

ORDINANCE NO. 066, 2025
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 CHARTER
AMENDMENT AMENDING ARTICLE IV OF THE CITY CHARTER
RELATED TO CONFLICTS OF INTEREST

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 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.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. City staff has worked to identify and develop options for specific Charter language to be updated and modernized.

F. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

G. City staff presented various options, including the possible groupings of amendments, to City Council at work sessions held on December 10, 2024, and January 28, 2025.

H. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that modernizes conflicts of interest language to allow a Councilmember to sell real property to the City for reasons beneficial to the City, if certain limitations about declaring a conflict and refraining from involvement in the City decision remain in place.

I. At its January 28, 2025, work session, the Council provided positive feedback to staff in support of considering an ordinance that modernizes conflicts of interest language to allow an employee to lease real property with City Manager approval for reasons beneficial to the City and related to the employee’s job duties.

J. The proposed amendments to Section 9(b)(1) of Article IV allow a Councilmember or Mayor to sell real property at real market value to the City if it’s needed for a City project or public purpose and provided certain limitations about declaring a conflict and refraining from involvement in the City decision remain in place. The City may need to buy specific real property for important public purposes and the Charter currently prohibits any Councilmember from selling property or services to the City with no exceptions.

K. The proposed amendments to Section 9(b)(2) of Article IV allow a City employee to rent property from the City if it is leased to the employee with the City Manager’s approval and related to the employee’s job duties.

L. If there are multiple Charter amendments approved for the November 2025 ballot, the City Council will determine the order of the amendments on the ballot by motion at the April 15 meeting.

M. The Council finds that these proposed revisions to Articles IV of the City Charter, regarding modernizing the conflicts of interest language to allow City officers to sell real property to the City in certain circumstances and allow employees to lease property from the City with City Manager approval, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Article IV, set forth below to the voters for approval at the November 4, 2025, municipal election.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the following proposed changes to Article IV of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE IV. GENERAL PROVISIONS

...

Section 9. Conflicts of interest.

...

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

(1) *Sales to the city.*

a. **Except as provided in subsection b**, 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:

- ai. such officer or employee is a member of the Council;
- bii. such officer or employee exercises, directly or indirectly, any decision-making authority on behalf of the city concerning such sale; or
- eiii. 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.

b. Exceptions to this prohibition include:

- (i) personal services provided to the city as an officer or employee; and
- (ii) the sale of real property at fair market value by a Councilmember or Mayor to the city in the event the city needs a particular real property to carry out city purposes or projects.

(2) *Purchases from the city.* No officer, employee or relative shall, directly or indirectly, purchase any real or personal property from the city, except:

- a. 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; or-
- b. such property as is leased to an employee with City Manager approval for the city's benefit and for purposes related to the employee's job duties.

...

Section 2. That the following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

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

Shall Section 9 of Article IV of the Charter of the City of Fort Collins, regarding conflicts of interest, be amended to:

- Allow City Councilmembers or the Mayor to sell real property to the city if the property is needed for a city project or public use, while retaining all requirements for disclosure and refraining from involvement that otherwise apply in the case of a conflict of interest; and
- Allow City employees to rent property from the city with City Manager approval, if it is for the city's benefit and related to the employee's performance of their job?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 25, 2025

Approving Attorney: Carrie Daggett