



Handbook for Boards and Commissions

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INTRODUCTION

The public has an ever-increasing role in local government. Citizens concerned about quality of life, taxes, and government services are engaged and shaping local government in ways that meet their needs. The City of Loveland's (the "City") own governing body, the Loveland City Council (the "Council"), is composed of citizens elected by fellow citizens to set policy and guide and direct city government.

Council considers the advice of its boards and commissions (the "board") when setting direction for the city. Citizens who serve on boards serve an important role in translating ideas into programs, suggestions and concerns into change, and expanding the knowledge and experience base of the elected decision makers.

Council has encouraged citizen engagement in the process of government by creating new advisory boards when the need arises. The City currently 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)
- Golf Advisory Board (GAB)
- Historic Preservation Commission (HPC)
- Human Services Commission (HSC)
- Library Board (LB)
- Loveland Communications Advisory Board (LCAB)
- Loveland Utilities Commission (LUC)
- Open Lands and Trails Advisory Commission (OLTAC)
- Parks and Recreation Commission (PARC)
- Planning Commission (PC)
- Police Citizen Advisory Board (PCAB)
- Senior Advisory Board (SAB)
- Transportation Advisory Board (TAB)
- Visual Arts Commission (VAC)
- Youth Advisory Commission (YAC)

Additionally, Council is responsible for making appointments to two boards whose powers and duties are defined under state law, and whose functions exceed advising and making recommendations to Council:

- Downtown Development Authority (DDA)
- Housing Authority of the City of Loveland (LHA)

PURPOSE

This Handbook for Boards sets forth guidelines and explains the role of boards in advising Council.

CITY STRUCTURE

To fulfill their purpose, board and commission members should fully understand the City's organizational structure. The City is a home rule municipality operating pursuant to the City of Loveland Charter, adopted by the citizens of Loveland in 1996. The citizens chose a council-manager form of government. Under this form, citizens elect eight council members, two from each ward, and one mayor at large. The entire Council elects the mayor pro tem.

Council sets 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 implementing programs and services at Council's direction. The Municipal Judge, City Manager, and City Attorney report directly to Council. Department directors and their staffs report to the City Manager.

As the City's chief executive officer, the City Manager conveys and implements Council policy, oversees the city's administrative affairs, and assigns staff to assist boards in performing their responsibilities.

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. A board member may participate in a meeting by video or phone, if necessary. If a member has three consecutive unexcused absences, the member shall automatically lose their 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 business. Advance notice of a planned absence from a meeting is not an excused absence. 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 their membership has been terminated for failure to meet the attendance requirements and shall begin the process to appoint a replacement member as set forth herein.

The staff liaison shall provide attendance information to the City Clerk's Office biannually. The staff liaison shall provide the January through June attendance reports no later than July 31 and the July through December attendance reports no later than January 31 of the subsequent year. Twice per calendar year, the City Clerk shall report to 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

Council's objective is that appointed members avoids any conflict of interest. A member should carefully avoid even the appearance of impropriety.

"Conflict of interest" is generally defined as a circumstance that would meet the definition of "conflict of interest" in Article 5 of the City Charter, a circumstance that would meet the definition of "potential conflict of interest" in Chapter 2.14 of the Loveland Municipal Code (the "Code"), or a circumstance that would meet the definition of a conflict of interest as may be defined elsewhere in State law.

There may be times when board members are unsure whether, or unaware that, a conflict exists. The following guidelines should be considered, and any member may consult or ask questions of the City Attorney's Office.

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

Gifts may occasionally be offered to board members. Rules prohibiting the acceptance of gifts over \$50.00 are set forth in Code Chapter 2.73. A gift includes anything of value for which the recipient does not pay full market value. Before accepting a gift, even under \$50.00, the member should ask themselves whether it is being offered 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 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 their private interest. The disclosure shall be made in writing to the City Clerk's Office, listing the amount of their financial interest, if any, the purpose, and duration of their services rendered, if any, and the compensation received for the services and such other information as is necessary to describe their 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 their financial interests and investments, as well as those of their spouse and minor children. Loveland Utilities Commission and Planning Commission members have specific written reporting requirements regarding financial disclosures to avoid conflicts of interest and should consult the City Clerk's Office.

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 prior to the meeting.

Training for New Board Members

Recognizing that a newly appointed board or commission member will need foundational knowledge concerning the relevant subject matter, the City will provide informal and/or formal training opportunities. The staff liaison and chairperson shall work cooperatively to establish a training process. At the close of each recruitment cycle, the City Clerk's Office, City Attorney's Office, and staff liaisons will offer training to newly appointed board members (and current board members, if interested). Training 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 shall be invited to in-service opportunities offered by the city and are encouraged to identify in-service opportunities which would specifically benefit their board or commission. When possible, exit interviews shall be conducted with departing board and commission members to identify ways in which the city can be more helpful to the board or commission. The city shall provide funding for appropriate in-service training for board and commission members.

Board Responsibilities

Each board and commission reviews information presented and makes thoughtful recommendations to Council and City staff. Such recommendations are often most useful if they include alternatives that were considered and an analysis of the pros and cons of the alternatives. Council may decide to accept, modify, or reject any recommendation made by a board or commission.

Matters upon which a board makes recommendations can come from Council, City staff, Loveland citizens, and from board members themselves. Council does not wish to impose a rigid structure upon the thoughts and ideas of any board or commission and believes that creative and innovative ideas can come from many different sources. Often, however, ideas will originate from the consideration and adoption of goals by Council, and boards will be asked to consider such goals. Council encourages all boards to develop annually a work plan by November 1 for the subsequent year (the "work plan year") that aligns with the City of Loveland Strategic Plan, and to produce an annual report summarizing accomplishments of the work plan year by March 31 immediately following the work plan year. The City Clerk's Office will provide copies of these documents to Council and post them on the website.

Communication between Council and boards is typically managed by the Council Liaison. The staff liaison will report to the Council the board's deliberations and recommendations. However, board and commission members are welcome to communicate directly with Council on any matter concerning their area(s) of responsibility.

Council will attempt to balance the many diverse interests in our community when considering recommendations from boards.

When serving as a board or commission member, the individual represents the City, and should always be respectful and avoid inappropriate behavior (Administrative Regulation AR-00037). Each member should avoid conduct that undermines the member's respective board or commission or the City's ability to operate effectively and hold the trust of residents.

ORGANIZATION OF THE BOARD

Each board shall elect a chairperson and a vice chairperson. Additional offices may be created by the board as necessary. If a City staff person is not made available to serve as recording secretary, the board shall elect one.

Chairperson

The chairperson serves as the presiding officer over all meetings. It is the chairperson's responsibility to conduct meetings, focus the discussion, encourage the input of ideas, and facilitate the overall decision process. The chairperson should clarify ideas during discussion and repeat motions to ensure that all members fully understand the matter upon which they are voting. It is the chairperson's responsibility to sign all documents on behalf of the board, ensure that all the board's decisions are executed properly, and perform any other duties and functions requested by the board.

Vice Chairperson

The vice chairperson performs the chairperson's duties in the chairperson's absence. The vice chairperson shall perform any other duties assigned to their office by the board. The vice chairperson may request the assistance of other members of the board in executing the duties of the office.

Recording Secretary

The recording secretary keeps the records of the board and the board's proceedings, is responsible for the meeting minutes, and performs any additional duties or functions that the board may assign. The recording secretary prepares an agenda in advance of each meeting. A copy of the approved minutes from each meeting shall be provided to the City Clerk. Meeting minutes shall be recorded as soon as possible and distributed to Council upon adoption.

Officers' Terms of Office

The term of office for the chairperson and the vice chairperson shall be one (1) year. Each officer shall be eligible for reelection. However, chairpersons are encouraged not to serve for more than two (2) consecutive years to allow other board or commission members to 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 Council liaison assigned to a board or commission shall perform the following roles:

1. Serve as the primary communicator between Council and the board or commission and be the primary Council contact.
2. Participate in filling vacancies, reviewing applications, and interviewing candidates for the board or commission.
3. Help answer questions the board or commission may have about the role of Council, municipal government, and the board or commission.

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

Staff Liaison

The staff liaison, working with the recording secretary and/or the chairperson, sets and prepares an agenda for each meeting, assures its advance circulation to all members of the board and other persons who have requested notification, and ensures public notice of the board's regular and special meetings.

Alternate Member

Alternates are encouraged to participate in board and commission discussions but are not able to vote. Individuals who are voting members on a board or commission must resign from that role before accepting an alternate position on a different 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 shall always be open to the public. No board or commission shall conduct an executive session without first consulting the City Attorney's Office concerning whether the matter qualifies. Generally, executive sessions are rare. Members should be aware of or avoid small gatherings of three or more board or commission members that would be considered a meeting if City business is discussed. Communications, including but not limited to text and email, between three or more members is considered a public meeting if City business is discussed.

Quorum

The majority of all the appointed members of a board shall constitute a quorum. To conduct business at any meeting, a quorum must 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 written request of three or more board members. Notice, including the time, date, location, and purpose, shall be given as far in advance as possible to each of the board members by personally serving them or by leaving notice at their usual place of residence. Attendance at a special meeting constitutes waiver of the special meeting notice.

Public Notice

Public notice shall be given for all meetings where the board may take any formal action, at which a quorum or a group of three or more members of the board is expected to attend and public business will be discussed. 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 Council and on the City's website. The notice shall contain a specific agenda, if

possible, and be in the format specified by the City Clerk. Generally, meetings conducted by phone or email are not allowed because the public cannot participate. However, the City Manager may authorize remote meetings not requiring physical presence by some or all members if some method of remote public participation is offered. Voting may only occur at a properly noticed meeting.

Rules of Order

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

Public Hearings

A board will occasionally be asked to conduct a public hearing on a specific matter. 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 resulting from the public hearing are based solely upon the evidence presented at the public hearing, with no prior investigation or discussion conducted by any member. If members acquire information apart from the hearing, they shall share the information during the hearing and allow public comment.

The chairperson should declare the public hearing open, hear public testimony, then declare the public 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 shall be recorded in the meeting minutes.

City staff will identify and assist members in preparing for and conducting public hearings. Additional information regarding public hearing conduct is available from the City Attorney's Office.

PUBLIC COMMENT

Public comment will be included on the agenda for all regular and special meetings held by boards. Public comment during board and commission meetings shall be limited to the specific purpose of the board or related to an item on the board meeting agenda.

APPOINTMENT AND VACANCIES

Unless otherwise provided by state law or the ordinance establishing the board or commission, the following guidelines will be used to address appointments and vacancies.

When a vacancy occurs on a board or commission by removal of a member or resignation, with approval of the interview panel, the Council-appointed alternate, if any, shall assume the vacancy for the remainder of the term created by the vacancy. If a board or commission has more than one alternate member, the vacancy shall be filled by decision of the interview panel. If there is no alternate, or if the vacancy occurs due to expiration of term of office, the following action will be taken unless otherwise directed by Council:

1. The staff liaison or chairperson shall notify the City Clerk'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 City Clerk's Office will notify the Council of the vacancy and advertise the position. Said advertisement may include print or online publication in a newspaper of general circulation

within the city, posting on the City's website, or posting on social media. The City Clerk'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 shall not 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 City Clerk, but shall include, without limitation, a question related to the applicant's current service on other city boards.
5. Interviews shall not be required when the only applicants are current members seeking reappointment 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 successfully completed a term of office and desire to be reappointed. Interviews shall occur within a reasonable time following the closing date for receipt of applications and shall be scheduled by the staff liaison. The interview committee shall consist of the Council liaison, the staff liaison, and the chairperson; in the case of the DDA, the interview committee shall consist of the Council liaison, the DDA Director, and the chairperson. In the event there is a conflict concerning the chairperson, then the vice chairperson shall participate in the interview committee. In the event there is a conflict of the chairperson and the vice chairperson, the default interview committee may select another board member to comprise the relevant interview committee. In the event there is a conflict concerning the Council liaison, then the alternate Council liaison shall participate in the interview committee (if one is appointed). In the event multiple conflicts exist (including between the chairperson and vice chairperson), or the rules above do not apply, then the City Manager, in consultation with the City Attorney, shall proscribe a process and communicate said process to the City Council at the time the appointments are to be made by the Council. The City Council shall have the authority to ratify any defective process in the interview committee and may proscribe a different process, during any regular or special meeting. In addition to the conflicts of interest described on page 5, a "conflict" shall include the participation of any individual in the interview committee if that individual is also seeking appointment or reappointment to fill a vacancy of the board or commission.
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 Council agenda for consideration of appointment.
7. The interview committee's recommendation and the appointment by the 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 other factors deemed relevant by Council. The interview committee's recommendation shall be considered but shall not be binding upon Council. Political patronage shall not be a basis for the selection, recommendation, appointment, or reappointment of any applicant or alternate.
8. The City Clerk's Office shall provide a letter of appointment and the Handbook for Boards to the newly appointed member.

Members shall serve their appointed term as specified in the Code. Alternate member 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. Except as otherwise provided by Council's rules of procedure, an alternate member cannot vote during the temporary absence of any board or commission member. Each board and commission shall have no more than two alternate positions.

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, City Charter, or Code. In addition, board and commission members may not serve on more than one board or commission at a time, unless: (a) the member is the only qualified applicant for the position; or (b) the member resigns their position on the first board or commission prior to or upon appointment to the second board or commission.

Unless otherwise provided by state law, City Charter, or Code, a person shall not be eligible for appointment to a board or commission unless either: (a) such person resides or has substantial ties within the corporate limits of the city; or (b) Council determines that the duties and functions of a board or commission impact, or are likely to impact, areas beyond the corporate limits, and such person resides within or has substantial ties to the impacted 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 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 Council.

Unless otherwise provided by state law or by the City Charter or Code, no appointment 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.

A person shall not be eligible for appointment to any 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 their 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 board or commission not affected by this eligibility limitation.

Employees may not serve on any board or commission appointed by Council, except the Retirement Committees. This restriction shall not apply to "Limited Benefited" employees, provided that such employee is not required to appear before such board or commission. "Limited Benefited" employees are required to obtain 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 board or commission member who incurs expenses 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 ensure that an anticipated expense is authorized, all expenditures must be approved in advance by the appropriate department director and 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 and is entitled to the protection of the Governmental Immunity Act (the “Act”). The Act 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 membership requirements and duties, please see City Code Chapter 2.60, available online at www.lovgov.org, or contact the City Clerk’s Office at (970) 962-2000, Option 9.