



WORK SESSION AGENDA ITEM SUMMARY

City Council

STAFF

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SUBJECT FOR DISCUSSION

Recommendations from the Ad Hoc Committee on Boards and Commissions

EXECUTIVE SUMMARY

Resolution 2022-122 created the Ad Hoc Committee on Board and Commissions on November 15, 2022. The purpose of the Committee was to consider and make recommendations regarding improved efficiency and consistency of board and commission processes and to reduce barriers to participation. The Committee convened its first meeting in January 2023 and concluded its work in July 2023.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What feedback does Council have with the recommendations of the Ad Hoc Committee on Boards and Commissions?

BACKGROUND / DISCUSSION

Several Councils have discussed the need to re-examine the boards and commissions program in order to ensure its long-term success and expand the opportunity for all residents to meaningfully engage with Council and the City organization.

In July 2019, Council adopted the priority to Reimagine Boards and Commissions which highlighted the following goals:

- Continuous improvements that do not require policy change
- Policies that reduce barriers to participation
- Improve efficiency and consistency

In April 2021, several code changes were adopted as part of the work towards this priority. Some highlights are included below:

- Reorganized boards and commissions into three categories based on their functions
- Added a revised attendance policy
- Created a variety of term lengths for non quasi judicial boards

- Added City Code standards for joint meetings and remote meetings
- Amends and removes list of specific participating Community Stakeholder Organizations on the Bicycle Advisory Committee to provide flexibility of community representation
- Reduced the number of Water Commission members from eleven to nine
- Renamed the Community Block Grant Commissions to the Human Services and Housing Board
- Renamed Landmark Preservation Commission to Historic Preservation Commission
- Renamed Zoning Board of Appeals to Land Use Review Board

In April 2022, the City Clerk’s Office (CCO) shared an overview of the work accomplished thus far and acknowledged that there was still more work that needs to be done, including the potential for the creation of an Ad Hoc Council Committee to guide the work.

During the off-cycle recruitment in August 2022, improvements were made to the application and interview process including:

- Applicants can only choose up to three boards and commissions to apply for
- Applicants will rank which board they want the most, middle, least
- There is at least one board specific question on the application
- The application will note the current meeting day and time to help applicants discern their availability easier
- Interviews were intended to take place the last two weeks in October with flexibility into the first week of November. A lesson learned is to add the general interview time period to the application itself.
- Council will appoint members in November and December. This hopefully will allow new members the opportunity to attend a December board meeting as part of orientation.

In October of 2022, the City Clerk’s Office hired a new Public Engagement Specialist tasked with providing more support to boards and commissions, including but not limited to creating robust onboarding and trainings for board members and staff liaisons and focus on recruitment efforts to reach a wider audience.

In November of 2022, Council established an Ad Hoc Committee to improve the efficiency and consistency of board and commission processes and reduce barriers to participation on boards and commissions. Appointed to the Committee were Mayor Pro Tem Emily Francis and Councilmembers Tricia Canonico and Julie Pignataro with Councilmember Kelly Ohlson as the alternate.

The Ad Hoc Committee completed its work in July 2023. Though the Committee’s work has concluded, improvements to the boards and commissions program will be continuous and ongoing.

Themes

As part of the Reimagine Boards and Commissions priority in early 2020, board members received a questionnaire to complete. Seventy-nine board members participated, representing 22 of the 25 boards. In addition, since then, staff and Council have anecdotally received feedback from individual board members and the Senior Advisory Board also provided a memo with recommendations on improvements. During the Ad Hoc Committee meetings, Council Committee members provided additional feedback. From these engagements, several themes emerged:

- Board members and staff liaisons have felt a lack of support from the City Clerk’s Office who coordinates and oversees the program.

- Council liaisons have felt a lack of communication when issues arise on their assigned boards so they are unable to effectively intervene early on.
- There is a lack of consistency in how boards and commissions are providing input and recommendations to Council.
- There is a lack of understanding from board members as to their functions and role in comparison to Council's functions and authority.
- There is a desire amongst board members to have their role provide more meaningful contributions.
- Some boards need to be evaluated for structural issues.

Administration Recommendations

Changes to Recruitment Timing

Due to Council regular elections moving from April to November on odd years, the Committee evaluated the option of shifting annual recruitment for boards and commissions. The recommendation is listed below.

	Application opens	Interviews	Council appointment	Term begins
Current	Sept	Oct	Nov	Jan 1
Recommendation	Dec 1-Jan 30	Mid-Feb	March	April 1

Onboarding and Training

Many of the themes identified may be resolved by providing a more robust onboarding and training of new members, board chairs, and staff liaisons. This will include an explanation of the role of boards and commissions (primarily as advisory to Council and staff), how input is received and used by Council, review of Code of Conduct and meeting procedures, amongst other topics. The board chairs will also receive training on how to effectively conduct a meeting, be provided de-escalation training, and sources of support that they can lean on. The City Clerk's Office will also be a source of support and training for staff liaisons who are a good source for identifying any emerging issues as well. In addition to initial onboarding and training, it will be critical for CCO to provide continuous and ongoing support to both board members and staff liaisons.

Interview Process

During the recruitment process, Councilmembers spend a significant amount of time in reviewing applications, selecting applicants to interview, interviewing applications, and making recommendations. In addition to the time commitment, the Committee also discussed the need for Council liaisons to be briefed on the board's activities and issues prior to the interview process.

Though it may not significantly reduce the time commitment of Councilmembers, the Committee does recommend that the interviews are still conducted in the same manner by 2 Councilmembers for non quasi judicial boards and to include the staff liaison to observe and provide any insight should the interviewers request it. In addition, prior to interviews, the Council liaison will have the option to meet with the staff liaison to be briefed on anything relevant concerning that board.

Process for Council Determination of whether a Board needs to be Sunset or Repurposed

The Committee had a unique opportunity to evaluate several boards during the course of its work. However, the Committee is ad hoc and not permanent so what happens when Council receives a request from the public as to sunset, repurpose or create a new board?

This type of request can come from a variety of sources: the Board chair or member(s), staff liaison, other staff, community member, City Clerk’s Office, City Manager, and/or a Councilmember. When such a request is received, CCO will be responsible for coordinating information with the requester and providing a memo to Council. Council may give direction to staff to proceed with the evaluation process under Other Business during a regular Council meeting. Staff will then utilize the assessment tools and indicators that the Committee brainstormed in order to provide considerations for Council to use in making a determination on the request.

Code Changes and Resolution Considerations

Recommendation to Remove 1-year Terms (Code Change)

As part of the Reimagine process, in April 2021, the addition of 1-year terms were added to allow for shorter-term commitments. However, the feedback received was that the short term did not allow for a new member to fully learn their role and if they wanted to continue to serve, they would need to re-apply and re-interview. The recommendation is to eliminate all one-year terms from Type 1 and Type 2 advisory boards. None of the seats on quasi-judicial commissions currently have 1-year terms.

Type 1 and Type 2 Boards - 7 Members

Current	Recommendation
4 members with 4-year terms	4 members with 4-year terms
2 members with 2-year terms	3 members with 2-year terms
1 member with 1 year term	

Type 1 & 2 Boards – 9 Members

Current	Recommendation
4 members with 4-year terms	5 members with 4-year terms
3 members with 2-year terms	4 members with 2-year terms
2 members with 1-year terms	

Joint Meeting Language (Code Change)

In order to provide flexibility for one or more boards to meet together, the Committee is recommending the following changes to Code Section 2-72. The responsibility for the Council liaisons in making the determination of allowing the joint meeting has also been added to Council liaison role section.

- 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** of 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 (ADAHP) Policy (Resolution Adoption)

Formerly known as the Respectful Workplace Policy, ADAHP revises the definition of harassment to comply with the new State of Colorado Protecting Opportunities and Workers’ Rights (POWR) Act that went into effect on August 7, 2023. It is also recommended that the screening process be handled by the Equity Office and the annual reporting and review be conducted by the Assistant City Manager. Attachment 2 contains the full policy.

Code of Conduct (Resolution Adoption)

At least within the last year, there have been several interpersonal issues that have risen on boards and commissions that have not been promptly addressed, in part due to the vacancy of the Public Engagement Specialist and also due to no existing policies which cover standards of behavior. The recommendation of the Committee is for the Code of Conduct to apply to both board members as well as Council. The full policy is included as Attachment 3.

Code of Conduct Complaint Process (to be added to Code)

Attachment 4 outlines the Code of Conduct complaint process. An alleged violation should be filed with the City Clerk's Office within 12 months. CCO will then notify the City Manager's Office, the member named in the complaint, Council and the City Attorney. The City Attorney will review the complaint to determine if the scope falls under the Code of Conduct. If an investigation is warranted, the City Attorney's Office or outside counsel shall conduct the investigation and share written findings with Council upon completion.

If violation is sustained against a board or commission member, 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, 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
- Encourage corrective training
- Encourage the violator to issue a written or verbal apology

The Committee recommends that this complaint process be described in the Code.

Council Liaison Responsibilities

The last update to the resolution outlining Council liaison duties was in 2016. Committee recommends the following changes:

- Add that liaisons should make decisions about recommendations for appointment keeping in mind the need for fresh perspectives and not primarily on liaison's personal preferences.
- Remove any reference to "informal" or "formal" contact as there is not a clear distinction between the two.
- Remove the duty to provide procedural direction as that is the role of the staff or legal liaison to the board.
- Add that CCO, CMO and the staff liaison will support Council liaison in identifying and helping to resolve any problems with respect to the functioning of the board.
- Remove the duty to facilitate training of new members as that is the duty of CCO and legal.

- Remove any reference to periodic reviews as now a high-level annual review will be conducted by CCO.
- Add the duty to make a determination on any requests to hold a joint meeting with other boards.
- Move the liaison's role to serve as a contact rather than an advocate for or ex-officio member of the board and that the Councilmember must not direct the board in its activities or work to the Ethics section in the Code (Sec. 2-568).

Structural Recommendations for Various Boards

These will also require Code changes.

Youth Advisory Board

There historical has been quorum issues on the Youth Advisory Board (YAB) and this may be due to the structure of the board and the lack of steady staff liaison support. Currently, between 5 and 9 members make up the board and the Committee's recommendation is to change the membership requirement to no more than 12 members with the quorum defined as the majority of the number of appointed members. This will allow for flexibility for a core group of youth members to still function as a board.

The Committee also recommends the further clarification that the YAB can hold joint meetings with other similar boards and adds to the scope the requirement to complete an annual project. This is similar to other municipal youth boards.

In addition, during the appointment process, Council may choose the length of the term the youth member will serve based on their high school grade level. In other words, if a member is a sophomore in high school, Council has the ability to appoint that individual to serve a three-year term. Though it is currently allowed in the Code, it has not been the practice and youth members are asked to re-apply every year. Allowing for term lengths to correspond to their years remaining in high school may help improve retention.

Golf Board

One recommendation from the Reimagining goal was to reduce the number of boards and commissions and potentially combine boards to align with the seven Strategic Outcomes.

During this Committee's work, the Golf Board was identified as a board whose original goals may have been achieved or run its course. When the Golf Board was established in 1970, the City already owned one golf course and in the process of constructing a second so there was a desire for extended community input. Because there are not currently any foreseeable plans to add golf courses, it is the Committee's recommendation to add the Golf Board's scope of work to the Parks and Recreation Advisory Board.

In order to honor the commitment of the four active Golf Board members, the potential to serve out the remainder of their term as an extra member of the Parks and Recreation Advisory Board until their term expires was offered. One member was interested in this option.

In addition, the Golf Board is active in raising funds and making award recommendations for the Youth Golf Scholarship Fund. A separate community committee will be established under the City Give umbrella so members can continue their service in this regard.

The Committee recommends dissolution of the Golf Board and scope of work added to the Parks and Recreation Advisory Board to be effective January 1, 2024. In addition, it is a recommendation that a temporary seat be added to the Parks board until December 31, 2024 for the one Golf Board member that is interested.

Women's Advisory Board

The Commission on Status of Women was created in 1986 and has seen various changes over the years including the renaming to the Women's Advisory Board (WAB) in 2021. Due to significant quorum issues, the WAB was paused in January 2022.

The Committee discussed that the issues around WAB could have been a result of the lack of training and support from CCO. However, with the hiring of a new Public Engagement Specialist, it may be a good opportunity to unpause the board and consider expanding the scope.

The Committee's recommendations are as follows:

- 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

Bicycle Advisory Committee

The Bicycle Advisory Committee (BAC) was created in 2009 at the recommendation of the Transportation Board to establish separate committee for reviewing all issues related to bicycling and advising the Transportation Board on those issues.

There has been some discussion about creating a standalone board for an Active Modes Advisory Committee. This also has been a recommendation of the adopted Active Modes Plan.

The Committee discussed renaming and rescoping BAC to an Active Modes Advisory Committee in recognition of the City's growth since 2009 and the adopted Active Modes goals. However, no formal recommendation was made by the Committee during the July 19, 2023, meeting and asked staff to bring feedback from the Transportation Board and the Bicycle Advisory Committee during the August 8, 2023 work session.

During the Transportation Board's July 19 meeting, the board shared the following feedback:

- 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?
- The need clearly defined roles defined between the Transportation Board and a new Active Modes Board.
- The need for some type of formalized connection between Transportation Board and an Active Modes Board if it's no longer a sub-committee

Dated July 28, the BAC sent a memo to Council (Attachment 6) expressing their desire for Council to revisit the original goals laid out in the BAC creation before making any structural decisions.

During the work session, Council may consider the following as it relates to BAC:

- Should BAC transition into the 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?

Affordable Housing Board

Staff received a request from the Executive Director of Housing Catalyst to add a Housing Catalyst representative as a non-voting ex-officio member to the Affordable Housing Board (AHB). AHB unanimously supported the recommendation during their July 6, 2023 meeting for the following reasons:

- In recognition of the contributions of expertise and local knowledge of a Housing Catalyst staff or board member.
- A non-voting seat avoids conflicts of interest so that quorum can be more easily attained.
- Residency limits would not apply to this seat.

The Committee also recommends that a non-voting ex-officio member designated for a Housing Catalyst representative be added to the Affordable Housing Board.

Boards and Commissions Manual Update – via Resolution

The last update to the Boards and Commissions Manual was in 2016. The following are recommendations for changes to the Manual. The Committee did not formally recommend these changes as they were not available at the time of the Committee’s last meeting in July.

- 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 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
- Conduct Standards summarized in body of manual and added as an appendix to manual
- Anti-Discrimination and Anti-Harassment Policy added as an appendix to manual

NEXT STEPS

Council will consider on first reading the adoption of code changes on September 5, 2023 and second reading on September 19, 2023.

Council will consider adopting the Code of Conduct via resolution during the September 5, 2023 Council meeting.

Resolutions to adopt revisions to the Board and Commissions Manual and extension of current member terms will be considered by Council during the September 19 regular Council meeting.

ATTACHMENTS

1. Anti-Discrimination and Anti-Harassment Policy (Draft)
2. Code of Conduct (Draft)
3. Code of Conduct Complaint Process (Draft)
4. Boards and Commissions Manual (Draft)
5. Bicycle Advisory Committee Memo to Council
6. Presentation