

**Public School Permanent Fund Investment Board**  
**Communications and Open Meetings Policy**  
**Approved at April 16, 2018 Board Meeting**

**I. Background**

**Mission of the Public School Permanent Fund Investment Board (Board):**

With Senate Bill 16-035, the Public School Fund Investment Board was created “to ensure reasonable growth in the public school fund...” The board shall direct the state treasurer on how to securely invest money deposited in the public school fund for the intergenerational benefit of public schools C. R. S. 22-41-102.5 (3)

As stated in the PSPF Investment Policy, the overall objective of the fund is to preserve, protect and grow the principal of the fund with a prudent level of risk over a longer-term horizon. In addition to this longer-term objective, the Board seeks to provide current income to the State Public School Fund and capital construction fund (BEST) to fulfill distribution requirements as per C.R.S. 22-41-102

**Composition of the Board**

The Board is a ‘State Public Body’ composed of five members (as outlined in C.R.S. 22-41-102.5). C.R.S. 24-6-402 (d) lists a ‘State Public Body’ to include “any board, committee, commission, or other advisory, policy-making, rule-making, decision-making, or formally constituted body of any state agency...” ...and any public or private entity to which the state, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the state public body.”

*Investment consultants, investment managers, and portfolio administrator have no decision-making function and are not part of the ‘State Public Body’.*

**Board Meetings**

The Board will meet at least once per quarter per C. R. S. 22-41-102.5 (1)(b).

**II. Board Policy Related to Open Meetings Act**

In its pursuit of its stated mission, the Board affirms its commitment to abiding by Colorado Open Meetings Act (OMA), C.R.S. 24-6-401, et seq. “The formation of public policy is public business and may not be conducted in secret.” The Board will endeavor to ensure that all consultants, portfolio managers, and the other administrative employees of the Board are made aware of the OMA and communicate within the boundaries of the OMA.

All Board members and the Portfolio Administrator shall attend an Open Meetings law training session at least once every three years. The training will be provided by a representative from the Colorado Attorney General’s Office or some other entity, chosen by the State Treasurer as Chair of the Board, with expertise in Colorado’s Open Meeting laws. This training may be conducted via conference call or in person at the Board’s discretion.

All meetings of two or more Board members at which the formation of public policy is discussed or any formal action may be taken will be open to the public. The time, location, and/or 'call in' information for these meetings will be posted on the State Treasury website at least 24 hours in advance of the meeting, in accordance with the OMA.

Meetings at which there is no deliberation on or formation of public policy are not subject to the OMA. Such meetings include administrative tasks on which the Board may communicate without being in violation of the OMA. The Board herewith wishes to identify examples of such administrative tasks not deemed deliberation or formation of public policy:

- Requests for meeting agenda items and responses to this request
- Any communication related to the scheduling of a Board meeting
- Distribution of meeting agenda
- Requests for information to support an agenda item and/or to be included in a 'Board meeting packet and responses to this request
- Distribution of a 'Board meeting packet'
- Certain information dispersed from fund managers or investment consultants that is informational as to investment performance, investment status, and/or assists Board members with preparation for meetings
- Communication between this Investment Board, State Land Board, Treasurer's Office and other agencies related to format or timing of financial reporting
- Any communication related to the planning and organization of Board education related to the stated mission of the Board

### **Reporting**

The Board "shall submit financial statements on November 1 of each fiscal year to the state treasurer, the state board of land commissioners, the office of state planning and budgeting, the joint budget committee, and the education and finance committees of the senate and house of representatives, or any successor committees." C.R.S. 22-41-107

### **Information posted on the Colorado State Treasury website**

- Notices of Board meetings – open to the public
- Agendas for Board meetings - open to the public
- Minutes of Board meetings - open to the public
- Conflict of Interest Policy for Board members
- Board Investment Policy
- Communications and Open Meetings Policy
- Any approved Board policy
- Recommendations to the General Assembly regarding the distribution of income and interest described in section 22-41-102 (3)(f)(IV) and (3)(g)(IV)

### **III. Violations of OMA**

#### **Board Member**

If it is believed a Board member has violated Colorado's Open Meeting laws, the State Treasurer, or a designee of his or her choosing designated in writing, shall review the circumstances with the Board Member and determine if a violation has occurred. If a violation is found to have occurred, the State Treasurer or 'designee' may proceed in one of two ways:

A) Upon finding a first violation, the State Treasurer or 'designee' shall issue the Board member a written warning. If a second violation occurs within six (6) months of the first, the Board member will be required to re-take the Open Meetings Law training outlined above in Open Meetings Act section with ninety (90) days. If a third violation occurs within six (6) months of the second, the Board member may be deemed "unfit to discharge his or her duty" to the Board as outlined in § 21-41-102.5(2), C.R.S. In that event, the State Treasurer, if he or she is the appointing authority of the violating Board member, shall immediately remove the Board member and appoint a replacement as provided for in § 21-41-102.5(2), C.R.S.; if the State Treasurer is not the appointing authority of the violating Board member, he or she shall issue a written recommendation to the appointing authority that the violating Board member be removed and that the vacancy be filled as provided for in § 21-41-102.5(2), C.R.S.

Or:

B) If the State Treasurer or 'designee' determines that the Board member's violation is egregious, wanton, or shows a consistent pattern of violating Colorado's Open Meetings laws, the State Treasurer or 'designee' may immediately determine that the violating Board member is "unfit to discharge his or her duty" to the Board as outlined in § 21-41-102.5(2), C.R.S. In that event, the State Treasurer, if he or she is the appointing authority of the violating Board member, shall immediately remove the Board member and appoint a replacement as provided for in § 21-41-102.5(2), C.R.S.; if the State Treasurer is not the appointing authority of the violating Board member, he or she shall issue a written recommendation to the appointing authority that the violating Board member be removed and that the vacancy be filled as provided for in § 21-41-102.5(2), C.R.S.

#### **Staff**

If it is believed that a Board staff member, contractor who regularly works with the Board, or a Colorado state employee who regularly works with the Board has violated or contributed to a violation of Colorado's Open Meeting laws, the State Treasurer, or a designee of his or her choosing designated in writing, shall review the circumstances with the Staff member and determine if a violation has occurred. If a violation is found to have occurred, the State Treasurer or his or her designee may (A) if the violator is a Colorado state employee, take or recommend any remedial action that is permitted under the Colorado Department of Personnel and Administration's rules and procedures, or (B) if the violator is a contractor, take or recommend any remedial action that is contemplated by the violator's contract.