

2019

# CITY COUNCIL

## RESOURCE GUIDE

We have provided this Council Resource Guide to acquaint City Councilmembers with their role and responsibilities. It contains protocols, “how to’s” and general information.

**Welcome aboard and thank you  
for you serving our community!**





# COUNCIL RESOURCE GUIDE CONTENTS

<b>The City of Fort Collins .....</b>	<b>2</b>	<b>General Council Information .....</b>	<b>16</b>
The City Charter .....	2	Councilmember Attendance Policy.....	16
Home Rule .....	2	Council “Packets” .....	16
Council-Manager Form of Government .....	3	Service Area Requests (SARs) and	
The City Code.....	3	Citizen Complaints.....	16
<b>City Council’s Role.....</b>	<b>4</b>	Brief Staff Reports .....	16
Policy Makers .....	4	Invitations from Community Members .....	16
City Council’s Employees.....	4	Mail and Councilmember Mail Responses .....	16
Citizen Boards and Commissions as Advisors.....	4	Office Supplies.....	17
Authorities of the City .....	4	iPads/Personal Computers.....	17
Mayor and Mayor Pro Tem.....	5	Cellular Telephones.....	17
<b>City of Fort Collins Vision, Mission and Values .....</b>	<b>6</b>	Councilmember Schedules.....	17
<b>City Council’s Direct Reports.....</b>	<b>7</b>	Conferences, Seminars or Special Meetings.....	17
<b>City Executive Lead Team .....</b>	<b>7</b>	Travel Arrangements.....	17
<b>City Staff Roles.....</b>	<b>8</b>	City Credit Cards .....	18
Organizational Chart .....	8	Mileage Reimbursement.....	18
City Manager.....	9	Council Pay.....	18
Administrative Support.....	9	Open Book Database.....	18
City Attorney.....	10	District Outreach Meetings.....	18
Municipal Court .....	10	Online Events Calendar .....	18
<b>City Council Actions.....</b>	<b>11</b>	Social Media.....	18
Types of Council Meetings.....	11	Electronic Mail System .....	19
Council Meetings.....	11	Email Transparency Project.....	19
Proclamations and Presentations .....	11	Council Email Policy.....	19
Citizen Participation .....	11	Colorado Open Records Act Requests.....	20
The Consent Calendar .....	12	Litigation Holds .....	20
Discussion Agenda.....	12	<b>Conflicts of Interest, Ethics and Related Policies .....</b>	<b>21</b>
Other Business.....	12	<b>Common Abbreviations and Acronyms.....</b>	<b>24</b>
Ordinances and Resolutions.....	12	<b>Exhibit “A” Computer Security Policy.....</b>	<b>28</b>
Initiating Items for the Council Agenda .....	12	<b>Exhibit “B” Rules of Procedure Governing</b>	
<b>Figure C: How an Ordinance is Adopted.....</b>	<b>13</b>	<b>the Conduct of City Council Meetings .....</b>	<b>30</b>
<b>Figure D: How a Resolution is Adopted.....</b>	<b>14</b>	<b>Exhibit “C” Respectful Workplace Policy.....</b>	<b>36</b>
<b>Conduct of City Council Meetings .....</b>	<b>15</b>		
How to Make a Motion .....	15		
Seating Order .....	15		
Rules of Order.....	15		
Roll Call Votes.....	15		
Time Limits for Speakers .....	15		
Absence of Mayor .....	15		



# The City of Fort Collins

**The Town of Fort Collins was incorporated by an order of the Board of County Commissioners of Larimer County in 1873.** The Town became a city of the second class in 1883, and the first Charter, establishing a commission form of government was adopted at an election in 1913. The present Charter of the City of Fort Collins, establishing the Council-Manager form of government was adopted by the electors of the city on October 5, 1954.

## THE CITY CHARTER

The City Charter serves as the “organic law” or “constitution” of the City of Fort Collins with regard to all local and municipal matters. **The Charter sets out the structure of the city government, the powers and duties of its departments, boards and officers, and the basic principles for its operation. The Charter may be amended only by a vote of the people.**

Among the articles included in the Charter are the following:

- Form of Government
- City Council
- City Manager
- City Attorney
- Municipal Judge
- Finance Administration
- Elections
- Initiative & Referendum
- Franchises & Public Utilities

**Charter of the City of Fort Collins, Colorado**  
[fcgov.com/cityclerk/codes.php](http://fcgov.com/cityclerk/codes.php)

## HOME RULE

The City of Fort Collins is a home rule municipality. This means that its Charter, and the ordinances, or laws, adopted by Council under the Charter, supersede any conflicting law of the state in matters of purely local concern.

**Because the City’s home rule powers extend only to local matters, it is important to identify those areas of concern that are local in nature, as opposed to those that are primarily of general, statewide concern.** Certain matters of local concern have been specifically enumerated in the Colorado Constitution. Others have been established by case law. What is local depends on the inherent nature of the activity in question and the impact or effect that it may or may not have on areas outside of a municipality.

In matters that are of mixed state and local concern, the City does not have the authority to supersede conflicting state statutes. Instead it has a supplemental authority that permits its ordinances to coexist with state statutes on the same subject, as long as they are not in conflict.

The citizens of Fort Collins must comply with all pertinent state statutes, except in matters of purely local concern that are governed by local ordinances or charter provisions. In these areas, the City has the ability to adopt its own laws and regulations, even if they are in conflict with the corresponding state laws.





## COUNCIL-MANAGER FORM OF GOVERNMENT

The City of Fort Collins is governed by the principles of the Council-Manager form of government. It is a form of government that became popular in the early part of the last century. Many eastern cities have a “Mayor and Council” or “Commission” form of government, which places elected officials in direct charge of the administrative functions of the City.

The Council-Manager form of government is the more common organization in the western U.S. and is used in more than 3,000 communities throughout the country. Under Fort Collins’ Charter, the Council-Manager system requires that the elected officials, City Councilmembers, are responsible for policy decisions, and for the hiring and supervision of their direct employees—the City Manager, City Attorney and Chief Municipal Judge. The City Manager, in turn, is responsible for the day-to-day operations of the organization, and gives direction to the staff members who are his or her employees. Under the Charter, the City Councilmembers are specifically prohibited from giving direction to, hiring or firing any staff members, except for the City Manager, City Attorney and Chief Municipal Judge.

The philosophy behind the Council-Manager form of government is to create an administrative organization that is separate from the political process, and which is run by professional staff members who are trained in municipal government administration. This places the City Manager in the role of being responsible generally to the City Council for the actions of staff in each of the City’s departments.

## THE CITY CODE

The City Code contains all of the current laws enacted by City Council. City Council frequently adopts ordinances changing and updating the Code to address new and changing concerns and objectives. The Code contains only ordinances that are permanent in nature (see Ordinances/ Resolutions). Other ordinances, such as appropriation ordinances, are not codified. Copies of the City Code are available for the public at the City Clerk’s Office, at the Reference Desk at the public library and online through the City website: [fcgov.com/cityclerk/codes.php](http://fcgov.com/cityclerk/codes.php)



# City Council's Role

## POLICY MAKERS

The Council-Manager form of government seeks to differentiate between the policy-making functions of a City government and the administrative functions. Defining the policy-maker role requires taking a “big picture” view of the mission of the organization and the Council’s goals.

Councilmembers formulate policies for the broad issues that affect the community, in both the short and long term. Policies are the framework or foundation that, in turn, guide the decisions that are made by the City on an ongoing basis.

In the 2018 Strategic Planning process, City Council developed strategic objectives in seven broad Key Outcomes. The Key Outcomes are:

1. Neighborhood Livability and Social Health
2. Culture and Recreation
3. Economic Health
4. Environmental Health
5. Safe Community
6. Transportation
7. High Performing Government

The Strategic Plan is a tool that clearly articulates City priorities to the Fort Collins community and guided the development of the 2019-2020 City of Fort Collins Budget. [fcgov.com/citymanager/pdf/strategic-plan-2015.pdf](http://fcgov.com/citymanager/pdf/strategic-plan-2015.pdf)

## CITY COUNCIL'S EMPLOYEES

A second major responsibility of the City Council is the working relationship with its three employees. City Council has the sole responsibility for hiring, supervising, and terminating, if necessary, three employees—the City Manager, City Attorney and Chief Municipal Judge. (The Council also appoints Municipal Court Assistant Judges whose work is coordinated by the Chief Judge.) Council evaluates the performance of the City Manager, City Attorney, and Chief Municipal Judge, annually, with a mid-year review. The City Charter permits, but does not require, these reviews to be done in executive sessions. The Council also sets the compensation for the three individuals by ordinance.

These three employees are then responsible for the operation of their respective functions—City Administration, Legal Services and Municipal Court. City Council works through these three individuals to oversee the operation of City functions.

## CITIZEN BOARDS AND COMMISSIONS AS ADVISORS

The City currently has 25 standing boards and commissions. These boards are composed of citizen volunteers appointed by the City Council. The role of most of these boards and commissions is to advise City Council on issues related to a specific subject matter. They assist the Council in its policy-making role by reviewing issues or proposals and providing recommendations to City Council about actions that it is considering. Examples of this kind of work might include reviewing proposed master plans, ordinances or other projects, and providing a citizens’ viewpoint on the proposals. The most significant exceptions to this “advisory” role are the Planning and Zoning Board, Zoning Board of Appeals, Building Review Board, Water Board and Landmark Preservation Commission, which are each vested with certain decision-making responsibilities regarding building and development in the community.

Council appoints a City Councilmember to serve as liaisons to each of the 25 boards and commissions. Early in the Council term, Councilmembers designate Council liaison assignments by resolution. Council responsibilities as board or commission liaisons vary based on both the needs of the board or commission, and the judgment of the individual Councilmember. Activities can range from simply being available to the citizen members, to attending some of their meetings, or providing them with suggestions. In addition to Code provisions describing each board’s role and how it operates, the Council adopts a Boards and Commissions Manual to guide board activities.

## AUTHORITIES OF THE CITY

The City also has several authorities: the Downtown Development Authority, Housing Authority, Urban Renewal Authority, Marijuana Licensing Authority and Liquor Licensing



Authority. Detailed information about specific boards, commissions and authorities is available from the City Clerk at [fcgov.com/cityclerk/boards.php](http://fcgov.com/cityclerk/boards.php).

## MAYOR AND MAYOR PRO TEM

In addition to their roles as City Councilmembers, the Mayor and Mayor Pro Tem have additional responsibilities that are outlined in the City's Charter and Code.

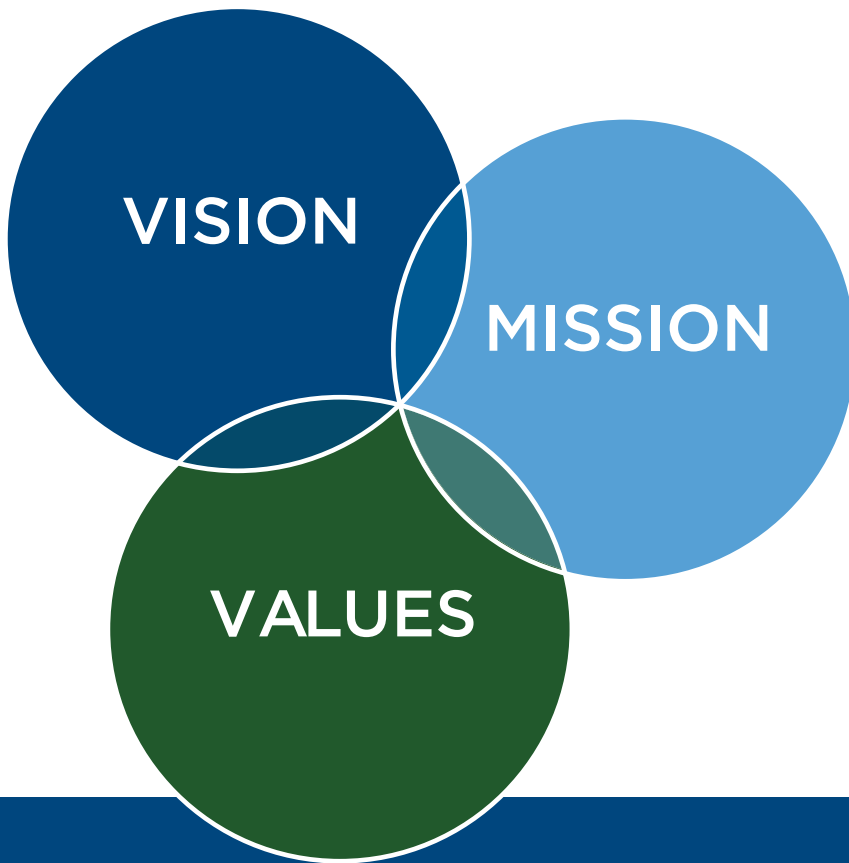
While under the City Code the City Manager is responsible for setting the agenda for the City Council meetings, the City Manager works with the Mayor and Mayor Pro Tem to develop the agenda. The Mayor presides over Council meetings, acts as the head of City government for ceremonial functions, and signs legal documents that require the Mayor's signature.

The Mayor Pro Tem acts as the Mayor in the absence or disability of the Mayor. If a vacancy occurs in the position of Mayor, the Mayor Pro Tem fills that vacancy, under certain circumstances defined by the Charter.

During the organizational meeting of the City Council (the first regular or special meeting after the April election), City Councilmembers elect the Mayor Pro Tem for a two-year term.



# Vision, Mission and Values



**VISION >** To Provide World-Class Municipal Services through Operational Excellence and a Culture of Innovation

**MISSION >** Exceptional Service for an Exceptional Community

**VALUES >**

- Collaboration
- Excellence
- Integrity
- Outstanding Service
- Safety & Well-being
- Stewardship

The City is a dynamic and continually evolving organization. However, the vision for the City, its mission and core values remain a constant that help all employees focus on the “bottom line”—service to the citizens of our community.

The vision, mission and values of the City organization were developed of the City organization, were developed following many thoughtful discussions among employees from a variety of departments. These key concepts help guide employees in many important ways.

## A CLOSER LOOK AT OUR VALUES:

**Collaboration** - We partner internally and externally and believe that by working together we achieve better results.

**Excellence** - We set high standards, explore creative approaches to service delivery and problem solving, and seek ways to innovate and improve.

**Integrity** - We exemplify the highest standards of ethical behavior. We treat others with respect, and are honest, inclusive and transparent.

**Outstanding Service** - We seek to understand our customer’s diverse needs and explore ways to exceed their expectations.

**Safety & Well-being** - We embody a culture of safety and wellness and believe that life balance matters.

**Stewardship** - We are dedicated to protect and enhance our organization and community’s social, economic, and environmental resources.



## CITY COUNCIL'S DIRECT REPORTS



**Carrie Daggett**  
City Attorney  
[cdaggett@fcgov.com](mailto:cdaggett@fcgov.com)



**Kathleen Lane**  
Chief Municipal Judge  
[klane@fcgov.com](mailto:klane@fcgov.com)



**Darin Atteberry**  
City Manager  
[datteberry@fcgov.com](mailto:datteberry@fcgov.com)

## CITY EXECUTIVE LEAD TEAM



**Jeff Mihelich**  
Deputy City Manager  
[jmihelich@fcgov.com](mailto:jmihelich@fcgov.com)



**Kelly DiMartino**  
Sr. Assistant City Manager  
[kdimartino@fcgov.com](mailto:kdimartino@fcgov.com)



**Wendy Williams**  
Assistant City Manager  
[wwilliams@fcgov.com](mailto:wwilliams@fcgov.com)



**Mike Beckstead**  
Chief Financial Officer  
[mbeckstead@fcgov.com](mailto:mbeckstead@fcgov.com)



**Laurie Kadrach**  
Director of Planning,  
Development and  
Transportation  
[lkadrach@fcgov.com](mailto:lkadrach@fcgov.com)



**Tom DeMint, PFA**  
Fire Chief  
[tdemint@poudre-fire.org](mailto:tdemint@poudre-fire.org)



**Kevin Gertig**  
Utilities Executive Director  
[kgertig@fcgov.com](mailto:kgertig@fcgov.com)



**Jeff Swoboda**  
Chief of Police  
[jswoboda@fcgov.com](mailto:jswoboda@fcgov.com)



**Jackie Kozak Thiel**  
Chief Sustainability Officer  
[jkozak-thiel@fcgov.com](mailto:jkozak-thiel@fcgov.com)



**Teresa Roche**  
Chief Human  
Resources Officer  
[troche@fcgov.com](mailto:troche@fcgov.com)

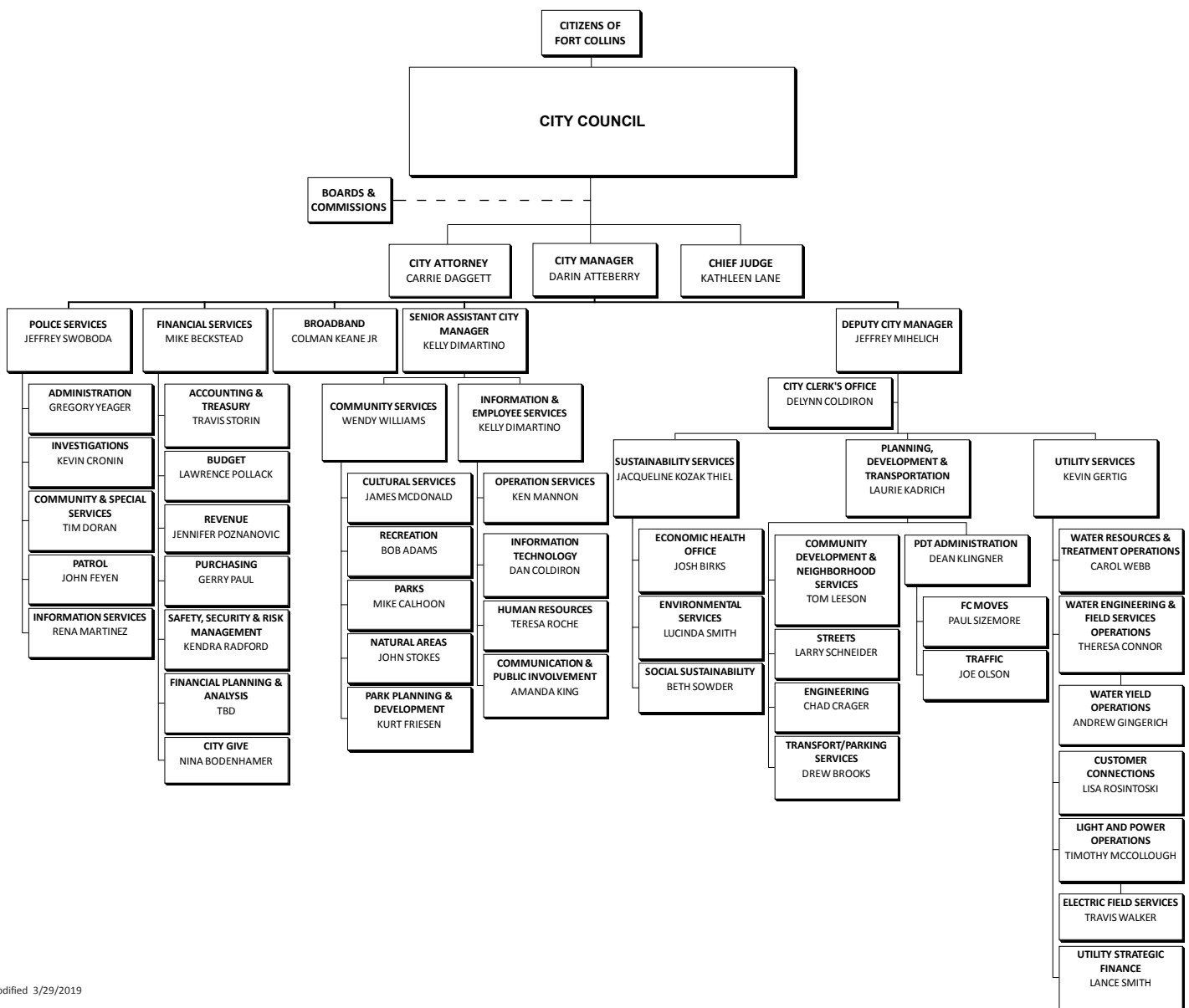


**Coleman Keane**  
Broadband  
Executive Director  
[ckeane@fcgov.com](mailto:ckeane@fcgov.com)

# City Staff Roles

City staff members are responsible for the day-to-day functioning of the City's service areas. A current City organization chart is shown below.

Staff members have training in a wide variety of disciplines, from engineering to construction trades to law enforcement and administrative support.





## CITY MANAGER

The City Manager is appointed by and serves at the pleasure of the City Council. The City Manager is provided with an employment agreement, which outlines the conditions under which he or she works for the Council, and the City Manager's compensation.

The City Manager is responsible for the administration of the City organization and the supervision of all staff members except members of the City Attorney and Municipal Court staffs. As noted below, legal requests are coordinated through the City Attorney. The City Manager is ultimately responsible for hiring, firing, directing and evaluating his or her staff members, though many of those responsibilities are delegated to the various Service Area and Service Unit Directors, and Department and Division Heads.

**The City Manager serves as the primary clearinghouse for all non-legal requests from City Council. The City Council works with the City Manager to establish priorities and goals for the organization. This direction takes place both at City Council meetings, and through Council workshops.**

On more routine matters, the City Manager has established several processes that are available to City Councilmembers for seeking information or assistance on issues of concern. Service Area Requests (SARs) and "brief staff reports" are two methods for Council to obtain information from City staff members.



## ADMINISTRATIVE SUPPORT

The City Manager also provides a system for Councilmembers to receive administrative support. Through this support, the Council is able to be more responsive in meeting the needs of its constituents. Staff in the City Manager's Office is dedicated to support of the City Council, including the following services:

- Follow and track service area requests (SARs) (i.e., resident inquiries, Council questions, etc.)
- Open and route Council mail
- Coordinate the preparation of response letters on behalf of Council
- Track Council invitations
- Prepare Council information packets for delivery on Tuesdays and Thursdays
- Make travel arrangements
- Coordination of the Mayor's calendar given the Mayor's unique ceremonial and public events role
- Payroll and personnel paperwork for all Councilmembers
- Coordination of special District Meetings, as needed
- Scheduling of rooms for meetings in City Hall or other City facilities
- Arranging meals for Council meetings

### Services which the CMO is not staffed to provide include:

- Any campaign or election related activities
- Any non-city related services
- Councilmember calendaring—Councilmembers keep and maintain their own calendars with access to the City's Outlook email and calendaring available to all members
- Coordination of individual Councilmember meetings outside City Hall







## CITY ATTORNEY

Under the City Charter, the City Attorney is appointed by and serves at the pleasure of the City Council. **The City Attorney's Office advises and provides other legal services to the City Council, City staff, City board and commission members, and represents the City in all legal proceedings.** The attorneys in the office work with the Council, the administrative, enforcement, and Court staffs to identify legal aspects of their work, analyze those issues, and evaluate how they impact decisions, programs, and policies. The attorneys are also responsible for preparing all resolutions and ordinances and other legal documents of the City, approving contracts, attending all Council meetings, and prosecuting violations of the Charter or Code in Municipal Court. **The office does not give legal advice to private citizens.**

### Requesting Legal Opinions

The City' Attorney's Office works closely with City staff to provide legal input in response to service requests and requests for staff reports. **Additionally, if a Councilmember has a question that deals primarily with a legal issue, that question should be submitted directly to the City Attorney, either in person, by telephone, or by electronic mail.** Legal opinions are provided in

the confidential portion of the Council packet or via electronic mail. Attorney-client communications are confidential and privileged and should not be distributed to or shared with others. Because the City Attorney's client is the organization, rather than individual members of the organization, legal opinions and advice requested by individual Councilmembers are shared with the entire Council.

## MUNICIPAL COURT

The Municipal Court is responsible for administering the operations of the judicial branch of City government according to the Charter, ordinances adopted by City Council, and the Municipal Court Rules adopted by the Colorado Supreme Court. The Chief Municipal Judge is appointed by City Council and serves for a two-year term as allowed by the Charter. Cases adjudicated in Municipal Court involve criminal misdemeanors, civil infractions, petty offenses, and traffic violations arising under the City Charter or Code. Many cases are based on citizen complaints, and others are brought to Municipal Court by the Fort Collins Police Department, Colorado State University Police Department or other City departments.



# City Council Actions

## TYPES OF COUNCIL MEETINGS

There are several types of meetings that City Councilmembers participate in on a regular basis. Each type of meeting is established to accomplish certain tasks that are important in Council's role as policy makers.

### Regular Council Meetings

Council meets in regular session the first and third Tuesdays of each month at 6 p.m. The meetings are the "business" meetings of the City Council at which Council takes action and makes decisions by considering and adopting ordinances, resolutions, and motions. Citizen participation is included in these meetings.

### Adjourned Meetings

An official meeting can be "adjourned" or continued to a specific date and time upon a majority vote of the Council for the purpose of continuing discussion or action on an item of unfinished business or considering additional items of business.

### Work Sessions

Work sessions are held on the second and fourth Tuesdays of each month at 6 p.m. At these meetings, Councilmembers discuss upcoming issues, review preliminary agenda issues, conduct in-depth study of an issue, or conduct other discussions. The public may attend work sessions but normally may not participate in the discussion. No formal action can be taken by the Council at work sessions.

### Special Council Meetings

The Mayor or a majority of the City Council may call a special meeting to conduct official business. A special meeting may be held only after written notice is given at least 24 hours prior to the meeting stating the time, place, and purpose of the meeting.

### Executive Sessions

Executive sessions are portions of Council meetings that are closed to the public and may be called by a two-thirds vote of the present and voting Councilmembers for the purpose of considering personnel matters, legal matters, water or real property sales or acquisitions, or competitive industry matters of the electric utility (including Connexion). Such sessions may be held during the course of a regular, special, or adjourned Council meeting. No formal action may be taken by the Council in an executive session. Matters discussed in executive session are kept confidential.

## Council/Staff Meetings

The Mayor and Mayor Pro Tem meet with key staff from the offices of the City Manager, City Clerk, and City Attorney once each week to discuss upcoming agendas and related issues.

## Impromptu Meetings

Whenever three or more Councilmembers get together to discuss public business in person, or by telephone, or even by a pre-arranged email exchange, such a gathering constitutes a meeting that must be open to the public. If four or more Councilmembers attend such a meeting, or are even expected to attend, the City Code requires that "full and timely notice" be given to the public, which means the posting of a written notice at least 24 hours in advance. These requirements do not apply to chance gatherings or those that are primarily for social purposes, or to most conferences or seminars. The City Attorney's Office should be consulted with regard to any situations where these requirements may come into play.

## COUNCIL MEETINGS

Council has adopted meeting procedures that provide a structure that is used consistently at each meeting. The adopted Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions are attached as Exhibit B. In addition, the Summary Agenda for each meeting describes the meeting process and various components of the Agenda, as well as the meeting itself so residents know what to expect during the meeting. Agendas and related materials are made available to City Councilmembers and the public on the Thursday prior to the meeting.

## PROCLAMATIONS AND PRESENTATIONS

Ceremonial items such as proclamations and presentations are generally scheduled at 5:30 p.m. (or as early as 5:00 p.m. if there are numerous proclamations) prior to the regular Council meeting. Proclamations and presentations are scheduled on the agenda through the City Clerk's Office. Proclamations are brought forward at the discretion of the Mayor to celebrate community events and are not normally considered if they promote a commercial endeavor or seek to advance a particular cause. Council has adopted a resolution setting out the process for initiating and providing proclamations.

## CITIZEN PARTICIPATION

A portion of each regular Council meeting is devoted to citizen participation for items not scheduled on the agenda or for comments regarding items scheduled on the Consent Calendar. Citizen participation is scheduled near the beginning of the meeting. Time is also allotted for public comment during each

agenda item considered by Council. The Mayor establishes individual time limits for all speakers based on total number of citizens wishing to speak and agenda timing considerations.

## THE CONSENT CALENDAR

The Consent Calendar portion of the meeting is intended to allow the City Council to spend its time and energy on the more complex or controversial items on a lengthy agenda. **In the Consent portion of the agenda, a number of agenda items are adopted with one motion without discussion.** Items in this section of the agenda are usually routine or not expected to be controversial. At the beginning of the meeting, a Councilmember or citizen may ask that an item be moved from the Consent Calendar to be considered individually.

## DISCUSSION AGENDA

Following the Consent Calendar, the remainder of the agenda is devoted to items needing individual consideration. Each discussion item is considered and voted on separately.

## OTHER BUSINESS

This portion of the agenda allows Councilmembers to bring up new items for future discussion with the support of at least three Councilmembers, request information, and, in limited circumstances, introduce motions about urgent items requiring immediate attention, pursuant to the related City Code provision (Section 2-32(d)).

## ORDINANCES AND RESOLUTIONS

### Ordinances

Ordinances are legislative acts that establish permanent policy of broad application affecting the people of the city or a change to the City Code. Some ordinances are administrative actions approving agreements, making appropriations, or taking other similar actions. **An ordinance requires two readings by City Council at two separate meetings and takes effect ten days after final passage on second reading.** The City Clerk's office is required to publish the ordinance title at least seven days prior to second reading. Ordinances must also be published by title within seven days after final passage and are published in full on the City's web site (*fcgov.com*). Emergency ordinances are allowed to address certain urgent matters. They require five affirmative votes, must state the nature of the emergency, require only one reading, and take effect immediately upon passage. The provisions of ordinances adopting permanent legal requirements are codified in the City Code.

### Resolutions

A resolution usually denotes an action that is administrative in nature or that gives policy direction in a less formal manner than an ordinance. **Resolutions often deal with matters of a more temporary character, such as statements of opinion or policy not imposing a legal requirement on the public, or administrative direction regarding particular items of business.** Resolutions must be voted on once to be adopted and take effect immediately after they are approved by vote of the Council.

## INITIATING ITEMS FOR THE COUNCIL AGENDA

As stated in the City Code, Section 2-30, the City Manager, in consultation with the Mayor and Mayor Pro Tem, will prepare the agenda for all regular and special meetings of the City Council. City staff prepares an Agenda Item Summary (AIS) and background material for each agenda item.

As noted earlier, City Councilmembers are responsible for formulating policies for the broad issues that affect the community, in both the short and long term. Ideas for policies come from a variety of sources, and in 2015, the City Council adopted Ordinance No, 083, 2015, outlining the methods for initiating ordinances or resolutions for the consideration of the Council and enacting related Code language.

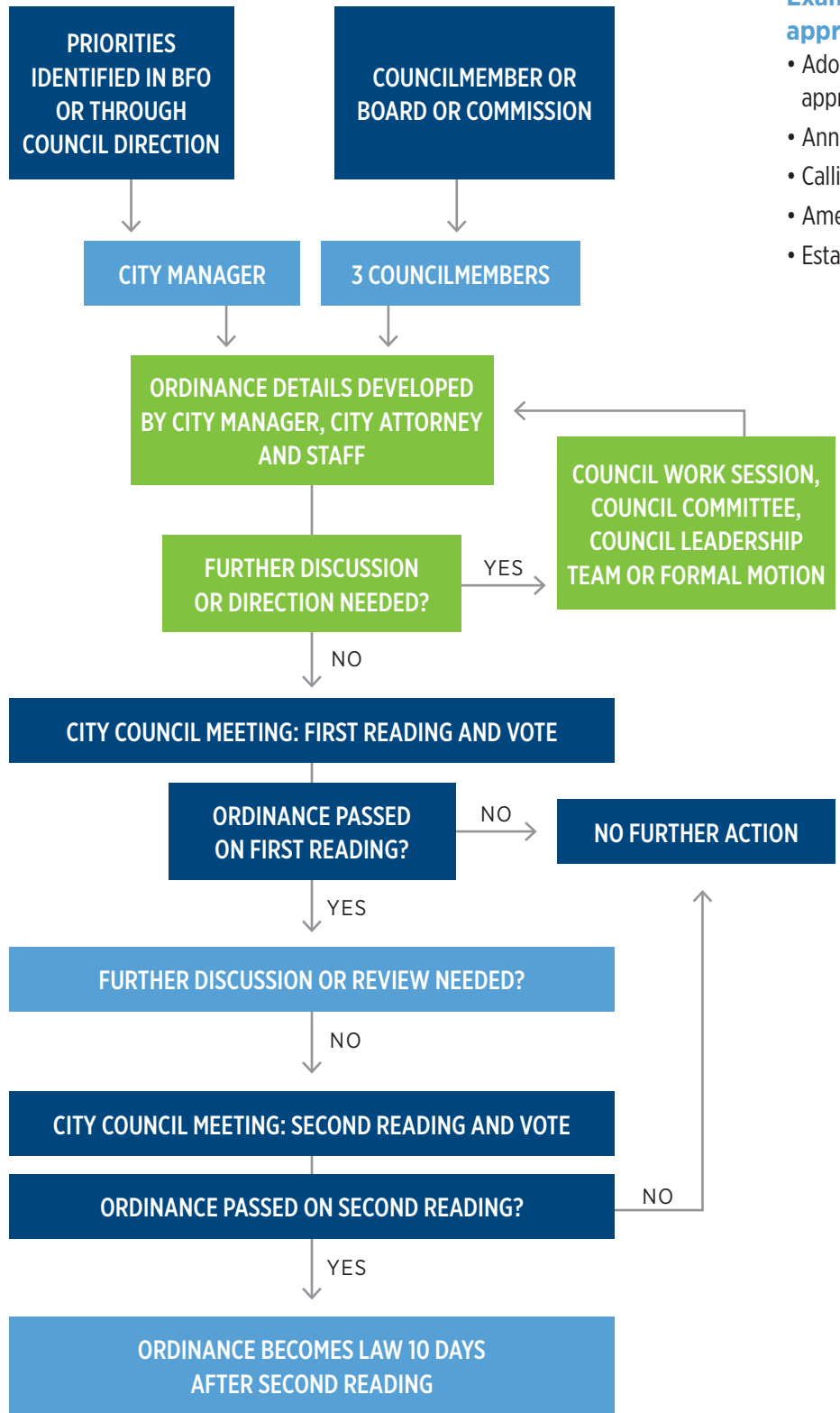
- A. Council policy goals. Once Council establishes its initial key outcomes and policy goals through the adoption of policy priorities, strategic plans, budget and budget programs and initiatives, and other policies and programs, work on specific ordinances and resolutions implementing the goals will be commenced by City staff as directed by the City Manager or in some instances by the City Attorney.
- B. Other Council-initiated ordinances and resolutions. **Work on other ordinances or resolutions can generally be initiated at the request of the Mayor and Mayor Pro Tem or at the direction of three Councilmembers during the Other Business portion of a regular or adjourned City Council meeting.**
- C. Recommendations from City Boards and Commissions. If a City board or commission would like Council to consider adopting a policy or revising or eliminating an existing policy, the board or commission should contact its Council liaison or another Councilmember and discuss the request.
- D. Staff-initiated ordinances and resolutions. Staff requests and suggestions for other ordinances and resolutions will be reviewed by the City Manager and/or City Attorney and presented to the City Council as he or she deems appropriate.

Figures C and D (see following pages) provide a broad overview of how an ordinance becomes law and how a resolution is adopted.



# How an Ordinance is Adopted

Figure C

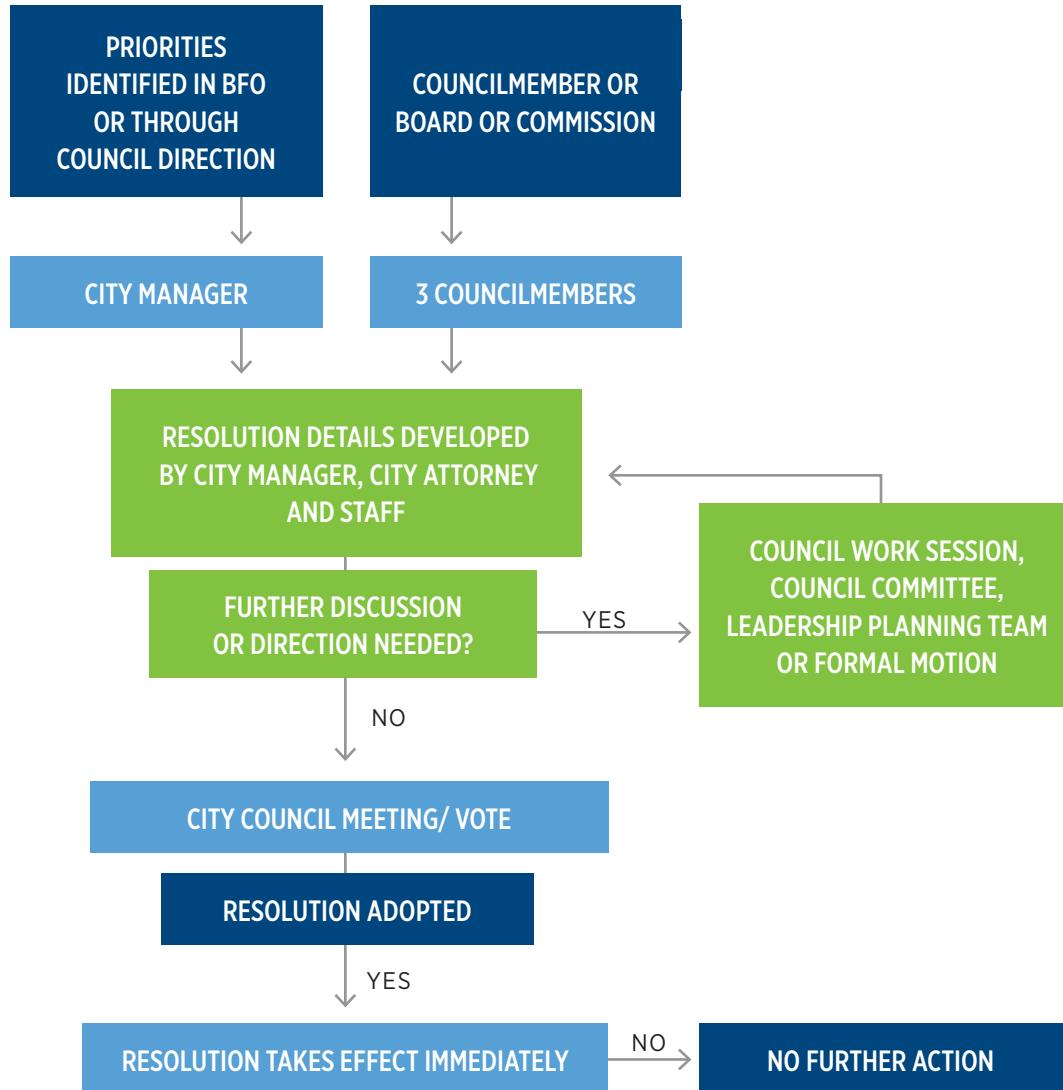


**Examples of actions requiring approval by ordinance:**

- Adopting the City’s budget and appropriating funds
- Annexing land
- Calling special elections
- Amending utility rates
- Establishing rules and regulations

# How a Resolution is Adopted

Figure D



**Examples of actions that may be approved by resolution:**

- Execution of agreements
- Council committee and liaison assignments
- Initiating annexation proceedings
- Appeal findings
- Recognitions or condemnations
- Adoption of policies
- Adoption of Plans (land use, transportation, street, parks, recreation, etc.)



# Conduct of City Council Meetings

## HOW TO MAKE A MOTION

A motion is a proposal that the Council take a certain action or express certain views. The Mayor will entertain motions at the appropriate time in the discussion by asking if there are any motions. A motion is made by a Councilmember obtaining the floor and saying, "I move that..." and then stating the action proposed. Once a motion has been made, the Mayor will ask if there is a second. The motion dies unless there is a second. Every Councilmember present must vote yes or no. Any abstention is recorded as an affirmative vote.

## SEATING ORDER

The Mayor is seated in the center, with the Mayor Pro Tem seated at either the left or the right. Seating order is rotated for each meeting for the remainder of the Council.

## RULES OF ORDER

As noted above and attached as Exhibit B, the City Council has adopted its own rules and procedures for conducting Council meetings. Under those rules, the Mayor not only chairs the meeting but also participates in the making of motions, discussion, and voting.

The following sequence is used by the Council for receiving and considering agenda items at its meetings:

- A. City staff presentation
  1. Description and analysis
  2. Recommendations
  3. Council questions
- B. Citizen input
- C. Public discussion closed
- D. Council Questions
- E. Council motion and second
- F. Council discussion
- G. Council decision

Before addressing the City Council, each individual citizen must be recognized by the Chair, come to the microphone at the front of the Chamber, and state his or her name for the record. Council proceedings are audio and video taped.

## ROLL CALL VOTES

The Mayor, who chairs the Council meeting, calls for a roll call vote at the conclusion of the Council discussion of the motion on the floor. The City Clerk calls the names of the Councilmembers in the order in which they are seated. Each subsequent roll call vote begins with a different Councilmember and rotates to the Mayor's left.

## TIME LIMITS FOR SPEAKERS

By resolution, Council has authorized the Mayor to set time limits for citizens addressing the Council, subject to override by majority vote of the Council. The limit is generally three minutes during the discussion agenda and the citizen participation portion of the meeting. Time limits may be adjusted depending on the number of speakers.

## ABSENCE OF MAYOR

Occasionally, the Mayor may be absent from a Council meeting. The Mayor Pro Tem will generally chair these meetings, or another Councilmember may be designated to do so if the Mayor Pro Tem is unavailable.

# General Council Information

## COUNCILMEMBER ATTENDANCE POLICY

The Charter specifies that a vacancy on Council exists when a member of the Council fails to attend all regular and special meetings of the Council for 60 consecutive days unless excused by resolution of the Council.

## COUNCIL “PACKETS”

Written information is provided to Council on each Tuesday (before Council meetings and Work Sessions) and Thursday.

These packets include information for Council meetings, correspondence received by mail or hand delivered from citizens, events that Council has been invited to, memos from staff, and notices of conferences.

**TUESDAY PACKETS** include information pertinent to the Council meeting and are put in a “read before the meeting” folder and placed on the table in the Council Conference Room. Tuesday packets include urgent/timely information and confidential memoranda.

**THURSDAY PACKETS** include the agenda for the following Tuesday’s Council meeting or work session and any additional information or correspondence received in the City Manager’s office. Thursday packets are available electronically and are delivered to Councilmembers’ homes unless staff is otherwise instructed.

Packets (other than confidential materials) are online at [fcgov.com/cityclerk/agendas.php](http://fcgov.com/cityclerk/agendas.php) under Council Correspondence

## SERVICE AREA REQUESTS AND CITIZEN COMPLAINTS

Service Area Requests (SARs) are City Councilmember questions regarding policy or operational issues. These questions can be posed either through Access Fort Collins web site or through the City Manager. For data tracking purposes, all Councilmember requests of this type are entered into the Access Fort Collins data base.

For the fastest, most direct response to citizen questions about City services, we encourage Council to refer residents to Access Fort Collins web site [fcgov.com/accessfortcollins](http://fcgov.com/accessfortcollins). This eliminates the need for Councilmembers to be in the middle of routine questions and helps build use of this key customer service tool.

The advantages of Access Fort Collins include:

- Quickest response to resident issues and questions
- Access to FAQ’s that answer many common questions
- Allows staff to track issues and trends in the types of questions submitted and identify needed performance improvements

## BRIEF STAFF REPORTS

A staff report request from a Councilmember is a request for staff work that provides detailed information on a specific topic. This differs from a service request because the information requested is often new, more detailed and requires some research from staff.

Because the City Charter specifies that Council work with staff only through the City Manager, a Councilmember can request a staff report on a specific topic during the “Other Business” section of a City Council meeting and with the support of two additional Councilmembers the Manager will proceed.

## INVITATIONS FROM COMMUNITY MEMBERS

Invitations for the Mayor and City Council from community members and local organizations are received in the City Manager’s Office. Administrative Support staff sends Outlook meeting invitations which should be accepted or declined by each Councilmember based on availability or interest. Support staff will then coordinate RSVPs with the event host.

Responses and logistics of invitations directed to the Mayor will be coordinated by Administrative Support staff. If the Mayor is not available, the invitation will be offered to the Mayor Pro Tem, then to various Councilmembers based on district or area of interest.

## MAIL AND COUNCILMEMBER MAIL RESPONSES

A majority of Council’s correspondence will be mailed to City Hall. If a Councilmember receives a letter at their home or place of business that would be of interest to the full Council, they are asked to bring it to the City Manager’s Office. Staff will copy and distribute it to the other Councilmembers.

The City Manager’s Office opens and dates all Council mail unless notified by a Councilmember to leave it sealed. Administrative Support staff examines each piece of mail and, if pertinent to a Council agenda item, shares the mail with all Councilmembers and the appropriate staff.



## OFFICE SUPPLIES

Administrative Support staff will supply Councilmembers with note cards, stationery, envelopes, pens, pencils and computer or printer supplies for Councilmember computers. Alternatively, Councilmembers may choose to purchase these materials on a City credit card and provide the receipt to staff.

## IPADS/PERSONAL COMPUTERS

Each Councilmember is provided an iPad or a laptop computer for the purpose of accessing the City's corporate electronic mail system. The City Manager's administrative staff will work with Information Technology (IT) staff to make hardware and training available. Staff will arrange for internet service provision at the Councilmember's residence, if required. Internet Service Provider system installation will be at the City's expense.

Use of City issued or personally owned phones, computers, tablets and or other technology for the purpose of accessing the City's corporate electronic mail system is governed by the same policies that are applicable to City employees (except for those that are obviously applicable only to employees). Copies of those policies appear at the end of this handbook in "Exhibit A."

IT staff will train new Councilmembers on the basic use of the electronic mail system and standard office software. Staff will inform Councilmembers of additional computer training opportunities. IT staff is also available 24x7 for troubleshooting and support. Contact the Helpdesk at 970-221-6791. After business hours (5 p.m.-7 a.m., Monday-Friday) calls will be taken by an answering service. Non-urgent requests are those that can wait until the next business day for resolution. Urgent requests will be responded to within 20 minutes.

Councilmembers should assume that all email, even if contained on Councilmembers' personal computers, dealing with City business is subject to inspection by members of the public.

## CELLULAR TELEPHONES

The City will issue an iPhone upon Councilmember request to be used during their term on City Council. The City will purchase the phone and pay for all related charges, including any connection fees or other initiation fees.

The City will also pay the monthly fee and rates for calling plans that should allow an adequate number of minutes for calls pertaining to City business. Within those limits, Councilmembers may also use the City cellular phone for personal calls. Minutes used that exceed the number of minutes allowed under the subscribed calling plan will require monthly reimbursement to the City at a usage rate to be established by the City Manager. A copy of monthly billing summaries will be mailed to Councilmembers for review.

Please be aware that phone bills are public information. These accounts may also be audited.

## COUNCILMEMBER SCHEDULES

Administrative Support staff makes many travel or conference arrangements and RSVPs to invitations for Councilmembers; therefore, they are generally aware of most Councilmember travel plans for City business. It is beneficial, however, for staff to have general information about Councilmember work schedules, business trips, vacations, etc. because staff is often asked to assist others in contacting Councilmembers. This is easier to do if staff knows when Councilmembers plan to be out of town.

## CONFERENCES, SEMINARS OR SPECIAL MEETINGS

Councilmembers sometimes have an opportunity to attend conferences and seminars related to their duties as a municipal official. To attend an event, bring the registration form to the City Manager's Office. Staff will complete necessary registration forms and arrange for fees to be paid by the City or reimbursed if the Councilmember pays the fee directly.

## TRAVEL ARRANGEMENTS

When attending a City-related out of town conference or meeting, Administrative Support staff will make travel arrangements in advance of the trip. Please inform staff as soon as possible regarding out-of-town conferences. Staff will make arrangements for convenient travel dates, airline reservations, accommodation preferences, etc.

The City makes every effort to get the most economical airfares and room accommodations. Many airline reservations are NON-REFUNDABLE. Please be mindful that if cancellations are necessary, the City will end up paying the extra costs.

Airfare, hotel, conference registration, car rental or taxis, mileage or shuttle expenses, and meal expenses will be paid by the City. You may use your City purchasing card for these expenses or you may use cash. Submit the receipt to Support Staff upon completion of the travel.

Documentation needed for out-of-town travel and in-town meals must include an itemized receipt as well as the names of individuals being fed, the place or location, the business purpose, the time or date and the type of meal (lunch, breakfast or dinner.) However, if a City employee is picking up the tab for a group meal, the names of those individuals attending and subject matter of the meeting need to be included on the receipt. This information is required by the City's auditors and is required of both staff and Council.

If you are interested in a per diem rate for meal expenses on an out-of-town trip, Administrative Support staff can make those arrangements. With a per diem, you would not need to provide receipts for meal expenses at the end of your trip.

Your guest may travel with you, but the City will only pay for your share of the expenses. For example, airfare for your guest will not be covered, and if the hotel rate is higher for double occupancy, the City will only pay for single occupancy.

## CITY CREDIT CARDS

As a Councilmember, you will be issued a City of Fort Collins purchasing card (P-card) to cover expenses related to official City business. Generally, the appropriate expenses incurred on City credit cards include expenses associated with travel (hotel, meals, car rental); City-related meetings (meals); and seminar registrations.

The City Manager's Office will process incurred City credit card expenses. Retain all credit card receipts and bring them to Administrative Support staff. Documentation needed for out-of-town travel and in-town meals must include an itemized receipt as well as a notation regarding the names of individuals being fed, the place or location, the business purpose, the date and which meal was purchased (lunch, breakfast or dinner).

**City policy prohibits the use of City funds for purchasing alcohol.**

If alcoholic beverages are included on a restaurant or hotel bill, Councilmembers should reimburse that amount to the City through cash or check. If a hotel bill includes charges for entertainment such as in-room movies, Councilmembers should reimburse these charges to the City.

**Please be aware that credit card expenses are public information and have been requested for review in the past. These accounts may also be audited.**

## MILEAGE REIMBURSEMENT

Councilmembers are entitled to reimbursement for mileage incurred while conducting City business. The City reimburses at the same per-mile rate as the IRS allows for tax purposes. You may submit a mileage reimbursement form, including the address of the beginning and ending locations to the City Manager's Office on a monthly basis.

## COUNCIL PAY

**City Councilmembers are compensated on a monthly basis, with checks drafted on the 25th of each month.** Payments are made by Direct Deposit. New Councilmembers will be asked to provide information to the City's payroll office such as a Social Security Number, proof of citizenship (i.e., a Social Security

Card, driver's license, birth certificate and/or other proof of citizenship), and a W-4 tax withholding form. W-2 tax forms will be provided to Councilmembers in January of each year for income tax filing purposes.

## OPENBOOK DATABASE

OpenBook, an online spending transparency database, was launched in September 2010. Council spending, including Council Dinners, Leadership Team meals, and land-line phone expenses, are typically reported as a "group" Council expense in OpenBook, whereas Council business meal expenditures, conferences and travel, district meeting expenses, cell phone charges, office equipment, office supplies, internet service, mileage, and dues and subscriptions are reported individually (by Councilmember name) within Open Book.

OpenBook is updated on the 15th of every month to include information for the previous month.

## DISTRICT OUTREACH MEETINGS

Town Meetings and District Meetings are an opportunity for the Mayor and Councilmembers to hear from the community on general or specific issues. Conducting community outreach on specific issues, or just listening to our constituents in general, is an important City Council and organizational value. If you would like to set up a special outreach meeting, please contact the City Manager.

## ONLINE EVENTS CALENDAR

In order to provide notice of public meetings being held for City related functions, the City maintains a schedule of dates, times, and locations of regularly scheduled Council meetings, work sessions, boards and commissions meetings, Town meetings, ad hoc committee meetings, task force, or other public meetings being held in City buildings. **This information is available on the City's web page at [fcgov.com/events](http://fcgov.com/events).** Press releases are often distributed to inform the public of planned meetings, cancellations, and changes in time or location.

## SOCIAL MEDIA

The City does not promote content, products, programs or initiatives of external partners. Exceptions to this may only occur through an official partnership with the City and the external organization and for the benefit of the public. The City's social media architecture and strategy does not include official accounts representing individuals. It does include flagship accounts representing City-wide communications as well as several accounts intended to engage specific target audiences based on community interest. All accredited City of Fort Collins accounts are listed at [fcgov.com/connect](http://fcgov.com/connect).

These accounts are public and should be managed in a way that respects the rights of citizens to participate.

The City of Fort Collins engages many tools to educate and inform the public including:

- Our own YouTube channel.
- Facebook pages for the City of Fort Collins, Police Services, FC Bikes, the Lincoln Center, Recreation, Transport, Utilities, and the Museum of Discovery.
- A Twitter account which is especially useful during snow and other weather or emergency events.
- A Flickr and an Instagram account

PLEASE NOTE: Social media accounts provided by the City or used by a Councilmember to discuss City or Council business are subject to first amendment protections and should be managed so as to respect the free speech rights of the public.

## ELECTRONIC MAIL SYSTEM

Outlook is the City's electronic mail network and scheduling software. Information Technology will provide you with an iPad or laptop computer to access Outlook, which is used extensively by Councilmembers and City staff to send and receive messages.

## EMAIL TRANSPARENCY PROJECT

The Council Email Transparency Initiative went live in July 2014, providing citizens the ability to search Councilmembers' emails.

To promote transparency, all emails sent or received by Councilmembers using their fcgov.com addresses are visible in an online archive, unless they are attorney/client privileged or the sender puts #PRIVATE in the subject line of the email.

Councilmembers who send or receive emails that were not marked but should be protected from public releases should contact the City Attorney by email to request that the item be restricted from release.

However, the City of Fort Collins can't guarantee that any email to or from Council marked "#PRIVATE" will remain private under the Colorado Open Records Act (CORA) if a citizen makes a CORA request that would otherwise include that email.

The archive is at [fcgov.com/emailtransparency](http://fcgov.com/emailtransparency) and the login ID [councilemail@fcgov.com](mailto:councilemail@fcgov.com) password *City-80521*.

## COUNCIL EMAIL POLICY

This policy governs the use, management and retention of electronic mail by members of the City Council. It was adopted by Council Resolution 2003-008.

Email created, received or kept by Councilmembers that is related to City business, whether on paper or in electronic form,

constitutes a "public record" of the City, regardless of its physical location or the form in which it is maintained. Therefore, such email communications are generally subject to the disclosure requirements of the Colorado Open Records Act unless a particular provision in the Act allows or requires confidentiality. Furthermore, email messages may be discoverable in litigation. Accordingly, Councilmembers should have no expectation of privacy in either sending or receiving information electronically, unless the subject of the email is purely personal in nature, and they are responsible for using, managing, and retaining email in accordance with this policy.

### A. Management of Email

Email related to City business should be handled with the same level of care properly used in the creation, distribution, management and retention of paper records and correspondence. Email is subject to the same etiquette and courtesy considerations as paper correspondence. Email misaddressed or received in error should be deleted after a reply is sent to inform the sender of the error.

### B. Retention of Email - General Principles

1. Email is a system that is designed for communication and not for the storage of messages. Therefore, except for the guidelines mentioned in 2.(a) below, electronic records and messages should not be preserved or archived in the City's email system on a permanent basis, and should remain in the email system only for short-term reference and use.

The system will hold messages for two years if not deleted.

2. All electronic records, including email, of the City are subject to the retention requirements set out in the "Guidelines for the Retention of Council Electronic Mail," dated January 21, 2003, (the "Guidelines") as set forth in Section C below, a copy of which is maintained in the City Clerk's Office.

a. For internal emails, that is, emails between City Council and City staff, City staff will act as the custodian of the email for purposes of determining whether, and for how long, email should be retained under the Guidelines.

For external email communications, that is, communications between Councilmembers and members of the public, the Councilmembers sending or receiving the email will be considered the custodians who must make that determination. This determination as to whether to retain email must be made by Councilmembers no more than two years from the date of the email so as to avoid the automatic deletion of email that should be saved. If a Councilmember determines that email should be retained under the Guidelines, the Councilmember must save the email or print it out in hard copy for permanent filing.



- b. If certain email is not required to be retained under the Guidelines, but a Councilmember nonetheless wishes to retain that email for a period exceeding two years, for easy reference or for convenience, the Councilmember should again save the email or print it out in hard copy form for permanent filing or ensure it is otherwise saved outside the email system.
3. To enable the City to efficiently and securely manage the retention of electronic communications, the Mayor and Councilmembers are encouraged to use the City's email system, rather than a private email system. If a Councilmember or the Mayor uses a private email system to communicate regarding City business, their City email address should be included as a copied recipient.

### C. Guidelines for the Retention of Council Email

For the purposes of this policy, email will be considered to be a form of correspondence, to be categorized and retained as follows:

- **Calendars and Notes** - Retain until no longer needed.

Description: Records kept to document and facilitate the routine planning and scheduling of meetings, appointments, and similar activities; includes calendars, appointment books, telephone messages, notes, diaries and similar records with routine content.

- **Transitory Value** - Retain until material has been read or is no longer needed for reference.

Description: General documentation of extremely short-term value, including advertisements, drafts and worksheets, desk notes, copies of materials circulated for informational "read only" purposes, and other records with preliminary or short-term informational value.

- **Complaints, Routine Services Requests, and Citizen Petitions**

- Retain for two years or until response or action has been taken by City.

Description: Communications of various types that convey objections, dissatisfaction or disagreement with actions or positions taken or not taken by City; routine requests for service or information; petitions with no legal effect that are submitted to the City to express the opinions of the signers; and City's responses.

- **Routine Value** - Retain no longer than two years.

Description: Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, informational, or statistical value. Includes routine letters or memoranda sent and received, reading or chronological files that are kept solely for convenience and contain duplicates

of memos or letters that are also filed elsewhere, routine requests for information, transmittal documents that contain information of short-term value, etc.

- **Long-Term Value** - Retain permanently

Description: Documentation or correspondence with long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events relating to the City or the community; records that document commitments made by the City; records of issues that are expected to reoccur; and other similar records and documentation.

## COLORADO OPEN RECORDS ACT REQUESTS

The Colorado Open Records Act requires that City staff make any public record available for inspection and copying within three (3) business days of a request for that record, unless certain statutorily defined "extenuating circumstances" exist. Sometimes the specific request will include requests for emails, documents, etc., which are in the possession of City Councilmembers. It is critical that the City respond promptly to any such requests by working to locate the requested record(s) and proceeding to determine whether the record is a "public record" as defined in the Act, or whether it is subject to a privilege protecting it from disclosure under the Act. When staff notifies you of the Open Records request, please search for and retrieve applicable emails and/or documents and provide them in a timely manner to the City Clerk's Office who will then work with the City Attorney's Office to finalize the request within the 72-hour deadline. Email that is the subject of a pending Open Records request for inspection should not be deleted, notwithstanding the general retention guidelines discussed above.

## LITIGATION HOLDS

When City staff becomes aware of potential litigation, the City is required to preserve records that may be relevant to that litigation, including email and other materials that may reside in the email inboxes, cellphone message caches or may otherwise be in the possession of an individual Councilmember. Staff notifies those expected to have records related to a litigation matter of the litigation hold, when one is initiated, and each Councilmember is responsible for ensuring compliance with any litigation requests he or she receives. Staff of the City Manager's Office and the City Attorney's Office frequently assist with this process.

# Conflicts of Interest,

# Ethics and Related Policies

## ETHICAL CONDUCT AND CONFLICT OF INTEREST GUIDELINES

### Introduction

City Councilmembers (along with other City officers and employees) are subject to certain rules of ethical conduct established by the City Charter and Code. The following summary highlights the primary areas of concern addressed by these rules. When in doubt, a Councilmember should consult with the City Attorney's Office for clarification of any applicable regulations. Also, Councilmembers are permitted under the City Code to submit an inquiry to the Ethics Review Board seeking an advisory ethics opinion and recommendation. Ultimately, each individual is responsible for his or her own compliance with all applicable laws and regulations.

### Conflicts of Interest

A Councilmember must refrain from voting on or attempting to influence any decision in which he or she has a financial or personal conflict of interest. Additionally, when a conflict exists under the rules contained in the City Charter, the Councilmember should file with the City Clerk's Office a written statement of disclosure as soon as the conflict of interest is discovered.

A copy of the disclosure form is included with these materials as Exhibit C, and additional forms may be obtained from the City Clerk's Office.

Generally, a Councilmember has a financial interest in a decision when the decision entails some foreseeable, measurable financial benefit to the individual member or relative.

Even if a Councilmember does not have a financial interest in a decision or recommendation, a personal interest may also create a conflict of interest. The test for a personal interest is whether, in the judgment of a reasonably prudent person, the Councilmember would realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public. In applying these standards in a business context, a Councilmember should evaluate whether there is a conflict of interest before participating in any decision which directly and substantially benefits a business in which he or she either has a substantial financial interest or is engaged as a consultant or representative. Or, if a decision of the City might directly and substantially affect a particular business to its economic detriment, and a Councilmember has a substantial

financial interest in a competing firm, the member should also exercise caution in deciding whether to participate in the decision.

If a Councilmember has declared a conflict of interest, the disclosure of related confidential information to that member is prohibited.

Certain exceptions to the general rules pertaining to financial and personal conflicts of interest are contained in Article IV, Section 9(a) of the City Charter.

### Interactions with City Officers and Employees Following the Declaration of a Conflict of Interest

Once a Councilmember has declared a conflict of interest in a matter, the Councilmember is prohibited from participating in or attempting to influence City decisionmakers about the matter.

He or she is prohibited from representing any person or interest before the City Council or any board or commission of the City, or dealing with any City officer or employee about the matter, except that the Councilmember may represent his or her own interest (or that of a relative) by dealing with appropriate City employees, the City Council or a City board or commission.

### Other Limits on Interactions with City Officers and Employees

The City Charter prohibits the Council and its members from dealing with the administrative service of the City except through the City Manager ("except for purposes of inquiry"), and from giving orders to any subordinates of the City Manager either publicly or privately.

In addition, the City Code prohibits all officers and employees from seeking (for themselves or their relatives or related entities) special consideration, treatment or advantage in the interpretation, administration or enforcement of the Charter, Code, any City regulation, policy or program or in the provision of public services. For more information, see City Code § 2-568)c)(5).

If a Councilmember contacts an officer or employees regarding a request in relation to a matter that is not a routine City matter and is not within that Councilmember's role as an officer of the City, the Councilmember must provide notice of the contact no later than 5:00 p.m. the next business day. The notice must be a written disclosure provided to the City Clerk and City Manager and all other members of Council, and must describe

the date, time and general subject matter of the contact, and who was contacted. Disclosure by email meets this requirement. Routine City matters include usual and ordinary dealings like registrations, reservations, or other applications or requests carried out using a routine process or system or standard practices. For more information, see City Code § 2-568(a)(16) and (c)(6).

In February 2019, the City Council adopted a Respectful Workplace Policy that addresses respectful conduct by City Councilmembers, and by those appointed by Council (including direct report employees and board and commission members) while acting in that role in relation to members of the public and City staff. The Policy addresses the Council's position related to harassment, discrimination and retaliation, the process to be followed when a complaint is made and identifies several alternatives for a complaining party to report an alleged violation of the Policy. It identifies possible outcomes or options available in the event harassment is substantiated. Regular training for all Councilmembers, board and commission members, and City employees will be offered on an ongoing basis to ensure familiarity with and understanding of the Policy. A copy of the Policy is attached as Exhibit D.

### Contracts with the City

The Charter prohibits Councilmembers and their relatives from having a financial interest in sales to the City, but only if they exercise, directly or indirectly, any decision-making or supervisory authority with regard to the goods or services to be sold to the City. (City Charter art. IV, § 9).

As to purchases from the City, such purchases are permitted only when the property is offered for sale at an established price and not by bid or auction, and the purchase must be on the same terms and conditions as would be available to all members of the general public.

### Disclosure of Confidences

Councilmembers regularly receive confidential information from City staff. Such information should not be used for the private benefit of the Councilmember or any other individual.

Additionally, disclosure of the information is prohibited if received in executive session, or if a reasonable person would consider that the disclosure would injure the financial interests of the City. See City Code § 2-568 for more requirements.

### Gifts and Favors

The acceptance of honoraria (compensation for speech or participation in public events as an official of the City) is prohibited. The acceptance of any other gift or favor from persons doing business with the City or desiring to do business with the City is also prohibited if the gift or favor might reasonably be construed as compensation for an official decision or as something that would tend to impair the board

or commission member's independence of judgment in the performance of his or her official duties. The following specific items are excluded from the definition of prohibited gifts or favors and may be accepted:

- Nonpecuniary awards for public service.
- Reimbursement for expenditure for attending job-related conferences or other meetings.
- Invitations to social functions or meetings which are not extraordinary when viewed in the light of the position held by the board or commission member.
- Perishable or nonpermanent items that are insignificant in value, such as meals, lodging, travel expenses, tickets to sporting, recreation, educational or cultural events.
- Salary from outside employment.

For more information, see City Code § 2-568(c)(4).

### Complaints

Any person who believes a Councilmember has violated any provision of state law, the Charter, or Code pertaining to ethical conduct may file a complaint with the City Clerk, who then immediately notifies the chairperson of the Council's Ethics Review Board and the City Council, including the individual named in the complaint. The complaint is promptly scheduled for consideration by the Ethics Review Board. No more than then (10) working days after the date of the filing of the complaint, the Board must meet and consider the complaint. All Councilmembers named in the complaint, as well as the complainant, are given written notice of the meeting at least three (3) working days in advance. A notice of the complaint, including the identity of the complainant is posted along with the meeting notice.

Upon receipt of any such complaint, the Review Board, after consultation with the City Attorney's Office, decides by majority vote whether to formally investigate the complaint. In making its determination, the Review Board considers: (1) whether the allegations in the complaint, if true, would constitute a violation of state or local ethics rules; (2) the reliability and sufficiency of any facts asserted in support of the allegations; and (3) any other facts or circumstances that the Review Board may consider relevant.

In reviewing and investigating a complaint or inquiry, the Review Board gives all affected individuals an opportunity to present their interpretations of the facts at issue and of the applicable provisions of law, and the Board may also request additional materials or information from City staff or members of the public. After investigation, the Review Board issues an advisory opinion and recommendation to the City Council that is then filed with the City Clerk and be available for public inspection. The opinion and recommendation are submitted to City Council



at a regular City Council meeting, and the City Council then determines whether to adopt the opinion. (A Councilmember whose conduct or circumstance is the subject of the opinion must refrain from participating in any deliberations of the City Council regarding the opinion.)

More information can be found in Municipal Code §2-569.

### Abuse of Public Office

In addition to the requirements mentioned above, there are also state criminal statutes that make it an offense to trade in or abuse public office. In general, state law prohibits a public servant, which includes any person performing a governmental function or appointed to perform a governmental function, from soliciting, accepting or agreeing to accept a bribe intended to influence his vote, opinion, etc. See C.R.S. §§ 18-8-301 to 18-8-308. State law also generally prohibits a Councilmember from misusing official information to his or her financial benefit. See C.R.S. §§ 18-8-401 to 18-8-409.

Violations of these laws may subject a Councilmember to criminal prosecution by the District Attorney and may result in criminal penalties.

### Checklist

The following questions are suggested when examining a potential conflict of interest or question of ethical conduct. If the answer to the question is “yes,” the Councilmember should avoid participating in the decision of engaging in the proposed transaction:

**Sales to the City:** Will I or my relative receive some foreseeable, measurable financial benefit? Am I involved in the procurement or supervision?

**Purchases from the City:** Am I, or is my relative, buying this at auction? Are we buying it under any different terms and conditions than would be available to members of the general public?

**Financial Interest in a Decision:** Will I or my relative receive some foreseeable, measurable financial benefit?

**Personal Interests:** Would a reasonably prudent person believe that I or my relative will realize or experience some direct and substantial benefit or detriment from this decision that is different in kind from that experienced by the general public? Will the business that either of us represents directly and substantially benefit? Will a competing firm be directly and substantially harmed?

**Gifts or Favors:** Is this gift or favor being offered to me because of a decision I have made or am about to make? Would a reasonably prudent person think that this gift or favor would impair my independence of judgment? (Before deciding to accept a gift, it should fit under one of the exemptions in City Code §§ 2-568(c)(4).)

**Confidences:** Am I about to use or disclose a confidence which, in the judgment of a reasonably prudent person, would injure the financial interests of the City? Will I be using it for private gain, either for myself or for another person? Is this information marked as confidential? Is this information subject to the attorney-client privilege? For other examples of confidential information, see City Code §§ 2-568.

# Common Abbreviations and Acronyms

## A

ADA	Americans with Disabilities Act
AHB	Affordable Housing Board
AIS	Agenda Item Summary
APPA	American Public Power Association
APTA	American Public Transportation Assoc.
APWA	American Public Works Association
ASCSU	Associated Students CSU

## B

B&C	Boards and Commissions
BAC	Bicycle Advisory Committee
BFO	Budgeting for Outcomes
BNSF	Burlington Northern Santa Fe Railroad
BOB	Building on Basics (capital improvement program)
BRB	Building Review Board
BRT	Bus Rapid Transit

## C

CAO	City Attorney's Office
CAD	Computer Aided Dispatch
CAFR	Comprehensive Annual Financial Report ("The Audit")
CARE	Community Affordable Residences Enterprise, Inc.
CASTA	Colorado Association of Transit Agencies
CATV	Cable Television—Channel 14
CBT	Colorado Big Thompson
CCN	Catholic Charities Northern
CDBG	Community Development Block Grant
CDNS	Community Development & Neighborhood Services (City organizational service unit)
CDOT	Colorado Department of Transportation

CGFOA	Colorado Government Finance Officers Association
CHW	City Hall West
CIC	Council Information Center
CIS	Customer Information System
CM	City Manager
CMAQ	Congestion Mitigation and Air Quality
CMO	City Manager's Office
CML	Colorado Municipal League
CNG	Compressed Natural Gas
COD	Commission on Disability
COLT	City of Loveland Transit
COPs	Certificates of Participation
CPIO	Communications and Public Involvement Office
CuRB	Cultural Resources Board
CRB	Citizen Review Board
CRS	Colorado Revised Statutes
CSU	Colorado State University
CSUPD	CSU Police Department
CSURF	CSU Research Foundation
CTC	CSU Transit Center

## D

DA	District Attorney
DAR	Dial-A-Ride
DARTAC	Dial-A-Ride/Transfort Advisory Committee
DART	Day Away Restricted or Transferred
DBA	Downtown Business Association
DDA	Downtown Development Authority
DOE	Department of Energy
DOLA	Department of Local Affairs (state)
DOT	Department of Transportation
DTC	Downtown Transit Center

## E

EAP	Employee Assistance Program
E911	Emergency 911
EEO	Equal Employment Opportunity
ELCO	East Larimer County Water District
ELT	Executive Lead Team
EPA	Environmental Protection Agency
EPIC	Edora Pool Ice Center

## F

FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FBO	Fixed Base Operator (Airport)
FCPS	Fort Collins Police Services
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FLSA	Fair Labor Standards Act
FMLA	Family and Medical Leave Act
FNL	Fort Collins-Loveland Airport
FOP	Fraternal Order of Police
FPHS	Funding Partners for Housing Solutions
FRA	Federal Railroad Administration
FRCC	Front Range Community College
FTA	Federal Transit Administration
FY	Fiscal Year

## G

GET	Greeley/Evans Transit
GID	General Improvement District
GIS	Geographic Information Systems
GMA	Growth Management Area

## H

HB	House Bill
HOME	Home Investment Partnership Act Program
HRC	Human Relations Commission
HUD	Housing and Urban Development
HUTF	Highway Users Tax Fund

## I

ICMA	International City/County Management Association
IBC	International Building Code
IDRB	Industrial Development Revenue Bonds
IFC	International Fire Code
IGA	Intergovernmental Agreement
IRC	International Residential Code
IT	Information Technology

## K

KFCG	Keep Fort Collins Great (Issue 2B 2010 funding measure)
------	--

## L

LAN	Local Area Network
LEAF	Law Enforcement Assistance Fund
LEP	Limited English Proficiency
LETA	Larimer Emergency Telephone Authority
LID	Local Improvement District
LLA	Liquor Licensing Authority
LLAC	Local Legislative Affairs Committee (Chamber of Commerce)
LOS	Level of Service
LPC	Landmark Preservation Commission
LRC	Legislative Review Committee
LTD	Long Term Disability
LUC	Land Use Code



## M

MAP-21	Moving Ahead for Progress in the 21st Century
MAX	Mason Express Bus Rapid Transit
MCR	Medical Center of the Rockies
MMJ	Medical Marijuana
MPO	Metropolitan Planning Organization (Transportation)

## N

NCEA	Northern Colorado Economic Alliance
NCWCD	Northern Colorado Water Conservancy District
NEPA	National Environmental Policy Act
NFRT&AQPC	North Front Range Transportation & Air Quality Planning Council (see MPO)
NFRMPO	North Front Range Metropolitan Planning Organization
NISP	Northern Integrated Supply Project
NLC	National League of Cities
NRAB	Natural Resources Advisory Board
NRRC	Natural Resources Research Center

## O

O&M	Operation and Maintenance
OEM	Office of Emergency Management
ODP	Overall Development Plan
ORD	Ordinance

## P

PAI	Potentially Affected Interest
P&R	Parks and Recreation
P&Z	Planning and Zoning Board
PCI	Pavement Condition Index
PE	Performance Excellence
PDOD	Planned Development Overlay District
PDP	Project Development Plan
PDT	Planning, Development and Transportation – City organizational Service Area

PFA	Poudre Fire Authority
PNO	Public Nuisance Ordinance
PSD	Poudre School District
PRPA	Platte River Power Authority
PTAG	Public Transit Action Group
PUC	Public Utilities Commission
PVFPD	Poudre Valley Fire Protection District
PVH	Poudre Valley Hospital
PVLC	Pleasant Valley and Lake Canal Company

## R

RAF	Recordable Accident Frequency
R2J	Thompson R2J School District
REA	Rural Electric Association
RFI	Request for Information
RFP	Request for Proposal
RFQ	Request for Qualifications
RM	Risk Management
RMRA	Rocky Mountain Rail Authority
ROI	Return on Investment
ROW	Right-of-Way
RSVP	Retired Senior Volunteer Program
RTD	Regional Transportation District

## S

SAINT	Senior Alternatives in Transportation
SAR	Service Area Request
SDIC	Systematic Development of Informed Consent
SID	Special Improvement District
SMP	Street Maintenance Program
SO	Sheriff's Office
SRO	School Resource Officer
SSA	Sustainability Services Area – City organizational Service Area
STC	South Transit Center
STD	Short Term Disability
STIP	Statewide Transportation Improvement Program

# T

TAC	Technical Advisory Committee
TAZ	Traffic Analysis Zone
T-Board	Transportation Board
TIF	Tax Increment Financing
TIP	Transportation Improvement Program
Title VI	Title VI of the Civil Rights Act of 1964
TMA	Transportation Management Area
TOD	Transit Oriented Development
TSOP	Transfort Strategic Operating Plan

# U

UCHS	University of Colorado Health System
U+2	Occupancy Ordinance Marketing Slogan
UPC	Uniform Plumbing Code
UPRR	Union Pacific Railroad
URA	Urban Renewal Authority
UZA	Urbanized Area

# V

VFW	Veterans of Foreign Wars
WAPA	Western Area Power Administration
WTP	Water Treatment Plant
WWTP	Wastewater Treatment Plant (Water Reclamation Facility)

# Z

ZBA	Zoning Board of Appeals
-----	-------------------------

# #

215	215 N. Mason St. – City Offices
281	281 N. College Ave. – City Offices
222	222 LaPorte Ave.-City Offices

# EXHIBIT A

## Section 8 of the City of Fort Collins Personnel Policies and Procedures

### COMPUTER SECURITY AND ACCEPTABLE USE

#### 8.4.1 Security Must be Maintained

- A. City staff has a responsibility to protect City information and equipment, including technology equipment, from unauthorized use. Unauthorized use can include use by staff members who do not have a business need to access the equipment or information, as well as outside hacking efforts. To prevent unauthorized access to information in City computer systems, all computer users must use an identification code and password to log on (except when using public access services, such as the library's on-line public access catalog). Employees must take precautions to ensure that unauthorized users do not gain access to the City computer systems, such as by logging off the system while away from the computer, locking computer screens, locking their offices and maintaining confidentiality of identification codes and passwords. Maintaining confidentiality of identification codes and passwords includes employees taking precautions not to reveal codes or passwords to coworkers, unless otherwise directed by a supervisor. Employees must also follow generally accepted password guidelines, as required by the system administrator). Please contact the Information Technology Department for more information about password security.
- B. Employees may not obtain passwords of other users, and may not represent themselves as another user, without specific authorization. In addition, employees may not seek information about, copy, delete or otherwise modify files, data or passwords of another user except as required to complete assigned job duties. Access to City computer systems will cease immediately when an employee's employment ends, unless specific arrangements are made by the supervisor.
- C. To help protect City computer equipment and systems from viruses and other debilitating programs, employees may not install software, applications or apps, hardware components (such as additional monitors, modems, compact disc players, etc.) or other equipment on City computers unless:
1. The employee has worked with the Information Technology Department to arrange for installation of the software, application/app or shareware on the City computers;

2. The software, application/app or shareware has been examined for viruses and other issues concerning compatibility with the City's computer equipment and systems and approved by the Information Technology Department; and
  3. The hardware components or other equipment has been approved by the Information Technology Department.
  4. If an employee has reason to believe his or her computer is infected with a virus, the employee must immediately notify the Information Technology Department in order to minimize potential harm caused by a virus.
- D. Strict precautions are especially important to maintain the security of the City's enterprise computer applications and protect critical information from theft, loss, contamination or destruction. Essential applications include but are not limited to the Utility Customer Information System, Financial Accounting Information System and the Payroll/Personnel System. Employees are prohibited from gaining access to such systems unless they have explicit authorization, have been trained, and know how to use those systems and the systems are being accessed solely for work-related purposes.
- E. In addition, shareware may not be used in conjunction with the City's enterprise computer applications or any other system containing vital information.
- F. Employees using mobile devices to access City systems and information must participate in and comply with the City's Mobile Device Management Policy and procedures.
- G. Employees shall conform to the City software, licensing, and security standards as adopted by the City Manager and maintained by the Information Technology Department.

#### 8.4.2 Confidentiality Must be Maintained

- A. Materials containing any confidential (non-public) information, including word processing documents and electronic mail messages, must be identified by the originator as confidential and treated as confidential in their entirety. Materials may be identified as confidential by the title or text of a document or message, or by virtue of the fact the material is saved in a confidential location within the computer system, such as on an individual's "C" drive or on drives which are not readily accessible by the City organization in general. If employees have any doubt as to whether or not something is confidential, the material should be treated as confidential in its entirety.



- B. Access to any information designated as confidential may only be obtained by the originator of the information, the designated recipient, their supervisors, or others who are specifically given the information by the originator or designated recipient in order to perform the essential functions of their positions. Anyone receiving confidential information must continue to maintain its confidentiality.
- C. Employees, both during and after their employment with the City, may not disclose confidential material to anyone except to other employees who need the information to perform the essential functions of their positions, and except as required by law.

#### **8.4.3 Software is City Property**

- A. Software purchased with City funds is City property. In addition, any software that an employee installs, or has installed, on a City computer becomes City property. All software on City computers is subject to applicable licensing and copyright agreements.
- B. All software and other intellectual property and inventions created with City computers or other equipment, or created during working time, are City property. Please refer to the policy on “Inventions and Copyrights” in these City of Fort Collins Personnel Policies and Procedures.

#### **8.4.4 No Expectation of Privacy in Computer or Electronic Information**

- A. Although information on City computers is sometimes confidential (non-public), it is not private. Employees should not have an expectation of personal privacy in any computer information or electronic mail messages stored, sent or received on City computers. All information on City computers, including electronic mail messages, is subject to inspection and copying by each employee’s supervisors with or without notice or consent. Supervisors wishing to review electronic information should request access from the Chief Human Resources Officer, who has the discretion to grant or deny the request.
- B. Information in computers, including electronic mail messages, may remain retrievable for long periods of time, even though employees have “deleted” the information from their screens. Accordingly, employees should exercise good judgment as to what information they create on the computer and send via electronic mail.

- C. Various departments (such as the City Attorney’s Office, Human Resources Department and City Manager’s Office) have a need to maintain confidentiality and prevent public access to certain information in City computers and electronic mail systems. Even though such information may be confidential and non- public in nature, individual employees should have no expectation of privacy in any information they generate or store on City computers or electronic mail systems because all such information is subject to inspection and copying by the employee’s supervisor with or without notice or consent.
- D. Because the City’s computer equipment and systems, including electronic mail systems and the information on all such systems, at all times remain City property, employees have no right to obtain the information on or the contents of their computers or electronic mail upon termination of employment.

#### **8.4.5 Use Must Comply with the Law**

Numerous laws and regulations, including federal and state laws, affect the use of computers, software, telephone lines and related equipment and data. Employees using the City’s computer equipment and systems must comply with all applicable laws and regulations, in addition to all policies and practices relating to City computers. Any questions about laws or regulations, their application or their interpretation, should be directed to the City Attorney’s Office.

#### **8.4.6 Questions about or Problems with City Computers**

Any questions about computer applications or problems with computers should be directed to Information Technology Department. Violations of this policy should be reported to the employee’s supervisor, Human Resources Department or Information Technology Department.

# EXHIBIT B

## RULES OF PROCEDURE GOVERNING THE CONDUCT OF CITY COUNCIL MEETINGS AND WORK SESSIONS

As Adopted April 3, 2018 Resolution 2018-034

### Section 1. Order of Business for Regular or Special Council Meetings.

- a. Council business at regular Council meetings shall be conducted in the following order (except as provided in Subsection 1.c, 1.d, 1.e or 1.f, below):
- (1) Proclamations and Presentations. (Prior to the meeting)
  - (2) Pledge of Allegiance
  - (3) Call Meeting to Order
  - (4) Roll Call
  - (5) City Manager's Agenda Review (including removal of items from Consent Calendar for individual discussion)
  - (6) Opportunity for City Council to Pull Consent Items
  - (7) Opportunity for Citizens to Pull Consent Items
  - (8) Citizen Participation
  - (9) Citizen Participation Follow-up
  - (10) Consent Calendar
  - (11) Consent Calendar Follow-up
  - (12) Staff Reports
  - (13) Councilmember Reports
  - (14) City Manager/Council-Pulled Consent Items
  - (15) Items Needing Individual Consideration
  - (16) Citizen-Pulled Consent Items
  - (17) Other Business
  - (18) Adjournment
- b. Council business at special Council meetings shall be conducted in the following order (except as provided in Subsection 1.c, 1.d, 1.e or 1.f, below):
- (1) Pledge of Allegiance
  - (2) Call Meeting to Order
  - (3) Roll Call
  - (4) Individual Consideration of Items Identified in the Call of Special Meeting
  - (5) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of a Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less ("Quasi-judicial Rezonings"), shall be conducted as follows subject to

such limitations in time and scope as may be imposed at the discretion of the presiding officer:

- (1) Announcement of Item;
  - (2) Consideration of any procedural issues;
  - (3) Explanation of the application by City staff;
  - (4) Presentation by the applicant;
  - (5) Public testimony regarding the application;
  - (6) Rebuttal testimony by the applicant;
  - (7) Councilmember questions of City staff, the applicant and other commenters; and
  - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings pursuant to City Code Section 7-88 (regarding re-districting) and Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
  - (2) Staff Presentation for Agenda Item;
  - (3) Presentation by each person who timely filed a Protest;
  - (4) Councilmember questions of City staff and the protesting parties; and
  - (5) Motion on each Protest, discussion and vote on each Protest the by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive citizen comments from any persons desiring to speak on the Agenda Item.

- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.

### Section 2. Length of Regular Meetings

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:30 p.m., and will end no later than 6:00 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. Every regular Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting until no later than midnight for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed on the discussion agenda for such meeting, unless Council determines otherwise.

### **Section 3. Citizen Comment During Regular and Special Council Meetings.**

a. Comment during Citizen Participation. During the “Citizen Participation” segment of each meeting, citizen comment will be allowed on matters of interest or concern to citizens except the following:

- (1) items the Council will consider at that night’s meeting that include time for citizen comment (discussion items);
- (2) matters that are the subject of a board or hearing officer decision that will be appealable to the Council, if a submittal has been made to initiate the decision-making process.

b. Comment on Agenda Items. Citizen input will be received with regard to:

- (1) each item on the discussion agenda;
- (2) each item pulled from the consent agenda; and
- (3) any item that is addressed by formal Council action under the “Other Business” segment of the meeting that may directly affect the rights or obligations of any member of the general public.

Such citizen input will be permitted only once per item regardless of the number of motions made during Council’s consideration of the item.

c. Time Limits for Speaking. The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda. The presiding officer may ask those intending to speak to indicate their intention by a show of hands or some other means, and to move to one of the two lines of speakers (or to a seat nearby for those not able to stand while waiting). Each speaker will generally be limited to three minutes. If necessary in order to facilitate Council’s understanding of the item, or to allow the Council to consider and act upon the item in a timely fashion, the presiding officer may increase or decrease the time that would otherwise be allowed for each speaker.

d. Manner of Addressing the Council. Comment and testimony are to be directed to the Council. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.

e. Yielding the Lectern. Each speaker shall promptly cease his or her comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.

f. Yielding of Time. No speaker may yield part or all of his or her time to another speaker, and no speaker will be credited with time requested but not used by another.

g. Citizen Presentation Materials and Evidence. The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:

(1) Persons wishing to display presentation materials using the City’s display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City’s display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.

(2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 1.c, 1.d, 1.e or 1.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or format readily usable on the City’s display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

### **Section 4. Public Conduct During Regular and Special Council Meetings and Work Sessions.**

a. General Comment, or Expressions of Support or Opposition. Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff, and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.

b. Signs and Props.

(1) Signs and props no larger than 11” x 17” are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the “Meeting Room”), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.



- (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.
  - (3) Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business.
  - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.
  - (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.
- d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is either standing in the back of the Meeting Room behind all seated persons or standing in any other area pursuant to the direction of the presiding officer in his or her reasonable discretion or designated for that purpose in advance by the City.
- e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.

### **Section 5. Procedural Decisions Subject to Modification by Council.**

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

### **Section 6. Council Questions and Debate.**

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following citizen input and prior to entertaining any main motion

related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as he or she deems necessary for the orderly conduct of business.

### **Section 7. Basic Rules of Order for Regular and Special Council Meetings.**

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. Except as specifically noted, all motions require a second. These rules of order are based upon Robert's Rules of Order Newly Revised and have been modified as necessary to conform to existing practices of the Council and to the requirements of the City Charter. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order shall not be mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

### **MAIN MOTIONS**

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

## SUBSIDIARY MOTIONS

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.
  - A motion to amend, once seconded, is debatable and may itself be amended once.
  - A “secondary amendment,” which is a change to a pending “primary amendment,” cannot be amended.
  - Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
  - Certain motions to amend are improper.
    - For example, an amendment must be “germane” to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
    - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
  - “Friendly” amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before a vote is taken on motions to amend the main motion.
2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw his or her motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.
3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.
  - A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
  - Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.
  - Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.
5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.
  - Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
  - A motion to postpone indefinitely is debatable but not amendable.
6. “Calling the Question”. “Calling the question” may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.
  - If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, he must immediately take a vote on whether to end debate.
  - A motion to call the question is not debatable or amendable.

## INCIDENTAL MOTIONS.

These are motions which usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, he or she can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.
  - A “point of order” takes precedence over any pending question out of which it may arise and does not require a second.
  - A “point of order” is not amendable.
  - Technically, a “point of order” is not debatable; however:
    - With the presiding officer’s consent, the member raising the point of order may be permitted to explain his or her point.
    - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.

- In making his or her ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
  - No member has the right to express an opinion unless requested to do so by the presiding officer.
  - When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
    - When an appeal is taken, the matter is decided by majority vote of the Council.
    - A tie vote sustains the decision of the presiding officer.
  - If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.
2. Point of Information. Robert’s Rules of Order provides for a “point of information” or a “request for information” which is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal “point of information” procedure provided in Robert’s Rules is not needed or appropriate for City Council meetings.
3. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.
- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
  - The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
  - Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.
4. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.
- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
  - This motion is neither debatable nor amendable.

## RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.
  - A motion to take an item from the table is neither debatable nor amendable.
  - When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.
2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion which has already been voted on.
  - A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken, and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
  - The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
  - When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, he or she can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
  - A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
  - A motion to reconsider is not amendable.
  - The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.
3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.
  - A motion to rescind or amend something previously adopted is debatable and amendable.



- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how he or she voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
  - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
  - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted ordinance, Council must adopt a new ordinance making the desired modification, in compliance with all formalities applicable to adoption of an ordinance.

2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
  - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
  - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.

## PRIVILEGED MOTIONS

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else.

1. Motion to Adjourn. Generally the presiding officer adjourns the meeting at his or her discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
  - Such a conditional motion is not privileged and is treated just as any other main motion.
  - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

## FORT COLLINS COUNCIL RESPECTFUL WORKPLACE POLICY

### Introduction

Fort Collins aspires to be a city that addresses the needs of all members of our community and strives to ensure that everyone has the opportunity to thrive. As a community, we commit to building a healthy, equitable, and resilient city – for our families, for our neighbors, and for future generations. The high quality of life we enjoy requires a city that is safe and where all individuals are treated with dignity and respect. The Mayor and City Council are committed to providing an environment that exemplifies the highest standards of ethical behavior, treats others with dignity and respect and is known for its honesty, inclusivity and transparency. Our elected officials and those they appoint believe that how they treat others, and how they allow their peers to treat others, is a direct reflection of our collective character.

The Fort Collins City Council is committed to providing and maintaining a work environment that encourages mutual respect and promotes equality, dignity, and respect. This Policy embodies the City Council’s commitment to prevent and address discrimination; harassment, including sexual harassment; and retaliation. Discrimination, harassment, and retaliation in the workplace are against the law and will not be tolerated.

Through adoption, implementation, and enforcement of this Respectful Workplace Policy (“Policy”) and through continuing education and training provided by or through the Human Resources Department (“HR”), the Fort Collins City Council will seek to prevent, address, and correct behavior that violates this Policy.

## **Application**

This policy applies to all members of the City of Fort Collins City Council and Appointed Officials (defined herein as the City Manager, the City Attorney, the Chief Municipal Judge, any appointed employee including municipal judges and any City board or commission member) in the performance of City governance or operations, at City-sponsored activities, and in all interactions between members of City Council, Appointed Officials, and City employees and contractors (defined herein as “Related Interactions”). Nothing in this Policy is intended or should be read to alter the terms and conditions of the at-will status of Appointed Officials.

The focus of the remainder of this policy is on describing conduct that is prohibited and processes for handling complaints made. It’s important for all to keep in mind that the Mayor and City Council are committed to providing an environment that exemplifies the highest standards of ethical behavior, treats others with dignity and respect and is known for its honesty, inclusivity and transparency. Conduct that does not clearly fall into the realm of prohibited conduct but is inconsistent with these values may be cause for corrective action.

## **Prohibited Conduct**

### **I. Discrimination Strictly Prohibited**

#### **Policy**

The City Council strictly prohibits discrimination based on protected characteristics and will take prompt and appropriate action in response to good-faith complaints or knowledge of an alleged violation of this Policy.

#### **Definitions**

- “Protected characteristics” means a person’s race, color, religion, creed, national origin or ancestry, sex, sexual orientation, transgender status, gender identity and expression, disability, genetic information, military status, age, marital status, political affiliation, pregnancy or related condition, or any other status protected under federal, state, or local law.



- “Discrimination” occurs when a person covered by this policy experiences an adverse official action based on one or more of that person’s protected characteristic(s). Adverse official actions include, but are not limited to, termination, suspension, involuntary demotion, failure to promote, and opposition, rejection or failure to appoint to committee or leadership role. Adverse official actions that are taken for any reason other than the protected characteristic(s) of a person covered by this policy are not discrimination.

#### Examples of Discrimination

- An employee is terminated from his job because he is Muslim, Catholic or Jewish.
- A female candidate is selected for promotion over a more qualified male candidate because she is a woman.
- An employee is involuntarily demoted because he is homosexual.

## II. Harassment, Including Sexual Harassment, Strictly Prohibited

### Policy

The City Council strictly prohibits harassment, including sexual harassment, and will take prompt and appropriate action in response to good-faith complaints or knowledge of an alleged violation of this Policy. Please note that this Policy does not address conduct that could constitute a violation of criminal law. Any person who believes a violation of criminal law has occurred should report the conduct to Fort Collins Police Services or other appropriate law enforcement agency.

### Definitions

- “Harassment” means verbal or physical conduct that demeans, stereotypes, or shows hostility or aversion toward an individual or group because of the individual’s or group’s protected class. Harassment is conduct directed toward a member of a protected class where it creates a hostile work environment. A hostile work environment exists when:
  - . The conduct was based on a protected status;

- . The conduct was unwelcomed by the employee (which is a subjective standard);
- . The conduct was offensive to a reasonable person (which is an objective standard); and
- . The conduct was severe or pervasive.
  - “Sexual harassment” is a form of harassment, and can involve males or females or persons of any gender orientation being harassed by members of either sex or gender orientation. Sexual harassment can fall into the following two categories:
    - o “Quid Pro Quo” or “this for that” means direct or implied requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or support of legislation or other legislative processes. Quid pro quo harassment can also mean direct or implied requests for sexual favors with the threat of an adverse action for non-compliance. Quid pro quo occurs when:
      - . Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment;
      - . It is used as a basis for employment decisions;
      - . Submission to or rejection of such conduct by a person is used as the basis for decisions or actions related to the support or opposition of legislation or other legislative processes; or
    - o “Hostile Work Environment” means sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment. A hostile work environment exists when:
      - . The conduct was based on a protected status;
      - . The conduct was unwelcomed by the employee (which is a subjective standard);
      - . The conduct was offensive to a reasonable person (which is an objective standard); and
      - . The conduct was severe or pervasive.

## Examples of Harassment

**No policy can provide an exhaustive list of behaviors that may rise to the level of harassment.** Harassment encompasses a broad range of conduct that may be verbal, visual, or physical in nature. Specifically prohibited conduct includes, but is not limited to:

- Verbal conduct such as epithets, derogatory comments, and slurs directed at someone because of their protected class;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures directed at someone because of their protected class;
- Mocking someone's accent or disability;
- Acts or jokes that are hostile or demeaning toward a protected class;
- Racially offensive words or phrases;
- Written or graphic material that insults, stereotypes, or shows aversion or hostility to an individual or group because of a protected class that is placed on walls, bulletin boards, email, or elsewhere on the premises of the workplace;
- Displays of symbols, slogans, or items that are associated with hate or intolerance towards any select group, such as swastikas or nooses;
- Pranks or hazing someone because of their protected class; and
- Physical aggression or gestures based on someone's protected class.

In addition to the examples listed above, an aggregation of a series of incidents can constitute harassment, even if one of the incidents considered separately would not rise to the level of harassment. Harassing conduct does not have to rise to the level of an unlawful hostile work environment to warrant corrective action under this policy.

## Examples of Sexual Harassment

Examples of sexual harassment include, but are not limited to the following conduct:



- Inappropriate commentary, such as sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding a person's sex life, comments regarding a person's body or sexual-activity deficiencies or prowess;
- Sexually suggestive comments about a person's clothing, vocal activity like catcalls or whistles, leering or staring at a person or part of a person's body, obscene letters, emails, text messages, photographs, cartoons, or other written or pictorial materials of a sexual nature, or sexting or posting sexual messages or images on social media;
- Direct sexual propositions including persistent requests for dates, drinks, or other personal contact after being informed that the interest is unwelcome, inappropriate sexually themed communication in person, online or via mobile devices;
- Sexual coercion under threat of punishment including demotion, firing, negative reviews, opposition to legislative initiatives, blacklisting or otherwise interfering with someone's access to opportunities;
- Explicit or implicit requests for sexual activity in exchange for reward, position, or career advancement, support of legislative initiatives, introductions, special access invitations to exclusive events, support for candidacies, position stability, or any other such condition or potential benefit;
- Sexual contact including unwanted physical touching, blocking or impeding movements, groping, or kissing.

Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited by this policy. This policy prohibits opposite-sex and same-sex harassment.

Sexual harassment may be obvious or subtle. Some behavior that is appropriate in a social setting may not be appropriate in the performance of City governance, City operations, at City-sponsored activities, or in Related Interactions, particularly considering the Council's stated values noted above in the Introduction.

### III. Retaliation Strictly Prohibited

## Policy

The City Council strictly prohibits retaliation. The City Council will take prompt and appropriate action in response to good-faith complaints of retaliation or knowledge of a violation of this Policy.

## Definitions

“Retaliation” means an act of punishment, reprisal, or revenge that is taken against a person because he or she reported a form of harassment prohibited under this Policy, prevented unlawful practices, or participated in an investigation of an alleged act of harassment. For purposes of retaliation, an action is materially adverse if it is harmful to the point that it would dissuade a reasonable employee from making a complaint of discrimination.

## Examples

Retaliation can take place in the workplace or outside of the workplace. Harassing conduct does not have to rise to the level of an unlawful hostile work environment to warrant corrective action under this policy. Examples include but are not limited to:

- Granting access to a person differently after a complaint in a manner that negatively affects the person’s business or ability to perform work (i.e., a Councilmember refusing to meet with a complaining party after filing a complaint);
- Removing a person from an assignment;
- Change in support for Council action proposed by, or supported by, a person in their professional capacity;
- Disparaging a person to colleagues or peers;
- Changing the person’s role, responsibilities, supervisory or legislative authority;
- Newfound scrutiny of work performance by a supervisor;
- Denial of a promotion, demotion, suspension, or termination;

- Warnings, reprimands, or poor performance evaluations;
- Exclusion from beneficial networking or other opportunities;
- Encouraging coworker shunning;
- Exclusion from team or coworker events;
- Workplace or legislative sabotage;
- Assignment of disproportionate workload;
- Disparaging the person to others or in the media;
- Disparaging the person to potential new employers;
- Threatening legal action;
- Threatening immigration action; or
- Abusive verbal or physical behavior.

### **Formal Complaint and Resolution Process**

The City Council encourages the reporting of all perceived incidents of discrimination, harassment or retaliation, as described above, regardless of the position of the alleged offender. The following processes will be used when a reporting party reports a violation of this Policy. The formal resolution process will be used when someone makes a good-faith report of discrimination, harassment, or retaliation in a manner that makes clear that the Reporting Party intends to make a complaint of a policy violation.

### **Definitions**

- “Reporting Party” means a person who has been subjected to or who has witnessed another person be subjected to behavior that violates this Policy. A Reporting Party may be a member of the City Council, a City staff member, a member of the public, a City contractor or vendor, an Appointed Official, a contractor, or a person whose employment gives them access to or contact with the Fort Collins City Council.
- “Complaint Contact” means:

- . Any supervisor, manager, department head, service area director, service unit director, deputy city manager, senior assistant city manager, or assistant city manager;
  - . The Mayor;
  - . Any City Councilmember
  - . A representative of Human Resources including the Chief Human Resources Officer;
  - . The City Manager
  - . The City Attorney
  - . Equal Opportunity & Compliance Manager.
- “Respondent” means a person who is alleged to have violated this Policy and includes members of the City Council, Appointed Officials, and persons who are under contract with the City of Fort Collins.

### **Confidentiality and Privacy Interests**

An essential duty of the City Council is to be accountable to the public it serves. Members of the public deserve to have access to some information about complaints and complaint trends, but this must be balanced with the needs of the parties to have a safe, fair, and impartial process with appropriate confidentiality. The complaint resolution process is a confidential process. Complaint contacts must ensure that reporting parties can communicate privately and confidentially with them in discussing their complaints. Complaints and information about the investigation must be kept confidential by all parties, witnesses, those who handle the complaints, and those who recommend discipline or remediation, to the fullest extent possible. The confidential investigation report or any records of complaints of sexual harassment, and any sexual harassment investigations shall not be disclosed pursuant to an open records request except in accordance with Colo.Rev.Stat. § 24-72-204.



## **Complaints Against a Member of the City Council**

### Reporting

The Fort Collins City Council encourages any person who is the subject of or witness to a violation of this Policy by a City Councilmember to immediately bring the violation to the attention of the Fort Collins City Council, via the complaint contacts listed above, so it may take proper steps to investigate and address the issue. The report should contain all facts available to the Reporting Party regarding the alleged Policy violation.

A Reporting Party is encouraged to take the following actions:

- If the Reporting Party is comfortable addressing the issue directly with the respondent, the Reporting Party may explain to the Respondent that the behavior is offensive to the Reporting Party, and request that such behavior be discontinued.
- If the behavior recurs, the Reporting Party is strongly encouraged immediately report the behavior to a Complaint Contact listed above.
- If the Reporting Party is not comfortable addressing the issue directly with the respondent, the reporting party should immediately report the offensive behavior to a Complaint Contact listed above.

### Action by Complaint Contact

A Complaint Contact who receives a report from a Reporting Party must document the date, time, whether the complaint was in person or by phone, and nature of the conversation, as well as any steps taken. The Complaint Contact must transmit complaints that fall under the Policy to the Chief Human Resources Officer of the City and the City Attorney. A screening process will be used to ensure that the alleged misconduct falls within the scope and purpose of this Policy, assuming the allegations are true. A Complaint Contact must take actions described in this Policy promptly upon becoming aware of a complaint.

## Screening Process

The Chief Human Resources Officer or his or her designee and the City Attorney or his or her designee will contact the Reporting Party and obtain a complete description of the conduct that allegedly violates this Policy. The Chief Human Resources Officer or his or her designee, the City Manager or his or her designee and the City Attorney or his or her designee will determine whether the alleged misconduct, if true, violates this Policy. Unless the alleged violation clearly does not fall within this Policy, the allegations will be referred for investigation. If the alleged violation clearly does not fall within this Policy, a confidential written summary of the basis for not referring the matter for investigation is placed in the file. If the allegations are not referred for full investigation, the complaining party will be notified the allegations were reviewed as a screening matter and determined not to fall within the scope of this Policy. If any of those involved in the screening the complaint believe the alleged misconduct, if true, violates this Policy, the allegations will be referred for investigation.

## Investigation

Complaints against a Councilmember that, if true, violate this Policy must promptly be referred to a third-party investigator retained by the City Attorney's Office. The City Attorney must inform the City Council that an investigation is underway and retain an independent outside investigator (preferably a lawyer that specializes in workplace investigations) to conduct interviews with the Reporting Party and other individuals with knowledge of relevant facts, and to perform such other actions as are necessary to ensure a complete investigation of all allegations and a fair process for all involved. Once the investigation is deemed complete by the investigator and the City Attorney, the investigator shall prepare a written report indicating whether the allegations in the complaint are sustained or not sustained and shall provide such confidential investigation report to the City Attorney.

## Timeline for Investigation

Every effort will be made to complete an investigation in 60 days.

## Disciplinary and Remedial Action

Upon completion of the investigation by a third-party investigator, the City Attorney will inform the Chief Human Resources Officer, the City Manager, the Reporting Party and the Respondent of the pertinent findings. The City Attorney, the Chief Human Resources Officer and the City Manager will send the confidential investigative report to each member of the City Council with a cover letter that contains recommendations to remedy the harassment, discrimination, or retaliation. Alternatively, the City Attorney shall present the investigator's written report to the City Council in executive session. Upon receipt, the Respondent must immediately endeavor to comply with recommendations.

The City Council may consider and direct any or all of the following actions in response to a finding that a complaint of harassment, discrimination or retaliation is sustained:

1. Adopt a resolution finding that an individual covered by this policy violated this policy;
2. Direct or encourage additional corrective training;
3. Such other action as is consistent with its authority under applicable state statutes, the City Charter, ordinances, resolutions, or rules and policies of the City Council.

Any Councilmember at any time may initiate a motion for censure of a Respondent Councilmember.

## **Complaints Against an Appointed Official**

### Reporting

The City Council encourages any person who is the subject of or witness to a violation of this Policy by an Appointed Official to bring the violation to the attention of the City Council immediately, so it may take proper steps to investigate and address the issue. The report should contain all facts available to the Reporting Party regarding the alleged Policy violation.

The Reporting Party is encouraged to take the following actions:

- If the Reporting Party is comfortable addressing the issue directly with the Respondent, the party may explain to the Respondent that the behavior is offensive to the Reporting Party, and request that such behavior be discontinued.
- If the behavior reoccurs, the Reporting Party is strongly encouraged to immediately report the behavior to a complaint contact listed above.
- If the Reporting Party is not comfortable addressing the issue directly with the Respondent, the Reporting Party should immediately report the offensive behavior to a Complaint Contact listed above.

#### Action by Complaint Contact

A Complaint Contact who receives a report from a Reporting Party must document the date, time, whether the conversation was by phone or in person, and nature of the conversation, as well as any steps taken. The Complaint Contact must transmit complaints that fall under the Policy to the Chief Human Resources Officer, the City Attorney, unless the City Attorney is the Respondent and the City Manager, unless the City Manager is the Respondent. If the Respondent is the City Attorney, the Complaint Contact must transmit complaints that fall under the Policy to the Chief Human Resources Officer and the City Manager. A screening process will be used to ensure that the alleged misconduct falls within the scope and purpose of this Policy, assuming the allegations are true. A Complaint Contact must take actions described in this Policy promptly upon becoming aware of a complaint.

#### Screening Process



The Chief Human Resources Officer or his or her designee and the City Attorney or his or her designee, if the City Attorney is not the Respondent, will contact the Reporting Party and obtain a complete description of the conduct that allegedly violates this Policy. The Chief Human Resources Officer or his or her designee, the City Manager or his or her designee, if the City Manager is not the Respondent, and the City Attorney or his or her designee, if the City Attorney is not the Respondent, will determine whether the alleged misconduct, if true, violates this Policy. Unless the alleged violation clearly does not fall within this Policy, the allegations will be referred for investigation. If the alleged violation clearly does not fall within this Policy, a confidential written summary of the basis for not referring the matter for investigation is placed in the file. If the allegations are not referred for full investigation, the Reporting Party will be notified the allegations were reviewed as a screening matter and determined not to fall within the scope of this Policy. If any of those involved in the screening the complaint believe the alleged misconduct, if true, violates this Policy, the allegations will be referred for investigation. If the Respondent is the City Attorney, the City Council will use outside legal counsel to engage in the screening process as described herein. If the Respondent is the City Manager, the Chief Human Resources Officer and City Attorney will engage in the screening process.

## Investigation

Complaints against an Appointed Official that warrant investigation must promptly be referred to a third-party investigator retained the City Attorney's Office, unless the Respondent is the City Attorney. Unless the Respondent is the City Attorney, the City Attorney must inform the City Council that an investigation is underway and retain an independent outside investigator (preferably a lawyer that specializes in workplace investigations). If the Respondent is the City Attorney, the Chief Human Resources Officer will retain the services of outside counsel to retain an independent outside investigator (preferably a lawyer that specializes in workplace investigations) and the City Manager must inform the City Council that an investigation is underway. An outside investigator will

conduct interviews with the Reporting Party and other individuals with knowledge of relevant facts, and to perform such other actions as are necessary to ensure a complete investigation of all allegations and a fair process for all involved. Once the investigation is deemed complete by the investigator and the City Attorney or outside counsel, the investigator shall prepare a written report indicating whether the allegations in the complaint are sustained or not sustained, and shall provide such confidential investigation report to the City Attorney, unless the Respondent is the City Attorney. If the Respondent is the City Attorney, the confidential investigation report will be provided to the outside counsel who will forward the report to the Chief Human Resources Officer and the City Manager.

The confidential investigation report and findings, along with a recommendation, will be provided to the City Manager and the City Council.

#### Timeline for Investigation

Every effort will be made to complete an investigation in 60 days.

#### Disciplinary and Remedial Action

Any Respondent found to have engaged in harassment, discrimination, or retaliation prohibited by this Policy is subject to appropriate disciplinary action. The City Council shall consult with the Chief Human Resources Officer and the City Attorney, if the City Attorney is not the Respondent, regarding disciplinary actions that are commensurate with the severity of the offense. If the City Attorney is the Respondent, the City Council shall consult with the Chief Human Resources Officer and outside employment counsel about disciplinary actions that are commensurate with the severity of the offense. Disciplinary action can include, but is not limited to, demotion or termination. Other remedial measures may include:

- Verbal or written direction to cease the offensive behavior;

- A written or verbal apology to the Reporting Party if the Reporting Party consents to the apology;
- Resources and support to Reporting Party; or
- Education and training for the Appointed Officials.

In any case, a written record of any action taken on the complaint, or any determination to take no further action on the complaint, shall be prepared in consultation with the City Attorney or such other legal counsel appointed by City Council in connection with a given complaint and kept with the report of investigation.

### **Training**

All members of City Council shall participate in training regarding harassment, discrimination and retaliation every two years and in conjunction with the orientation provided to new City Council members. All Appointed Officials shall participate in such training every two years.

### **Annual Reporting and Review**

The Chief Human Resources Officer will publicly report, on an annual basis, the total number of complaints under the Policy, and the resolution of each complaint, appropriately redacted to protect the confidential personnel decisions and party identities. The Chief Human Resources Officer will maintain a publicly available list of Councilmembers and Appointed Officials who have attended mandatory and voluntary trainings.







