

Fort Collins City Council Ad Hoc Committee for Boards and Commissions Agenda

Regular Meeting

4 p.m., Wednesday, April 5, 2023

CIC Conference Room at City Hall, 300 Laporte Ave, Fort Collins, CO 80521

Zoom link: <https://fcgov.zoom.us/j/95850905777>

Committee Members:

Emily Francis, District 6, Chair

Tricia Canonico, District 3

Julie Pignataro, District 2

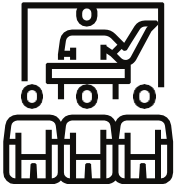
Kelly Ohlson, District 5, alternate

NOTICE:

Regular meetings of the Ad Hoc Committee for Boards and Commissions are held on the 1st Wednesday of each month at 4:00 p.m. unless otherwise stated. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in-person meeting in the CIC Conference Room at City Hall.

Councilmembers may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are available through the Zoom platform, electronically or by phone.

Call in: +1 720 928 9299

Meeting ID: 958 5090 5777

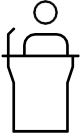
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A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.



There are four options for members of the public who would like to participate in or provide input regarding Council Committee meetings:

Comment in real time:



In person attendees can address the Committee in the Meeting room.



During the public participation portion of the meeting and discussion items:

The public can join the Zoom meeting and comment from the remote meeting, joining online or via phone.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience. To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using the call-in number and meeting ID below. Enter the meeting ID when prompted, and then hit the # key.

Call-in number: 720 928 9299

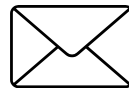
Meeting ID: 958 5090 5777

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Clerk's Office at City Hall, at 300 Laporte Ave, or by mail to PO Box 580, Fort Collins, CO 80522

**The Ad Hoc Committee is supported by the Office of the City Clerk
cityclerk@fcgov.com 970.221.6515**



Agenda

Ad Hoc Committee for Boards and Commissions

April 05, 2023 – 4:00 PM

CIC Conference Room, City Hall, 300 Laporte Ave & via Zoom at
<https://fcgov.zoom.us/j/95850905777>

Remote Participation Available

A) Call Meeting to Order

B) Roll Call

C) Approval of Minutes

1. Consideration and approval of the minutes of March 1, 2023.

The purpose of this item is to approve the draft minutes of the March 1, 2023, Ad Hoc Committee for Boards and Commissions meeting.

D) Discussion / Informational Items

2. Review and discuss the progress of the Ad Hoc Committee so far, review what requires Council approval, discuss the evaluation of boards, and discuss board member composition options.

The purpose of this item is to review and discuss what the Ad Hoc Committee has accomplished up until this point, as well as to review items that require Council approval, discuss the evaluation of boards, and to consider options for board member composition.

3. Review and discuss the updated Respectful Workplace Policy.

The purpose of this item is to review and discuss changes that have been made to the Respectful Workplace Policy.

4. Review and discuss the Draft Code of Conduct and formal Complaint Process.

The purpose of this item is to review and discuss the draft Code of Conduct as well as the formal Complaint process that accompanies it.

5. Review and approve updates to the duties of Council Liaisons.

The purpose of this item is to review and approve updates to Resolution 2016-039 regarding the duties of Council Liaisons.

E) Review of Upcoming Calendar

F) Adjournment

Next Scheduled Committee Meeting: H:MM PM, Month DD, 20YY

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Minutes

Ad Hoc Committee for Boards and Commissions

March 01, 2023 – 4:00 PM

CIC Conference Room, City Hall, 300 Laporte Ave & via Zoom at
<https://fcgov.zoom.us/j/99319941882>

Remote Participation Available

A) Call Meeting to Order

- 4:04 PM

B) Roll Call

- Committee Members Present: Emily Francis (Chair), Julie Pignataro, Tricia Canonico
- Staff Members Present: Davina Lau, Rupa Venkatesh, Kelly DiMartino, Jenny Lopez-Filkins
- Members of the Public: Kelly Ohlson

C) Approval of Minutes

1. Consideration and approval of the minutes of February 1, 2023.

The purpose of this item is to approve the draft minutes of the February 1, 2023, Ad Hoc Committee for Boards and Commissions meeting.

- Committee Member Julie Pignataro moved to approve the February 1, 2023 minutes. Committee Member Tricia Canonico seconded. The motion was adopted unanimously.

D) Discussion / Informational Items

2. Reviewing and discussing recruitment processes, the purpose of Super Issues Meetings, simplifying boards, and board composition.

The purpose of this item is to review potential changes to the recruitment processes and to discuss modifying the Code surrounding joint meetings, the purpose of Super Issues Meetings, simplifying boards, and the numbers of members on boards.

- *Discussion Highlights:* Staff Member Rupa Venkatesh outlined the purpose of the role of this Committee: to make the current Boards and Commissions system more effective and to make the entire structure more effective. She specifically mentioned the need for improved training for Boards and Commissions members, changes to the application, policies for interview no-shows, conducting exit interviews, and improving communication between Council and staff liaisons. She also noted all Boards and Commissions members will be expected to sign a code of conduct document. She outlined topics to be covered at this meeting and upcoming meetings.

Staff Member Venkatesh outlined the recommended changes to recruitment timing given the changes to Council election timing. She stated applications will be open December 1st-January 30th with interviews in mid-February and terms beginning in April. She discussed the process for this year only which will involve opening applications for vacancies in April with terms starting in July.

Regarding the interview process, Staff Member Venkatesh outlined the desire of the Committee to keep the current process involving two Councilmembers and the Mayor interviewing for quasi-judicial Boards and Commissions. She stated there are two options for type one and type two Boards and Commissions: one to have one Councilmember and the staff liaison interview, and one to have two Councilmembers interview with the staff liaison being present. Members discussed whether the Mayor is required to interview for quasi-judicial Boards.

Kelly Ohlson stated he does not believe the Mayor should automatically participate in the interviews for quasi-judicial Boards. Staff Member Venkatesh stated staff would research the specific Code language. Members concurred they would like three Councilmembers involved in quasi-judicial Board interviews.

Committee Member Pignataro stated she is leaning toward the second option and stated it is important for the staff liaisons to be involved in the interview process. Committee Member Canonico concurred.

Committee Member Pignataro asked about the interview process for the Citizen Review Board noting it previously involved a Councilmember and City Manager. Staff Member Venkatesh replied it has been two Councilmembers and the City Manager, who is involved due to the specific function of the Board.

Chair Francis noted option two will not decrease the amount of time spent in interviews for Councilmembers. Committee Member Pignataro noted there will be less time involved given interviews should now only occur annually. She noted they have been occurring more frequently due to various special circumstances over the past years.

Kelly Ohlson supported option two stating he does not believe staff liaisons should actually ask interview questions. He also stated he does not believe only one Councilmember should make appointment decisions. He suggested the possibility of decreasing the interview time from 15 to 10 minutes and also noted changing interview processes for incumbents will also decrease the time commitment for Councilmembers.

Committee Member Pignataro stated the 15 minute time is sufficient. Committee Member Canonico concurred.

Staff Member Venkatesh outlined the language related to joint meetings and stated there is a desire to update that language to provide more flexibility allowing joint meetings. Staff Member Jenny Lopez-Filkins outlined the Charter language related to the issue noting the Charter ensures Council grants specific functions to each Board or Commission. It was noted that joint meetings can only occur if they are specifically outlined in a Board's work plan or with permission from the City Manager.

Committee Member Pignataro made a motion to change Section 2-72 to strike 'work plan' and add 'the function of' and to strike 'City Council' and add 'Council Liaison(s)'. Committee Member Canonico seconded. The motion was adopted unanimously.

Staff Member Venkatesh briefly outlined the Super Issues Meetings topic. Staff Member Davina Lau stated Super Issues Meetings provide the opportunity for City staff to get input from the public and Boards and Commission members regarding ongoing and upcoming projects and programs in the city, including the Land Use Development Code updates and Halligan Water Supply Project which will be discussed in September. She stated staff uses the feedback received at the meetings to inform what comes before Council.

Committee Member Canonico asked if this replaces staff presenting to various Boards on specific topics. Staff Members replied in the negative and noted any Board or Commission member may attend a Super Issues Meeting.

Chair Francis questioned the usefulness of the Super Issues Meetings noting many of the Boards already receive the same presentations from staff. Staff Member Venkatesh stated it can be useful for members to hear perspectives of other Boards. City Manager Kelly DiMartino stated the facilitation style of the meetings has varied over time and interactive meetings seem to be most helpful. Additionally, she noted staff members do not provide presentations for every topic to each Board; therefore, the Super Issues Meetings provide opportunities for members of every Board to engage and determine whether a full presentation could be helpful for other Boards.

Staff Member Lau stated she is working to make the Super Issues Meetings quarterly and include sharing more information after the meetings with the staff liaisons as part of her follow-up process.

Staff Member Venkatesh outlined the next topic relating to how the effectiveness of Boards and Commissions is measured. She provided a list of criteria developed by staff and requested input from the Committee.

Committee Member Pignataro stated the quantity of recommendations provided to Council is not relevant.

Committee Member Canonico also questioned whether Council asking Boards for feedback may not always be relevant depending on Council's priorities at the time.

Staff Member Venkatesh commented on the example of the Golf Board perhaps no longer being relevant on its own, but having its functions absorbed within the Parks and Recreation Board. Additionally, she noted the same could be said for the Parking Board being absorbed by the Transportation Board.

Committee Member Pignataro stated it may not be possible to establish criteria for effectiveness that will fit every Board.

Chair Francis commented on the need to have a process to review the Boards on a more regular cadence. City Manager DiMartino replied Boards and Commissions used to come before Council on a four-year cadence and she stated those presentations were deemed to be not particularly constructive in terms of a critical evaluation of the effectiveness of the Boards.

Staff Member Venkatesh commented on the current periodic review and annual review process noting the Committee suggested removing the periodic reviews from the language as they are no longer occurring. She suggested the Committee now needs to consider how Council determines whether Boards need to be added or readjusted. Members discussed the most recent Board that was created, the Land Conservation and Stewardship Board, which Mr. Ohlson stated was formed due to ballot language triggering it.

Committee Member Pignataro noted the processes for forming and eliminating Boards will need to be completely different from one another. Chair Francis suggested the possibility of having annual work sessions for Council to discuss and review Boards. Committee Member Canonico suggested bi-annual discussions of that type seem sufficient. City Manager DiMartino asked if there would be a role for the Council liaisons in that process, or if the Committee would like to see some options. Chair Francis replied it would be helpful for staff to present some options.

Committee Member Canonico supported staff-initiated work sessions for the full Council on the topic on a bi-annual basis. Mr. Ohlson concurred.

City Manager Di Martino asked if the Committee agrees that if a Board or Commission wanted to self-initiate dissolution, that could be discussed by Council. Committee members concurred.

Members discussed which Boards may be considered for merging.

Committee Member Pignataro noted the Human Relations Commission is quasi-judicial; therefore, merging it with the Women's Advisory Board may not be feasible. Chair Francis questioned whether the work of the Women's Advisory Board is captured in the Human Relations Commission. Committee Member Pignataro stated she had wanted to change the Women's Advisory Board to a gender equity board and have it remain as advisory.

Staff Member Lopez-Filkins noted the Human Relations Commission has not taken any quasi-judicial action in about 16 years; however, the way the Code as currently written states it must be quasi-judicial.

Staff Member Venkatesh suggested the Committee could consider making recommendations to the full Council to dissolve certain Boards at its April meeting then staff could open applications for recruitment.

Committee Member Pignataro stated she would be comfortable recommending the Golf Board be absorbed into the Parks and Recreation Board and rebranding the Women's Advisory Board into a gender equity board.

Chair Francis stated she would be comfortable recommending the Golf Board be absorbed into the Parks and Recreation Board and stated she would be more comfortable dissolving the Women's Advisory Board and following more of a process to critically look at instituting a gender equity or other board. Committee Member Canonico concurred.

Members concurred recruitment should not occur for either the Golf Board or Women's Advisory Board.

Staff Member Venkatesh outlined the suggestion for the incumbent process which would involve them applying during regular recruitment, a meeting between the staff and Council liaison regarding any issues with the incumbents or complaints received, and an ultimate decision by the Council liaison as to whether the incumbents who have applied should be re-interviewed or reappointed without an interview.

Members discussed the importance of notifying Council liaisons immediately upon any complaint being received about a Board or Commission Member.

Committee Member Pignataro suggested leaving the incumbent process up to each individual Council liaison. Chair Francis and Committee Member Canonico questioned whether not having a specific process would be a good idea.

City Manager DiMartino suggested the possibility of having each Board do a 'pulse check' survey among its members prior to recruitment which could provide information about certain issues and/or desires.

Chair Francis stated it would be helpful for staff to return with some recommendations for the incumbent process.

Staff Member Venkatesh outlined the next issue for discussion: board member composition numbers and quorum issues. She discussed the possibility of having Boards be comprised of seven members, but allowing for nine if enough quality applications are received.

Committee Member Canonico asked if regular Boards would then be comprised of seven members which would determine quorum, then the number could go up to nine with 'bonus members.' Committee Member Pignataro replied that is the current practice with the Youth

Advisory Board. Staff Member Lau replied quorum for that Board is based on the number of members it currently has, which is flexible.

Members discussed the definition of quorum and whether flexible Board composition numbers should be allowed. Chair Francis stated she would prefer all Boards have the same number of members.

Committee Member Pignataro stated her suggestion of keeping the quorum number the same regardless of the number of members was aimed at helping decrease the amount of interviews in the instance a Board does not have quorum and at allowing for more members if there is more interest.

Mr. Ohlson suggested narrowing the number to seven for each Board could limit input from various perspectives. He noted several Boards have been comprised of nine members for some time and have had no issues.

Staff Member Venkatesh noted there are nine type one Boards, one type two Board, and three quasi-judicial Boards with nine members each.

Chair Francis stated she would like to be able to accurately answer the question as to why some Boards have seven members and others have nine.

Committee Member Pignataro asked how many of the five Boards that could not meet due to lack of quorum are nine-member Boards. Staff Member Venkatesh replied the Disability Advisory Board, Historic Preservation Commission, Natural Resources Advisory Board, and Parks and Recreation Board have nine members.

Chair Francis stated she does not have a strong opinion about the exact number of members; however, she would like to have a consistent process for that determination.

City Manager DiMartino suggested the possibility of tying the type of Board (one, two, or quasi-judicial) to a number of members. She stated staff could return with some options.

Staff Member Venkatesh outlined the information staff will provide at the next meeting.

E) Review of Upcoming Calendar

F) Other Business

- None

G) Adjournment

- 5:58 PM

Next Scheduled Committee Meeting: 4:00 PM, April 5, 2023

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AGENDA ITEM SUMMARY

City Council

STAFF

Rupa Venkatesh, Assistant City Manager

Davina Lau, Public Engagement Specialist

SUBJECT

Review and discuss the progress of the Ad Hoc Committee so far, review what requires Council approval, discuss the evaluation of boards, and discuss board member composition options.

EXECUTIVE SUMMARY

The purpose of this item is to review and discuss what the Ad Hoc Committee has accomplished up until this point, as well as to review items that require Council approval, discuss the evaluation of boards, and to consider options for board member composition.

STAFF RECOMMENDATION

None

BACKGROUND / DISCUSSION

None

CITY FINANCIAL IMPACTS

None

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None

PUBLIC OUTREACH

None

ATTACHMENTS

- 1. Ad Hoc Presentation 4-5.pptx



Ad Hoc Committee for Boards and Commissions

- Review progress of ad hoc committee
- What does the full Council need to consider for approval?
- Review revisions to the Respectful Workplace Policy
- Review draft code of conduct and complaint process
- Evaluation of boards
- Review updated Council liaison responsibilities
- Board member composition options

Legend

** indicates an item that needs consideration of Council during a regular meeting, likely in August.

3 or more individual councilmembers may direct City Manager to initiate and move forward with preparing resolutions and ordinances

Direction received from Committee and will be done administratively by staff

Discussed during January meeting

Discussed during February and/or March meeting

To be discussed during April meeting

- Improvements to board and commission orientation
- Provide training for board chair (how to conduct a meeting, de-escalation training, etc)
- Application improvements
 - Verify workload for each board to include as part of application and interview process
 - Add question – “have you applied for this board before”
 - Add question – “how many hours are you willing to contribute to the board”
 - Ensure that current board members resign if they want to apply for a different board (already part of code)
 - Policy for no show to interview applicants
 - Continuous improvement to Council summary sheets
- Subscription so that interested residents are notified when vacancy becomes available
- Conduct exit interviews for board members if there are issues
- **Remove one-year terms except for youth advisory board (January)
- Need to improve communication between Council and staff liaisons (February/March)
- Shorten interview process (February/March meeting)

- Recruitment timing changes as a result of election timing change (February/March)
 - **Resolution needed to extend current terms
- **Consideration of 7 members for all boards unless there are enough quality applications for 9 (February/March)
- **Review process to add and delete boards (March)
- **Review code related to joint meetings to provide more flexibility for boards to meet with each other (March)
- Review super issues meetings purpose – March meeting
- **Review draft Code of Conduct (April meeting)
- Incumbents process – establish criteria (April meeting)
- **Update the Council liaison role responsibilities, and need to determine if it is described in City Code or keep in resolution – April meeting
- **Review scope of work for youth advisory board (future meeting)
- Recruitment efforts to increase diversity on boards (future meeting with Equity Officer)
- Housing Catalyst recruitment (future meeting)
- Surveyed members indicate don't have enough guidance from Council liaison, lack of feedback from Council (future meeting)

- Remove 1 year term from all boards and commissions from Code except for Youth Advisory Board
- Need to update the composition of Type 1 and Type 2 boards due to the removal of 1 year terms
- Potential of other composition updates to Type 1 and Type 2 boards
- Add Code of Conduct to Manual
- Add Code of Conduct complaint process to City Code
- Update Council liaison role responsibilities, *(need to determine if it should be described in City Code or keep as resolution)*
- Update Joint Meeting language in code
- Resolution to extend current terms due to recruitment timing change
- Consolidate Golf Board with Parks and Recreation Board *(TBD)*
- Consolidate Women's Advisory Board with Human Relations Commissions *(TBD)*

- July 25 – work session to review the work of the Ad Hoc Committee and present recommendations
- August 15 –
 - 1st reading of ordinance(s) to adopt code changes
 - Resolution to update Board and Commissions Manual
 - Resolution to extend current terms
 - Potential resolution adoption of Council liaison role if the direction is not to put in code
- September 5 – 2nd reading of ordinance(s)

Key Changes

- Still covers City Council and those that they appoint
- Policy name change to Respectful Workplace to Respectful Governance
- Training through City Clerk's Office
- Added protected characteristics per federal and state requirements
- Clarification around "Complaint Contact"
- Changes to screening process
- Annual reporting and review conducted by Assistant City Manager rather than Human Resources Executive

- **Respectful behavior** among appointees and City staff when communicating in private.
- Board and commission members are expected to attend their meetings. Members **must comply with attendance requirements** described in Fort Collins Municipal Code Section 2-79.
- Members commit to **attend any required trainings and even suggested trainings** that enhance a member's ability to serve.
- Not make **personal, impertinent, profane, vulgar, slanderous, humiliating, intimidating, or harassing remarks** that disturb, disrupt, or impede the conduct of the meeting or the board or commission's completion of its business. Similarly, abusive language, intimidation, threats of violence or harm, or racial or ethnic slurs directed at any person or group of persons, are prohibited. Appointed members are expected to know that problematic behavior can cause the targets of the behavior to **feel threatened, humiliated or intimidated** and such conduct is detrimental to the proper functioning a public body. Appointed members are prohibited from publicly ridiculing or insulting fellow members, members of the public and City staff.
- **Report behavior that is disruptive, humiliating, intimidating, or threatening or otherwise in violation of this Code of Conduct** in the performance of board or commission activities, at City-sponsored events, and in all interactions between appointees, City staff, or the public to the Staff Liaison and the Boards and Commissions Coordinator. Complaints of such behavior will be processed following procedures established by the City Clerk's Office and City Attorney's Office.
- **Members may not be reappointed and are subject to censure or dismissal by the appointing authority for misconduct, nonperformance of duty, or failure to comply with this Code of Conduct, applicable policies, and the Fort Collins City Charter and Municipal Code.**

- Applies to both board and commission members and Council liaisons
- Complaint to be filed with City Clerk's Office
- Complaint has to be filed within 12 months of the alleged violation
- CCO notifies the City Manager's Office, the Member named in the complaint, City Council and the City Attorney
- City Attorney reviews the complaint to determine if the scope of the allegation falls under Code of Conduct and warrants investigation
- If an investigation is warranted, City Attorney or outside counsel shall conduct the investigation
- After investigation is complete, City Attorney will issue written findings of fact and conclusion of law to City Council

- If violation is sustained against a board or commission member, City Council can take formal action to do any one or more of the following:
 - Issue verbal or written direction to cease the problematic conduct
 - Direct or encourage corrective training
 - Require the violator to issue a written or verbal apology
 - Remove from or not reappoint the member to the board or commission
- If violation is sustained against a Council liaison, City Council can take formal action to do any one or more of the following:
 - Motion of censure or motion to remove the particular council members from the role of Liaison
 - Issue verbal or written direction to cease the problematic conduct
 - Direct or encourage corrective training
 - Require the violator to issue a written or verbal apology

- Council can determine if a new board or commission should be created or an existing one should be discontinued through input from:
 - Public Engagement Specialist
 - Board member(s)
 - Staff liaison
 - Community member
 - City Manager
 - Councilmember(s)
- Annual work session update from Public Engagement Specialist
 - Highlights from annual work plan
 - Pulse survey data
 - Feedback from boards and commission members
 - Feedback from staff liaisons

- What is the identified need and scope of work for a new board?
 - What is the scope of work that the existing board is tasked to accomplish?
- Does it align with a Council priority?
- Is there a desire in the community or by Council for a ongoing board and commission vs a task force with a set end date?
- Could the scope be incorporated into an existing board and commission?
- Does the functions of the board require specialized knowledge and experience of the members to fulfill the functions of the board?
- Does the City have staff members who regularly rely on input from that board in order to carry their duties?
- Do other municipalities with advisory boards and commissions have a similar board or commission fulfilling the same functions? Is it common?

Does the Committee want to test these criteria with the Women's advisory board?

- Removed references to periodic review (third whereas and #11)
- Addition to #9 as it relates to identifying and resolving any problems on the board
- Addition of responsibility to review Joint meeting requests

- Additional questions to consider
- # 2 – responsibility to take the “lead in filling vacancies”
 - Should Councilmembers consider a set of questions and criteria used for selection? (recommended by the City Attorney's Office)
 - Should there be a diversity consideration? What does that mean?
- #3 – does “primary informal Council contact” need to be defined?

- Should the Council liaison responsibilities be documented into the code vs a resolution?

- Other considerations?

- Committee gave direction to remove the 1 year terms from all boards and commissions except for the Youth Advisory Board
 - Need to transition those seats to either 2 year or 4 year terms
- Why are some Type 1 boards 7 members and others are 9 members? Why are some Type 2 boards 7 members and others are 9 members?

*"Except as otherwise expressly provided, all type 1 advisory boards shall consist of either seven (7) or nine (9) members. To achieve overlapping tenure and allow for a variety of time commitments by members **four (4) members shall be appointed for a term of four (4) years.** On nine-member boards, **three (3) members shall be appointed for a term of two (2) years,** and **two (2) members shall be appointed for a term of one (1) year.** On seven-member boards, **two (2) members shall be appointed for a term of two (2) years and one (1) member shall be appointed for a term of one (1) year.** No board member shall serve more than eight (8) consecutive years regardless of term length."*

*"all type 2 advisory boards shall consist of either seven (7) or nine (9) members. To achieve overlapping tenure and allow for a variety of time commitments by members **four (4) members shall be appointed for a term of four (4) years.** On nine-member boards, **three (3) members shall be appointed for a term of two (2) years,** and **two (2) members shall be appointed for a term of one (1) year.** On seven-member boards, **two (2) members shall be appointed for a term of two (2) years,** and **one (1) member shall be appointed for a term of one (1) year.** No member shall serve more than eight (8) consecutive years regardless of term length."*

All quasi-judicial commission members have 4 year terms.

Type 1 & 2 boards – 7 members

- 4 members have 4 year terms
- 2 members have 2 year terms
- 1 member has 1 year term

Type 1& 2 boards – 9 members

- 4 members have 4 year terms
- 3 members have 2 year terms
- 2 members have 1 year terms

Options – 7 members

- 4 members with 4 year terms
- 3 members with 2 year terms **OR**

- 5 members with 4 year terms
- 2 members with 2 year terms

Options – 9 members

- 5 members with 4 year terms
- 4 members with 2 year terms **OR**

- 6 members with 4 year terms
- 3 members with 2 year terms **OR**

- 4 members with 4 year terms
- 5 members with 2 year terms

Option 1 – Keep as is

	Type 1	Type 2	Quasi-judicial
7 members	Affordable Housing Board <i>Golf Board</i> Youth Advisory (between 5-9)	Art in Public Places Citizen Review Board Cultural Resources	Building Review Land Use Review Planning and Zoning
9 members	Air Quality Advisory Board Disability Advisory Board Economic Advisory Board Energy Board LCSB NRAB Parks and Recreation Senior Advisory Board Transportation Board <i>Women’s Advisory Board</i>	Human Services and Housing Funding	Historic Preservation Human Relations Water Commission

Option 2 – All Type 1 boards are comprised of 9 members; All Type 2 boards are comprised of 7 members; Keep quasi-judicial composition the same with a mix of 7 and 9 members.

Option 3 – All Type 1 and Type 2 boards are comprised of 9 members.

Option 4 – All Type and Type 2 boards are comprised of 7 members.

- Follow up on outstanding items from April
- Recruitment efforts to expand diversity
- Reschedule June and July dates?
 - Monday, June 5 rather than Wednesday, June 7
 - Should the July meeting (Wednesday, July 5) be rescheduled?

THANK YOU!



Advisory Boards - Type 1	Advisory Boards - Type 2	Quasi-Judicial Commissions
<p>Type 1 advisory boards make recommendations to the City Council and City staff on particular areas of knowledge or expertise. Recommendations made by advisory boards are formal opinions to the City Council on items and subjects that are on the boards' approved workplans. These recommendations are limited to advisement and are not decisive actions.</p>	<p>In addition to serving an advisory function to the City Council and City staff, the assigned functions of Type 2 advisory boards give them the authority to make decisions on certain matters specified in the City Code. These decisions then serve as formal recommendations to City Council or City staff for their consideration and adoption.</p>	<p>Quasi-judicial commissions are non-judicial bodies that use formal procedures to objectively determine facts, interpret the law, and draw conclusions to provide the basis of an official action. Decisions of quasi-judicial commissions are subject to appeal to the City Council or the courts.</p>
<ul style="list-style-type: none"> • Affordable Housing Board (7 members) • Air Quality Advisory Board (9 members) • Disability Advisory Board (9 members) • Economic Advisory Board (9 members) <ul style="list-style-type: none"> • Energy Board (9 members) • Golf Board (7 members) • Land Conservation and Stewardship Board (9) <ul style="list-style-type: none"> • Natural Resources Advisory Board (9) • Parks and Recreation Board (9 members) <ul style="list-style-type: none"> • Senior Advisory Board (9 members) • Transportation Board (9 members) • Youth Advisory Board (btwn 5-9 members) 	<ul style="list-style-type: none"> • Art in Public Places Board (7 members) <ul style="list-style-type: none"> • Citizen Review Board (7 members) • Cultural Resources Board (7 members) • Human Services and Housing Funding Board (9) 	<ul style="list-style-type: none"> • Building Review Commission (7 members) • Historic Preservation Commission (9) • Human Relations Commission (9) • Land Use Review Commission (7) • Planning and Zoning Commission (7) <ul style="list-style-type: none"> • Water Commission (9 members)

1. Why do you want to join the board/commission?
2. What do you know about the board/commission?
3. What do you think are the characteristics of a great board member?
4. Board members bring experience, wisdom, strategic thinking, and their rolodexes. Can you tell us about yours? (Or: What value can you bring to our board/commission?)
5. What are your greatest weaknesses as a board member?
6. What do you need to be successful on a board/commission?
7. What are your personal goals for serving on the board/commission?
8. Do you have the teamwork skills to get along with everyone?
9. How do you handle conflict?
10. What kind of autonomy do you have over your calendar? (Can you attend meetings and put in time to do homework/research as necessary?)
11. How will you maintain your ability to remain impartial when making decisions and comments on the board/commission?

Options: strongly agree, agree, neutral, disagree, strongly disagree

1. The onboarding that I received was helpful in explaining my role as a board member.
2. The communications that I receive from staff are informative and clear.
3. I have sufficient check-ins with my staff liaison.
4. I feel connected to my fellow board or commission members.
5. I contribute equally to the board or commission.
6. I plan to stay on the board or commission until the end of my term.
7. City Council values the diverse opinions and ideas of the board/commission.
8. If I have any problems, I feel comfortable letting my Staff Liaison or the City Clerk's Office know.
9. I feel comfortable sharing my thoughts with the board or commission.
10. I feel confident the decisions being made by the board or commission will benefit the community as a whole.
11. I believe the board or commission is an important part of making the city of Fort Collins a better place for the community to live in.
12. The board or commission makes recommendations and receives sufficient feedback from Council.



AGENDA ITEM SUMMARY

City Council

STAFF

Teresa Roche, Human Resources Executive

SUBJECT

Review and discuss the updated Respectful Workplace Policy.

EXECUTIVE SUMMARY

The purpose of this item is to review and discuss changes that have been made to the Respectful Workplace Policy.

STAFF RECOMMENDATION

None

BACKGROUND / DISCUSSION

None

CITY FINANCIAL IMPACTS

None

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None

PUBLIC OUTREACH

None

ATTACHMENTS

- 1. Respectful Workplace Policy for Review.docx

FORT COLLINS RESPECTFUL GOVERNANCE POLICY

Introduction

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

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

Through adoption, implementation, and enforcement of this Respectful Governance Policy ("Policy") and through continuing education and training provided by or through the City Clerk's Office, , the Fort Collins City Council will seek to prevent, address, and correct behavior that violates this Policy.

Application

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

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

I. Discrimination Strictly Prohibited

Policy

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

Definitions

- “Protected characteristics” means a person’s race, color, religion, creed, national origin or ancestry, sex, sexual orientation (including perceived sexual orientation), gender identity and expression, disability, age 40 years or older, pregnancy or related condition, genetic information, and, in certain specific circumstances, marriage to a coworker or any other status protected under federal, state, or local law.
- “Discrimination” occurs when a person covered by this policy experiences an adverse official action based on one or more of that person’s protected

characteristic(s). Adverse official actions include, but are not limited to, termination, suspension, involuntary demotion, failure to promote, and opposition, rejection or failure to appoint to committee or leadership role. Adverse official actions that are taken for any reason other than the protected characteristic(s) of a person covered by this policy are not discrimination.

Examples of Discrimination

- An employee is terminated from their job because they are Muslim, Catholic or Jewish.
- A female candidate for city attorney, city manager or chief judge is selected for a position over a more qualified male candidate because she is a woman.
- A community member is not considered for a Board and Commission appointment because he is homosexual.

II. Harassment, Including Sexual Harassment, Strictly Prohibited

Policy

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

Definitions

- “Harassment” means verbal or physical conduct that demeans, stereotypes, or shows hostility or aversion toward an individual or group because of the individual’s or group’s protected class. Harassment is conduct directed toward a member of a protected class where it creates a hostile work environment. A hostile work environment exists when:

- . The conduct was based on a protected status;
- . The conduct was unwelcomed by the employee (which is a subjective

standard);

. The conduct was offensive to a reasonable person (which is an objective standard); and

. The conduct was severe or pervasive.

• “Sexual harassment” is a form of harassment, and can involve males or females or persons of any gender orientation being harassed by members of either sex or gender orientation. Sexual harassment can fall into the following two categories:

1) “Quid Pro Quo” or “this for that” means direct or implied requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or support of legislation or other legislative processes. Quid pro quo harassment can also mean direct or implied requests for sexual favors with the threat of an adverse action for non-compliance.

Quid pro quo occurs when:

. Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or appointment ;

. It is used as a basis for employment or appointment decisions;

. Submission to or rejection of such conduct by a person is used as the basis for decisions or actions related to the support or opposition of legislation or other legislative processes; or

2) “Hostile Work Environment” means sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment. A hostile work environment exists when:

. The conduct was based on a protected status;

. The conduct was unwelcomed by the employee, fellow Councilmember or candidate for appointment (which is a subjective standard);

. The conduct was offensive to a reasonable person (which is an objective standard); and

. The conduct was severe or pervasive.

Examples of Harassment

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

- Verbal conduct such as epithets, derogatory comments, and slurs directed at someone because of their protected class;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures directed at someone because of their protected class;
- Mocking someone's accent or disability;
- Acts or jokes that are hostile or demeaning toward a protected class;
- Racially offensive words or phrases;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility to an individual or group because of a protected class that is placed on walls, bulletin boards, email, or elsewhere on the premises of the workplace;
- Displays of symbols, slogans, or items that are associated with hate or intolerance towards any select group, such as swastikas or nooses;
- Pranks or hazing someone because of their protected class; and
- Physical aggression or gestures based on someone's protected class.

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

Examples of Sexual Harassment

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

- Inappropriate commentary, such as sexual epithets, jokes, written or oral

references to sexual conduct, gossip regarding a person's sex life, comments regarding a person's body or sexual activity deficiencies or prowess;

- Sexually suggestive comments about a person's clothing, vocal activity like catcalls or whistles, leering or staring at a person or part of a person's body, obscene letters, emails, text messages, photographs, cartoons, or other written or pictorial materials of a sexual nature, or sexting or posting sexual messages or images on social media;
- Direct sexual propositions including persistent requests for dates, drinks, or other personal contact after being informed that the interest is unwelcome, inappropriate sexually themed communication in person, online or via mobile devices;
- Sexual coercion under threat of punishment including demotion, firing, negative reviews, opposition to legislative initiatives, blacklisting or otherwise interfering with someone's access to opportunities;
- Explicit or implicit requests for sexual activity in exchange for reward, position, or career advancement, support of legislative initiatives, introductions, special access invitations to exclusive events, support for candidacies, position stability, or any other such condition or potential benefit;
- Sexual contact including unwanted physical touching, blocking or impeding movements, groping, or kissing.

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

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

III. Retaliation Strictly Prohibited

Policy

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

Definitions

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

Examples

Retaliation can take place in the **workplace or outside of the workplace**. Harassing conduct does not have to rise to the level of an unlawful hostile work environment to warrant corrective action under this policy. Examples include but are not limited to:

- Granting access to a person differently after a complaint in a manner that negatively affects the person’s business or ability to perform work (i.e., a Councilmember refusing to meet with a complaining party after filing a complaint);
- Removing a person from an assignment;
- Change in support for Council action proposed by, or supported by, a person in their professional capacity;
- Disparaging a person to colleagues or peers;
- Changing the person’s role, responsibilities, supervisory or legislative authority;
- Newfound scrutiny of work performance by a supervisor;
- Denial of a promotion, demotion, suspension, or termination;

- Warnings, reprimands, or poor performance evaluations;
- Exclusion from beneficial networking or other opportunities;
- Encouraging coworker shunning;
- Exclusion from team or coworker events;
- Workplace or legislative sabotage;
- Assignment of disproportionate workload;
- Disparaging the person to others or in the media;
- Disparaging the person to potential new employers;
- Threatening legal action;
- Threatening immigration action; or
- Abusive verbal or physical behavior.

Formal Complaint and Resolution Process

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

Definitions

- “Reporting Party” means a person who has been subjected to or who has witnessed another person be subjected to behavior that violates this Policy. A Reporting Party may be a member of the City Council, a City staff member, a member of the public, a City contractor or vendor, an Appointed Official, a contractor, or a person whose employment gives them access to or contact with the Fort Collins City Council.

- “Complaint Contact” means:

- ,
- The Mayor;
- Any City Councilmember;
- A representative of Human Resources including the Human Resources Executive, the Human Resources Director and a Human Resources Business Partner;
- The City Manager, Deputy City Manager, Assistant City Manager, Service Area Director, Service Unit Director
- The City Attorney, Deputy City Attorney
- Lead Specialist, Office of Equity & Inclusion.
- The staff liaison or attorney liaison to a board or commission

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

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

Confidentiality and Privacy Interests

An essential duty of the City Council is to be accountable to the public it serves. Members of the public deserve to have access to some information about complaints and complaint trends, but this must be balanced with the needs of the parties to have a safe, fair, and impartial process with appropriate confidentiality. The complaint resolution process is a confidential process. Complaint contacts

must ensure that reporting parties can communicate privately and confidentially with them in discussing their complaints. Complaints and information about the investigation must be kept confidential by all parties, witnesses, those who handle the complaints, and those who recommend discipline or remediation, to the fullest extent possible. The confidential investigation report or any records of complaints of sexual harassment, and any sexual harassment investigations shall not be disclosed pursuant to an open records request except in accordance with Colo.Rev.Stat. § 24-72-204.

Complaints Against a Member of the City Council

Reporting

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

Action by Complaint Contact

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

Screening Process

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

Investigation

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

Timeline for Investigation

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

Disciplinary and Remedial Action

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

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

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

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

Complaints Against an Appointed Official

Reporting

The City Council encourages any person who is the subject of or witness to a

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

The Reporting Party is encouraged to take the following actions:

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

Action by Complaint Contact

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

Screening Process

The Human Resources Executive or their designee and the City Attorney or their
Page 13 of 16

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

Investigation

Complaints against an Appointed Official that warrant investigation must promptly be referred to a third party investigator retained by the City Attorney's Office, unless the Respondent is the City Attorney. Unless the Respondent is the City Attorney, the City Attorney must inform the City Council that an investigation is underway and retain an independent outside investigator (preferably a lawyer that specializes in workplace investigations). If the Respondent is the City Attorney, the Human Resources Executive will retain the services of outside counsel to retain an independent outside investigator (preferably a lawyer that specializes in workplace investigations) and the City Manager must inform the City Council that an investigation is underway. An outside investigator will conduct interviews with the Reporting Party and other individuals with knowledge of relevant facts, and to perform such other actions as are necessary

to ensure a complete investigation of all allegations and a fair process for all involved. Once the investigation is deemed complete by the investigator and the City Attorney or outside counsel, the investigator shall prepare a written report indicating whether the allegations in the complaint are sustained or not sustained, and shall provide such confidential investigation report to the City Attorney, unless the Respondent is the City Attorney. If the Respondent is the City Attorney, the confidential investigation report will be provided to the outside counsel who will forward the report to the Human Resources Executive and the City Manager.

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

Timeline for Investigation

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

Disciplinary and Remedial Action

Any Respondent found to have engaged in harassment, discrimination, or retaliation prohibited by this Policy is subject to appropriate disciplinary action. The City Council shall consult with the Human Resources Executive and the City Attorney, if the City Attorney is not the Respondent, regarding disciplinary actions that are commensurate with the severity of the offense. If the City Attorney is the Respondent, the City Council shall consult with the Human Resources Executive and outside employment counsel about disciplinary actions that are commensurate with the severity of the offense. Disciplinary action can include, but is not limited to, demotion or termination. Other remedial measures may include:

- Verbal or written direction to cease the offensive behavior;
- A written or verbal apology to the Reporting Party if the Reporting Party consents to the apology;

- Resources and support to Reporting Party; or
- Education and training for the Appointed Officials.

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

Training

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

Annual Reporting and Review

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

April 5, 2023



AGENDA ITEM SUMMARY

City Council

STAFF

Davina Lau, Public Engagement Specialist

Rupa Venkatesh, Assistant City Manager

SUBJECT

Review and discuss the Draft Code of Conduct and formal Complaint Process.

EXECUTIVE SUMMARY

The purpose of this item is to review and discuss the draft Code of Conduct as well as the formal Complaint process that accompanies it.

STAFF RECOMMENDATION

None

BACKGROUND / DISCUSSION

None

CITY FINANCIAL IMPACTS

None

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None

PUBLIC OUTREACH

None

ATTACHMENTS

1. Code of Conduct - Draft.docx
2. Complaint Process – Draft.docx



Code of Conduct

Purpose:

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

Application:

This policy applies to board and commission members appointed by the City Council and City Council liaisons to the boards and commissions. The term “Appointees” refers to appointed board and commission members. The term “Members” refers to both Appointees and City Council liaisons.

The City Council appoints individuals who:

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

Therefore, Members commit to the following:

1. To uphold the standards of integrity and honesty, including using true and accurate evidence and/or statements in the decision-making process, and making decisions based on the best interest of the city and its residents.
2. To conduct business of their board or commission that is within the scope of the specific board or commission functions as described in the Fort Collins Municipal Code.
3. To perform Council liaison assignments and duties as described in the Fort Collins Municipal Code.
4. To familiarize themselves with, adhere to, and comply with established policies and laws, as applicable:
 - The City of Fort Collins Boards and Commissions Manual
 - Colorado’s Sunshine Laws regarding open meetings and public records – as outlined in the Council Resource Guide
 - The City of Fort Collins Charter and Municipal Code; specifically, the ethical rules of conduct and the open meetings, remote meetings, notice and minutes of meetings, board or commission action and attendance requirements (see Fort Collins Municipal Code Sections 2-71 through 2-79)
 - The City Council-adopted Respectful Governance Policy, which prohibits harassment, discrimination and retaliation based on a person’s protected characteristics.
5. For quasi-judicial matters, all *ex parte* communications (communications with anyone on either side of a pending issue including communication with City staff) shall be avoided.
6. To be aware of the open records requirement that applies to written notes, calendars, voicemail messages, and e-mail. All written or recorded materials including notes, voicemail, text messages, and e-mail that discuss or touch on public business or the functions of the board or communication will likely be subject to disclosure to a requesting party.
7. Appointees are encouraged to meet with their Staff or City Council liaison to discuss any concerns regarding work outside the scope of designated functions, conflicts of interest, appearance of impropriety, *ex parte* communications, or gifts. Appointees will make disclosures to the City Clerk’s Office as appropriate under the circumstances.
8. To... make decisions based on the merits of the issue, while treating all persons and decisions in a respectful and equitable manner, and committing to conducting business in a way that exemplifies transparency and open communication.

9. To respect and support the legitimacy and authority of all decisions – regardless of personal position on the matter.
10. To the best of their ability, Appointees shall represent the official policies and positions of their board or commission. When presenting their personal opinions or positions in a public meeting, such as a City Council meeting, Appointees shall explicitly state that are not representing their board or commission or the City.
11. To continue respectful behavior among Appointees and City staff when communicating in private. The same level of respect and consideration of differing points of view should be maintained in private conversations.
12. To use public resources (e.g., staff time, equipment, supplies, or facilities) appropriately and in a manner that fosters stewardship of the taxpayer and ratepayer dollar..
13. Because contemplation, deliberation, and decision-making require collaboration and participation, Appointees are expected to attend their meetings. Appointees must comply with attendance requirements described in Fort Collins Municipal Code Section 2-79. Appointees commit to attend any required trainings and even suggested trainings that enhance a member’s ability to serve.
14. To respect fellow Members, staff, and the public by treating all with patience, courtesy, and civility at all times during the performance of official duties, regardless of consensus by all parties.
15. To not make personal, impertinent, profane, vulgar, slanderous, humiliating, intimidating, or harassing remarks that disturb, disrupt, or impede the conduct of the meeting or the board or commission’s completion of its business. Similarly, abusive language, intimidation, threats of violence or harm, or racial or ethnic slurs directed at any person or group of persons are prohibited. Members are expected to know that problematic behavior can cause the targets of the behavior to feel threatened, humiliated, or intimidated and such conduct is detrimental to the proper functioning of a public body. Members are prohibited from publicly ridiculing or insulting fellow Members, members of the public, and City staff.
16. To recognize that healthy discourse occurs when individuals of all backgrounds and personalities are allowed to respectfully speak candidly about matters of interest, ask difficult questions, challenge ideas and propositions, and work together toward optimal solutions in a respectful manner.
17. To explain to a person who engages in disrespectful treatment that the behavior is offensive and ask that they discontinue the behavior, if the person who is the target of the behavior feels comfortable doing so. If this does not change the behavior or if the target is not comfortable addressing the offensive behavior directly with the person behaving in conflict with this Code, the target of the behavior must report the behavior as described below.

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

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

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

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

Signature: _____ Date: _____

Printed Name: _____

Sec. 2-XX - Formal Complaint and Resolution Process.

(a) Definitions

1. *Appointee* shall mean any person who is serving on a Council-appointed board or commission.
2. *Colorado Open Records Act* shall mean [insert cite here], as the same may be amended from time to time.
3. *Covered person* shall mean any appointee or liaison.
4. *Liaison* shall mean the councilmember appointed to serve as council liaison to a given board or commission.

(b) The City Council encourages any person who is a witness to a violation of the Code of Conduct to immediately bring the violation to the attention of the City, in accordance with the following procedures.

(c) Confidentiality and Privacy Interests.

- (1) Covered person must be accountable to the City Council the City organization and the public they serve. The public deserves to have access to some information about complaints and complaint trends, but this must be balanced with the needs of the parties to have a safe, fair, and impartial process with appropriate confidentiality. The complaint resolution process is a confidential process. Those involved in the complaint process must ensure that reporting parties can communicate privately and confidentially with them in discussing their complaints. Complaints and information about the investigation must be kept confidential by all parties, witnesses, those who handle the complaints, and those who recommend discipline or remediation, to the fullest extent possible. Information received through the complaint process shall not be disclosed pursuant to an open records request except in accordance with the Colorado Open Records Act.

(d) Complaints.

- (1) Any person who believes that a covered person has violated any provision of the Code of Conduct may file a complaint with the City Clerk. Complaints may be filed by any City board of commission member, a member of the public, a member of City Council, a City staff member, a City contractor or vendor, or a person whose employment gives them access to or contact with the board or commission at issue.
- (2) The complaint must contain all facts available to the reporting party regarding the alleged violation.

- (3) No action may be taken under this section on any complaint that is filed later than twelve months after discovery of the facts supporting an allegation that a violation of the Code of Conduct has occurred.
 - (3) Upon receipt of the complaint, the City Clerk shall immediately notify the City Manager's Office, the covered person named in the complaint, the City Council, and the City Attorney. Each complaint shall name only one individual as its subject.
 - (4) The [City Attorney or City Manager] or their designee shall review the complaint to determine whether the alleged misconduct falls within the scope and purpose of the Code of Conduct and whether the complaint warrants investigation in light of commonly known and documented facts and circumstances. If investigation is warranted, the City Attorney shall develop facts relevant to the complaint and interpret and apply the provisions of the Code of Conduct. The City Attorney may select and retain one or more qualified attorneys to review complaints as his or her designee.
 - (5) After investigation, the City Attorney shall issue written findings of fact and conclusions of law to the City Council, which shall be filed with the City Clerk and available for public inspection.
- (d) Sanctions and Remedies for Violation.
- (1) If the party conducting an investigation pursuant to this section finds that a member has violated any provision of the Code of Conduct, the City Council may take any of the following actions:
 - a. In the case of a liaison, a motion of censure or a motion to remove the particular council member from the role of liaison;
 - b. In the case of an appointee, removal from the applicable board or commission;
 - d. In the case of either a liaison or an appointee:
 - i. Issue verbal or written direction to cease the violative conduct;
 - ii. Direct or encourage corrective training; or
 - iii. Require the violator to issue a written or verbal apology to the reporting party if the latter consents to such an apology.
 - d. While a violation of the Code of Conduct shall not constitute a violation of the City Code, as such, this provision is not intended to impair or

supersede such other action as may be appropriate under applicable state statutes, the City Charter, ordinances, resolutions, or rules and policies of the City or City Council.

DRAFT



AGENDA ITEM SUMMARY

City Council

STAFF

Davina Lau, Public Engagement Specialist
Rupa Venkatesh, Assistant City Manager

SUBJECT

Review and approve updates to the duties of Council Liaisons.

EXECUTIVE SUMMARY

The purpose of this item is to review and approve updates to Resolution 2016-039 regarding the duties of Council Liaisons.

STAFF RECOMMENDATION

None

BACKGROUND / DISCUSSION

None

CITY FINANCIAL IMPACTS

None

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None

PUBLIC OUTREACH

None

ATTACHMENTS

- 1. Council Liaison Duties.docx

RESOLUTION 2016-039
OF THE COUNCIL OF THE CITY OF FORT COLLINS
UPDATING THE RESPONSIBILITIES OF COUNCIL LIAISONS
TO CITY BOARDS AND COMMISSIONS AND SUPERSEDING
RESOLUTION 2000-076

WHEREAS, on March 15, 2016, the City Council adopted Resolution 2016-026 adopting the Boards and Commissions Manual (the “Manual”); and

WHEREAS, in 2000, the Council adopted Resolution 2000-076 defining the role of Council Liaisons to City Boards and Commissions; and

WHEREAS, the Council desires to adopt a new updated Resolution to outline the responsibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Resolution 2000-076 and all prior Resolutions describing the role of Council Liaisons are hereby superseded.

Section 3. That the role of Council Liaison to boards and commissions shall include the following responsibilities:

1. 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.
2. To take the lead in filling vacancies by reviewing applications, and interviewing candidates for the board or commission.
3. To serve as the primary informal Council contact for the board or commission.
4. To help resolve questions the board or commission may have about the role of Council, municipal government, and the board or commission.
5. To establish formal or informal contact with the chairperson of the board or commission and effectively communicate the role of the liaison.

6. To provide procedural direction and relay Council’s position 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.
7. To serve as Council contact rather than an advocate for or ex-officio member of the board or commission.
8. To review the annual work plan of the board or commission and make recommendations to the City Council regarding the work plan.
9. To identify and help resolve any problems with the support of the City Clerk’s Office, City Manager’s Office and the staff liaison that may exist with respect to the functioning of the board or commission.
- 10.
- 11.
10. To review requests from the board or commission to hold a joint meeting with another board or commission,

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 3rd day of May, A.D. 2016.

Mayor

ATTEST:

City Clerk