

ORDINANCE NO. 158, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 2, ARTICLE VIII, DIVISION 2 OF THE
CODE OF THE CITY OF FORT COLLINS RELATING TO
FINANCIAL DISCLOSURE REQUIREMENTS

A. Under “other business” at its January 21, 2025, City Council meeting, several members of the City Council asked the Ethics Review Board (“ERB”) to review the City’s ethics rules related to financial disclosure requirements. These requirements apply to Councilmember candidates, elected Councilmembers and two appointed employees, the City Manager and the City Attorney.

B. The ERB met on April 7, May 5, June 2 and July 7, 2025. On June 2, 2025, the ERB discussed the City’s current financial disclosure requirements and whether to recommend changes to the requirements.

C. Section 2-636 of the City Code requires the City Manager, the City Attorney, and each City Councilmember who is elected, re-elected, appointed or retained in office, to file a written financial disclosure that conforms to the requirements of Section 2-637 of the City Code by January 10 of each year. It also requires any candidate for the office of City Councilmember to, at the time of acceptance of their nomination by the City Clerk, file a written financial disclosure statement.

D. Section 2-637 of the City Code provides the categories of financial interests that must be disclosed.

E. Section 2-638 of the City Code requires any person subject to the disclosure obligations to, after their election, re-election, appointment or retention in office, file an amended statement with the City Clerk or notify the Clerk in writing that there has been no change in the information shown on the last previous disclosure statement. The statement must be filed on or before May 15 of each calendar year after the year in which their election, re-election, appointment or retention in office occurs.

F. Section 2-639 of the City Code requires the City Clerk to give written notice to each person required to file a disclosure at least 30 days prior to the deadline.

G. Section 2-641 of the City Code permits the filing of a federal income tax return in lieu of filing financial disclosures.

H. During its June 2, 2025, meeting, the ERB reviewed and considered the financial disclosure requirements of other Colorado home rule municipalities, including Arvada, Aurora, Colorado Springs, Denver, Louisville and Loveland. The state of Colorado disclosure requirements were also considered. Staff noted that many Colorado municipalities’ financial disclosure requirements are identical to the City’s or there are no such requirements.

I. The ERB agreed to recommend that an interim City Manager and interim City Attorney must also file financial disclosures. The change is implemented through an amendment to Code Section 2-636.

J. In its current form, Code Section 2-637 requires that a person subject to the rule report the legal description of any real property interest owned by the person making the disclosure or such person's spouse. It also requires a report of any financial interest in any business entity if valued at greater than ten thousand dollars. Another subsection of Code Section 2-637 requires the person subject to disclosure obligations to provide a list of businesses with which the person or their spouse is associated that do business with or are regulated by the City and the nature of such business or regulation. The ERB agreed to recommend that, for each of these requirements, only those properties or interests geographically located within the Growth Management Area should be included because only those within the Growth Management Area are affected by City Council decisions. These changes are implemented through amendments to Code Section 2-637.

K. A person subject to existing disclosure requirements must report a financial interest with a value more than ten thousand dollars. This provision was made effective in 1972. Today's equivalent to ten thousand dollars in 1972 is approximately seventy-seven thousand dollars. A person subject to existing disclosure requirements must also report the name of each creditor to whom the person owes more than ten thousand dollars. The ERB agreed to recommend that the dollar amount shift to twenty-five thousand dollars.

L. The ERB also recommends an amendment to Code Section 2-637 that adjusts the dollar amounts included in the financial disclosure requirements based on the percentage change over a one-year period in accordance with the applicable Consumer Price Index.

M. The proposed amendment to Code Section 2-639 removes the language that the City Clerk "shall" provide written notice to each person required to file a disclosure at least 30 days prior to the deadline and replaces it with "will".

N. The ERB also recommends eliminating the provision in Code Section 2-640 that permits a person subject to existing disclosure requirements to file a federal tax return in lieu of complying with the provisions of §§ 2-636, 2-637 and 2-638.

O. The proposed amendments to City of Fort Collins Charter Chapter 2, Article VIII, Division 2 will allow Councilmembers, the City Manager, and the City Attorney to know which financial interests must be reported which will in turn offer more transparency for the public.

P. The City Council wishes to amend Code Sections 2-636 through 2-641 to provide clarity around the categories of financial interests that must be disclosed.

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. Section 2-636 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-636. Financial disclosure required.

- (a) Any candidate for the office of City Councilmember shall, at the time of filing their acceptance of nomination with the City Clerk, file with the City Clerk a written disclosure statement that conforms to the requirements of § 2-637. ~~Such a written disclosure statement shall also be filed with the City Clerk by the City Manager and the City Attorney not later than thirty (30) days after their appointment, and then each subsequent year in office no later than January 10.~~
- (b) Each member of the City Council who is elected, re-elected, appointed or retained in office shall also file such a written disclosure statement with the City Clerk not later than January 10 next after their election, re-election or appointment, and then each subsequent year in office no later than January 10.
- (c) If an elected, re-elected, appointed or retained person's reportable finances subject to these requirements changes in the intervening time between the date the disclosure statement is filed and January 10, they must update the disclosure statement by January 10.
- (c) The City Manager and City Attorney, including those appointed on an interim basis, must also file a written disclosure statement with the City Clerk no later than thirty (30) days after their appointment, and then each subsequent year in office no later than January 10.

Section 2. Section 2-637 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-637. Requirements.

- (a) Financial disclosure shall include:
 - (1) ~~Excluding compensation from the City,~~ The source or sources of any income, including capital gains whether or not taxable of the person making disclosure and such person's spouse;
 - (2) ~~Any financial interest in~~ direct or indirect investment or interest, including stock investment, in any business located or doing business within the growth management area with a value in excess of ~~ten~~ twenty-five thousand dollars (\$10,000 ~~25,000~~) ~~in any business entity;~~
 - (3) The legal description of any interest in real property located within the growth management area owned by the person making disclosure or such person's spouse;

- (4) The identity by name of all offices and directorships held by the person making disclosure and such person's spouse;
 - (5) The name of each creditor to whom the person making disclosure or such person's spouse owes money in excess of ~~ten~~ **twenty-five** thousand dollars (\$~~10,000~~**25,000**);
 - (6) A list of businesses **located or doing business within the growth management area** with which the person making disclosure or such person's spouse are associated that do business with or are regulated by the City and the nature of such business or regulation;
 - (7) Such additional information as the person making disclosure might desire.
- (b) Effective each January beginning in 2027, for all subsequent disclosures, the amounts identified in subsection (a)(2) and (5) will be adjusted based upon the percentage change over a one-year period in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood, all urban consumers, or its successor index, rounded to the nearest thousand dollars (\$1,000).**

Section 3. Section 2-639 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-639. Notice.

To assist with compliance, but not as a condition of the obligation to comply with the disclosure requirements, ~~The City Clerk~~ **will** ~~shall~~ give written notice to each person required to make disclosure at least thirty (30) days before such disclosure is required to be filed.

Section 4. Section 2-640 of the Code of the City of Fort Collins is hereby deleted in its entirety.

~~Sec. 2-640. Federal income tax alternative.~~

~~Any person subject to the provisions of this Division may elect to file with the City Clerk annually a copy of such person's federal income tax return and any separate federal income tax return filed by such person's spouse together with a statement of any investments held by such person or such person's spouse which are not reflected by the income tax returns in lieu of complying with the provisions of §§ 2-636, 2-637 and 2-638 which tax return and any statement filed under the provisions of this Section shall be public information.~~

Section 5. Section 2-642 of the Code of the City of Fort Collins is renumbered to Section 2-641 as follows:

Sec. 2-6421. Penalty.

Any person who willfully files a false or incomplete disclosure statement, amendment or notice that no amendment is required or who willfully files a false or incomplete copy of any federal income tax return or a false or incomplete certified statement of investments or who willfully fails to make any filing required by this Division shall be guilty of a violation of the Code punishable as a misdemeanor, and shall upon conviction be punished by a fine not to exceed the limits established in § 1-15.

Section 6. The changes to Section 2-637 of the Code of the City of Fort Collins shall go into effect January 1, 2026.

Introduced, considered favorably on first reading on September 16, 2025, and approved on second reading for final passage on October 7, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: October 17, 2025

Approving Attorney: Jenny Lopez Filkins

Exhibit: None