

City of Englewood, Colorado
2024
HANDBOOK FOR MEMBERS OF
BOARDS, COMMISSIONS AND COMMITTEES



City of Englewood
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Englewood, CO 80110

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HANDBOOK

BOARDS, COMMISSIONS, AND COMMITTEES

PREFACE

The City of Englewood believes in the value and benefits of community service and active public engagement. The men, women and youth who serve the City as volunteers and members of boards, commissions and committees are critical to Englewood's dual mission of 1) providing quality services to its residents and 2) ensuring government processes are open, transparent and inclusive to establish, maintain and continue a superior quality of life for present and future residents.

PURPOSE AND AUTHORITY

Boards, commissions and committees are created under the authority of the City of Englewood Home Rule Charter, and through ordinance or resolution. Generally, boards, commissions and committees serve to gather and review information and ideas, and to hold open forums for community wide participation for the purpose of presenting options and recommendations to the City Council of the City of Englewood. Beyond that general purpose, the City Council is also authorized by the City's Charter, within constitutional limitations, to delegate by ordinance to Boards and Commissions such functions, powers or authority as the Council shall deem proper and advisable.

EQUAL OPPORTUNITY

The City of Englewood actively encourages diversity of membership and participation on its boards, commissions and committees. The City of Englewood does not discriminate in its selection of members to serve upon boards, commissions and committees based on race, religion, color, national origin, gender, gender identity or expression of a person, sexual orientation, age, political affiliation, pregnancy, military status, disability, genetic information, or any other basis.

APPLICATION

This policy applies to the members appointed by the City Council to serve upon all boards, committees, and commissions of the City Council. This policy does not apply to internal committees established by Department Directors for informal processes.

TYPES

Each committee is unique in its purpose, mission, and role. It is important that members be familiar with their committee's enabling laws and other authorizing documents to clearly understand the framework within which the committee must operate.

Advisory Boards, Commissions, and Committees

Per Charter §30, the City Council may create advisory bodies to provide input on policy and/or operational matters. These advisory bodies are referred to by several terms including board, commission, and committee. Charter §30 provides "The Council shall have the power and authority, within constitutional limitations, to delegate by ordinance to Boards and Commissions such functions, powers or authority herein conferred upon the City as the Council shall deem proper and advisable within its discretion." Advisory bodies may study existing policy and/or operational procedures for changes or implementation issues, either upon their own initiative or at the request of the City Council, to provide recommendations to the City Council. Advisory bodies do not have authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of City government. Examples of advisory bodies are the Parks and Recreation Commission and the Code Enforcement Advisory Committee.

Quasi-Judicial Boards, Committees, and Commissions

Boards, commissions, and committees with quasi-judicial powers are vested with the legal authority to apply a set of regulations or laws to a specific case or set of facts to decide the rights of an individual or specific property in a manner similar to a court. Examples of boards and commissions with this legal authority include the Planning and Zoning Commission and the Board of Adjustment and Appeals (C.R.S. 46, 47 and 48)

Authorities

An *Authority* is a regulatory body created by statute or ordinance to perform rule-making or administrative hearing functions. These bodies are legally mandated to meet standards with which locally created bodies are not required to conform. These decisions are often not subject to review by the City Council. An example of an Authority is the Englewood Urban Renewal Authority. Another example of an Authority is the Englewood Local Liquor and Marijuana Licensing Authority, an Authority comprised of a single hearing officer.

APPOINTMENT AUTHORITY

Members are appointed by resolution to the various boards, commissions, and committees by a majority vote of the Englewood City Council.

Steps in the Appointment Process.

Vacancies to be advertised

Twice annually the City of Englewood administrative staff publicizes vacancies that occur upon the City's boards, committees, and commissions. Notice is posted on the City's website announcing the type of vacancy, where to obtain an application and the closing date for accepting applications. Other general notices are placed in other publications as are available. Notice is generally posted in October and March. The application period remains open for a minimum of two weeks. Commissioners, existing board and committee members, and others are also encouraged to recruit interested citizens to apply for vacancies.

While applications may be accepted between application periods and held until the next vacancy occurs, application outside of the application period is strongly discouraged. Applications received outside a regular application period may contain outdated or incomplete information, or may be inadvertently left out of consideration.

Reapplication

Applicants whose applications have been on file for less than one year may be contacted to determine their current interest in resubmitting their application. To assure consideration, however, all interested citizens must request of the City Clerk's office that a previously submitted application be reconsidered.

Incumbent Reapplication

Prior to the expiration of an incumbent's term, he or she may apply for reappointment if eligible. Failure to reapply within the period provided for submission of applications shall be a de facto decision not to be considered for service upon such board, commission or committee during the upcoming term.

Application Review Process

Applications for membership submitted by interested citizens are generally reviewed by the City Clerk's Office in both April and October. Applications may be accepted between application periods and held until the next vacancy/application review process occurs.

Application Interview Process

All applicants are interviewed by the City Council. The length of the interview is usually about ten minutes. During the interview the members of the City Council ask each applicant a standard set of questions. The interview serves as an opportunity for members of the City Council to meet each interested citizen and discover the citizen's specific interests and skills in an effort to select those individuals who will be the best fit for each board, commission, and committee. During the interview an applicant may be asked for permission to consider him/her for an alternative board or commission that may align with

the applicant's stated skills and interests.

Mid-Term Vacancies

Mid-term vacancies occurring on boards, commissions, or committees may be filled by the City Council either at the time of vacancy or during the next regularly scheduled appointment period. If applications remain on file which are less than one year old, the Council may select a replacement from that pool of applications rather than solicit new applicants. An individual appointed to fill the vacant position serves to complete the remainder of the vacated term.

Timely Submission of Information

City Council requires the names of all applicants and all procedural information relating to appointments to boards, committees, and commissions be received by Council Members and made available to the public prior to the applicant interview process. Application information not subject to the Open Records law shall only be distributed to the members of the City Council. Information submitted after the posted date is unlikely to be considered as it would be unavailable to the City Council or public.

Criteria for Appointment/Service

- A. *Application.* All applicants for appointment or re-appointment must provide to the City Clerk a completed application on a form provided by the City Clerk's Office prior to the posted deadline.
- B. *Residency.* Unless otherwise provided within the enabling legislation, appointment to boards, commissions or committees are limited to residents of City of Englewood. Persons residing outside the City may be considered and appointed to positions not legally restricted to City residents when determined appropriate by the City Council only when residents of the City are not available. Individuals who move outside the City of Englewood shall formally resign their seat upon the conclusion of their residency.
- C. *Criminal Record.* Because individuals appointed to a City board, commission, or committee hold a position of trust in the community, persons convicted of a felony, domestic violence offense, or a serious misdemeanor involving moral turpitude (conduct contrary to community standards of justice, honesty and good morals) are not eligible to serve on a City board, commission, or committee, until five (5) years following the completion of any sentence imposed for the offense. The application form shall contain a provision for a statement under oath that the candidate is eligible to serve on a board, commission, or committee under the criteria set forth in this paragraph. Individuals convicted of any such criminal offense shall formally resign their seat upon conviction. Individuals charged with serious criminal offenses may be requested to refrain from attendance until the conclusion of any court proceedings upon the matter.
- D. *Conflicts.* Except as specifically required or allowed by law, City employees (including elected officials), and persons who have been a City of Englewood elected

official during the previous twelve months, are not eligible for appointment to any City board, commission, or committee. Similarly, to avoid issues of bias or preferential treatment within the contracting process, persons who are applying for, or have, a contract for provision of services and/or goods to the City of Englewood are not eligible to serve upon any City board, commission, or committee. Individuals who apply to become contractors/become contractors to the City of Englewood, either in their personal capacity or through any commercial enterprise in which they hold an ownership interest, shall formally resign their seat upon filings such application or accepting such contract, whichever shall occur first.

- E. *Contributive Potential.* The City Council shall evaluate the potential contribution that each applicant may bring to a specific board, commission, or committee. Guiding factors include:
1. Desire, ability and time to perform the service.
 2. Ability to express ideas, concepts, and philosophies.
 3. Experience in the community.
 4. Special knowledge important to a particular board, commission, or committee.
 5. The ability to represent the interests of the community as a whole and not serve the interests of a special interest.
 6. Ability to work collaboratively with other members, staff, elected officials, and the public.
 7. An assurance of a willingness to commit the time necessary to carry-out the duties of the board, commission, or committee.
- F. *Reappointments.* In addition to the criteria above, the City Council will also evaluate incumbents using the following criteria:
1. Attendance. The expected minimum number of meetings attended by members is 75% of all meetings held, regardless of whether absences are excused or unexcused. Members who attend less than 60% of the meetings during any fiscal year are generally not eligible for reappointment.
 2. Knowledge. An individual who has previously served upon a board, commission, or committee should have demonstrated a clear understanding of the function of that board, commission, or committee.
 3. Positive Reflection upon the City. An individual who has previously served upon a board, commission, or committee should have not taken any actions that reflect negatively upon the City, especially in association with their service as a board, commission, or committee.
 4. Team Player/Effort. An individual who has previously served upon a board, commission, or committee should have demonstrated effectiveness as a participating member of the body through contributions that help the body find success.
 5. Term of service. Number of terms served must not exceed that allowed by Charter.
 6. Recommendation from the Chair of the board, commission, or committee. Each member requesting reappointment must have a positive recommendation from the Chair of that board, commission, or committee. If such incumbent is the current chair, the former chair may provide the recommendation. If the

former chair is not available to provide such recommendation, the council liaison may request letters of recommendation be submitted by the two longest serving members of such board or commission.

Background Check

All applicants/volunteers for public service should be cognizant that criminal history information is information which may become public as a result of applying to serve and/or serving in a public position.

The City of Englewood does not conduct background checks upon all applicants or volunteers seeking to serve the public. Background checks will be conducted when information is made known to the City that suggests a background check would protect the interests of the City and its citizens. Information received through a background check will not be generally available to the public, and the individual will be notified in advance of performing such background check. The cost of the background check will be borne by the City. Persons with convictions for felonies or misdemeanors involving inflicting physical harm upon another person that extend beyond the five (5) year prohibition as described above, may be determined to be ineligible to serve upon any board, commission, committee or authority when such individual remains on parole/probation or other monitoring service imposed by the court. Candidates in litigation with the City and candidates for business related positions that are not current with their licenses and/or taxes may be disqualified from consideration.

Terms

Length of terms are established within the enabling legislation of each board, commission or committee. Whenever possible, terms will be set within the Resolution appointing members to begin and expire upon the first Monday of February and the first Monday of July, irrespective of holidays. Terms may be adjusted as necessary to maintain staggered expiration dates. Terms for members who are appointed outside the regular appointment cycle, including alternates who are formally appointed to a regular position, shall be established within the Resolution of appointment.

Term Limits

No person shall serve on the same board, commission, or committee for more than three (3) terms.

For a regular term of two (2) years or less: Appointments resulting in service of less than one (1) year made to fill an unexpired term shall not be considered as a full term. Appointments resulting in service of one (1) year or more shall be considered a full term.

For a term greater than two (2) years: Appointments resulting in service of less than two

(2) years made to fill an unexpired term shall not be considered as a full term. Appointments resulting in service of two (2) years or more shall be considered a full term.

ATTENDANCE POLICY

Attendance is reviewed based upon a twelve (12) month term (annual term) of service. The first year of the term of service begins on the first day of the first month of which the appointment occurred (first day of annual term), and concludes on the last day of the twelfth month following the first day of annual term.

All board, commission, and committee members shall be deemed to have regular attendance if they attend at least seventy-five percent (75%) of all meetings within each twelve (12) month term of service. No differentiation is made between excused or unexcused absences of members. Members who miss more than 60% of the meetings during any annual term may be removed upon recommendation of the Chair of the board, commission or committee, and action of the City Council. Members seeking reappointment, or appointment to another board, commission, or committee must have regular attendance verified. Verification shall be attested to by the Chair of such board, commission, or committee.

Note: A member who was not present at a meeting during which a public hearing was convened, shall not later participate in a continuation of such public hearing, nor participate in any decision resulting from such public hearing.

Note: When an alternate member is seated as a member of the body at the beginning of a public hearing, such alternate shall remain seated throughout the entirety of the public hearing.

MULTIPLE APPOINTMENTS

To encourage the greatest possible citizen participation the City Council prefers each volunteer to serve upon a single board, commission or committee. However, the City Council may appoint a volunteer to simultaneously serve on more than one board, commission or committee if the City Council deems such appointment to be in the best interest of the City.

ETHICS/CONFLICT OF INTEREST

Members of boards, commissions and committees are bound by the Code of Ethics of the City of Englewood as set forth within Title 1, Chapter 11 of the Englewood Municipal Code.

If a member of a board, commission, or committee believes they have a conflict of interest with respect to a matter pending before the board, commission, or committee, the member shall act in conformance with the Code of Ethics and Bob's Rules of Procedure. A member disqualifying himself or herself shall have no personal presence before, or direct communication with, the other

members of the board, commission, or committee regarding the matter at issue in their capacity as a member of such board, commission, or committee. The individual may request to be heard by the board, commission, or committee in the same manner as any other interested member of the public. The recused member shall not sit with the board, commission, or committee at any time when the matter is being discussed or acted upon. Failure of a member to disclose that he or she has a conflict of interest on a matter under consideration by the particular board, commission, or committee may be cause for removal from the board, commission, or committee.

CODE OF CONDUCT

Appointees to all City boards, commissions and committees shall treat others in a professional manner. Courtesy, honesty and respect for others are important attributes for all public servants whether appointed, elected or employed.

A member serving on a board, commission or committee who is charged with a felony, domestic violence or serious misdemeanor involving moral turpitude, shall take a temporary leave of absence until the matter is resolved. If such matter may be resolved without conviction or diversion, the member may return to the board, commission or committee. If the individual is convicted of a felony, domestic violence or misdemeanor involving moral turpitude, such member shall resign from the board, commission, or committee within 30 days of the conviction. If the member fails to resign the matter shall be placed before the City Council for determination as to fitness to serve.

COLORADO OPEN MEETING LAW

It is the responsibility of every member of a board, commission, or committee to understand the requirements of the Open Meeting Law and to assure that they individually, and the board, commission, or committee as a whole, operates within the letter and spirit of the law.

Boards and Commissions Open Meetings Guide

Englewood's boards, commissions, and committees, are local public bodies subject to Colorado's Open Meetings Law (COML).

What constitutes a meeting?

A meeting is "any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication. All meetings of a quorum **or** three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action **may be taken** are declared to be public meetings open to the public at all times. Meetings do not include chance meetings or social gatherings at which discussion of public business is not the central

purpose, such as holiday gatherings.

Note: If a subcommittee is comprised of three or more members of any local public body, and the subcommittee meets to discuss the business of the body, then the rules of COML apply.

Email or telephonic Communication

All communications between a quorum **or** three or more members of any board, commission, or committee, whichever is fewer, at which any business of the board, commission, or committee is discussed, or at which any formal action **may be taken**, are declared to be public meetings open to the public at all times.

The members may not do indirectly--through an agent, through e-mail, through serial meetings--what they are prohibited from doing directly. Once an indirect interactive communication becomes a "meeting" as defined by COML then the interactive communication is subject to the COML requirements. For instance, if e-mail between members becomes extensive enough that it amounts to a discussion between a majority of a quorum of the business or affairs of the body, the COML's procedural safeguards are triggered.

Note: COML allows for meetings or participation in meetings to take place by telephone, teleconference, or by other electronic means, as long as the public is not excluded. If a board, commission or committee decides to allow for any form of electronic meeting, such meetings shall comply with any electronic meeting policy adopted by the City Council, as well as all other applicable law.

Notice

COML 24-6-402(2)(b) and (c) requires that any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which three or more members of the public body are in attendance, or are expected to be in attendance, shall be held only after full and timely notice to the public. If possible notice of the meeting shall be posted by noon on the Thursday prior to the date of the meeting by the staff liaison in accordance with the City's notice policies, but in all cases must be posted at least twenty-four (24) hours in advance of any meeting. The notices will also be posted on the City's bulletin board located on the 2nd floor of the Englewood Civic Center no less than twenty-four hours before the meeting, but the official posting shall be the City's website. Agenda information, and supplemental information, should be made available to the public at the time meeting notice is posted when possible.

Emergency Meetings

The COML does not reference emergency meetings. The Court of Appeals has held that

actions taken in an emergency meeting and later ratified at a regular meeting do not violate the COML.

Direct Notification

Any person interested in receiving meeting notices may sign up through “Notify Me”, a system that requires individuals to provide an e-mail address and to check a box indicating their interest in receiving notifications for any board, commission, or committee meeting. (<https://englewoodgov.civicweb.net/Portal/MeetingTypeList.aspx>). Requests receive notices in a non-electronic format may be made to the City Clerk, or Chair of the body. Unintentional failure to provide notice does not void actions taken at the meeting.

Minutes

- Action minutes are taken at all meetings of the body by the staff liaison. Action minutes are decision-only minutes that “exclude any discussions that went into making the decision and capture the conclusion and/or action for a topic to be taken.” Action minutes also include reference to the actual time any member entered or left the meeting while the meeting was in session, and reference to any parliamentary action taken by the chair of the body pursuant to Bob’s Rules. (“Actions”) (See <https://www.meetingminutes.com/meeting-minutes-formats.php#action-minutes> for examples of action minutes.)
- If executive session occurs, the motion, including topic of discussion, persons included, and statutory citation, should be reflected in the meeting minutes. All meetings, and executive sessions, shall be recorded using audio recording technology. The recording of the meeting shall be uploaded by the staff liaison to the City’s meetings portal within forty-eight (48) hours following conclusion of any meeting. Recordings of executive sessions are held by the City Clerk for ninety (90) days. Such recordings are destroyed after ninety (90) days unless subject to review of the district court.
- If recording equipment fails to record, whether the failure is technical or intentional, the staff liaison shall include within the minutes any “action” that occurred during the unrecorded period.
- Approved minutes of a meeting are the official record of the actions that transpired at the meeting.
- Minutes shall not be amended to hide actions of the body.
- When there is a perceived conflict between a recording of the meeting and approved minutes, the approved minutes shall be deemed the official record of the transaction, but the staff liaison shall append written explanation for the conflict.
- A member who was not present at a meeting should not vote to approve/disapprove the minutes of such meeting.

Public Voting

No voting shall be by secret ballot.

Executive Sessions

Executive sessions are only permitted for limited types of decisions that rarely occur with a board, commission or committee. For example, consideration of property transactions, attorney client privileged communications, matters required to be kept confidential by federal or state law, or security arrangements or investigations. Procedures for recessing into executive session must comply with C.R.S. 24-6-402. Please consult with the City's legal counsel prior to recessing into an executive session to avoid violations of COML.

Penalties for Violating the COML

Actions taken at noncompliant meetings are *invalid*, but may be brought back for reconsideration at a subsequent compliant meeting. Additionally, members are subject to removal from the board for intentional violations or actions that any reasonable person would recognize to be a violation of COML

LOBBYING

Lobbying on legislative or political matters shall be conducted in accordance with C.R.S. § 24-6-303 (2008).

GRANTS

Boards, Commissions and Committees may apply for grants when such grants do not require investment of City funds or in-kind services. Application for any grant funds not otherwise described herein shall require approval from the City Council. Acceptance and expenditure of grant funds shall require the affirmative approval of the City Council. Actual receipt of such grant shall be by the Director of the Department associated with such Board, Commission, or Committee, or such Director's designee.

FINANCIAL MATTERS

Any funds designated for use by any board, commission or committee, including grant funds, that any such board, commission or committee intends to utilize for projects (purchase of arts, downtown decorations, events, etc.) shall be expended upon approval by the City Council or Department Director associated with such Board, Commission or Committee, unless otherwise set forth in the Home Rule Charter of the City or other applicable Code or Ordinance. Boards, Commissions, and Committees may expend funds for administrative purposes under the oversight of the Director of the Department associated with such Board, Commission, or Committee, or such Director's designee. Actual expenditure of funds shall be made by the Director of the Department associated with such Board, Commission, or Committee, or such Director's designee.

Questions concerning expenditures shall be directed to the Director of Finance.

REMOVAL OF MEMBERS

Except as otherwise limited by applicable law or ordinance, the City Council may, by majority vote during a regular meeting, remove any of the appointed members of a City board, commission, or committee in accordance with Charter §53.

ASSIGNMENT OF STAFF SUPPORT

All boards, commissions, and committees will be assigned a staff liaison to serve as recording secretary and provide other staff support as necessary. When boards, commissions or committees deal primarily with issues of a single department, they are typically assigned to that department for staff support.

OPERATION PROCEDURES AND COMMITTEE MEMBER RESPONSIBILITIES

Bylaws

The enabling legislation for several boards, commissions, and committees provides for the adoption of bylaws governing the procedures of those bodies. Where such bylaws exist they shall be interpreted in conformance with this adopted policy manual wherever possible, City Charter, and applicable provisions of the City's Code. Such bylaws shall be annually reviewed and approved no later than March of each year, and such approved bylaws submitted to the City Clerk no later than April 1st of each year.

Leadership

Except as otherwise provided by law, ordinance or resolution, there shall be an annual election of a chairperson and vice-chairperson held by all boards, commissions, and committees created by the City Council. The Chairperson is the center of the committee process and is key to the operation and effectiveness of the board, commission or committee.

The chairperson must make every attempt to run the meeting by the rules of procedure adopted by the City Council and ensure that a fair democratic process is provided to all members of the group and to the public at large. It is the responsibility of the chairperson to read and understand the adopted rules of procedures. The chairperson should take care to ensure the committee deliberations and discussion stay focused on the issue at hand. The chairperson is responsible for seeking compromise and finding common ground for the body. The chairperson, or a designee, should be able to represent the views and actions of the entire board, commission, or committee to the City Council and community groups.

Unless otherwise stated within the enabling legislation or bylaws for a board, commission,

or committee, a member should only serve as chairperson for two consecutive years. Thereafter, such individual may again serve as chairperson only when two or more years have passed since the member last served as chairperson.

City Council Participation with Boards, Commissions and Committees

Unless otherwise provided by law, ordinance or resolution, a City Council member serving as representative of the City Council upon a board, commission, or committee in conformance with the enabling legislation of such board, commission or committee shall not serve as chairperson or vice-chairperson.

City Council members seeking membership upon a board, commission, or committee established by State law must be appointed by Resolution, as such appointment will not run concurrent with their seat on the City Council.

A council liaison is not considered a member of the board, commission or committee. A council liaison is not subject to the COML in association with the board's meetings or communications, but may not be used as an agent to avoid COML requirements. The relationship of a council liaison to the board/commission/committee is generally that of a citizen. The council liaison may provide a report from the City Council to the board/commission/committee, and may provide a report to the City Council regarding such board/commission/committee.

Any recommendations for City policy/code changes should be developed within the Board Commission or Committee and then presented to the City Council through the Council Liaison. The City Council will then determine whether to direct the City Manager or City Attorney to take further action on such proposal.

Preparation of Agendas

Order of Business. All meetings, except executive sessions, shall be open to the public. Members of the public may speak during scheduled public comment and at public hearings. The agenda shall be as follows:

1. Call to order
2. Roll Call.
3. Consideration of minutes of previous session.
4. Public Comment
5. Reports (council liaison, staff liaison, subcommittees, city manager, etc.)
6. New Business
7. Public Hearing items (quasi-judicial boards/commissions)
8. Old Business
9. General Discussion of Member Concerns
10. Adjournment

Matters within the scope of the body's authority which a board, commission, or committee member, a department director, the City manager or a City Council member desires to be heard and reviewed by a specific board, commission, or committee shall be placed on the agenda by using the appropriate board, commission, or committee agenda form and such item shall be attributed to the requestor on the agenda.

Requests to be heard upon matters within the scope of the body's authority shall be submitted by an individual citizen or outside entity in the form of a letter of request to appear before the board, commission, or committee no less than fourteen (14) days prior to the next scheduled board, commission, or committee meeting. The letter should be addressed to the Chairperson of the board, commission or committee, and should describe the item to be considered, whether it is a discussion or action item, and should state the approximate time needed. The document may be sent to either the City Clerk's Office or the office of the staff liaison to be forwarded to the Chairperson. Any supporting documents must be submitted no less than seven (7) working days prior to the meeting date. The Chairperson will timely advise the staff liaison whether to place the matter on the agenda or otherwise advise the requester that the Chairperson will not place the matter on the agenda unless requested to do so by another member, the City Manager or the City Council liaison.

The Chairperson will work with the staff liaison to review agendas for appropriate timing and placement of items.

Records

Boards, commissions, and committees are subject to the Colorado Open Records laws. Procedural compliance with the law is a function of staff liaison support in most instances. However, from time to time, members of boards, commissions, and committees will receive communications regarding matters within their scope of activities. All types of communications, including email, constitute a public record and the City is obligated to retain such communications in accordance with guidelines and policies prescribed by law. Similarly, communications to members, to citizens, officials and staff are public records as well. Members of boards, commissions, and committees should provide a copy of all communications to their respective staff liaison for inclusion in the public record.

Communication with City Council

Expressions of a board, commission, or committee's position, recommendation or request for any action shall be in the form of a resolution, motion or other written communication, setting forth the reasons, facts, policies, and/or findings of the body supporting the communication and shall be directed to the City Council, through the City Manager's Office. When a member is present at a City Council meeting to address the City Council on a matter of such board, commission or committee, the member should take care to represent the viewpoint of the particular board, commission, or committee as a whole and

to avoid expressing his or her personal opinion unless clearly stated as such.

Meeting Location and Time

The City Clerk's Office, or designee, shall designate meeting locations for the City's boards, commissions, and committees. It is the policy of the City Council that meetings:

- A. Should be recorded, and televised if feasible;
- B. Should be held at a time and location designed to facilitate public attendance and participation;
- C. Should be held at a time and location reasonably convenient to the membership of the board, commission, or committee;
- D. Should be scheduled on a reasonably consistent basis in regard to the time and location for meetings of a particular board, commission, or committee; and
- E. Should be scheduled in a manner that conserves City resources when possible.

Compensation

Members of boards, commissions, and committees serve without compensation unless authorized by statute, ordinance or resolution adopted by the City Council. Members may be reimbursed for authorized travel expenses incidental to their service, in conformance with the budget of such board, commission or committee.

Rules of Procedure

Per Charter §53, each board, commission and committee shall operate in accordance with Bob's Rules of Procedure, the rules of procedure adopted by the City Council.

Meeting Guidelines

Quorum Required. A quorum is typically 51% of the membership of the body, unless otherwise set by enabling legislation or bylaws. A formal meeting shall not be convened without 51% of the membership present.

When No Quorum Is Possible. If the chairperson is aware that a quorum will not be present for a scheduled public meeting, then the meeting shall be cancelled. When possible it shall be cancelled by providing email notice to any applicable notification list and posting the cancellation notice at the door of the noticed meeting location. Cancelling a meeting shall be entirely the responsibility of the chair.

When No Agenda. If the board, commission, or committee does not have any business to bring forward (after staff and chair confer), the chair shall notify staff in writing that he/she is cancelling the meeting due to there being no cases to be heard, no business to discuss, no matters to bring forth, etc. Staff should then create/post an agenda for the meeting date in iCompass with the Chair's email as an attachment. Distribute as usual.

Procedures. The chair shall notify the staff liaison in writing to cancel the meeting as soon as the chair becomes aware of the need for a cancellation. The staff liaison will update the agenda on the City’s meetings portal and on the official public meeting board to read. “A quorum could not be confirmed; therefore, the Chair has cancelled the meeting scheduled for (date) and (time).”

If There Is a Loss of Quorum. If for any reason during a public meeting that has been convened the public body loses its quorum, the chairperson shall call a break in the meeting until the quorum returns to the meeting. At the discretion of the chairperson the meeting may be adjourned (without a vote) after providing for public comment if the quorum does not timely reappear.

Legal Counsel

The City Attorney’s Office provides legal support to the boards, commissions, and committees created by the City Council and for those Authorities where state statute identifies the City Attorney as legal counsel.

The City Attorney can provide valuable information and advice regarding statutes, ordinances and legal issues. A board, commission, or committee that follows the advice of the City Attorney is more likely to avoid legal issues for the members and the City. Members may directly request the following kinds of information from the City Attorney:

- Assurance that the board, commission, or committee’s decisions and actions fall within statutory authority.
- Input about conflicts of interest.
- Input about compliance with the Colorado Open Meeting Law requirements.

Requests for formal legal opinions or assistance with updating bylaws must be directed through the appropriate department director or Council liaison to the City Manager for approval prior to sending the request to the City Attorney’s Office. A request for a Code change or other change in the law shall be presented to the City Council by the Council liaison for approval. The City Council will direct the City Attorney’s Office on the manner to proceed.

The City Attorney’s Office shall draft all ordinances of the City (Charter §65). Ordinances drafted at direction of the City Council in response to a the request of a Board, Commission or Committee shall be initially reviewed and approved by such Board, Commission or Committee before being scheduled for presentation to the City Council.

The City Attorney does not approve any other form of communication between the board, commission, or committee and the City Council.

Staff Liaisons

As staff liaisons to boards, commissions, and committees, City staff members provide a

variety of professional assistance and administrative functions, including: preparing and distributing meeting notices and agendas, record keeping, providing professional guidance and analysis, and serving as the communication link between boards, committees, and commissions or Council. Staff liaisons will consult with the board, commission, or committee chairperson on the preparation of agendas, and receive the chair's approval, in writing, of the agenda before submitting the agenda.

Staff liaisons are staff professionals with significant responsibilities in addition to their board, commission, or committee activities. The staff liaison role is one of communications to assist boards, commissions, and committees in their work. It is important for the orderly working of the City that all members of each board, commission, or committee be sensitive to the fact City staff are City employees, and are not "committee staff" and do not work "for" or "at the direction" of a board, commission, or committee. City Charter § 32 specifically prohibits members of City Council appointed committees from either publicly or privately directing or interfering with the work of any officer or employee of the City. Attempt to do so is deemed misconduct and grounds for immediate removal from an appointed position.

Reports to City Council

Annually each board, commission, or committee, usually the chair or vice-chair, is expected to present or participate in a presentation of the board, commission, or committee to the City Council. At this meeting the board, commission, or committee members should update the City Council on their activities of the previous twelve (12) months, and seek direction from the City Council regarding future endeavors of such board, commission, or committee.

The City Council may direct a board, commission, or committee to study and provide recommendations upon any appropriate subject. The City Council utilizes the boards, commissions, and committees to provide advice, technical review, and other forms of input which the City Council may then incorporate into their decision making process.

This section shall not be construed to be made applicable to quasi-judicial determinations of a board, commission, or committee, which shall be presented to the City Council in conformance with State law and/or City Code.

Subcommittees

Boards, committees, and commissions are authorized to create subcommittees for purposes related to the goals of such entity.

If a subcommittee is comprised of three or more members of any local public body, and the subcommittee meets to discuss the business of the body, then the rules of COML apply.

PROCEDURE FOR ESTABLISHING A NEW BOARD, COMMISSION OR COMMITTEE

New boards, commissions, and committees may be established in two ways:

By Proposal of Citizens or City Departments

With the consent of the City Manager, citizen action committee, or City department, proposals for establishing new boards, commissions, and committees will be submitted to the City Council for consideration. If approved, the City Manager will request a resolution, from the City Attorney's office, establishing the new board, commission, or committee, including the purpose and duration of the board, commission or committee. The resolution shall be submitted to the City Council for approval. Upon approval, the department assigned responsibility for the new entity will work with the City Manager's office to prepare application forms and advertise for applicants for the new board, commission, or committee.

By City Council Action

The City Council may propose the formation of a new board, commission, or committee and assign it to a department. The assigned department will assist in the preparation of applications and advertising as described above.

PROCEDURE FOR ELIMINATION OF A BOARD, COMMISSION, OR COMMITTEE

At least annually, the City Manager shall evaluate the usefulness and necessity of each board, commission, and committee not required by State or Federal law. If the City Manager determines that one or more is no longer useful or necessary, the City Manager shall place an item on an agenda for a City Council meeting to consider elimination of any such boards, commissions, or committees at issue.

PROCEDURE FOR MODIFYING THE GOALS AND RESPONSIBILITIES OF A BOARD, COMMISSION, OR COMMITTEE

At least annually, the City Manager shall evaluate the usefulness and necessity of each board, commission, and committee not required by State or Federal law. If the City Manager determines that a board, commission, or committee could be adapted to more strategically meet the current needs of the City, the City Manager shall place an item on an agenda for a City Council meeting to consider modification of the duties or structure of any such boards, commissions, or committees.

[Clerks note: This item was added to the handbook on January 11, 2021]

MULTIPLE APPOINTMENTS

To encourage the greatest possible citizen participation the City Council prefers each volunteer to serve upon a single board, commission or committee. However, the City Council may appoint a volunteer to simultaneously serve on more than one board, commission or committee if the City Council deems such appointment to be in the best interest of the City.

It doesn't speak to multiple appointments when one or more is a quasi-judicial board. I also looked in Council Policies, and researched case law and statute to see if it is some sort of state dictate, and I didn't find anything there either. We shouldn't appoint to two boards in which one could have a quasi-judicial role in the subject matter of the other, such as appealing the application of code language promulgated by another board the appointee sits on.

Residency. Unless otherwise provided within the enabling legislation, appointment to boards, commissions or committees are limited to residents of City of Englewood. Persons residing outside the City may be considered and appointed to positions not legally restricted to City residents when determined appropriate by the City Council only when residents of the City are not available. Individuals who move outside the City of Englewood shall formally resign their seat upon the conclusion of their residency.

1 year residency requirement: Board of Adjustment and Appeals and Planning and Zoning

[Clerks note: This item was added to the handbook April 17, 2021]

Section 1: Establishing Title 2, Chapter 13A. Title 2, Chapter 13A, is hereby established to set forth General Policies applicable to all boards, commissions and committees established within this Title 2.

2-13A-1: Authority of City Council to appoint non-voting alternate members and youth members to any standing body established by this Title 2.

1. The City Council is hereby authorized to appoint non-voting alternate members and youth members to any board, commission or committee established by this Title. Appointment of alternate and youth members may be within the same Resolution appointing regular members to such boards, commissions or committees, or may be by separate Resolution or regular motion.
2. Alternate members are permitted to vote when serving in the place of a regular member not in attendance at such meeting.

3. The City Council may choose not to fill or to continue any alternate or youth positions not provided for within the specific enabling legislation of a board, commission or committee.

4. The intent of this section is to provide the City Council with the greatest possible flexibility in assuring broad participation in boards, commissions and committees, and to allow the City Council to meet the current needs of such established bodies and the community.

[Clerks note: This item was added to the handbook July 1, 2022]

Section 2. Pursuant to EMC § 2-13A-1, alternate members appointed herein are permitted to vote and meet quorum requirements when serving in the place of a regular member not in attendance at such meeting. Moreover, unless the by-laws of the board or commission or applicable law require otherwise, in the event of a board member vacancy, any board, commission, or committee may notify the City Clerk that it will elevate an alternate member to a regular, voting board member position to fill the remaining term of the vacant position.

[Clerks note: This item was added to the handbook August 20, 2024]

Public comment on a meeting Agenda is limited to no more than three minutes per person, and no more than 90 minutes total.

BOARDS AND COMMISSIONS WITH MANDATED LIAISONS

NAME	Purposes	Enabling Legislation	Membership according to EMC	Council Liaison?	Youth member?	Alternates?
Budget Advisory Committee	to advise Council on development, implementation, and evaluation of the annual City Budget	2-14-1, amended by Ord. 29, (2017).	5 members, appointed by City Council to overlapping three-year terms	Y, up to two	N	Y
Code Enforcement Advisory Committee	advisory committee focused on the activities and services of code enforcement and regulatory processes of the Neighborhood	2-10-1	<ul style="list-style-type: none"> • 7 members, appointed by City Council to overlapping two-year terms • 2 ex-officio staff members appointed by the City Manager • 1 Council liaison member 	Y	N	N

NAME	Purposes	Enabling Legislation	Membership according to EMC	Council Liaison?	Youth member?	Alternates?
	Services section of the Police Department					
Malley Center Trust Fund Over the age of 55 Active in the affairs of the Elsie Malley Centennial Center Trustees appointed by Council serve three-year terms		4-3-9	<ul style="list-style-type: none"> • 1 Trustee from City Council appointed to serve at Council's pleasure for a term not to exceed two years- (appointed by Resolution) • 1 Trustee appointed by City Council from the membership of the Parks and Recreation Commission to serve during tenure • 3 Trustees to be appointed by City Council upon recommendation of Parks and Recreation Commission which have the following qualifications: <ul style="list-style-type: none"> • Resident of the City 	Y	N	N
Nonemergency Employees Retirement Board	to effect the management and administration of the "City of Englewood Nonemergency Employees Retirement Plan" established to meet the requirements of Sections 401(a) and 501(a) of the Internal Revenue Code.	2-7-1, 3-4-11	<ul style="list-style-type: none"> • 1 member of City Council, selected by a majority of City Council (appointed by Resolution) • City Treasurer • 2 City Employees who are members of the Nonemergency Employees Retirement Plan and Trust, selected by a vote of such members • 3 qualified electors appointed by City Council • The City Manager or his designee serves in an advisory capacity as nonvoting ex officio member • Members serve four-year terms provided they continue to possess necessary qualifications (i.e. Council Member 	No – but a member of city council serves as a voting member of the board	N	N

NAME	Purposes	Enabling Legislation	Membership according to EMC	Council Liaison?	Youth member?	Alternates?
			serves during his or her term in office and Treasurer serves during his or her tenure)			
Water and Sewer Board	plan for the continued adequacy of the domestic water supply and system and sanitary sewer systems	2-3-1, Charter Article VII, Part IV	<ul style="list-style-type: none"> • Mayor • 2 Council Members selected by City Council (appointed by Resolution) • 6 members appointed by Council to overlapping 6-year terms • City Manager appoints a representative from the City Administration to serve as an ex officio nonvoting member 	Y quasi-judicial functions	N	Y

BOARDS AND COMMISSIONS WITH NO LEGISLATED COUNCIL LIAISON

NAME	Purposes	Enabling Legislation	Membership according to EMC	Council Liaison?	Youth member?	Alternates?
Alliance for Commerce in Englewood Committee	advisory group to the City Council, focused on the creation of an environment in which existing business can thrive and new business can prosper	2-11-1	9 members appointed by City Council to overlapping three-year terms	Y	N	Y
Board of Adjustment and Appeals	hear and determine appeals from refusal of building permits; make special exceptions to the terms of the zoning regulations	16-2-1(C), Charter Article VIII, Part III	7 members, appointed by Council to overlapping four-year terms No elected official or employee may serve on BAA.	N – quasi-judicial functions	N	Y
Cultural Arts Commission	to provide for ongoing systematic planning for the development of cultural arts activities within the City and to implement an Arts Plan	2-9-1	7 members, appointed by City Council to overlapping three-year terms	N	N	N
Election Commission	Carry out the duties and responsibilities of C.R.S. 31-10-101 et seq. (2017)	2-1-1	4 members, appointed to four-year terms by City Council No more than two members from any one Council district City Clerk is ex officio member	N quasi-judicial functions	N	N
Firefighters Pension Fund/Board	the authority to issue regulations designed to carry out the purpose of EMC 3-1-1 et seq, and to hold hearings, take evidence, receive information, and to make final and binding decisions, awards and resolutions	3-6-1-1	Membership and terms not established in EMC, only the fund itself	N	N	N

NAME	Purposes	Enabling Legislation	Membership according to EMC	Council Liaison?	Youth member?	Alternates?
	respecting the eligibility of applicants for initial and continued payment of Supplemental benefits.					
Historic Preservation Commission	An Advisory Committee focused on preserving the aesthetic, historical, architectural, and geographic heritage of the City	Ordinance 27, (2017)	7 members appointed by City Council	Y	N	N
Sustainability Commission	advisory to the City Council in all matters pertaining to Keep America Beautiful, Inc.	2-8-1	9 members appointed by City Council to overlapping two-year terms	Y	N	N
Parks and Recreation Commission	Advise City Council in all matters pertaining to recreation	2-4-1	9 members appointed by City Council, two members shall be under 18 years of age when appointed Overlapping four-year terms, except for those under 18 when appointed	N	Y	N
Planning and Zoning Commission	Land use and comprehensive plan	2-5-1, Charter Article VII, Part II	9 members appointed by City Council to overlapping four-year terms City Manager appoints an administrative officer as an ex officio nonvoting member	N quasi-judicial functions	N	Y
Police and Fire Supplemental Disability Board		3-6-1-2(I)	2 members from police ranks chosen by a majority of the PD for three-year terms 1 citizen board member from the Police Pension Board 1 citizen board member from the Firefighters Pension Board FAS Director Mayor	N	N	N

NAME	Purposes	Enabling Legislation	Membership according to EMC	Council Liaison?	Youth member?	Alternates?
Police Officers Pension Board		N/A	Referenced (under Police and Fire Supplemental Disability Board), but not created by EMC	N	N	N
Public Library Board	Prepare and submit to Council a master plan for the development and maintaining of a modern library system and 2-2-3 of the EMC	2-2-1, Charter Article VII, Part I	9 members, appointed to overlapping four-year terms by City Council. City Manager appoints a member of the library staff to be an ex officio nonvoting member	N	N	N
Transportation Advisory Committee	Advisory committee focused on transportation issues in the City of Englewood	2-12-1	5 members appointed by City Council to overlapping four-year terms 3 ex officio members appointed by the City Manager	N	N	N

AUTHORITIES ASSOCIATED WITH ENGLEWOOD, COLORADO

An Authority is not a board, commission or committee, but are entities of the City. Members of Authorities are appointed by the City Council in conformance with the procedures set forth in this Handbook unless otherwise stated by law. Authorities should conform to the requirements of this Handbook as applicable to their specific duties unless otherwise required by law.

NAME	Purposes	Enabling Legislation	Membership according to EMC	Council Liaison?	Youth member?	Alternates?
Englewood Housing Authority	Corporate body	City of Englewood Resolution No. 48 (1972).	<p>The Mayor of the City of Englewood is notified and directed to appoint members to a Housing Authority consisting of five (5) members, as provided for in State Statute.</p> <p>A member of the City Council may be appointed by the City Council, in the same manner as all other appointments, to serve on the corporate board. This member would serve a standard membership upon the corporate board irrespective of term on City Council.</p>	N	N	N
Urban Renewal Authority	Corporate body	City of Englewood Resolution No. 49 (1972).	<p>The Mayor is directed to appoint members to an Urban Renewal Authority according to the provisions of the Colorado Urban Renewal Law. (C.R.S. 31-25-104 (2)(a)(I))</p> <p>A member of the City Council may be appointed by the City Council, in the same manner as all other appointments, to serve on the corporate board. This member would serve a standard membership upon the corporate board irrespective of term on City Council.</p>	N	N	N