



CATPA

**Colorado Auto Theft
Prevention Authority**

Department of Public Safety

OPERATING PRINCIPLES AND BYLAWS

CATPA Board

Revised & Adopted
September 18, 2014

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PREAMBLE

CATPA is a state authority, under the Department of Public Safety, established by Colorado Statute in 2003 to help reduce auto theft. In 2008 the legislature passed Senate Bill-60 (§42-5-112 C.R.S.) to provide CATPA with permanent funding of \$1 per insured vehicle, each year until the sunset review in 2018.

As a result, CATPA is enabled with approximately \$4 million per year to combat the serious and pervasive crime problems involving motor vehicle theft in Colorado. Less than 8% of collected revenues are used for administrative support by the CATPA Office. The statute gives priority to multi-agency applicants that target auto theft in all regions of the state inclusive of:

- 1) Multi-agency law enforcement task force programs to reduce the incidents of motor vehicle theft and related crimes.
- 2) Programs that engage in crime prevention and public awareness campaigns to reduce the public's victimization by motor vehicle theft.
- 3) Programs that provide or develop specialized training for motor vehicle theft investigations personnel.
- 4) Programs to provide for the support and maintenance of dedicated prosecutors who have the specific mission and expertise to provide legal guidance and prosecutorial continuity to complex criminal cases arising from the activities of a multi-agency law enforcement program.
- 5) Programs to prevent future criminal behavior by first time offenders who have been charged, convicted, or adjudicated for motor vehicle theft

Historically CATPA has utilized operating principles, bylaws, policies and procedures to govern the actions of the CATPA Board. In April 2004, the Board adopted the first version, namely "Operating Policies and Procedures", but through the years this document was revised to be named "Bylaws", "Operating Principles" and currently Operating Principles and Bylaws. Although the name and format has been modified and changed, the spirit of this document remains the same: To guide and govern the actions of the CATPA Board, its committees and the CATPA Office staff.

ARTICLE I. ORGANIZATION

1. Legal Overview

A. Statute

The CATPA Board is established through Colorado Revised Statute (C.R.S.) §42-5-112 Automobile Theft Prevention Authority – Board – Creation – Duties - Rules – Fund – Repeal. “There is hereby created in the Department of Public Safety the Automobile Theft Prevention Authority, referred to in this section as the ‘authority’”.

B. Authority

The Board is created under the Department of Public Safety. The accountability lies with the Department and the Executive Director of Public Safety. Reference §42-5-112 (1) C.R.S.

- 1) The CATPA Board will provide program guidance and grant decisions to the Department.
- 2) The Department will follow the recommendation of the majority vote by the CATPA Board with exceptions determined and justified by the Department.

C. Representation

Board members will represent the CATPA Board, but do not have authority outside the Board meetings unless communicated through the Board or Authority Director.

D. Standards of Conduct in Government - Amendment 41

Board members shall comply with Article XXIX of the Colorado State Constitution and are expected to avoid situations involving conflict of interest (financial or non-financial) that may affect objectivity while performing official duties as a member of the CATPA Board. Additionally, Board members shall recuse themselves from any official actions that may be described as having a conflict of interest or any other impropriety.

2. Mission

A. Mission Statement

“To deter and reduce vehicle theft and insurance fraud through a statewide cooperative effort of generating funds to support law enforcement, prosecution and public awareness through a partnership between industry and state government”.

3. Members

A. Composition

The Board shall consist of eleven members. Reference §42-5-112 (2)(a) C.R.S.

- 1) The Executive Director of the Department of Public Safety, or the Executive Director’s designee.
- 2) The Executive Director of the Department of Revenue, or the Executive Director’s designee.
- 3) Nine members appointed by the Governor as follows:
 - a. Five representatives of insurance companies who are authorized to issue motor vehicle insurance policies pursuant to part 6 of article 4 of title 10, Colorado Revised Statutes.
 - b. Two representatives of law enforcement.
 - c. A representative of a statewide association of district attorneys.
 - d. A representative of the public who may also be a representative of a consumer group.

B. Term Limit

Board members are appointed for a period of six consecutive years. A Board member can be reappointed by approval of the Governor’s office but not to exceed two consecutive six-year terms. Reference §42-5-112 (2)(b) C.R.S.

C. Interim Appointment

A member appointed to fill a remaining portion of a term is considered one complete term.

D. Removal for Cause & Vacancy

A Board member may be removed for cause that renders the member incapable or unfit to discharge the duties of the office. The Board will determine what constitutes a member to be removed on a case by case basis. Whenever a vacancy on the Board exists, the Governor shall appoint a member for the remaining portion of the unexpired term created by the vacancy.

E. Board Duties

The CATPA Board will provide oversight and direction to the CATPA staff in the following capacities:

- 1) Promulgate and adopt policies, rules and regulations for the Authority following state laws.
- 2) Provide oversight on the grant process for criteria, solicitation, selection, and final award. Measure the success of each applicant through performance based means. The Board will follow guidance established in §42-5-112 (3) C.R.S.
- 3) Provide recommendations to the Department on staffing and operations of the Authority.
 - a. Identify and monitor staffing needs for the Authority.
 - b. Provide input to the Department of Public Safety representative for the evaluation of the performance of the Authority employee's.
 - c. Assist in the tests, interviews and selections of the Authority employees.
 - d. Review financials monthly.

F. Reimbursement

Board members shall serve without compensation; except any Board member may submit a reimbursement request for their actual and necessary expenses incurred in the performance of their duties for CATPA. The Board shall review such reimbursement requests for approval. Reference §42-5-112 (2)(c) C.R.S.

- 1) Any Board member shall be reimbursed for CATPA travel expenses in accordance with standard State travel regulations.

4. Officers

- A. Elected Officers.** The Board shall elect from its own membership a chair and a vice chair who shall hold these offices for a term of one year.
- B. Election of Officers.** The Board will elect officers during the June meeting, the end of the state fiscal year.
- C. Nominations.** Nominations shall be made from the floor. Each nomination shall require a second. A nominee must be present or have given consent to his/her candidacy. No member may make more than one nomination or second more than one nomination for each office.
- D. Election Procedure.** Voting for each office shall immediately follow the nominations for that office. Each member may vote for no more than one nominee on each ballot. A majority vote shall elect.
- E. Tie Vote or No Majority Vote.** If there is not a majority vote, the immediate past chair will serve as Chair Pro Tem until a new chair can be duly elected. At the next Board meeting, the Chair Pro Tem shall reside over the meeting and conduct a revote.
- F. Assumption of Duties.** Officers shall assume their duties immediately upon election.
- G. Chair Vacancy.** A vacancy in the office of chair shall be filled immediately by the Vice Chair. An election to select a new Vice Chair will be held at the next regularly scheduled meeting.
- H. Vice Chair Vacancy.** A vacancy in the office of Vice Chair will be filled by election at the next regular meeting.
- I. Chair Pro Tem.** In the absence of the Chair and Vice Chair, the Board shall immediately elect one of its members a chair pro tem to preside for that meeting. The temporary chair's office is terminated by the entrance of the chair or vice chair or by adjournment.

ARTICLE II. DUTIES OF OFFICERS

1. Chair

A. Duties

The Board as a whole authorizes the Chair's duties and responsibilities. The Chair is the presiding officer of the Board. The presiding officer shall perform the following duties:

- 1) Call the meeting to order.
- 2) Announce the sequence of the agenda including omissions and additions.
- 3) Recognize Board members, staff and visitors who are entitled to the floor.
- 4) Facilitate meetings to minimize obvious frivolous or dilatory dialogue and debate in order to maintain decorum within the meeting.
- 5) Expedite business in every way compatible with the rights of Board members.
- 6) Ensure that Board meetings follow Robert's Rules of Order.
- 7) Respond to inquiries of members relating to parliamentary procedure, factual information or business of the Board.
- 8) Support and provide opportunities for the Board's growth and professional development.
- 9) Declare meeting adjourned.
- 10) Perform other duties as authorized by the Board.
- 11) To enforce the section of Ethics and Conflict of Interest.

2. Vice Chair

A. Duties

The Vice Chair shall perform the following duties:

- 1) Act as presiding officer in the absence of the Chair.
- 2) Perform duties as designated by the Chair or by the Board.

ARTICLE III. CONFLICT OF INTEREST AND ETHICAL STANDARDS

1. Conflict of Interest

A. Board Member's Notice and Response.

A Board member shall abstain from making a motion or seconding a motion or voting on any matter in which the member has a conflict of interest or the appearance of a conflict of interest. As soon as they are aware of a known or suspected conflict, the Board member shall orally declare such before the Board.

B. Other Board Member's Notice and Response.

If a Board member is aware of a conflict of interest or appearance of conflict of interest of another Board member, he/she shall bring such conflict to the attention of the Board. The decision as to whether a conflict of interest exists shall be made by a majority vote of the Board.

C. Stipend, Fees, Gratuities or Other Considerations

No Board member shall accept any stipend, fee, gratuity, or other consideration of any kind or nature from any person, unit, agency or organization for the purpose of influencing a vote, decision or recommendation of a Board member or staff member on a matter before the Board.

2. Ethical Standards

As a member of the Board, each member shall promote the best interest of the Authority as a whole and, to that end, shall adhere to the following ethical standards:

A. Equity

- 1) I will be fair, just and impartial in all my decisions and actions.
- 2) I will accord others the respect I wish for myself.
- 3) I will encourage, listen to and consider differing opinions.
- 4) I will waive my rights to participate if I have a “conflict of interest.”

B. Trustworthiness

- 1) I will be accountable to the public by representing the Authority policies, programs, priorities and progress accurately.
- 2) I will make no personal promise or take private action that may compromise performance or responsibilities to the Board.

C. Honor

- 1) I will share views while working for consensus.
- 2) I will respect the majority decision as the decision of the Board.

D. Integrity

- 1) I will consistently uphold all applicable laws, rules, policies and governance principles.
- 2) I will not disclose information that is confidential by law or may compromise investigations.

E. Commitment

- 1) I will fulfill my responsibility as a Board member.
- 2) I will prepare for and attend Board meetings and notify the Authority Director of an absence.
- 3) I will be informed so that to enhance my ability to fulfill my duties.

3. Evaluation of the Board

A. Statutes and Rules

The Board shall self-assess their performance based on established statutes, rules and procedures. Statute identifies the following:

- 1) Solicit and review applications for grants.
- 2) Give priority to applications representing multijurisdictional programs.
- 3) Award grants pursuant to §42-5-112 (3) (a) C.R.S.

B. Strategic Plan

Each Board member will support the CATPA Strategic Plan as approved by the Board.

- 1) The CATPA Board will review and update the Strategic Plan as determined by the Board.
- 2) The Authority Director will annually prepare and submit a Strategic Review and Forecast (SRF), pursuant to the requirements of the Colorado State Patrol, to the Board for review.

C. Communications Plan

Each Board member will support the CATPA Communications Plan.

- 1) The Authority Director will annually review, amend and submit a Communications Plan to the Board for approval.

ARTICLE IV. GRANT PROCEDURES AND GUIDELINES

The Board will support and use established application procedures, requirements, guiding principles, evaluation criteria and procedures for reviewing, evaluating and awarding grants. Reference §42-5-112 (3) C.R.S.

1. The Board will review applications using the Colorado Grants Management System (COGMS).
2. The Board shall solicit and review applications for grants pursuant to §42-5-112 (3)(a) C.R.S.
3. The Board will use guiding principles, consistent with §42-5-112 (3)(b) C.R.S., to review applications. These guiding principles include:
 - A. A geographical distribution and representation for a statewide impact to reduce auto theft.

- B. Relevance to the incidence where auto theft crime is prevalent.
 - C. Significance to per capita auto theft incidence to protect the public from harm.
 - D. Priority to multiagency task force and programs.
4. The Board will use criteria-based evaluation methodologies, described in the Grant Managers Guidance publication, including:
1. Technical Capacity
 2. Management Capacity
 3. Past Performance

ARTICLE V. MEETINGS

1. Parliamentary Procedure

Rule of Order

Robert's Rules of Order shall govern all matters not covered by the by-laws.

2. Sunshine Law

Meeting Requirement

All Board meetings shall be open to the public and subject to the requirements of §24-6-402 C.R.S. To promote public participation, the Board is encouraged to hold at least one-third of its regularly scheduled meetings outside the Denver metropolitan area each year, taking budgetary constraints into account. Reference §24-3.5-101 C.R.S.

3. Regular Meetings

A. Time and Date

The Board shall meet as determined each month at 710 Kipling Street, Suite 106, Lakewood, CO 80215 or as designated by the Board. After election of officers, the best day and time for all members will be determined.

B. Notice

The date, time and place of any meeting shall be posted on the Authority's website no less than 24 hours prior to the meeting.

C. Rescheduled Meetings

Board meetings that are rescheduled due to holidays and conflicts will be approved with a majority vote.

D. Agenda

The Authority Director shall be responsible for maintaining oversight of the agenda.

E. Materials

The agenda and related materials will be prepared by the CATPA Office staff. The agenda and related materials will be sent electronically to the Board in advance of the meeting.

F. Format

A standard agenda format shall be followed for all regular meetings. The agenda should identify:

- 1) The date, time, and location of the scheduled meeting,
- 2) The conference call information for Board Members and participants to attend remotely,
- 3) The identity of the Chair and Vice Chair,
- 4) A list of agenda categories to include:
 - a. Call to Order
 - b. Standing Business
 - c. New Business

- d. Unfinished Business
- e. Adjourn
- 5) Identify agenda items for each category to include:
 - a. The identity of the person, representative or group to speak on the agenda item, and
 - b. Proposing a Board action by indicating (A) next to the agenda item, or
 - c. Intending to provide Board information by indicating (I) next to the agenda item.

G. Amendments

The agenda shall be subject to revision by the Board at the meeting and becomes official upon approval at the beginning of each meeting.

H. Minutes

The official record of each Board meeting shall be the written minutes of the meeting, as approved by the Board. The Authority Director has responsibility to maintain a repository of all records.

I. Addressing the Board

- 1) An individual, group or Task Force who desire to appear before the Board to initiate a subject within the Board's scope of authority as defined by {§42-5-112(3) C.R.S.} may submit their requests to the Authority Director specifying the matter they wish to be placed on the agenda.
- 2) The Authority Director in consultation with the Chair will determine when an agenda item will be heard and the Board may place time limits on any presentation.
- 3) The Chair may recognize any individual or representative of groups to address the Board.

4. Executive Sessions

A. Defined

An executive session is commonly understood to mean that part of a board meeting that is closed to the public to discuss confidential matters. The Board has statutory authority {§24-6-402(3)C.R.S.} to hold executive sessions for:

- 1. Conferences with an attorney for the purposes of receiving legal advice on specific legal questions.
- 2. Matters required to be kept confidential by federal or state law or rules and regulations.
- 3. Specialized details of security arrangements or investigations.
- 4. Matters concerning personnel issues or disputes.

B. Agenda

When possible, the posting of the Agenda shall include reference to a potential executive session and the purpose of the executive session.

C. Minutes and Electronic Recordings

Minutes and recording of an Executive Session shall comply with §24-6-402 C.R.S.

D. Scheduling and Executive Session

An executive session may be scheduled for a different time and place other than the standing scheduled Board meeting. The Chair may call for an executive session during a Board meeting, at which time public attendees will be asked to leave.

5. Quorum

At least one half of the Board members plus one must be present to conduct official business.

- A. A Board member is considered attending when using a telecommunications system to participate.
- B. No official business may be taken by the Board without a quorum.

6. Voting

A. Agenda Amendments

Amendments to agenda categories and items as approved by the Chair must be recorded in the meeting minutes that are open to public inspection

B. Board Vote

The CATPA Board member as appointed pursuant to §42-5-112 C.R.S. shall have voting rights.

- 1) Majority Vote. When a quorum is present, the adoption of any decision item shall require a vote of more than half of the attending members.

C. Conflict of Interest

A Board member shall declare any issue that may be construed as a conflict of interest. The Board member shall abstain from voting unless the rule of necessity is invoked by approval of the Board.

D. Rule of Necessity

The rule of necessity may override the rule of Conflict of Interest when a majority vote is not possible due to the conflict of interest. In such cases, the importance of having the Board render a decision may override the existence of the conflict. On such matters that require immediate action, the Board member must disclose on record the basis for such possible conflict of interest. The Board shall determine if the conflict could influence a vote fair and equitable vote to proceed.

E. Electronic Mail

When a question is presented to the Board using electronic mail, the Board member shall submit their vote using email.

F. Proxy Vote

There shall be no provision for proxy voting on any matter to come before the Board, nor any provision for absentee voting.

G. Tie Vote

The Chair may vote to affect the result, to break a tie or to cause a tie, on any action item by the Board.

ARTICLE VI. PUBLIC RECORD

1. Board Meeting Minutes

All official Board meeting records are approved by the Board and shall be maintained and disseminated under the supervision of the Authority Director.

2. Open Records Act

A. General. Public records of the Authority are open for inspection by any person at reasonable times in accordance with the Colorado Open Records Act, §24-72-201, C.R.S. and as provided herein to protect such records and prevent unnecessary interference with the regular duties of the Authority.

B. Custodian. The Authority Director is designated as the custodian of CATPA records.

C. Requests. Requests to inspect CATPA records shall be in writing and submitted to the CORA Compliance Office in the Colorado State Patrol.

ARTICLE VII. CATPA STAFF

1. Hiring

- A. Authority.** The Board may appoint a Director for the Authority who may employ such staff as may be necessary to operate and administer the authority within the limits identified within statute. Reference §42-5-112(3)(c) C.R.S.
- 1) The Authority Director for the Authority is a Colorado State Patrol employee. As such, the Colorado State Patrol shall provide a selection process for a vacancy in the position of Authority Director. The selection process will be pursuant to the rules, regulations and procedures established by the Colorado State Patrol.
 - 2) The Colonel, or designee, of the Colorado State Patrol shall submit the selected candidate(s) for the Authority Director to the Board for review, consideration and appointment.
- B. Additional Staff.** The Authority Director may employ such staff as may be necessary to operate and administer the Authority under the following conditions:
1. Staff shall be Colorado State Patrol employee(s) and selected pursuant to the rules, regulations and procedures established by the Colorado State Patrol.
 2. The Authority Director shall be deemed as the appointing authority for additional staff.
 3. The Authority Director shall not employ additional staff unless available moneys are in the fund, pursuant to §42-5-112(3)(d) C.R.S.
- C. Funding Authorization.** The full time employment authorization for any staff necessary to support the Authority shall be eliminated should sufficient moneys no longer be available for the Authority, §42-5-112(3)(e) C.R.S.

2. Evaluation of the Staff

- A. Staff Performance.** The Board may be asked to provide comments to the Chief of the Colorado State Patrol or his representative regarding the professional performance of the Authority Director for purposes of periodic performance reviews, consistent with guidelines established by the Department of Personnel for Performance Management Plans.

3. Staff Responsibilities

- A. Grant Awards.** CATPA Staff will convert Board grant recommendations into grant awards. Staff ensures compliance with state statutes, rules and regulations regarding the grant making activities of the Colorado Automobile Theft Prevention Authority.
- B. Grant Activities.** Staff will perform duties associated with the administration of the grant process, including reviewing grant applications, providing programmatic or financial analysis of applications to members of the CATPA Board, monitoring program progress, writing reports, compiling financial summaries and establishing and implementing a fair, equitable and competitive grant funding process.
- C. Other Duties.** Staff may perform other grant management duties as required, including arranging meetings for members of the Board, providing technical assistance to grantees, processing cash requests and budget revisions and other tasks assigned by the Chair of the Board and the Colorado State Patrol.

4. Funding

- A. Statutory Authority.** Each year the Authority Director shall assess every insurer that issues a motor vehicle insurance policy a one dollar fee for each insured motor vehicle. Reference §10-4-617 C.R.S.
- B. Assessments.** The Authority Director will provide financial accounting for all fee assessments by amount, company name, assigned NAIC number, assessment date and any balance remaining between the assessment and the actual collection.

- C. Collections.** The Authority Director will provide financial accounting by amount, method of payment, company name, assigned NAIC number, date and balance remaining between the collection and the assessment. The fee assessments shall be collected in two installments: January 1 and July 1 of each year.
- 1) All funds received are deposited with the State Treasurer.
 - 2) Any unexpended and unencumbered moneys remaining in the fund at the end of any fiscal year shall remain in the fund. Reference §42-5-112(4)(a)C.R.S.
- D. Financials.**
- 1) Operating Budget
No more than eight percent of the moneys in the fund may be used for operational or administrative expenses of the authority.
 - a. The Authority Director shall prepare and submit an operating budget for Board review and approval prior to the beginning of the fiscal year.
 - b. The Authority Director shall provide an operating budget status report at each CATPA Board meeting.
 - 2) Grant Funding Budget
 - a. The Authority Director shall prepare and submit a Grant Funding Budget for Board review and approval prior to the Board's award of grant funding for the fiscal year.
 - b. The Authority Director shall provide a grant funding budget status report at each CATPA Board meeting.

ARTICLE VIII. AMENDMENT OF OPERATING PRINCIPLES AND BYLAWS

1. Enactment

A. Operating Principles

This document constitutes the principles and practices by which CATPA conducts Board business.

- 1) Should a conflict arise between this document and any policy contained in the Department of Public Safety (DPS) policy manual, the DPS policy shall prevail.

2. Amendment

- A. Board Practices.** The Operating Principles and Bylaws should always reflect current Board practices. These Principles and Bylaws are subject to a periodic review during a Board meeting.
- B. Changes.** Any necessary changes or additions should be made and copies distributed to all Board members and the Authority Director.

3. Repeal

- A. Effective Date.** These Operating Principles and Bylaws supersede and replace any operating principles adopted prior to September 18, 2014.
- B. Conflicts.** Any provision of these Operating Principles and Bylaws which is in conflict with an applicable state or federal law is superseded by that law or regulation.

ARTICLE IX. CATPA STATUTES AND RULES 8 CCR 1507-50

1. Statutes and Rules

A. Necessity



(1.) CATPA statutes and rules shall be evaluated annually for amendment. The Board and staff shall seek to determine if the rule is necessary, written in plain language, understandable and fosters its required purpose.

(2.) The Board and staff shall determine if the rule is being administered effectively and efficiently.

B. Records

Review dates of statutes and rules shall be documented in the Board minutes. Updates to the CATPA website and other releases of information shall be dated and documented in the Board minutes.

C. Procedure

The Board shall perform an annual review of all CATPA rules and regulations in 8 CCR 1507-50 pursuant to Executive Order D 2012-002 and requirements provided by the CDPS Executive Director.

- 1) When the Board has completed the annual review, the Authority Director shall prepare a report to the Board for review and approval.
- 2) When the Board has approved the annual regulations review report, the Authority Director shall submit the report to the CDPS Executive Director.

ARTICLE X. MISCELLANEOUS

1. Sunset Review

The Authority and Board created under §42-5-112 C.R.S. shall be reviewed prior to its repeal date of September 1, 2018.