

ORDINANCE NO. 049, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING AND REENACTING CHAPTER 2, ARTICLE III OF THE CODE OF
THE CITY OF FORT COLLINS RELATING TO BOARDS AND COMMISSIONS

WHEREAS, the City has 25 boards and commissions, created by the City Council by ordinance, that perform a wide range of functions from advising City staff and the City Council to making quasi-judicial decisions on a variety of topics; and

WHEREAS, in 2019 the City Council adopted a priority to reimagine the City's boards and commissions; and

WHEREAS, since the latter half of 2019, City staff has used outreach, questionnaires, meetings with various groups, and several City Council Work Sessions to develop ideas and obtain guidance and direction on what improvements to make to reduce barriers to participation on City boards and commissions, and improve efficiency and consistency in the boards and commissions system; and

WHEREAS, the structure, functions, and requirements for boards and commissions are described in Article III of Chapter 2 of the City Code, which must be amended to implement many of the proposed improvements; and

WHEREAS, these changes also provide an opportunity to reorganize and simplify Article III of Chapter 2 by repealing and re-enacting Article III; and

WHEREAS, changes made in the proposed reenacted Article III include the following:

- Renaming all quasi-judicial bodies as “commissions” and the others as “boards”;
- Reorganizing the boards and commissions into three categories based on their functions;
- Amending the residency requirement from one year prior to service to being a resident during service;
- Simplifying the Code by removing common language that is currently repeated in the provisions for every board regarding term limits, officers, minutes, annual reports and work plans, and putting it in separate sections applicable to all boards or a category of boards;
- Eliminating bylaws, except that type 2 advisory board and quasi-judicial commissions may adopt rules of procedure;
- Adding a revised attendance policy;
- Creating a variety of term lengths for non-quasi-judicial boards and amending term limits to support new term lengths;
- Adding to the City Code standards for joint meetings and remote meetings, and the attendance policy that was previously only in the Boards and Commissions manual;
- Reducing the number of Water Commission members from eleven to nine;

- Making updates to the functions of the Affordable Housing Board and Community Block Grant (CDBG) Commission that were originally proposed in 2018 but were put on hold during the Reimagining Boards and Commissions project;
- Making updates to the Bicycle Advisory Committee, Senior Advisory Board and Youth Advisory Board membership requirements;
- Renaming the CDBG Commission as the Human Services and Housing Board;
- Renaming the Landmark Preservation Commission as the Historic Preservation Commission;
- Renaming the Zoning Board of Appeals as the Land Use Review Board; and

WHEREAS, the City Council finds that the proposed changes to the City Code are in the best interests of the City and its residents; and

WHEREAS in adopting the changes set forth in this Ordinance, it is not City Council's intent to supersede Ordinance 079, 2020, and Boards and Commissions conducting quasi-judicial proceedings may continue to consider such quasi-judicial matters under the terms and conditions set forth in that Ordinance unless and until Council takes further action to repeal or rescind Ordinance 079, 2020.

NOW, THEREFORE, BE IT ORDAINED 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 Chapter 2, Article III, is hereby repealed in its entirety and reenacted to read as follows:

ARTICLE III.
BOARDS AND COMMISSIONS
Division 1 - Generally

Sec. 2-71. Definitions.

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

Meeting shall mean any gathering of a quorum or three (3) or more members, whichever is fewer, of any board or commission of the City, or any committee of such board or commission, at which any public business is discussed or at which any formal action may be taken. *Meeting* shall not mean a chance meeting or social gathering at which the discussion of public business is not the central purpose.

Remote technology shall mean telephonic, online platforms or other technological methods or a combination thereof, used to conduct or participate in a meeting without being in the same physical location as other meeting participants.

Staff liaison shall mean the City staff person assigned to provide administrative support to a board or commission.

Sec. 2-72. Open meetings required; exceptions; joint meetings.

(a) All meetings of boards and commissions of the City, and all meetings of any committees of such boards and commissions, shall be open to the public at all times, except that any board or commission, upon the affirmative vote of two-thirds (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, as enumerated in Subsection 2-31(a) above, insofar as such matters may be pertinent to the purposes for which the board or commission has been established by the City Council.

(b) The following shall be exempted from the open meetings provisions of this Section:

(1) The trustees of the police, fire and general employees' pensions shall have the authority to meet in 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.

(2) The review subcommittees of the Citizen Review Board, as described in Subsection 2-143(d), shall meet in executive session for the purpose of receiving and considering evidence relating to internal investigations conducted by Police Services unless the police officer(s) or community service officer(s) against whom the complaint is filed requests that the matter be considered in open session. If such a request is made, the subcommittee shall determine the extent to which the consideration and discussion of evidence will occur in open session. In making this determination, the subcommittee shall consider the extent to which the consideration and discussion will directly concern personnel matters of the officer(s), the need to maintain the confidentiality of public information in circumstances where the dissemination of the information would do substantial injury to the public interest and any other constraints upon public dissemination imposed by law.

(c) No final policy decisions shall be made, nor shall any resolution be passed, or other formal action taken by any board or commission in executive session.

(d) Two or more boards or commissions, committees of boards or commissions, or representatives from each such board, commission, or committee, may hold a joint meeting if the subject of the meeting specifically relates to an item or project in the work plan of each participating board or commission, or if the City Manager or City Council has approved the joint meeting.

Sec. 2-73. Remote meetings.

(a) In-person attendance by commission members is required for all quasi-judicial proceedings. Remote participation by parties in interest and the public is not allowed in any quasi-judicial proceeding.

(b) For meetings that are not quasi-judicial the chairperson of any City board or commission, after consultation with the staff liaison for such board or commission, may determine that such board or commission will conduct any regular meeting or special meeting in whole or in part by remote technology if the meeting room is equipped for remote participation to provide reasonably available participation by members of the board or commission and by the public.

The chairperson of any committee of any City board or commission, after consultation with the chairperson and staff liaison of such board or commission, may determine that such committee will conduct any committee meeting in whole or in part by remote technology if the meeting room is equipped for remote participation to provide reasonably available participation by members of the committee and observation by the public.

(c) Participation by a City board or commission member, or a member of a committee thereof, in a meeting conducted by remote technology shall constitute presence and actual attendance for purpose of establishing a quorum, provided the following conditions are met:

(1) All members of the board or commission participating in the meeting can see and hear one another or, if circumstances preclude an arrangement that would allow visual communication, hear one another;

(2) All members of the board or commission participating in the meeting can see, hear or read all discussion, comment and testimony in a manner designed to provide maximum information sharing and, to the extent applicable, participation;

(3) Members of the public have equivalent access to all discussion, comment and testimony, and to all votes and other dialogue, in a manner designed to provide maximum information sharing and participation;

(4) All votes must be conducted by roll call; and

(5) All other meeting-related requirements must be met, including advance notice with an explanation of how members of the board or commission and the public may participate and stating the right of the public to monitor the meeting, as well as the recording and preparation of meeting minutes.

(f) Boards and commissions shall allow time for citizen participation in remote meetings; however, they shall not use the chat features in remote meetings to conduct public business or take citizen comment.

(g) If during any meeting of a board or commission or a committee thereof the presiding officer determines that the remote technology in use is not functioning sufficiently to meet the conditions

above during any particular item or meeting, the board or commission must continue such item or meeting to allow for improved technologies or other arrangements.

Sec. 2-74. Notice of meetings; place of posting.

(a) Any meeting at which any formal action could occur or at which a majority or quorum is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. For the purpose of this provision, adopting a regular meeting date and the filing of a statement with the City Clerk shall be considered full and timely notice. In the case of boards or commissions meeting on call or irregularly or in the event of any change to a regular meeting date on file with the City Clerk, the posting of a notice of the meeting pursuant to § 2-74(c) at least twenty-four (24) hours before the time of such meeting shall be full and timely notice. The City Clerk shall make all of such notices available to all interested members of the public.

(b) Joint meetings of two or more boards or commissions shall only be held after full and timely notice to the public. Each participating board must post a notice that includes an agenda for the joint meeting. Joint meetings shall be noticed as work sessions, and no voting or action may be taken at a joint meeting. Any meetings of the individual boards immediately following the joint meeting shall be noticed as regular meetings.

(c) The City's website is designated as the proper place for the posting of public notice of any meetings of any City boards and commissions, or their committees, for which public notice is required to be given by the provisions of the Code. When possible, such notices should also be available at the City Clerk's office at City Hall West, 300 Laporte Avenue. All meeting notices shall include information about the availability of agenda materials. The staff liaison for each board or commission, or their designee, shall be responsible for the posting of such notice.

Sec. 2-75. Minutes of meetings.

(a) 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. Each board, commission or committee shall approve its meeting minutes no later than its next regular meeting unless extenuating circumstances prevent it, or in those instances when an audio or video recording of the board, commission or committee meeting which is the subject of the minutes has been made and maintained by the City, in which case approval of the minutes may be delayed. Meeting minutes shall be open to public inspection and the staff liaison shall file the minutes with the City Clerk upon approval by a board, commission or committee.

(b) Discussions that occur in an executive session of a board or commission, or any committee thereof, shall be subject to the same audio recording requirements and related procedures and regulations as are contained in § 2-33 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.

(c) For joint meetings of two or more boards or commissions the sponsoring board shall create and maintain a written summary of the meeting in the records of each participating board for future reference.

Sec. 2-76. Membership; vacancy.

(a) All persons appointed or reappointed to any board or commission shall reside within the Fort Collins Growth Management Area while serving on the board or commission. Any member serving on a board or commission who relocates outside of the Growth Management Area during their term of service on a board or commission, regardless of their date of appointment or reappointment, shall resign their membership. These limitations shall not apply to applicants for, or members of, the General Employees Retirement Committee.

(b) Unless otherwise specified in this Article III, board and commission members shall be appointed by the City Council and shall serve without compensation. Appointments shall specify the term of office of each person appointed. If a vacancy occurs on a board or commission it shall be filled by the City Council for the remaining unexpired portion of the term unless otherwise specified by the City Council. Boards and commissions do not have authority to add additional members or to invite members of the public to sit on subcommittees without City Council approval.

(c) No person may serve concurrently on more than one board or commission. This limitation does not apply to temporary committees.

(d) All board and commission members are subject to removal at any time by the City Council, and the City Council may dissolve any board or commission at any time, at the sole discretion of the City Council.

Sec. 2-77. Board and commission duties; consideration of matters upon request.

In addition to the duties and functions specified in this Article III for any particular board or commission, each such board or commission is hereby authorized to perform such other duties and functions and have such other powers as the City Council may provide, and to participate on a case-by-case basis in the review, discussion and advisement of Council or the City Manager regarding any policy or program matter, upon the request of the City Council or the City Manager.

Sec. 2-78. Board or commission action; procedure; member participation.

(a) Each board or commission shall conduct its business in accordance with the Charter and the Code. Additional procedures and requirements for boards and commissions may be listed in a Boards and Commissions Manual approved by the City Council by resolution. Quasi-judicial commissions and type 2 advisory boards may adopt rules of procedure, but boards and commissions shall not otherwise have bylaws.

(b) Public statements by a board or commission should be within the scope of the functions assigned to such board or commission in this Article III and should not contain promises that may

be construed as binding on such board or commission, City staff or the City Council. Such statements should include a reminder that final action on any recommendation must be taken by the City Council.

(c) A record shall be made of each vote by which a board or commission takes formal action. Each member of such board or commission present shall vote. If a member fails to vote when present, they shall be recorded as voting in the affirmative. A member who has declared a conflict of interest in a decision or is otherwise trying to avoid an appearance of undue influence in the decision, or who in a quasi-judicial proceeding has recused themselves due to bias or partiality in the particular proceeding, shall not be present for or participate in the portion of any meeting during which such decision or proceeding is under consideration.

Sec. 2-79. Attendance.

(a) Any of the following attendance issues shall automatically cause a member's appointment to be terminated, and shall create a vacancy on the board or commission:

(1) Two absences from regularly scheduled meetings of the board in any calendar year if, prior to the meetings where the absences occurred, the member did not submit written notification of such absence to the staff liaison.

(2) Absence from more than twenty-five (25) percent of regularly scheduled meetings of the board in any calendar year, with or without written notification to the staff liaison, unless the member has discussed one or more temporary impediments to attendance with the board chair before this absence threshold is met.

(3) For subcommittee meetings of the Citizen Review Board, two consecutive absences from scheduled subcommittee meetings or three absences from scheduled subcommittee meetings in a calendar year, if, prior to the meetings where the absences occurred, the member did not submit written notification of any such absence to the staff liaison.

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

Sec. 2-80. Officers.

Each board or commission shall elect annually from its membership a chairperson and such officers as may be required.

Sec. 2-81. Annual report; work plan.

On or before January 31 of each year, each board and commission shall file a report with the City Clerk setting forth its activities for the previous year. On or before November 30 of each year, each board and commission shall file a work plan with the City Clerk for the following year.

Secs. 2-82. - 2-99. Reserved.

Division 2
Advisory Boards – Type 1

Sec. 2-100. Purpose of type 1 advisory boards.

Type 1 Advisory boards make recommendations to the City Council and City staff on areas of particular 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.

Sec. 2-101 Membership; term.

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.

Sec. 2-102. Affordable Housing Board

(a) The City shall have an Affordable Housing Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members. In connection with the solicitation, consideration, and appointment of members to the Board, the City Council may give preference to and consider an applicant's experience or training in, or familiarity with, affordable housing issues, including, without limitation, issues pertaining to development, finance, lending, charitable and low-income services, and general community services. It is also desirable that at least one Board member be a current or former resident of affordable housing.

(b) The duties and functions of the Board shall be:

(1) To advise the City Council and City staff on all matters pertaining to affordable housing issues of concern to the City;

(2) To advise and make recommendations to City staff, the Human Services and Housing Funding Board, and the City Council concerning the expenditure of City funds for affordable housing;

(3) To aid and guide the development of City-wide affordable housing programs to address currently existing and potential affordable housing issues;

(4) To promote citizen participation and public education on City-wide affordable housing issues; and

(5) To be aware of and coordinate with the various other City boards, commissions and authorities, City departments, and other organizations and entities whose actions may affect affordable housing in the community.

Sec. 2-103. Air Quality Advisory Board

(a) The City shall have an Air Quality Advisory Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members.

(b) The duties and functions of the Board shall be to advise the City Council regarding policies, plans and pro-grams to improve and maintain the City's air quality. The Board may, without limitation, biennially review air quality indicators and recommend adjustments to the Air Quality Action Plan; review and recommend revisions, as needed, to the Air Quality Policy Plan and to any other City plans that may have significant impacts on air quality; and advise the Governor-designated lead agency for air quality planning on matters pertaining to the Fort Collins element of the State Implementation Plan. The Board may also convene ad hoc citizen task groups to provide additional technical expertise to the Board for the planning of specific action strategies.

(c) The Board shall coordinate its work with the Transportation Board, Natural Resources Advisory Board and the Planning and Zoning Commission, recognizing that certain transportation and land use decisions, policies and programs affect future air quality.

Sec. 2-104. Disability Advisory Board

(a) The City shall have a Disability Advisory Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members.

(b) The Board shall have the following functions:

(1) To develop educational programs to acquaint our citizens with issues affecting individuals with disabilities;

(2) To form special committees including outside consultants or specialists to address issues affecting the well-being of individuals with disabilities;

(3) To communicate with other commissions in order to generate ideas helpful to the City Council;

(4) To educate City employees about access issues affecting individuals with disabilities;

- (5) To recommend to the City design requirements that ensure accessibility;
- (6) To help the City establish conditions and practices that contribute to employing individuals with disabilities; and
- (7) To serve as advocates among City employees, private businesses and the community on behalf of individuals with disabilities.

Sec. 2-105. Economic Advisory Board

(a) The City shall have an Economic Advisory Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. The members of the Board shall represent a cross section of the community and shall include persons with experience in economics, business or finance and persons with experience in other areas that the City Council may consider to be especially important to the economic health and sustainability of the community.

(b) The duties and functions of the Board 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; and

(4) To advise the City Council on existing or proposed policies, practices or regulations of the City that may affect the local economy.

Sec. 2-106. Energy Board

(a) The City shall have an Energy Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members.

(b) 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; and
- (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.

Sec. 2-107. Golf Board

- (a) The City shall have a Golf Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members.
- (b) The Board shall have the following functions:
 - (1) To advise and make recommendations to the Director of Community Services (the "Director") and the City Council as to rules, regulations, policies, administrative and budgetary matters pertaining to the operation and maintenance of all City-owned golf courses;
 - (2) To advise and make recommendations to the Director concerning the terms and conditions of any agreements to be entered into with golf professionals and other concessionaires in connection with City-owned golf courses as well as any other agreements which may affect the management, operation, maintenance, construction or acquisition of City-owned golf courses;
 - (3) To assist in the procurement of goods and services for City-owned golf courses, including the selection of golf professionals, concessionaires and other contractors, by appointing two (2) Board members to serve on any review committee that may be established by the City under the provisions of §8-158 of this Code for the purpose of making such procurements; and
 - (4) To advise and make recommendations to the City Manager concerning approval of annual fees and charges at City-owned golf courses.

Sec. 2-108. Land Conservation and Stewardship Board

(a) The City shall have a Land Conservation and Stewardship Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. In connection with the solicitation, consideration and appointment of members to the Board, the City Council may consider and give preference to an applicant's experience or training in, or familiarity with, land conservation and stewardship, public or outdoor recreation (such as wildlife observation, hiking, biking or horseback riding), conservation biology (including restoration ecology, range management, fire ecology, riparian ecology and wildlife management); nature interpretation and education, land or resource management, and real property transactions.

(b) 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; and

(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.

Sec. 2-109. Natural Resources Advisory Board

(a) The City shall have a Natural Resources Advisory Board, hereafter referred to in this Division as the "Board." The Board shall consist of nine (9) members.

(b) The 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; and

(4) To be aware of and coordinate with the various Office of Sustainability Services technical advisory committees.

Sec. 2-110. Parking Advisory Board

(a) The City shall have a Parking Advisory Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. Five (5) Board members shall be either residents, landowners, employees, business owners or tenants within the downtown area and four (4) members shall represent a broad base of the City at large.

(b) The Board shall have the following functions:

(1) To make recommendations to the City Council regarding the implementation of the City's parking policies and plans;

(2) To provide an avenue for ongoing stakeholder input and involvement in parking decisions that affect the public;

(3) To support and advocate for parking initiatives and programs;

(4) To help educate the public about parking issues; and

(5) To work with other boards and commissions of the City or other community organizations that have an interest in parking issues.

Sec. 2-111. Parks and Recreation Board.

(a) The City shall have a Parks and Recreation Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members.

(b) The Board shall have the following functions:

(1) To advise and make recommendations to the Director of Community Services and the City Council for their approval as to rules, regulations, policies, administrative and budgetary matters pertaining to the Department, excluding 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 values of parks and recreation as a resource contributing to the quality of life in Fort Collins.

Sec. 2-112. Senior Advisory Board.

(a) The City shall have a Senior Advisory Board, hereafter referred to in this Section as the "Board. The Board shall consist of nine (9) members.

(b) The Board shall have the following functions:

- (1) To serve as a supporting agency for all senior citizen services and activities in the City;
- (2) To publicize and support present senior citizen services and activities in the community;
- (3) To investigate and make recommendations regarding new senior citizen services and activities;
- (4) To encourage new senior citizen programs as need is indicated and, when appropriate, to participate in the planning and development of such programs if asked to do so;
- (5) To encourage and support widespread opportunities for more meaningful and useful participation of senior citizens in community activities and programs;
- (6) To establish and maintain communication with local, state and national groups and government agencies concerning senior citizens;
- (7) To advocate policies and practices within the community that respect and consider the needs and interests of senior citizens; and
- (8) To work to dispel stereotypes about aging through education and awareness activities.

Sec. 2-113. Transportation Board.

(a) The City shall have a Transportation Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members.

(b) The Board shall have the following functions:

- (1) To advise the City Council on matters pertaining to the City's transportation policies and system, including, but not limited to, transportation planning, alternative modes

planning (including bikeways, pedestrian facilities, transit, air transportation and van- and car-pooling), capital improvement projects, downtown parking management and other transportation issues as identified in the Board work plan; and

(2) To review the City's interaction with federal, state and county government, as well as North Front Range Transportation and Air Quality Planning Council, Colorado State University and Poudre School District on transportation-related issues.

(c) The Board shall also establish and keep in place a committee to be known as the "Bicycle Advisory Committee," the purpose of which shall be to advise the Board with regard to bicycling-related issues.

(1) Said committee shall consist of sixteen (16) members, one of whom shall be a member of the Board. The remaining fifteen (15) members shall consist of three (3) community "at large" members and six (6) members of community stakeholder organizations, all appointed by the City Manager, and representatives from the following City Boards and Commissions, which may each nominate a representative for a position on the committee:

- a. Air Quality Advisory Board;
- b. Parks and Recreation Board;
- c. Natural Resources Advisory Board;
- d. Land Conservation and Stewardship Board;
- e. Senior Advisory Board; and
- f. Economic Advisory Board.

Representatives from Boards and Commissions are subject to confirmation by the City Manager or their designee.

In addition to the foregoing sixteen (16) voting members, the Committee shall include non-voting staff representatives from the City's Planning, Development and Transportation Service Area.

(2) Each member of the Bicycle Advisory Committee shall serve for a term of two (2) years.

(d) The Board will coordinate its policy review with other appropriate City boards and commissions as needed. This coordination is intended to provide an integrated review of transportation issues as they relate to other policy areas such as air quality, natural resources and land use. The Board will ensure that an element of its policy review will include appropriate community input.

Sec. 2-114. Women's Advisory Board.

(a) The City shall have a Women's Advisory Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. In addition to the nine (9) Board members

appointed by the City Council, the County and Colorado State University may each appoint a representative to serve as an ex officio nonvoting liaison to the Board.

(b) The Board is created for the purpose of enhancing the status of and opportunities for all women in the City, and shall have the following functions:

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

Sec. 2-115. Youth Advisory Board.

(a) The City shall have a Youth Advisory Board, hereafter referred to in this Section as the "Board." The Board shall consist of no less than five (5) and no more than nine (9) members appointed by the City Council. All members shall be qualified by experience, training, age, ethnicity or socioeconomic background to represent a diverse cross section of youth in the Fort Collins community. Each member of the Board shall be under the age of nineteen (19) years at the time of appointment and currently enrolled in high school or an equivalent program such as home school or distance learning. A quorum of the Board shall consist of three (3) members for a five-member Board or four (4) members for a Board consisting of six (6) to nine (9) members.

(b) Each member shall serve for a term of one (1) year unless otherwise specified by the City Council, and no member may serve for more than four (4) consecutive years regardless of term length. Appointments shall specify the term of office of each individual.

(c) The Board shall have the following functions:

- (1) To gather information from, and otherwise communicate with, other groups, organizations and agencies regarding youth-oriented issues and problems;
- (2) To document and discuss issues of importance to youth in the Fort Collins community, specifically as they affect City-operated services;
- (3) To review and discuss legislation that may affect youth; and

- (4) To recommend to City Council local legislation and policy actions or changes which would enhance the status of youth in the Fort Collins community.

Secs. 2-116 - 2-139. - Reserved.

Division 3
Advisory Boards – Type 2

Sec. 2-140. Purpose of type 2 advisory boards.

In addition to serving an advisory function to the City Council and City staff, type 2 advisory boards also have as part of their assigned functions the authority to make decisions on certain matters specified in the City Code, which then serve as formal recommendations to City Council or City staff for their consideration and adoption.

Sec. 2-141. Membership; term.

Except as otherwise expressly provided, 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.

Sec. 2-142. Rules of Procedure.

Each type 2 advisory board may adopt rules of procedure for its review and decision-making processes, which must be consistent with the Charter, the Code, and other policies that may be established by the City Council and shall be submitted to the City Attorney's Office for review prior to adoption. Immediately after adoption the board shall file a copy of the rules of procedure with the City Clerk for the use of the City Council, and the same may be subject to the approval of the City Council.

Sec. 2-143. Art in Public Places Board.

(a) The City shall have an Art in Public Places Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members. Three (3) of the Board members shall be arts professionals. For the purpose of this Section, arts professional shall mean a person who has either a degree in a visual arts related field and/or extensive professional experience in the visual arts. Upon the request of the City Council, the Cultural Resources Board shall recommend to the City Council arts professionals for appointment to the Board. A member of the Cultural Resources Board shall serve as an ex officio liaison to the Board.

(b) The Board shall have the following functions:

(1) To advise and make recommendations to the City Council regarding incorporation of works of art into construction projects and regarding expenditures from the art in public places reserve account for artists, works of art and sites for placement of works of art, following established and published guidelines;

(2) To advise and make recommendations to the City Council regarding the acceptance of offers to donate art to be placed in public areas and regarding the site for placement of such donated art; and

(3) To advise and make recommendations to the Director of Community Services and the City Council as to rules, regulations, guidelines, policy, administrative and budgetary matters pertaining to the art in public places program.

Sec. 2-144. Citizen Review Board.

(a) The City shall have a Citizen Review Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members.

(b) The following words, terms and phrases, when used in this Section, shall have the following meanings:

Deadly force shall mean force, the intended, natural and probable consequence of which is to produce death.

Exonerated shall mean that the incident occurred, but the behavior of the police officer or community service officer did not violate any applicable administrative policy or law.

Not involved shall mean that the police officer or community service officer was not involved in the incident.

Not sustained shall mean that there is insufficient evidence to prove or disprove the allegation.

Sustained shall mean that the allegation is supported by sufficient evidence establishing that a police officer or community service officer violated one (1) or more applicable administrative policies or laws.

Unfounded shall mean that sufficient evidence was present to establish that the allegation was false or not factual.

(c) Those persons appointed to the Board shall attend and complete such training as may be developed by the City Manager, upon consultation with the Chief of Police.

(d) Upon notice that an investigatory file is being forwarded to the Board for review pursuant to the provisions of Paragraph (f) below, the chairperson shall randomly select four (4) members of the Board to serve as the review subcommittee. A separate review subcommittee shall be

selected for each separate review. Among the four (4) members selected to each review subcommittee, one (1) shall be designated and serve as a substitute and shall participate in the review process, but shall not participate in any recommendation vote of the subcommittee unless one (1) of the other three (3) members of the review subcommittee becomes unable to participate and vote. To the extent possible, a request to reconsider pursuant to Paragraph (f)(5) below shall be considered and, if appropriate, reviewed by the same subcommittee members who conducted the initial review.

(e) The Board shall have the following functions:

(1) At the request of the City Manager or the Chief of Police, to make recommendations to the City Manager or the Chief of Police concerning the interpretation of police policies and procedures.

(2) To review the following categories of internal investigations conducted by Police Services:

a. Investigations involving police officer or community service officer use of deadly force, whether or not the use of such force actually results in death;

b. Investigations initiated by the written complaint of any person involved in an incident occurring within one (1) year of submission of said complaint, when such person alleges that: (i) a police officer or community service officer used force or discharged a firearm in violation of administrative policy or applicable law, (ii) a police officer or community service officer committed a crime, or (iii) as a result of a police officer's or community service officer's act or failure to act, a person sustained severe injury or death or suffered a civil rights violation; and

c. Any other investigations as requested by the City Manager or the Chief of Police;

(3) To review any decision of the Chief of Police regarding the merits of any other investigation for which a review has not been conducted by the Board pursuant to Paragraph (2) of this Section, if review is requested in writing by a person involved in the investigated incident and such person alleges police officer or community service officer misconduct occurring within one (1) year of said request;

(4) To reconsider any review previously conducted by the Board if the Board determines that significant new information has become available which previously was not reasonably available to the Board, the complainant or to Police Services;

(5) Upon the request of any other public law enforcement entity operating within the City, to review the internal investigations of such entity if the matter being investigated occurred within the City;

(6) To make annual reports to the City Council and City Manager concerning the activities and recommendations of the Board; and

(7) To perform such functions as are committed to it by other ordinances or resolutions of the City.

(f) The Board, through its review subcommittees, shall conduct its reviews in accordance with the following procedures:

(1) *Investigations Involving Use of Deadly Force.*

a. Except as provided in Paragraph (10) of this Section, within forty-five (45) days of learning of an incident involving police officer or community service officer use of deadly force as specified in Subparagraph (e)(2)a. above, or within forty-five (45) days of its receipt of the written complaint of any person involved in an incident when such person alleges police officer or community service officer misconduct as specified in Subparagraph (e)(2)b. above, occurring within one (1) year of said complaint, Police Services shall conduct an administrative investigation, and forward the investigatory file to the Board for review.

b. This investigatory period may be extended by Police Services for not more than an additional thirty (30) days upon Police Services' written notice to the Board and the complainant, which notice shall state the reason for the delay. In the event that additional time is needed in which to complete the investigation, the Board may grant such additional time as it deems necessary upon good cause shown.

c. The review by the Board shall consist of examining the internal investigation file and, in the discretion of the Board, meeting with the complainant, witnesses and/or police investigators. The Board may also request that Police Services further investigate the matter.

d. The Board shall complete its review within forty-five (45) days of submission of the investigatory file. This review period may be extended by the Board for not more than an additional thirty (30) days upon the Board's written notice to the complainant and Police Services, which notice shall state the reason for the delay.

e. Upon completion of its review, the Board shall concurrently convey any observations or recommendations regarding the administrative investigation conducted by Police Services, and the findings reached by the investigating and reviewing officer(s), to the City Manager and the Chief of Police.

f. The review shall be completed and any recommendations conveyed before the Chief of Police makes a decision regarding the merits of the administrative investigation or the complaint. The Chief of Police shall not make a decision regarding the merits of the investigation or the complaint until the Board has had

the opportunity to convey the results of its review pursuant to the above time periods.

g. The Chief of Police shall convey in writing their decision regarding the merits of the complaint to the complainant and the Board within thirty (30) days of receipt of the Board's recommendations.

(2) *Investigations Not Previously Reviewed.*

a. Except as provided in Paragraph (10) of this Section, within forty-five (45) days of its receipt of a written complaint alleging police officer or community service officer misconduct as specified in Paragraph (e)(3) above, occurring within one (1) year of said complaint, made by a person involved in the incident, Police Services shall conduct and complete an administrative investigation, the results of which shall be provided in writing to the complainant in the form of a finding of "not involved," "unfounded," "exonerated," "not sustained" or "sustained."

b. This investigatory period may be extended by Police Services for not more than an additional thirty (30) days upon Police Services' written notice to the complainant, which notice shall state the reason for the delay. In the event that additional time is needed in which to complete the investigation, the Board may grant such additional time as it deems necessary upon good cause shown.

c. The complainant may request that the Board review the findings of Police Services if the complainant files a written request for review at Police Services or the City Manager's Office within fifteen (15) days of the complainant's receipt of the written findings.

d. Upon receipt of a timely request for review, Police Services shall forward the investigatory file to the Board for review. The review by the Board shall consist of examining the internal investigation file and, in the discretion of the Board, meeting with the complainant, witnesses and/or police investigators. The Board may also request that Police Services further investigate the matter.

e. The Board shall complete its review within forty-five (45) days of submission of the investigatory file. This review period may be extended by the Board for not more than an additional thirty (30) days upon the Board's written notice to the complainant and Police Services, which notice shall state the reason for the delay.

f. Upon completion of its review, the Board shall concurrently convey any observations or recommendations regarding the administrative investigation conducted by Police Services, and the findings reached by the investigating and reviewing officer(s), to the City Manager and the Chief of Police.

g. The Chief of Police shall, within thirty (30) days of receipt of the Board's recommendation, affirm or modify the Chief's prior findings, or adopt new findings, which shall be provided in writing to the complainant and the Board in the form of a finding of "not involved," "unfounded," "exonerated," "not sustained" "or sustained."

(3) *Investigations Requested by City Manager for Chief of Police.*

a. Upon the receipt of a request to review an investigation pursuant to Subparagraph (e)(2)c. above, the Board's review shall consist of examining the internal investigation file and, in the discretion of the Board, meeting with the complainant, witnesses and/or police investigators. The Board may also request that Police Services further investigate the matter.

b. The Board shall complete its review within forty-five (45) days of submission of the investigatory file. This review period may be extended by the Board for not more than an additional thirty (30) days upon the Board's written notice to Police Services, which notice shall state the reason for the delay.

c. Upon completion of its review, the Board shall concurrently convey any observations or recommendations regarding the administrative investigation conducted by Police Services, and the findings reached by the investigating and reviewing officer(s), to the City Manager and the Chief of Police.

(4) *Investigations Conducted by Other Public Law Enforcement Agency.*

a. Upon the receipt of a request to review an investigation pursuant to Paragraph (e)(5) above, the Board's review shall consist of examining the internal investigation file and, in the discretion of the Board, meeting with the complainant, witnesses and/or law enforcement investigators. The Board may also request that the referring law enforcement entity further investigate the matter.

b. The Board shall complete its review within forty-five (45) days of submission of the investigatory file. This review period may be extended by the Board for not more than an additional thirty (30) days upon the Board's written notice to the referring law enforcement entity, which notice shall state the reason for the delay.

c. Upon completion of its review, the Board shall concurrently convey any observations or recommendations regarding the administrative investigation conducted by the referring law enforcement entity, and the findings reached by the investigating and reviewing officer(s), to the City Manager and the referring law enforcement entity.

(5) *Request to Review Previous Board Action Due to Significant New Information.*

a. A request to reconsider any review previously conducted by the Board must contain a detailed written description of the significant new information which has become available and an explanation as to why such information was not reasonably available to the Board, the complainant or Police Services at the prior review. If the Board agrees to reconsider the review, Police Services shall forward the investigatory file to the Board for review.

b. The review by the Board shall consist of considering the new information, examining the internal investigation file and, in the discretion of the Board, meeting with the complainant, witnesses and/or police investigators. The Board may also request that Police Services further investigate the matter.

c. The Board shall complete its reconsideration within forty-five (45) days of submission of the investigatory file. This reconsideration period may be extended by the Board for not more than an additional thirty (30) days upon the Board's written notice to the complainant and Police Services, which notice shall state the reason for the delay.

d. Upon completion of its review, the Board shall concurrently convey any observations or recommendations regarding the administrative investigation conducted by Police Services, and the findings reached by the investigating and reviewing officer(s), to the City Manager and the Chief of Police.

e. The Chief of Police shall, within thirty (30) days of receipt of the Board's recommendation, affirm or modify the Chief's prior findings, or adopt new findings, which shall be provided in writing to the complainant and the Board in the form of a finding of "not involved," "unfounded," "exonerated," "not sustained" "or sustained."

(6) *Complaint Filing Procedure.*

a. A complainant may file a written complaint at Police Services, the City Manager's Office or at a Board meeting. Upon receipt of a written complaint at a location other than Police Services, the Board or receiving officer shall forward the complaint to Police Services as soon as reasonably practical.

b. In the event that a complainant is unable to complete any written complaint or request form, the Board, a citizen liaison, the City Manager's Office or Police Services shall, upon the complainant's verbal request, assist the complainant in reducing the complaint or request to writing. However, all complaint or request forms must be signed by the complainant.

(7) *Board Member Obligations and Review Procedures.*

a. The Board and each of its members shall, to the extent required by law, maintain the confidentiality of all internal investigation files and all information

and evidence received which are related to personnel matters of the City or of the referring law enforcement entity.

b. However, the Board shall allow public inspection of its observations and recommendations that are general in nature, that do not directly identify a specific employee and that do not recommend or comment upon discipline to be considered for an employee.

c. Pursuant to § 2-72(b)(2), the review subcommittees shall meet in executive session for the purpose of receiving and considering evidence relating to internal investigations conducted by Police Services unless the police officer(s) or community service officer(s) against whom the complaint is filed request that the matter be considered in open session.

1. If such a request is made, the subcommittee shall determine the extent to which consideration and discussion of evidence will occur in open session.

2. In making this determination, the subcommittee shall consider the extent to which the consideration and discussion will directly concern personnel matters of the officer(s), the need to maintain the confidentiality of information in circumstances where the public dissemination of the information would do substantial injury to the public interest and any other constraints upon public dissemination imposed by law.

d. All other meetings or portions of meetings shall be open to the public at all times, except as authorized by § 2-72(a).

(8) In the event that the Chief of Police is directly involved in the use of deadly force as specified in Subparagraph (e)(2)a. above, or is the subject of a complaint of misconduct as specified in Subparagraph (e)(2)b. or Paragraph (e)(3) above, the City Manager shall fulfill, or shall designate another person to fulfill, the Police Chief's functions as specified in this Section.

(9) In computing any period of time prescribed by this Section, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a City-designated holiday, in which event the period of time runs until the end of the next day which is not a Saturday, a Sunday or a City-designated holiday.

(10) In the event that the actions of police officers or community service officers are being actively reviewed for consideration of criminal prosecution against said officers by the District Attorney's Office or other governmental entity which has the ability to bring criminal charges, Police Services may toll the running of any time limits for the completion of its administrative investigation until said prosecuting entity has announced that it has ceased its active review or made a charging decision, whichever first occurs. If Police

Services determines that such tolling of the time limits should occur, it shall provide written notice to the Board and the complainant of its decision.

(11) *Option to Request City Council Independent Investigation.*

a. In conducting its review of an investigation pursuant to this Subsection (f), the review subcommittee may request that the City Council exercise its authority under Article 2, Section 5(e) of the City Charter to independently investigate the subject matter of the complaint and to compel by subpoena the attendance and testimony of witnesses and/or the production of any books or documents that the City Council believes may be necessary to fully investigate the matter, and/or to retain an independent investigator to obtain and provide the City Council with such additional investigative information that the City Council may deem necessary or helpful.

b. Such request to the City Council shall be in writing, with notice to the complainant and Police Services, and shall set forth the reasons why such independent investigation is necessary.

c. The request for the independent investigation described in this Subsection shall toll the running of any time limits for the completion of the subcommittee's review from the date of such request until the City Council either denies the request or completes its own investigation of the matter.

Sec. 2-145. Cultural Resources Board.

(a) The City shall have a Cultural Resources Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members.

(b) The Board shall have the following functions:

(1) To advise and make recommendations to the Director of Cultural Services and Facilities and the City Council as to rules, regulations, policies, administrative and budgetary matters pertaining to the Cultural Services Department's programs, services and facilities and any other cultural facility constructed or operated by the City;

(2) To review proposals for funding from the Cultural Development and Programming Account and the Tourism Programming Account, following established and published guidelines, and to submit recommendations regarding such proposals to the City Council to be approved by the City Council by resolution;

(3) To advise and make recommendations to the City Manager regarding any proposed revisions to the guidelines used by the Cultural Resources Board to make the funding recommendations referred to in Paragraph (2) above; and

(4) To assist, advise and make recommendations to the Director of Cultural Services and Facilities and the City Council on arts and culture related matters and regarding opportunities to promote awareness, understanding, and appreciation for, the value of cultural resources in the community.

Sec. 2-146. Human Services and Housing Funding Board.

(a) The City shall have a Human Services and Housing Funding Board, previously known as the Community Development Block Grant Commission, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. The Board membership shall include persons of low and moderate income.

(b) The duties and functions of the Board shall be:

(1) To advise the City Council and City Staff on matters pertaining to the Department of Housing and Urban Development's Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs;

(2) To advise the City Council and City staff on all matters pertaining to human services issues of concern to the City;

(3) To assess the community development needs of low- and moderate-income individuals and families and suggest programs to meet those needs; and

(4) To provide recommendations to the City Council and City staff concerning the expenditure of federal and City funds for human services and affordable housing, including CDBG and HOME funds received from the Department of Housing and Urban Development, and City Human Service Program and Affordable Housing Fund moneys, taking into consideration the City's Strategic Plan objectives.

(c) In place of the requirements set forth in §2-81, the Board shall comply with the requirements of this subsection. On or before October 31 of each year, the Board shall file a report with the City Clerk setting forth the activities of the Board for the previous CDBG fiscal year. On or before August 31 of each year, the Board shall file a work plan with the City Clerk for the following CDBG fiscal year.

Secs. 2-147 - 2-169. Reserved.

Division 4
Quasi-Judicial Commissions

Sec. 2-170. Purpose of quasi-judicial commissions.

Quasi-judicial commissions are non-judicial bodies that use formal procedures to objectively determine facts, interpret the law, and draw conclusions to provide the basis of an official action. Decisions of quasi-judicial commissions are subject to appeal to the City Council or the courts.

Sec. 2-171. Membership.

Except as otherwise expressly provided, all quasi-judicial commissions shall consist of either seven (7) or nine (9) members. All members shall be appointed for a term of four (4) years. No member shall serve more than two (2) consecutive terms. For the purposes of this provision, a "term" shall include the balance of an unexpired term served by a person appointed to fill a vacancy if such unexpired term exceeds twelve (12) months.

Sec. 2-172. Rules of Procedure.

Each quasi-judicial commission may adopt rules of procedure for hearings, which must be consistent with the Charter, the Code, and other policies that may be established by the City Council and shall be submitted to the City Attorney's Office for review prior to adoption. Immediately after adoption the commission shall file a copy of the rules of procedure with the City Clerk for the use of the City Council, and the same may be subject to the approval of the City Council.

Sec. 2-173. Building Review Commission.

(a) The City shall have a Building Review Commission, hereafter referred to in this Section as the "Commission." The Commission shall consist of seven (7) members. Three (3) of the Commission members shall be qualified by experience and/or training to knowledgeably consider technical matters related to building construction.

(b) The Commission shall have the following functions:

(1) To determine the suitability of alternate materials or alternate methods of construction, provide for reasonable interpretations of the provisions of the City building code, City mechanical code, City plumbing code, City electrical code and City fire code, and hear all appeals made to it related to such codes;

(2) To hear all requests for variances from the requirements of Article 5, Title 9, C.R.S., which establishes standards and specifications governing the accessibility of buildings and facilities within the City to the physically handicapped;

(3) To hear all matters related to the suspension or revocation of any supervisor certificate or license or registration of any plumber or electrician as provided in the Code;

(4) To, upon appeal in specific cases, grant variances from the terms of Chapter 15, Article V, where the peculiar or exceptional practical difficulties to or exceptional or undue hardship upon the person regulated, or when the applicant can demonstrate to the satisfaction of the Commission that the applicant possesses other qualifications not specifically listed in Chapter 15, Article V, such as specialized training, education or additional experience, which the Commission has determined qualifies the applicant to perform in a competent manner any construction authorized under the license or certificate

sought, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of said Article;

(5) To serve as the Board of Appeals as required under § 111 of the International Property Maintenance Code as adopted by the City and "Housing Standards" contained in Chapter 5, Article VI, Division 2 of the Code; and

(6) To advise the City Council on policy matters pertaining to the construction of buildings and the licensing of contractors and the certification of supervisors for all aspects of the construction of buildings.

Sec. 2-174. Historic Preservation Commission.

(a) The City shall have a Historic Preservation Commission, previously known as the Landmark Preservation Commission, and hereafter referred to in this Section as the "Commission. The Commission shall consist of nine (9) members. At least four (4) commission members shall be professionals in preservation related disciplines, including, but not limited to, architecture, architectural history, archaeology, history, urban planning, American studies, American civilization, cultural geography or cultural anthropology. In making appointments to the Commission, the City Council shall also give due consideration to maintaining a balance of interests and skills in the composition of the Commission and to the individual qualifications of the candidates, including, but not limited to, their training, experience, knowledge or interest in any one (1) or more of the fields of architecture, landscape architecture, architectural history, structural engineering, general contracting, urban planning and commerce.

(b) The Commission shall perform all duties relating to preservation of historic landmarks as set out in Chapter 14 of this Code, including the designation of sites, structures, objects or districts as landmarks and the review and approval or rejection of plans for the construction, alteration, demolition or relocation of any such site, structure, object or district. Decisions of the Commission are final unless appealed to the City Council.

(c) The Commission shall also have 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;

(5) To establish a committee of its members to provide advice and, if required under § 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 provide advice and written recommendations to the appropriate decision maker and/or administrative body regarding plans for properties containing or adjacent to sites, structures, objects or districts that: (a) have been determined to be individually eligible for local landmark designation or for individual listing in the State or National Registers of Historic Places; (b) are officially designated as a local or state landmark or are listed on the National Register of Historic Places; or (c) are located within an officially designated historic district or area.

(d) In order to better perform the foregoing functions and to coordinate the activities of the Commission with similar activities of other public and private agencies, members of the Commission may be appointed, by majority vote of the Commission, to serve as City representatives on the board of directors of the Historic Fort Collins Development Corporation, the Poudre Landmark Foundation or such other privately funded nonprofit corporations as the Commission may approve that are organized for the primary purpose of furthering the preservation of the community's historic resources.

Sec. 2-175. Human Relations Commission.

(a) The City shall have a Human Relations Commission, hereafter referred to in this Section as the "Commission." The Commission shall consist of nine (9) members.

(b) The Commission shall have the following functions:

(1) To promote positive interaction among all City residents and to discourage all forms of discrimination based upon the diversified values and individual differences of such residents by:

a. Developing and promoting educational programs and activities that advocate awareness and respect for diversity;

b. Cooperating with and providing leadership and support for other groups interested in promoting value and respect for diversity and positive intergroup relations;

c. Educating City residents about existing local, state and federal laws dealing with discrimination and diversity;

d. Reviewing proposed legislation, policy changes or other governmental action at the federal, state or local level which may affect human rights in the City and making recommendations to the City Council regarding the same; and

e. Recommending to the City Council such actions as may be necessary or advisable to achieve:

1. Equal employment opportunities for all persons;

2. Equal housing opportunities for all persons;

3. Equal public accommodation opportunities for all persons; and

4. Positive community relations in all fields of governmental endeavor;

(2) To assist residents of the City in utilizing the complaint procedure under Chapter 13, Article II of the Code and to hear appeals from decisions of the City Manager as provided in Subsection 13-23(b) of the Code; provided, however, that any members of the Commission who have rendered assistance to particular complainants shall refrain from participating in the Commission's review of any decisions of the City Manager related to such complainants; and

(3) To facilitate the review of citizen complaints concerning the actions of City police officers or community service officers by:

a. Designating volunteers from the public or from the Commission's own membership to assist individual citizens who wish to file such complaints;

b. Assisting citizens who have language barriers in the completion of complaint forms;

c. Soliciting assistance from other social agencies in notifying the public about the complaint process; and

d. Communicating with other similar Commissions in order to share experiences and become more sensitive to potential problems; and

(4) To make periodic reports to the City Council concerning the activities and recommendations of the Commission.

Sec. 2-176. Planning and Zoning Commission.

(a) The City shall have a Planning and Zoning Commission, hereafter referred to in this Section as the "Commission." The Commission shall consist of seven (7) members.

(b) The Commission shall have the following functions:

(1) To advise the City Council on zoning, subdivision, annexations, major public and private projects and long-range planning;

(2) To exercise the authority vested in it by state planning and zoning laws subject to the provisions of this Section and the following additional provisions and limitations:

a. All references in Title 31, Article 23, Part 2, C.R.S., to the adoption of the master/comprehensive plan by a "planning commission" shall not apply to the Commission, and the function of the Commission with respect to the adoption of a master/comprehensive plan for the City shall be to advise and make recommendations to the City Council regarding the adoption of the same;

b. Notwithstanding any provision to the contrary in Section 31-23-214, C.R.S., or in Title 31, Article 23, Part 2, to the effect that a planning commission has the power to adopt regulations governing the subdivision of land in the City, all such regulations governing the subdivision of land shall be adopted by the City Council as required pursuant to Article II, Section 6 of the Charter;

c. The procedures for development review within the City shall be as established in the Land Use Code or, if applicable, the Transitional Land Use Regulations. Accordingly, Section 31-23-215, C.R.S., shall have no force or effect in the City; and

d. To the extent that any provision contained in Title 31, Article 23, C.R.S. conflicts, either expressly or implicitly, directly or indirectly, with any law or regulation enacted by the City, the law or regulation of the City shall control;

(3) To cooperate with school, county and any other planning and zoning commission and with the approval of the City Council to enter into agreements to promote uniform planning and zoning within and without the City; and

(4) To take final action to approve, disapprove or approve with conditions planning items in accordance with this Code and Charter subject to the appeal procedures contained in Article II, Division 3 of this Chapter. In taking such final action, the Commission shall have the authority to accept the dedication of streets, easements and other rights-of-way as laid out on plats presented to the Commission for approval or as otherwise described in deeds of dedication, whether on or off the site of a specific planning item, provided that such dedication is necessitated by reason of the approval of such planning item. The Commission shall also have the authority to vacate easements and other rights-of-way, but not to include streets and alleys, by resolution or by approval of replats containing notation of such vacation.

Sec. 2-177. Land Use Review Commission.

- (a) The City shall have a Land Use Review Commission, formerly known as the Zoning Board of Appeals, hereafter referred to in this Section as the "Commission." The Commission shall consist of seven (7) members.
- (b) The Commission shall have the following powers and duties:
 - (1) To hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by the Land Use Code or, if applicable, Articles I through IV of the Transitional Land Use Regulations in accordance with the provisions of Division 2.10 of the Land Use Code; and
 - (2) To authorize upon appeal in specific cases, and in accordance with the provisions of Division 2.9 of the Land Use Code, variances from the terms of Articles 3 and 4 of the Land Use Code or, if applicable, Chapter 29, Articles I through IV of the Transitional Land Use Regulations.

Sec. 2-178. Water Commission.

- (a) The City shall have a Water Commission, hereafter referred to in this Section as the "Commission." The Commission shall consist of nine (9) members.
- (b) The County Board of Commissioners may appoint a representative of the County's Public Works Department to serve as an ex officio member to act as liaison to the Commission, who shall represent the County in coordination by the City and County of stormwater management matters. Such ex officio member shall not have voting privileges on matters coming before the Commission, and may be excluded from any executive session of the Commission. Such ex officio member shall serve for an indefinite duration; however, such appointment may be terminated by action of the City Council or the County Board of Commissioners, or upon resignation of the member.
- (c) The general purposes of the Commission shall be to advise the City Council in matters pertaining to water, wastewater and stormwater utility policy issues and to act as a quasi-judicial body relating to certain matters. The Commission shall have the following functions:
 - (1) To advise the City Council regarding water rights planning, acquisition and management; service and development fees; water rental rates; annual budgets; service area delineation; master planning; development and design criteria; water conservation; public information and education; drought emergency; regulatory issues; water quality issues; and local, state and federal legislation;
 - (2) To act as a quasi-judicial body relating to floodplain regulation variances, stormwater fee disputes, and storm drainage design criteria variances;

(3) To provide advice and citizen input regarding proposed policies and actions affecting the customers of the water, wastewater and stormwater utilities;

(4) To advise the City Council regarding other water-related policy issues pertaining to environmental and recreational uses of water, regional and state water issues and projects and obligations to Fort Collins citizens outside of the water utility service area;

(5) To make recommendations to the City Council concerning stormwater facilities in the City, including the appropriate division of the City into separate drainage basins. These basins shall separately fund the stormwater facilities to be installed to serve each basin. The Commission shall recommend the facilities needed for each basin to provide adequate stormwater drainage in the basin. Such recommendations shall include the following for each drainage basin:

- a. The facilities to be installed;
- b. The time and schedule for installation of facilities;
- c. The method of assessing costs of facilities to be installed against property in the basin; and
- d. The portion of the cost of facilities to be funded by the property in the basin and the portion, if any, of such cost which should be paid by the City as a whole;

Before making a recommendation for any stormwater project, the Commission shall analyze the project and compare the total benefits to be achieved with the anticipated cost of the project. Projects shall be recommended if the analysis indicates that the total benefits are greater than the cost of the project;

(6) To review and make recommendations to the City Council on a master drainage plan to be developed for stormwater facilities by the City administration, with such recommendations to include proposed methods of funding any master drainage plan as finally approved;

(7) To consider all variances and appeals from the application of the provisions of the provisions of Chapter 10 of this Code, Flood Prevention and Protection;

(8) To hear the petition of any owner or owners of property in the City who dispute the amount of the stormwater utility fee or stormwater basin fee made against such owner's property or who dispute any determination made by or on behalf of the City pursuant to and by authority of Chapter 26, Article VII of this Code and shall make such revision or modification of such charge or determination as it shall deem appropriate in accordance with § 26-520;

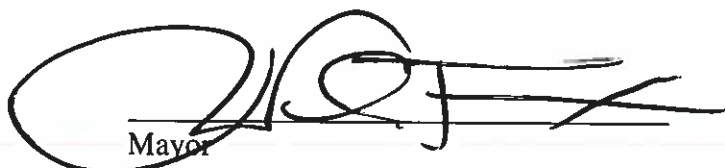
(9) To make recommendations to City Council regarding policy or technical matters related to stormwater management. The Commission shall make comments on policy items prepared by other City departments; and

(10) To hear the petition of any owner or owners of property in the City who dispute or seek a variance in the City's "Storm Drainage Design Criteria and Construction Standards."

(d) Final decisions of the Commission under Subsections (c)(7), (c)(8) and (c)(10) shall be subject to the right of appeal to the City Council as set forth in § 2-46 et seq.

Secs. 2-179 - 2-209. - Reserved.

Introduced, considered favorably on first reading, and ordered published this 16th day of March, A.D. 2021, and to be presented for final passage on the 20th day of April, A.D. 2021.

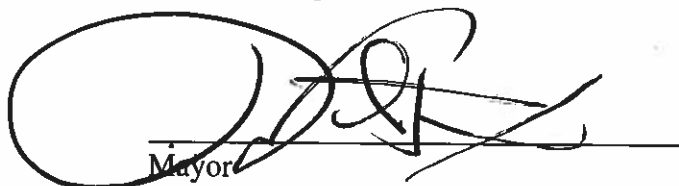

Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on this 20th day of April, A.D. 2021.


Mayor

ATTEST:


City Clerk

