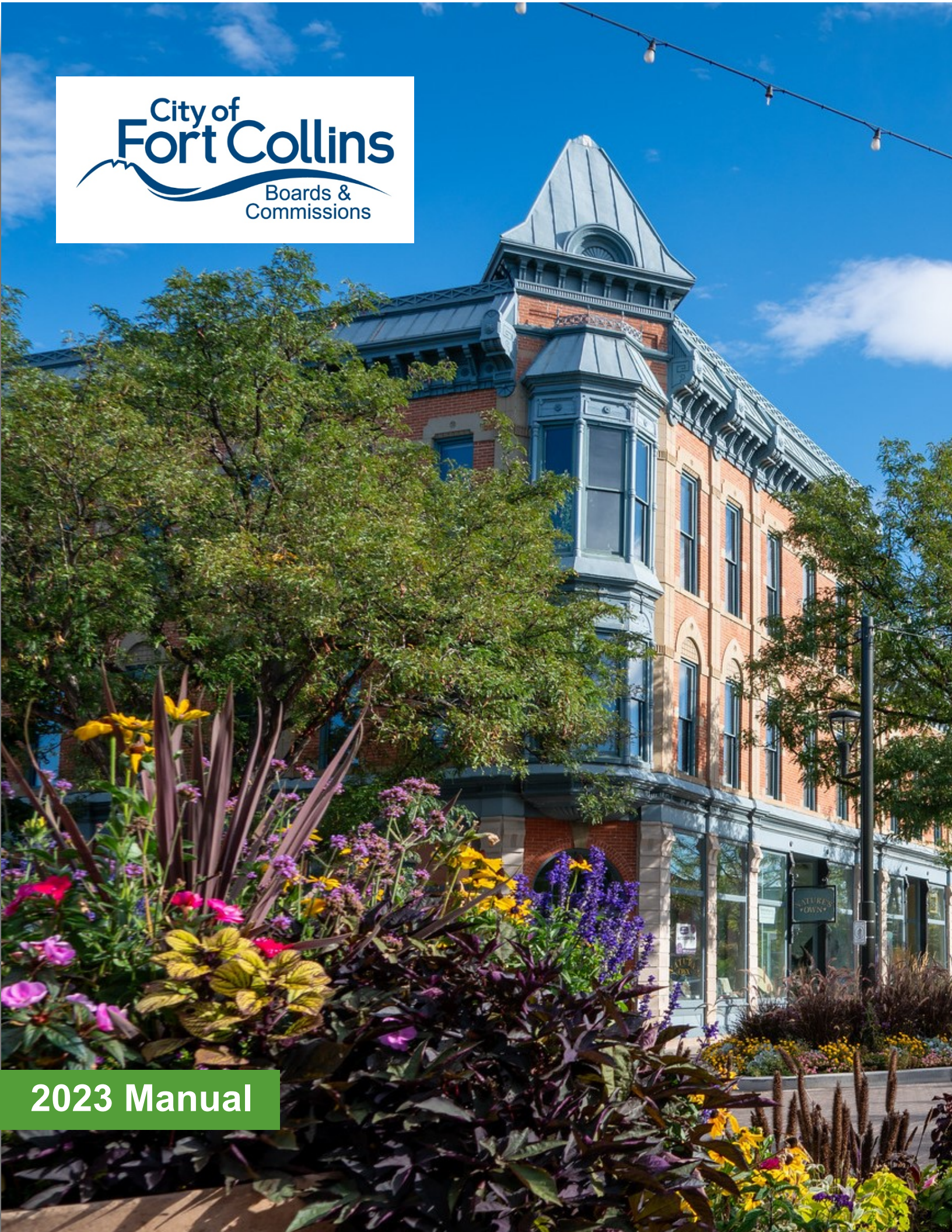




City of  
**Fort Collins**  
Boards &  
Commissions



**2023 Manual**





Boards and Commissions Handbook  
Last Revised: April 15, 2024

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## WELCOME

Welcome to the City of Fort Collins (the City)! Your selection as an active member of a board or commission provides you with a valuable opportunity for genuine public service, and we thank you for your contribution. Although the specific duties of each board or commission vary widely, there are certain responsibilities common to all board or commission members. These guidelines will assist you in maximizing your contribution to our community through your service on a board or commission. For ease of reference throughout this Manual, boards and commissions may at times be referred to as a “board” or “boards.”

## INTRODUCTION TO CITY GOVERNMENT

### **Fort Collins’ Mission, Vision, and Values**

The City is a dynamic and continually evolving organization. However, the vision for the City, its mission, and its core values remain a constant that help all employees focus on the primary goal: service to our community members.

- Mission: Exceptional Service for an Exceptional Community
- Vision: We foster a thriving and engaged community through our operational excellence and culture of innovation.
- Values: Partnership | Service | Safety & Wellbeing | Sustainability | Integrity | Belonging

## City Council and the Council-Manager Form of Government

The City Council is comprised of seven members, six of whom represent a geographic Council district for terms of four years. The only exception is the Mayor, who is elected at large by the entire City’s electorate and serves a two-year term. The Mayor and Councilmembers are elected in nonpartisan races. The Council itself selects its Mayor Pro Tempore (Mayor Pro Tem) from among its six district representatives. The Mayor Pro Tem assumes the duties of the Mayor in their absence.

The City of Fort Collins is governed by the principles of the Council-Manager form of government, the most common structure for governing municipalities in the Western United States. Under Fort Collins’ City Charter, the Council-Manager system requires that elected officials (City Council) are responsible for policy decisions and for hiring and supervising their direct employees: the City Manager, City Attorney, and Chief Judge. City Council serves as the community’s legislative body, responsible for enacting City ordinances, appropriating funds to conduct City business in the City’s formal budgeting process, and providing policy direction to City staff through the City Manager.

The City Manager is responsible for the day-to-day operations of the organization and gives direction to the staff members who are their employees. Functions of the City Manager include but are not limited to:

- Implementing policy decisions and legislative actions taken by the City Council
- Making recommendations to City Council
- Overseeing the operations of the City
- Preparing the City Manager’s recommended City budget

The philosophy behind the Council-Manager form of government is to create an administrative organization that is separate from the political process and which is run by professional staff members who are trained in municipal government administration. The City Manager is thus responsible to the City Council for the actions of staff in each of the City’s departments, except the attorneys in the City Attorney’s Office and Municipal Court staff.

	<b>City Council</b>	<b>City Manager</b>
<b>Responsible for:</b>	Policy Decisions	Day-to-day operations
<b>Hires and Leads/Manages:</b>	City Manager City Attorney Chief Judge	All other City staff members/employees (excl. Atty staff)



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# INTRODUCTION TO THE ROLES AND TYPES OF BOARDS AND COMMISSIONS

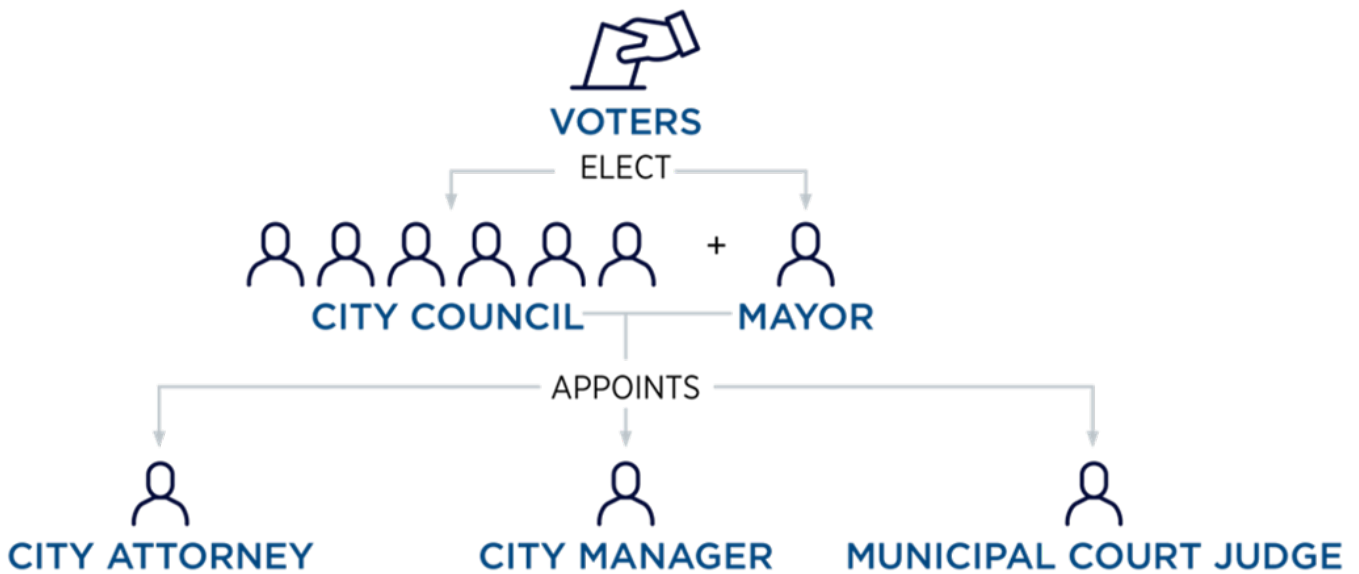
## General Overview of the Roles of Boards and Commissions

Details about each individual board may be found in Article III, Chapter 2 of the City Code or in Appendix A to this handbook. The City Council may, by ordinance, establish appointive boards to advise on various issues and perform functions as the Council may designate. An ordinance establishing each board defines the powers, duties, operating procedures of the board and terms of offices for the board members. City Council ordinances may be amended at any time through formal Council action.

Boards are composed of community member volunteers appointed by the City Council. The role of most of these boards and commissions is to advise City Council on issues related to a specific subject matter. They assist the Council in its policy-making role by reviewing issues or proposals and providing recommendations to City Council about actions that it is considering. Examples of this kind of work might include reviewing proposed master plans, ordinances, or other projects and providing a community member viewpoint on proposals. In addition to this advisory role, specific boards designated as “quasi-judicial” are each vested with certain decision-making responsibilities such as building and development in the community. The three types of boards and commissions are explained in greater detail in the City Code §§2-100 through 2-178.

In addition to the regular functions of all boards and the duties specified in the City Code for each individual board, boards are authorized to participate on a case-by-case basis in the review, discussion, and advisement of Council regarding any policy or program matter upon the request of the City Council or the City Manager. Participation includes “Super Issue” meetings which engage a cross-section of board members in discussions of broader policy issues and interests of the City.

The following organizational chart situates boards and commissions in a reporting relationship to City Council to denote that they exist to assist Council with their policy development responsibilities.



## **Types of Boards and Commissions**

As explained above, boards and commissions are established for the purpose of reviewing information and making recommendations to City Council and City staff on City policy issues. Specific duties and functions are established individually for each board or commission. Most boards and commissions are advisory to the City Council and/or City administration. Boards and Commissions are divided into three categories as follows:

### ***Advisory Boards – Type 1***

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 opinions to the City Council on items and subjects that are on the boards' approved workplans. These recommendations are limited to advisement and are not policy setting.

- Affordable Housing Board
- Active Modes Advisory Board
- Air Quality Advisory Board
- Disability Advisory Board
- Economic Advisory Board
- Energy Board
- Land Conservation and Stewardship Board
- Natural Resources Advisory Board
- Parks and Recreation Board
- Senior Advisory Board
- Transportation Board
- Women and Gender Equity Advisory Board
- Youth Advisory Board

### ***Advisory Boards – Type 2***

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.

- Art in Public Places Board
- Citizen Review Board
- Cultural Resources Board
- Human Services and Housing Funding Board

### ***Quasi-Judicial Commissions***

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.

- Building Review Commission
- Historic Preservation Commission
- Human Relations Commission
- Land Use Review Commission
- Planning and Zoning Commission
- Water Commission

# THE ROLES OF BOARD MEMBERS AND COUNCIL/STAFF SUPPORT CONTACTS

City Councilmembers and City staff serve a variety of roles and provide several resources for board and commission members. The following subsections detail the roles of board members, City Council Liaisons, Staff Liaisons, the City Attorney, and the City Clerk in the operation of the City's boards and commissions.

## **Board Members**

Members of all City boards and commissions are expected to contribute to the roles and functions ascribed to the board by ordinance of the City Council. These duties will vary based upon the purpose of each individual board, but individual members are integral to each board or commission's ability to serve its purpose effectively and efficiently.

Particularly in the context of a City Council meeting, board members making recommendations or expressing views that have not been approved by a majority of the board should indicate they are expressing individual opinions and are not speaking on behalf of the board or the City. Please see the Code of Conduct attached hereto and incorporated herein by reference as Appendix B.

Public statements made with the required approval of the majority of the board or commission at a public meeting should be within the scope of the functions assigned to the board or commission and should not contain assurances or statements that may be construed to be binding on a board, staff, or the City Council. When making a public statement, members should remind listeners that board actions are recommendations (unless otherwise provided by law) and that final action will be taken by the City Council. Remember that your actions and statements as a board member assume special significance, and if not responsibly discharged, could result in a situation detrimental to the City's best interests.

## **City Council Liaison Role**

Every two years, following the election of Councilmembers, the Council selects its liaisons to the boards. City Code §§ 2-82 and 2-568 (8) describe the role of a City Council liaison, which is summarized below:

- Communicating with the board when Council communication is needed and serving as the primary two-way communication
- Taking the lead in filling vacancies by reviewing applications and conducting interviews with candidates
- Making decisions about recommendations for appointment, keeping in mind the need for fresh perspectives and not primarily on liaison's personal preferences
- Serving as the primary Council contact for the board
- Helping to resolve questions the board may have about the role of Council, municipal government, and the board
- Establishing contact with chair and effectively communicating the role of the liaison
- Reviewing the annual work plan of the board and making recommendations to Council regarding the work plan
- Identifying and helping to resolve any problems with the support of CCO, CMO, CAO and staff liaison that may exist with respect to the functioning of the board
- Deciding whether to grant a request from their assigned board to hold a joint meeting with other boards

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.



## **Staff Liaison Role**

Each board is assigned a staff member as a liaison for the board and are responsible for the following tasks, including but not limited to:

- Uploading yearly meeting dates to the Event Calendar on [www.fcgov.com](http://www.fcgov.com).
- Preparing the agenda and reviewing it with the chair prior to distribution.
- Sending the meeting agenda to the City Clerk's Office
- Recording meeting minutes. Board members shall not be responsible for recording meeting minutes to allow said members to actively participate in the meeting. The length and content of minutes will vary with the needs and legal requirements of each board.
- Distributing a copy of the approved minutes to the Boards and Commissions Coordinator.
- Handling logistics regarding meeting scheduling and setup.
- Coordinating the board's annual work plan.
- Ensuring new members are oriented to the board, including procedures and projects.
- Tracking attendance and volunteer hours through Engage or other approved software and submitting a monthly confirmation to the Boards and Commissions Coordinator.
- Ensuring the election of officers is held during May or June of each year and informing the Boards and Commissions Coordinator of the results of each election.
- At the request of the Boards and Commissions Coordinator, providing information to the board regarding policy changes and distributing updated information to all members.
- Notifying the City Clerk's Office when a member resigns, or a vacancy exists for other reasons.
- Advising board or commission members if a planned action is impermissible or inadvisable.
- Advising appropriate City staff if a board or commission's planned action does not align with City Code or policy.
- Staying apprised of City department budget for support of assigned board or commission and making expenditure decisions consistent with the board or commission's annual work plan.

It should be noted that staff liaisons are not authorized to:

- Override a decision of the Council liaison (regarding a request by the board).
- Serve as a resource for projects not on the board's work plan.
- Serve as a communications link between the City Council and board members. (This is the role of the Council liaison.)

## **City Attorney Role**

The City Attorney is the legal advisor to the officers and employees of the City in connection with their roles in the organization. There are several attorneys in the City Attorney's Office, each with areas of assignment, and an attorney is assigned to advise each board and to assist the staff liaison, chair, and members of the body with legal questions and concerns. They also provide appropriate training.

## **City Clerk Role**

The City Clerk supports the organization by maintaining City records; producing and distributing City Council agendas and minutes; administering the boards and commissions program; maintaining the City Code, Land Use Code, and Traffic Code; and conducting municipal elections. The Clerk's Office also responds to citizen inquiries for information, proactively provides information via the City's website, and administers liquor and marijuana business licensing.

# MEMBERSHIP RESPONSIBILITIES AND LIMITATIONS

## Orientation and Training

City staff provides yearly training on the structure and operation of City government and the legal and ethical duties and responsibilities of board members. All members of City boards are required to attend the training, either in person or in such other fashion as the City Clerk's Office, City Manager and City Attorney may deem appropriate (such as viewing a training video). This requirement must be fulfilled within six months of the appointment of any member.

Board and commission members are required to review the organization-wide volunteer handbook which can be found at <https://www.fcgov.com/volunteer/pdf/volunteer-handbook-2015.pdf?1449784884>. They are also required to review and become familiar and comply with the Anti-Discrimination and Anti-Harassment Policy and Code of Conduct attached to this Manual and complete the online training assigned.

## Attendance Policy

Upon the effective date of appointment, board members are obligated to attend meetings. A "meeting" shall mean any gathering of a quorum or three or more members of any board of the City, or any committee of such board, at which any public business is discussed or at which any formal action may be taken but shall not mean any chance meeting or social gathering at which the discussion of public business is not the central purpose.

Changes made to the Fort Collins Municipal Code in April 2021 mandate that absences under certain circumstances will result in automatic termination of a board or commission membership. See Fort Collins Municipal Code § 2-79.

If a member fails to attend regular board or commission meetings, the chair of the board (of if the chair is the person experiencing the attendance problems, then the vice chair) should contact the Boards and Commissions Coordinator in the City Clerk's Office so that they can work with the Council liaison to the affected board to address the issue. Any of the following shall automatically cause a member's appointment to be terminated and shall create a vacancy on the board:

- (1) Two absences from regularly scheduled meetings of the board in any calendar year if, prior to the meetings where the absences occurred, the member did not submit written notification of such absence to the staff liaison.
- (2) Absence from more than twenty-five (25) percent of regularly scheduled meetings of the board in any calendar year, with or without written notification to the staff liaison, unless the member has discussed one or more temporary impediments to attendance with the board chair before this absence threshold is met.
- (3) For subcommittee meetings of the Citizen Review Board, two consecutive absences from scheduled subcommittee meetings or three absences from scheduled subcommittee meetings in a calendar year, if, prior to the meetings where the absences occurred, the member did not submit written notification of any such absence to the staff liaison.

If such a vacancy occurs, the staff liaison shall immediately notify the City Clerk's Office so that the vacancy can be filled by the Council. The City Council may approve an exception to the attendance requirements in this section for good cause shown, if the affected board or commission member files a written request with the City Clerk's Office prior to an absence that would trigger a vacancy under subsection (a). See Fort Collins Municipal Code § 2-79.

The City Council may approve an exception to these attendance requirements for good cause shown if the affected board member files a written request with the City Clerk's Office prior to an absence that would trigger a vacancy under this policy.

## **Remote Participation**

Detailed requirements about boards and commissions holding remote meetings are found in City Code § 2-73 and summarized partially below. Board and commission members must comply with these requirements.

- Quasi-judicial meetings may be conducted in whole or in part by remote technology. However, a member must be present in person to participate in and vote on quasi-judicial matters.
- For boards and commissions that are not quasi-judicial, meetings may be conducted in whole or in part by remote technology. Remote participation of a member will count towards establishing a quorum and remote participation is allowed. All votes must be conducted by roll call.

## **Membership Limitations**

The following limitations and requirements (City Code § 2-76) are applied to board membership):

- No person may serve on any one board for more than eight consecutive years. If a vacancy occurs on a board, it shall be filled by the City Council for the remaining unexpired portion of the term unless otherwise specified by the City Council.
- No person will be appointed by the City Council to serve concurrently on more than one board. This limitation does not apply to committees deemed to be temporary in nature.
- All persons appointed, or reappointed, to any board shall reside within the Fort Collins Growth Management Area during their service on the board. Any member serving on a board who relocates outside of the Growth Management Area during their term of service on a board, regardless of their date of appointment or reappointment, shall resign their membership. These limitations shall not apply to applicants for, or members of, the General Employees Retirement Committee or the Affordable Housing Board appointees made by the Housing Catalyst.
- Service by employees on any board or commission referenced in Division 2, 3 of 4 of the Article III of the Fort Collins Municipal Code is governed by the City's Personnel Policies.

Boards do not have the authority to add additional members to the board or invite members of the public to sit on subcommittees.



# CONDUCTING BOARD/COMMISSION MEETINGS

## **Election of Officers**

The election of officers should be held each year during the regular meeting in May or June or at such time as any annual appointments become effective. This time frame follows the annual appointment of new members before officer elections. The Clerk's Office suggests that new board members attend at least one meeting prior to election of officers taking place.

## **Conduct of Meetings**

It is important that boards conduct their meetings in a manner that is procedurally effective, efficient, and equitable. Fort Collins' City Code specifies that "each board or commission shall conduct its business in accordance with the Charter and the Code" and that "additional procedures and requirements for boards and commissions may be listed in a Boards and Commissions Manual [the present document]" (City Code § 2-78).

The City Code provides that all type 2 advisory boards and quasi-judicial commissions may adopt rules of procedures which are not inconsistent with the Charter, the Code or other policies that may be established by the Council, including this Manual, and must be submitted to the City Attorney's Office for review prior to adoption. Boards or commissions that wish to adopt rules of procedure should work with their staff liaisons and the City Attorney's Office to prepare or amend rules of procedures. A copy must be filed with the City Clerk for City Council reference immediately after adoption, and they may be subject to the approval of the City Council. Boards and commissions no longer have bylaws, as the City Code governs the subjects that would typically be included in the bylaws of a board.

The Rules of Procedure described in this section of the Boards and Commissions manual are a simplified version of Robert's Rules of Order. The instructions and information that follow are by no means a comprehensive guide, but they should orient new board and commission members to the general rules of procedure used by many boards and commissions. Staff liaisons and board/commission chairs will explain these in more detail at each meeting with new board and commission members, including any modifications to the procedures included here.

### ***Rules of Procedure***

The following Rules of Procedure should help boards and commissions facilitate meetings more effectively by requiring the board or commission to consider one item at a time and ensuring that everyone who would like to speak may do so.

The chairperson of each board will facilitate by calling the meeting to order, presenting items for the group to consider based on the agenda, ushering the group through the agenda, and concluding the meeting when all business on the agenda has been considered by the group.

In general, board and commission members participate in meetings by one person making a motion and, if a second person seconds the motion, engaging in discussion about the item and then taking a vote of all members. Amendments to a motion may also be made. The following table describes these actions in greater detail.

<b>Motion</b>	<b>Meaning</b>
Second	Motions require that a second member of the group agrees to consider the proposal to ensure that it is meaningful to more than one person.
Amend	If a member would like to slightly change the wording of the item being debated, the member may state, "I move that we amend the item by..." and indicating the exact changes they would like the group to consider. In order for the approved amendment to be considered, the motion to amend must be seconded by another member of the group and then voted on. If the motion to amend passes, then the original motion has been successfully amended, but separate debate and voting on the original motion (as newly amended) is still required.
Participate in Debate	Any time the chair introduces an item for the group's consideration, all board and commission members are invited and encouraged to make a motion. Once a motion is made and seconded or a motion is amended as described above, the chair will call on board members who wish to speak, and the group will discuss and debate the motion until all who wish to speak have spoken and a vote takes place. Importantly, chairs of City boards are permitted to participate in the debate of matters considered by the board and to vote on all motions made to the same extent and with the same effect as other members.
Voting on a Motion	The five methods used to vote are: By Voice – The Chair asks those in favor to say, "aye", those opposed to say "no". Any member may move for an exact count. By Roll Call – Each member answers "yes" or "no" as their name is called. This method is standard, and each vote must be recorded (Sec. 2-78 "A record shall be made of each vote by which a board or commission takes formal action."). Roll call is required if there are any remote participants of boards/commissions present.

**Public Input**

Each board shall, at or near the beginning of each of its regular meetings, afford members of the public an opportunity to speak to any matter coming within the purview of the board, regardless of whether such matter is scheduled for consideration at that particular meeting. Time limitations for public input may be set by the chair of the board at the start of each meeting as necessary to conduct the business of the board in a timely and efficient manner.

**Open Meetings**

*Open to Public*

The City Code specifically requires that all meetings of a board, and all meetings of any committee of a board, shall be open to the public at all times. The only exception to this rule is when the board is meeting in a validly convened executive session, in which the board is permitted to meet privately to discuss certain, specific matters described in the City Code.

The term "meeting" is defined as a gathering of a quorum or three or more members, whichever is fewer, of any board, or any committee of such board, at which any public business is discussed or at which any formal action may be taken. It is important to remember that the open meeting requirements apply to more than just in-person gatherings. They also apply to telephone conference calls, social media communications, or any other means of

communication where communication between more than two members about any public business takes place. However, the term “meeting” does not include a chance meeting or social gathering at which the discussion of public business is not a central purpose.

Board and commission members must avoid email exchanges that discuss public business or any matter related to their City Council-established functions, unless it is a one-on-one dialogue or regarding scheduling. Board or commission business should not be conducted outside of meetings. An email exchange between two board or commission members may be subject to disclosure under the Colorado Open Records Act.

***Notice Requirement***



The notice requirement for meetings is slightly different from the public openness requirement. Full and timely notice to the public must be given prior to the holding of any meeting of a board (or committee of a board) at which a majority or quorum is in attendance or is expected to be in attendance or at which formal action could be taken. Therefore, a gathering of three members of a seven-member board to discuss board business would be open to the public but there would be no notice requirement if a quorum of the board was not expected to be in attendance and no formal action to occur.

The City Code defines full and timely notice for regularly scheduled meetings as providing a statement with the City Clerk’s Office with the regular meeting dates, times and locations. For special meetings, irregularly scheduled meetings, or rescheduled meetings, notice of the meeting must be filed with the City Clerk’s Office and posted at least 24 hours before the time of the meeting. The City’s website is designated as the proper place for the posting of public notice of any meetings of any City boards or their committees, for which public notice is required to be given by the provisions of the Code. When possible, such notices should also be available at the City Clerk’s office at City Hall West, 300 Laporte Avenue. All meeting notices shall include information about the availability of agenda materials. The staff liaison for each board, or their designee, shall be responsible for the posting of such notice.



## Quorum Requirements

For a board to conduct any business or take any formal action, it is necessary that a quorum of the membership be present at the meeting. A quorum consists of the majority of the total number of members specified by the City Code to comprise the board. This quorum requirement does not change even if a position on the board is vacant, and the City Council has not yet appointed a replacement. If a quorum is not present for a meeting, those present can adjourn the meeting to a later date and time. Unless otherwise provided in the City Code, members present at the meeting by remote technology shall be counted toward establishing a quorum and may participate and vote in non-quasi-judicial portions of meetings. Attendance by remote technology for purposes of establishing a quorum or participating and voting in the meeting is not permissible in quasi-judicial portions of meetings. The quorum for a board subcommittee shall be a majority of those appointed to the subcommittee unless the Charter, City Code, or the board establishing the subcommittee specifies otherwise.

<b>How Many Members Constitute a Quorum?*</b>	
 Four members  <i>**These boards and commissions have 7 members, and a quorum is the four-member minimum majority of membership</i>	<ul style="list-style-type: none"> <li>- Affordable Housing Board</li> <li>- Art in Public Places Board</li> <li>- Citizen Review Board</li> <li>- Cultural Resources Board</li> <li>- Building Review Commission</li> <li>- Planning and Zoning Commission</li> <li>- Land Use Review Commission</li> <li>- Women and Gender Equity Advisory Board</li> </ul>
 Five members  <i>**These boards and commissions have 9 members, and a quorum is the five-member minimum majority of membership</i>	<ul style="list-style-type: none"> <li>- Active Modes Advisory Board</li> <li>- Air Quality Advisory Board</li> <li>- Disability Advisory Board</li> <li>- Economic Advisory Board</li> <li>- Energy Board</li> <li>- Land Conservation and Stewardship Board</li> <li>- Natural Resources Advisory Board</li> <li>- Parks and Recreation Board</li> <li>- Senior Advisory Board</li> <li>- Human Services and Housing Funding Board</li> <li>- Historic Preservation Commission</li> <li>- Human Relations Commission</li> <li>- Water Commission</li> </ul>
<p>*Because the Youth Advisory Board (“YAB”) may change in size from time to time, a quorum for the YAB shall be dependent on the number of the appointed board members at the time of the meeting. A quorum for the YAB shall be a majority of the number of appointed board members.</p>	

## Agenda

The staff liaison is responsible for creating and distributing the agenda with relevant supplemental documents and presentations for any meeting of a board (or committee of a board). The agenda must be open to public inspection, and a copy must be filed with the City Clerk. A summary agenda must also be filed with the City Clerk’s Office.

## **Minutes**

The staff liaison or their designee is responsible for taking minutes at any meeting of a board (or committee of a board) at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur. The minutes must be open to public inspection, and a copy must be filed with the City Clerk upon approval. Section 2-75 of the City Code requires that approval of minutes shall occur no later than the next regular meeting of the board or committee, except in those instances when an audio or video recording has been made and maintained. Discussions that occur in an executive session shall be subject to the same audio recording requirements and related procedures and regulations as are contained in Section 2-33 of the City Code pertaining to executive sessions of the City Council and its committees. The minutes of a meeting during which an executive session is held shall reflect the topic of the discussion at the executive session.

### ***Approval of Minutes***

Board members are responsible for approving the previous meeting's minutes at each regular meeting. If board members would like to make any additions, deletions, or corrections to the minutes, they should present these changes during the agenda time slotted for approving the minutes. A motion should be made and seconded to approve the minutes of the last meeting as amended. The minutes should contain the date that they were approved by the board.

## **Executive Sessions**

The holding of an executive session is the only time that a meeting of a board may lawfully be conducted privately. Because of the strong interest in maintaining an open and public government, the City Code and the courts have strictly limited the use of executive sessions to certain predetermined situations involving sensitive or private information (i.e., ongoing litigation, conflicts of interest, property acquisitions, personnel matters, competition in the electric utility industry, etc.). For most boards, the use of executive sessions is rare, and board members should obtain advice in advance from their City staff liaison and the City Attorney's Office if they contemplate holding an executive session.

### **“Super Issue” Meetings**

The City Code sets out a process for engaging boards and commissions in discussion of broader policy issues and matters not specifically identified in the stated function of each board or commission. These meetings have been dubbed “super issue” meetings, providing an opportunity for boards and commissions to come together to learn about and discuss key topics or issues.

All members of boards and commissions are invited to attend super issue meetings. No formal action is taken at these meetings. It is possible that three or members of any particular board or commission may be in attendance at these meetings. Meetings are open to the general public; however, the public is invited to observe but not participate. Currently, super issue meetings are scheduled on an as-needed basis.

# REPORTING REQUIREMENTS – WORK PLANS AND ANNUAL REPORTS

## **Work Plans**

The City Code requires all boards to file work plans on or before November 30 for the following year. Work plans are filed with the City Clerk.

Work plans should set out major projects and issues for discussion for the following year. Timelines and scopes of review should be provided when possible. If appropriate, a prediction of the action the board plans to take should be included. Work plans should be concise and easily readable. The City Council will review the work plan for each board.

It is important for work plans to include all items that the board or commission intends to work on due to the additional administrative processes that must take place when boards request City staff support for items not listed on their annual work plans. To request that staff initiate and dedicate time to policy investigation, consideration of an ordinance, or other significant projects not on the board's work plan:

- The request must be supported by a majority of the entire board.
- If a majority agrees, the board should first contact the City Manager and Council liaison.
- The City Manager and Council liaison will work with the board to seek direction from the Council subcommittee or the full Council on the appropriateness of the request and will provide direction on whether staff should proceed.

## **Annual Reports**

Each board is required, by City Code, to prepare an annual report on or before January 31 of each year for the previous year.

Annual reports should directly correspond to the work plan prepared by the board for the year. The status of each item identified on the work plan should be included, along with other items of business conducted by the board. Annual reports are filed with the City Clerk for distribution to the City Council.



## BOARDS AND COMMISSIONS YEARLY PLANNING CALENDAR

The following calendar summarizes annual deadlines and functions:

<b>Board/Commission Deadlines</b>	
<b>January</b>	Annual Report due January 31 (Required by City Code)
<b>February</b>	Interviews for new board and commission members
<b>March</b>	Appointment of new members
<b>April</b>	Schedule Periodic Review to meet June or July deadline (NOTE: This is required once every 4 years per board – Clerk’s Office will contact applicable boards)
<b>May</b>	Election of officers (May or June)
<b>July</b>	Review adopted Council Priorities and Initiatives
<b>August</b>	Begin creating or modifying Work Plans
<b>September</b>	Annual Review begins in September
<b>October</b>	Annual Informational Session Event (TBD)
<b>November</b>	Work Plan due November 30 (Required by City Code)
<b>December</b>	Begin working on the Annual Report
	Recruitment opens
Note: This calendar is not meant to be all-inclusive.	

### Annual Review Schedule

The Public Engagement Specialist in the City Clerk’s office will begin a high-level review and assessment of boards and commissions in September. A report will be provided to City Council.

# COMMUNICATION, MEDIA, AND PROMOTIONAL EVENTS

The City's Communications and Public Involvement Office (CPIO) may offer support to Boards when public education or promotion is outlined as a function of a Board's duties as outlined in the City Code. Before a board may seek the support of the CPIO, it must have the prior consent of the staff liaison in their sole discretion.

According to Article III of Chapter 2 of the City Code, the following boards and commissions have Council-designated public education or promotional functions:

- Affordable Housing Board
- Disability Advisory Board
- Human Services and Housing Funding Board
- Human Relations Commission
- Historic Preservation Commission
- Natural Resources Advisory Board
- Parks and Recreation Board
- Senior Advisory Board
- Youth Advisory Board

If you have questions about whether the proposed outreach is within the scope of your authorized functions under the City Code, your staff liaison should contact the City Attorney's Office for guidance.

## Promotional Guidelines

If the City Code permits a Board to engage in promotional activities set forth in these guidelines, members must work through their staff liaison to discuss publicity options and whether there are City budget dollars available to City staff before issuing any promotion, advertising, marketing materials, or similar communications.

If the staff liaison determines it is warranted, they may contact CPIO for review/approval of any communication, including both content and graphics, that will be external facing. Unfortunately, CPIO does not have funding for advertising, marketing materials or other paid promotional requests for individual Boards. CPIO may decline requests for promotional support due to time constraints and lack of capacity. If CPIO cannot offer support, CPIO may approve and recommend consulting a third party on a case-by-case basis.

### ***Frequently Asked Questions:***

#### Can Boards pursue social media communications?

- Individual social media accounts are not permitted for individual boards and commissions. Boards are encouraged to work with their staff liaisons to have City sponsored/approved content shared on existing, established City social media accounts.

#### How can Boards communicate through webpages?

- Boards should utilize their current City Boards webpage instead of creating external webpages.

#### How can Boards promote events?

- Boards are encouraged to create flyers or other promotional materials in coordination with their staff liaisons and link them to their existing City Boards webpage as the City does not create individual webpages for such events.

#### How can Boards request video?

- Video requests should be coordinated through your staff liaison and FCTV.

#### How can Boards request photography or posters for public events?

- Boards can file requests through their staff liaison, and assistance from CPIO will depend on capacity and availability.

#### How do Boards secure funding for outreach?

- Funding, if available, is the responsibility of the staff liaison's department.

#### How can Boards pursue advertising services?

- If the budget provides funding for Board activities that are permitted by their charter, the Board may pursue advertising, working with the staff liaison. Any advertising involving the City organization should always be reviewed by CPIO.

#### How should Boards use their logo?

- If communication comes directly from a Board (rather than some other part of the organization), the City Board [logo](#) should always be used.

#### Can Boards advocate for the passage or defeat of a state or local ballot issue?

- Once a measure has been placed on the ballot, no Board can use public funds, resources, or City time to advocate for passage or defeat of the measure, including City equipment, materials or staff time. This does not apply to personal activities of Boards members on their own time when not representing the City.

#### What are the guidelines for boards hosting an educational or promotional event?

- For event booking, Boards are strongly encouraged to prioritize City venues over spaces managed by other organizations. City venues meet various accessibility standards that alternative facilities may not meet. City venues also have a vetted audio/visual setup, which decreases the likelihood of technical complications or limitations. Please consult the list of [available rental facilities and spaces](#) for booking details for City venues.

## RULES OF CONDUCT

The success or failure of the efforts of a board often depend on cooperation among the individual members of the body, other board members, City staff, and the public. City boards and commissions are comprised of individuals with diverse backgrounds with different communication styles, and members should be sensitive to the physical differences, sexual orientation, gender expression, political ideology, and even different personalities in their group. Expectations about how appointed members should conduct themselves are described in the Code of Conduct. The process for filing complaints or seeking resolution under the Code of Conduct is described in the City Code § 2-580.

Members shall not make personal, impertinent, profane, vulgar, slanderous, intimidating, or harassing remarks that disturb, disrupt, or impede the conduct of the meeting or the board or commission's completion of its business. Similarly, threats of violence or harm, or abusive language, and racial or ethnic slurs directed at any person or group of persons, are prohibited.

All board and commission members are expected to abide by the standards set forth in the organization's Anti-Discrimination and Anti-Harassment Policy, revised in 2023, City Council's rules for their own meetings, and the City's guidelines for ethical conduct regarding conflicts of interest.

### **Anti-Discrimination and Anti-Harassment Policy**

In February 2019, the City Council adopted the Respectful Workplace Policy. The policy addresses respectful conduct by City Councilmembers and by those appointed by City Council (including direct report employees and board and commission members). In 2023, the Council considered and approved amendments to that policy, including a change to the name of the policy to the Anti-Discrimination and Anti-Harassment Policy ("ADAHP"). The ADAHP establishes the City Council's policy related to harassment, discrimination, and retaliation; the process to be followed when a complaint is made; and the alternatives available for a complaining party to report an alleged violation of the Policy. It identifies possible outcomes or options available in the event harassment is substantiated. The ADAHP shown in Appendix C is attached hereto and incorporated herein by this reference.

### **Ethical Conduct and Conflicts of Interest**

The members of City boards are subject to certain rules of ethical conduct established by the City Charter and Code. The following summary highlights the primary areas of concern addressed by these rules. Members should read and become familiar with the Ethical Rules of Conduct in their entirety, which apply to all board and commission members, and are found at City Code §§ 2-575 through 578. When in doubt, a board member should consult with the City Attorney's Office for clarification of any applicable regulations. Also, a board's Council liaison is permitted under the City Code to submit an inquiry to the Ethics Review Board on behalf of a board member for an advisory opinion and recommendation. Ultimately, each member is responsible for their own compliance with all applicable laws and regulations.

#### ***Conflicts of Interest***

A board member must refrain from voting on or attempting to influence any decision in which they have a financial or personal conflict of interest. Additionally, when a conflict exists under the rules contained in the City Charter, the member should file with the City Clerk's Office a written statement of disclosure as soon as the conflict of interest is discovered. A copy of the disclosure form is included with these materials and additional forms may be obtained from the City Clerk's Office.

Generally, a board member has a financial interest in a decision when the decision entails some foreseeable, measurable financial benefit to the individual member or relative.

Even if a member does not have a financial interest in a decision or recommendation, a personal interest may also create a conflict of interest. The test for a personal interest is whether, in the judgement of a

reasonably prudent person, the board member would realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public. In applying this test in a business context, a board member should check with the City Attorney's Office before participating in any decision which directly and substantially benefits a business in which the member either has a substantial financial interest or is engaged as a consultant or representative. Or, if a decision of the City might directly and substantially affect a particular business to its economic detriment, and a board member has a substantial financial interest in a competing firm, the member should also exercise caution in deciding whether to participate in the decision.

In any action in which a board member declares a conflict of interest, that member shall not communicate to or attempt to influence the board regarding that item, in any capacity, except that:

- The member may communicate with the board to protect a strictly personal interest, in the same or similar ways in which the public is permitted to communicate with the board;
- The member may prepare materials on behalf of another for a project in the normal course of business or operation, so long as the purpose of those materials is not directly and substantially related to advocacy before the member's board. Those materials may be included in materials submitted by another to said member's board so long as they fall within this exception. For example, such materials may include architectural plans, technical studies, and engineering designs.
- If a member has declared a conflict of interest in a matter in accordance with the City Charter and City Code, and so is prevented from participating in or influencing the decision of the board, the member may request a variance from these limits from City Council, in the following circumstances and manner: the member must submit a variance request to the City Clerk on a form provided by the Clerk, the member must demonstrate that without the variance, the member would suffer hardship, and that no reasonable alternative exists that would allow for the hardship to be avoided or substantially mitigated, and the City Council must act by resolution to approve or disapprove the variance.
- These limitations do not apply to other members, partners, or other parties of the member's firm or entity, who may continue to work on the project and may advocate to the member's board, provided that the member has declared the conflict of interest and refrains from participating in the matter consistent with the applicable limitations.

Nothing prohibits a board member from interacting with City staff regarding a particular matter, after declaring a conflict of interest regarding that matter, so long as the member is not:

- Acting in their role as a board member; or
- Seeking special consideration, treatment or advantage in the interpretation, administration, or enforcement of the Charter, Code, any City regulation, policy, or program or in the provision of public services.

If a board member has declared a conflict of interest, the disclosure of related confidential information to that member is prohibited.

Certain exceptions to the general rules pertaining to financial and personal conflicts of interest are contained in Article IV, Section 9(a) of the City Charter.

### ***Contracts with the City***

The Charter prohibits board members and their relatives from having a financial interest in sales to the City, but only if they exercise, directly or indirectly, any decision-making or supervisory authority regarding the goods



or services to be sold to the City. (City Charter art. IV, § 9).

As to purchases from the City, such purchases are permitted only when the property is offered for sale at an established price and not by bid or auction, and the purchase must be on the same terms and conditions as would be available to all members of the general public.

### ***Disclosure of Confidences***

Board and commission members sometimes receive confidential information from City staff, including but not limited to attorney-client privileged communications. Such information must not be disclosed to any person who is not an officer or employee whose official duties are unrelated to the subject matter of the confidential information. Also, such information should not be used for the private benefit of the board member or any other individual. Additionally, disclosure of the information is prohibited and permissible in specific circumstances described in City Code § 2-568.

### ***Gifts and Favors***

The acceptance of honoraria (compensation for speech or participation in public events as an official of the City) is prohibited. The acceptance of any other gift or favor from persons doing business with the City or desiring to do business with the City is also prohibited if the gift or favor might reasonably be construed as compensation for an official decision or as something that would tend to impair the board member's independence of judgment in the performance of their official duties. The following specific items are excluded from the definition of prohibited gifts or favors and may be accepted:

- Nonpecuniary (non-monetary) awards presented by a nonprofit organization in a public setting and in recognition of public service.
- Reimbursement for expenditure for travel-related expenses and subsistence at which a member is scheduled to participate.
- Reimbursement or acceptance of an opportunity to participate in a social function or meeting offered to the member and which is not extraordinary when viewed in the light of the position held by the member.
- Perishable or nonpermanent items that are insignificant in value, such as meals, lodging, travel expenses, and tickets to sporting, recreation, educational or cultural events.
- Payment of salary.
- Campaign contributions reported as required by Chapter 7, Article V of City Code.

For more information, see City Code § 2-568(c)(4).

### ***Indemnification***

Board and commission members may face the possibility of lawsuits being filed in connection with their actions taken as board or commission members. In certain circumstances described in City Code, the City is obligated to pay the costs of defense of such suits and to pay for all judgments and the settlement of claims. In general, the risk of a lawsuit is reduced when members act within the scope of their power granted by the City Code, engage in informed and deliberative decision-making, consult with City staff as necessary, and operate within their ethical obligations. See City Charter art. IV, § 9 and City Code §§ 2-568 and 2-611.

This protection does not apply when:

- A member acts outside of their official capacity or outside the scope of powers granted to the member by the City Code.
- A member acts in a willful or wanton manner, meaning the member's conduct is purposefully committed and the member realizes the conduct is dangerous, done heedlessly and recklessly without regard to consequences or of the rights or safety of others.

- A member compromised or settled a claim without the City's consent.
- A member fails to notify the City of a lawsuit within 15 days of service if the City is not a named party.
- The claim against the member is criminal or related to a contract issue.

A complete list of exceptions to this protection can be found in City Code § 2-611(1) – (7). For more information, members may contact the City Attorney's Office.

### ***Ethics Complaints***

Any Councilmember may ask the Ethics Review Board to evaluate an inquiry related to how ethical rules of conduct apply to any actual or hypothetical situation of a Councilmember or board member.

In addition, any person who believes a board member has violated any provision of state law, the Charter or Code pertaining to ethical conduct may file a complaint with the City Clerk, who shall immediately notify the chairperson of the Ethics Review Board, the board member named in the complaint, the City Council and the City Attorney. Each complaint shall name only one board or commission member as its subject.

The City Clerk must schedule the complaint for consideration by the Ethics Review Board as soon as reasonably practicable. The Review Board will meet and consider the complaint within thirty (30) working days after the date of filing of the complaint. If extenuating circumstances arise in the scheduling and preparation for such a meeting, the Review Board must meet as soon as reasonably practicable.

The City Clerk gives written notice of the scheduled meeting for initial review of the complaint to the board or commission member named in the complaint, as well as the complainant, the chair of the board or commission of which the subject of the complaint is a member, and the City Council, at least three (3) working days prior to the meeting. A notice of the complaint, including the identity of the complainant, is also posted along with the meeting notice.

Upon receipt of any such complaint, the Review Board, after consultation with the City Attorney, must decide by majority vote whether to formally investigate the complaint. In making such determination, the Review Board must consider the screening criteria set out below. If the Review Board determines that the complaint does not warrant investigation, the Review Board sends written notice to the complainant of its determination and the reasoning behind that determination, and provides a copy of the notice, together with a copy of the complaint, to the board or commission member named in the complaint, as well as the chair of the board or commission of which the subject of the complaint is a member, and the City Council.

If a complaint proceeds to investigation after the initial review, in performing its review and investigation of any complaint or inquiry submitted, the Review Board must afford all affected board and commission members an opportunity to present their interpretations of the facts at issue and of the applicable provisions of law before rendering its opinion and recommendation. Prior to reaching a decision on the merits of a complaint, the Review Board must provide the complainant an opportunity to present facts and argument in support of the complaint; however, it is not necessary for the Review Board to conduct a full public hearing and take public input on a complaint.

The Review Board may also request such additional materials or information from City staff or members of the public which it considers reasonably necessary or helpful to its deliberations. In addition, the Review Board shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of such documents as the Review Board may consider necessary to its investigation. After investigation, the Review Board must promptly issue an opinion and recommendation to the City Council, to be filed with the City Clerk and available for public inspection. Then, the opinion and recommendation are submitted to City Council for consideration at a regular City Council meeting, at which time the City Council

either adopts the opinion as a final ethics opinion of the Council, or chooses not to adopt it.

The determination as to whether a complaint merits investigation and further action shall be made on the basis of one or more of the following considerations:

- i. The City Council has no jurisdiction over the individual(s) alleged to have violated the relevant ethics provision;
- ii. The alleged violation, even if true, would not constitute a violation of the relevant ethics provisions;
- iii. The allegations of the complaint were previously asserted in another complaint that is already being considered or was resolved by the Review Board and/or City Council;
- iv. The alleged violation, even if true, is minor in nature and fails to justify the use of public resources to investigate or prosecute;
- v. The allegations of the complaint involve actions or events that occurred more than one (1) year prior to the date of the filing of the complaint and, due to the passage of time and the likely unavailability of evidence, witnesses, and witnesses' recollections, investigation and prosecution of the complaint will not justify the use of public resources, except that complaints based on conduct resulting in a criminal conviction (regardless of the type of plea entered) or entry into a plea agreement subject to a deferred prosecution, deferred judgment, or deferred sentencing agreement may be referred to an appropriate enforcement agency;
- vi. The complaint is, on its face, frivolous, groundless, or brought for purposes of harassment;
- vii. The alleged violation is unlikely to be proven by the required standard of preponderance of the evidence due to the evidence consisting of conflicting oral testimony and unverifiable statements;
- viii. The person who is the subject of the complaint has admitted wrongdoing and made or committed to make sufficient redress or remedy satisfactory to Review Board or City Council;
- ix. The matter has become or will become moot because the person who is the subject of the complaint is no longer a board or commission member or will no longer be a board or commission member prior to the conclusion of any consideration or investigation of the allegations in the complaint;
- x. The person who is the subject of the complaint previously obtained an advisory opinion under this code of ethics that identified the conduct as not being in violation of the code of ethics; or
- xi. The City Council has elected to refer the complaint to another agency with jurisdiction of the allegations of the complaint and such referral will better serve the public interest (e.g., law enforcement, district attorney, state or federal attorney general; or department of justice).

The City Attorney advises the Review Board and prepares and executes all advisory opinions and recommendations of the Review Board.

Compliance with the ethics provisions of the Charter and Code and state law, as well as decisions regarding the existence or nonexistence of conflicts of interest and the appropriate actions to be taken, is the responsibility of each individual board and commission member.

An opinion adopted by the City Council under Subsection (e) of § 2-569 of the City Code constitutes an affirmative defense to a civil action or possibly a criminal action or any other sanction against a Councilmember or board or commission member acting in reliance it.

More information can be found in City Code § 2-569.

## ***Abuse of Public Office***

In addition to the requirements mentioned above, there are also state criminal statutes that make it an offense to abuse public office. In general, state law prohibits a public servant, which includes any person performing a governmental function or appointed to perform a governmental function, from soliciting, accepting, or agreeing to accept a bribe intended to influence their vote, opinion, etc. See Colorado Revised Statutes §§ 18-8-301 to 18-8-308. State law also generally prohibits a member from misusing official information to their financial benefit. See Colorado Revised Statutes §§ 18-8-401 to 18-8-409.

Violations of these laws may subject the board or member to criminal prosecution by the District Attorney and may result in criminal penalties.

## ***Checklist***

The following questions are suggested when examining a potential conflict of interest or question of ethical conduct. If the answer to the question is “yes,” the board or commission member should avoid participating in the decision or engaging in the proposed transaction:

- Sales to the City:* Will I or my relative or my business receive some foreseeable, measurable financial benefit? Am I involved in procurement or supervision for the sale?
- Purchases from the City:* Am I, or is my relative, buying this at auction? Are we buying it under any different terms and conditions than would be available to members of the general public?
- Financial Interest in a Decision:* Will I or my relative or my business receive some foreseeable, measurable financial benefit?
- Personal Interests:* Would a reasonably prudent person believe that I or my relative will realize or experience some direct and substantial benefit or detriment from this decision that is different in kind from that experienced by the general public? Will the business that either of us represents directly and substantially benefit? Will a competing firm be directly and substantially harmed?
- Gifts or Favors:* Is this gift or favor being offered to me because of a decision I have made or am about to make? Would a reasonably prudent person think that this gift or favor would impair my independence of judgment? (Before deciding to accept a gift, it should fit under one of the exemptions in City Code § 2-568(c)(4).)
- Confidences:* Am I about to use or disclose a confidence which, in the judgment of a reasonably prudent person, would injure the interests of the City? Will I be using it for private gain, either for myself or for another person? Is this information marked as confidential? Is this information subject to the attorney-client privilege? For other examples of confidential information, see City Code § 2-568.

## APPENDIX A: BREAKDOWN OF BOARDS AND COMMISSIONS

### **Active Modes Advisory Board**

Effective January 1, 2024, the Active Mode Advisory Board advises the City Council and City staff on all matters pertaining to active modes of transportation. The Board advises and makes recommendations to City staff and the City Council concerning the expenditure of City funds for active modes of transportation. The Board periodically coordinates 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. The Board also promotes public use of active modes and public education on City-wide active modes issues.

### **Affordable Housing Board**

The Affordable Housing Board advises the City Council and City staff on all matters pertaining to affordable housing issues of concern to the City; advises and makes recommendations to City staff, the Human Services and Housing Funding Board, and the City Council concerning the expenditure of City funds for affordable housing; aids and guides the development of City-wide affordable housing programs to address currently existing and potential affordable housing issues; promotes citizen participation and public education on City-wide affordable housing issues; and is to be aware of and coordinate with the various other City boards, commissions and authorities, City departments, and other organizations and entities whose actions may affect affordable housing in the community.

### **Air Quality Advisory Board**

The Air Quality Advisory Board advises the City Council regarding policies, plans and programs to improve and maintain the city's air quality. The Board may, without limitation, biennially review air quality indicators; review and recommend revisions as needed to the Air Quality Policy Plan, and to any other City plans that may have significant impacts on air quality; and advise the Governor-designated lead agency for air quality planning on matters pertaining to the Fort Collins element of the State Implementation Plan. The Board may also convene ad hoc citizen task groups to provide additional technical expertise to the Board for the planning of specific strategies. The Board coordinates its work with the Transportation Board, Natural Resources Advisory Board and the Planning and Zoning Commission.

### **Art in Public Places Board**

The Art in Public Places Board advises and makes recommendations to the City Council regarding incorporation of works of art into construction projects and regarding expenditures from the art in public places reserve account for artists, works of art and sites for placement of works of art, following established and published guidelines; advises and makes recommendations to the City Council regarding the acceptance of offers to donate art to be placed in public areas; and advises and makes recommendations to the Community Services Director and the City Council as to rules, regulations, guidelines, policy, administrative and budgetary matters pertaining to the Art in Public Places Program.

### **Building Review Commission**

The Building Review Commission is charged with the responsibility to hear appeals and requests for variances related to the Fort Collins building codes and contractor licensing regulations. The BRC hearing provides a formal recourse to building permit and contractor license applicants who disagree with an interpretation or ruling by the Fort Collins Building Official. The BRC is authorized to rule in favor of the applicant and to approve alternative building methods and materials that are not specifically prescribed in the building codes. This board may also revoke or suspend a contractor license when it determines that a licensee has violated the building codes or licensing rules. In an advisory capacity, the BRC makes recommendations to City Council concerning the revision of existing codes or the adoption of new building codes and contractor regulations.

### **Citizen Review Board**

At the request of the City Manager or the Chief of Police the Citizen Review Board makes recommendations concerning interpretation of police policies and procedures. The Board reviews internal investigations where a



peace officer is alleged to have used force, discharged a firearm, committed a crime, when a person sustained severe injury, death, or alleged their civil rights were violated by a peace officer, or other investigations requested by the City Manager or Police Chief. Use of deadly force would be a mandatory review by the Board even if no complaint is filed. The Citizen Review Board also offers reviews for other law enforcement agencies operating within the City and makes annual reports to the City Council and City Manager concerning activities and recommendations of the Board.

### **Cultural Resources Board**

The Cultural Resources Board's functions are to advise and make recommendations to the Director of Cultural Services and Facilities and the City Council as to rules, regulations, policies, administrative and budgetary matters pertaining to the Cultural Services Department's programs, services and facilities (which include the Lincoln Center, Museum of Discovery and The Gardens on Spring Creek); to review proposals for funding from the Cultural Development and Programming Account and the Tourism Programming Account (Fort Fund), following established and published guidelines, and to submit recommendations regarding such proposals to the City Council to be approved by the City Council by resolution; to advise and make recommendations to the City Manager regarding any proposed revisions to the guidelines used by the Cultural Resources Board to make Fort Fund recommendations and to assist, advise and make recommendations to the Director of Cultural Services and Facilities and the City Council on arts and culture related matters and regarding opportunities to promote awareness, understanding, and appreciation for, the value of cultural resources in the community.

### **Disability Advisory Board**

The Disability Advisory Board serves as an advisor to the City Council to provide recommendations to assure compliance with Section 504 of the Rehabilitation Act of 1973, the 1990 Americans with Disability Act (ADA), the Fair Housing Act and other legislation relating to persons with disabilities. In its role as an advocate for citizens with disabilities, the Disability Advisory Board develops educational programs to acquaint citizens with issues affecting individuals with disabilities; forms special committees to review and address particular issues; communicates with other board to generate ideas helpful to the City Council; educates City employees about access issues affecting individuals with disabilities; recommends to the City design requirements that ensure accessibility; helps the City establish conditions and practices that contribute to employing individuals with disabilities; and serves as advocates among City employees, private businesses and the community on behalf of individuals with disabilities.

### **Economic Advisory Board**

The duties and functions of the Board are to advise the City Council on matters pertaining to the economic health and sustainability of the City, including, events and trends occurring outside the Fort Collins community that may affect the local economy, immediate and long-term threats to the local economy, ways in which to enhance the City's competitive position in relation to other communities, and possible partnerships with other public and private entities; to recommend programs and strategies that may enhance the economic health and sustainability of the City; to be aware of and coordinate with other City boards whose actions may affect the economic health and sustainability of the City; and to advise Council on existing or proposed policies, practices or regulations of the City that may affect the local economy.

### **Energy Board**

The duties and functions of the Board are to advise the City Council and staff regarding the development and implementation of the City's energy policy; advise the City Council and staff in developing City policies that encourage the incorporation of energy conservation and efficiency, carbon emissions reduction, and renewable energy into the development and provision of City utility services, the design and construction of City transportation projects, and the way in which the City impacts the overall built environment within the City; to advise the City Council and staff regarding the alignment of energy programs and policies with City, ratepayer and community values and service delivery expectations; to advise the City Council and staff regarding the recommendations for

improvements to City energy systems; to coordinate with other City boards regarding energy issues; to advise the City Council and staff regarding budgetary, rate-making and operational matters related to the electric utility; and to annually review and provide advice to City Council and staff on the City's Legislative Policy Agenda regarding energy and energy-related carbon issues.

### **Historic Preservation Commission**

The Commission performs all duties relating to preservation of historic landmarks as set out in Chapter 14 of the Code, including the designation of sites, structures, objects or districts as landmarks and the review and approval or rejection of plans for the construction, alteration, demolition or relocation of any such site, structure, object or district. Decisions of the Commission are final unless appealed to the City Council. The Commission also performs the following additional functions: (1) to promote awareness and understanding of, and appreciation for, the value of historic resource preservation in contributing to the quality of life in the City, and actively encourage property owners to voluntarily designate their properties as historic landmarks; (2) To advise the City Council and City staff with regard to the identification and evaluation of historic resources within the Growth Management Area and provide information regarding the significance of the resources, the nature and degree of threat to their preservation, and methods for their protection; (3) to advise the City Council and City staff with regard to appropriate policies, incentives and regulations for encouraging and/or requiring preservation and rehabilitation of historic resources; (4) to coordinate with the various other City boards and City staff members whose actions may affect the preservation of historic resources in the community; (5) to provide advice and, if required under the Land Use Code, written recommendations to the owners of eligible historic properties, and of properties located near eligible historic properties, regarding historically appropriate design and site planning for additions, alterations, and new construction in the City; and (6) To provide advice and written recommendations to the appropriate decision maker and/or administrative body regarding plans for properties containing or adjacent to sites, structures, objects or districts that have been determined to be individually eligible for local landmark designation or for individual listing in the State or National Registers of Historic Places, are officially designated as a local or state landmark, or are listed on the National Register of Historic Places; or are located within an officially designated historic district or area.

### **Human Services and Housing Funding Board**

The HSHF Board advises the City Council and City staff on matters pertaining to the Department of Housing and Urban Development's Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs, and on all matters pertaining to human services issues of concern to the City; it assesses the community development needs of low- and moderate-income individuals and families and suggests programs to meet those needs; and provides recommendations to the City Council and City staff concerning the expenditure of federal and City funds for human services and affordable housing, including CDBG and HOME funds received from the Department of Housing and Urban Development, and City Human Service Program and Affordable Housing Fund moneys, taking into consideration the City's Strategic Plan objectives.

The City receives about \$1.5 million from HUD and just under \$1 million from the General Fund annually. Program funds are typically used for housing, human services, and community development programs, projects, and activities.

### **Human Relations Commission**

The Human Relations Commission was established by City Council to promote the acceptance and respect for diversity through educational programs and activities, and to discourage all forms of discrimination based on race, religion, age, gender, disability, etc. The commission's functions are (1) to promote positive interaction among all City residents and to discourage all forms of discrimination based upon the diversified values and individual differences of such residents by: developing and promoting educational programs and activities that advocate awareness and respect for diversity, cooperating with and providing leadership and support for other groups interested in promoting value and respect for diversity and positive intergroup relations, educating City residents about existing local, state and federal laws dealing with discrimination and diversity, reviewing proposed legislation,

policy changes or other governmental action at the federal, state or local level which may affect human rights in the City and making recommendations to the City Council regarding the same, and recommending to the City Council such actions as may be necessary or advisable to achieve equal employment opportunities, housing opportunities and public accommodation opportunities for all persons, and positive community relations in all fields of governmental endeavor; (2) to assist residents of the City in utilizing the complaint procedure under the human relations provisions of the Code and to hear appeals from decisions of the City Manager under such provisions (3) to facilitate the review of citizen complaints concerning the actions of City police officers or community service officers; and (4) to make periodic reports to the City Council concerning the activities and recommendations of the Commission.

### **Land Conservation and Stewardship Board**

The Land Conservation and Stewardship Board advises City Council regarding policy and budgetary matters pertaining to the Natural Areas Program, including but not limited to the expenditure of Open Space, Yes! and Larimer County Help Preserve Open Space dedicated sales tax revenues, advises Natural Areas Program staff and the City Council in connection with the proposed acquisition or disposition of land, interests in land, interests in water and other interests in real property for the Natural Areas Program; advises Natural Areas Program staff regarding the development of management plans and public improvements for Natural Areas Program properties; upon request of the City Manager or at the direction of the City Council, advises City Council regarding any positive or negative impacts that particular plans or projects of the City or of other public or private entities may have on Natural Areas Program properties or properties that may be of interest to the Natural Areas Program; and upon request of the City Manager or at the direction of the City Council, advises City Council in connection with the proposed acquisition or disposition of land, interests in land, interests in water and other interests in real property for City programs other than the Natural Areas Program.

### **Land Use Review Commission**

The Land Use Review Commission has the authority to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by the Land Use Code, and to authorize upon appeal variances from certain provisions of the Land Use Code.

The Commission may grant variances when the members determine that there is some unusual feature of a property or some other exceptional situation unique to a property which creates an unfair burden to the applicant. Such features may include physical conditions like exceptional narrowness, shallowness, or topography. Additionally, the Commission may grant a variance upon finding that the proposal will promote the general purpose of the standard for which the variance is requested equally well or better than would a proposal which complies with the standard for which the variance is requested. No variance can be granted which is determined to be a substantial detriment to the public good.

### **Natural Resources Advisory Board**

The Natural Resources Advisory Board advises City Council on all matters pertaining to natural resources and environmental protection issues of concern to the City; analyzes various natural resources issues and aids and guides the development of city-wide natural resources programs to address currently existing and potential natural resources and environmental issues; promotes citizen participation and public education on city-wide natural resources and environmental protection issues; and coordinates with the various Sustainability Services technical advisory committees.

### **Parks and Recreation Board**

The Parks and Recreation Board advises and makes recommendations to the Community Services Director and the City Council on rules, regulations, policies, administrative and budgetary matters pertaining to parks and recreation (including golf courses and excluding cemeteries); assists the City in cooperating with the Poudre School District and other organizations and individuals interested in the City's parks and recreation programs; and

promotes community awareness and understanding of, and appreciation for, the value of parks and recreation as a resource contributing to the quality of life in Fort Collins.

### **Planning and Zoning Commission**

The Planning and Zoning Commission's responsibilities include advising the City Council on zoning, annexations, major public and private projects and any long range planning activities (such as City Plan or subarea plans) that require Council approval. The Commission can cooperate with school, county and any other planning and zoning commissions and, with the approval of the City Council, enter into agreements to promote uniform planning and zoning within and without the City. The Commission also takes final action to approve, disapprove or approve with conditions planning items in accordance with the City Code and Charter subject to appeal to the City Council.

### **Retirement Committee**

The General Employee's Retirement Committee's charges are: manage/administer the Retirement Plan for members and retirees and manage accumulated Retirement Fund money; determine the eligibility in credited service of members under Plan rules; interpret the Plan's provisions; and authorize payment of retirement benefits and bills for expenses of Plan and Committee. The Committee sets the policies and procedures for these responsibilities and directs staff personnel and actuarial consulting firm to carry out the functions. The Committee also: seeks information and advice to benefit the Plan and members; recommends Plan changes to City Council for approval; recommends to City Council enhancements to the Plan's provisions and benefits; educates Committee's and Plan's members; keeps abreast of legislation that could affect the Plan; keeps the members informed of their current/projected benefits; encourages Plan members to accumulate other sources of retirement income; and provides minutes of each meeting and files documents as required.

### **Senior Advisory Board**

The Senior Advisory Board is comprised of individuals of all ages who share a concern for the aging members of our community. The Board serves as a supporting agency for all senior citizen services and activities in the City; publicizes and supports present senior citizen services and activities in the community; investigates and makes recommendations regarding new senior citizen services and activities; encourages new senior citizen programs and, if asked to do so, participates in the planning and development of such programs; encourages and supports widespread opportunities for more meaningful and useful participation of senior citizens in community activities and programs; establishes and maintains communication with local, state and national groups and government agencies concerning senior citizens; advocates policies and practices within the community that respect and consider the needs and interests of senior citizens; and works to dispel stereotypes about aging through education and awareness activities.

### **Transportation Board**

The Transportation Board advises the City Council on the City's transportation policies and system, including, but not limited to, transportation planning, alternative modes planning (including bikeways, pedestrian facilities, transit, air transportation and van- and car-pooling), capital improvement projects, downtown parking management and other transportation issues as identified in the Board work plan; and reviews the City's interaction with federal, state and county government, as well as North Front Range Transportation and Air Quality Planning Council, Colorado State University and Poudre School District on transportation-related issues. The Board also coordinates with other City boards on projects and issues. The Board includes the Bicycle Advisory Committee, which advises the Board on bicycling-related issues.

### **Water Commission**

The City Water Commission advises the City Council regarding water, wastewater and stormwater policy issues such as water rights, planning, rates and fees, acquisition and management, conservation and public education, floodplain regulations, storm drainage and development design criteria, and local, state and federal legislation. At times, the Board acts as a quasi-judicial body on floodplain regulation variances, stormwater fee disputes, and storm drainage design criteria variances. It cooperates with regional entities to coordinate planning and maintain

a dialogue on regional water issues. The Board is also involved in master planning and provides advice and citizen input regarding proposed policies and actions affecting Utilities customers.

### **Women and Gender Equity Advisory Board**

Effective January 1, 2024, the purpose of the Women and Gender Equity Advisory Board is to enhance the status of and opportunities for all women, transgender, and gender non-binary and gender non-conforming persons (“all genders”) in the City. The Board will document, understand, and prioritize issues of importance for all genders in the City; as well as coordinate and facilitate educational programs in the Fort Collins community to increase public awareness and sensitivity to the needs and capabilities of all genders. The Board will review proposed legislation, policy changes or other governmental action at the federal, state or local level that would enhance or otherwise affect all genders in the City and make recommendations to the City Council regarding the same; and recommend to the City Council the adoption of local legislation or policies that would achieve equity for all genders in the City.

### **Youth Advisory Board**

The Youth Advisory Board gathers information from, other groups, organizations and agencies regarding youth-oriented issues and problems; documents and discusses issues of importance to youth in the Fort Collins community, specifically as they affect City-operated services; reviews and discusses legislation that may affect youth; and recommends to City Council local legislation and policy actions or changes which would enhance the status of youth in the Fort Collins community.



## APPENDIX B: CODE OF CONDUCT



### Code of Conduct

#### **Purpose:**

Fort Collins aspires to be a city that addresses the needs of all members of our community and strives to ensure that everyone has the opportunity to thrive. As a community, we commit to building a healthy, equitable, and resilient city – for our families, for our neighbors, and for future generations. The high quality of life we enjoy requires a city that is safe and where all individuals are treated with dignity and respect. The Mayor and City Council are committed to providing an environment that exemplifies the highest standards of behavior and is known for its honesty, inclusivity and transparency. Our elected officials and those they appoint believe that how they treat others is a direct reflection of our collective character.

#### **Application:**

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, staff, and amongst Councilmembers. The term “Appointees” refers to appointed board and commission members. The term “Members” refers to both appointees and City Council.

The City Council appoints individuals who:

- Comply with both the letter and the spirit of the laws and policies affecting operations of boards and commissions.
- Are independent, impartial, and fair in their judgment and actions.
- Participate in assigned duties and functions for the public good.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility toward each other, City staff, and members of the public.
- Learn and understand the legal and ethical requirements that apply to public officials and processes.

#### **Therefore, members commit to the following:**

1. To uphold the standards of integrity and honesty with the intention of 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 §§2-71 through 2-79)
  - The City Council-adopted Anti-Discrimination and Anti-Harassment Policy, which prohibits harassment, discrimination and retaliation based on a person’s protected characteristics.
5. 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) 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 § 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 differences of opinion.
16. Avoid making personal, profane, vulgar, slanderous, humiliating, intimidating, or harassing remarks that disturb, disrupt, or impede the conduct of the meeting or the completion of 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 expected to avoid publicly ridiculing or insulting fellow Members, members of the public, and City staff.
17. 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 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 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 §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.

Appointees may not be reappointed and are subject to censure or dismissal by the appointing authority for misconduct, nonperformance of duty, or failure to comply with this Code of Conduct, applicable policies, and the Fort Collins City Charter and Municipal Code.

I have read and understand the City of Fort Collins Code of Conduct and agree to abide by and uphold this code to the best of my ability at all times while serving as an appointed or elected official of the city.

I understand that I may not be reappointed, and may be suspended, censured or removed from my appointment if my conduct falls below these standards.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

# APPENDIX C: ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY



## ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

### Introduction:

Fort Collins aspires to be a city that addresses the needs of all members of our community and strives to ensure that everyone has the opportunity to thrive. As a community, we commit to building a healthy, equitable, and resilient city – for our families, for our neighbors, and for future generations.

The Fort Collins City Council is committed to providing and maintaining an environment that encourages mutual respect and promotes equality, dignity, and respect. This Policy embodies the City Council’s commitment to prevent and address discrimination; harassment, including sexual harassment; and retaliation. Discrimination, harassment, and retaliation in the workplace are against the law and will not be tolerated.

Through adoption, implementation, and enforcement of this Anti-Discrimination and Anti-Harassment Policy (“Policy”) and through continuing education and training provided by or through the City Clerk’s Office, the Fort Collins City Council will seek to prevent, address, and correct behavior that violates this Policy.

### Application:

This policy applies to all members of the City of Fort Collins City Council and Appointed Officials in the performance of City governance or operations, at City sponsored activities, and in all interactions between members of City Council, Appointed Officials, and City employees and contractors (defined herein as “Related Interactions”). Appointed Officials include the City Manager, the City Attorney, the Chief Municipal Judge, any appointed employee including municipal judges, and any City board or commission member. Nothing in this Policy is intended or should be read to alter the terms and conditions of the at-will status of Appointed Officials.

**It is important for all to keep in mind that the Mayor and City Council are committed to providing an environment that exemplifies high standards of behavior, treats others with dignity and respect, and is known for its honesty, inclusivity, and transparency. Conduct that does not clearly fall into the realm of conduct prohibited by this Policy but is inconsistent with these values may be a violation of the Council-adopted code of conduct.**

### Prohibited Conduct

#### I. Discrimination Strictly Prohibited

##### Policy

The City Council strictly prohibits discrimination based on protected characteristics and will take prompt and appropriate action in response to good faith complaints or knowledge of an alleged violation of this Policy.



## Definitions

- “Protected characteristics” means a person’s race, color, religion, creed, national origin or ancestry, sex, sexual orientation (including perceived sexual orientation), gender identity and expression, disability, age 40 years or older, pregnancy or related condition, genetic information, and, in certain specific circumstances, marital status, marriage to a coworker or any other status protected under federal, state, or local law.
- “Discrimination” occurs when a person covered by this policy experiences an adverse official action based on one or more of that person’s protected characteristic(s). Adverse official actions include, but are not limited to, termination, suspension, involuntary demotion, failure to promote, and opposition, rejection or failure to appoint to committee or leadership role. Adverse official actions that are taken for any reason other than the protected characteristic(s) of a person covered by this policy are not discrimination.

## Examples of Discrimination

- A Councilmember harshly criticizes City staff and the municipal clerk notes he disproportionately criticizes her and other women.
- A female candidate for city attorney, city manager or chief judge is selected for a position over a more qualified male candidate because she is a woman.
- A community member is not considered for a board or commission appointment because he is homosexual.
- A candidate is not chosen for a promotion to an open City position by an appointee because the candidate does not share the appointee’s religious beliefs or does not have religious beliefs.
- A direct report receives an unfavorable, unjustified pay decision because they are disabled.

## II. Harassment, Including Sexual Harassment, Strictly Prohibited Policy

The City Council strictly prohibits harassment, including sexual harassment, and will take prompt and appropriate action in response to good faith complaints or knowledge of an alleged violation of this Policy. Please note that this Policy does not address conduct that could constitute a violation of criminal law. Any person who believes a violation of criminal law has occurred should report the conduct to Fort Collins Police Services or other appropriate law enforcement agency.

## Definitions

- “Harassment” means any unwelcome conduct or communication directed at an individual or group because of that individual’s or group’s actual or perceived protected characteristic and such conduct or communication is subjectively offensive to the individual alleging harassment and the conduct is objectively offensive to a reasonable individual who is a member of the same protected characteristic.

It is not necessary for a complaining party to be a member of a protected characteristic to file a complaint.

Harassment is a violation of this policy if:

- Submission to the conduct is explicitly or implicitly made a term or condition of employment or appointment;
- Submission to, or objection to, or rejection of the conduct is used as a basis for employment or appointment decisions; or
- The conduct has the purpose or effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile or offensive work environment or in related interactions.

Petty slights, minor annoyances, and lack of good manners are not included in the definition of harassment, unless they meet the definition of harassment above when taken individually or in combination and under the totality of the

circumstances. The totality of the circumstances considered includes:

- The frequency, duration and location of the conduct or communication; and
- The number of individuals involved; and
- The type or nature of the conduct or communication; and
- Whether it is threatening, involves epithets or slurs, or reflects stereotypes; and
- Whether there is a power differential between the individual or group and the subject of the complaint.

#### Examples of Harassment

**No policy can provide an exhaustive list of behaviors that may rise to the level of harassment.** Harassment encompasses a broad range of conduct that may be verbal, visual, or physical in nature. Specifically prohibited conduct includes, but is not limited to:

- Verbal conduct such as epithets, derogatory comments, and slurs directed at someone because of their protected class;
- Insisting on giving hugs to all women encountered at a recurring meeting;
- Repeatedly not using a person's preferred pronoun(s);
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures directed at someone because of their protected class;
- Mocking someone's accent or disability;
- Acts or jokes that are hostile or demeaning toward a protected class;
- Racially offensive words or phrases;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility to an individual or group because of a protected class that is placed on walls, bulletin boards, email, or elsewhere on the premises of the workplace;
- Displays of symbols, slogans, or items that are associated with hate or intolerance towards any select group, such as swastikas or nooses;
- Pranks or hazing someone because of their protected characteristic; and
- Physical aggression or gestures based on someone's protected characteristic.

In addition to the examples listed above, an aggregation of a series of incidents can constitute harassment, even if one of the incidents considered separately would not rise to the level of harassment. Harassing conduct does not have to rise to the level of an unlawful hostile work environment to warrant corrective action under this policy.

#### Sexual Harassment

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the City Council believes it warrants separate emphasis. The City Council strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment can involve persons of any gender identity or sexual orientation being harassed by another individual.

Examples of sexual harassment include, but are not limited to, the following conduct:

- Inappropriate commentary, such as sexual epithets, jokes, written or verbal references to sexual conduct, gossip regarding a person's sex life, comments regarding a person's body or sexual activity deficiencies or prowess;
- Sexually suggestive comments about a person's clothing, vocal activity like catcalls or whistles, leering or staring at a person or part of a person's body, obscene letters, emails, text messages, photographs, cartoons, or other written or pictorial materials of a sexual nature, or sexting or posting sexual messages or images on social media;

- Direct sexual propositions including persistent requests for dates, drinks, or other personal contact after being informed that the interest is unwelcome, inappropriate sexually themed communication in person, online or via mobile devices;
- Explicit or implicit requests for sexual activity in exchange for reward, position, or career advancement, support of legislative initiatives, introductions, special access invitations to exclusive events, support for candidacies, position stability, or any other such condition or potential benefit;
- Sexual contact including unwanted physical touching, blocking or impeding movements, groping, or kissing.

Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited by this policy. This policy prohibits opposite sex and same sex harassment.

Sexual harassment may be obvious or subtle. Some behavior that is appropriate in a social setting may not be appropriate in the performance of City governance, City operations, at City sponsored activities, or in Related Interactions, particularly considering the Council's stated values noted above in the Introduction.

### III. Retaliation Strictly Prohibited

#### Policy

The City Council strictly prohibits retaliation. The City Council will take prompt and appropriate action in response to good faith complaints of retaliation or knowledge of a violation of this Policy.

#### Definitions

"Retaliation" means an act of punishment, reprisal, or revenge that is taken against a person because he or she reported a form of harassment prohibited under this Policy, prevented unlawful practices, or participated in an investigation of an alleged act of harassment. For purposes of retaliation, an action is materially adverse if it is harmful to the point that it would dissuade a reasonable employee from making a complaint of discrimination.

#### Examples

Retaliation can take place on City locations or elsewhere. Harassing conduct does not have to rise to the level of an unlawful hostile work environment to warrant corrective action under this policy. Examples of retaliation after a person makes a complaint or raised a concern may include, but are not limited to:

- Granting access to that person differently in a manner that negatively affects the person's business or ability to perform work (i.e., a Councilmember refusing to meet with a complaining party after the party filed a complaint);
- Removing that person from an assignment;
- Change in support for Council action proposed by, or supported by, that person in their professional capacity;
- Disparaging that person to colleagues or peers;
- Changing that person's role, responsibilities, managerial or legislative authority;
- Newfound scrutiny of that person's work performance by a supervisor manager or Councilmember;
- Denial of a promotion for that person, or demoting, suspending, or terminating them, when such acts are not otherwise justified;
- Issuing that person warnings, reprimands, or poor performance evaluations that are not otherwise justified;
- Excluding that person from beneficial networking or other opportunities, or from team or coworker events;
- Encouraging shunning by other Councilmembers;
- Workplace or legislative sabotage;
- Assigning that person a disproportionate workload;
- Disparaging that person to others or in the media;

- Disparaging that person to potential new employers;
- Threatening that person with legal action;
- Threatening that person with immigration action; or
- Abusive verbal or physical behavior towards that person.

### **Formal Complaint and Resolution Process**

The City Council encourages the reporting of all perceived incidents of discrimination, harassment or retaliation, as described above, regardless of the position of the alleged offender. The following processes will be used when a reporting party reports a violation of this Policy. The formal resolution process will be used when someone makes a good faith report of discrimination, harassment, or retaliation in a manner that makes clear that the Reporting Party intends to make a complaint of a policy violation.

#### **Definitions**

- “Reporting Party” means a person who has been subjected to or who has witnessed another person be subjected to behavior that violates this Policy. A Reporting Party may be a member of the City Council, a City staff member, a member of the public, a City contractor or vendor, an Appointed Official, a contractor, or a person whose employment gives them access to or contact with the Fort Collins City Council.
- “Complaint Contact” means:
  - The Mayor;
  - Any City Councilmember;
  - A representative of Human Resources including the Human Resources Executive, the Human Resources Director, or a Human Resources Business Partner;
  - The City Manager, Deputy City Manager, Assistant City Manager, Service Area Director, Service Unit Director
  - The City Attorney, Deputy City Attorney
  - Lead Specialist, Office of Equity & Inclusion.
  - The staff liaison or attorney liaison to a board or commission

While the reporting party should contact anyone on this list, the following guidance is provided for “Complaint Contact:”

- For a complaint about the City Manager, City Attorney and Chief Judge, contact the Mayor or the Human Resources Executive.
- For a complaint about a City Councilmember, contact the Human Resources Executive.
- For a complaint about a Board and Commission member, contact the City Manager, Deputy City Manager, Assistant City Manager, Service Area Director, Service Unit Director, City Attorney, or Deputy City Attorney.
- “Respondent” means a person who is alleged to have violated this Policy and includes members of the City Council, Appointed Officials, and persons who are under contract with the City of Fort Collins.

### **Confidentiality and Privacy Interests**

An essential duty of the City Council and Appointed Officials is to be accountable to the public they serve. Members of the public deserve to have access to some information about complaints and complaint trends, but this must be balanced with the needs of the parties to have a safe, fair, and impartial process with appropriate confidentiality. The complaint resolution process is a confidential process. Complaint contacts must ensure that reporting parties can communicate privately and confidentially with them in discussing their complaints. Complaints and information about the investigation must be kept confidential by all parties, witnesses, those who handle the complaints, and those who recommend discipline or remediation, to the fullest extent possible. The confidential investigation report or any records of complaints of sexual

harassment, and any sexual harassment investigations shall not be disclosed pursuant to an open records request except in accordance with Colo. Rev. Stat. § 24-72-204.

## **Complaints Against a Member of the City Council**

### Complaint Process

The Fort Collins City Council encourages any person who is the subject of or witness to a violation of this Policy by a City Councilmember to immediately bring the violation to the attention of the Fort Collins City Council, via the complaint contacts listed above, so it may take proper steps to investigate and address the issue. The report should contain all facts available to the Reporting Party regarding the alleged Policy violation.

### Action by Complaint Contact

A Complaint Contact who receives a report from a Reporting Party must document the date, time, the form of communication that the complaint was received (in person, by phone, email, text etc.), substance of any communication about the complaint and any steps taken. The Complaint Contact must transmit complaints that fall under the Policy to the Lead Specialist, Equity and Inclusion Office of the City and the City Attorney. A screening process will be used to ensure that the alleged misconduct falls within the scope and purpose of this Policy, assuming the allegations are true. A Complaint Contact must take actions described in this Policy promptly upon becoming aware of a complaint.

### Screening Process

The Lead Specialist, Equity and Inclusion Office or their designee and the City Attorney or their designee will contact the Reporting Party and obtain a complete description of the conduct that allegedly violates this Policy. The Lead Specialist, Equity and Inclusion Office or their designee, the City Manager or their designee and the City Attorney or their designee will determine whether the alleged misconduct, if true, violates this Policy. Unless the alleged violation clearly does not fall within this Policy, the allegations will be referred for investigation. If the alleged violation clearly does not fall within this Policy, a confidential written summary of the basis for not referring the matter for investigation is placed in the file. If the allegations are not referred for full investigation, the complaining party will be notified both in person and in writing that the allegations were reviewed as a screening matter and determined not to fall within the scope of this Policy. If any of those involved in the screening the complaint believes the alleged misconduct, if true, violates this Policy, the allegations will be referred for investigation and the complaining party will be notified.

### Investigation

Complaints against a Councilmember that, if true, violate this Policy must promptly be referred to a third-party investigator retained by the City Attorney's Office. The City Attorney must inform the City Council that an investigation is underway and retain an independent outside investigator (preferably a lawyer that specializes in workplace investigations) to conduct interviews with the Reporting Party and other individuals with knowledge of relevant facts, and to perform such other actions as are necessary to ensure a complete investigation of all allegations and a fair process for all involved. Once the investigation is deemed complete by the investigator and the City Attorney, the investigator shall prepare a written report indicating whether the allegations in the complaint are sustained or not sustained and shall provide such confidential investigation report to the City Attorney.

### Timeline for Investigation

Every effort will be made to complete an investigation in 60 days.

### Disciplinary and Remedial Action

Upon completion of the investigation by a third-party investigator, the City Attorney will inform the Human Resources Executive, the City Manager, the Reporting Party and the Respondent of the pertinent findings. The City Attorney, the Human Resources Executive and the City Manager will send the confidential investigative report to each member of the City Council with a cover letter that contains recommendations to remedy the harassment, discrimination, or retaliation. Alternatively, the City Attorney shall present the investigator's written report to the City Council in executive session. Upon receipt, the Respondent must immediately endeavor to comply with recommendations.

The City Council may consider and direct any or all of the following actions in response to a finding that a complaint of harassment, discrimination or retaliation is sustained:

1. Adopt a resolution finding that an individual covered by this policy violated this policy;
2. Direct or encourage additional corrective training;
3. Such other action as is consistent with its authority under applicable state statutes, the City Charter, ordinances, resolutions, or rules and policies of the City Council.

Any Councilmember at any time may initiate a motion for censure of a Respondent Councilmember.

### **Complaints Against an Appointed Official**

#### **Reporting**

The City Council encourages any person who is the subject of or witness to a violation of this Policy by an Appointed Official to bring the violation to the attention of the City Council immediately, so it may take proper steps to investigate and address the issue. The report should contain all facts available to the Reporting Party regarding the alleged Policy violation.

The Reporting Party is encouraged to take the following actions:

- If the Reporting Party is comfortable addressing the issue directly with the Respondent, the party may explain to the Respondent that the behavior is offensive to the Reporting Party, and request that such behavior be discontinued.
- If the behavior recurs, the Reporting Party is strongly encouraged to immediately report the behavior to a complaint contact listed above.
- If the Reporting Party is not comfortable addressing the issue directly with the Respondent, the Reporting Party should immediately report the offensive behavior to a Complaint Contact listed above.

#### **Action by Complaint Contact**

A Complaint Contact who receives a report from a Reporting Party must document the date, time, the form of communication that the complaint was received (by phone, in person, email, text message, etc.), substance of any communication about the complaint, and any steps taken. The Complaint Contact must transmit complaints that fall under the Policy to the Human Resources Executive, the City Attorney, unless the City Attorney is the Respondent and the City Manager, unless the City Manager is the Respondent. If the Respondent is the City Attorney, the Complaint Contact must transmit complaints that fall under the Policy to the Human Resources Executive and the City Manager. A screening process will be used to ensure that the alleged misconduct falls within the scope and purpose of this Policy, assuming the allegations are true. A Complaint Contact must take actions described in this Policy promptly upon becoming aware of a complaint.



## Screening Process

The Lead Specialist, Equity and Inclusion Office or their designee and the City Attorney or their designee, if the City Attorney is not the Respondent, will contact the Reporting Party and obtain a complete description of the conduct that allegedly violates this Policy. The Lead Specialist, Equity and Inclusion Office or their designee, the City Manager or their designee, if the City Manager is not the Respondent, and the City Attorney or their designee, if the City Attorney is not the Respondent, will determine whether the alleged misconduct, if true, violates this Policy. Unless the alleged violation clearly does not fall within this Policy, the allegations will be referred for investigation. If the alleged violation clearly does not fall within this Policy, a confidential written summary of the basis for not referring the matter for investigation is placed in the file. If the allegations are not referred for full investigation, the Reporting Party will be notified both in person and in writing that the allegations were reviewed as a screening matter and determined not to fall within the scope of this Policy. If any of those involved in the screening the complaint believe the alleged misconduct, if true, violates this Policy, the allegations will be referred for investigation. If the Respondent is the City Attorney, the City Council will use outside legal counsel to engage in the screening process as described herein. If the Respondent is the City Manager, the Lead Specialist, Equity and Inclusion Office or their designee and City Attorney will engage in the screening process.

## Investigation

Complaints against an Appointed Official that warrant investigation must promptly be referred to a third-party investigator retained by the City Attorney's Office, unless the Respondent is the City Attorney. Unless the Respondent is the City Attorney, the City Attorney must inform the City Council

that an investigation is underway and retain an independent outside investigator (preferably a lawyer that specializes in workplace investigations). If the Respondent is the City Attorney, the Lead Specialist, Equity and Inclusion Office or their designee will retain the services of outside counsel to retain an independent outside investigator (preferably a lawyer that specializes in workplace investigations) and the City Manager must inform the City Council that an investigation is underway.

An outside investigator will conduct interviews with the Reporting Party and other individuals with knowledge of relevant facts, and to perform such other actions as are necessary to ensure a complete investigation of all allegations and a fair process for all involved. Once the investigation is deemed complete by the investigator and the City Attorney or outside counsel, the investigator shall prepare a written report indicating whether the allegations in the complaint are sustained or not sustained, and shall provide such confidential investigation report to the City Attorney, unless the Respondent is the City Attorney. If the Respondent is the City Attorney, the confidential investigation report will be provided to the outside counsel who will forward the report to the Lead Specialist, Equity and Inclusion Office or their designee and the City Manager.

The confidential investigation report and findings, along with a recommendation, will be provided to the City Manager and the City Council.

## Timeline for Investigation

Every effort will be made to complete an investigation in 60 days. Disciplinary and

## Remedial Action

Any Respondent found to have engaged in harassment, discrimination, or retaliation prohibited by this Policy is subject to appropriate disciplinary action. The City Council shall consult with the Lead Specialist, Equity and Inclusion Office or their designee and the City Attorney, if the City Attorney is not the Respondent, regarding disciplinary actions that are commensurate with the severity of the offense. If the City Attorney is the Respondent, the City Council shall consult with the Lead Specialist, Equity and Inclusion Office or their designee and outside employment counsel about disciplinary actions that are commensurate with the severity of the offense. Disciplinary action can include, but is not limited to,

demotion or termination. Other remedial measures may include:

- Verbal or written direction to cease the offensive behavior;
- A written or verbal apology to the Reporting Party if the Reporting Party consents to the apology;
- Resources and support to Reporting Party; or
- Education and training for the Appointed Officials.

In any case, a written record of any action taken on the complaint, or any determination to take no further action on the complaint, shall be prepared in consultation with the City Attorney or such other legal counsel appointed by City Council in connection with a given complaint and kept with the report of investigation.

### **Training**

All members of City Council shall participate in training regarding harassment, discrimination and retaliation every two years and in conjunction with the orientation provided to new City Council members. All Appointed Officials shall participate in such training every two years.

### **Annual Reporting and Review**

The Assistant City Manager will publicly report, on an annual basis, the total number of complaints under the Policy, and the resolution of each complaint, appropriately redacted to protect the confidential personnel decisions and party identities. The Assistant City Manager will maintain a publicly available list of Councilmembers and Appointed Officials who have attended mandatory and voluntary trainings.