

CLIMBER Act Small Business Recovery Loan Program Oversight Board Communications and Open Meetings Policy

I. Background

Mission of the CLIMBER Act Small Business Recovery Loan Program Oversight Board (Board):

With House Bill 20-1413, the Board was created to help establish and oversee the terms and conditions of a contract or contracts through which the State Treasurer may provide first loss capital to a loan program or the Colorado credit reserve, in accordance with the CLIMBER Act, Part 2 of article 36, title 24 of Colorado Revised Statutes.

Composition of the Board

The Board is a ‘state public body’ composed of five members (as outlined in C.R.S. 24-36-204). C.R.S. 24-6-402(d) defines 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.”

Consultants and loan program managers have no decision-making function with respect to the Board and are not part of the Board as a ‘state public body.’

II. Board Policy Related to Open Meetings Act

In its pursuit of its stated mission, the Board affirms its commitment to abiding by the 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 any consultants and administrative staff assisting the Board are made aware of the OMA and communicate within the boundaries of the OMA.

All Board members 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 loan managers or consultants that is informational and/or that assists Board members with preparation for meetings
- Any communication related to the planning and organization of Board education related to the stated mission of the Board

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 Bylaws
- Communications and Open Meetings Policy
- Any approved Board policy