

ORDINANCE NO. 003, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF
FORT COLLINS A PROPOSED AMENDMENT TO SECTION 9 OF ARTICLE IV
OF THE CITY CHARTER PERTAINING TO CONFLICTS OF INTEREST
AND CERTAIN PROHIBITED SALES TO THE CITY

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins ("Charter") provides that the Charter may be amended as provided by the laws of the State of Colorado; and

WHEREAS, Section 31-2-210, Colorado Revised Statutes, provides that Charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, during 2016 the Ethics Review Board met several times to review and discuss questions related to conflicts of interest for City officers and employees, culminating in Ethics Opinion 2016-01, which as accepted by the City Council on July 26, with the adoption of Resolution 2016-058; and

WHEREAS, Ethics Opinion 2016-01 included a recommendation that the provision of the Charter prohibiting City officers and employees from having a financial interest in a sale to the City be clarified to eliminate confusion as to scope of certain elements of the prohibition; and

WHEREAS, in particular, the Ethics Review Board and the Council indicated that limitations arising from an officer's or employee's role in directing or supervising the work are triggered by the officer's or employee's role and authority as an officer or employee of the City; and

WHEREAS, accordingly, Council desires to submit to the voters the Charter amendment below making these clarifying changes.

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 the following proposed changes to Section 9(b)(1) of Article IV of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 3" at the regular municipal election to be held on Tuesday, April 4, 2017:

**ARTICLE IV.
GENERAL PROVISIONS**

Section 9. Conflicts of interest.

...

(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.

...

Section 3. That the following ballot title and submission clause are hereby adopted for submitting Proposed Charter Amendment No. 3 to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 3**

Shall Section 9(b)(1) of Article IV of the Charter of the City of Fort Collins, pertaining to conflicts of interest and prohibited sales to the City, be amended to clarify that officers or employees, and their relatives, are prohibited from having a financial interest in a sale to the city if such officer or employee exercises decision-making authority on behalf of the city, or exercises supervisory authority, in his or her role as a city officer or employee, over the services provided?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading, and ordered published this 3rd day of January, A.D. 2017, and to be presented for final passage on the 17th day of January, A.D. 2017.

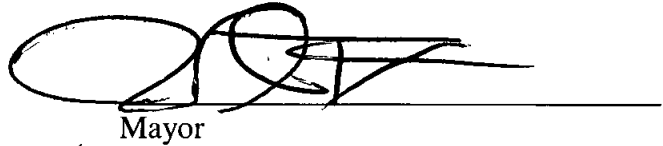
ATTEST:




Mayor

W Winkelman
City Clerk

Passed and adopted on final reading on the 17th day of January, A.D. 2017.


Mayor

ATTEST:

Rita R. Knoll
City Clerk/Chief Deputy

