

ORDINANCE NO. 057, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-568 OF THE CODE OF THE CITY OF FORT COLLINS
TO CLARIFY ETHICAL RULES OF CONDUCT TO ADDRESS EMPLOYEE
HOUSING AND PURCHASES FROM THE CITY

WHEREAS, City departments have on occasion found that arranging for an on-site employee at a City property serves important purposes and helps to preserve the property, provide more readily available service to the public or improves the employee's access to a work site; and

WHEREAS, for many years the City's Natural Areas Department has required three employees to live in City-provided houses on Natural Areas' properties as a condition of their employment, to help safeguard and maintain these properties; and

WHEREAS, although such arrangements did not require the employee to pay rent to the City for this housing, over time these arrangements have evolved to include a charge to the employees of approximately 50% of the fair market rental rate for the houses they live in; and

WHEREAS, in evaluating whether requiring employees to pay rent for housing they live in as a requirement of their jobs could be seen as a conflict with Article IV, Section 9(b)(2) of the City Charter, which prohibits employees from purchasing real or personal property from the City except property that is offered for sale on the same terms and conditions to all members of the general public, staff has concluded that such arrangements don't fall within the intended scope of the Charter prohibition; and

WHEREAS, because the City does not intend to offer these houses for rent by the public, and paying for housing would not necessarily be considered a purchase of real property from the City, to confirm Council's expectations related to this issue and to clarify how these kinds of housing arrangements relate to the Charter requirement, staff is proposing this Ordinance to amend Section 2-568 of the City Code regarding ethical rules of conduct to clarify that the Charter prohibition on employees' purchases from the City should not be interpreted and was not intended to apply to employees paying for employee housing provided by the City; and

WHEREAS, the Council has determined that the proposed Code amendment it is in the best interest of the City and its citizens.

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

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

Section 2. That Section 2-568 of the Code of the City of Fort Collins is hereby amended by the addition of a new subsection (a)(14) to read as follows, and the remaining subsections renumbered accordingly:

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:

...

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.

Introduced, considered favorably on first reading, and ordered published this 7th day of April, A.D. 2020 and to be presented for final passage on the 21st day of April, A.D. 2020.

DocuSigned by:
Wade Troxell
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Mayor

ATTEST:

DocuSigned by:
Sylvan Calderon
DA94896740DA4BA...

City Clerk

Passed and adopted on final reading on this 21st day of April, A.D. 2020.

DocuSigned by:
Wade Troxell
F972F432DED1484...

Mayor

ATTEST:

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