

Ad Hoc Committee on Boards and Commissions Recommendations

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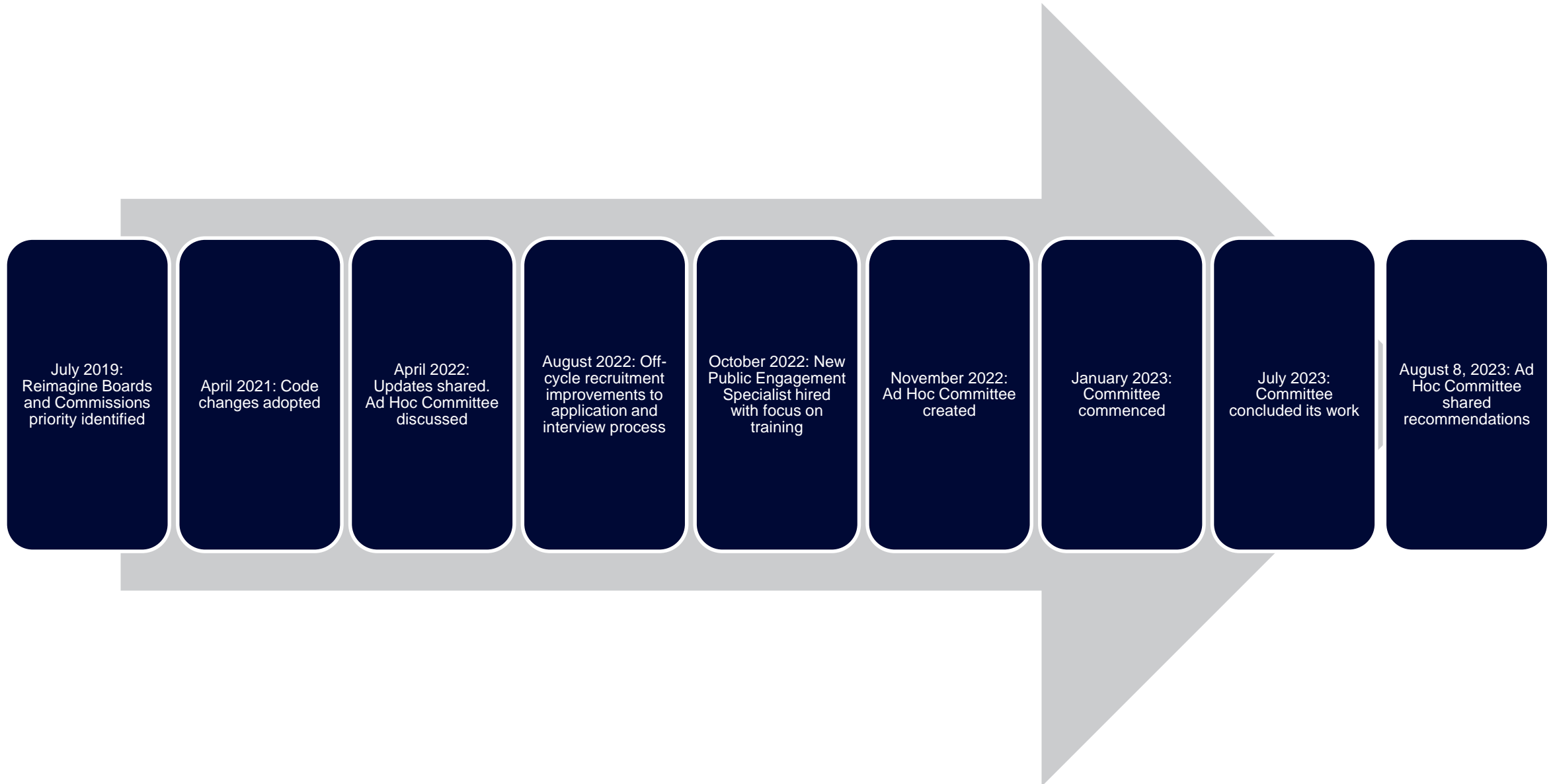
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- Ordinance A – Addition of City Council Liaison Responsibilities to Code
- Ordinance B – Amendments to Type 1 Advisory Board Composition and Functions; Elimination of One-year Terms
- Ordinance C – Elimination of One-year Terms for Type 2 Advisory Boards
- Ordinance D – Consolidation of Ethical Rules of Conduct and Board of Ethics Sections with Code of Conduct Complaint Process
- Resolution E – to Adopt Anti-Discrimination and Anti-Harassment Policy
- Resolution F – to Adopt the Code of Conduct for Councilmembers and Board Members
- Discussion on Ex-officio Members



- 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.

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 (between 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)

Recommendations to 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 1
Recommendation	Dec 1-January 15	Mid-February	March	April 1
Exception – HSHF & AHB	Dec 1 – January 15	Mid-February	March	July 1

- The goal is to do one annual recruitment unless there is a need for a special recruitment due to quorum issues.
- 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.
 - **To be considered during the September 19 meeting**



Ordinance A – City Council Liaison Responsibilities

1. Communicate with the board when Council communication is needed and to serve as the primary two-way communications channel between Council and the board or commission.
2. Take the lead in filling vacancies by reviewing applications and conducting interviews with candidates.
3. Make decisions about appointment recommendations to Council, keeping in mind the need for fresh perspectives and not primarily based on liaison's personal preferences
4. Serve as primary Council contact for the board
5. Resolve questions the board may have about the role of Council, municipal government, or the board.
6. Establish contact with chair and effectively communicate the role of the liaison.
7. Serve as Council contact rather than an advocate for or ex-officio member of the board
8. Review the annual work plan of the board and make recommendations to Council regarding the work plan.
9. Identify and help resolve problems with respect to the functionality of the board with assistance of the City Clerk's Office, City Manager's Office and the staff liaison
10. Decide whether to grant a request from their assigned board to hold a joint meeting with other boards

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** ~~an item or project in the work plan~~ of each participating board or commission, or if the City Manager or City Council **liaison assigned to each of the involved boards or commissions** has approved the joint meeting.



Ordinance B – Type 1 Advisory Boards; Elimination of One-Year Terms

All revisions to the Boards go into affect January 1, 2024

- Revise City Code to eliminate all one-year terms from Type 1 boards

Type 1 boards – 7 members

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

Type 1 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

Sec. 2-113 - Transportation Board

(a) The City shall have a Transportation Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. **The Active Modes Advisory Board shall appoint a representative to serve as an ex officio non-voting liaison to the Board for a term of two years.**

~~(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.~~

- a) The City shall have an Active Modes Advisory Board, hereafter referred to in this Section as the "Board." The Board shall be a type 1 advisory board consisting of nine (9) 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, active modes of transportation. It is also desirable that at least one Board member understand the transportation challenges facing individuals with disabilities.
- b) The Board is created for the purpose of addressing active modes related issues and to seek guidance from active modes-focused stakeholders in order to achieve the City's climate, mode shift, safety, and equity goals. Active modes of transportation include walking, biking, micro-mobility (such as scooters and skateboards), and wheelchair use. Active modes may also include human-powered and small electric devices.
- c) The Transportation Board, Colorado State University, Bike Fort Collins, and the Downtown Development Authority may each appoint a representative to serve as an ex officio non-voting liaison to the Board. Each ex officio member shall serve for a term of two years.

d) The duties and functions of the Board shall be:

1. To advise the City Council and City staff on all matters pertaining to active modes of transportation;
2. To advise and make recommendations to City staff and the City Council concerning the expenditure of City funds for active modes of transportation;
3. To aid and guide the development of City-wide active modes plans, programs, policies, and infrastructure;
4. To periodically coordinate its work with the Transportation Board, to support the City's efforts to create a balanced transportation network. This coordination is intended to provide an integrated review of transportation issues;
5. To promote public use of active modes and public education on City-wide active modes issues; and
6. 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 active modes of transportation in the community.

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. Such Housing Catalyst appointee shall not be subject to any residency requirement.

~~(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.~~

(a) The City shall have a Parks and Recreation Board, hereafter referred to in this Section as the “Board.” The Board shall consist of nine (9) members, with the addition of one (1) member, until the term of said additional member, previously a Golf Board member to be appointed for a term beginning in 2024, expires or ends for other permissible reason.

(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;

- (a) The City shall have a Women's and **Gender Equity** 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, **transgender, gender non-binary, and gender non-conforming persons ("all genders")** in the City, and shall have the following functions:
- (1) To document, **understand, and prioritize** issues of importance for **all genders** ~~to the status of women~~ in the City;
 - (2) To **coordinate and facilitate** ~~conduct~~ educational programs in the Fort Collins community to increase public awareness and sensitivity to the needs and capabilities of all ~~women~~ **genders**;
 - (3) To **coordinate and collaborate** ~~cooperate~~ with other organizations and individuals interested in issues affecting ~~women~~ **all genders** 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~~ **all genders** 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~~ **achieve equity for women** **all genders** in the City.

Sec. 2-115 - Youth Advisory Board

(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 **appointed to the Board at any point in time.** ~~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**



Ordinance C – Elimination of Type 2 One-year Terms

- Revise City Code to eliminate all one-year terms from Type 2 boards

Type 2 boards – 7 members

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

Type 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



Code of Conduct

This policy applies to board and commission members appointed by the City Council. The Council also adopts this policy to establish standards for Councilmember interactions with board and commission members, ~~and staff,~~ **and amongst Councilmembers**. The term “Appointees” refers to appointed board and commission members. The term “Members” refers to both appointees and City Council.

1. To uphold the standards of integrity and honesty **with the intention of,** ~~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.
2. To conduct business of their board or commission that is within the scope of the specific board or commission functions as described in the Fort Collins Municipal Code.
3. To perform Council liaison assignments and duties as described in the Fort Collins Municipal Code.
4. Familiarize themselves with, adhere to, and comply with established policies and laws, as applicable:
 - The City of Fort Collins Boards and Commissions Manual
 - Colorado’s Sunshine Laws regarding open meetings and public records – as outlined in the Council Resource Guide
 - The City of Fort Collins Charter and Municipal Code; specifically, the ethical rules of conduct and the open meetings, remote meetings, notice and minutes of meetings, board or commission action and attendance requirements (see Fort Collins Municipal Code Secs. 2-71 through 2-79)
 - The City Council-adopted ~~Respectful Governance Policy~~ **Anti-Discrimination and Anti-Harassment Policy**, which prohibits harassment, discrimination and retaliation based on a person’s protected characteristics.
5. ~~For quasi-judicial matters,~~ **Avoid all *ex parte* communications** (communications with anyone about a pending issue including communication with City staff) about quasi-judicial matters

6. To be aware of the open records requirement that applies to written notes, calendars, voicemail messages, and e-mail. **All written or recorded materials including notes, voicemail, text messages, and e-mail that discuss or touch on public business or the functions of the board or communication will likely be subject to disclosure to a requesting party.**
7. Appointees are encouraged to meet with their Staff or City Council liaison to discuss any concerns regarding work that may be outside the scope of designated functions, conflicts of interest, appearance of impropriety, *ex parte* communications, or gifts. Appointees must make disclosures to the City Clerk's Office as appropriate under the circumstances.
8. 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.
9. Respect the legitimacy and authority of decisions that have been finalized –regardless of personal position on the matter.
10. **(For Appointees) shall Strive to** represent the official policies and positions of their board or commission **when serving in the member role.** When presenting their personal opinions or positions in a public meeting, such as a City Council meeting, Appointees shall explicitly state that they are not representing their board or commission or the City.
11. **(For Appointees) Avoid actively participating in matters that interfere with a quasi-judicial commission member's ability to remain impartial in making decisions.**

12. Continue respectful behavior among Members and City staff when communicating in private. The same level of respect and consideration of differing points of view should be maintained in private conversations.
13. To use public resources (e.g., staff time, equipment, supplies, or facilities) appropriately and in a manner that fosters stewardship of the taxpayer and ratepayer dollar.
14. **Attend meetings of your board or commission.** Because contemplation, deliberation, and decision-making require collaboration and participation, Appointees are expected to attend their meetings. Appointees must comply with attendance requirements described in Fort Collins Municipal Code Section 2-79. Appointees commit to attend any required trainings and even suggested trainings that enhance a member's ability to serve.
15. To respect fellow Members, staff, and the public by treating all with patience, courtesy, and civility at all times during the performance of official duties, regardless of ~~consensus by all parties~~ **differences of opinion.**
16. ~~To not make~~ **Avoid making** personal, ~~impertinent~~, profane, vulgar, slanderous, humiliating, intimidating, or harassing remarks that disturb, disrupt, or impede the conduct of the meeting or ~~the board or commission's completion of its business~~ **the meeting agenda.** Similarly, abusive language, intimidation, threats of violence or harm, or racial or ethnic slurs directed at any person or group of persons are prohibited. Members are expected to know that problematic behavior can cause the targets of behavior to feel threatened, humiliated, or intimidated and such conduct is detrimental to the proper functioning of a public body. Members are ~~prohibited from~~ **expected to avoid** publicly ridiculing or insulting fellow Members, members of the public, and City staff.

17. ~~To recognize~~ **Act in furtherance of the principle** that healthy discourse occurs when individuals of all backgrounds and personalities are allowed to respectfully speak candidly about matters of interest, ask difficult questions, challenge ideas and propositions, and work together toward optimal solutions in a respectful manner.

18. Explain to a person who engages in disrespectful treatment that the behavior is ~~offensive~~ **disrespectful and, if the person who is the target of the behavior feels comfortable doing so, ask that they discontinue the behavior**. If this does not change the behavior or if the target is not comfortable addressing the offensive behavior directly with the person behaving in conflict with this Code, ~~the target of the behavior must report the behavior as described as below~~ **the person who believes they are being treated disrespectfully is strongly encouraged to report the behavior using the process described in Fort Collins Municipal Code Section 2-580.**

19. Report behavior that is disruptive, humiliating, intimidating, or threatening or otherwise in violation of this Code of Conduct in the performance of City business, at City-sponsored events, and in all interactions between members, City staff, or the public to the staff liaison and the Boards and Commissions Coordinator. Complaints of such behavior will be processed following procedures in the Fort Collins Municipal Code.



Ordinance D – Code of Conduct Complaint Process in Ethical Rules Section

Code of Conduct Complaint Process

- 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

- 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



Anti-Discrimination and Anti-Harassment Policy

- 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 Council direct report 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



Ex-officio Discussion

Ex-officio Members

- Typically holds expertise in a particular area that can be helpful to the board in carrying out its duties
- No voting rights
- Help identify potential issues early on
- Offer advise as needed
- Valuable liaison for key organizations in the community
- Useful to boards where more technical work is needed

Need more info	Maybe Yes	Maybe No
Disability Advisory Board	Historic Preservation Commission	Arts in Public Places
Parks and Recreation	Air Quality Advisory Board	Cultural Resources Board
	Energy Board	Human Services and Funding Board
		Water Commission

- 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

- Separate workstream for Ex-officio members



Thank you!