councilmember Ross Cunniff remained unimpressed. He said the approval for the project was rushed and argued Montava got special treatment from staff and Council." At about 5h:20m into the 2020-01-14 meeting, he specifically mentions, financing, which has been previously established as being necessary to make the project and the affordable housing possible.

13) Montava is in the county. Staff and Council Member Summers talked about this several times during the 2020-01-14 meeting (about 5h:00m to 5h:20m). Candidate Stephens used her position on City Council to use City resources to bring an affordable housing project to the County to support her election to County Commissioner. Evidence shows the benefit. The Subject won the Party Nomination with a total blow out (Stephens - 74.79%, Shulman - 20.76%, Wright - 4.43%). The Subject is the only Primary Election candidate for commissioner that is uncontested. It is easy to win when you have the power to exploit your position on City Council to dedicate city resources to building projects in another jurisdiction that supports your advertised campaign position in that other jurisdiction. The Reporting Party does not have to prove the win was due to this. The Reporting Party only needs to show that conflict existed. The fact that the public does not know if Council Member Stephens or County Candidate Stephens voted for the project is sufficient. The fact that a reasonable and prudent person would conclude that County Candidate Stephens experienced an "interest equated with money or its equivalent" and/or did "experience some direct and substantial benefit or detriment different in kind

from that experienced by the general public". Both have been shown and none of the exceptions apply as shown below.

14) On 2020-01-14, the Subject made the motion for all three items. At about 7h:00m into the 2020-01-14 video, the Subject proves her conflict with her own words, "for me the affordable housing piece is really important" and "I think this is a great project and I like some of the outcomes we're going to get from it especially with regard to affordable housing," despite her concern that, "metro districts not necessarily being a perfect tool." Of course the Candidate is happy with that outcome.

15) On 2020-02-18, the Subject made the motion for both items. Again, she shows her conflict, 2H:59M:45S, "we want to get to some of our stretch goals and two of those things we named as really important stretch goals are affordable housing and" and at 3:00:30, "we are getting ... and a large chunk of affordable housing as well." Without a doubt, County Candidate Stephens needed affordable housing in the county and Council Member Stephens stole our city resources to provide County Candidate Stephens with a financial and personal advantage over her competitors.

16) In both the 2020-01-14 and 2020-02-18 videos, it is clear that the Mayor is turning to the Subject to prompt her to make many of the motions. The Subject's strong public support for these items shows affordable housing leadership that creates another personal conflict of interest. See below for concern about the Mayor's role. None of the other candidates have received the Mayor's official support, maybe his personal support, but not his official support.

17) The charter and code do not require the Subject to receive any money, just that "Financial interest means any interest equated with money or its equivalent." The Reporting Party has clearly established a conflict equated with money. Bribery does not occur when the hold on the funds clear one's bank, it doesn't even require one to pick up the check, one can commit bribery by having the unknowing friend or relative pick up the check and deposit it.

18) The Litmus Test Fails. Could the Subject have not shown up to council roll call, but shown up as a member of the public and say the following? No, which is why the law required her to recuse and not participate in any way shape or form.

A) "I'm running for LCD2 to work with cities to bring affordable and environmental housing to the county.

B) I am here in my role as a private citizen to ask you to support this project along with the public funding (staff time and cost). Even though Metro Districts have problems and are not perfect, using that tool will be a county and school district problem, and a problem for the county residents who choose to buy there. It will only be a city problem if the city annexes the area and those high taxes inspire no votes to future city initiatives, but that will be a problem for future councils, not this council.

C) It is clearly in the city's best interest to support a project that uses city resources but creates no sales tax revenue for the city, no property tax revenue for the city, and harms the city's ability to meet its climate goals by increasing regional CO2 emissions. Please forget that Pruznick and Revive were able to be net-positive without public funding. There is no downside to the city by supporting this project.

D) Don't worry about where the water will come from. The sponsor of the water transfer bill is a campaign donor and in my pocket.

This bill is as good as law. And if not, don't worry you can always support NISP to provide the needed water.

E) All this for just 5,100 hours of staff hours. Clearly we the people of Fort Collins are so privileged and exceptional that we don't need our tax dollar spent on us and can share the wealth with the county.

F) Finally, I'm running for LCD2 to work with cities to bring affordable and environmental housing to the county. Approving this project will assure my victory and give you a friend on the county board.

19) The above example, leaves no doubt that project is a benefit to the county paid for the by the city. Why the other five council members supported this is still elusive, but what is clear to any reasonable and prudent person is that the Subject had and conflict of interest and acted on it, when she should have recused herself.

20) This reminds the Reporting Party of the bag fee back in 2014. It was always curious why that one Council Member, wanted to set the fee at \$0.05. This price guaranteed profit to the national grocers with a price \$0.047, but created a loss to locally owned businesses who were paying \$0.10 and up. After this person left office, we learned they were in the running for Lieutenant Governor. Now it made sense, use the council seat to buy state-wide support at the cost of your fiduciary duty. It may be some time before we learn the secret reason behind the Montava project, but time will tell.

21) What's that saying? Fool me once, shame on you. Fool me twice, shame on me. We don't know about the other five, but we know about the one. The problem is that three of the five will be judging the one.

22) During the 2020-03-06 Ken Summers hearing: is was stated that:

A) CUNNIFF: "I would like to know if he has received any revenue since he has been on the council"

B) CUNNIFF: "His intent might have been, but that is not what we can judge on"

C) CUNNIFF: "We have to judge on what he got paid for and when"

D) CUNNIFF: "Makes it look like he was being paid to be a lobbyist while on council"

E) CUNNIFF: "I think we can follow that chain of evidence"

F) CUNNIFF: "Finding the evidence of, has Mr. Summers accepted any payments"

G) FEMALE (Gorgol?): "but he has stated that he has never made a penny"

H) DAGGETT: "If true the fact alleged would constitute a violation"

I) CUNNIFF: "I see no evidence to sustain an allegation that he has acted unethically with this one decision"

J) CUNNIFF: "I have not seen a supporting fact that says that the allegation is true, I just know that if it were true it would be a violation."

ADDITIONAL EVIDENCE REQUESTS:

The 2020-02-13 staff memo shows 5,100 hours of staff time, but doesn't show the cost of that staff. The Reporting Party is requesting an updated version of that memo adding a third column for total compensations cost for both the breakdown and total lines.

Excerpts from the 57 page Candidate's 2020-06-09 finance report showing the cover summary page and just the pages with donors mentioned in this complaint.

ADDITIONAL DETAILS:

1) The Subject used her official position as City Council Member to allocate City resources to create an affordable and environmental housing project in the County to support her election to County Commissioner by supporting her stated candidate positions related to, "a regional approach to affordable and workforce housing, and I will work with our municipalities, non profit partners, and the business community on this issue." and "We also need to work with local municipal leaders on developing their own robust Climate Action plans."

2) The Subject's actions meet the financial conflict of interest requirement of, "any interest equated with money or its equivalent" and none of the exceptions apply.

3) The Subject's actions meet the personal conflict of interest requirement of, "any interest ... 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, and none of the exceptions apply.

APPLICATION OF POLICIES:

1A) Charter 9/a Financial interest means any interest equated with money or its equivalent.

Both the Committee and the Office of Commissioner are equated with money. As money was collected before the Montava vote, it was actual, the pay for the office foreseeable.

Both amounts are substantial and measurable.

1B) Charter 9/a 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.

Promotion to a county office is a promotion and thus interest which is a benefit which is different in kind and not available to others. No other candidates were on the council nor could they get on the council.

Support from a Representative that is sponsoring a bill to support the Subject's project. This is a personal benefit as evidenced by the executive session to deal with the failure of the bill.

1C) Charter 9/b/3 Interests in other decisions. Any officer or employee who has, or whose relative has, a financial or personal interest in any decision of any public body of which he or she is a member or to which he or she makes recommendations, shall, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and shall refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.

The Subject is a career politician, two terms on council and running for a 3rd office with a number of current and former elected officials offering support and expenditures for consulting. In the view of a reasonable and prudent person, the discovery existed as soon as the agenda was posted and read. The videos show the Subject had no doubt that this project was affordable and environmental housing. The Subject had no doubt that her campaign position is for affordable and environmental housing. Denial of the discovery, is not an excuse.

1E) Code, 2-568/a/1 Benefit shall mean an advantage or gain.

In addition to the benefits listed elsewhere, voting to harm people in the county that cannot recall you is a substantial benefit. Is this why the city didn't annex Montava first, but did annex the unpopulated Hughes?

1F) Code, 2-568/a/5 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.

Without a doubt, it is different in kind. The Subject is the only candidate for LCD2, or even LCD3, or other member of the general public who has a campaign that will benefit from this vote. Different in type and nature, both apply.

1G) Code, 2-568/a/6 Direct shall mean resulting immediately and proximately from the circumstances and not from an intervening cause.

Once the Subject voted, the benefit was immediate, one the subject made the motions the benefit was immediate, even if 2nd reading failed, even if the people successfully repealed the law, the benefit of supporting affordable and environmental housing was still there. Each vote, each motion, the expiration of the appeal deadline, just strengthened the benefit, by showing continued support and insufficient opposition.

Also note, the definition of "intervening cause" needs clarification. For example, the next heartbeat is expected, but it is not guaranteed, but it is also not an intervening cause. Taking a bribe and waiting for the check hold to clear is expected, but not an intervening cause. Likewise, the Subject's participation, comments and votes are the events that made winning the LCD2 election as expected as the next heartbeat and the hold clearing. The landslide caucus win and being the only uncontested candidate for commissioner in the primary, are proof of this. The Subject took a process that was outside the control of the Candidate and made it a guarantee by acting on conflict of interest. The election is a formality like waiting for the check to clear, not an intervening cause.

1H) Code, 2-568/a/7 Detriment shall mean disadvantage, injury, damage or loss.

The Subject is not receiving any known detriment.

1I) Code, 2-568/a/11 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.

1J) Code, 2-568/a/16 Similarly situated citizens shall mean citizens in like circumstances having comparable legal rights and obligations.

i) None of the other candidates had the opportunity to vote and

participate in council discussion to use city resources to support their campaigns. The Subject's actions give her a clear and decisive advantage.

ii) Nor did any of the other candidates have the opportunity to participate in the 2020-05-12 executive session. The Subject has privileged information that can be used to elevate her campaign over that of her competitors.

iii) These two reasons are exactly why the conflict of interest laws exist. To prevent insiders from having an unfair advantage. To prevent insiders from using public resources to enhance their personal positions.

iv) Remember, the burden of proof is on the Elected Official,  
 "(c) They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated" and "(d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust"  
 [Amendment 41(1)]

1K) Code, 2-568/a/17 Substantial shall mean more than nominal in value, degree, amount or extent.

Previously established.

2A) Financial interest (exceptions, abridged):

a) business interest with no foreseeable measurable financial benefit

Exception does not apply. Subject is not employee of the Candidate Committee, and there is no ownership interest in the entity. Decision of public body does show foreseeable, measurable financial benefit to the Subject as previously established.

NOTE: Committee Registration shows Registered Agent A.W. and Filing Agent J.W., not Subject.

b) non profit, education, religious, charitable, fraternal or civic organization;

Exception does not apply. Subject is not an officer or member of the Candidate Committee. Subject is the sole beneficiary. It is not educational, religious, charitable, fraternal or civic [501(c)(4)] organization.

c) recipient of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens

Exception does not apply. Subject is not recipient of public services.

d) commercially reasonable loan

Exception does not apply. Subject is not the recipient of loan.

e) shareholder in a mutual or common investment fund

Exception does not apply. Subject is not a shareholder in Montava or actively managing Montava.

f) policyholder in an insurance company, depositor

Exception does not apply. Subject is not a policyholder or depositor in this Complaint.

g) owner of government-issued securities

Exception does not apply. Subject is not a owner of government-issued securities in this case.

h) compensation received from the city for personal services provided

Exception does not apply. Complaint doesn't involve personal services.

2B) Personal interest (exceptions, abridged):

a) board, commission, committee, or authority of another governmental entity

Exception does not apply. Subject is not a member of the board, commission, committee, or authority of another governmental entity. Subject is not a member of a nonprofit corporation, association educational, religious, charitable, fraternal, or civic organization.

Subject wants to be a member of the County Board, but is not.

Subject is not a member of the Candidate Committee, but the sole beneficiary, but this doesn't matter because there is no exception for Candidate Committee.

b) recipient of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens

Exception does not apply. Recipient of public service is not part of the complaint.

c) compensation, benefits, or terms and conditions of his or her employment with the city

Exception does not apply. Recipient of compensation for services is not part of complaint.

OTHER RELATED ACTIONS:

1) The Reporting Party has named several council members in his 2020-06-05 COVID-19 Face Mask Policy Violation complaint. A complaint that could have been avoided if council had admitted and fixed their mistake. Instead, a council member demeaned the Reporting Party for his complaint and the remaining members stood by quietly, just as those three cops did in Minneapolis. Depending on the status of this complaint, it could affect the bias of committee members. NOTE: Since writing this, the Reporting Party received an email saying staff determined that it is okay for council to violate the mask policy every 10m:45s. This is clearly a ruling to protect council at the risk of the community as it directly violates the CDC safe practices. Then, at 2020-06-16 meeting, Summers and Troxell showed even more disregard for the policy. This is what happens when the subordinate needs to rule on the boss. Can anyone say conflict of interest.

2) The Reporting Party has named several council members in his 2020-06-19 Respectful Workplace Complaint, failure to appoint to committee, as he has the premier solar home in town and was denied appointment due to his protected status in favor of less qualified applicants. Depending on the status of this complaint, it could affect the bias of committee members.

From 2020-05-26 public comments for the City Manager review:

"I have the premier solar home in town, -29 HERS (best in town, 3rd best in the state), -26 mtons-co2/year, 98.3% grid-free capable, and a public benefit of \$150,000 per year (based on being the equivalent of planting 500 trees per year at a cost of \$300/tree), for a solar cost 20% less than the city's current rates and full system with battery equal to the city's current rates (before credits and rebates). That makes my project about 10x better than Revive and about 25x better than Montava. Also seems off track to pursue a 130% more model, when a better 20% less free market model with public private partnership opportunities exists. The Reporting Party would also like to point out the irony of the city thanking him for winning the solar ambassador award from the solar co-op that the city publicly funded by restricting the winning project."

NOTE: These are the comments the Reporting Party typed up, actual words spoken at the time may differ slightly. Verify with the video.

3) The Reporting Party and his family have been targeted by the city on several occasions.

A) The stealing of \$6.86 cents from his wife (see public comments from 2019-11-12 City Manager review). It's not the money, it is the denial.

B) Energy Services Engineer Leland Keller illegally holding him to a PROPOSED 24-month rule months before council voted on it (2019-03-21, Subject: RE: 24-month rule).

C) Energy Services Senior Manager John Phelan threatening the Reporting Party's Award Winning project with the lie of "unwarranted subsidies", when the project generates a public benefit estimated at over \$150,000/year. Also note that Mr. Phelan did not disclose any "unwarranted subsidies" in the FINANCIAL IMPACTS of Ordinance 70,2019, the ordinance that blocked the Reporting Party's Fossil Fuel Free Project and created the current project.

4) During the 2019-11-12 Agenda Item for the City Manager Review, the Reporting Party gave public comments showing a number of concerns the Reporting Party hoped the council would discuss with the City Manager and bring him in better alignment. Specifically, the Reporting Party gave council a link to a recording of City Staff lying to his wife about the Time of Day rate start date. To date, web server logs indicated only three hits to that URL, all three being the Reporting Party's test to insure the link would work. This shows that the council, and thus anyone assigned to oversee this hearing, has an established history of blatantly ignoring the Reporting Party's concerns. They did not listen before, during, or after the City Manager's review. This creates a bias towards the Reporting Party. The selected members of the board for this hearing should state why they will listen this time when they didn't listen last time. Further, every citizen should be concerned that the council refused to listen to evidence of wrongdoing then gave the City Manager a great compliment and a great salary increase. How much evidence of police racism and misconduct have they chosen to ignore?

5) The city has a history of harassment towards the Reporting Party that is on-going and pervasive. This must be factored into the ethics review process to minimize bias on the part of the hearing officers.

RESPECTFUL WORKPLACE POLICY:

1) The Respectful Workplace Policy could constitute a systematic bias in favor of the Subject.

2) It applies to "all interactions between members of City Council, Appointed Officials, and City employees and contractors", which means it applies between the members of the Ethics Review Board and the Subject, but not the Reporting Party.

3) It further prohibits members of the Ethics Review Board from, "Disparaging a person to colleagues or peers," "Disparaging the person to others or in the media," "Disparaging the person to potential new employers," and "Threatening legal action," towards the Subject, but not towards the Reporting Party.

4) These conflicts could prevent the members of the Ethics Review Board from speaking freely for fear of being charged for violating the Respectful Workplace Policy. This conflict must be resolved and provided to both parties at least ten (10) days prior to the hearing and included in the agenda packet.

#### FURTHER INVESTIGATIONS:

- 1) The Ethics Board must investigate why it was pre-decided, by at least the Mayor, that the only council member with a conflict of interest would make all the motions. There may be other conflicts of interest or wrongdoing, but that is beyond the scope of this complaint and requires an investigation that the Reporting Party has no authority to conduct.
- 2) S.M.F. was appointed to the Energy Board on 2020-02-18 after making a relatively large donation of \$250 on 2020-01-22 to the Subject's County Campaign. This gives the appearance to a reasonable and prudent person that the board appointment was a kickback for the donation. Further, it appears that the Ethics Rules prevent the Subject from participating in this appointment [2-568(2)/(3)]. This appointment should have been pulled from consent and handled separately, as the Reporting Party is highly confident he has seen similar action in the past, though he cannot provide an example at this time. This complaint is about the Subject and finds no evidence of any wrong doing in this matter by any Supporter listed here in any way.
- 3) Representative Jeni Arndt made a \$100 contribution on 2019-12-07. However, Arndt was also the sponsor of Connected Municipal Use Bill, HB20-1097 that was needed for Fort Collins to provide water to ELCO for the Montava project. This bill's failure may have been the cause for the 2020-05-12 Executive Session. The relationship between these two elected officials and their roles on the Montava project justifies further investigation. Especially, since Arndt is an avid environmental supporter and this bill would have shifted the "no harm" burden of proof from the city to the impacted water right holder and eliminated the right for non-water right holders to object, say environmental groups on behalf of an environmental concern.

#### MISUNDERSTANDINGS:

1) On 2020-02-18, at 3:00:15, the subject says, "this does get to our climate action goals with the zero energy homes."

A) There are no Zero Energy Homes, the plan is only for Zero Energy Ready Homes.  
<https://www.energy.gov/eere/buildings/zero-energy-ready-homes>

B) The climate goals are to reduce CO2 emissions by certain amounts. Turning green space into built environment turns a carbon sink into a carbon source, lawn mowers, cars, water, sewer, trash, businesses

that on average use 10x the energy of a home that are not subject to the Zero Energy Ready Homes standard. Creating a development that was sinking CO2 and is now sourcing CO2 is contrary to the Climate Action Plan and the Declared Climate Emergency.

C) None of the Council Members picked up on this. They all sat there and believed or hid these lies. This goes to the credibility, not only of the Subject's testimony, but the Ethics Board's ability to make reasonable and prudent objective decisions.

D) There is a reason the City cannot solve the climate problem. The city voted to block the Reporting Party's fossil fuel free project, then it informed him that it wants to destroy his net-positive project, it refuses to implement net-zero building codes, and insists on calling dirty projects green. Goes to bias against the Reporting Party and bias for the developer, city image, and the Subject. How many people know the Reporting Party has the leading solar home in town? How many have seen the city or the press or the environmental groups recognize the Reporting Party's project? HERS -29, CO2 -26 mtons/year, public benefit over \$150,000/year, cost/kwhr -20%, compared to the city's 130% more plan. The Reporting Party even won a city sponsored award and no one from the city showed up to present it.

#### CONCLUSIONS:

1) While Amendment 41, Section 3(3)(a), excludes, "A campaign contribution as defined by law", Section 7, says the ". The requirements of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances or resolutions that address the matters covered by this article."

2) Home Rule City Code Section 2-568(3)(a) clearly states, the campaign contribution exception only applies to, "Campaign contributions reported as required by Chapter 7, Article V of this Code". The Subject's campaign contributions are not subject to nor "reported as required by Chapter 7" and thus are not an exception.

3) The Subject betrayed the public trust by using her position on council to enhance her personal undertaking.

4) The Subject clearly advertised that her Campaign goal is to work with cities to bring affordable housing and environmental stewardship to the county.

5) The Subject's own remarks during consideration of the items show she voted for the items because they used city resources to bring affordable housing and environmental stewardship to the county.

6) The Subject must be found guilty and removed from office, and the illegally passed ordinances and resolutions revoked, and the illegal executive session made public.

7) If the board finds the subject not guilty, then consider the implication. The Fort Collins City Council will no longer serve the city. Everyone wanting a higher office will run for council and win. Then, protected by this ruling, they will legally allocate city resources to projects in the jurisdiction of the office they want next. We cannot afford to lose another 5,100 hours of staff time and an unknown amount of money to other jurisdictions. We are already facing a 20%-ish budget cut for 2021. Protect our city by doing your duty and finding the subject guilty as required by the law.

8) If the board does not agree that the subject is guilty above every and all doubt, then the board needs to be asking the Reporting Party

clarifying questions or be very detailed and transparent as to why they disagree.



**From:** Leland Keller <lkeller@fcgov.com>  
**To:** "mikepruz@gmail.com" <mikepruz@gmail.com>  
**Subject:** RE: 24-month rule  
**Date:** Thu, 21 Mar 2019 23:24:46 +0000

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0172

Hi Mr. Pruznick,

The 120% rule represented in City Code (Sec 26-464 (p) 1 a ([link<https://-library.municode.com/co/fort\\_collins/codes/municipal\\_code?-nodeId=CH26UT\\_ARTVIEL\\_DIV4RAFECH\\_S26-464REENSESCR>](https://-library.municode.com/co/fort_collins/codes/municipal_code?-nodeId=CH26UT_ARTVIEL_DIV4RAFECH_S26-464REENSESCR)) stipulates that the solar PV system size limit calculation is based on 'average annual electricity consumption'. The definition of this term is being proposed as a 24 month period in pending code changes. When 24 months of historical data are not available, alternative options for standard sizing can be used. Practice in recent years has been to consider two years of load history when determining the 120% limit.

As my correspondence on March 5 with Liz Klinger at Sopris Solar indicates, your current levels of consumption do provide an average annual energy consumption which, when multiplied by 120%, supports the approval of the solar PV system design submitted in January for 'pre-approval'. At your current level of energy consumption, the most recent month of usage increases your 120% limit from 41,239 kWh to a system production limit of 44,071 kwh/yr. There is no need for any additional pre-approval review. Sopris Solar was encouraged to submit a complete interconnection application for review, as well as building permit application.

I am unclear about the fee for which you are requesting a waiver. That question would need to be posed at the time the fee is assessed. There is no fee associated with the Solar Rebate Program. If this relates to the Electric Development fee for increasing the size of your service above 200 amps, that fee supports the engineering work required to assess the impacts of the proposed change on equipment supporting the reliable distribution of electricity to your premises and neighbors on the same distribution transformer.

Regards,  
Leland

Leland Keller  
Energy Services Engineer  
Residential Solar Rebates, Battery Storage, Community Solar  
Fort Collins Utilities  
970-221-6857  
[FCU Svces logo]

-----Original Message-----

From: mikepruz@gmail.com <mikepruz@gmail.com>  
Sent: Wednesday, March 20, 2019 12:16 PM  
To: Leland Keller <lkeller@fcgov.com>  
Subject: 24-month rule

Leland,

I was just informed by my solar provider that the 120% rule now uses a 24-month average instead of a 12-month average and that I no longer qualify for my fossil fuel free array. Or more accurately, my 52.2 KW 95% F3 project is now only allowed to be 33.9 KW or 63% F3. When did this change? I have emails from staff five years ago, when I started this project, stating a 12 month average. Requiring 36,000 kwhr of wasted coal fired electric and 25 metric tons of CO2 to go fossil fuel free is contraindicated.

Is there any way the city will offer a waiver for a fee? Since I've shown that I can keep to off-peak use at 7.95 cents/kwhr (see URL below). Since I'll have no actual use, maybe the waiver fee should be the non-summer SS rate of 4.28 cents/-kwhr, that's about \$1,540.80 for the estimated 36,000 kwhr I need for the "BEFORE" array. The array goes up sooner, less economic and environmental harm, city still gets revenue to cover its overhead, seems like everyone wins. Great opportunity for the current mayor to brag about this public private partnership with ballots already arriving.

Otherwise, I'll delay until after the election and see if the new council is more reasonable than the current council. If so, back to the 12-month rule and up goes the array. If not, I'll generate the use.

Still results in a 90% CO2 savings over the next 25 years. 100% would be better.

Michael

REFERENCE:

The attached spreadsheet show that the "BEFORE" array qualified under the 12-month average. The "NOW" array is what the 24-month average limits me to.

<http://pruz.org/temp/pruz-rate.png>

[image001.jpg image/jpeg (4345 bytes)]





**From:** John Phelan <JPHELAN@fcgov.com>

**To:** Sierra Anderson <sanderson@fcgov.com>, "mikepruz@gmail.com"

0175

<mikepruz@gmail.com>, Julie Pignataro <jpignataro@fcgov.com>, Darin Atteberry <DATTEBERRY@fcgov.com>

**CC:** Leland Keller <lkeller@fcgov.com>, Lisa Rosintoski <LRosintoski@fcgov.com>, Kevin Gertig <KGERTIG@fcgov.com>, Jeff Mihelich <jmihelich@fcgov.com>, SAR Admin Team <SAR-Admin-Team@fcgov.com>, John Phelan <JPHELAN@fcgov.com>

**Subject:** RE: Response to: Utility Bill Credit (Council SAR #53595)

**Date:** Mon, 2 Mar 2020 15:57:23 +0000

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Mr. Pruznick,

We have approved an exception to the 12 month solar operation portion of our annual account credit payout per your request. You can expect to hear from Utilities billing department in the next several weeks regarding your account balance.

We will also be initiating a review of current net metering rates, associated annual payout procedures, and solar system sizing policies. To address situations where customers may generate a significant energy and bill credit balance due to variations in their energy consumption or production, Utilities may need to revise procedures to avoid unwarranted subsidies from other ratepayers. This review is anticipated to be completed in Q3 2020 and will be included in Energy Board work plans.

Let me know if you have any questions.

Thanks.

John

John Phelan, P.E.  
Energy Services Senior Manager  
Fort Collins Utilities  
970-416-2539  
----

Gratitude is a quality similar to electricity; it must be produced and discharged and used up in order to exist. William Faulkner

**From:** Sierra Anderson <sanderson@fcgov.com>

**Sent:** Friday, February 14, 2020 3:20 PM

**To:** mikepruz@gmail.com; Julie Pignataro <jpignataro@fcgov.com>; Darin Atteberry <DATTEBERRY@fcgov.com>

**Cc:** John Phelan <JPHELAN@fcgov.com>; Leland Keller <lkeller@fcgov.com>; Lisa Rosintoski <LRosintoski@fcgov.com>; Kevin Gertig <KGERTIG@fcgov.com>; Jeff Mihelich <jmihelich@fcgov.com>; SAR Admin Team <SAR-Admin-Team@fcgov.com>

**Subject:** RE: Response to: Utility Bill Credit (Council SAR #53595)

Dear Mr. Pruznick,

Thank you for your recent email and for sharing your question regarding your utility account balance. Please see the following response from Energy Services Senior Manager, John Phelan, on behalf of Councilmember Pignataro and City Manager Darin Atteberry.

Kind regards,

Sierra Anderson

Graduate Management Assistant | City Manager's Office

City of Fort Collins  
sanderson@fcgov.com<mailto:sanderson@fcgov.com>  
970-416-2253

0176

[cid:image001.png@01D5F070.95BE0780]<https://www.fcgov.com/excellence/>

Mr. Pruznick,

Thanks for reaching out to us regarding your utility account balance. You bring up some valid points. We are continuing to identify the potential issues (e.g. code versus standard operating procedures) to be able to give you a complete answer. Thanks for your patience; I expect to be able to provide more information the week of February 24th.

John Phelan  
Energy Services Senior Manager  
jphelan@fcgov.com<mailto:jphelan@fcgov.com>  
970-416-2539

Original Request

From: Julie Pignataro <jpignataro@fcgov.com<mailto:jpignataro@fcgov.com>>  
Sent: Monday, February 10, 2020 10:02 AM  
To: Darin Atteberry <DATTEBERRY@fcgov.com<mailto:DATTEBERRY@fcgov.com>>  
Subject: Fw: Utility Bill Credit Payout

Darin,

Can you please ask for a response (can just be to me if they prefer) regarding what kind of credit Mr. Pruznick is owed?

Julie Pignataro  
City of Fort Collins  
Councilmember, District 2

With limited exceptions, emails and any files transmitted with them are subject to public disclosure under the Colorado Open Records Act (CORA). To promote transparency, emails will be visible in an online archive, unless the sender puts #PRIVATE in the subject line of the email. However, the City of Fort Collins can't guarantee that any email to or from Council will remain private under CORA.

---

From: mikepruz@gmail.com<mailto:mikepruz@gmail.com>  
<mikepruz@gmail.com<mailto:mikepruz@gmail.com>>  
Sent: Sunday, February 9, 2020 8:51 PM  
To: Julie Pignataro  
Subject: Utility Bill Credit Payout

Julie,

I realize that I do not qualify for a "pay" under the "longer than 1 year" rule below, but I have a larger than average credit and there is no risk to the city that I will owe anything in the next year, so there is no justifiable reason for the city to hold my money. In fact, it might be risky for the city to have such an arbitrary policy without paying me reasonable interest. I don't know if this policy is a non-negotiable ordinance, or negotiable. In either case I'm asking for a full payout of my outstanding credit as of March 1st, if now allowed under current policy, then see that they policy is changed to allow my payout.

<https://www.fcgov.com/utilities/residential/renewables/solar-rebates/faqs>

Oversizing solar PV systems can present a financial risk to the customer. Fort Collins Utilities does not pay customers for accumulated credits from solar generation unless all the following criteria are met: The net credit on the account exceeds \$300 on March 1; The net metering account has been active for longer than 1 year; and The customer does not receive all standard services from Fort Collins Utilities. This is because any excess credits from electricity generation are applied toward other utility (water, stormwater, wastewater) bills.

[image001.png image/png (34274 bytes)]







## Fort Collins Solar Co-op

COLORADO / 2020

159  
Participants

48  
Installations

388 kW  
Capacity

\$972k  
Invested

\$0k  
25-Year Savings

Installed By



Community partners



## Yampa Valley Solar Co-op

COLORADO / 2020

122  
Participants

18  
Installations

154 kW  
Capacity

\$410k  
Invested

\$0k  
25-Year Savings

Installed By



Community partners

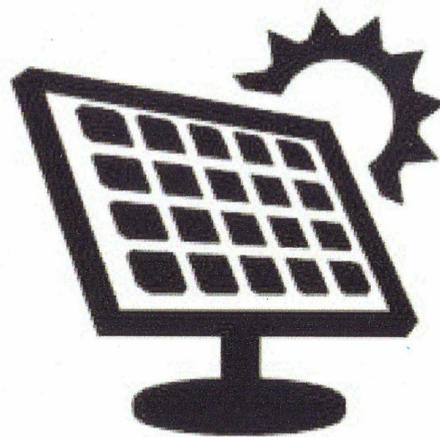






**SOLAR UNITED NEIGHBORS**

**Solar Ambassador  
Award**



**Solar United Neighbors would like to recognize**

***Michael Pruznick***

For installing the largest solar system in the co-op, being an outstanding advocate for advancing solar energy, and supporting homeowners in the community as they made the decision to go solar,  
on this day

**December 19<sup>th</sup>, 2019**



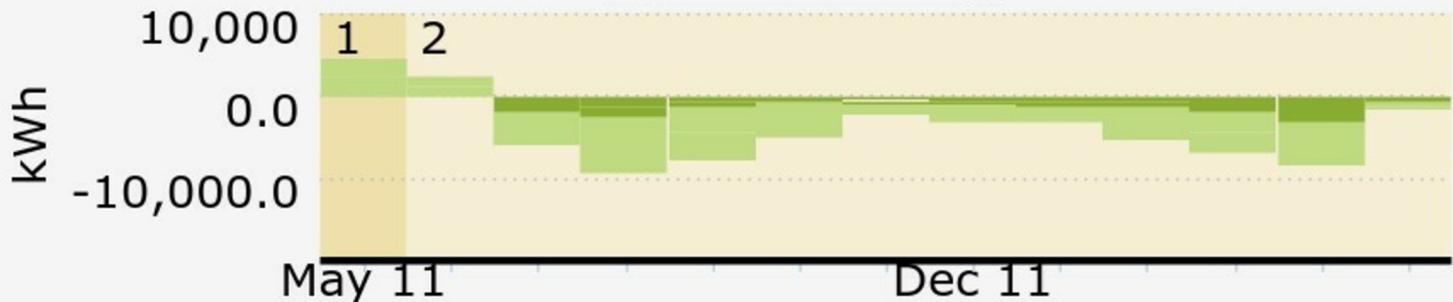
My Use Details

Zoom: 1 Day 1 Bill 1 Year

0183

Weather: Temp Off

1) Time of Day: ■ On Peak ■ Off Peak  
 2) Time of Day: ■ On Peak ■ Off Peak



◀ May 11, 2019 - Jul 10, 2020 ▶

**E125**

Date	On Peak	Off Peak	Total
10/10/18 - 07/11/19	5.181	3,524.259	3,529.440

**ZEROCOSTTOU**

Date	On Peak	Off Peak	Total
07/11/19 - 07/10/20	-8,177.410	-21,603.172	-29,780.582

Note: Totals may not add up due to rounding.

 [Download](#)



[More Details](#)



Environmental Impact



Planting this many trees would offset your carbon impact for the current bill period.

Did you know?

Generating 1 kWh of electricity, enough to power a 100W light bulb for 10 hours, creates 1.587 lbs of carbon dioxide. Electricity in the U.S. is produced from a variety of sources. 50% is generated from coal, 19% natural gas, 19% nuclear, 7% hydro-electric, 3% oil, and 2% from renewable sources such as biomass, wind, geothermal and solar.

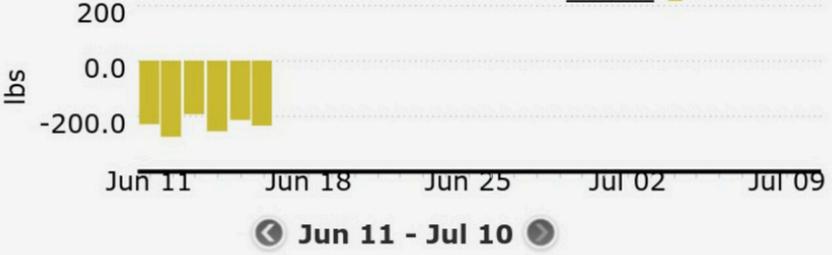
If you are part of the Green Energy Program with 100 percent offset, your carbon impact is reduced to zero.

My Carbon Details

Zoom: 1 Day 1 Bill 1 Year

Weather: Temp Off

Basic: Pounds of carbon



Date	Pounds of carbon
06/11/20 - 07/10/20	-1,392.583

$1392.583 / 47 = 29.6$  lbs-cos/tree  
 or  $41660.562 = 1406$  trees/11mo  
 or 1533 trees/year  
 @\$300/tree  
 \$459,900 public benefit

Environmental Benefits

CO2 Emission Saved  
28,027.81 kg

Equivalent Trees Planted  
466.47

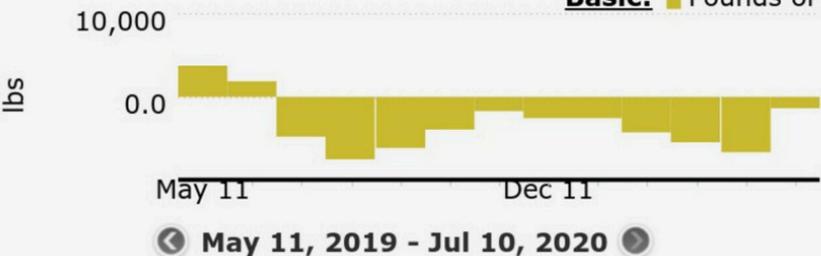
Solar Controller  
 says 466.47  
 trees in 337 days  
 or 505/trees year  
 or \$151,568  
 public benefit

My Carbon Details

Zoom: 1 Day 1 Bill 1 Year

Weather: Temp Off

Basic: Pounds of carbon



Date	Pounds of carbon
05/11/19 - 07/10/20	-41,660.562



Account Number [redacted] Account Name [redacted] Pruznick Service Address [redacted] Castle Ridge Ct Bill Date 01/26/2017 Due Date 02/22/2017 Amount Due 0187 [redacted]

Billing ID [redacted]

Service	Service Date			Meter Readings		Usage (1000 Gallons)	Charge
	From	To	Days	Previous	Present		
Water Charge	12/16/2016	01/17/2017	32	797061	801517	4.456	[redacted]
Sewer Charge	12/16/2016	01/17/2017					

Account Number [redacted] Account Name [redacted] Pruznick Service Address [redacted] Castle Ridge Ct Bill Date 10/29/2019 Due Date 11/21/2019 Amount Due [redacted]

Billing ID [redacted]

Service	Service Date			Meter Readings		Usage (1000 Gallons)	Charge
	From	To	Days	Previous	Present		
Water Charge	09/16/2019	10/17/2019	31	1072764	1076154	3.39	[redacted]
Sewer Charge	09/16/2019	10/17/2019					

1,076,154 + 6,470 = 1,082,624  
 Mtr Number: 892 [redacted]  
 Mtr Number: 892 [redacted]  
 6.47 on 11/15/2019  
 Autom [redacted]  
 Phone [redacted]

2019-10 1,076,154  
 2016-12 797,061  
 DELTA 279,093  
 MONTHS 34  
 GAL/MON 8,208

2019-11 1,082,624  
 2016-12 797,061  
 DELTA 285,563  
 MONTHS 35  
 GAL/MON 8,158

**AVERAGE**  
 $(8208 - 10000) / 10000 = -18\%$   
**MY HOUSE**  
 $22226 / 8600 = 2.6$   
**EXPECTED**  
 $10000 * 2.6 = 26000$   
**NORMALIZED**  
 $(8208 - 26000) / 26000 = -68\%$

**64038 HOMES**  
 \* 1842 GAL/HOME/MO  
 \* 12 MO/YR  
 / 325851 GAL/AF  
 = 4344 AF/YR SAVED  
**55% REDUCTION IN HALLIGAN?**

	2018 RATES	2019 RATES	% INCREASE
<b>Electric</b> 700 kilowatt-hours/month	\$71.96	\$75.41	4.8%
<b>Water</b> 10,000 gallons/month	\$47.88	\$47.88	0%
<b>Wastewater</b> 4,800 gallons/month WQA	\$34.45	\$34.45	0%
<b>Stormwater</b> 8,600 sq. ft. lot, light runoff	\$15.42	\$15.73	2%
<b>Total Average Monthly Utility Bill</b>	\$169.71	\$173.47	2.2%

Based on data from the American Community Survey, in 2017 there were 64,038 households in the city, with an average size of 2.46 people per household. The homeowner vacancy rate was 0.9%, with a median rent of \$1191/month. The median house has 5.7 rooms, and has a value of \$308,800. Oct 29, 2019

**CSU:**  
 I solemnly (swear)\* (affirm)\* that I will uphold the constitution of the United States and the constitution of the State of Colorado, and I will faithfully perform the duties of the position upon which I am about to enter.

**FOCO:**  
 I <name> do solemnly swear that I will support the constitution of the United States and [the constitution] the laws of the state of Colorado and the Charter and Ordinances of the City of Fort Collins and that I will faithfully perform the duties of the office or employment upon which I am about to enter TO THE BEST OF MY ABILITY



# 2017-2019 - PRUZNICK WATER USE - BETTER FOR LESS!

Account Number	Account Name	Service Address	Bill Date	Due Date	Amount Due
[REDACTED]	[REDACTED] Pruznick	[REDACTED] Castle Ridge Ct	01/26/2017	02/22/2017	[REDACTED] <sup>0189</sup>
<b>Billing ID</b>	[REDACTED]				

Service	Service Date			Meter Readings		Usage (1000 Gallons)	Charge
	From	To	Days	Previous	Present		
Water Charge	12/16/2016	01/17/2017	32	797061	801517	4.456	[REDACTED]
Sewer Charge	12/16/2016	01/17/2017					[REDACTED]

Account Number	Account Name	Service Address	Bill Date	Due Date	Amount Due
[REDACTED]	[REDACTED] Pruznick	[REDACTED] Castle Ridge Ct	10/29/2019	11/21/2019	[REDACTED]
<b>Billing ID</b>	[REDACTED]				

22,226 sqft, 12 zones blue grass

Account Number	Account Name	Service Address	Bill Date	Due Date	Amount Due
[REDACTED]	[REDACTED] Pruznick	[REDACTED] Castle Ridge Ct	12/26/2019	01/22/2020	[REDACTED]
<b>Billing ID</b>	[REDACTED]				

10,000 GAL POOL, 500 GAL HOTTUB

Service	Service Date			Meter Readings		Usage (1000 Gallons)	Charge
	From	To	Days	Previous	Present		
Water Charge	11/15/2019	12/16/2019	31	1082629	1083998	1.369	[REDACTED]
Sewer Charge	11/15/2019	12/16/2019					[REDACTED]

**(1083998-797061)/36 = 7970 g/m = -20%,-69% ==> No Halligan if all**



ORDINANCE NO. 070, 2019  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 26-391 OF THE CODE OF THE CITY OF FORT COLLINS  
TO ADD AND REVISE DEFINITIONS RELATED TO THE CITY'S  
MUNICIPAL ELECTRIC UTILITY SYSTEM

WHEREAS, the City owns and operates a municipal electric distribution system to deliver electric power purchased by the City to retail customers and to accommodate interconnection of customer-owned renewable power generation devices; and

WHEREAS, Chapter 26 of the City Code regulates and governs the provision of utility services and sets forth definitions of terms used to describe and applicable to conditions for receipt of utility services; and

WHEREAS, such provisions require updating and modification from time to time, for purposes of clarification and to ensure the Code remains a dynamic document capable of responding to issues identified by staff, customers, and citizens and changes in the law regarding the delivery of public utility services; and

WHEREAS, staff has proposed that identified definitions be added and amended in Chapter 26 of the City Code to clarify how net-metered customer generation technologies are managed, and to better inform customers and align with current utility practices; and

WHEREAS, in light of the foregoing, the City Council has determined the amendment and supplementation of definitions in Chapter 26 of the City Code is necessary and will be beneficial for the ratepayers of the City's Electric Utility and for the efficient administration of Utility functions.

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 26-391 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-391. - Definitions.**

*The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:*

...  
*Average annual electricity consumption shall mean the average monthly consumption of the previous twenty-four (24) months of electricity use times twelve (12x).*  
...

*Qualifying renewable technology shall mean a qualifying facility that generates electricity using renewable resources such as solar, fuel cell, wind, geothermal, combined heat and power or biomass technology, or that stores energy.*

...

Introduced, considered favorably on first reading, and ordered published this 21st day of May, A.D. 2019, and to be presented for final passage on the 4th day of June, A.D. 2019.

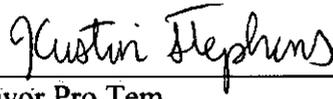
  
Mayor

ATTEST:

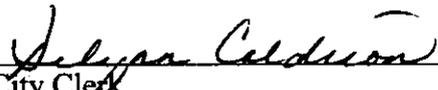
  
Chief Deputy City Clerk



Passed and adopted on final reading on the 4th day of June, A.D. 2019.

  
Mayor Pro Tem

ATTEST:

  
City Clerk



Attachment 10 mikepruz-parking.pdf

**From:** <mikepruz@gmail.com>

**To:** Randy Hensley <rhensley@fcgov.com>, Karen Cumbo <KCumbo@fcgov.com>, <sup>0194</sup> Susan Kirkpatrick <susankirk5072@gmail.com>, Gerry Horak <ghorak@fcgov.com>

**Subject:** NEWS: I'm running for mayor

**Date:** Thu, 26 Feb 2015 17:06:20 -0700

---

Parking board/staff/liaisons,

I wanted to let you know I decided to run for Mayor. Obviously, the parking board is not a forum for campaigning (or wearing/showing campaign materials). Please let me know of any other rules I need to be aware of and the best way, if any, to inform the other board members.

Sorry I didn't include Belinda, but I don't have her email address. Please forward.

Thank you, Michael Pruznick



Colorado Secretary of State  
Elections Division  
1700 Broadway, Ste. 200  
Denver, CO 80290  
Ph: (303) 894-2200 x 6383  
Fax: (303) 869-4861  
www.sos.state.co.us



Space Below For Office Use Only

## CANDIDATE AFFIDAVIT

[Art. XXVIII, Sec. 2(2) & 1-45-110(1), C.R.S.]

- State, County, School District, and Special District Candidates file with the Secretary of State
- Municipal Candidates file with the Municipal Clerk

This affidavit certifies that I, **KRISTIN STEPHENS**, a member of the Democratic political party/organization (if applicable), am a candidate for the 2020 election, [Art. XXVIII, Sec. 2(2)] for the office of **Commissioner**, District **Commissioner Dist. 2**, County **LARIMER**.

I understand that campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 45, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign and Political Finance.

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Date: 11/24/2019

Physical Address of Candidate: 1911 ENFIELD CT.  
FORT COLLINS CO 80526

Mailing Address: 1911 ENFIELD CT.  
FORT COLLINS CO 80526

Business Phone:

Residence Phone: (970) 581-7580

FAX:

E-Mail Address: KRISTIN@KRISTINFORLARIMER.COM

Web Address: KRISTINFORLARIMER.COM



Colorado Secretary of State  
 Elections Division  
 1700 Broadway, Ste. 270  
 Denver, CO 80290  
 Ph: (303) 894-2200 x 6383  
 Fax: (303) 869-4861  
 www.sos.state.co.us



## COMMITTEE REGISTRATION FORM

(C.R.S. 1-45-108)

<b>Committee Name:</b>	KRISTIN FOR LARIMER
<b>Registration Date:</b>	11/24/2019
<b>Type:</b>	CANDIDATE COMMITTEE
<b>Physical Address:</b>	1911 ENFIELD CT. FORT COLLINS CO 80526
<b>Mailing Address:</b>	1911 ENFIELD CT. FORT COLLINS CO 80526
<b>Phone Number:</b>	(970) 581-7580
<b>Alternate Phone:</b>	
<b>FAX Number:</b>	
<b>Web Address:</b>	KRISTINFORLARIMER.COM
<b>Jurisdiction:</b>	LARIMER
<b>Purpose:</b>	TO ELECT KRISTIN STEPHENS AS LARIMER COUNTY COMMISSIONER, DISTRICT 2
<b>Party:</b>	Democratic
<b>Election Year:</b>	2020
<b>Office:</b>	Commissioner
<b>District:</b>	Commissioner Dist. 2

<b>Financial Institution</b>	
<b>Institution Name:</b>	FIRST NATIONAL BANK
<b>Institution Address:</b>	1101 CENTRE AVE. MALL FORT COLLINS CO 80521

Registered Agent		Designated Filing Agent	
<b>Agent Name:</b>	WILSECK, ANNE	<b>Agent Name:</b>	WILLIAMS, JENNIFER
<b>Phone Number:</b>	(970) 484-4399	<b>Phone Number:</b>	(970) 308-5454
<b>Alternate Phone:</b>		<b>Alternate Phone:</b>	
<b>Agent Email:</b>	AWILSECK@GMAIL.COM	<b>Agent Email:</b>	JENNIFERLYNNEWILLIAMS21@GMAIL.COM
<b>Alternate Email1:</b>		<b>Alternate Email1:</b>	
<b>Alternate Email2:</b>		<b>Alternate Email2:</b>	



## **County Issues**

### **Help for Working Families**

I will work to make sure that we restore the Child Care Assistance Program (CCAP) dollars that have been frozen for several years; this has left many families in our community struggling to find affordable childcare. I will make sure that we do adequate outreach to get our residents signed up for Food Assistance so that no one in our community suffers from food insecurity. We need a regional approach to affordable and workforce housing, and I will work with our municipalities, non profit partners, and the business community on this issue.

### **Environmental Stewardship**

Through serving on City Council I have been part of crafting and funding the Fort Collins' Climate Action Plan. I believe that Larimer County can be a leader on Climate Action and Resiliency Efforts. We need to make sure that energy efficiency is a part of Facilities planning, and that we are right sizing our county fleet as we serve our 2500 square mile

county. We also need to work with local municipal leaders on developing their own robust Climate Action plans, and make sure we are all protecting our vital watersheds and natural resources.

### **Economic Health**

We have been able to protect and preserve our natural resources in large part due to our healthy economy which has provided tax dollars for Open Space. We need to continue to support businesses through the county's Economic and Workforce Development, and work with the school district and higher education so that our businesses will have access to a pool of skilled employees. Many of our municipalities are also struggling with attracting skilled workers because of a lack of affordable childcare and housing; it is crucial that we work to solve these shortages.

### **Transportation and Infrastructure**

As a member of the North Front Range Metropolitan Planning Organization (NFRMPO), and the Regional Transportation board I understand how important it is for us to plan, and fund our transportation infrastructure. Because ballot measure 1A did not pass in 2019, we do not have adequate funding for our transportation and transit needs. We need to work together through the NFRMPO and the regional board to address our current and future needs. We also need to support and strengthen transit options between our communities and rural areas. Finally, I believe that high speed internet is

infrastructure, and we need to look for ways to connect rural communities to our fiber network.

### **Transparency and Open Government**

We need to make sure that we are hearing from all voices in our community when we are planning and making decisions. I will continue my practice of holding listening sessions, and will work to make meeting times more convenient for those who work. I want to open government to everyone, and have broad representation on county boards and commissions. We need to explore new ways of reaching people who feel disconnected from county government.

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<https://wordpress.org/>>

To the  
top ↑



## Endorsements

**Joe Neguse,**

***U.S. Congressman, Colorado CD 2:***

“As a City Councilmember for the past five years, Kristin has consistently supported working families, the environment and affordable housing initiatives. She has served as Mayor Pro Tem for the city, Chair of the Poudre Fire Authority, and has helped shaped policy at the National level with her leadership at the National League of Cities. Kristin’s experience with budgeting, policy making, and regional transportation planning will serve Larimer County well. I enthusiastically endorse Kristin Stephens for Larimer County Commissioner in District 2.”

**John Kefalas,**

***Larimer County Commissioner:***

“Kristin is an amazing woman—determined, courageous and dedicated to improving our community. As a councilmember, Kristin has worked hard for affordable housing and childcare, and the city’s Climate Action plan. I look forward to working

with her on the Board of County Commissioners.”

**Cathy Kipp,**

***Colorado State Representative, HD 52:***

“Kristin’s compassionate and thoughtful leadership is exactly what we need in Larimer county government. As a city councilwoman, Kristin has always stood up for working families, the environment, and worked for more open and transparent government. Her years of work on dozens of campaigns and initiatives has made our community a better place to live. I hope you will join me in supporting Kristin Stephens for Larimer County Commissioner in District 2.”

**Jeni Arndt**

***Colorado State Representative, HD 53:***

“Kristin is tireless worker, outstanding listener, committed community servant and a terrific candidate to represent our community as a County Commissioner. I wholeheartedly support her. And I hope you will too.”

**Jacki Marsh,**

***Mayor of Loveland:***

“I support Kristin Stephens for Larimer County Commissioner in District 2. As Mayor of Loveland, I know first hand that Kristin’s experience in municipal government will be an invaluable resource, and makes her ready to lead on day one.

Kristin has worked on multimillion dollar budgets for the city and the Poudre Fire Authority, and her fiscal stewardship will serve us well.”

### **Gordon McLaughlin**

#### ***Prosecutor and Candidate for District Attorney:***

“Larimer County needs commissioners with the experience to lead us through growth and success. From supporting first responders on the Poudre Fire Authority Board to working with the growing City of Fort Collins budget, Kristin will bring the vision and leadership she provided in Fort Collins to the entire County.”

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[En Español](#)

[Read the policy](#)

[Lea la política](#)

0208

## Council Compensation and Term Information

- Councilmembers: \$853.00
- Mayor: \$1,280.00

[View Council Term Information](#)

## Strategic Plan

The [2018 City of Fort Collins Strategic Plan](#) reflects the input of engaged citizens, community and business partners, Mayor and Council Members, and City staff.

## Community Dashboard

The City of Fort Collins [Community Dashboard](#) offers a quarterly snapshot of the community's progress in attaining key outcomes. This Dashboard reinforces the City of Fort Collins' steadfast commitment to accountability and continuous improvement.

### Fort Collins, Colorado USA

- [40.585258, -105.084419](#)
- [Local Facts and Demographics](#)
- [Poudre School District](#)

### Our Organization

- [Mayor & Council](#)
- [Mission, Vision, Values](#)
- ["World Class People"](#)

### Social Media Accounts

- [Facebook \[17\]](#)
- [Twitter \[13\]](#)
- [Youtube \[5\]](#)

### Performance Excellence







## Larimer County's Salary Policy

The largest portion of the County's budget is for employee salaries. Like any other business, Larimer County must compete with other employers to hire and keep employees. Having qualified employees saves taxpayers money by providing services in a professional and efficient manner. Wages that are not competitive result in high turnover rates and expensive retraining of new employees.

Larimer County has adopted a philosophy of setting the pay structure at the market average of the job market. This means that when comparing jobs in the Northern Front Range and similar entities across Colorado, Larimer County will be paying average. We use the Mountain States Employer's Council surveys, which are an annual surveys of public and private sector jobs.

## Report Salary Information for all Larimer County Government Employees

The Colorado Revised Statutes, under CRS 30-25-111 (1.5), require Counties to publish salary information for all their employees twice annually, in February and in August of each year. A newspaper is selected through a bid process, with the full listing going to the lowest bidder for publication as a "legal notice". The full listing published in February reports each employee by job title, and the total amount of wages paid to the employee during the prior year. The full listing published in August reports each employee by job title, and the monthly salary as of June 30th of the current year.

In addition to wages, all Larimer County employees are provided

## Employee Wages

Filter by job title

Correctional Svcs Super	69,744.85
County Attorney	218,543.95
County Commissioner	120,485.00
County Commissioner	113,490.00
County Commissioner	113,490.00
County Engineer	142,936.83
County Manager	203,932.79
Court & Booking Data Spec	58,581.92
Court Services Spec I	61,571.36
Court Services Spec I	47,017.85
Court Services Spec I	44,164.38
Court Services Spec I	38,842.70
Court Services Spec I	33,916.16
Court Services Spec I	29,018.40



# AGENDA ITEM SUMMARY

City Council

February 18, 2020

## STAFF

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Elizabeth Blythe, Senior Public Engagement Coordinator  
Delynn Coldiron, City Clerk  
Carrie M. Daggett, Legal

## SUBJECT

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Resolution 2020-024 Making Appointments to Various Boards and Commissions of the City of Fort Collins.

## EXECUTIVE SUMMARY

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The purpose of this item is to appoint individuals to fill vacancies on various boards and commissions that exist due to the expiration of terms of certain members and the resignation of previous board members.

## STAFF RECOMMENDATION

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Staff recommends adoption of the Resolution.

## BACKGROUND / DISCUSSION

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This Resolution appoints 13 individuals to fill vacancies left from previous board members. These appointments will begin immediately with terms to expire December 31, 2020 (one-year terms per City Council discussion at the December 10, 2019 work session). This is the second step toward filling positions on the boards that were put on hold as the Reimaging Boards and Commissions initiative work began.

RESOLUTION 2020-024  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS  
 OF THE CITY OF FORT COLLINS

WHEREAS, vacancies currently exist on various boards and commissions of the City due to resignations by board members, and the expiration of terms of certain members; and

WHEREAS, the City Council desires to make appointments to fill a portion of the vacancies that currently exist on the various boards, commissions and authorities.

NOW, THEREFORE, BE IT RESOLVED 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 the following named persons are hereby appointed to fill expired terms or vacancies on the boards and commissions hereinafter indicated, with terms to begin immediately and to expire as set forth after each name:

<b>Affordable Housing Board</b>	<u>Expiration of Term</u>
<u>Bob Pawlikowski</u>	December 31, 2020
<u>Tatiana Zenter</u>	December 31, 2020
<b>Economic Advisory Commission</b>	<u>Expiration of Term</u>
<u>Cole Langford</u>	December 31, 2020
<b>Energy Board</b>	<u>Expiration of Term</u>
<u>Susan McFaddin</u>	December 31, 2020
<u>Stephen Tenbrink</u>	December 31, 2020
<u>Margaret Moore</u>	December 31, 2020

**Cultural Resources Board**Expiration of TermAquiles Quiroga

December 31, 2020

Zackery Klassen

December 31, 2020

**Natural Resources Advisory Board**Expiration of TermHillary Mizia

December 31, 2020

**Parks and Recreation Board**Expiration of TermKen Christensen

December 31, 2020

**Transportation Board**Expiration of TermMathew Liberati

December 31, 2020

**Women's Commission**Expiration of TermEmily Amedee

December 31, 2020

Lesly Caldwell

December 31, 2020

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 18th day of February, A.D. 2020.

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 Mayor

ATTEST:

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 City Clerk



Designated Filing Agent: **JENNIFER WILLIAMS** Phone: 970-308-5454 Email: **JENNIFERLYNNEWILLIAMS21@GMAIL.COM** 0216

**Financial Summary**

**Finance Histo**

This data is current as of: **JUNE 9, 2020 - REPORT OF CONTRIBUTIONS AND EXPENDITURES**

Period end date: **06/04/2020** Filed on: **06/07/2020**

Election Cycle: **2020 COUNTY CANDIDATE 4 YEAR (12/9/2016 - 12/3/2020)**

Candidate Expenditures: **\$0.00**

Committee:	Beginning Balance:	\$0.00	Less Total Expenditures:	\$5,682.39
	Plus Total Contributions:	\$18,576.00	Less Total Loans Repaid:	\$0.00
	Plus Total Loans Received:	\$0.00	Ending Balance:	\$12,893.61

**Campaigns**

Candidate/Committee	Election Cycle	Party Affiliation	Jurisdiction	Office	District	Status
KRISTIN STEPHENS	2020 COUNTY CANDIDATE 4 YEAR (12/9/2016 - 12/3/2020)	Democratic	LARIMER	Commissioner	Commissioner Dist. 2	Active

**Filing History**

Filter By:  **Apply F**

Candidate/Committee	Description	Period Begin	Period End	Due Date	Filed Date	Amended	Status
KRISTIN FOR LARIMER	<a href="#">JUNE 9, 2020 - REPORT OF CONTRIBUTIONS AND EXPENDITURES</a>	10/28/2019	06/04/2020	06/09/2020	06/07/2020 10:58 AM	No	Filed
KRISTIN FOR LARIMER	<a href="#">MAJOR CONTRIBUTOR REPORT</a>	06/04/2020	06/04/2020	06/05/2020	06/05/2020 05:33 PM	No	Filed
KRISTIN STEPHENS	<a href="#">Candidate Affidavit</a>				11/24/2019 09:48 PM	No	Filed
KRISTIN FOR LARIMER	<a href="#">Committee Registration Form</a>				11/24/2019 09:31 PM	No	Filed

**Filings Due**





Colorado Secretary of State  
Elections Division  
1700 Broadway, Ste. 270  
Denver, CO 80290  
Ph: (303) 894-2200 x 6383  
Fax: (303) 869-4861  
www.sos.state.co.us

## REPORT OF CONTRIBUTIONS AND EXPENDITURES

[C.R.S. 1-45-108]

<b>Full Name of Committee/Person:</b>	KRISTIN FOR LARIMER
<b>Address of Committee/Person:</b>	1911 ENFIELD CT.
<b>City, State &amp; Zip Code:</b>	FORT COLLINS CO 80526
<b>Committee Type:</b>	Candidate Committee
<b>Financial Institution:</b>	FIRST NATIONAL BANK
<b>Financial Institution Address:</b>	1101 CENTRE AVE. MALL FORT COLLINS CO 80521
<b>SOS ID NUMBER:</b>	20195037840
<b>Report Type:</b>	JUNE 9, 2020 - REPORT OF CONTRIBUTIONS AND EXPENDITURES
<b>Electioneering Communication:</b>	No

**Reporting Period:** Beginning Date: 10/28/2019 Ending Date: 06/04/2020

**Declared Total Spending** (if applicable):  
[Art. XXVIII, Sec. 4(1)]

\$5,682.39

		Totals Detailed Summary Page
1	<b>Funds on Hand at the Beginning of Reporting Period</b> (monetary only)	\$0.00
2	<b>Total Monetary Contributions</b> (line 11)	\$18,576.00
3	<b>Total of Monetary Contributions &amp; Beginning Amount</b> (line 1 + line 2)	\$18,576.00
4	<b>Total Monetary Expenditures</b> (line 18)	\$5,682.39
5	<b>Funds on Hand at the End of Reporting Period</b> (monetary) (line 3 - line 4)	\$12,893.61

**The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.**

**[Art. XXVIII Sec. 10(2)(a)]**

**Registered Agent:** ANNE WILSECK

**Filed Date:**

06/07/2020

**Candidate:** KRISTIN STEPHENS





## MEMORANDUM

DATE: February 13, 2020  
TO: Mayor Wade Troxell & City Councilmembers  
THRU: Darin Atteberry, City Manager   
FROM: Jeff Mihelich, Deputy City Manager  
RE: Staff Hours Spent on Montava Development

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At the January 14, 2020 City Council Meeting, a request was made for a memo regarding the number of hours City staff spent in preparation for the Montava development. Below is a list of hours spend on the Montava development broken down by service area:

City Manager, Darin Atteberry	40 Hours
City Clerk's Office	96 Hours
Deputy City Manager, Jeff Mihelich	100 Hours
Community Services	340 Hours
Sustainability Services	544 Hour
Utility Services	930 Hours
City Attorney's Office	1,180 Hours
Planning, Development & Transportation	1,870 Hours
<b>Total</b>	<b>5,100 Hours</b>





CITY COUNCIL VOTING RESULTS  
January 7, 2020

Councilmembers Present:	Cunniff, Gutowsky, Pignataro, Summers, Troxell
Councilmembers Absent:	Gorgol, Stephens

ITEM	ACTION
<b>CONSENT AGENDA</b>	
1. Consideration and Approval of the Minutes of the November 19 and December 3, 2019 Regular Council Meetings.	Adopted on Consent 5-0
2. Second Reading of Ordinance No. 148, 2019, Amending Chapters 12, 15 and 20 of the Code of the City of Fort Collins to Update Environmental Codes.	Adopted on Consent 5-0
3. Second Reading of Ordinance No. 149, 2019, Designating the Frank J. Ulrich Property, 516 Laporte Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.	Adopted 5-0
4. Second Reading of Ordinance No. 150, 2019, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.	Adopted on Consent 5-0
5. Second Reading of Ordinance No. 151, 2019, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.	Adopted on Consent 5-0
6. Second Reading of Ordinance No. 153, 2019, Authorizing the City Council to Make Short-Term Appointments to City Boards and Commissions in 2020.	Adopted on Consent 5-0
7. Items Relating to the Fort Collins Police Services Victim Services Unit.	
A. First Reading of Ordinance No. 001, 2020, Appropriating Unanticipated Grant Revenue from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.	Adopted on Consent 5-0
B. First Reading of Ordinance No. 002, 2020, Appropriating Unanticipated Grant Revenue from the Colorado Division of Criminal Justice under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.	Adopted on Consent 5-0
8. First Reading of Ordinance No. 003, 2020, Appropriating Unanticipated Grant Revenue and Authorizing Transfers in the General Fund for the Environmental Services Radon Program.	Adopted on Consent 5-0

ITEM	ACTION
<p>9. Items relating to the 2020 Epic Homes Loan Program.</p> <p>A. First Reading of Ordinance No. 004, 2020, Making Supplemental Appropriations to be Expended as Loans to Utility Services Customers Under the Epic Loan Program.</p> <p>B. First Reading of Ordinance No. 005, 2020, Making a Supplemental Appropriation for the Epic Loan Program from Unappropriated Prior Year Reserves in the Light &amp; Power Fund to Make Debt Service Payments Under the U.S. Bank Line of Credit.</p>	<p>Adopted on Consent 5-0</p> <p>Adopted on Consent 5-0</p>
<p>10. First Reading of Ordinance No. 006, 2020, Making Appropriations for the 2020 Climate Action Plan Mitigation and Resilience Projects and Related Art in Public Places.</p>	<p>Adopted on Consent 5-0</p>
<p>11. Items Relating to the Taft Hill Improvements Project–Horsetooth to Harmony.</p> <p>A. Resolution 2020-001 Authorizing the Execution of Two Intergovernmental Agreements by the City of Fort Collins, One with the Colorado Department of Transportation and One with Larimer County, for the Taft Hill Improvements Project-Horsetooth to Harmony.</p> <p>B. First Reading of Ordinance No. 007, 2020, Appropriating Federal Surface Transportation Block Grant Funds Administered by the Colorado Department of Transportation for the Taft Hill Improvements Project-Horsetooth to Harmony.</p> <p>C. First Reading of Ordinance No. 008, 2020, Appropriating Regional Transportation Capital Improvement Expansion Fees and Authorizing Transfers of Appropriations for the Taft Hill Improvements Project-Horsetooth to Harmony and Related Art in Public Places.</p>	<p>Adopted on Consent 5-0</p> <p>Adopted on Consent 5-0</p> <p>Adopted on Consent 5-0</p>
<p>12. First Reading of Ordinance No. 009, 2020, Amending Certain Sections of Chapter 25 of the Code of the City of Fort Collins to Provide a Sales Tax Exemption for Mobile Homes.</p>	<p>Adopted on Consent 5-0</p>
<p>13. Items Relating to Marijuana Licensing.</p> <p>A. First Reading of Ordinance No. 010, 2020, Amending Chapter 15, Article XVI of the Code of the City of Fort Collins Regulating Medical Marijuana Businesses to Clarify and Align City Code with State Law.</p> <p>B. First Reading of Ordinance No. 011, 2020, Amending Chapter 15, Article XVII of the Code of the City of Fort Collins Regulating Retail Marijuana Businesses to Clarify and Align City Code with State Law.</p>	<p>Adopted on Consent 5-0</p> <p>Adopted on Consent 5-0</p>
<p>14. First Reading of Ordinance No. 012, 2020, Amending Section 23-113 of the Code of the City of Fort Collins to Authorize the City Manager to Approve Subleases of City Property.</p>	<p>Adopted on Consent 5-0</p>
<p>15. First Reading of Ordinance No. 013, 2020, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Property Rights Necessary for Access in Connection with Phase 1 (Permitting and Design) of the Halligan Water Supply Project.</p>	<p>Adopted on Consent 5-0</p>

<b>ITEM</b>	<b>ACTION</b>
16. Resolution 2020-002 Ratifying the Appointment of Corey Radman to the Poudre River Library District Board of Trustees.	Adopted on Consent 5-0
17. Resolution 2020-003 Making Appointments to Various Boards, Commissions and Authorities of the City of Fort Collins.	Adopted on Consent 5-0
<b>ITEMS NEEDING INDIVIDUAL CONSIDERATION</b>	
18. Items Relating to the Montava Planned Unit Development Master Plan and Overlay.	Postponed to January 14, 2020 5-0
19. First Reading of Ordinance No. 015, 2020, Adopting a Development Agreement Extending the Term of Vested Rights for the Montava PUD Overlay and Regarding Certain Terms of Development Within the Montava PUD Overlay.	Postponed to January 14, 2020 5-0
20. Resolution 2020-007 Approving a Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan.	Postponed to January 14, 2020 5-0
21. Second Reading of Ordinance No. 152, 2019, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.	Adopted 3-2 (Nays: Cunniff, Pignataro)
22. Resolution 2020-008 Appointing a Backup Alternate Representative to the North Front Range Metropolitan Planning Council.	Adopted 5-0
Consideration of a motion to adjourn to 6:00 p.m., Tuesday, January 14, 2020.	Adopted 5-0

Meeting Adjourned at 7:22 p.m.





CITY COUNCIL VOTING RESULTS  
January 14, 2020

Councilmembers Present:	Cunniff, Gorgol, Gutowsky, Pignataro, Stephens, Summers, Troxell
Councilmembers Absent:	none

ITEM	ACTION
<b>ITEMS NEEDING INDIVIDUAL CONSIDERATION</b>	
1. Items Relating to the Montava Planned Unit Development Master Plan and Overlay. <ul style="list-style-type: none"> <li>A. Public Hearing and First Reading of Ordinance No. 014, 2020, Approving the Montava PUD Master Plan and Montava PUD Overlay, ODP 180002.</li> <li>B. Resolution 2020-004 Amending the City's Mountain Vista Subarea Plan.</li> <li>C. Resolution 2020-005 Amending the City's Master Street Plan.</li> <li>D. Resolution 2020-006 Amending the City's Parks and Recreation Policy Plan.</li> </ul>	Adopted 5-2 (Nays: Cunniff, Gutowsky)  Adopted 6-1 (Nays: Cunniff)  Adopted 6-1 (Nays: Cunniff)  Adopted 6-1 (Nays: Cunniff)
2. First Reading of Ordinance No. 015, 2020, Adopting a Development Agreement Extending the Term of Vested Rights for the Montava PUD Overlay and Regarding Certain Terms of Development Within the Montava PUD Overlay.	Adopted 5-2 (Nays: Cunniff, Gutowsky)
3. Resolution 2020-007 Approving a Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan	Adopted as amended 7-0

Meeting Adjourned at 1:40 a.m., Wednesday, January 15, 2020.





CITY COUNCIL VOTING RESULTS  
February 18, 2020

Councilmembers Present:	Cunniff, Gorgol, Gutowsky, Pignataro, Stephens, Summers, Troxell
Councilmembers Absent:	None

ITEM	ACTION
<b>CONSENT AGENDA</b>	
1. Consideration and Approval of the Minutes of the January 14, 2020 Adjourned Council Meeting	Adopted on consent 7-0
2. Second Reading of Ordinance No. 021, 2020, Making Appropriations and Authorizing Transfers of Appropriations for the Restorative Justice Services Program.	Adopted on consent 7-0
3. Second Reading of Ordinance No. 022, 2020, Amending Chapter 19 of the Code of the City of Fort Collins Regarding Municipal Court.	Adopted on consent 7-0
4. Items Relating to Updating Certain Minor Code Violations and Related Penalties.	
A. Second Reading of Ordinance No. 023, 2020, Amending the Code of the City of Fort Collins to Reclassify Certain Offenses as Petty Offenses and Update the Potential Monetary Penalty for Code Violations.	Adopted on consent 7-0
B. Second Reading of Ordinance No. 024, 2020, Amending Section 17-102 of the Code of the City of Fort Collins Regarding the Offense of Throwing Missiles.	Adopted on consent 7-0
5. Second Reading of Ordinance No. 025, 2020, Amending Various Sections of the Fort Collins Traffic Code.	Adopted on consent 7-0
6. Second Reading of Ordinance No. 026, 2020, Annexing the Property Known as the Soldier Canyon Pump Station Annexation to the City of Fort Collins, Colorado.	Adopted on consent 7-0
7. Second Reading of Ordinance No. 028, 2020, Annexing the Property Known as the Timberline-International Annexation No. 1 to the City of Fort Collins, Colorado.	Adopted on consent 7-0
8. Second Reading of Ordinance No. 030, 2020, Annexing the Property Known as the Timberline-International Annexation No. 2 to the City of Fort Collins, Colorado.	Adopted on consent 7-0
9. Second Reading of Ordinance No. 032, 2020, Annexing the Property Known as the Timberline-International Annexation No. 3 to the City of Fort Collins, Colorado.	Adopted on consent 7-0
10. Second Reading of Ordinance No. 034, 2020, Amending Chapter 1 of the Code of the City of Fort Collins to Establish Standards for Sentences to Probation and Deferred Judgments and Sentences.	Adopted on consent 7-0
11. Second Reading of Ordinance No. 035, 2020, Appropriating Prior Year Reserves to Purchase Property on North College Avenue for the Affordable Housing Land Bank.	Adopted on consent 7-0

ITEM	ACTION
12. Second Reading of Ordinance No. 036, 2020, Appropriating Unanticipated Grant Revenue and Authorizing Transfers in the Natural Areas Fund for the Club Outdoors Program.	Adopted on consent 7-0
13. First Reading of Ordinance No. 040, 2020, Ratifying City Plan and Its Components and Elements.	Adopted on consent 7-0
14. First Reading of Ordinance No. 037, 2020, Appropriating Unanticipated Philanthropic Revenue in the General Fund and Transferring it to the Capital Projects Fund for the Eastside Park Improvement Project.	Adopted on consent 7-0
15. Items Relating to FLEX Regional Route Operations Grant Revenue.  A. Resolution 2020-019 Authorizing the Execution of an Intergovernmental Agreement between the City and the Colorado Department of Transportation for Transfort FLEX Service.  B. First Reading of Ordinance No. 038, 2020, Making an Appropriation for the Expansion of the Transfort FLEX Service to Boulder.	Adopted on consent 7-0  Adopted on consent 7-0
16. Resolution 2020-020 Authorizing the Execution of Two Intergovernmental Agreements between the City of Fort Collins and the Colorado Department of Transportation for the Award of Settlement Funds.	Adopted on consent 7-0
17. Resolution 2020-021 Approving Fort Fund Grant Disbursements.	Adopted on consent 7-0
18. Resolution 2020-022 Reappointing Lisa D. Hamilton-Fieldman as Temporary Judge and Authorizing the Execution of an Employment Agreement.	Adopted on consent 7-0
19. Resolution 2020-023 Ratifying the Reappointment of Fred Colby and Joe Wise and the Appointment of Jeremy Rose to the Poudre River Library District Board of Trustees.	Adopted on consent 7-0
20. Resolution 2020-024 Making Appointments to Various Boards and Commissions of the City of Fort Collins.	Adopted 7-0
<b>ITEMS NEEDING INDIVIDUAL CONSIDERATION</b>	
21. Public Hearing and Second Reading of Ordinance No. 014, 2020, Approving the Montava PUD Master Plan and Montava PUD Overlay, ODP 180002.	Adopted 6-1 (Nays: Cunniff)
22. Second Reading of Ordinance No. 015, 2020, Adopting a Development Agreement Extending the Term of Vested Rights for the Montava PUD Overlay and Regarding Certain Terms of Development Within the Montava PUD Overlay.	Adopted 6-1 (Nays: Cunniff)
23. Second Reading of Ordinance No. 027, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Soldier Canyon Pump Station Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.	Postponed to March 17, 2020
24. Second Reading of Ordinance No. 029, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 1 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.	Postponed to March 17, 2020

ITEM	ACTION
25. Second Reading of Ordinance No. 031, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 2 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.	Postponed to March 17, 2020
26. Second Reading of Ordinance No. 033, 2020, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Timberline-International Annexation No. 3 to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map.	Postponed to March 17, 2020
27. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, February 25, 2020 for possible executive session.	Adopted 7-0

Meeting Adjourned at 9:31 p.m.