



DISABILITY FUNDING COMMITTEE BYLAWS

Article 1. Name

As identified in Section 24-30-2200, *et seq.*, C.R.S., Disability Funding Committee, hereinafter referred to also as the “DFC”, or “Committee”.

Article 2. Creation

The Disability Funding Committee was created pursuant to the passage of HB16-1362 and is defined under Section 24-30-2200 *et seq.* C.R.S., also known as the “Laura Hershey Disability Support Act,” combining the functions of the Disability Benefit Support Contract Committee (DBSCC) and the License Plate Auction Group (LPAG), effective August 11, 2016.

Article 3. Jurisdiction

The DFC operates under the jurisdiction of the Governor of Colorado as a Type 2 committee and shall reside within the Department of Personnel & Administration. While previous decisions and recommendations made by the DBSCC and LPAG may be considered as guidance, no decisions made by either the DBSCC or the LPAG shall be considered as precedent or be binding on the DFC.

Article 4. Purpose

The purpose of the Committee shall be to solicit, accept, and review proposals to provide assistance to people with disabilities in obtaining or retaining benefits, who are eligible for Social Security or Medicaid Long Term benefits, and to provide for said services. The DFC shall do this through the issuance of grants, obtaining of grants or contributions, administering the sale of registration numbers for license plates, and administration of the Disability Support Fund as defined in Section 24-30-2200 *et seq.*, C.R.S.

Article 5. Financial Operations

- A. The DFC operates its finances in accordance with the State of Colorado’s fiscal year – July 1 through June 30.

- B. The DFC has authority to issue grants within available funding and appropriation limits to those who are eligible for Social Security or Medicaid Long Term benefits, or projects or programs that benefit the same.
- C. The DFC has authority over the expenditure of the Disability Support Fund as defined in Section 24-30-2205.5, C.R.S., administered by the Colorado Department of Personnel & Administration.
- D. The DFC has authority to raise independent grants or contributions from public and private sources to obtain additional funding for the Disability Support Fund as provided for under Section 24-30-2200 *et seq.*, C.R.S.

Article 6. Committee Members

Article 6.1. Construct of the Committee

The Committee shall consist of thirteen (13) members appointed by the governor. Of the 13 members at least seven (7) must be:

- A. a person with a disability,
- B. a care giver of a person with a disability, or
- C. a person who lives in a household of a person with a disability.

In selecting members the governor shall ensure that the Committee has members with experience in:

- A. Business or business management,
- B. Nonprofit entities, and managing nonprofit entities,
- C. Advocacy for persons with disabilities,
- D. The practice of medicine, and
- E. The practice of law with experience of working with persons with disabilities.

Individuals may serve on the Committee in one or more of the capacities listed in this article.

Article 6.2. *Ex Officio* Member

In addition to the DFC's 13 appointed members, the Governor's Council for Persons with Disabilities may, in consultation with the DFC, appoint a representative to serve on the Committee in an *ex officio* capacity. An *ex officio* member shall serve on the DFC in a nonvoting capacity.

Article 7. Committee Member Terms

- A. Members of the DFC serve three (3) year terms, except that four (4) members as determined by the governor shall serve an initial term of one year, and four (4) members as determined by the governor shall serve an initial term of two years. Following the initial terms every member shall serve a term of three years. The governor shall not appoint a member to more than two consecutive terms.
- B. In the event a Committee member's term expires and a replacement has not been appointed by the governor as of the final day of the term, the current Committee member may elect to remain on the Committee as a voting member past the expiration of the term for up to six (6) months.
- C. Should a member for any reason resign or be removed from the Committee before the expiration of his or her current term, the replacement member shall serve the remainder of the current term as if it was a full first term.
- D. The Chair shall be responsible to create any necessary subcommittees, and assign Committee members to serve on these subcommittees.

Article 8. Officers

Article 8.1. Committee Officers

The Committee officers shall consist of a Chair and Vice-Chair. Following the Governor's selection of the Committee's first Chair, each officer shall be elected by a simple majority vote of the Committee and serve a one (1) year term. Elections for officers shall occur during the first DFC meeting following the start of the new fiscal year. Officers shall not be elected to more than two consecutive terms in a particular office.

Article 8.2. Sub-Committee Officers

Officers of any DFC subcommittee shall be selected by the members of the subcommittee and shall consist of, at minimum, a Chairperson.

Article 9. Meetings

Article 9.1. Public Meetings

- A.
- B. All public meetings shall be conducted in compliance with the Colorado Open Meetings Law (Section 24-6-401, 402 *et seq.*, C.R.S.), and all other applicable sunshine laws. All public meetings are subject to public attendance and subject to the Committee's open meeting policy as published on the Committee's website.

- C. All Committee correspondence shall be subject to the Colorado Open Records Act, and the Committee's open records policy as published on the Committee's website.
- D. The Committee shall meet bi-monthly at minimum. The Committee can meet more frequently at the discretion or call of the Chair.
- E. Meetings may be attended by Committee members in person or telephonically. Proxy attendance shall not be allowed.
- F. Meetings of the DFC shall be announced in writing minimally at least 48 hours in advance on the Committee's website and physically posted at the executive offices of the Department of Personnel & Administration.
- G. Any meeting of two or more members of the Committee at which any DFC issues are discussed shall be considered a public meeting and shall be announced as such.
- H. A quorum of members shall be necessary for the Committee to transact official business. A simple majority vote of a quorum shall be required to act on official business. In the absence of a quorum business transacted will not be official with the exception of :
 - 1. To fix the time in which to adjourn,
 - 2. To adjourn,
 - 3. To recess, or
 - 4. To take measures to obtain a quorum.
- I. Executive sessions may be called by the Chair from time to time to discuss confidential matters (such as to receive legal advice) as defined by Colorado Open Meeting or Sunshine laws. Executive sessions are not subject to public attendance, and shall be identified in the meeting agenda whenever possible. Executive session audio shall be recorded and maintained by the Committee Administrator for an appropriate period of time as required by law.
- J. At any meeting where a quorum is present but the Chair and Vice Chair are both absent, the immediate past Chair, or another voting Committee member selected by the quorum *ad hoc* shall serve as the Chair for that meeting only.
- K. Robert's Rules of Order, newly revised, may be used as guidelines for operating all public meetings, but shall not be binding to the operation of the DFC or its members. The Committee shall strive to create as accessible an environment as practicable to obtain feedback from its members, the disabled community, and other parties of interest. The Chair may elect to add, modify, limit, or exclude certain portions of an agenda to expedite meetings, or maintain order.

Article 9.2. Emergency or Special Meetings

Emergency or special meetings may be called by the Chair alone, or shall be called by the Chair upon written request of a simple majority of voting members. Emergency or special meetings are public meetings, and therefore must comply with all appropriate Colorado Open Meeting and Sunshine laws (24-6-401, 402 *et seq.* C.R.S.) Committee members may be notified of an emergency or special meeting via telephone, email, voice/TDD, or other agreed-upon method as early as practicable, but no less than 24 hours in advance.

Article 10. General Policies

Article 10.1. Voting

- A. Votes may be cast in one of the following manners, or combination of manners, as deemed appropriate by the Chair:
 - 1. Voice vote,
 - 2. Anonymous paper ballot, or
 - 3. Electronic ballot (email).
- B. Members of the Committee shall report in advance of whenever practicable any actual or perceived possibility of a conflict of interest when conducting DFC business. Under no circumstances shall a vote be cast when a member of the DFC has a financial conflict of interest in a matter. In the event a conflict of interest is determined to exist after a vote the matter shall be reconsidered for a new vote excluding the member with whom the conflict exists.
- C. Proxy votes shall not be allowed.
- D. Executive Session votes must be conducted in compliance with Colorado Open Meetings laws (24-6-401, 402, *et seq.*, C.R.S.) and must pass by a margin of two-thirds.

Article 10.2. Conducting Auctions

The DFC is empowered under Section 24-30-2200 *et seq.*, C.R.S. to conduct auctions of registration numbers for license plates as a means of financing the Disability Support Fund found in Section 24-30-2205.5, C.R.S. The Committee shall develop written practices and procedures to define an acceptable nondiscriminatory process by which such auctions will be funded and conducted.

Article 10.3. Issuing Grants or Awards

The DFC is empowered under Section 24-30-2200 *et seq.*, C.R.S. to issue awards and grants as a means of distributing funds from the Disability Support Fund found in Section 24-30-2205.5, C.R.S. The Committee shall develop written practices and procedures to define an acceptable nondiscriminatory process by which such funds shall be distributed.

Article 10.4. Soliciting Contributions or Grants

The DFC is empowered under Section 24-30-2200 *et seq.*, C.R.S. to solicit contributions and grants as a means of obtaining additional funds for the Disability Support Fund found in Section 24-30-2205.5, C.R.S. The Committee shall develop written practices and procedures to define an acceptable nondiscriminatory process by which such funds shall be solicited.

Article 10.5. Open Meetings, Sunshine Law and Public Accountability

The DFC is a publicly constituted body established to serve the interests of the people of Colorado. Members shall at all times hold themselves to the highest standards of public accountability. The Committee shall establish an open records policy and post that policy on the Committee's website. The policy will comport with the Colorado Open Records Act (CORA) Section 24-72-201-206, C.R.S. The Committee shall also establish an open meetings policy and post that policy on the Committee's website. The policy will comport with the Colorado Sunshine Law (24-6-401, 402 *et seq.*, C.R.S.) Any meeting of two or more Committee members where DFC business is discussed shall be determined to be an open meeting subject to the requirement of public notice.

Article 10.6. Duties of the Committee Administrator

The Committee Administrator shall be responsible for the administrative operation of the DFC. The Administrator is regularly responsible to establish a meeting time and place, arrange for any member or attendee's accessibility, arrange telephonic interface if necessary, distributing the meeting agenda, posting meeting notices, taking meeting minutes, distribution of committee packets in advance of all meetings, updating the Committee's website, act as liaison between the Committee and DPA, Preview grant applications, respond to media and CORA inquiries, and other administrative duties as necessary.

Article 11. Adoption of Bylaws

The adoption of the DFC bylaws shall require an approval of a vote of 2/3 of Committee's full voting membership. Any amendment of the Committee's bylaws shall require an approval vote of 2/3 of the Committee's full voting membership. Bylaws shall become effective immediately upon approval.

Bylaws adopted _____, 2016

Signed: _____
Chairperson