

Colorado Brain Injury Advisory Board By-Laws 2020-2021

I. Name and Establishment

The Colorado Brain Injury Advisory Board was created in 2018 through a federal grant from the Administration for Community Living (ACL) Traumatic Brain Injury (TBI) State Partnership Program. This board advises MINDSOURCE – Brain Injury Network, Colorado’s lead state agency on brain injury, which is housed within the Colorado Department of Human Services, Office of Adult, Aging and Disability Services (OAADS).

II. Purposes

The purposes of this board shall be to:

- a. Monitor efforts related to the State Plan. This three and a half year plan, which was developed by this board and began on January 1st, 2020, is a strategic blueprint for the state of Colorado with the goals of:
 - i. effectively identifying gaps in services and supports,
 - ii. developing responsive tactics to address these gaps, and
 - iii. collaborating across private and public partners to meet the needs of individuals with brain injury and their family members
- b. Develop quarterly dashboards to display on the MINDSOURCE website, demonstrating efforts related to this work.
- c. Ensure the State Plan remains relevant.
- d. Update the State Plan every three years.
- e. Monitor efforts related to the ACL grant, as applicable

III. Membership

- a. Composition: The Advisory Board shall ideally consist of no more than 20 members. As per the ACL grant, five members shall be standing and include representatives from:
 - i. Aging and Disability Resource Center
 - ii. Protection and Advocacy
 - iii. Long-term Care Ombudsman
 - iv. Centers for Independent Living
 - v. TBI Model Systems

Additional state agencies and contractors with on-going brain injury programming shall be standing and include representatives from:

- vi. Colorado Department of Education
- vii. Colorado Department of Public Health and Environment
- viii. Colorado Department of Health Care Policy and Financing
- ix. MINDSOURCE Contractor of Client Services

- b. Qualifications: The Advisory Board is comprised of volunteer members who bring a wide variety of perspectives and expertise including; lived experience with brain injury, family members, state agency representatives, community advocates, and providers. A minimum of 50% of the at-large members should be individuals with lived experience, unless achieved through overall membership.
- c. Duties and Powers
The members shall have responsibility for:
 - i. Meeting quarterly
 - ii. Voting on Co-chairs and Co-chairs elect. One of the Co-Chairs will be an individual with lived experience.
 - iii. Approving and amending by-laws
 - iv. Reviewing reports and dashboard content from the MINDSOURCE team as they relate to the State Plan.
 - v. Voting on new membership for at-large members.
 - vi. Voting on proposed changes to the State Plan.
- d. Appointments and Termination
 - i. Names of potential at-large members to fill vacancies shall be submitted to the sitting Board for screening
 - ii. Interested individuals are required to fill out a brief application.
 - iii. The terms of at-large board members shall be three years, with the option to renew for a second term.
 - iv. No at-large member may serve more than two consecutive terms, but some exceptions may be made upon MINDSOURCE's discretion.
 - v. D. The Board shall, to the extent possible, represent rural and urban areas of the state as well as represent the ethnic diversity of the state
- e. Orientation
Orientation of new members shall be provided by Co-chairs prior to their first meeting. The MINDSOURCE team will support the Co-chairs. Mentorship will be provided as an option for new members.
- f. Removal
 - i. The board may recommend the removal of any member for substantiated gross neglect of duty or conviction of a felony
 - ii. The Board may recommend the removal of any member for failure to attend two regular meetings within a calendar year.
 - iii. The Board shall notify the board member pending removal prior to making a recommendation.
- g. Compensation
Board members shall not be compensated for serving on the Board but may be reimbursed for all reasonable expenses related to their work for the board,

should funding be available. Reimbursement of board member expenses will be based on the current Colorado Department of Human Services travel reimbursement policy and all other State policies regarding reimbursement for personal expenses.

IV. Officers and Structure of the Board

- a. The board shall elect from its members, by a majority vote, two Co-chairs and two Co-chairs Elect.
- b. The Board may establish any organizational structure it determines is necessary to accomplish its functions and duties.
- c. The Co-chairs may assign members of the Board to working committees or to work groups. Each working committee or work group shall report to the full Board at each general membership meeting.
- d. Role of Co-chairs: Co-chairs shall attend planning meetings with the MINDSOURCE team and debriefing meetings as necessary.
- e. Role of Co-chairs Elect: Co-chairs Elect shall shadow the Co-chairs and attend all meetings in preparation for becoming Co-chairs the next year.
- f. Elections shall take place on an annual basis.
- g. Officers are eligible to serve for two consecutive one-year terms with annual approval (majority vote) of the Board.
- h. As determined needed by the Board, non-Board Members may serve in an ad hoc capacity to sub-committees or the Board. These individuals will not be voting members.

V. Meetings

- a. Meetings of the Board shall be held at least four times a year, but may be held more frequently, as deemed necessary, subject to call by MINDSOURCE, the Chairpersons, or by the request of a majority of the Board members.
- b. Two-thirds shall constitute a quorum for the conduct of business. To take action, a simple majority (greater than 50 percent) of members present have to vote affirmatively on an item for that item to be considered approved.
- c. Meetings of the entire Board shall be open to the public and announced accordingly (See Colorado Open Meeting Laws referenced below).
- d. Meetings of the working committees are also open to the public and if two or more board members meet it must be noticed to the public (See Colorado Open Meeting Laws referenced below).
- e. An action required or permitted to be taken at a Board meeting may be taken without a meeting in accordance with the stipulations detailed in section 7-128-202 of the Colorado Revised Statutes (See Colorado Open Meeting Laws referenced below).
- f. The meetings must provide board members with a sufficient opportunity to review key communications and provide input on policy-making activities.

- g. At the meetings, the board shall decide if and when it is appropriate to coordinate with other boards or commissions, industry, educational institutions, and stage agencies where responsibilities and interests overlap.
- h. Each year at a board meeting, the board will review its management practices to ensure it is utilizing best practices.

Colorado Open Meetings Laws

Pursuant to the Colorado Open Meetings Law, meetings of any state public body, such as boards, are open to the public. Section 24-6-401, et seq., C.R.S. At its core the open meetings law ensures the public is informed. If two or more members of a board are discussing public business or taking formal action, the meeting must be open to the public. "Formal action" can take many forms such as the adoption of any proposed policy, position, resolution, rule or regulation.

- *Public Notification: The Open Meetings Law requires that the public receive full and timely notice of the meeting.*
- *Boards post meeting information on the CDHS website to notify the public and may post information in other areas available to stakeholders.*
- *The notification must be posted at least 24-hours in advance of the meeting.*
- *The notification needs to include the date, time and location of the meeting.*
- *The notification needs to provide the agenda or an explanation of the scope of the meeting so a reasonable person can determine whether he or she would be interested in attending.*
- *Meetings via Conference Call: Meetings can be held via telephone or internet broadcast; however, the public needs to have the opportunity to participate remotely or join the staff in the room where the call or broadcast is occurring.*
- *Executive Session: Under very limited circumstances, the statute empowers a board to close its meeting to discuss specific matters. If for example, a board needed legal advice, was discussing the sale of property, or discussing security measures, an executive session may be appropriate. A two-thirds vote of the members present is required to go into executive session. An electronic recording of the executive session is required and must be retained for 90 days. The minutes of a meeting during which an executive session occurred shall reflect the topic of the discussion at the executive session. No proposed policy, position, resolution, rule or regulation can be adopted and no other formal action can occur while in executive session.*
- *Minutes: Minutes of any board meeting shall be taken and promptly recorded; minutes are open to the public and often can be found on the Department's website.*
- *Voting: Voting for board leadership may occur by secret ballot but the outcome of the vote shall be recorded in the meeting minutes. All other votes occur publicly. Most boards follow a modified form of Robert's Rules of Order for voting.*

VI. Colorado Open Records Act

- a. Members of the board are subject to the Colorado Open Records Act (CORA). CORA (§ 24-72-201 to 206, C.R.S.) allows citizens to gain access to public records. The definition of "public records" found in CORA includes all writings, books, papers, photographs, tape recordings, and electronic mail made, maintained, or kept by the State, any agency, institution, or political subdivision of the State. Anyone can request information that is in the possession of a government office and is not required to state a purpose.
- b. There are some exceptions, but as a general rule, members should consider all board-related communications to be potentially releasable, including records kept on a personally owned, private computer. In general, any email correspondence to or from an email address ending with @state.co.us, as well as documents held by State employees are subject to CORA. Board business should already be a matter of public record as per the Colorado Open Meetings Law, but CORA further secures public access.

VII. Ethical Conduct/Conflicts of Interest

- a. Members shall abide by professional and ethical rules of conduct in section 24-18-108.5, C.R.S., "Rules of Conduct for members of boards and commissions."
- b. No member shall take action upon a complaint that is not first submitted to the Board for consideration.
- c. Whenever a member has reason to believe that the actions of any member including himself/herself may be in violation of State conflict of interest laws, or Board policy, he/she shall immediately notify the Chairperson.
- d. No member shall knowingly vote on any matters, which may result directly or indirectly in financial advancement for himself/herself or any member of his/her family including in-laws. No member shall cast a vote on any matter that would provide direct financial benefit to himself/herself, or otherwise give the appearance of a conflict of interest.
- e. Members shall recuse themselves from any discussion of the design of Requests for Proposals, and of any discussion of grants or contracts for which such member's department, agencies, programs, or organizations of which they are an officer, are grantees or applicants.

VIII. Administration

- a. The administrative costs of the Board shall be reviewed by the Board on an annual basis.
- b. The fiscal year of the Board shall be July 1st through June 30th.
- c. Staff duties relative the board's mission: The Administrator is responsible for effectively processing board business. This includes but is not limited to

ensuring meeting material is thoughtfully prepared and distributed in advance of the meeting. The Administrator is responsible for ensuring the timely processing of travel reimbursements and procuring goods and services in compliance with the Procurement Code, state fiscal rules and Department policy; assisting constituents that would like to participate in board proceedings; managing the board's calendar and providing learning opportunities for board members as time permits. Informational meetings, work sessions or retreats to review procedures, processes, expectations and educate board members and commissioners also occurs.

- d. Meeting material is prepared to ensure the board or commission and the public is informed of business being considered. Members and commissioners are given material in advance to the extent practicable to ensure members and commissioners have time to study and consider the proposals. When needed the Department or Administrators may provide preliminary information to the board and commission so the direction and expectation is shared early in the process. The board and commission have processes for receiving public comment or for rulemakings, to receive written or oral testimony so the public can share its views and data of the proposal under consideration. The Board values evidence-based, data-driven decision-making. To the extent data or evidence-based frameworks are available, they are utilized in the Board's analysis.

IX. Amendments

- a. Proposed amendments to the by-laws shall be circulated to the membership at least 30 days prior to the next regularly scheduled membership meeting.
- b. Amendments to these by-laws may be made by approval of two-thirds of the Board members.

**Colorado Brain Injury Advisory Board Members
2020-2021**

Printed Name: _____ Signature: _____

Printed Name: _____ Signature: _____

Printed Name: _____ Signature: _____

Printed Name: _____ Signature: _____

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