

Ad Hoc Committee on Boards and Commissions Recommendations

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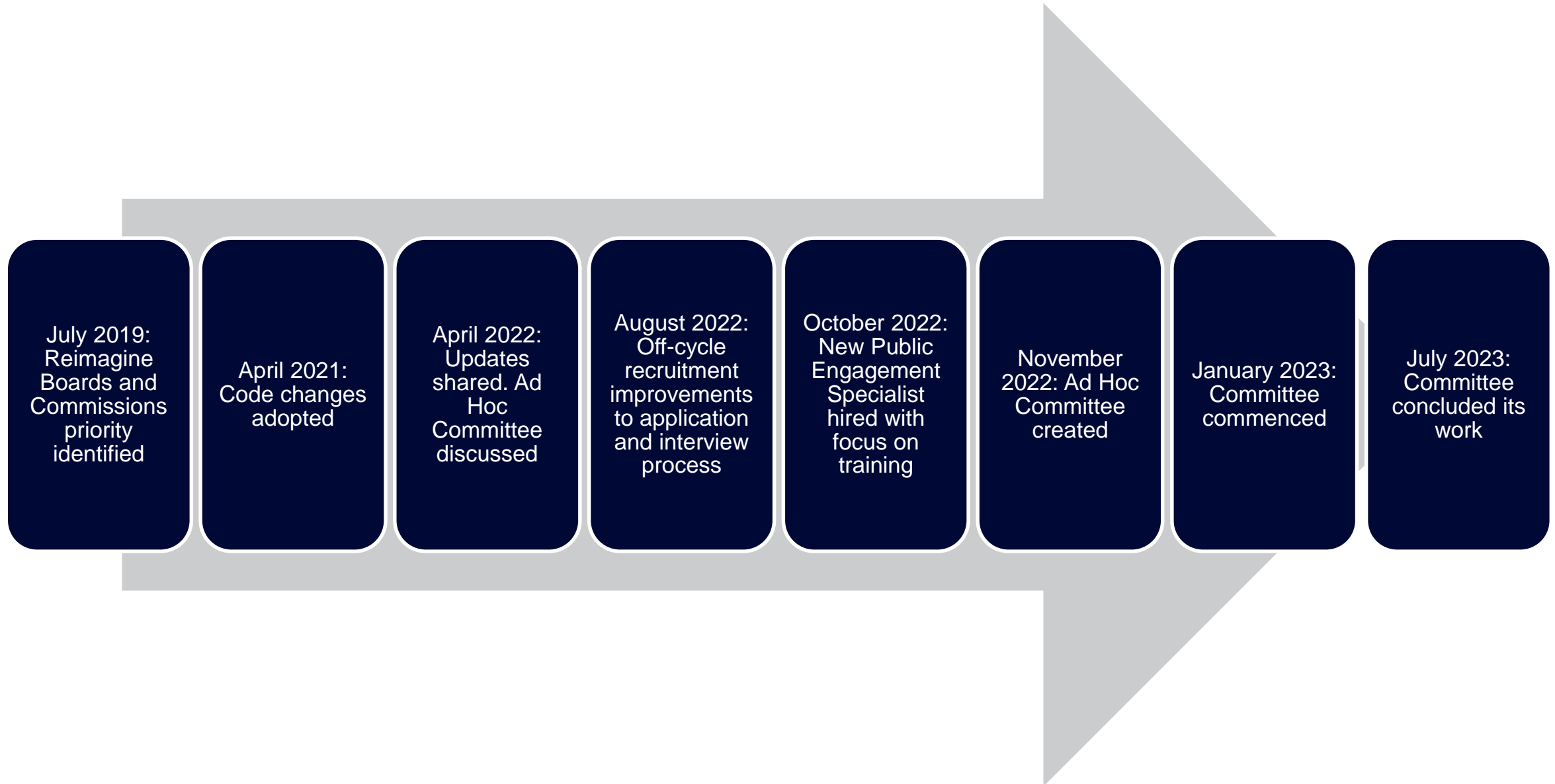
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What feedback does Council have about the administrative recommendations of the Ad Hoc Committee on Boards and Commissions?



- In November 2022, Res. 2022-122 established an Ad Hoc Committee on Boards and Commissions
 - New Public Engagement Specialist role to focus on providing more support to board and commission members, staff liaisons, applicants, including onboarding and training
 - Intention to begin work in December 2022 and make recommendations by July 2023 to allow time for Council to act on the recommendations and, if needed, for staff to implement changes and communicate to the public prior to the start of the annual recruitment process
 - Committee members will receive a compiled list of recommendations that have been submitted from board members, Councilmembers, and the general public
 - Make recommendations to improve the efficiency and consistency of processes and reduce barriers to participation on boards and commissions

Mayor Pro Tem Emily Francis and Councilmembers Tricia Canonico and Julie Pignataro were appointed to serve as Committee members. Councilmember Kelly Ohlson served as the alternate.

- Purpose: Boards and Commissions are established for the purpose of acquiring and studying information in specific areas and to make recommendations to City Council on issues within the board's area of expertise.
- 23 Boards and Commissions Total
 - Six Quasi-Judicial, Thirteen Type 1, Four Type 2
- Type 1 and Type 2 members have 1, 2, and 4-year terms and consist of either 7 or 9 members

	1 year term	2 year term	4 year term
7-member board	1	2	4
9-member board	2	3	4

- A person can serve on only 1 board unless it is a temporary committee
- No member is allowed serve more than two consecutive terms. A term includes the balance of an unexpired term served by a person appointed to fill a vacancy if such unexpired term exceeds 12 months

Advisory Boards - Type 1	Advisory Boards - Type 2	Quasi-Judicial Commissions
<p>Type 1 advisory boards make recommendations to the City Council and City staff on particular areas of knowledge or expertise. Recommendations made by advisory boards are formal board action to advise the City Council on items and subjects that are on the boards' approved workplans. These recommendations are limited to advisement and are not policy decisions.</p>	<p>In addition to serving an advisory function to the City Council and City staff, the assigned functions of Type 2 advisory boards give them the authority to make decisions on certain matters specified in the City Code. These decisions then serve as formal recommendations to City Council or City staff for their consideration and adoption.</p>	<p>Quasi-judicial commissions are non-judicial bodies that use formal procedures to objectively determine facts, interpret the law, and draw conclusions to provide the basis of an official action. Decisions of quasi-judicial commissions are subject to appeal to the City Council or the courts.</p>
<ul style="list-style-type: none"> • Affordable Housing Board (7 members) • Air Quality Advisory Board (9 members) • Disability Advisory Board (9 members) • Economic Advisory Board (9 members) • Energy Board (9 members) • Golf Board (7 members) • Land Conservation and Stewardship Board (9) • Natural Resources Advisory Board (9) • Parks and Recreation Board (9 members) • Senior Advisory Board (9 members) • Transportation Board (9 members) • Youth Advisory Board (btwn 5-9 members) • Women's Advisory Board (9 members) 	<ul style="list-style-type: none"> • Art in Public Places Board (7 members) • Citizen Review Board (7 members) • Cultural Resources Board (7 members) • Human Services and Housing Funding Board (9) 	<ul style="list-style-type: none"> • Building Review Commission (7 members) • Historic Preservation Commission (9) • Human Relations Commission (9) • Land Use Review Commission (7) • Planning and Zoning Commission (7) • Water Commission (9 members)

- Lack of support for board members and staff liaisons
- Lack of communication with Council liaisons on emerging issues
- Need to evaluate structural issues with some boards
- Lack of consistency in how boards and commissions are providing input and recommendations to Council
- Lack of understanding from boards members as to their functions and authority vs Council's functions and authority
- Desire of board members to contribute more meaningfully
- Lack of established processes to help Council make decisions on requests



Administrative Changes

Recommendations to Recruitment Timing

- Recruitment timing:
 - Due to elections moving from April to November on odd years, re-evaluation is needed as to when recruitment should take place.

	Application Opens	Interviews	Council appointment	Term begins
Current	September	October	November	January
Recommendation	Dec 1-Jan 30	Mid-February	March	April 1

- The goal is to do one annual recruitment unless there is a need for a special recruitment due to quorum issues. For 2023 only, a special recruitment was held in April to fill current vacancies with terms starting in July 2023.
- **Similar to Council, the recommendation is to adjust current board member terms for an additional 3 months until March 31 of the year their term expires.**
 - For example, a term that was set to expire on December 31, 2024 will need to be extended to expire on March 31, 2024.*

Recommended Change to Interview & Application Process

- Problem identified: Need to increase communication with staff liaison to understand gaps in knowledge of what the board does and reduce interview time commitment
- Two Councilmembers will continue to interview and will invite staff liaison into the room to observe. Council liaisons will also have the option to meet with staff liaison before interviews as well to debrief on board's activities.
- Application improvements:
 - Advertise general time frame of interviews with application release
 - Policy for no show to interview applicants
 - Ensure that current board members resign if they want to apply for a different board (already part of code)
 - Verify workload for each board to include as part of application and interview process
 - Added question – “have you applied for this board before”
 - Added question – “how many hours are you willing to contribute to the board”
 - Continuous improvement to Council summary sheets

Other Administrative Changes

- Improvements to board and commission orientation
- Provide training for board chair (how to conduct a meeting, de-escalation training, etc.)
- Added a subscription so that interested residents are notified when an application is open
- Conduct exit interviews for board members, especially for those members that leave before their term expires
- Pulse surveys to be conducted prior to annual recruitment
- High level annual review to be conducted and results shared with Council prior to annual recruitment

- Advertising on City website (Press Release and Spotlight), Social Media (Facebook and Instagram), and Newspaper
- Outreach efforts to the Poudre School District and Colorado State University.
- Outreach efforts to cultural organizations such as the Cultural Enrichment Center of Fort Collins and Heart and Sol
- Collaboration with CPIO to create new posters
- Collaboration with IT to improve website and boards and commission pages
- Informational Sessions to inform the public on what being a board or commission member entails
- Collaborate with Housing Catalyst to meet its needs

What happens when the ad hoc committee concludes its work?

1) The request for board sunset/repurpose or new board can come from a variety of sources:

- Board chair or Board member(s)
- Staff liaison
- Department Director
- Community member
- Public Engagement Specialist
- City Manager
- Councilmember(s)

2) For a new board: CCO coordinates with the requester to answer: What is the need, purpose? What would the new board's scope of work and goals be? Is this a 7- or 9-member board?

For the sunset or repurpose: CCO coordinates with the requester to provide reasons

3) Staff provides the information to Council via a memo

4) Council may give direction to staff to proceed with evaluation process under Other Business

5) Staff will run the request through a series of questions, collect data, and provide options and/or recommendations to Council during a work session for Council's consideration



Code Changes and Resolution Considerations

1-year Terms – via Ordinance

- Recommendation to revise City Code to eliminate all one-year terms from Type 1 and Type 2 boards

Type 1 & 2 boards – 7 members

- 4 members with 4-year terms
- 2 members with 2-year terms
- 1 member with 1 year term

Type 1 & 2 boards – 9 members

- 4 members with 4-year terms
- 3 members with 2-year terms
- 2 members have 1-year term

RECOMMENDATION

- 4 members with 4-year terms
- 3 members with 2-year terms

RECOMMENDATION

- 5 members with 4-year terms
- 4 members with 2-year terms

Joint Meeting Language – via Ordinance

- *Problem to solve: provide more flexibility for boards to meet together*
- Section 2-72. Open meetings required; exceptions; joint meetings
- (d) Two or more board or commissions, committees of boards or commissions, or representatives from each such board, commission or committee may hold a joint meeting if the subject of the meeting specifically relates to **the functions of** ~~an item or project in the work plan~~ each participating board or commission, or if the City Manager or **council liaison(s)** ~~City Council~~ has approved the joint meeting

Anti-Discrimination and Anti-Harassment Policy – via Resolution



- Recommendation to rename from Respectful Workplace Policy
- Still covers City Council and those that they appoint
- Violations as it relates to discrimination, harassment, and retaliation against protected classes
- Clarification around “Complaint Contact”
- Definition of harassment revised to comply with the new Protecting Opportunities and Workers’ Rights (POWR) Act that went into effect August 7, 2023
- Describes what constitutes a violation of the policy
- Not necessary for a complaining party to be a member of a protected characteristic to file a complaint
- Changes to screening process – it is recommended that this be handled by Equity Office
- Recommended that annual reporting and review conducted by Assistant City Manager rather than Human Resources Executive
- One additional example added: A City Manager receives an unfavorable, unjustified pay decision because she is disabled.

More changes to ADAHP may be necessary as courts and DOL interpret the POWR Act

- Result of several interpersonal issues that have risen on boards and commissions but did not fall under the Respectful Workplace Policy or in violation of ethical provisions in the City Charter, City Code or State provisions (which would be covered under Ethics Review Board)
- Covers violations of standards of behavior for both board members and City Council
 - Uphold the standards of integrity and honesty, including using true and accurate evidence and/or statements in the decision-making process, and making decisions based on the best interest of the city and its residents.
 - Avoid all *ex parte* communications (communications with others about a pending issue including communication with City staff) about quasi-judicial matters.
 - Make decisions based on the merits of the issue, while treating all persons and decisions in a respectful and equitable manner, and committing to conducting business in a way that exemplifies transparency and open communication.
 - Respect the legitimacy and authority of decisions that have been finalized – regardless of personal position on the matter.
 - Strive to represent the official policies and positions of their board or commission when serving in the member role.
 - Members of quasi-judicial commissions must avoid personal involvement in communications, activities or events relating to any application or project proposal that may come before their commission for a decision. This is to preserve the ability of members to perform their duties in these important roles without partiality or bias.

Code of Conduct Complaint Process – to be Added to City Code



- Applies to both board and commission members and Council liaisons
- Complaint to be filed with City Clerk's Office
- Complaint must be filed within 12 months of the alleged violation
- CCO notifies the City Manager's Office, the member named in the complaint, City Council and the City Attorney
- City Attorney reviews the complaint to determine if the scope of the allegation falls under Code of Conduct and warrants investigation
- If an investigation is warranted, City Attorney or outside counsel shall conduct the investigation
- After investigation is complete, City Attorney will issue written findings of fact and conclusion of law to City Council

For consideration: Is there feedback on changing "Code of Conduct" to "Conduct Standards" to avoid confusion with the "Municipal Code"?

- If violation is sustained against a board or commission member, City Council can take formal action to do any one or more of the following:
 - Issue verbal or written direction to cease the problematic conduct
 - Direct or encourage corrective training
 - Require the violator to issue a written or verbal apology
 - Removal from the board or commission
- If violation is sustained against a Council liaison, City Council can take formal action to do any one or more of the following:
 - Motion of censure or resolve to remove the particular Council member from the role of liaison
 - Issue verbal or written direction to cease the problematic conduct
 - Direct or encourage corrective training
 - Encourage the violator to issue a written or verbal apology

1. Communicate with the board when Council communication is needed and to serve as the primary two-way communication.
2. To take the lead in filling vacancies by reviewing applications and conducting interviews with candidates.
3. To serve as primary **informal** Council contact for the board.
4. To help resolve questions the board may have about the role of Council, municipal government, and the board.
5. To establish **formal or informal** contact with chair and effectively communicate the role of the liaison.
6. To provide procedural direction and relay Council's position to the board and to communicate to the board that the liaison's role is **not** to direct the board in its activities or work.
7. To serve as Council contact rather than an advocate for or ex-officio member of the board.
8. To review the annual work plan of the board and make recommendations to Council regarding the work plan.
9. To identify and help resolve any problems that may exist with respect to the functioning of the board.
10. To facilitate the training of new board members by providing suggestions and relevant information to City staff members responsible for providing such training.
11. To conduct a periodic review with their respective board at a regular meeting and provide an oral summation at a future regular Council meeting.

Sec. 2-568 - Ethical rules of conduct.

(8) With respect to any Councilmember serving as a liaison to a board or commission, such Councilmember must not direct the board in its activities or work. A liaison's role is to serve as a contact rather than an advocate for or ex-officio member of the board or commission.

Sec. 2-82 – City Council Liaison Responsibilities (*summarized*)

1. Communicate with the board when Council communication is needed and to serve as the primary two-way communication.
2. To take the lead in filling vacancies by reviewing applications and conducting interviews with candidates.
3. Make decisions about recommendations for appointment keeping in mind the need for fresh perspectives and not primarily on liaison's personal preferences.
4. To serve as the primary Council contact for the board.
5. To help resolve questions the board may have about the role of Council, municipal government, and the board.
6. To establish contact with chair and effectively communicate the role of the liaison.
7. To review the annual work plan of the board and make recommendations to Council regarding the work plan.
8. To identify and help resolve any problems with the support of CCO, CMO and staff liaison that may exist with respect to the functioning of the board.
9. To decide whether to grant a request from their assigned board to hold a joint meeting with other boards.



Structural Recommendations for Various Boards

These Also Require Code Changes

(a) The City shall have a Youth Advisory Board, hereafter referred to in this Section as the "Board." The Board ~~shall consist of no less than five (5) and no more than nine (9) members~~ **no more than 12 members** appointed by the City Council. All members shall be qualified by experience, training, age, ethnicity or socioeconomic background to represent a diverse cross section of youth in the Fort Collins community. Each member of the Board shall be under the age of nineteen (19) years at the time of appointment and currently enrolled in high school or an equivalent program such as home school or distance learning. ~~A quorum of the Board shall consist of a majority number of members. three (3) members for a five-member Board or four (4) members for a Board consisting of six (6) to nine (9) members.~~

(b) Each member shall serve for a term of one (1) year unless otherwise specified by the City Council, and no member may serve for more than four (4) consecutive years regardless of term length. Appointments shall specify the term of office of each individual.

(c) The Board shall have the following functions:

- (1) To gather information from, **hold joint meetings**, and otherwise communicate with, other groups, organizations and agencies regarding youth-oriented issues and problems;
- (2) To document and discuss issues of importance to youth in the Fort Collins community, specifically as they affect City-operated services;
- (3) To review and discuss legislation that may affect youth; ~~and~~
- (4) To recommend to City Council local legislation and policy actions or changes which would enhance the status of youth in the Fort Collins community; **and**
- (5) **To complete an annual project consistent with the other listed functions**

- Request from Committee to look at simplifying boards and commissions
 - Staff looked at potential to consolidate any boards with potentially overlapping scope
 - Golf Board was identified – lack of quorum, original goals may have been achieved or run its course, lack of applications
- **Recommendation** to consolidate Golf Board scope of work with Parks and Recreation
 - Golf Board dissolution would be effective Jan 1, 2024
 - 4 current, active Golf Board members
- They were given the option to continue the remainder of their current term as an extra seat on the Parks and Recreation Board
 - Of the 4, only 1 chose this option
 - **Recommendation** is to temporarily add a 10th board member until the term expires on December 31, 2024
- In addition, the Golf Board fundraised and made recommendations for Youth Golf Scholarship Fund
 - This will now be a community committee under the City Give umbrella

- Commissions of Status of Women created in 1986
- Committee discussed the lack of staff liaison training, board chair training, and board member support that may led to significant lack of quorum and other issues issues resulting in the board pausing its work in January 2022

Recommendations

- Rename to Women and Gender Equity Advisory Board
- Reduce the number of members of the Board from 9 to 7
- Keep the 2 ex-officio members appointed by County and CSU
- Add gender equity to scope of work

Based on Council feedback, draft code language will be presented during the September 5 regular Council meeting

(a) The City shall have a **Women's Advisory Board**, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. In addition to the nine (9) Board members appointed by the City Council, the County and Colorado State University may each appoint a representative to serve as an ex officio nonvoting liaison to the Board.

(b) The Board is created for the purpose of enhancing the status of and opportunities **for all women** in the City, and shall have the following functions:

(1) To document issues of importance to the **status of women** in the City;

(2) To conduct educational programs in the Fort Collins community to increase public awareness and sensitivity to the needs and capabilities of **all women**;

(3) To cooperate with other organizations and individuals interested in issues **affecting women** in the Fort Collins area;

(4) To review proposed legislation, policy changes or other governmental action at the federal, state or local level that would enhance or otherwise affect the **status of women** in the City and make recommendations to the City Council regarding the same; and

(5) To recommend to the City Council the adoption of local legislation or policies that would enhance the **status of women** in the City.

- BAC was established in January 2009
- Interest from Transportation Board in establishing a separate committee for reviewing all issues related to bicycling and advising the Transportation Board on those issues
- Authorized to establish its own rules and procedures in accordance with City's policies for boards
- Members are nominated by own board and City Manager appoints

- At least two Councilmembers and staff received a request from a member of the BAC
 - Active Modes Plan recommendation
 - Because of the process, sometimes policy decisions are delayed getting to City Council. Feedback is received from the BAC who make recommendations to Transportation Board. Then feedback is received from the Transportation Board who then make recommendations to City Council.
 - Proposal: create a standalone board to make sure membership is reflective of mode use, people with disabilities, and historically underrepresented groups

Sec. 2-113. - Transportation Board.

(c) The Board shall also establish and keep in place a committee to be known as the "Bicycle Advisory Committee," the purpose of which shall be to advise the Board with regard to bicycling-related issues.

(1) Said committee shall consist of sixteen (16) members, one of whom shall be a member of the Board. The remaining fifteen (15) members shall consist of three (3) community "at large" members and six (6) members of community stakeholder organizations, all appointed by the City Manager, and representatives from the following City Boards and Commissions, which may each nominate a representative for a position on the committee:

- a. Air Quality Advisory Board;
- b. Parks and Recreation Board;
- c. Natural Resources Advisory Board;
- d. Land Conservation and Stewardship Board;
- e. Senior Advisory Board; and
- f. Economic Advisory Board.

Representatives from Boards and Commissions are subject to confirmation by the City Manager or their designee.

In addition to the foregoing sixteen (16) voting members, the Committee shall include non-voting staff representatives from the City's Planning, Development and Transportation Service Area.

(2)
Each member of the Bicycle Advisory Committee shall serve for a term of two (2) years.

- Should BAC be renamed to Active Modes Advisory Committee and expand scope?
 - The City has grown since 2009
 - This is a recommendation in the adopted Active Modes Master Plan
- Does it make sense for BAC to directly make recommendations to Council?
- Should the membership be reduced from 16 to 9?
 - The improvement to the joint meeting language should allow for more coordination amongst boards so there may not be a need for BAC's makeup to be from various other boards

- During the July 19 meeting, the board shared the following:
 - Concerns and desire for clarity on who's on any "new" Board. How are the current community organizations like Bike FC and the DDA to be included?
 - Need clearly defined roles defined between the Transportation Board and a new Active Modes Board.
 - Need for some type of formalized connection between Transportation Board and an Active Modes Board if it's no longer a sub-committee

In a memo provided to Council dated July 28, BAC asked that the original goals of the Committee be reviewed before any restructure decisions are made:

- Provide liaison between the City and the community and stakeholder groups on issues related to bicycling.
- Foster the interchange of ideas from existing City boards and commissions, as well as other community stakeholders, such as Poudre School District, Colorado State University, and Downtown Development Authority, and others as appropriate.
- Promote bicycling as a viable form of transportation.
- Act as a sounding board for citizens who have bicycle-related questions and concerns.
- Assist in the development and dissemination of bicycle safety awareness, education and encouragement materials to the community.
- Develop implementation strategies for recommendations in the 2008 Bike Plan.
- Assist with the development of evaluation metrics for determining success of bicycle programs and facilities.

- Should BAC transition into an Active Modes Committee?
- Should the current structure as a sub-committee remain? OR should it be a standalone board with a new structure?
- Should membership look different?
- Should the current structure and name of BAC remain in place?
- Should this item be tabled if further engagement is desired?

- Recommendation to change the composition of the Affordable Housing Board in City Code to include a non-voting ex-officio member for a Housing Catalyst representative
 - Recognition of the contributions of expertise and local knowledge of a Housing Catalyst staff or board member
 - Non-voting member avoids conflicts of interest so that quorum can be more easily attained
 - If Council approves change to City Code, residency limits would not apply to this seat
- The Affordable Housing Board unanimously supported the recommendation during their July 6 meeting.

Sec. 2-102

a) 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.

- Removed the C.H.A.R.G.E: A Checklist for effectiveness since it will now be part of onboarding
- Description of types of boards and commissions updated and included
- Removes the City Council liaison responsibilities because they will be added to the City Code
- Yearly Planning Calendar updated to include new recruitment schedule
- Staff Liaison role updated, City Attorney role and City Clerk role included
- Membership limitations updated to reflect code changes
- Removal of Golf Board
- Inclusion of a table describing quorum requirements and what that looks like for 7 member boards vs 9 member boards (and YAB)
- Periodic Reviews replaced with Annual Review (every September 30)
- Adds description of ethics rules discussed in City Code
- Adds description of City duty to indemnify discussed in City Code
- Code of Conduct summarized in body of manual and added as an appendix to manual
- Anti-Discrimination and Anti-Harassment Policy added as an appendix to manual

- Council consideration on September 5th
 - Adoption of Code of Conduct via resolution
 - 1st Reading of Municipal Code changes

- Council consideration on September 19th
 - Adoption of Boards and Commissions Manual via resolution
 - Extension of current board and commission terms by three months via resolution
 - 2nd Reading of Municipal Code changes



Thank you!

Assessment Tools and Indicators

- The original goals have been achieved or run its course
 - One way to determine this if there is a consistent lack of business items
- Not submitting an annual work plan
- Not submitting an annual report
- The Board does not provide recommendations to Council
 - Direct advice is not needed so maybe not necessary to provide regular recommendations
- Pulse survey data indicates caution
- Data shows a lack of quorum
 - Is this due to structural issues with the board?
- Data shows there is a lack of applications to fill vacancies
- Overlap in scope/redundancy with another board or commission

Assessment Tools and Indicators

Charter requires that Council establish a board or commission whose purpose is to advise Council

- Is the proposed purpose legally permissible?
- The purpose of the board aligns with a community priority
- New policy work is needed and there is a gap in existing boards
- Does it fit under the purview of an existing board or commission?
- There is a community desire to give extended input
- Does Council want ongoing input from the public on this topic?
- Does staff want input from the public on this topic?
- Input desired or needed is for defined period of time. Other options could include:
 - Task Force to advise City Manager
 - Example West Nile Virus, Connexion, holiday lighting
 - Ad hoc committee
 - Housing (Council ad hoc)
 - Board subcommittee

- (a) The City shall have a Golf Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members.
- (b) The Board shall have the following functions:
- (1) To advise and make recommendations to the Director of Community Services (the "Director") and the City Council as to rules, regulations, policies, administrative and budgetary matters pertaining to the operation and maintenance of all City-owned golf courses;
 - (2) To advise and make recommendations to the Director concerning the terms and conditions of any agreements to be entered into with golf professionals and other concessionaires in connection with City-owned golf courses as well as any other agreements which may affect the management, operation, maintenance, construction or acquisition of City-owned golf courses;
 - (3) To assist in the procurement of goods and services for City-owned golf courses, including the selection of golf professionals, concessionaires and other contractors, by appointing two (2) Board members to serve on any review committee that may be established by the City under the provisions of [§8-158](#) of this Code for the purpose of making such procurements; and
 - (4) To advise and make recommendations to the City Manager concerning approval of annual fees and charges at City-owned golf courses.

Sec. 2-111 – Parks and Recreation Board

- (b) (1) To advise and make recommendations to the Director of Community Services and the City Council for their approval as to rules, regulations, policies, administrative and budgetary matters pertaining to the Department, ~~excluding~~ **including** matters relating to the operation and maintenance of City-owned golf courses and **excluding** cemeteries;