

BYLAWS OF THE
COLORADO RADIATION ADVISORY COMMITTEE
Approved August 15, 2013
Amended June 2, 2016
BYLAWS

Radiation Advisory Committee

ARTICLE I: Name

The name of this organization shall be the Radiation Advisory Committee (“Committee” or “RAC”), created pursuant to the Colorado Radiation Control Act, 25-11-105, CRS, (“Act”) and operating within the Colorado Department of Public Health and the Environment (“Department”).

ARTICLE II: Purpose

The Act establishes the RAC under the Department. The focus of the Committee is to:

(a) Furnish to the Department such technical advice as may be desirable or required on matters relating to the Colorado Radiation Program (“Program”).

ARTICLE III: Powers and Duties

The Committee shall have the following powers and duties:

- (a) Review and provide input and viewpoints of a general nature on radiation issues, licensing, inspection, and registration activities conducted by the Program;
- (b) Provide input and technical advice to the Program on new and proposed amendments to existing radiation control regulations;
- (c) Propose new radiation rules and recommend potential rule changes to the Program;

ARTICLE IV: Members and Qualifications

Section 1. A member of the Committee shall be a resident of Colorado.

Section 2. The composition of the Committee shall reflect, to the extent practical, Colorado’s ethnic, racial, and geographic diversity.

Section 3. The Committee shall be established in accordance with CRS §25-11-105 and consist of nine (9) members appointed by the Governor as follows:

- (a) Three members representing healing arts;
- (b) Three members representing industry;
- (c) Three members representing higher education; and
- (d) No more than four (4) members from the same political party.

Section 4. Appointed members of the Committee shall serve for one four (4) year term; Members of the Committee may re-apply for up to one (1) additional term, provided that:

- (a) The current position is posted such that other qualified and interested parties have an opportunity to apply; or

BYLAWS OF THE
COLORADO RADIATION ADVISORY COMMITTEE
Approved August 15, 2013
Amended June 2, 2016

(b) Continued service of the current member is believed to be in the best interest of the Committee, the Radiation Program, and the Department; or

(c) No qualified or interested parties apply for a RAC position.

Members who serve one four (4) year term immediately followed (consecutively) by a four (4) year reappointment (a second term), may again re-apply for Committee appointment, provided that there is a minimum three (3) year lapse in time following the second term.

Section 5. Any vacancy on the Committee shall be filled for the unexpired term in the same manner as the original appointment. Time spent on the Committee by individuals filling a vacancy left by a member who did not complete their term will not be counted towards any term limits.

Section 6. Members of the Committee shall serve without compensation; except that the members of the Committee may be reimbursed for necessary and actual expenses incurred in attendance at meetings or authorized business of the Committee.

Section 7. Regular attendance and participation is vital to the purpose of the Committee. Members accept the duty and obligation to attend meetings either in person or by teleconference and shall provide advance notice if they are unable to do so. Repeated, unexcused absences may be considered an abdication of the appointment and may be grounds for terminating a member's appointment at the recommendation of the Department or as specified in Section 9.

Section 8. Any member of the Committee may resign from the Committee at any time by notifying the Radiation Program Manager, or his/her designee, in writing. If a member finds it necessary to resign from the Committee, he/she is encouraged to assist the Department in nominating a suitable replacement and is encouraged to remain on the Committee until a suitable replacement has accepted his/her nomination.

Section 9. In accordance with CRS §25-11-105, Committee members serve at the discretion of the Governor. Any member of the Committee may be recommended for termination by a two-thirds majority vote of the entire Committee membership or at the discretion of the Radiation Program Manager, as a result of:

- (a) Repeated, unexcused absences as discussed in Section 7;
- (b) Violation of the Committee Bylaws;
- (c) Failure to disclose a conflict of interest;
- (d) Ineligibility of membership, including no longer representing the category to which a member was appointed;
- (e) Material misrepresentation or fraud in any statement to the Committee or to the public; or
- (f) Conviction of a felony.

BYLAWS OF THE
COLORADO RADIATION ADVISORY COMMITTEE
Approved August 15, 2013
Amended June 2, 2016

To terminate the member's appointment, at least one member of the Committee shall submit his/her recommendation to the other members of the Committee, which shall approve or disapprove the recommendation by a two-thirds majority vote of the entire Committee membership. The Radiation Program Manager will approve of any recommendation for termination prior to final approval by the Governor.

Section 10. A notice shall be sent to the member, using the last address on file, setting forth the reason for the termination. Such notice shall be sent within fifteen days of the recommendation for termination. The Committee shall submit, in writing and within thirty days after sending the notice, a recommendation, a letter to the executive director of the department stating the Committee's recommendation for termination of membership. The member will be terminated by action of the Governor.

Section 11. In order to provide the Program and Department with the best technical advice, and in addition to the requirements of Sections 1 and 2 of this article, members shall meet one or more of the following minimum qualifications:

- (a) Hold a Bachelor's (or higher) degree in Health Physics, Engineering, or other scientific field or discipline and have three or more years experience in radiation safety matters where experience involved implementation of a radiation safety program at a medical, research, academic, or industrial facility; or
- (b) Be certified in Comprehensive Health Physics by the American Board of Health Physics; or
- (c) Be a physician, or medical physicist certified in a radiation related field (e.g., radiology, nuclear medicine, radiation oncology, medical physics, etc.) by a nationally recognized board; or
- (d) Hold an advanced degree in physics, medical physics, environmental health, or medicine, and have specialized knowledge in or have conducted research activities involving or related to radiation protection, epidemiology, and/or public health.

ARTICLE V: Officers

Section 1. The elected officers of the Committee shall be the Chair and Vice-chair. The Chair and vice-Chair shall be elected by majority vote of the entire Committee membership. The election shall be conducted annually prior to or during the second regular meeting held after January 1 in each calendar year. The Chair or Vice-Chair may be removed from office at any time for just cause as deemed sufficient by the Committee, by a two-thirds vote of the entire Committee membership. Written notice giving time, place, and purpose of this meeting shall be delivered to each member of the Committee at least ten (10) working days prior to the meeting. If the Chair or Vice-Chair is removed at such meeting, an election for a successor shall take place at the same meeting when possible.

BYLAWS OF THE
COLORADO RADIATION ADVISORY COMMITTEE

Approved August 15, 2013

Amended June 2, 2016

Section 2. The term of office for the Chair and Vice-Chair shall be one year commencing at the close of the meeting at which they were elected. The current Chair and Vice-Chair shall serve until the next election or new Chair and Vice-Chair are chosen, unless otherwise determined by the Committee.

Section 3. A vacancy in office shall exist in the event of the Chair's or Vice-Chair's resignation, removal from office, or death.

Section 4. Duties of the Chair shall be to:

- (a) Preside at all meetings of the Committee;
- (b) Develop meeting agendas with the advice and consent of the members and Program;
- (c) Observe and enforce the bylaws and policies of the Committee; and
- (d) Perform all such other duties of the office as provided by these Bylaws or prescribed by the Committee.

Section 5. In the absence of the Chair at any meeting in which a quorum is present, the Vice-Chair shall serve as Chair for that meeting only. Should the Chair and Vice-Chair both be absent at any meeting in which a quorum is present, the members present shall elect a temporary Chair to serve for that meeting only. A majority vote of the members present at the meeting shall determine such temporary Chair.

ARTICLE VI: Department Staff

Section 1. Committee activities shall be supported by Department staff or its designees.

Department staff may, among other things, provide background, present relevant information and make recommendations to the Committee.

ARTICLE VII: Meetings

Section 1. The Committee shall meet at least four (4) times per year, on a quarterly basis where possible, and more frequently as needed, at the call of the Chair, or by a majority vote of the entire Committee membership, or as requested or scheduled by the Program. Program staff will work with Committee members schedules to the extent possible.

Section 2. A quorum shall consist of five (5) members. A quorum shall be required for all formal actions or recommendations of the Committee.

- (a) Members may fully participate in a meeting via teleconference, or equivalent. For voting purposes, members attending the meeting via teleconference/telephone are considered to be equivalent to members physically present at the meeting location;
- (b) At the discretion of the Chair or by a vote of the majority of the Committee members present, issues may be voted upon via email or facsimile transmission provided responses are received within 48 hours of the vote request. At the discretion of the Chair, and with support of the Program, additional time

BYLAWS OF THE
COLORADO RADIATION ADVISORY COMMITTEE
Approved August 15, 2013
Amended June 2, 2016

may be allowed for voting on lengthy or or other technical documents requiring additional consideration.

(c) Any meeting may be cancelled by the Chair three working days prior to such meeting, when, in consultation with Program staff, the Chair determines the meeting is not needed, or when there will not be a quorum present.

Section 3. In the absence of a quorum, any business transacted is null and void, except to take measures to obtain a quorum or to reschedule another meeting or to make recommendations to the Chair as outlined in Section 5 below.

Section 4. All meetings of the Committee shall be open to the public in accordance with regulations of the Colorado Open Records Act and Sunshine Law. Notice of meetings shall be posted on the Program and/or Department website prior to the meeting.

Section 5. Except as otherwise specified in these bylaws, all formal decisions and recommendations from the Committee to the Department or Program shall have been approved by at least a quorum of members. If a quorum is not present during any given meeting, actions of the Committee – although non-binding - may be discussed by the members present, and a recommendation may be made to the Chair for further action, including a vote at a future time.

Section 6. No individual Committee member shall make a statement of proposal that purports to be that of the Committee unless the Committee has adopted such proposal. No member shall be prohibited from stating his or her personal opinions, provided they are clearly identified as such.

Section 7. Meeting minutes shall be kept for each RAC meeting held.

(a) Meeting minutes shall be reviewed and approved by a quorum of members following each meeting. Approval of minutes may be via electronic means (such as email), by telephone, teleconference, or by vote during a subsequent meeting;

(b) Meeting minutes shall be posted on the Department website upon approval by the RAC and as soon as practical following each meeting.

ARTICLE VIII: Subcommittees and Task Forces

Section 1. Formal subcommittees or ad hoc committees may be established as needed by majority vote of the Committee members present. Such subcommittees shall:

(a) Generally be conducted in an informal manner as circumstances permit;

(b) Be given stated purposes or areas of focus and recommended dates of discontinuance;

(c) Involve, as applicable or necessary, outside (non-RAC member) individuals, groups, organizations or associations.

BYLAWS OF THE
COLORADO RADIATION ADVISORY COMMITTEE
Approved August 15, 2013
Amended June 2, 2016

ARTICLE IX: Voting and Balloting Procedures

Section 1. In any instance in which a majority vote is called for:

- (a) The Chair may call for a show of hands, voice vote, standing vote, a secret/paper ballot, or email vote, and such voting method shall determine the result of the vote, except,
- (b) In the case of election of the Chair and Vice-Chair, the vote shall always be as outlined in Section 2 and 3 of this Article, unless a majority of the entire Committee membership determines otherwise as described in Section 1 of this Article.
- (c) No proxy or absentee voting shall be allowed.

Section 2. Voting shall be by paper ballot, by show of hands, or ballots which may be submitted by e-mail, or as designated by the Chair.

Section 3. If no candidate or issue receives a qualifying vote, another ballot shall be taken. If further ballots need to be cast to determine a single winner, it shall be between the two candidates or issues receiving the highest number of votes on the immediate preceding ballot.

Section 4. All members, including the Chair and Vice-Chair, shall have voting rights.

ARTICLE X: Parliamentary Authority

Section 1. Meetings shall be conducted in general keeping with Robert's Rules of Order, but shall be as informal as circumstances permit.

ARTICLE XI: Adoption of Bylaws

Section 1. These Bylaws shall take effect immediately upon a two-thirds majority vote of the entire Committee membership.

ARTICLE XII: Amendment of Bylaws

Section 1. The Bylaws may be amended in whole or in part at a meeting of the Committee by a two-thirds majority vote of the entire Committee membership provided that such amendment was submitted to the Committee at least ten (10) working days prior to the meeting or voting date at which such amendment is to be offered and remitted to all members of the Committee.

Section 2. Adopted amendments shall take effect immediately upon adoption.

ARTICLE XIII: Conflict of Interest

Section 1. Article 18 of Title 24 of the Colorado Revised Statutes sets forth Standards of Conduct for government employees, public officials, members of the general assembly, and members of boards and Board of Health. With respect to members of boards and Board of Health, such members "shall not perform an official act which may have a direct economic benefit on a business or other undertaking in

BYLAWS OF THE
COLORADO RADIATION ADVISORY COMMITTEE

Approved August 15, 2013

Amended June 2, 2016

which such member has a direct and substantial financial interest”, CRS. § 24-18-108.5(2). A conflict of interest means a situation in which a person has a duty to more than one person or organization, but cannot do justice to the actual or potentially adverse interests of both parties. This includes when an individual's personal interests or concerns are in conflict with the best interests of a customer, or when a Committee member's personal interests are contrary to his/her charge as a Committee member to conduct Committee business. A conflict does not exist merely because a Committee member, a Committee member's employer or a Committee member's client has a pre-established policy position or self-interest regarding an issue being considered by the Committee, or when a Committee member or member's organization is regulated by the Program.

(a) Factors to Consider When Reviewing a Potential Conflict of Interest as a Committee member. In deciding whether there is a conflict of interest, the Committee or a Committee member shall consider the definition of a conflict of interest and other relevant information, including:

- (i) The General Assembly's intent and decision to appoint a Committee comprised of individuals with expertise and involvement with radiation matters for the benefit of the State of Colorado;
- (ii) The disclosure of potential conflicts of interest by the Committee member upon nominating him/herself to the Committee; and
- (iii) Whether the potential conflict of interest impedes the Committee's independence of judgment.

(b) Participation in Committee Grant Programs By Members

- (i) It is the express intent of the Committee to prevent the exclusion of any member, a member's employer, or a member's client from participating in grant programs administered by the Committee. Specifically, members will be provided equal opportunity to compete in selection processes for receiving grant funds for any eligible projects, and to be fairly awarded funding based on the merits of their proposals.
- (ii) Members shall not participate in the review or ranking of any grant proposal or in any oversight or administration of any subsequent grant award when it is determined that an actual conflict of interest exists according to procedures in Article XIII, Section 1 (c) of this document.

(c) Disclosure of Actual or Potential Conflict of Interest.

- (i) A Committee member shall take one of the following steps if she or he perceives that a conflict of interest exists or may exist:
 - A. Disclose the basis of the potential conflict of interest to the Committee and others in attendance before the discussion begins, or as soon thereafter as the conflict of interest is perceived, and disqualify him/herself from any further participation or voting on the matter at hand; or
 - B. Disclose the basis of the potential conflict of interest to the Committee and others in attendance before the discussion begins, or as soon thereafter as the conflict of interest is perceived: then, if the Committee member does not disqualify him/herself from further participation in the matter, the Chair will ask for comments from any other Committee member, parties to the matter before the Committee, or any member of the public present. Except for the member disclosing the potential conflict of interest, the

BYLAWS OF THE
COLORADO RADIATION ADVISORY COMMITTEE

Approved August 15, 2013

Amended June 2, 2016

Committee shall vote on whether a conflict of interest exists and the Committee member disclosing the potential conflict shall be bound by the Committee's vote. If a conflict is found to exist, the Committee member disclosing the conflict shall be disqualified from further participation or voting on the matter at hand. As described above, members whose grant applications are pending for review by the Committee shall be disqualified by the Committee from participating in the discussion and review of such grant.

ii.) A conflict of interest may also be raised by other Committee members, the parties to the matter before the Committee, and/or any member of the public. In such instances, the Committee member may either choose to recuse him/herself from further participation in the matter, or the Committee may vote on disqualification of the member as described in section (c)(i)(B) above.

iii.) Committee meeting minutes shall reflect all disclosures of actual or potential conflicts of interests, and shall record the findings of the Committee or the member concerning disqualification.

Amendments to the August 15, 2013 Bylaws of the Radiation Advisory Committee were approved by a vote during the June 2, 2016 regular meeting. A total of 7 members in attendance voted, thereby meeting the two thirds majority requirements of Article XI herein, with all 7 members voting in favor of the changes to the bylaws as proposed. Two members were absent from the meeting.