



City of Loveland

*Handbook for
Boards and Commissions*

Revised September 2019

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INTRODUCTION

The public is playing an ever increasing role in local government. Citizens concerned about quality of life for themselves and their families, taxes and governmental services are speaking out as never before, and are shaping local government in a way that meets their needs. Indeed, the governing body of a city like Loveland is composed of citizens elected by their fellow citizens to set policy and to guide and direct city government.

In order to assist it in setting direction for the city, the City Council considers the advice of its various boards and commissions. Citizens who serve on boards and commissions, therefore, play an important part in translating ideas into programs and suggestions and concerns into change. They also expand the knowledge and experience base of the elected decision makers.

The City Council has engaged more and more citizens in the process of government by creating new advisory boards when the need arises. At present, the City of Loveland has the following advisory bodies:

- Affordable Housing Commission (AHC)
- Citizens' Finance Advisory Commission (CFAC)
- Community Marking Commission (CMC)
- Construction Advisory Board (CAB)
- Cultural Services Board (CSB)
- Disabilities Advisory Commission (DAC)
- Downtown Development Authority (DDA)
- Fire Rescue Advisory Commission (FRAC)
- Golf Advisory Board (GAB)
- Historic Preservation Commission (HPC)
- Housing Authority (HA)
- Human Services Commission (HSC)
- Library Board (LB)
- Loveland Communications Advisory Board (LCAB)
- Loveland Utilities Commission (LUC)
- Open Lands Advisory Commission (OLAC)
- Parks and Recreation Commission (PRC)
- Planning Commission (PC)
- Police Citizen Advisory Board (PDCAB)
- Senior Advisory Board (SAB)
- Transportation Advisory Board (TAB)
- Visual Arts Commission (VAC)
- Youth Advisory Commission (YAC)

In addition to the above, the City Council is responsible for making appointments to several boards and commissions whose powers and duties are defined under state law, and whose functions go beyond advising and making recommendations to the City Council. Those boards and commissions are:

- Employees' Retirement Board
- Housing Authority
- Police Pension Board of Trustees

PURPOSE

The purpose of this Handbook for Boards and Commissions is to explain the role of boards and commissions in advising the City Council and to set forth guidelines to assist in carrying out their work.

CITY STRUCTURE

In order to be more effective in fulfilling their purpose, board and commission members should understand the organizational structure of the city. The City of Loveland is a home rule municipality operating pursuant to the City of Loveland Charter, adopted by the citizens of Loveland in May, 1996. The citizens have chosen a council-manager form of government. Under this form, the citizens elect eight council members, two from each ward, and one mayor at large. The entire City Council elects the mayor pro tem.

The City Council sets the goals and policies for city government and annually adopts a budget in support of city activities. City staff, under the direction of the City Manager, is responsible for carrying out the direction of the City Council in implementing programs and services. The municipal judge, City Manager, and City Attorney report directly to the City Council. Department directors and their staffs are under the direction of the City Manager.

As the city's chief executive officer, the City Manager oversees responsibilities for the day-to-day administrative affairs of the city, including assigning staff to assist boards and commissions in carrying out their responsibilities. The City Manager is responsible for conveying and implementing City Council policy.

BOARD MEMBER EXPECTATIONS

Attendance

The effective operation of a board depends upon regular attendance of the members at meetings. Members shall be required to attend a minimum of 70% of the meetings each calendar year. If a member is unable to attend a meeting, he or she should contact the chairperson or staff liaison at least 24 hours in advance of the meeting, when possible. If needed, a board member may participate in a meeting by video or phone. If a member has three unexcused absences in a row, the member shall automatically lose his or her position on the board or commission. For the purposes of this rule, "unexcused absences" shall be all absences other than for illness, family emergency, or participation in other City of Loveland business. The chairperson shall monitor attendance and forward attendance information to the City Clerk's Office when a member fails to meet the attendance requirements stated herein. The City Clerk's Office shall inform the member that his or her membership has been terminated for failure to meet the attendance requirements, and shall begin the process for appointment of a replacement member as set forth herein.

In addition, the chairperson shall provide attendance information to the City Clerk's Office upon request. Each calendar year, the City Clerk shall report to the City Council attendance information for every board and commission to include the number of meetings held by each board and commission, the number of meetings attended by each member, and the number of positions vacated due to failure to meet the attendance requirements.

Conflicts of Interest

The objective of City Council is that the appointed member avoids any conflicts of interest. A member should also carefully consider for himself or herself avoiding even the appearance of impropriety. Since there may be areas where board members are unsure or unaware that a conflict exists, the following guidelines should be considered and any member may consult with the City Attorney's Office if there are questions.

If a board member has acquired confidential information in the course of official duties that information cannot be used to further the member's personal financial interests or any family members'.

Occasionally gifts may be offered to board members. Rules regarding acceptance of gifts over \$50.00 are set forth in Chapter 2.73 of the City Code. A gift includes anything of value where the person receiving it does not pay the full market value. Before accepting a gift, the member should ask him or herself whether it is being offered in order to influence any official action or influence the member in any way.

State law provides that a board member shall not hold an interest in a business or undertaking that may possibly be directly and substantially economically affected or benefited by any official action of the member's board. A board member shall not perform an official act causing an economic detriment to the member's business or personal competitors.

For six months following termination of office, a board member should not obtain employment in which a direct advantage, unavailable to others, will be gained in matters with which the board member was directly involved.

A board member shall not engage in any financial transaction for private business purposes with a person under the direction of that member's board.

If a member has a personal or private interest in any matter before the board, the member must disclose the interest to the board, must not vote on the matter, and must refrain from attempting to influence the other board members in voting on the matter. However, if that member's participation is necessary to obtain a quorum or to otherwise enable the board to act, the member may vote if, prior to acting, the interested member discloses the nature of his private interest. The disclosure shall be made in writing to the City Clerk's Office, listing the amount of his financial interest, if any; the purpose and duration of his services rendered, if any; and the compensation received for the services and such other information as is necessary to describe his interest. Following this procedure, if the interested member then proceeds to vote, the member shall state for the record that the member has an interest and shall summarize the nature of the interest. The member should consider not only his or her financial interests and investments, but also those of spouse and children.

If you are unsure of your legal responsibilities on any matter coming before your advisory body, you should seek the advice of the City Attorney's Office as soon as possible before the meeting.

Training for New Board Members

Recognizing that a newly appointed board or commission member will need a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission, the city will provide informal and/or formal training opportunities for each newly appointed member. The staff liaison and chairperson of the board or commission shall work cooperatively to establish a training process which will provide to the new member a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission. Where appropriate, in-service training should be

provided which may include presentations on the responsibility of board and commission members, parliamentary procedure, conflicts of interest, specific board or commission mission, consensus and decision making model, city administration overview, open meetings, and language of local government and commonly used abbreviations and acronyms.

Board and commission members should be invited to in-service opportunities offered by the city. Board and commission members should be encouraged to identify in-service opportunities which would be specifically beneficial to their particular board or commission. When possible, exit interviews should be conducted with departing board and commission members to determine areas in which the city can be more helpful to the board or commission. The city should provide funding for appropriate in-service training for board and commission members

Board Responsibilities

Each advisory board and commission is responsible to investigate and make thoughtful recommendations to the City Council and city staff on issues coming before it. Such recommendations are often most useful if they include alternatives that were considered and an analysis of the pros and cons of the alternatives.

Matters upon which a board makes recommendations can come from the City Council, from city staff, the citizens of Loveland, and from the board members themselves. The City Council does not wish to impose a rigid structure upon the thoughts and ideas of any board or commission, but instead believes that creative and innovative ideas can come from many different sources. Often, however, ideas will originate with the consideration and adoption of goals by the City Council, and boards and commissions will be asked to consider such goals.

The normal channels for communication between the City Council and the boards and commissions are through the City Council liaison to the board and city staff in the affected department. Such persons will report to the Council the deliberations and recommendations of the board. The boards and commissions, and their individual members, are always free to communicate directly with the City Council on any matter concerning their areas of responsibility.

In considering recommendations from boards and commissions, the City Council will attempt to balance the many diverse interests in our community.

Each member is representing the City of Loveland when serving as a member and should at all times be respectful and avoid inappropriate behavior, Administrative Regulation AR-00037.

ORGANIZATION OF THE BOARD

Each board shall choose a chairperson and a vice chairperson. Additional offices may be created by the board from time to time as necessary. If a city staff person is not made available to serve as recording secretary, a board shall also choose a recording secretary.

Chairperson

The chairperson serves as the presiding officer over all meetings. It is the responsibility of the chairperson to conduct meetings, keep the discussion on track, encourage the input of ideas and facilitate the overall decision process. The chairperson should clarify ideas as they are discussed and should repeat motions to ensure that all members fully understand the wording of the item upon which they are voting. It is also

the chairperson's responsibility to sign all documents on behalf of the board, see that all of the decisions of the board are carried out properly, and perform any other duties and functions requested by the board.

The chairperson, working with the recording secretary, is responsible for preparing an agenda for each meeting, and assuring its circulation in advance to all members of the board and other persons who have requested notification and to ensure public notice of the board's regular and, if any, special meetings.

Vice Chairperson

The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson. The vice chairperson shall also perform any other duties assigned to his office by the board. The vice chairperson may request the assistance of other members of the board in carrying out the duties of the office.

Recording Secretary

The recording secretary keeps the record of the board, is responsible for the minutes of the meeting, and keeps a record of the proceedings of the board. The secretary also performs any additional duties or functions that the board may assign. The secretary prepares an agenda in advance of each meeting. A copy of the approved minutes from each meeting shall be deposited with the Loveland city clerk. Minutes from meetings shall be recorded as soon as possible.

Officers' Terms of Office

The term of office for the chairperson and the vice chairperson shall be 1 year. Each officer shall be eligible for reelection. However, chairpersons are encouraged not to serve for more than 2 consecutive years so that other board or commission members may gain experience as a chairperson. Officers shall be elected at the next regular meeting following the month of the year in which the terms of office of the members of the board expire.

Council Liaison

The City Council liaison assigned to a board or commission shall serve the following roles:

1. Communicate with the board or commission when City Council communication is needed and to serve as the primary two-way communications channel between the City Council and the board or commission.
2. Participate in filling vacancies, reviewing applications, and interviewing candidates for the board or commission.
3. Serve as the primary informal City Council contact.
4. Help resolve questions the board or commission may have about the role of the City Council, municipal government, and the board or commission.
5. Establish formal or informal contact with the chairperson of the board or commission and effectively communicate the role of the liaison.

6. Provide procedural direction and relay the City Council's position to the board or commission, and to communicate to the board or commission that the liaison's role is not to direct the board in its activities or work.
7. Serve as City Council contact rather than an advocate for or ex-officio member of the board or commission.

CONDUCT OF MEETINGS

Open Public Meetings

All meetings at which any public business is discussed where a quorum of the board is present are public meetings open to the public at all times. No board or commission shall conduct any closed meeting without first consulting with the City Attorney's Office concerning whether the subject qualifies for executive session, generally there are no closed meetings.

Quorum

The majority of all of the appointed members of a board shall constitute a quorum. In order to conduct business at any meeting, a quorum shall be present. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a future date.

Special Meetings

A special meeting may be called by the chairperson or vice chairperson, or upon the written request of three members of the board. Notice should be given to each of the board members by personally serving them or by leaving notice at their usual place of residence. Notice of special meetings should be given as much in advance as possible. The notice of a special meeting shall set forth the time, place, date and purpose of the meeting. Attendance at a special meeting constitutes a waiver of the notice of the meeting.

Public Notice

Public notice of all meetings where the board may take any formal action or at which a majority or quorum of the board is expected to attend shall be given. The public notice shall be given no less than twenty-four hours in advance of the meeting and shall be posted at a location designated by the City Council, including the bulletin board outside the City Council Chambers. The public notice should also be posted on the City's website. The notice shall contain a specific agenda if possible, and should be in the format specified by the City Clerk. Meetings by phone or email are not allowed because the public cannot participate. Voting must be done at a properly noticed meeting.

Rules of Order

Generally, meetings can be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the board. When necessary, in order to effectively conduct business, as determined by a majority vote of those present, Robert's Rules of Order shall be in effect.

Public Hearings

Occasionally, a board will be called upon to conduct a public hearing on a matter coming before it. A public hearing is a process by which official input on a matter coming before a board is received from all those wishing to present testimony. It is a matter of fundamental due process that decisions made as a result of the public hearing are based solely upon the evidence presented at the public hearing, and no prior investigation or discussion should be conducted by any member. If members have acquired information from outside the hearing, they should state during the hearing what the information is and allow public comment.

The chairperson should declare the public hearing open, and after hearing public testimony, declare the hearing closed. Following the public hearing, board members should discuss the matter among themselves (still in open meeting), and reach a decision by adopting a motion that sets forth the basis for the decision. Any such decision should be set out in the minutes of the meeting.

Further information regarding the conduct of public hearings is available from the City Attorney's Office.

APPOINTMENT AND VACANCIES

Unless otherwise provided by state law or by the ordinance establishing the particular board or commission, the following guidelines will be used in dealing with appointments and vacancies to boards and commissions.

When a vacancy occurs on a board or commission by removal of a member or resignation, with approval of the interview committee, the Council-appointed alternate shall be recommended to the City Council for appointment to the position. If there is no alternate, or if the vacancy occurs due to expiration of term of office, the following steps will be taken unless otherwise directed by the City Council:

1. The chairperson shall notify the CityClerk's Office of the vacancy.
2. Upon notice of the vacancy or not less than 75 days prior to the expiration of a term, whichever is applicable, the CityClerk's Office will notify the City Council of the vacancy and advertise for the position. Said advertisement shall include, at minimum, publication of a notice in a newspaper of general circulation within the city. The CityClerk's Office shall establish a closing date for the receipt of applications, which date shall be not less than 30 days from the date of first newspaper, website, or social media advertisement. Applications received after the closing date maynot be considered by the interview committee.
3. The chairperson should announce the vacancy at the first meeting after being notified of the vacancy and urge the members to solicit qualified candidates.
4. Applications shall be in a form determined by the CityClerk, but shall include, without limitation, a question related to the applicant's current service on other city boards and commissions.
5. Interviews shall not be required when the only applicants are current members seeking reappointment for a new term and there are no other applicants for the vacancy. Private interviews for a vacant position shall be required for new applicants or where there are more applicants than there are vacancies, except that interviews shall not be required for members of

the Youth Advisory Commission who have successfully completed a term of office and desire to be reappointed to a new term. Interviews shall occur within a reasonable time following the closing date for receipt of applications and shall be scheduled by the staff liaison. Except as otherwise provided by a formal action of the City Council, the interview committee shall consist of the following persons: the City Council liaison; the staff liaison; and the chairperson.

6. Immediately following the interviews, the interview committee, or in the case of the Youth Advisory Commission where no interviews are held, the staff liaison, shall advise the City Clerk's Office of the recommendation. The City Clerk's Office will endeavor to place the matter on the next available City Council agenda for consideration of appointment.
7. The recommendation of the interview committee and the appointment by the City Council shall be based upon qualification, experience, knowledge, interest, willingness to serve, ward residency, the need for a diverse cross-section of the community, past and current service on other city boards and commissions, and other factors deemed relevant by the City Council. The recommendation of the interview committee shall be considered but shall not be binding upon the City Council.
8. The City Clerk's Office shall forward a letter of appointment and a Handbook for Boards and Commissions to the newly appointed member.

Members shall serve for their appointed term as specified in the City Code. Alternates appointments shall be effective until the expiration of the term of any other member on the board or commission for which the alternate appointment was made. Alternates shall be available to assume unexpired terms in instances of resignation or removal, but shall not be appointed to serve where a vacancy is created by expiration of a term. However, in such circumstances, alternates are encouraged to apply for the position.

There shall be no term limits for board and commission members unless the term limits for the board or commission are specifically set forth in state law or in the City Charter or Code. In addition, board and commission members may not serve on more than one board and commission at a time, unless: (i) the member is the only qualified applicant for the position; or (ii) the member resigns his or her position on the first board or commission prior to or upon appointment to the second board or commission.

Unless otherwise provided by state law or by the City Charter or Code, a person shall not be eligible for appointment to a board or commission unless either: (a) such person resides within or has substantial ties within the corporate limits of the city; or (b) where the City Council determines that the duties and functions of a board or commission impact, or are likely to impact, areas beyond the corporate limits, such person resides within or has substantial ties to the affected area. Factors which may be considered in determining whether a person has substantial ties to the city or an affected area are property ownership, employment, conduct of a business or profession or other factors deemed relevant by the City Council. Any person who ceases to reside in, or have substantial ties to, the area which was determined to be the basis for appointment may be removed from the board or commission by the City Council.

Further, unless otherwise provided by state law or by the City Charter or Code, no appointment of a person to any board or commission shall have the effect of increasing the number of nonresident members on that board or commission to more than 50% of the total membership of the board or commission.

A person shall not be eligible for appointment to any city board or commission if that person's spouse, parent, sibling, or child (whether related by blood, marriage, or adoption) is a city employee who in his or her capacity as a city employee regularly appears before or advises that board or commission. This does not prohibit such person from being eligible for appointment to any other city board or commission not affected by this eligibility limitation. Employees may not serve on any board or commission appointed by City Council, except the Retirement Committees. This restriction shall not apply to "Hourly with No Benefits" employees, provided that such employee is not required to appear before such board or commission. "Hourly with No Benefits" employees are required to obtain the written authorization of the City Manager prior to serving or continuing to serve on a board or commission.

EXPENSE REIMBURSEMENT

The city will reimburse any member of a board or commission who incurs expense for travel, lodging, registration fees and the like where such expenses have been provided for in the budget of the department with which the board is connected. To make sure that an anticipated expense is authorized, all subject expenditures must be cleared in advance through the City Manager's Office.

LIABILITY

When performing the function for which a member is appointed, such member is an authorized volunteer of the City of Loveland, and is entitled to the protection of the Governmental Immunity Act. The Act, generally speaking, protects the board member from personal liability for any action within the scope of such appointment, except where the act is willful or wanton. Many homeowners' insurance policies provide some coverage for acts undertaken as a volunteer. Please consult your insurance agent regarding any such coverage. The City Attorney's Office is available for further discussions regarding liability.

BOARDS AND COMMISSIONS

For specific information regarding the City's boards and commissions and a description of their membership requirements and duties, please see City Code Chapter 2.60, available online at www.cityofloveland.org, or contact the City Clerk's Office at (970) 962-2392.