

# Boards and Commissions Manual

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# GUIDELINES FOR BOARD AND COMMISSION MEMBERS

## ***Welcome***

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Welcome to the City of Fort Collins! 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 and commission vary widely, there are certain responsibilities common to all board and commission members. These guidelines will assist you in maximizing your contribution to our community.

## ***Representation of a Board or Commission***

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As an individual member of a board or commission, you must not represent your own views or recommendations as those of the board or commission unless the majority of the body has officially voted to approve such action. Board or commission members making recommendations or expressing views which 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.

Public statements should contain no promises that may be construed to be binding on a board or commission, 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 or commission member assume special significance, and if not responsibly discharged, could result in a situation detrimental to the City's best interests.

Although board and commission members may be selected, in part, on the basis of representing specific interest groups, each member should represent the overall public good and not that of an exclusive group or interest.

## ***Relationship with Other Members***

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On many occasions, the success or failure of the efforts of a board or commission is dependent upon the degree of cooperation evident among the individual members of the body. We encourage you to keep the following points in mind in your interactions with other members:

- ▶ Show respect for another's viewpoint.
- ▶ Allow others adequate time to present their views fully before making comments.
- ▶ Be open and honest. Welcome new members and help them become acquainted with their duties.
- ▶ Strive to minimize political action among members.

## CHARGE: A Checklist for Effectiveness

### C – Charter

Am I familiar with . . .

- The Charter of the City of Fort Collins in general?
- The specific function of my board or commission, as outlined in the City Code?
- What my fellow board members and I expect to achieve for the community?
- The name of the Council liaison and staff liaison to my board or commission?

### H – Hierarchy

Do I understand . . .

- How my board or commission's work affects the community?
- The scope of authority of my board or commission?
- The role of my board's staff liaison, Council liaison and chairperson?
- My role as a board or commission member?

### A – Accountability

Do I understand . . .

- My board or commission's liability and my own liability as an individual member?
- What constitutes a conflict of interest?
- Exactly how the law requires that a conflict of interest be handled?
- My board's accountability to the public?

### R – Responsibility

Do I . . .

- Attend all board and commission meetings?
- Prepare for the meetings by studying the agenda and supplemental materials ahead of time?
- Complete the tasks I have volunteered to take on?
- Know what responsibilities each of us, as individual board members, has to our board colleagues?

### G – Goals

Do I know . . .

- My board or commission's goals for the next 12 months?
- What tasks must be completed to reach each of our goals?
- Deadlines for the tasks for which I'm responsible?

### E – Evaluation

Have I . . .

- Discussed with other members and staff what our board or commission can do to improve our performance?

# INTRODUCTION TO CITY GOVERNMENT

## ***City Council***

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The Fort Collins City Council is composed of six district Councilmembers who are elected on a nonpartisan basis for a term of four years, and a Mayor who is elected at-large for a two-year term. The Mayor Pro Tem is chosen from among the entire Council and serves a term of two years.

The City Council serve as the community's legislative body, having responsibilities for enacting City ordinances, appropriating funds to conduct City business, and providing policy direction to City staff. By provision of the City Charter, City Councilmembers are specifically prohibited from giving direction to any of the City staff members, except for the City Manager, City Attorney, and Municipal Judge.

## ***City Manager***

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The City of Fort Collins operates within a council-manager form of government. The City Manager is the chief executive officer of the City and is responsible for the overall management of City operations.

Functions of the City Manager include:

- ▶ Implement policy decisions and legislative actions taken by the City Council
- ▶ Make recommendations to City Council
- ▶ Oversee the operations of the City
- ▶ Prepare the City budget

### **Council Manager Form of Government**

	<b>City Council</b>	<b>City Manager</b>
<b>Responsible for:</b>	Policy Decisions	Day-to-day operations
<b>Hires and Supervises:</b>	City Manager City Attorney Municipal Judge	All other City staff members/employees

## GENERAL INFORMATION

### ***General Provisions***

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Details about boards and commissions may be found in Article IV, Section 1 of the City Charter, the City Council may, by ordinance, establish appointive boards and commissions to advise the Council on various issues and perform such functions as the Council may designate. The ordinance establishing each board or commission prescribes the powers, duties, and operating procedures of the board or commission; and establishes the terms of office of the board or commission members, including initial overlapping terms.

All board and commission members are subject to removal by the Council with or without cause. Any vacancy during the unexpired term of any member is filled by the Council for the remainder of the term. Each board and commission shall choose its own officers from among its members. The Council may change any or all of the powers, duties and procedures of any board or commission and may abolish any board or commission which is not required by the Charter or law.

A calendar summarizing annual deadlines and functions follows:

### ***Boards and Commissions Yearly Planning Calendar***

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Note: This calendar is not meant to be all-inclusive. Mid-year vacancy interviews are conducted as needed.

	Board/Commission Deadlines	Coordinator Duties	Council Actions
<b>January</b>	Annual Report Deadline: January 31	Annual Report Deadline: January 31	
		Update/Print/Distribute Boards and Commissions Manual	
		Summarize Council liaison comments to Work Plans & distribute to full Council & City Manager..  Prepare agenda item summary and resolution to amend work plans (if Council desires)	Council liaisons return Work Plan comments to City Clerk  2nd meeting in January propose amendments to Work Plans (if desired)

	Board/Commission Deadlines	Coordinator Duties	Council Actions
<b>February</b>			Consider resolution to amend Work Plans (if desired)
		Distribute Annual Reports to Council	Review Annual Reports
	Election of officers either in February or March	Track election of officers	
		Plan boardmember orientation & training sessions	
<b>March</b>	Election of officers either in February or March	Track election of officers	
		Remind affected B&C to complete Periodic Review	
		Orientation & training sessions held for boardmembers	
<b>April</b>	Schedule Periodic Review to meet early July deadline (NOTE: This is required once every 6 years per board – Clerk’s Office will contact affected board)	Prepare agenda item summary and resolution for Council liaison and committee assignments (following elections on April of odd-numbered years)	Following Council reorganization in April of odd-numbered years, decide which of the various B&C liaison and committee assignments are of interest
<b>May</b>			
<b>June</b>			
<b>July</b>		Mail out “Incumbent Statements – Intent to Reapply” for Annual Recruitment	
	Periodic Reviews Due (once every 6 years per board – Clerk’s Office will contact affected boards)	Prepare Periodic Review Work session Item	
		Write Work session summary of Periodic Reviews for Council packets	Periodic Reviews at Work session
<b>August</b>		Begin collecting data for advertising	
		Design invitations for B&C Appreciation Event	

	Board/Commission Deadlines	Coordinator Duties	Council Actions
<b>September</b>	Schedule Work Plans to meet November 30 deadline	Remind B&C of Work Plan and Annual Report Deadlines	
		Advertising efforts begin	
<b>October</b>		Finalize details for Appreciation Event	
		Applications Due Mid-October	
		Collect Data from applications and prepare interview notebooks for Council	
		Schedule interviews	Conduct interviews
<b>November</b>	Annual Appreciation Event	Annual Appreciation Event	Annual Appreciation Event
	Work Plan Deadline: November 30	Work Plans Due November 30	
	Schedule Annual Reports to meet January 31 Deadline		
		Schedule interviews	Conduct interviews
<b>December</b>		Distribute Work Plans to Council liaisons	Council liaisons review and comment on Work Plans
		Prepare agenda item summary and resolution for annual appointments	2nd meeting in December annual appointment resolution
		Remind B&C to hold elections in February or March	

### ***Membership Limitations***

The following limitations and requirements are applied to board and commission membership:

No person may serve on any one board or commission for more than two complete terms. For the purpose of this provision, the balance of an unexpired term served by a person appointed to fill a vacancy shall be considered a “complete term” if such unexpired term exceeds 24 months.

No person will be appointed by the City Council to serve concurrently on more than one board or commission. This limitation does not apply to committees deemed to be temporary in nature.

Employees may not serve on any board or commission appointed by City Council, except the Retirement Committee. This restriction shall not apply to Hourly with no Benefits employees, provided that such employees do not serve on a board or commission which, in the judgment of the City Manager, directly affects the terms, conditions, or benefits of employment of any City employee. Hourly with No Benefits employees are required to obtain the written authorization of the City Manager prior to serving or continuing to serve on a board or commission.

All persons appointed, or reappointed, to any board or commission after August 1, 2002, shall be registered voters (except those under 18 years of age) and shall have resided within the Fort Collins Growth Management Area for at least one year. Any member serving on a board or commission who relocates outside of the Growth Management Area during his or her term of service on a board or commission, regardless of his or her date of appointment or reappointment, shall resign his or her membership. These limitations shall not apply to applicants for or members of the General Employees Retirement Committee.

### ***Attendance Policy***

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Upon application for and acceptance of appointment, board and commission members demonstrate their intention and ability to attend meetings. If a member experiences recurring attendance problems, the chairperson of the board or commission (of if the chair is the person experiencing the attendance problems, then the vice chair) should contact the Boards and Commissions Coordinator located in the City Clerk's Office, so that he or she can work with the Council liaison to the affected board or commission to address the issue. Either of the following shall automatically cause a member's appointment to be terminated, and shall create a vacancy on the board or commission:

Three consecutive absences from regularly scheduled meetings of the board, if prior to the meetings where the absences occurred, no written notification of any such

absence has been submitted to the staff liaison or the chair or, if the chair is the person experiencing the attendance problems, then to the vice chair.

Four absences from regularly scheduled meetings of the board in any calendar year, without written notification to the staff liaison or the chair or, if the chair is the person experiencing the attendance problems, then to the vice chair.

In the event that a vacancy occurs by reason of this policy, the staff liaison and the chair of the affected board or commission or, if the vacancy has occurred by reason of repeated absences of the chair, then the vice chair, shall immediately notify the Boards and Commissions Coordinator so that the vacancy can be filled by the Council.

## ***Vacancies***

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Staff liaisons are responsible for notifying the City Clerk's Office when a member resigns or a vacancy exists for other reasons. The City Clerk's Office will work with the appropriate Council liaison to fill the vacancy.

Council will appoint replacements by official resolution as needed. The City Clerk's Office will notify the staff liaison of appointments.

## ***Election of Officers***

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The election of officers should be held each year during the regular meeting in February or March. This time frame follows the annual appointment of new members. It is suggested that new board members attend at least one meeting prior to election of officers taking place. Staff liaisons must notify the City Clerk's Office when new officers are elected.

## ***Staff Liaison Role***

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Staff support is available to boards and commissions through the various staff members assigned as liaisons to help each group. The boards and commissions staff liaison is responsible for the following:

- Upload yearly meeting dates to Event Calendar on fcgov.com.
- Upload current meeting agenda to fcgov.com.
- Prepare the agenda and review it with the chairperson prior to distribution.
- Distribute the agenda packet.
- Ensure the recording and distribution of meeting minutes. The length and content of minutes will vary with the needs and legal requirements of each board and shall include minimum requirements listed under "Meeting Responsibilities" in this Manual. Minutes distribution:
  - ▶ e-mail pdf of signed/approved copy to the Boards and Commissions Coordinator
- Handle logistics regarding meeting scheduling, setup and public notification. When appropriate, review the proposed Council Policy Agenda with the board.
- Coordinate the board's annual work plan:
  - ▶ Gather input from staff and board members
  - ▶ Include items on the Council Policy Agenda
  - ▶ Ensure work plan is scheduled and discussed with board at least one month prior to submission deadline

- ▶ Ensure that the Service Area and/or Unit Director is familiar with the board's work plan and staff resources needed for implementation
- ▶ Submit final work plan to City Clerk on or before November 30
- Ensure the board's annual report is prepared and submitted to the City Clerk in accordance with report guidelines.
- Inform the board when the budget cycle occurs and explain the board's opportunities to provide input.
- Ensure new members are oriented to the board, including procedures and projects.
- Prepare annual attendance record and submit to the City Clerk when requested.
- At the direction of the Service and/or Unit Area Director, coordinate response to miscellaneous service requests raised during the course of a board or commission meeting.
- If the board/commission desires to have bylaws, work with members and City Attorney's Office to write bylaws and send an original to the City Clerk after formal adoption by the board.
- Ensure the election of officers is held during February or March of each year. Inform the Boards and Commissions Coordinator of the results of each election.
- At the request of the Boards and Commissions Coordinator, provide information to the board/commission regarding policy changes and distribute updated information to all members.
- Work with the City Attorney's and City Clerk's Offices to write Agenda Item Summary for any changes to the functions, duties or membership as written in the City Code.
- Advise the Boards and Commission Coordinator of the following:
  - ▶ Attendance problems
  - ▶ Resignations
  - ▶ Meeting schedule/location changes
  - ▶ Name/address/phone number changes for board members
  - ▶ Staff/name/title/phone number changes for staff liaisons

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.)

In order to initiate and dedicate staff 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 or commission.
- 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 or not staff should proceed.
- From time to time, staff liaisons may prepare memorandums to Council at the request of the board or commission. These communications are sent directly to Council. It is the responsibility of Council to respond directly to the board or commission if Council so chooses. The staff liaison is not responsible to monitor or ensure a response from the Council.

### ***Council Liaison Role***

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Every two years, following the election of Councilmembers, the Council selects its liaisons to the boards and commissions. The role of Council liaisons is defined by Resolution 2000-76 as follows:

To communicate with the board or commission when Council communication is needed and to serve as the primary two-way communications channel between Council and the board or commission.

To take the lead in filling vacancies, reviewing applications, and interviewing candidates for the board or commission.

To serve as the primary informal Council contact for the board or commission.

To help resolve questions the board or commission may have about the role of Council, municipal government, and the board or commission.

To establish formal or informal contact with the chairperson of the board or commission and effectively communicate the role of the liaison.

To provide procedural direction and relay Council's positions to the board or commission, and to communicate to the board or commission that the liaison's role is not to direct the board in its activities or work.

To serve as Council contact rather than an advocate for or ex-officio member of the board or commission.

To review the annual work plan of the board or commission and make recommendations to the City Council regarding the work plan.

To identify and help resolve any problems that may exist with respect to the functioning of the board or commission.

To facilitate the training of new board and commission members by providing suggestions and relevant information to the City staff members responsible for providing such training.

Council liaisons do not normally attend monthly meetings of the boards and commissions. Liaisons are informed of boards and commissions activities through agendas and minutes, work plans, and annual reports. Liaisons may attend a meeting due to an interest in a specific agenda topic, or may "pop in" just to observe. Attendance by a Council liaison should not affect the normal structure of a board meeting. Attention should **not** be focused on the Council liaison and his or her input.

If Council liaison participation is critical to a particular item, a direct invitation should be made to the Council liaison, explaining why participation is deemed to be critical. If appropriate, discuss with the liaison prior to the meeting what expectations are and whether the liaison can meet those expectations.

### ***Orientation and Training***

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

Record of compliance with this requirement will be maintained in the office of the City Clerk and retained for at least two years following the expiration of each board and commission member's term of office.

Additionally, staff liaisons should provide new board members with pertinent materials which will assist new members in becoming fully functioning members of the board. Established board members are encouraged to share their experience and knowledge with new members.

## ***Budget***

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Generally, budgets are not established for boards and commissions. However, funds necessary for the routine business of boards and commissions are included in the departmental budget for each City department which provides staff support to a board or commission.

## ***Bylaws***

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The City Code provides that all boards and commissions may adopt bylaws which are not inconsistent with the Charter, the Code or other policies that may be established by the Council. A copy of the bylaws must be filed with the City Clerk for the use of the City Council immediately after adoption by the board and they may be subject to the approval of the City Council.

## ***Periodic Review***

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A periodic review will be conducted for all boards and commissions. The initial review dates will be staggered, and thereafter, each board or commission will be reviewed every six years. A review schedule is provided at the end of this section.

The City Council will conduct reviews annually at a work session prior to the annual recruitment process in the Fall. Prior to Council's review, each board or commission scheduled for review in that calendar year will be asked to prepare a self-assessment questionnaire which will be provided to the Council as a part of its work session materials. The questions to be addressed in the board's self-assessment are as follows:

- Are the current duties of the board, as defined by City Code, realistic? If not, what duties would you suggest be added and/or deleted?
- Is the board's workload (annual work plan) too much; too little; about right? Explain.
- Does the board effectively accomplish its annual work plan?
- Are board meetings conducted in an effective manner? What could be done to improve board meetings?
- Is the current size of the board appropriate?
- Are communications between the board and Council effective? What could be done to improve these communications?

In addition, the self-assessment should include the following attachments:

- City Code description of duties
- Current work plan
- Current annual report
- Bylaws

The City Clerk's Office will send a self-assessment questionnaire to the staff liaison of each board or commission, along with a schedule indicating the submission deadline and date of Council's work session.

Council requests that the chair and vice chair (or designees) of each board being reviewed attend the work session to answer questions; however, the Council's review is not intended as a dialogue with the board. At the work session, Council review will consist of the following questions:

- What does the board do? (Current functions)
- Does the City need a board that does this?
- If so, should any of the duties of the board be changed?
- Can any of the duties of this board be consolidated with another board?
- Is the size of the board appropriate?
- Is the work done by the board beneficial and useful to the Council?

The discussion at the work session will assist the Council in determining whether it should:

- Continue the board without alteration of duties or composition.
- Continue the board with amendment to duties and/or composition.
- Eliminate the board and its duties.
- Eliminate the board and transfer of some or all duties to other existing board(s).

The work session will conclude either with (a) a statement that the board should continue without alteration, or (b) direction to staff to prepare legislation making any changes (number of members, duties, etc.).

***Periodic Review Schedule:***

2012	Affordable Housing Board Golf Board Water Board Youth Advisory Board
2013	Human Relations Commission Planning and Zoning Board Women's Commission Zoning Board of Appeals
2014	Air Quality Advisory Board CDBG Commission Landmark Preservation Commission Retirement Committee

2015	Art in Public Places Board Cultural Resources Board Land Conservation and Stewardship Board Senior Advisory Board
2016	Building Review Board Citizen Review Board Natural Resources Advisory Board Transportation Board
2017	Commission on Disability Economic Advisory Commission Energy Board Parks and Recreation Board



4. **Are board meetings conducted in an effective manner? What could be done to improve board meetings?**

5. **Is the current size of the board appropriate?**

6. **Are communications between the board and Council effective? What could be done to improve these communications?**

7. **Other comments:**

Attachments:

- √ City Code description of duties
- √ Current Work Plan
- √ Current Annual Report
- √ Current Bylaws

## Annual Reports

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Each board and commission 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 or commission 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 or commission. Annual reports are filed with the City Clerk for distribution to the City Council.

## Work Plans

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The City Code requires all boards and commissions 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 scope of review should be provided when possible. If appropriate, an estimate of action to be taken should be included. Work plans should be concise and easily readable. The City Council will review the work plan for each board and commission. The following table includes the deadlines and action needed to complete the work plan review process:

WORK PLAN DEADLINES	ACTIONS
November 30	Work plans for boards and commissions <b>must</b> be filed with City Clerk
Second Thursday in December	City Clerk forwards specific work plans with comment forms to Council liaisons
Approximately 2 weeks after Clerk distributes work plans with comment forms	Council liaison comments due back to City Clerk
Early January	City Clerk circulates all work plans with Council liaison comments to City Council
2nd City Council meeting in January	Councilmembers propose amendments to work plans pursuant to previously established policy for initiating and developing Council ordinances and resolutions. (Support of 3 Councilmembers needed to initiate item.)
1st City Council meeting in February	Council consideration of resolution to make amendments (if any) to work plans.

## MEETING RESPONSIBILITIES

### ***Conduct of Meetings***

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It is important that boards and commissions conduct their meetings in a manner that is procedurally correct. The Colorado Municipal League has published a handbook entitled “City Councils & Town Boards: Conduct of Meetings.” This publication contains excellent materials for the conduct of meetings. It is recommended that boards and commissions follow the procedures for the conduct of meetings as established in the Colorado Municipal League publication, and that *Robert’s Rules of Order, Newly Revised*, be followed as recommended by the Colorado Municipal League publication, provided, however, that the chairpersons of City boards and commissions shall be permitted to participate in the debate of matters presented to such boards and commissions and shall also be permitted to vote on all motions made by members of such boards and commissions, to the same extent and with the same effect as other members. These rules of procedure may also be further modified by each board or commission, upon majority vote, if the board or commission believes that such modification would enable it to better meet its responsibilities under the Code or Charter and fulfill its functions. Additionally, in those instances where *Robert’s Rules of Order* may be inconsistent with the provisions of the City Charter, the ordinances of the City, or this Manual, the Charter, ordinances, and this Manual shall take precedence.

### ***Public Input***

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Each board or commission 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 or commission, regardless of whether such matter is scheduled for consideration at that particular meeting. Time limitations may be imposed by the chairperson of the board or commission on such public input as necessary to conduct the business of the board or commission in a timely and efficient manner.

### ***Open Meetings***

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The City Code specifically requires that all meetings of a board or commission, and all meetings of any committee of a board or commission, shall be open to the public at all times, except when the board or commission is meeting in a validly convened executive session.

The term “meeting” is defined as a gathering of a quorum or three or more members, whichever is fewer, of any board or commission, or any committee of such board or commission, 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, electronic “chat room” conferences, or any other means of communication where conference-like communication can occur. However, the term “meeting” does not include a chance meeting or social gathering at which the discussion of public business is not the central purpose.

## ***Notice Requirement***

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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 commission (or committee of a board or commission) 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 in the vestibule at the south entrance of City Hall West, 300 LaPorte Avenue at least 24 hours before the time of the meeting. The City Code provides that the chairperson is responsible for the posting.

## ***Quorum Requirements***

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In order for a board or commission 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 or commission. This quorum requirement does not change even if a position on the board or commission is vacant and the City Council has not appointed a replacement. In the event that 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 board or commission bylaws or City Code, members present at the meeting by speaker phone shall be counted toward establishing a quorum, and may participate and vote in non-quasi-judicial portions of meetings. Attendance by speaker phone 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 the Youth Advisory Board shall consist of three (3) members for a five (5) member Board or four (4) members for a Board consisting of six (6) to nine (9) members.

The quorum for a board or commission subcommittee shall be a majority of those appointed to the subcommittee unless the Charter, City Code, or the board or commission establishing the subcommittee specifies otherwise.

## ***Minutes***

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Minutes must be taken at any meeting of a board or commission (or committee of a board or commission) 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 2-73 of the City Code requires that approval of minutes shall occur no later than the next regular meeting of the board, commission 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 §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.

Except with regard to the documentation of executive sessions, state law and City Code do not prescribe the level of detail to be contained in the minutes. As provided in the City Code, minutes of executive sessions are not taken. However, the City Code does require that the executive session be tape recorded in most circumstances (see “Executive Sessions” for more details). At a minimum, the minutes of a meeting should contain the following information:

- Date, time and location of the meeting.
- Listing of members present and a statement that such members constituted a quorum.
- General outline of each major topic discussed, considered, and the outcome.
- Comments of individual board members which illustrate the individuals viewpoints and opinions.
- Verbatim (to the extent possible) recital of all motions along with the recording of how each member voted on each motion.
- Statements made by individual board members in explanation of their vote. (Note: it is especially important that board members state, and the minutes reflect, reasons for dissenting opinions.)
- Detailed recital of all formal action taken.
- If a motion is made to go into executive session, the minutes must reflect the topic for the executive session in as much detail as possible without compromising the purpose for which the executive session is held. The specific citation to the provision of the City Code that authorizes the board or commission to meet in executive session, as well as the vote on the motion, must be carefully documented. (See next section on executive sessions.) Additionally, the time of convening and adjourning the executive session should be noted.
- Time of adjournment.

In situations where the board or commission is acting in a quasi-judicial manner or is otherwise conducting an important or controversial meeting, the minutes of a meeting may not be sufficient to adequately record the events of the meeting. In those situations, City staff or the City Attorney’s Office may recommend that the meeting be electronically recorded or recorded with the assistance of a court reporter. Even in this situation, minutes should still be taken as the electronic recording or stenographer’s notes may never be transcribed.

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

Any additions, deletions, or corrections to the minutes should be presented by board and staff members.

A motion should be made and seconded to approve the minutes of the last meeting as amended.

The approved minutes should be signed by the chairperson and secretary of the board or commission.

### ***Discussion Items***

While the minutes should be as accurate as possible, the secretary is not required to record every remark made at the meeting. The secretary should not make the minutes a verbatim transcript.

The minutes should include a description of each item being discussed. Listing questions and answers during discussion of each item is not necessary; however, comments that summarize boardmember positions on each item should be included as support for each boardmember's vote on each issue. (NOTE: It is important that the minutes reflect the reasons for dissenting votes.) The exact wording of any motion made should be included in the minutes, and the maker and second of the motion should be noted. If the motion is approved or defeated unanimously, such should be noted. If the vote on a motion is split, the record should reflect those voting in favor of the motion and those voting against the motion. (NOTE: Special matters such as annexation and zoning hearings may require considerably more detail. Items being forwarded for City Council consideration should also include more detail.)

### ***Adjournment***

Recording adjournment of a meeting in the minutes is advisable, since it indicates whether the meeting was finally adjourned, or adjourned to another time prior to the next regular meeting. The adjournment should specify the time the meeting was adjourned to a later date and hour.

### ***Filing and Distribution of Minutes***

Written minutes of board and commission meetings are considered permanent records of the municipality. The Code of the City of Fort Collins requires boards and commissions to file minutes with the City Clerk for incorporation into the records of the municipality. After minutes have been approved, send:

- ▶ E-mail pdf of signed/approved minutes to the Boards and Commissions Coordinator (as required by City Code). The Clerk's Office will distribute to Council Liaisons, scan into CityDocs, and filed in Central Records.

Tape recordings do not take the place of written minutes and should be used only in preparation of minutes. It is recommended that tape recordings of meetings be retained at least until the minutes are approved, and ideally for 2 to 3 months.

Minutes shall be taken of any meeting of any board or commission of the City, or any committee of such board or commission, at which the adoption of any proposed policy, position, resolution, rule, regulation or formal action occurs or could occur.

Such minutes shall be open to public inspection and shall be filed with the City Clerk upon approval by such board, commission or committee. Such approval shall occur no later than the next regular meeting of the board, commission or committee, except in those instances when an audio or video recording has been made and maintained by the City of the board, commission or committee meeting which is the subject of the minutes. The minutes of a meeting during which an executive session is held shall reflect the general topic of the discussion at the executive session.

## ***Executive Sessions***

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The holding of an executive session is the only time that a meeting of a board or commission 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 prescribed situations. For most boards and commissions, the use of executive sessions is a rare event and board and commission members are encouraged to obtain advice in advance from City staff and the City Attorney's Office if they contemplate requesting such a session.

The City Code provides that any board or commission, upon the affirmative vote of 2/3 of the quorum present, may go into executive session for the purpose of considering such matters as would be permissible for consideration by the City Council in executive session, insofar as such matters may be pertinent to the purposes for which the board or commission has been established. The permissible purposes are generally as follows:

Meetings with the City Attorney or other attorneys representing the City regarding litigation or potential litigation involving the City and/or the manner in which particular policies, practices or regulations of the City may be affected by existing or proposed revisions of federal, state or local law. (City Code §2-31(a)(2))

Consideration of actual or hypothetical situations involving potential conflicts of interests with individual board or commission members, provided that no executive session shall be held for the purpose of concealing the fact that a member has a financial or personal interest in the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest from the City. (City Code §2-31(a)(1)c)

Consideration of water and real property acquisitions and sales by the City, restricted to consideration of appraisals and other value estimates and the consideration of strategy for the acquisition or sale of such property. (City Code §2-31(a)(3))

Personnel matters (unless the employee who is the subject of the session has requested an open meeting). This exception does not apply to the discussion of matters pertaining to board or commission members or to personnel policies that do not require the discussion of matters personal to particular employees. (City Code §2-31(a)(1)a,b,&d)

Consideration of electric utility matters if such matters pertain to issues of competition in the electric utility industry. (City Code §2-31(a)(4))

Additionally, the City's pension boards may go into executive session for the purpose of reviewing pension applications, medical records, personnel records and reports and discussing pending as well as previously granted pensions with board attorneys. (City Code §2-71(d)(1)).

The Citizen Review Board review subcommittees may go into executive session for the purpose of receiving and considering evidence relating to internal investigations conducted by Police Services (City Code §2-71(d)(2)).

A motion to go into an executive session must contain a statement as to the topic for the executive session. The statement as to the topic for the executive session must provide as much detail as possible without compromising the purpose for which the executive session is to be held. However, it is not necessary or advisable to identify a confidential component of the topic, such as the specific individual or specific property that the executive session will concern. Additionally the motion to go into an executive session must specifically cite the provision of the City Code that authorizes the board or commission to meet in executive session. An example of a valid motion to go into an executive session is as follows:

“As authorized by City Code Section 2-31(a)(2), I move to go into executive session for the purpose of meeting with the City Attorney to receive legal advice regarding potential litigation and the manner in which the board's action may be affected by existing law.”

In order to convene an executive session, it is necessary that the motion to do so be made at an open and validly convened regular or special meeting of the board or commission. The motion must be approved by not less than two-thirds (2/3) of the quorum present at the meeting. The minutes of the regular or special meeting must specifically reflect the motion, the topic of the proposed executive session, the specific citation of the City Code authorizing the executive session, and the vote upon the motion.

An audio recording must be made of all discussions that occur in an executive session, except those discussions that constitute a privileged attorney-client communication. In that attorney-client situation, a recording need not be made so long as the attorney is present at the executive session and the audio recording of the executive session discussion reflects the fact that no further record was kept of the discussion based on the opinion of said attorney that the discussion constitutes a privileged attorney-client communication. The board or commission may choose to record the privileged attorney-client communication portion of the executive session so there is no question about the propriety of going “off the record.”

The audio tape of an executive session must be maintained for not less than 90 days, after which the tape may be destroyed pursuant to the City's document retention policy. It is important to realize that any person may file an application with the District Court challenging the lawfulness of an executive session. In such a circumstance, the District Court Judge would review the audio tape to determine whether or not the requirements of the City Code were met. If the above described legal requirements were not met, the Court will make public that portion of the executive session that either strayed from the appropriate topic or where formal action was taken.

During an executive session, the board or commission cannot make final policy decisions, adopt resolutions, or take other formal action. If a board or commission does attempt to take formal or final action in an executive session, such action would be void and of no effect.

Information received by board and commission members in an executive session should be kept confidential by the members. A member could become criminally liable for misuse of official information if a member used confidential information for his or her personal pecuniary gain or aided another in achieving a pecuniary benefit. Disclosure of confidential information could also result in the loss of liability protection under the Colorado Governmental Immunity Act for the individual making the disclosure and removal from membership on the board or commission.

# CONFLICT OF INTEREST GUIDELINES

## ***Introduction***

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The members of City boards and commission 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. When in doubt, a board or commission member should consult with the City Attorney's Office for clarification of any applicable regulations. Also, a board or commission's Council liaison is permitted under the City Code to submit an inquiry to the Ethics Review Board on behalf of a board or commission member for an advisory opinion and recommendation. Ultimately, each member is responsible for his or her own compliance with all applicable laws and regulations.

## ***Conflicts of Interest***

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A board or commission member should refrain from voting on or attempting to influence any decision in which he or she has 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 or commission 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 or commission 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 or commission member should check with the City Attorney's Office before participating in any decision which directly and substantially benefits a business in which he or she 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 or commission member has a substantial financial interest in a competing firm, the member should also exercise caution in deciding whether to participate in the decision.

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***

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Board and commission members and their relatives are prohibited from having a financial interest in sales to the City, but only if they exercise, directly or indirectly, any decision-making or supervisory authority with regard to the goods or services to be sold to the City.

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***

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Board and commission members sometimes receive confidential information from City staff. Such information should not be used for the private benefit of the board or commission member or any other individual. Additionally, disclosure of the information is prohibited if a reasonable person would consider that the disclosure would injure the financial interests of the City.

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

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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 or commission member's independence of judgment in the performance of his or her official duties. The following specific items are excluded from the definition of prohibited gifts or favors and may be accepted:

- ▶ Nonpecuniary awards for public service.
- ▶ Reimbursement for expenditure for attending job-related conferences or other meetings.
- ▶ Invitations to social functions or meetings which are not extraordinary when viewed in the light of the position held by the board or commission member.
- ▶ Perishable or nonpermanent items that are insignificant in value, such as meals, lodging, travel expenses, tickets to sporting, recreation, educational or cultural events.
- ▶ Salary from outside employment.

## Checklist

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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 of engaging in the proposed transaction:

- Sales to the City:** Will I or my relative receive some foreseeable, measurable financial benefit? Am I involved in the procurement or supervision?
- 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 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 the Code.)
- Confidences:** Am I about to use or disclose a confidence which, in the judgment of a reasonably prudent person, would injure the financial interests of the City? Will I be using it for private gain, either for myself or for another person?

CONFLICT OF INTEREST DISCLOSURE STATEMENT  
CITY OF FORT COLLINS, COLORADO

The following disclosure statement is submitted to the Clerk of the City of Fort Collins pursuant to the requirements of Article IV, Section 9 of the City Charter and, to the extent applicable, Section 24-18-109(3)(a), C.R.S.	
Name:	
Title:	
Decision(s) affected (give description of item to be addressed by Council, Board, etc.):	
Brief statement of interest:	
Date:	Signature:
<b>REMOVAL OF CONFLICT OF INTEREST</b>	
I affirm that the above-stated conflict of interest no longer exists.	
Date:	Signature:

cc: City Attorney  
City Manager

## APPEALS PROCEDURE

Chapter 2, Division 3 of the Code of the City of Fort Collins sets out the appeals procedures. The appeals procedure reads as follows:

### **Sec 2-46. Definitions**

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The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section:

*Appellant* shall mean a party-in-interest who has taken an appeal from a board, commission or other decision maker to the City Council by the filing of a notice of appeal.

*Applicant* shall mean the person who or organization which submitted the application to the board, commission or other decision maker whose decision has been appealed.

*Evidence* shall mean any information, whether in verbal, written, graphic or other form, presented at the hearing to support or refute a particular proposition or conclusion. *Evidence* shall not include argument as to how information offered as evidence should be viewed by the City Council.

*Final decision* shall mean the action of a board, commission or other decision maker by a vote of a majority of its members when no further rehearing is available before such board, commission or other decision maker; provided, however, that a recommendation to the City Council from a board, commission or other decision maker shall not be considered as a final decision of that board, commission or other decision maker.

*New evidence* shall mean any evidence relating to the proposal or application which was the subject of final decision by a board, commission or other decision maker and which was not presented at the hearing before such board, commission or other decision maker.

*Party-in-interest* shall mean a person who or organization which has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal shall be limited to the following:

- (1) The applicant;
- (2) Any party holding a proprietary or possessory interest in the real or personal property which was the subject of the decision of the board, commission or other decision maker whose action is to be appealed;
- (3) Any person to whom or organization to which the City mailed notice of the hearing of the board, commission or other decision maker;
- (4) Any person who or organization which sent written comments to the board, commission or other decision maker prior to the action which is to be appealed;

- (5) Any person who appeared before the board, commission or other decision maker at the hearing on the action which is to be appealed;
- (6) The City Council as represented by the request of a single member of the City Council.

***Sec. 2-47. Certain Appeals to be Taken to City Council***

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Appeals taken from decisions made by any of the following boards, commissions or other decision makers shall be taken to the City Council in the manner set forth in this Division:

- (1) Building Review Board;
- (2) Fire Board of Appeals;
- (3) Landmark Preservation Commission;
- (4) Planning and Zoning Board;
- (5) A "decision maker" under the provisions of Section 2.2.12 of the Land Use Code;
- (6) Water Board;
- (7) Zoning Board of Appeals.

***Sec. 2-48. Appeal of Final Decision Permitted; Effect of Appeal; Grounds for Appeal***

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- (a) A party-in-interest may appeal to the City Council the final decision of any board, commission or other decision maker to which this appeal procedure applies in the manner provided in this Division. Any action taken in reliance upon any decision of a board, commission or other decision maker that is subject to appeal under the provisions of this Division shall be totally at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and the City shall not be liable for any damages arising from any such action taken during said period of time.
- (b) Except for appeals by members of the City Council, the permissible grounds for appeal shall be limited to allegations that the board, commission or other decision maker committed one (1) or more of the following errors:
  - (1) Failure to properly interpret and apply relevant provisions of the Code and Charter.
  - (2) Failure to conduct a fair hearing in that:
    - a. The board, commission or other decision maker exceeded its authority or jurisdiction as contained in the Code or Charter;
    - b. The board, commission or other decision maker substantially ignored its previously established rules of procedure;
    - c. The board, commission or other decision maker considered evidence relevant to its findings which was substantially false or grossly misleading; or
    - d. The board, commission or other decision maker improperly failed to receive all relevant evidence offered by the appellant.

- (c) Appeals filed by members of the City Council need not include specific grounds for appeal, but shall include a general description of the issues to be considered on appeal. Upon the filing of any such appeal, the director of the affected City service area shall identify the specific Code provisions that may pertain to the issues raised by such appeal and shall provide such information to the City Clerk prior to the date that the notice of hearing on the appeal is to be mailed by the City Clerk to parties-in-interest under § 2-54. Said information shall then be mailed to the parties-in-interest together with the notice of hearing. Councilmembers who file an appeal shall not participate in deciding the appeal. Such Councilmembers may, however, participate in the appeal hearing in the same manner as other appellants, notwithstanding the provisions of Paragraph 2-568(c)(2).

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**Sec. 2-49. *Filing of Notice of Appeal***

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An appeal shall be taken by filing a notice of appeal of the final decision of a board, commission or other decision maker to which this Division applies with the City Clerk within fourteen (14) days after the action which is the subject of the appeal. Such notice of appeal shall be signed by all appellants and shall include the following:

- (1) The action of the board, commission or other decision maker which is the subject of the appeal;
- (2) The date of such action;
- (3) The name, address, telephone number and relationship of each appellant to the subject of the action of the board, commission or other decision maker;
- (4) For all appeals except those filed by members of City Council, the grounds for the appeal, including specific allegations of error and a summary of the facts contained in the record on appeal which support those allegations; and
- (5) In the case of an appeal by more than one (1) appellant, the name, address and telephone number of one (1) such appellant who shall be authorized to receive, on behalf of all appellants, any notice required to be mailed by the City to the appellants under the provisions of §2-50.

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**Sec. 2-50. *Review of Notice of Appeal by City Attorney***

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Within five (5) working days of the date of the filing of the notice of appeal, the notice shall be reviewed by the City Attorney for any obvious defects in form or substance. The City Clerk shall notify the appellant in writing by certified mail of any such defect in the notice of appeal, which notice shall be mailed no more than seven (7) working days from the date of filing of the notice of appeal.

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**Sec. 2-51. *Amended Notice of Appeal Permitted***

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An amended notice of appeal may be filed by the appellant within fourteen (14) working days after the date of filing of the notice of appeal. Such amended notice of appeal shall contain all of the information required under § 2-49 for the original notice of appeal and, upon filing with the City Clerk, shall supersede the original notice of appeal. Amendments to the notice of appeal need not be limited to those defects, if any, which have been identified by the City Attorney.

### **Sec. 2-52. Cost of Appeal**

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In all appeals except those filed by members of the City Council, the appellant shall be charged a fee of one hundred dollars (\$100.) for the cost of the appeal, to be paid to the City Clerk at the time of the filing of the notice of appeal.

### **Sec. 2-53. Record of Appeal**

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Any appeal to the City Council shall be an appeal on the record of the hearing before the board, commission or other decision maker. The record provided to the City Council shall include the following:

- (1) All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the board, commission or other decision maker at the proceedings;
- (2) A verbatim transcript of such proceedings before the board, commission or other decision maker. The cost of the transcript shall be borne by the City;
- (3) If available, a videotape recording of such proceedings before the board, commission or other decision maker. The cost of reproducing any such videotape for review by the City Council shall be borne by the City. Additional copies shall be provided to any party-in-interest requesting the same within a reasonable period of time prior to the date for hearing the appeal, at a cost not to exceed the actual reproduction costs incurred by the City.
  - (a) In the event of an appeal, the City Clerk shall schedule a date for hearing the appeal no less than thirty (30) nor more than sixty (60) calendar days after the date of filing of the notice of appeal. Written notice of the date, time and place of the hearing shall be mailed by the City Clerk to the appellant and all other parties-in-interest no less than ten (10) calendar days prior to the date of said hearing. Said notice shall also include a copy of the notice of appeal or amended notice of appeal, as applicable, and shall inform the parties-in-interest of the period of time within which additional issues may be identified under § 2-56.
  - (b) Any written materials that any party-in-interest may wish the City Council to consider in deciding the appeal and that fall within the exception to new evidence contained in Paragraph 2-57(b)(1) shall be submitted to the City Clerk no later than 12:00 p.m. on the Wednesday immediately preceding the date upon which the hearing on the appeal is scheduled to be held. Such materials shall then be included by the City Clerk in the agenda materials pertaining to the appeal.

### **Sec. 2-54. Scheduling of the Hearing**

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(a) In the event of an appeal, the City Clerk shall schedule a date for hearing the appeal no less than thirty (30) nor more than sixty (60) calendar days after the date of filing of the notice of appeal. Written notice of the date, time and place of the hearing shall be mailed by the City Clerk to the appellant and all other parties-in-interest no less than ten (10) calendar days prior to the date of said hearing. Said notice shall also include a copy of the notice of appeal or amended notice of appeal, as applicable, and shall

inform the parties-in-interest of the period of time within which additional issues may be identified under § 2-56.

(b) Any written materials that any party-in-interest may wish the City Council to consider in deciding the appeal and that fall within the exception to new evidence contained in Paragraph 2-57(b)(1) shall be submitted to the City Clerk no later than 12:00 p.m. on the Wednesday immediately preceding the date upon which the hearing on the appeal is scheduled to be held. Such materials shall then be included by the City Clerk in the agenda materials pertaining to the appeal.

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**Sec. 2-55. No Exparte Contacts**

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In order to afford all parties-in-interest a fair opportunity to respond to the information upon which the City Council is to base its decision on appeal, and in order to preserve the impartiality of Councilmembers hearing the appeal, all Councilmembers who intend to participate in hearing the appeal shall, to the extent reasonably possible, avoid communications with parties-in-interest and members of the general public regarding the merits of the appeal prior to the hearing on the appeal.

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**Sec. 2-56. Procedure at the Hearing**

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- (a) At the hearing on the appeal by the City Council, the presentation of argument on the merits of the appeal shall be made in the following order, subject to such limitations in time and scope as may be imposed at the discretion of the Mayor:
- (1) Explanation of the nature of the appeal and presentation by City staff;
  - (2) Presentation of argument by the appellant and any party-in-interest in support of the appeal;
  - (3) Presentation of argument by any party-in-interest who is an opponent of the appeal;
  - (4) Rebuttal presentation by the appellant and any party-in-interest in support of the appeal;
  - (5) Rebuttal presentation by any party-in-interest who is an opponent of the appeal; and
  - (6) Motion, discussion and vote by the City Council.
- (b) No person making a presentation to the City Council shall be subject to cross-examination except that members of the City Council and the City Attorney may inquire of such person for the purpose of eliciting information and for the purpose of clarifying information presented.
- (c) In the event of multiple appeals involving the same decision of a board, commission or other decision maker, the Mayor, in his or her discretion, may modify the procedure contained in Subsection (a) above so as to expedite the hearing of such appeals.

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**Sec. 2-57. New Evidence; Scope of Review; Alternative Actions Available to the City Council: Date of Final Action**

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- (a) The City Council shall consider an appeal based upon the record on appeal, the relevant provisions of the Code and Charter and the grounds for appeal cited in the notice of appeal. Issues not raised in the notice of appeal shall not be considered by the City Council in deciding the appeal.
- (b) New evidence shall not be considered on appeal except under the following circumstances:
- (1) When offered in support of or in opposition to an allegation under Subparagraph 2-48(2)c that a board, commission or other decision maker considered evidence relevant to its findings which was substantially false or grossly misleading.
  - (2) When offered by City staff or parties-in-interest in response to questions presented by

Councilmembers under Subsection 2-55(b).

- (c) In considering an allegation that a board, commission or other decision maker failed to properly interpret and apply the relevant provisions of the Code or Charter asserted under Paragraph 2-48(1), the City Council shall determine how such provisions should, in the City Council's judgment, be applied to the evidence contained in the record on appeal.
- (d) At the conclusion of such hearing, the City Council shall uphold, overturn or modify the decision of the board, commission or other decision maker; provided, however, that:
  - (1) The City Council shall instead remand the matter for rehearing if it finds that the appellant was denied a fair hearing before the board, commission or other decision maker for any of the reasons stated in Paragraph 2-48(2).
  - (2) The City Council may also remand the matter for rehearing in order for the board, commission or other decision maker to receive and consider additional information with regard to any issue raised on appeal. Any such remand shall include direction from the City Council to the board, commission or other decision maker as to the issues to be considered at the rehearing.
- (e) No later than the date of its next regular meeting, the City Council shall adopt, by resolution, findings of fact in support of its decision. The date of passage of such resolution shall be the date of final action of the City Council for the purpose of any subsequent judicial review of the decision of the City Council.

## TYPES OF BOARDS AND COMMISSIONS

Boards and commissions are established for the purpose of reviewing information and making recommendations to City Council on City policy issues. There is no difference between a board or commission. Specific duties and functions are established individually for each board or commission. The majority of boards and commissions are advisory to the City Council and/or City administration. These boards and commissions do not have decision-making powers. The advisory boards are as follows:

### **Advisory to Council:**

Affordable Housing Board  
Air Quality Advisory Board  
Art in Public Places Board  
Commission on Disability  
Community Development Block Grant Commission  
Cultural Resources Board  
Economic Advisory Commission  
Energy Board  
Golf Board  
Land Conservation and Stewardship Board  
Natural Resources Advisory Board  
Parks and Recreation Board  
Senior Advisory Board  
Transportation Board  
Women's Commission  
Youth Advisory Board

### **Advisory to Council and City Administration:**

Citizen Review Board

Various boards and commissions are quasi-judicial and have decision-making powers within their areas of expertise. Their decisions are subject to appeal to the City Council or the courts. The following are quasi-judicial boards:

### **Quasi-Judicial:**

Building Review Board  
Human Relations Commission  
Landmark Preservation Commission  
Planning and Zoning Board  
Retirement Committee  
Water Board  
Zoning Board of Appeals

## BOARDS AND COMMISSIONS FUNCTIONS

### ***Affordable Housing Board***

The Affordable Housing Board advises the City Council on matters pertaining to affordable housing issues of concern to the City. The City has established several programs designed to stimulate the construction of additional affordable housing units and retention of existing housing units in the community. These programs include development review priority processing, impact fee collection delay and sales tax rebates.

### ***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 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 Board.

### ***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; 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 Board***

The Building Review Board is charged with the responsibility to hear appeals and requests for variances related to the Fort Collins building codes and contractor licensing regulations. The BRB 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 BRB 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 BRB 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 outside law enforcement agencies operated within the City and makes annual reports to the City Council and City Manager concerning activities and recommendations of the Board.

### ***Commission on Disability***

The Commission on Disability serves as an advisor to the City of Fort Collins City Council on issues relating to citizens with disabilities. In its role as an advocate for citizens with disabilities, the Commission on Disability: develops educational programs to acquaint citizens with issues affecting individuals with disabilities; forms special committees to review and address particular issues; works together with other boards and commissions and 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; and serves as ombudsman between City departments, the private business sector and the community of citizens who have disabilities.

### ***Community Development Block Grant (CDBG) Commission***

The CDBG Commission advises the City Council on matters pertaining to the City's Competitive Process which includes Department of Housing and Urban Development's (HUD) Community Development Block Grant Program (CDBG) and HOME Programs and the City's Affordable Housing Human Services Funds. HUD provides Federal grant funds to the City to meet affordable housing and community development needs of low and moderate income people. The City receives about \$1.5 million from HUD and \$500,000 from the General Fund annually and program funds are typically used for land acquisition, rehabilitation, public facilities and public services.

### ***Cultural Resources Board***

The Cultural Resources Board's primary function is to advise City Council on issues relating to the Lincoln Center and the Fort Collins Museum. In addition, the Board reviews applications and makes recommendations for funding from the City of Fort Collins' Cultural Development and Programming Account and Tourism Programming Account (Fort Fund).

## ***Economic Advisory Commission***

The duties and functions of the Commission shall be:

- (1) To advise the City Council on matters pertaining to the economic health and sustainability of the city, including, but not limited to, (a) events and trends occurring outside the Fort Collins community that may affect the local economy; (b) immediate and long-term threats to the local economy; (c) ways in which to enhance the City's competitive position in relation to other communities; and (d) possible partnerships with other public and private entities;
- (2) To recommend programs and strategies that may enhance the economic health and sustainability of the city;
- (3) To be aware of and coordinate with other City boards and commissions whose actions may affect the economic health and sustainability of the City;
- (4) To advise Council on existing or proposed policies, practices or regulations of the City that may affect the local economy; and
- (5) To perform other such duties and functions as provided by the City Council.

## ***Energy Board***

The duties and functions of the Board shall be:

- (1) To advise the City Council and staff regarding the development and implementation of the City's energy policy;
- (2) To 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.
- (3) 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;
- (4) To advise the City Council and staff regarding the recommendations for improvements to City energy systems;
- (5) To coordinate with other City boards and commissions regarding energy issues;
- (6) To advise the City Council and staff regarding budgetary, rate-making and operational matters related to the electric utility;
- (7) 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; and
- (8) To perform such other duties and functions and have such other powers as may be provided by ordinance of the City Council.

## ***Golf Board***

The Golf Board advises and makes recommendations to the Community Services Director and the City Council as to rules, regulations, policies, administrative and budgetary matters pertaining to the operation and maintenance of all City-owned golf courses. The Board advises and makes recommendations to the Director concerning the terms and conditions of any agreements to be entered into with golf professionals and other concessionaires in connection with City-owned golf courses, as well as other agreements which may affect the management, operation, maintenance, construction or acquisition of City-owned golf courses; assists in the procurement of goods and services for City-owned golf courses, including the selection of golf professionals, concessionaires and other contractors, as defined; and advises and makes recommendations to the City Manager concerning approval of annual fees and charges at City-owned golf courses.

## ***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 often coordinates these efforts with other City boards and commissions, community groups and organizations. The commission also oversees the Citizen Liaison Program, and presents the annual Human Relations Awards to recognize those citizens who have advanced the cause of human rights through their volunteer efforts.

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

The duties and functions of the Board shall be as follows:

- (1) To advise 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.
- (2) To advise 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.
- (3) To advise Natural Areas Program staff regarding the development of management plans and public improvements for Natural Areas Program properties.
- (4) Upon request of the City Manager or at the direction of the City Council, to advise 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. This provision shall not apply to development projects for which applications have been submitted to the City for approval under the Land Use Code.
- (5) Upon request of the City Manager or at the direction of the City Council, to advise 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.

### ***Landmark Preservation Commission***

The Commission shall perform all duties relating to preservation of historic landmarks as set out in Chapter 14, 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 shall also perform 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, commissions and City staff members whose actions may affect the preservation of historic resources in the community; and
- (5) To establish a committee of its members to provide advice and, if required under Section 2.10.2(H) of 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; provided, however, that any members of such committee who provide such advice or recommendations to property owners under this provision shall refrain from participating in any subsequent decisions of the Commission related to such properties; and
- (6) To perform such other duties and functions as may be provided by the City Council by ordinance or resolution.

### ***Natural Resources Advisory Board***

The Natural Resources Advisory Board shall have the following functions: (1) to advise the City Council on all matters pertaining to natural resources and environmental protection issues of concern to the city; (2) to analyze various natural resources issues and to aid and guide the development of city-wide natural resources programs to address currently existing and potential natural resources and environmental issues; (3) to promote citizen participation and public education on city-wide natural resources and environmental protection issues; (4) to be aware of and coordinate with the various Department of Natural Resources' technical advisory committees; (5) to perform such other duties and functions and have such other powers as provided by the City Council.

### ***Parks and Recreation Board***

The Parks and Recreation Board shall have the following functions: (1) to advise and make recommendations to the Community Services Director and the City Council for their approval as to rules, regulations, policies, administrative and budgetary matters pertaining to parks and recreation

but excluding matters relating to the operation and maintenance of City-owned golf courses and cemeteries; (2) to assist the City in cooperating with the Poudre School District and other organizations and individuals interested in the City's parks and recreation programs; and (3) to promote 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 Board***

The Planning and Zoning Board's responsibilities include making recommendations to the City Council regarding 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 Board is also the final decision making authority regarding land use proposals including overall development plans, project development plans and any planned unit developments that remain from the City's previous land use regulations. In addition, the Board coordinates with the Poudre R1 and Thompson school districts and the Larimer County Planning Commission.

### ***Retirement Committee***

The General Employees Retirement Committee's charges are: manage/administer the Retirement Plan for members and retirees and manage accumulated Retirement Fund money; determine the eligibility/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 primary objective is to help aging citizens in Fort Collins and the surrounding area live full and interesting lives so that they might continue to contribute, participate and share in the life of the community. The Board assumes responsibility for involvement in a network of senior agencies and organizations so that they can remain aware of issues, needs and occurrences that may be relevant to their work. Their primary concern is to provide education in this community about the aging process, to inform and be informed, to advocate for a good quality of life, and to encourage networking among the various groups who deal with senior issues.

### ***Transportation Board***

The Transportation Board advises the Fort Collins City Council on transportation issues. The Board examines issues relating to financing; the development and implementation of master plans pertaining to pedestrian, streets, transit, bicycles, automobiles, congestion, traffic signalization, and transportation

facilities; the use of technology; and education of the public and private industry on transportation topics. The Board acts as a forum for the citizens to express their needs and concerns. The Board coordinates with other City boards and commissions on projects and issues that are of mutual interest. The Transportation Board works with other municipalities in the region to identify and develop solutions to key transportation issues.

### ***Water Board***

The City of Fort Collins Water Board advises the City Council regarding water, wastewater and stormwater policy issues such as water rights, planning, acquisition and management, conservation and public education, floodplain regulations, storm drainage and development design criteria. The Board reviews and makes recommendations on Water, Wastewater and Stormwater Utilities budgets, fees, water quality and local, state and federal water legislation. At times, the Board acts as a quasi-judicial body on floodplain regulation 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's Commission***

The Commission is created for the purpose of enhancing the status of and opportunities for all women in the City. The Commission shall have the ability to:

- (1) Document issues of importance to the status of women in the City;
- (2) Conduct educational programs in the Fort Collins community to increase public awareness and sensitivity to the needs and capabilities of all women;
- (3) Cooperate with other organizations and individuals interested in issues affecting women in the Fort Collins area;
- (4) Review proposed legislation, policy changes or other governmental action at the federal, state or local level that would enhance or otherwise affect the status of women in the City and make recommendations to the City Council regarding the same.
- (5) Recommend to the City Council the adoption of local legislation or policies that would enhance the status of women in the City.

### ***Youth Advisory Board***

The Youth Advisory Board gathers information from local youth, other groups, organizations and agencies regarding youth-oriented issues and makes recommendations to City Council in reference to these issues.

### ***Zoning Board of Appeals***

The Zoning Board of appeals has the authority to approve variances from the requirements of the Land Use Code and to hear and decide appeals from any decision made by an administrative official pertaining to a specific property. The Board 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 Board 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.

## MEETING TIMES

Boards and commissions routinely meet at the following times and places unless a specific change is announced.

BOARDS AND COMMISSIONS		
Board/Commission	Meeting Date/Time/Location	Contact
Affordable Housing Board	First Thursday of each month – 4:00 p.m. Conference Rooms A & B, 281 North College Avenue	Ken Waido 221-6753
Air Quality Advisory Board	Third Monday of each month – 5:30 p.m. 215 North Mason, Conference Room 1-A	Lucinda Smith 224-6085
Art in Public Places Board	Third Wednesday of each month – 3:30 p.m. Lincoln Center, 417 W. Magnolia	Ellen Martin 416-2789
Building Review Board	Last Thursday of each month – 1:00 p.m. Council Chambers, City Hall West, 300 LaPorte Avenue	Delynn Coldiron 221-6767
Citizen Review Board	Second Wednesday of each month – 5:30 p.m. Council Information Center, City Hall West, 300 LaPorte Avenue	Jerry Schiager 416-2587
Commission on Disability	Fourth Thursday of each month – 12:15 p.m. Council Information Center, City Hall West, 300 LaPorte Avenue. Subcommittees second Thursday each month –12:15 p.m. Council Information Center, City Hall West, 300 LaPorte Avenue	Ethan Cozzens 221-6273
Community Development Block Grant (CDBG) Commission	Second Thursday of each month – 6:30 p.m. Conference Rooms A & B, 281 North College Avenue	Ken Waido 221-6753
Cultural Resources Board	Last Thursday of each month – 12 Noon (except January, April & June) Lincoln Center, 417 W. Magnolia. Fort Fund sessions held fourth Wednesday (January, April and June)	Jill Stilwell 416-2789
Economic Advisory Commission	Third Wednesday of each month – 11 a.m. Council Information Center, City Hall West, 300 LaPorte Avenue	Mike Freeman 416-2259
Energy Board	First Thursday of each month – 5:30 p.m. Board Room, 117 N. Mason Street	Harriet Davis 416-2513
Golf Board	Third Wednesday of each month – 6:00 p.m. (October-March); 7:00 p.m. (April-September) City Park Nine Golf Course Clubhouse, 411 South Bryan Avenue	J. R. Schnelzer 221-6301
Human Relations Commission	Second Thursday of each month – 5:30 p.m. Council Information Center, City Hall West, 300 LaPorte Avenue	Rebecca O'Donnell 221-6819
Land Conservation & Stewardship Board	Second Wednesday of each month – 6:00 p.m. 215 North Mason, Room 1A, west entrance	Mark Sears 416-2096

Landmark Preservation Commission	Second Wednesday of each month – 5:30 p.m. Community Room, 215 North Mason Worksessions are held the fourth Wednesday each month (5:30 p.m.) Conference Rooms A & B, 281 North College	Karen McWilliams 224-6078
Natural Resources Advisory Board	Third Wednesday of each month – 6:00 p.m. 215 North Mason, Room 1A, west entrance	Susie Gordon 221-6265
Parks and Recreation Board	Fourth Wednesday of each month – 5:30 p.m. Locations vary (check website and Parks and Recreation Board Public Notice)	Craig Foreman 221-6618 J.R. Schnelzer 221-6301
Planning & Zoning Board	Third Thursday of each month – 6:00 p.m. City Council Chambers, City Hall West, 300 LaPorte Avenue Worksessions are held the Friday before scheduled hearing 12 noon, Conference Room A, 281 North College Avenue	Steve Dush 221-6750
Retirement Committee	Second Thursday of each month – 1:15 p.m. 2nd Floor Meeting Room 2A, 215 North Mason	John Voss 221-6672
Senior Advisory Board	Second Wednesday of each month – 1:30 p.m. Fort Collins Senior Center, 1200 Raintree Drive	Barbara Schoenberger 224-6026
Transportation Board	Third Wednesday of each month – 6:00 p.m. Community Room, 215 North Mason	Mark Jackson 416-2029
Water Board	Third Thursday of each month -- 5:30 p.m. Large Conference Room, 117 North Mason	Harriet Davis 416-2513
Women’s Commission	Third Wednesday of each month – 6:30 p.m. 215 North Mason, Room 1B, west entrance	Suzanne Jarboe-Simpson 224-6137
Youth Advisory Board	First Wednesday of each month – 6:30 p.m. (no meetings held June - August) Northside Atzlan Community Center, 112 East Willow Street	Steve Budner 221-6861 Megan Greer 224-6032
Zoning Board of Appeals	Second Thursday of each month – 8:30 a.m. Council Chambers, City Hall West, 300 LaPorte Avenue	Peter Barnes 416-2355