



## AGENDA ITEM SUMMARY

City Council

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### STAFF

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Rupa Venkatesh, Assistant City Manager  
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Jenny Lopez Filkins, Legal

### SUBJECT

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**Items Implementing Recommendations from the Ad Hoc Committee on Boards and Commissions.**

### EXECUTIVE SUMMARY

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- A. First Reading of Ordinance No. 117, 2023, Amending Chapter 2, Article III, Division 1 of the Code of the City of Fort Collins to Add City Council Liaison Responsibilities.
- B. First Reading of Ordinance No. 118, 2023, Amending Chapter 2, Article III, Division 2 of the Code of the City of Fort Collins to Modify Type 1 Advisory Board Composition and Functions and Eliminate One-Year Terms.
- C. First Reading of Ordinance No. 119, 2023, Amending Chapter 2, Article III, Division 3 of the Code of the City of Fort Collins to Eliminate One-Year Terms of Type 2 Advisory Boards.
- D. First Reading of Ordinance No. 120, 2023, Reorganizing Chapter 2, Article VII, Divisions 1 and 2 of the Code of the City of Fort Collins to Consolidate the Ethical Rules of Conduct and Board of Ethics Sections with a Complaint Process for Violations of the Code of Conduct.
- E. Resolution 2023-084 Approving Amendments to the Respectful Workplace Policy and Renaming it the Anti-Discrimination and Anti-Harassment Policy.
- F. Resolution 2023-085 Approving a Code of Conduct for City Councilmembers and Board and Commission Members.
- G. Discussion and Direction to Staff Regarding Ex-officio Members.

The purpose of these items is to consider resolutions and amendments to various divisions of Chapter 2 of the Municipal Code to reflect the recommendations of the Ad Hoc Committee on Boards and Commissions.

### STAFF RECOMMENDATION

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Staff recommends adoption of the four Ordinances on First Reading and adoption of the two Resolutions.

## BACKGROUND / DISCUSSION

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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

Since then, Council adopted several code changes for the purposes of reorganizing boards and commissions based on their functions, renaming several boards, and structural changes to allow for more flexibility in membership and participation. In addition, several administrative changes have been made to improve the application and interview process.

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 and shared its recommendations at the August 8, 2023, Council Work Session. Though the Committee's work has concluded, improvements to the boards and commissions program will be continuous and ongoing.

### Changes to Recruitment Timing

Though this is an administrative change, it is important to note as it will result in significant shifts in the annual recruitment timeline. 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. During the Council work session, there was support to open applications from December 1 to January 30. However, staff is recommending that applications close on January 15 to give time to set up interviews and for Council to review applications. This will be confirmed during the September 5 regular meeting.

	Application Opens	Interviews	Council Appointment	Term Begins
<b>Current</b>	September	October	November	January 1
<b>New</b>	December 1- January 15	Mid-February	March	April 1
<b>Exception**</b>	December 1- January 15	Mid-February	March	July 1

\*\*The terms for the Affordable Housing Board and Human Services and Housing Funding Board will start on July 1 to align with funds received from the U.S. Department of Housing and Urban Development.

### A. Ordinance No. 117, 2023, Amending Chapter 2, Article III, Division 1 of the Code of the City of Fort Collins to Add City Council Liaison Responsibilities.

The purpose of this ordinance is to change the Code language in Section 2-72 in order to provide flexibility for one or more boards to meet together. The responsibility for the Council liaisons in making the determination of allowing the joint meeting has also been added to Council liaison role section:

- (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.

**B. Ordinance No. 118, 2023, Amending Chapter 2, Article III, Division 2 of the Code of the City of Fort Collins to Modify Type 1 Advisory Board Composition and Functions and Eliminate One-Year Terms.**

One-year Terms for Type 1 Advisory Boards

As part of the Reimagine process in April 2021, the addition of 1-year terms was 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. None of the seats on quasi-judicial commissions currently have 1-year terms.

This Code change would eliminate all one-year terms for Type 1 advisory boards and redistribute as follows:

Type 1 - 7 Members

<b>Current</b>	<b>Recommended Changes</b>
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- 9 Members

<b>Current</b>	<b>Recommended Changes</b>
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	

Because Type 2 boards are in a separate division in the Code, it will be considered in a separate Ordinance.

Affordable Housing Board (AHB)

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 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

This recommendation was also supported by the Committee and full Council.

Golf Board

Council will consider adding the scope of work of the Golf Board to the Parks and Recreation Board. It was discussed by the Committee and at the Council work session that the original goals of the Golf Board have been achieved and with no foreseeable plans to add golf courses, there likely is not a need for a standalone board to advise on golf related matters. Section 2-107 of Chapter 2, Article III, Division 2 would be struck from the Code. The Board would effectively dissolve on January 1, 2024.

## Parks and Recreation Board

Section 2-111 would be amended to include matters related to the operation and maintenance of City-owned golf courses to their scope of work, effective January 1, 2024. In addition, of the four currently active Golf Board members, one would like to serve the remainder of their term on the Parks Board. Therefore, a temporary 10th seat will be added effective January 1, 2024, through December 1, 2024.

## Bicycle Advisory Committee (BAC)

Direction was received from the Council work session to bring draft Code language to:

- Rename the Committee to the Active Modes Advisory Board
- Rescope the purpose of the board to reflect the recommendations in the Active Modes Master Plan
- Create a standalone Type 1, 9-member board
- Bring recommendations as to how many and which community organizations should be added as ex-officio seats

As a result, the recommendation for new code language is as follows:

- 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 issues related to active modes of transportation 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 to promote 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.

### Transportation Board

Section 2-113 will be amended to add an ex-officio member from the Active Modes Advisory Board as an additional member under Section A. The entirety of Section C will be struck which describes the Bicycle Advisory Committee.

### Women's Advisory Board

Direction received from the Council work session included the following:

- Rename to Women and Gender Equity Advisory Board
- Add gender equity to scope of work
- Reduce the number of members of the Board from nine to seven

The following draft Code language will be presented to Council for discussion and consideration:

(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.

### Youth Advisory Board (YAB)

The draft Code language presented to Council will attempt to address historical quorum issues that may have resulted from the structure of the board by:

- Changing membership requirement from five to nine members to no more than 12 members with the quorum defined as the majority of the number of appointed members
- Further clarifying that YAB can hold joint meetings with other similar boards
- Adds to the scope the requirement to complete an annual project which is similar to other municipal youth boards

**C. Ordinance No. 119, 2023, Amending Chapter 2, Article III, Division 3 of the Code of the City of Fort Collins to Eliminate One-Year Terms of Type 2 Advisory Boards.**

Similar to Type 1 boards, this amendment will eliminate the one-year terms for Type 2 boards and redistribute as follows:

Type 2 boards - 7 members

<b>Current</b>	<b>Recommended Changes</b>
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 2 boards – 9 members

<b>Current</b>	<b>Recommended Changes</b>
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	

**D. Ordinance No. 120, 2023, Reorganizing Chapter 2, Article VII, Divisions 1 and 2 of the Code of the City of Fort Collins to Consolidate the Ethical Rules of Conduct and Board of Ethics Sections with a Compliant Process for Violations of the Code of Conduct.**

The complaint process for the Code of Conduct would be described in the Code as follows:

An alleged violation should be filed with the City Clerk’s Office (CCO) within 12 months. CCO will then notify the City Manager’s Office, the member named in the complaint, City 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 City Council upon completion.

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
- Encourage corrective training
- Encourage the violator to issue a written or verbal apology

The Committee also recommended describing the Council Liaison responsibilities in the Code as well. This allows for the public to easily locate the information.

Sections of the Rules of Ethical Conduct have been renumbered and reorganized as these all pertain to conduct of Councilmembers and Board and Commission members so it will be more accessible and easier to follow. In addition, there has been other renumbering to incorporate the new Code of Conduct review process.

#### **E. Anti-Discrimination and Anti-Harassment Policy (ADAHP)**

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 also changes the screening process to be handled by the Equity Office and the annual reporting and review be conducted by the Assistant City Manager. Attachment 6 contains the full policy and Council will consider adopting this via resolution (Attachment 5).

#### **F. Code of Conduct**

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 Code of Conduct would apply to both board members as well as Councilmembers. The full policy is included as Attachment 8 and Council will consider adopting this via resolution (Attachment 7).

#### **G. Discussion Regarding Ex-officio Members**

During the Council work session discussion on the Housing Catalyst's request for an ex-officio representation on the Affordable Housing Board, the question was asked if other boards and commissions would benefit from an ex-officio member. Direction was also given to craft criteria of when an ex-officio seat would be considered by Council. A memorandum was provided to Council on August 31, 2023, to share work that has been done to date and the recommendation that this be considered a separate work stream from the Ad Hoc Committee's work to allow for more time for feedback to be given by staff liaisons, board members, and community organizations.

### **CITY FINANCIAL IMPACTS**

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Not applicable.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Feedback was received from Senior Advisory Board, Affordable Housing Board, Transportation Board, and the Bicycle Advisory Committee. The Chair of Human Relations Commission also provided a recommendation for the Women's Advisory Board.

### **PUBLIC OUTREACH**

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No formal public outreach was conducted. One community member provided research and recommendations concerning the Women's Advisory Board.

### **ATTACHMENTS**

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1. Ordinance A for Consideration – Council Liaison
2. Ordinance B for Consideration – Type 1 Advisory Board
3. Ordinance C for Consideration – Type 2 Advisory Board
4. Ordinance D for Consideration – Ethical Rules of Conduct
5. Resolution E for Consideration – Anti-Discrimination
6. Exhibit A to Resolution E
7. Resolution F for Consideration – Code of Conduct

8. Exhibit A to Resolution F
9. Ordinance No. 120, 2023 (Redline Version)
10. Ad Hoc Committee Recommendations Presentation