

Council Policy #CP-3
Adopted 8/31/09 by Resolution 2009-31
Section B. revised on 9/18/23 by
Resolution 2023-080
Section F. created on 9/18/23 by
Resolution 2023-080

SUBJECT: Boards and Commissions

POLICY STATEMENT: It is the policy of the Council to obtain quality representation on City boards and commissions, to encourage all members of the community to volunteer on boards and commissions and to establish guidelines to govern City boards and commissions. The conduct of these City Council appointees is a matter of public integrity and as such is a matter of public importance. In this regard, City Council intends that complaints relative to the conduct of board and commission members be handled in a manner that is reflective of the values of the City. The handling of such complaints must occur in a fair and impartial manner while also protecting volunteer board and commission members from frivolous complaints that improperly exhaust public resources for otherwise improper purposes. The goal of this policy is to balance these interests.

A. **APPOINTMENT, REAPPOINTMENT AND VACANCIES**

1. Appointment

a. Members of the public interested in serving on a board or commission shall submit an application to the City Clerk.

b. The City Clerk will submit the respective application materials to Council for their consideration.

c. All new candidates for any board or commission vacancy shall be subject to an interview process as required by Council.

d. Due to the nature of responsibilities of the City's various boards and commissions, applicants may be required to undergo background checks prior to appointment. The City Manager will review any background information on applicants and provide Council the information on the candidates. All background information is confidential and should only be used for the purposes above. No person with official access to this information shall utilize it for any other purpose nor share with any other individuals not authorized, including the applicant.

e. Applicants for City boards and commissions will be notified of the Council's decision made at a regularly scheduled council meeting.

f. Council members' or department directors' family members, as defined by the nepotism policy, shall not be allowed to fill a seat on a board or commission.

2. Reappointment

a. The City Clerk's Office is responsible for monitoring the terms of members of the various boards and commissions and will notify each member of his/her expiring term. If the member wishes to be reappointed, the member shall fill out an application and submit it to the City Clerk for Council consideration.

b. City staff will document past participation of each member who desires to be reappointed and submit the same to the Council along with the application by the member wishing reappointment.

c. All existing board or commission members and alternates can be subject to an interview process as required by Council.

d. Applicants for reappointment on boards and commissions will be notified of the Council's decision made at a regularly scheduled council meeting.

3. Criteria for appointment and reappointment

a. No conflicts.

b. Regular attendance (not missing more than two (2) meetings without a valid excuse).

c. Participation.

d. Preparation.

e. Support of community.

f. Respect for staff and public.

g. Working for community versus personal purposes.

h. Indication of a desire to promote and act in accord with established policies of the City and Council's vision for the City.

4. Vacancies

a. In addition to the provisions established by the City Charter and/or Municipal Code, a vacancy is identified by (1) newly-created seat on a board or commission, or (2) an expired term after a successor has been duly appointed.

b. Solicitations to fill vacancies may be in the form of (1) press releases to the local media, (2) posting a notice at the officially-designated posting locations, (3) City website, (4) City newsletter, and (5) cable television.

5. Needs of members

- a. To know Council’s vision; once board and commission members are seated, they will meet with Council members; they will receive orientation and training by staff.
- b. To understand their roles, authority and prohibitions.
- c. To know annual priorities of Council.
- d. To know the process and parameters within which to work, including public involvement.
- e. To know what to do when board or commission members and Council members disagree.
- f. Chairs and vice-chairs shall receive support training from staff.

B. TERMS OF OFFICE

1. Terms established

- a. The length of the terms of office for boards and commissions is defined in the City Charter, the Municipal Code or by-laws.
- b. The terms will begin and expire as determined by the City Council.
- c. The terms of each respective council member appointed to a board or commission shall not exceed two (2) years plus the time necessary to reach the next council organizational meeting (if applicable), unless no other council member has volunteered by the end of the relevant term, is qualified to serve on such board or commission, or has been appointed to the respective commission within two months following a vacancy, as long as such process is consistent with Charter and City Code. This term limitation does not apply if the City Charter, Code or other law or regulation requires a particular council member or the Mayor to be appointed to such board or commission.

C. ROLES AND RESPONSIBILITIES

- 1. The roles and responsibilities for each board and commission are set by the City Charter, ordinance, enabling legislation or by Council.
- 2. In absence of other by-laws, meetings will be conducted using Robert’s Rules of Order.

D. ORIENTATION, TRAINING AND DECISION MAKING – CITY BOARDS AND COMMISSIONS

1. All newly appointed members of City boards and commissions will be provided an orientation as to their roles and responsibilities as a member of that board or commission. This orientation shall be provided by the City department responsible for staffing said board or commission, and shall be provided as soon as possible following the new member's appointment.

2. On an annual basis, on-going training may be provided to all board and commission members.

3. As determined by the Council, the Council shall schedule a meeting(s) to meet with all board and commission members for the purpose of providing additional orientation to board and commission members on City issues impacting their responsibility, and to enhance communication and coordination of Council and board and commission activities and responsibilities. The Council may call other meetings with any or all of the boards and commissions whenever deemed appropriate or necessary to provide additional training or to facilitate Council/board and commission communication.

4. City staff will make available, on a periodic basis, additional in-house and outside training that would enhance the ability of board and commission members to perform their roles and responsibilities. Board and commission members will be encouraged to participate in such training when it is made available. The City department staffing the respective board or commission will have primary responsibility to identify and make available this training.

5. Members of the City boards and commissions are expected to comply with Council adopted policies which may include policies related to conflict of interest, ethics, discrimination and sexual harassment. Board and commission members will be provided with a copy of these policies for their guidance.

6. Board and commission chairs shall meet as necessary with the Mayor and/or Council to provide feedback and to be kept informed.

7. If an issue arises during a board or commission meeting and the appointed Council member is unsure of the City's position, the Council member shall endeavor to delay a decision until the Council can be consulted. If a delay is not possible, the Council member shall endeavor to contact the City Manager or City Attorney and, in their absence, other staff, to confirm whether the City has adopted a position. If a position has been adopted, the Council member shall vote according to the position adopted by the City.

E. APPOINTMENT OF COUNCIL MEMBERS TO NON-CITY BOARDS AND COMMISSIONS

1. The City Council, at their reorganization meeting, shall designate Council

members to serve at will on the various boards and commissions where Council appointment is in order, including the designation of alternates. Appointment of Council members to Council committees shall also be done during the reorganization meeting. The biennial reorganization meeting shall be held the second Monday following the regular municipal election in November unless otherwise determined by the City Council.

2. If the appointed Council member is not available or is not able to continue service for whatever reason on the board or commission to which the Council member was appointed, or if the City Council in its sole discretion desires to appoint a replacement, the City Council shall appoint a replacement from the Council.

3. If an issue arises during a board or commission meeting and the appointed Council member or seated alternate is unsure of the City's position, the Council member will diligently seek to learn of the City's position from the City Manager or City Attorney and, in their absence, from other staff, to confirm whether the City has adopted a position. If a position has been adopted, the Council member shall vote according to the position adopted by the City. If no position has been adopted, the Council member shall exercise his/her best judgment to vote in a manner that best reflects the goals and visions of the City.

F. **COMPLAINT SUBMISSION AND INVESTIGATIVE PROCESS**

1. *Complaints.*

- a. For any apparent violation by a non-councilmember¹ board or commission member of City Charter, the Commerce City Revised Municipal Code, Council Policies or any other applicable law or policy ("City Law"), the City may initiate an investigation or impose penalties under this section based on a verified complaint. Any member of the public, board or commission members, or City staff must follow this procedure for bringing any complaint regarding a board or commission member to the City's attention. Council members are encouraged to use this procedure, but are not required to do so.
- b. In some circumstances, such as a complaint involving allegations of harassment, anonymous complaints may be submitted. However, the complaint must include a statement providing a reasonable basis for requesting anonymity.
- c. Verified complaints of an alleged violation of City Law shall be submitted to the City Manager's Office. The City Manager or designee shall determine whether the complaint meets the requirements of this policy. If the complaint is determined to meet the requirements of this policy, the city manager shall promptly forward the complaint to the entire council, the city manager, and the city attorney including a designation of confidentiality and a copy of this policy. If the complaint is determined to not meet the requirements of this policy, the City Manager or designee shall return the complaint to the complainant, if known, with an explanation of the requirements of this policy.

¹ Councilmembers are subject to the process outlined in CP #26.

- d. To meet the requirements of this policy, complaints must:
 - a. Be verified;
 - b. With the exception of circumstances warranting anonymity, include the complainants name and contact information;
 - c. Identify the individual alleged to have violated policy;
 - d. Provide specific and sufficient factual detail to identify a policy that is at issue and the specific conduct alleged to have occurred that was in violation of the policy;
 - e. Claims and suspicions unsupported by sufficient factual allegations shall be insufficient to meet the requirements of this policy.
- e. Except in circumstances when the law prohibits sharing a complaint or when allegations concern minors or individuals whose identity the City has a legal basis to protect, the complaint will be shared with the subject of the complaint.
- f. Retaliation of any kind against a person who in good faith files a complaint, participates in an investigation, or is a witness in any investigation is strictly prohibited.

2. Investigation and Resolution

- a. The City Manager or designee is authorized to conduct an investigation of all complaints and to determine if a third party or outside investigator will be used to conduct the investigation.
- b. Following an investigation, any report containing conclusions concerning whether or not any law, regulation, policy, or other standard was violated will be immediately forwarded to City Council.
- c. If immediate suspension of any board or commission member is legally required, the City Manager is authorized to request the subject member to refrain from attending any relevant board or commission meeting until otherwise directed by Council; otherwise, only Council as a whole may suspend a board or commission member at a regular or special meeting. The City Manager will have the authority to recommend and carry out an alternative method to address the board or commission member's behavior, such as training.
- d. The City Manager may place a resolution for removal of the board or commission member on the consent agenda for an upcoming Council meeting. Prior to any such action, the subject of the investigation will be apprised of the grounds for any removal and have an opportunity to appear at the council meeting during which the resolution for removal is presented and to provide comment on the same.
- e. Pursuant to City Charter Section 11.1(4), board and commission members serve at the pleasure of Council and may be removed with or without cause for any reason by a majority vote of the entire council. Council may choose

to disregard or waive this policy, and take any action with respect to any board or commission member's appointment that is authorized by Charter or Code, including removal. If any of the steps outlined in this policy are not followed, that will not affect the propriety of Council's action with respect to any otherwise authorized action taken with respect to a board or commission member.