

State of Colorado



Sarah Mercer, *Chair*
Daniel Wolf, *Vice-Chair*
Lori Laske, *Commissioner*
Cyril Vidergar, *Commissioner*

Dino Ioannides, *Executive Director*

Independent Ethics Commission
1300 Broadway, Suite 240
Denver CO 80203
Phone: (720) 625-5697
iec.colorado.gov

Advisory Opinion 25-01 (Running for Office)

Summary: Under the facts and circumstances of this request, it would not be a violation of Article XXIX or the statutory standards of conduct for Requestor to run for a city council position while employed by the county.

I. Jurisdiction

Requestor is an employee of Larimer County, Colorado. He is in an executive, appointed position that reports directly to the County Manager. As a county employee, Requestor is subject to the IEC's jurisdiction and the provisions of Article XXIX of the Colorado Constitution pursuant to Section 2(1) of that article.

Any person who is subject to the IEC's jurisdiction may submit an advisory opinion request concerning whether their conduct would constitute a violation of Article XXIX, or any other standards of conduct or reporting requirements as provided by law. Colo. Const. art. XXIX, § 5(5). The Commission considers such requests pursuant to the provisions set forth in IEC Rule 3.

II. Factual Background

In his current role, Requestor advises the County Manager and the Board of County Commissioners on budget and finance matters, but does not have approval authority. He wishes to run for a councilmember position with the Fort Collins City Council, a part-time, compensated position that would take place outside of his regularly scheduled duties as a county employee. Requestor's supervisor and the county commissioners do not oppose Requestor's candidacy for City Council, so long as it does not impact his position with the county.

Requestor's specific duties and authority with the county include making purchases up to \$150,000, amending the county's current budget to reflect the receipt of grant revenue and associated expenses, and advising the Board of County Commissioners on budget and finance issues. Those budget issues that may involve the City of Fort Collins include: Land sales or swaps, land purchases, joint facility construction, modification of urban renewal plans, and intergovernmental agreements.

Requestor is also aware of a specific, ongoing conflict between the city and county—the approval of an Intergovernmental Agreement between the county and Fort Collins’s Urban Renewal Authority, related to development and financing plans and property tax diversion agreements. All members of the Fort Collins City Council sit on its Urban Renewal Authority board and thus vote on the Intergovernmental Agreement with the county. In Requestor’s current role, he prepares the analysis of the Intergovernmental Agreement and presents his findings to the Board of County Commissioners. Requestor expects that, if elected to the City Council, he would delegate the analysis to a subordinate or recuse himself from the vote.

III. Applicable Law

Section 3(2) of Article XXIX of the Colorado Constitution provides in relevant part:

No ... government employee... shall solicit, accept or receive any gift or other thing of value having ... a fair market value... greater than [\$75.00]¹ in any calendar year...”

Section 24-18-104 of the Colorado Revised Statutes has a similar prohibition on gifts of “substantial value” that “would tend improperly to influence a reasonable person in his [or her] position to depart from the faithful and impartial discharge of his [or her] public duties.” The statutory gift ban tracks the amount of the gift limit in Article XXIX, as periodically adjusted for inflation. § 24-18-104(5), C.R.S.

Title 24, Article 18 of the Colorado Revised Statutes sets forth ethical standards of conduct for state and local employees and public officials. Those statutes set forth rules of conduct and proscribe conflicts of interest. Section 24-18-109, C.R.S., in particular, provides detailed guidance to local government employees and public officials regarding conflicts of interest.

IV. Discussion

As an initial matter, the Commission does not believe the relevant provisions of Colorado law prevent Requestor from running for office or holding that office if elected. As with any outside employment, Requestor’s ability to perform the duties of both positions is between Requestor and Larimer County. Requestor does not present any facts indicating that he will receive improper gifts as a result of seeking, and potentially being elected to, office as a city councilmember. Requestor states that he would not be in a position to receive any kind of reward or remuneration for voting on the City Council in a way that disadvantages the county.

However, there is a risk that Requestor’s dual roles will present conflicts of interest on matters involving both the city and county, particularly the Intergovernmental Agreement between Larimer County and Fort Collins’s Urban Renewal Authority. In those instances, Requestor must recuse from the matter if it falls within any of the areas outlined in Title 24, Article 18, and should consider recusing if participation in the matter would raise an appearance of impropriety.

¹ The gift ban limit is periodically adjusted for inflation and is currently set at \$75.00. See Position Statement 23-01.

In particular, if a matter advantaging the city would disadvantage the county, Requestor should not participate in that matter, either on behalf of the county or on behalf of the city. The Commission is also concerned that, in his county role, Requestor intends to delegate matters on which he has a conflict to subordinates whom he supervises. Given his supervisory role, such delegation would not alleviate concerns that Requestor could influence matters on which he has a conflict of interest.

The holding of public office or public employment is a public trust, and a public official or employee should carry out their duties for the benefit of the people of the state. Therefore, Requestor should be careful to avoid conflating his roles and should never work on city business during his normal working hours for the county. *See, e.g.*, Complaint 14-16. Requestor should also ensure that seeking office would not compromise his impartiality in performing his job for the county. *See* Advisory Opinion 19-05.

The Commission declines to speculate regarding other hypothetical conflicts, and recommends that Requestor seek legal counsel and/or submit another advisory opinion request if he is elected to the City Council and specific conflicts arise. Because Fort Collins has its own ethics code and requirements for city councilmembers, Requestor should check with the city attorney to determine whether and how the city's restrictions may apply to him running for and potentially holding office on the City Council while being employed by Larimer County. The Commission also declines to comment on the propriety of Requestor seeking endorsements from county commissioners or other county elected officials, as the Commission does not have jurisdiction over any statutory standards of conduct involving political campaigns.

This request presents a different scenario than when public employees pursue employment with private corporations with which they interact in their public capacities, and there is less of a likelihood that Requestor will use confidential information acquired in his county employment to advantage the city of Fort Collins, or vice versa. *See, e.g.*, Advisory Opinion 19-05; § 24-18-104(1)(a), C.R.S. However, in representing both entities, Requestor may encounter more conflicts than if he were representing only one entity. *See* § 24-18-103, C.R.S. Requestor should take steps to mitigate such conflicts when they arise. *See* § 24-18-103(2), C.R.S.

V. Conclusion

Under the facts and circumstances of this request, it would not be a violation of Article XXIX or the statutory standards of conduct for Requestor, as a county employee, to seek election to the Fort Collins City Council or to hold that office if elected.

The Commission cautions that this opinion is based on the specific facts presented herein, and that different facts could produce a different result. The Commission encourages individuals with particular questions to request more fact-specific advice through requests for advisory opinions and letter rulings related to their individual circumstances.

The Independent Ethics Commission

Sarah Mercer, *Chair*

Daniel Wolf, *Vice-Chair*

Lori Laske, *Commissioner*

Cyril Vidergar, *Commissioner*

Dated: July 25, 2025