

ORDINANCE NO. 169, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 2, ARTICLE III OF THE CODE OF THE  
CITY OF FORT COLLINS TO UPDATE EX-OFFICIO MEMBER  
PROVISIONS FOR VARIOUS BOARDS AND COMMISSIONS

WHEREAS, the City has numerous boards and commissions, created by the City Council by ordinances, that perform a wide range of functions, including advising City Council and City staff on areas of particular knowledge or expertise; and

WHEREAS, on November 15, 2022, the City Council adopted Resolution 2022-122 creating an ad hoc committee on boards and commissions (“Committee”) to consider and make recommendations to improve efficiency and consistency of board and commission processes and reduce barriers to participation; and

WHEREAS, on July 19, 2023, at its final meeting, the Committee recommended to City Council several changes to the composition and functions of several advisory boards, and eliminating most one-year board member terms; and

WHEREAS, the City Council’s discussion included ex-officio membership on City boards and commissions; and

WHEREAS, an ex-officio member is an individual who serves as a non-voting member on a board or commission because of a position they hold with a non-City organization; and

WHEREAS, the Committee recommended allowing an ex-officio representative from the Housing Catalyst to serve on the Affordable Housing Board; and

WHEREAS, during its August 8, 2023, work session, City Councilmembers expressed interest in adding an ex-officio Housing Catalyst staff member to the Affordable Housing Board because of their relevant knowledge and expertise; and

WHEREAS, current City Code provisions describing the membership of the Women’s Advisory Board include ex-officio members from Colorado State University and Larimer County; and

WHEREAS, on September 19, 2023, City Council adopted Ordinance No. 118, 2023, changing the name, functions and composition of what had been the Women’s Advisory Board to the Women and Gender Equity and Advisory Board, effective January 1, 2024; and

WHEREAS, effective January 1, 2024, the membership of the Women and Gender Equity and Advisory Board will not include ex-officio members; and

WHEREAS, during its October 24, 2023, work session, Councilmembers expressed interest in uniformity and consistency in determining which boards or commissions will be allowed to include ex-officio members; and

WHEREAS, the Council work session provided input to staff about criteria to considered in determining whether a board or commission's membership should include an ex-officio members or members; and

WHEREAS, City staff has developed assessment tools and indicators for the City Council to consider in deciding whether to allow ex-officio membership on a City board or commission; and

WHEREAS, the assessment tools and indicators include whether the non-City organization has and could lend relevant regional expertise, knowledge or experience to a City board or commission through an ex-officio member, whether the non-City organization is nonpartisan, governmental or a quasi-governmental entity; whether the organization includes members or employees who are experts in areas that fall within the functions of the relevant board or commission, whether the expertise or knowledge is needed on an ongoing basis, and whether the work of the other entity aligns with the board or commission's functions; and

WHEREAS, other factors that may apply include whether the City and the organization are parties to an intergovernmental agreement, whether the City has a financial tie to the organization and whether a City Councilmember serves as a liaison or board member of the organization; and

WHEREAS, during the October 24, 2023, work session, Councilmembers expressed interest in eliminating all current ex-officio members from City boards and commissions; and

WHEREAS, during the October 24, 2023, work session, Councilmembers encouraged City staff to work with boards and commissions to provide input to City Council about ex-officio membership through their annual work plan process and bring forth a recommendation for ex-officio membership if appropriate; and

WHEREAS, the Art in Public Places Board and the Water Commission membership currently includes ex-officio members and the City Council is interested in amending the Code to eliminate the ex-officio members until such time as the City Council may amend the Code to allow ex-officio membership on this board or commission using the process described above; and

WHEREAS, the City Council finds that the proposed changes to the City Code are in the best interests of the City and its residents.

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 2-102 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-102. - Affordable Housing Board.**

(a) The City shall have an Affordable Housing Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members. In connection with the solicitation, consideration, and appointment of members to the Board, the City Council may give preference to and consider an applicant's experience or training in, or familiarity with, affordable housing issues, including, without limitation, issues pertaining to development, finance, lending, charitable and low-income services, and general community services. It is also desirable that at least one Board member be a current or former resident of affordable housing. **In addition to the seven (7) Board members appointed by the City Council, the Housing Catalyst may appoint a representative to serve as an ex officio nonvoting member to the Board. Such Housing Catalyst appointee shall not be subject to any residency requirement, nor shall the ex-officio member be considered in determining whether a quorum is present.**

(b) The duties and functions of the Board shall be:

(1) To advise the City Council and City staff on all matters pertaining to affordable housing issues of concern to the City;

(2) To advise and make recommendations to City staff, the Human Services and Housing Funding Board, and the City Council concerning the expenditure of City funds for affordable housing;

(3) To aid and guide the development of City-wide affordable housing programs to address currently existing and potential affordable housing issues;

(4) To promote citizen participation and public education on City-wide affordable housing issues; and

(5) To be aware of and coordinate with the various other City boards, commissions and authorities, City departments, and other organizations and entities whose actions may affect affordable housing in the community.

Section 3. That Section 2-143 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-143. - Art in Public Places Board.**

(a) The City shall have an Art in Public Places Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members. Three (3) of the Board members shall be arts professionals. For the purpose of this Section, arts professional shall mean a person who has either a degree in a visual arts related field and/or extensive professional experience in the visual arts. Upon the request of the City Council, the Cultural Resources Board shall recommend to the City Council arts professionals for appointment to the Board. ~~A member of the Cultural Resources Board shall serve as an ex officio liaison to the Board.~~

(b) The Board shall have the following functions:

(1) To advise and make recommendations to the City Council regarding incorporation of works of art into construction projects and regarding expenditures from the art in public places reserve account for artists, works of art and sites for placement of works of art, following established and published guidelines;

(2) To advise and make recommendations to the City Council regarding the acceptance of offers to donate art to be placed in public areas and regarding the site for placement of such donated art; and

(3) To advise and make recommendations to the Director of Community Services and the City Council as to rules, regulations, guidelines, policy, administrative and budgetary matters pertaining to the art in public places program.

Section 4. That Section 2-178 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-178. - Water Commission.**

(a) The City shall have a Water Commission, hereafter referred to in this Section as the "Commission." The Commission shall consist of nine (9) members.

~~(b) The County Board of Commissioners may appoint a representative of the County's Public Works Department to serve as an ex officio member to act as liaison to the Commission, who shall represent the County in coordination by the City and County of stormwater management matters. Such ex officio member shall not have voting privileges on matters coming before the Commission, and may be excluded from any executive session of the Commission. Such ex officio member shall serve for an indefinite duration; however, such appointment may be terminated by action of the City Council or the County Board of Commissioners, or upon resignation of the member.~~

(b) The general purposes of the Commission shall be to advise the City Council in matters pertaining to water, wastewater and stormwater utility policy issues and to act as a quasi-judicial body relating to certain matters. The Commission shall have the following functions:

(1) To advise the City Council regarding water rights planning, acquisition and management; service and development fees; water rental rates; annual budgets; service area delineation; master planning; development and design criteria; water conservation; public information and education; drought emergency; regulatory issues; water quality issues; and local, state and federal legislation;

(2) To act as a quasi-judicial body relating to floodplain regulation variances, stormwater fee disputes, and storm drainage design criteria variances;

(3) To provide advice and citizen input regarding proposed policies and actions affecting the customers of the water, wastewater and stormwater utilities;

(4) To advise the City Council regarding other water-related policy issues pertaining to environmental and recreational uses of water, regional and state water issues and projects and obligations to Fort Collins citizens outside of the water utility service area;

(5) To make recommendations to the City Council concerning stormwater facilities in the City, including the appropriate division of the City into separate drainage basins. These basins shall separately fund the stormwater facilities to be installed to serve each basin. The Commission shall recommend the facilities needed for each basin to provide adequate stormwater drainage in the basin. Such recommendations shall include the following for each drainage basin:

a. The facilities to be installed;

b. The time and schedule for installation of facilities;

c. The method of assessing costs of facilities to be installed against property in the basin; and

d. The portion of the cost of facilities to be funded by the property in the basin and the portion, if any, of such cost which should be paid by the City as a whole;

Before making a recommendation for any stormwater project, the Commission shall analyze the project and compare the total benefits to be achieved with the anticipated cost of the project. Projects shall be recommended if the analysis indicates that the total benefits are greater than the cost of the project;

(6) To review and make recommendations to the City Council on a master drainage plan to be developed for stormwater facilities by the City administration, with such recommendations to include proposed methods of funding any master drainage plan as finally approved;

(7) To consider all variances and appeals from the application of the provisions of the provisions of Chapter 10 of this Code, Flood Prevention and Protection;

(8) To hear the petition of any owner or owners of property in the City who dispute the amount of the stormwater utility fee or stormwater basin fee made against such owner's property or who dispute any determination made by or on behalf of the City pursuant to and by authority of Chapter 26, Article VII of this Code and shall make such revision or modification of such charge or determination as it shall deem appropriate in accordance with § 26-520;

(9) To make recommendations to City Council regarding policy or technical matters related to stormwater management. The Commission shall make comments on policy items prepared by other City departments; and

(10) To hear the petition of any owner or owners of property in the City who dispute or seek a variance in the City's "Storm Drainage Design Criteria and Construction Standards."

(c) Final decisions of the Commission under Subsections (b)(7), (b)(8) and (b)(10) shall be subject to the right of appeal to the City Council as set forth in § 2-46 et seq.

Section 5. That the revisions to the City Code set forth in this Ordinance will go into effect on January 1, 2024.

Introduced, considered favorably on first reading and ordered published this 5th day of December, 2023, and to be presented for final passage on the 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 19th day of December, 2023.

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Mayor

ATTEST:

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City Clerk