

# How to Use this Presentation

1. Review speaker's notes & example slides
2. Replace italic notes & example slide text with your own board- or commission-relevant information
3. Schedule time once a year during a board/commission meeting to review the information with members
4. Repeat yearly



# Best Practices for Colorado State Boards and Commissions

January 2019

# Policies or Bylaws

**Include** information on statutory directive limits, legislative intent, & specific directions or laws related to the board or commission's establishment, its powers, & duties

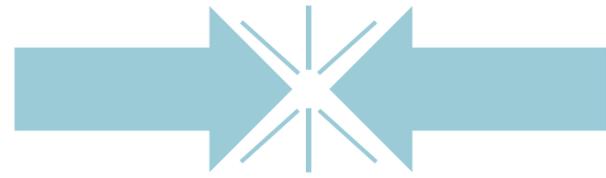
**Define** the board or commission's mission or role in the oversight of projects or entities approved to receive public funding, if applicable

**List** the goals of the programs the board or commission oversees & how these goals align with the board or commission's processes

**Set** parameters regarding board or commission staff's duties relative to the board or commission's mission or role

**Identify** how the board or commission will ensure appropriate member involvement in review of key communications & policy-making activities, & ensure members act in accordance with their roles as public representatives

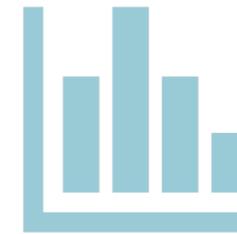
# Policies or Bylaws



**Define** how to identify & manage conflicts of interest



**List** Colorado Open Records Act & Open Meetings Law requirements



**Describe** how data will be identified & secured for informed decision making



**Establish** coordination strategies where responsibilities & interests overlap



**Provide** guidelines on annual review management practices

# Policies or Bylaws: MSB Example

- Article I: Creation
- Article II: Organization
- Article III: Procedures and Rules of Order
- Article IV: General Policies
- Article V: Conflict of Interest
- Article VI: Administrative Directives
- Article VII: Bylaws

*Officer Roles*

*Times & Locations*

*Quorum*

*Meeting Minutes*

*Rules of Order*

# Mission or Role: MSB Example

The purpose of the MSB is to adopt program rules with stakeholder input aligned with HCPF's mission in the best interest of Coloradans.

Our primary role is as a “decider”. While we play secondary roles in the course of fulfilling our purpose, our “decider” role takes precedence.

This means that when we are learning about a rule we may be sounding boards, ambassadors, consultants, translators, connectors, facilitators or scanners.

**But when it comes time to act, we come together to make decisions in the best interests of Coloradans.**

# Identifying & Securing Data to Ensure Appropriate Involvement

*To make informed decisions, board members need to regularly review documents shared by their Board Coordinator.*

*Each Board should have a procedure for document sharing to ensure board members have the info and time needed to make informed decisions.*

# Identifying & Securing Data to Ensure Appropriate Involvement: MSB Example

*“ Copies of rules, issue summaries and other documents that require board action shall either be mailed, delivered electronically, or [shared] by other means of communication to all Board members to assure receipt at least five business days prior to each meeting when possible.*

”

# Managing Conflicts of Interest

**An actual or potential conflict of interest is based on a direct economic benefit on a business or other undertaking in which the member has a direct or substantial financial interest.**

**This includes a directorship or an officership in a foundation or other non-profit organization.**

# Managing Conflicts of Interest: MSB's Procedure

1. Once a year, on or before January 1, the Medical Services Board Coordinator emails members to remind them to file a disclosure if needed.
2. The reminder contains instructions on how to file a Conflict of Interest Disclosure and a link to the Disclosure form on the Secretary of State's website.
3. Board members who anticipate actual or potential conflicts of interest must file an online Conflict of Interest Disclosure with the Secretary of State's Office.
  - Newly appointed members to the Board who think there may be an actual or potential conflict of interest must file an online Conflict of Interest Disclosure with the Secretary of State's Office as soon as possible after their appointment.
4. Board members are required to pay a \$3 fee to the Secretary of State for the filing.
  - Board members may submit a request for reimbursement with the Board Coordinator.

# CORA and Open Meetings Law

**In the spirit of open government, the Colorado Open Records Act (CORA) requires that most public records be available to the public.**

The Open Meetings Law (OML), which is part of the Colorado Sunshine Law, generally requires any state or local governmental body to discuss public business or to take formal action in meetings that are open to the public.

A "meeting" refers to any kind of gathering, convened to discuss public business, whether in person, by telephone, electronically, or by other means of communication. The Colorado Supreme Court has held that "a meeting must be part of the policy-making process to be subject to the requirements of the OML." Therefore, for example, emails can be considered "meetings", but the term does not include chance meetings or social occasions where public business is not the central purpose of the meeting.

For additional information on the OML, please see the Office of Legislative Legal Services (OLLS) Frequently Asked Questions on "Open Meetings Law - State Public Body" located under the Legal Topics, "Memos of Interest" link on the OLLS webpage (<https://leg.colorado.gov/agencies/office-of-legislative-legal-services>)

# Operating within Limits & Understanding Goals

Colorado Revised Statutes state what each board or commission can do and what authority board members have.

<https://leg.colorado.gov/agencies/office-legislative-legal-services/colorado-revised-statutes>



**Thank you for your service!**

[www.colorado.gov/hcpf/committees-boards-and-collaboration](http://www.colorado.gov/hcpf/committees-boards-and-collaboration)