

Town of Erie
Ordinance No. _____ - 2020

**An Ordinance of the Board of Trustees of the Town of Erie
Amending Title 3 of the Erie Municipal Code by the Addition of a
New Chapter 6, to Establish a Diversity, Equity and Inclusion
Advisory Board**

Whereas, the Board of Trustees believes it is in the best interest of the public health, safety and welfare to establish a Diversity, Equity and Inclusion Advisory Board.

Now therefore, be it Ordained by the Board of Trustees of the Town of Erie, Colorado that:

Section 1. Title 3 of the Erie Municipal Code is hereby amended by the addition of a new Chapter 6, to read as follows:

Chapter 6. – Diversity, Equity and Inclusion Advisory Board

3-6-1: Establishment.

The Diversity, Equity and Inclusion Advisory Board (the "DEI Board") is hereby established as an advisory committee of the Town.

3-6-2: Purpose and duties.

A. Purpose: The purpose of the DEI Board is to promote diversity, equity and inclusion in the Town generally and in the Town's municipal policies, procedures, practices and organizational culture.

B. Duties: The duties of the DEI Board are as follows:

1. To advise the Board of Trustees, by written report, in connection with matters relating to diversity, equity and inclusion and related activities.

2. To occasionally survey the community to understand local perspectives on the status of diversity, equity and inclusion in the Town.

3. To promote and encourage public awareness of and engagement in Town events and activities, or at the request of interested individuals or groups, to promote diversity, equity and inclusion in the Town.

4. To create a diversity, equity and inclusion master plan with the support of the Town staff to be reviewed and approved by the Board of Trustees, updating it every five (5) years, or sooner if needed. The initial

diversity, equity and inclusion master plan shall be created by the Diversity, Equity and Inclusion Advisory Board on or prior to December 31, 2021.

5. To coordinate with Boulder and Weld Counties and neighboring jurisdictions, Town staff and other Town boards, commissions and committees to identify and promote diversity, equity and inclusion activities.

6. With the support of Town staff, to review and assess the extent to which Town policies, procedures and practices, unintentionally or not, may have a discriminatory effect of marginalizing certain people and maintaining the privilege of others, and if so determined that is the case in any area, recommend, by written report to the Board of Trustees, amendments to policies or changes in practices needed to eliminate any vestiges of such discriminatory systems.

7. To recommend, by written report, grants or other sources of funding diversity, equity and inclusion activities.

8. To biannually prepare a written report, which shall then be presented orally to the Board of Trustees at a public meeting, with the first report and presentation occurring after the first of the year and the second prior to the start of the Town's budget consideration for the following year.

9. To perform such other functions and duties associated with diversity, equity and inclusion as the Board of Trustees may direct.

3-6-3: Appointment, compensation, terms and removal.

A. Appointment:

1. The DEI Board shall consist of seven (7) members, each of whom shall be current residents of the Town.

2. All members of the DEI Board shall be appointed by the Board of Trustees.

3. If any member ceases to reside in the Town, their membership on the DEI Board shall immediately terminate.

4. The members of the DEI Board shall represent diversity, and the majority of members shall be from marginalized groups.

5. A member of the Board of Trustees shall be appointed as the liaison to the DEI Board. The liaison will attend regular DEI Board meetings and be the conduit of bidirectional information to and from the Board of

Trustees. The liaison is not a member of the DEI Board, nor is the liaison entitled to vote.

B. Compensation: All members of the DEI Board shall serve without compensation.

C. Terms of office:

1. Initially, seven (7) founding members shall be appointed to the DEI Board for one (1) year terms.

2. After the initial terms, four (4) members shall be appointed to the DEI Board for four (4) year terms and three (3) members shall be appointed to the DEI Board for two (2) year terms.

3. Thereafter, all terms shall be four (4) years, except as necessary to maintain the stagger.

D. Removal:

1. The Board of Trustees may remove any member of the DEI Board for any of the following reasons:

a. A conflict of interest;

b. Any violation of law, regulation, or policy;

c. Neglect;

d. Malfeasance; or

e. Failure to attend three (3) consecutive regularly scheduled meetings without a leave of absence approved by a majority of the Diversity, Equity and Inclusion Advisory Board.

2. Prior to removing any member of the DEI Board, the Board of Trustees shall provide written notice to such member, including the reasons for the proposed removal, and an opportunity to be heard at a public meeting of the Board of Trustees.

3-6-4: Officers.

A. Election: At its first meeting following its creation, and at its first meeting following each regular Town election thereafter, the DEI Board shall elect from its members a Chair, a Vice Chair and a Secretary.

B. Duties: The Chair shall preside at all meetings of the DEI Board. The Vice Chair shall assume the duties and responsibilities of the Chair if the Chair is absent or unable to perform. The Secretary shall keep a record of all proceedings of the DEI Board.

C. Term: The term of each office shall be one (1) year, or until the first meeting of the DEI Board following each regular Town election, whichever is shorter.

D. Vacancies: A vacancy in the office of Chair shall be filled automatically by the Vice Chair, and a new Vice Chair shall be elected at the next meeting of the DEI Board from among the remaining members. A vacancy in the office of Vice Chair or Secretary shall be filled at the next meeting of the DEI Board from among the remaining members.

3-6-6: Bylaws.

The DEI Board shall adopt bylaws, which bylaws must be approved by the Board of Trustees. Any amendment to the bylaws must be approved by both the DEI Board and the Board of Trustees.

3-6-7: Meetings.

A. Open meetings: All meetings of the DEI Board shall be open to the public, and notice of such meetings shall comply with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* At each meeting, the DEI Board shall allow for public comment, with reasonable time limitations.

B. Regular meetings: The DEI Board shall hold at least one (1) regular meeting at Town Hall (or virtually as permitted by applicable law) each month. The DEI Board shall determine the yearly schedule of meetings and provide such schedule to the Town Clerk for publication. Alternative dates, times, or places may be approved by the DEI Board, as long as notice of such meetings is published on the Town website and such meetings are held in public places. The DEI Board shall hold a minimum of six (6) meetings per year.

C. Special meetings: The Chair or two members of the DEI Board may call a special meeting at any time, upon notice to the remaining members of the DEI Board.

D. Quorum: A quorum shall be one-half of the total number of appointed members of the DEI Board, rounded up to the nearest whole.

E. Voting:

1. A majority vote of those members present when there is a quorum is required for all actions of the DEI Board.

2. All members, including the Chair, may vote on any item, except in the case of a conflict of interest.

F. Minutes: The DEI Board shall keep minutes of all meetings and shall file such minutes with the Town Clerk.

G. Attendance by Town Staff: The Town Administrator or their designee will attend all DEI Board meetings, and other Town staff will be available to attend meetings quarterly, at the request of the Chair.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 27th day of October, 2020.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk