Boulder County Cultural Council By-Laws

May 24, 2016

Article 1: Name

1.1 The name of this Boulder County Board of Commissioners advisory council shall be the Boulder County Cultural Council (BCCC), referred to herein as the Council or BCCC.

Article 2: Authority

2.1 The Council was created in 1989 as the Boulder County Citizens Cultural Advisory Committee by charge, pursuant to the Colorado Scientific and Cultural Facilities Act, CRS 32-r13-103(3) and 107(3), and adopted by the Boulder County Board of Commissioners on May 11, 1989. The name of the Council was changed on July 8, 2008 to the Boulder County Cultural Council. The authority of the Council is solely advisory and its recommendations are not binding on the Boulder County Board of Commissioners (hereinafter “BOCC”).

Article 3: Purpose

3.1 The Council shall develop and submit to the Board of Directors of the Scientific and Cultural Facilities District an annual plan specifying the distribution of a percent of the revenues collected in Boulder County for the purpose of supporting scientific and cultural facilities, in accordance with the ACT (32-13-107(3)(c)(II), C.R.S.). Such annual plan shall be submitted to the BOCC for approval before submission to the Board of Directors of the Scientific and Cultural Facilities District. In addition, this Council has been formed for the purpose of performing all things incidental to, or appropriate in the foregoing specific and primary purpose. However, the Council shall not, except to an insubstantial degree, engage in any activity or the exercise of any powers which are not in furtherance of its primary purpose.

Article 4: Appointment, Membership, Meetings, Attendance, Removal, and Terms

4.1 Appointments to the Council are made at the annual reorganization meeting of the Boulder County Board of Commissioners or at such other time as it is appropriate for new members to be appointed to the Council.

4.1.1 Appointments to the Council shall be made following a public application and interview process.

4.1.2 Recruitment for open Council seats shall be by public advertisement as needed to fill open Council seats.

4.1.3 Membership of appointees to the Council shall be for staggered, three year terms, with one-third of the members appointed annually.

4.1.4 After receipt of applications for unfilled Council seats at the end of annual reorganization meeting or for unfilled Council seats, County staff shall review such applications and set interviews for unfilled Council positions with the Boulder County Board of Commissioners. Additionally, the Boulder County Board of Commissioners may seek input on pending applications from then-sitting Council members.
4.2 There shall be a recommended total of nine Council members appointed to three year, staggered
terms, with three Council member’s terms expiring each year. The Council may consist of less or more
than nine members as determined by the Boulder County Board of Commissioners. No person shall
serve more than 3 consecutive terms. After serving the maximum total number of terms on the Council,
a member may be eligible for reconsideration as a Council member after 1 year has passed after the
conclusion of such Council member’s service.

4.2.1 In the case of a vacancy on the Council, the Boulder County Board of Commissioners shall
make an appointment to fill the term of the vacating member, using the appointment process outlined
in 4.1.

4.3 The Council’s regular meetings may be held at such time and place as shall be determined by the
Council. A public notice of a minimum of 24 hours shall be required for the time and location of any
regular or special meetings of the Council.

4.3.1 The Council may elect to appoint both standing and special committees designed to carry
on such work of the Council as may be most effectively conducted in groups smaller than the full
Council.

4.3.2 Both standing and special committees of the Council may include members who are not
members of the Council. The membership of each standing or special committee of the Council
shall contain at least one Council member. No recommendations of a standing or special
committee of the Council shall become the official recommendation of the Council without
approval by a standard majority of the Council, after a quorum has been met.

4.4 If a Council member misses more than three consecutive, unexcused meetings, then that member
shall be deemed to have resigned from Council membership unless a written request is made by that
member requesting continued membership. In that case, a vote by the majority of other members,
after a quorum has been met, shall determine whether that member shall be allowed to continue
membership on the Council.

4.5 A recommendation for removal of a member of the Council of the BCCC can be made to the
Boulder County Board of Commissioners by a two-thirds majority vote of the BCCC, taken by secret
ballot administered by the Boulder County Board of Commissioners or a designated representative of
the BOCC, such as the County Commissioners’ BCCC staff liaison.

Article 5: Officers/ Duties

5.1 There shall be a Chairperson, Vice-Chairperson, and Secretary elected from the Council at the
beginning of the first meeting of the Council in any calendar year.

5.2 Duties

5.2.1 The Chairperson shall conduct all meetings of the Council.

5.2.2 In the absence of the Chairperson, the Vice-Chairperson shall conduct meetings of the
Council.

5.2.3 The Secretary of the Council shall take written minutes of the meeting. If the Secretary is
unavailable, the Council Chair shall appoint an individual to act as Secretary at the meeting.
Article 6: Voting, Quorum and Record of Proceedings

6.1 Each member of the Council shall be entitled to one (1) vote on each issue for which a vote is taken. No member who is absent from a meeting shall be entitled to vote by a proxy. No telephone votes of the Council are authorized by these By-laws. A majority of votes cast shall be decisive to all issues considered by the Council.

6.2 A quorum shall consist of fifty percent (50%) of the currently seated Council members. No decision regarding Council business or issues may be made with fewer than 50% of the Council members in attendance at any meeting.

6.3 Minutes will be maintained as part of a permanent record, either in paper or in digital form, by the County Commissioners’ BCCC Staff Liaison. Minutes of the previous meeting shall be approved by the Council at the next regular meeting, and signed by the Secretary.

7: Conflict of Interest

7.1 Consistent with Boulder County Policy Section II Number II.9 Conflict of Interest, any member of the Council who has a conflict of interest regarding any issue brought to the Council shall annually disclose his or her interest in writing and then abstain from discussion and/or voting on that item. The written minutes shall note such action. No member of the Council shall participate in or vote with respect to any matter pending before the Council, if that member has financial, personal, or official interest in, or conflict with, the matter, if the nature of such interest prevents or may prevent that member from acting on the matter in an impartial manner. In addition, once a Council member has recused themselves, they shall leave the meeting room as to avoid any body language that could influence other Council members.

7.2 As recommended in the SCFD Guidelines for Excellence for cultural council committee members, members are encouraged to accept invitations from SCFD-funded organizations to enhance the members’ knowledge of SCFD-funded organizations’ activities provided those invitations comply with Colorado Amendment 41 and Boulder County policies related to Acceptance of Gifts.

7.2.1 During any calendar year, no member of the BCCC will accept tickets, gifts, meals or other gratuities with a combined aggregate value of more than the current amount as set by statute from any one organization or individuals that is -or may be- an applicant for Boulder County SCFD Tier III. Each member of the BCCC will be responsible for tracking the sources and aggregate dollar values of any tickets, gifts, meals or other gratuities he or she accepts from such organizations or individuals in each calendar year of his or her service on the council. Consistent with Boulder County Policy Section II Number II.22 Acceptance of Gifts, a BCCC board member may not accept any gift (of any dollar amount) when acceptance of such a gift would constitute a breach of the public interest for private gain or create a conflict of interest in reality or appearance.1

7.2.2 Any organizations that is or may be an applicant for Boulder County SCFD funding of any kind, or any individual who is currently a BCCC board member, shall not independently

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1 An "appearance of impropriety" is a situation which to a layperson without knowledge of the specific circumstances might seem to raise ethics questions.
offer free or discounted tickets, or invitations to receptions, to other BCCC members without first working through the County Commissioners' BCCC staff liaison. If the liaison determines that an offer violates Amendment 41, s/he shall decline the offer discussing his/her decision with the offering individual/organization. If the liaison determines that an offer creates an appearance of impropriety s/he shall refer the issue to the BCCC board for a majority board on whether to accept the offer. If there is not enough time for a vote before the event, the liaison has the authority to accept or decline the offer on behalf of the BCCC board, which action shall be ratified at the next regularly scheduled meeting of the BCCC. In either event, the liaison shall send an email to all BCCC board members setting forth the offer and action s/he has taken with regard to the offer.

7.3 During the annual allocations process, allocation records, including documentation of scores and rankings, should be maintained and preserved by BCCC members who do not have a position in any organization that receives or may receive Tier III funding from Boulder County.

Article 8: Amendment

8.1 These By-laws may be amended at any public meeting of the Council by vote of a two-thirds majority of the Council membership and subsequent approval of such changes of By-laws by the Boulder County Board of Commissioners.

These By-laws are hereby adopted this 24 Day of May, 2016, by vote of a majority of the Boulder County Cultural Council and approved this 24 day of May, 2016, by the Boulder County Board of County Commissioners.

Date: 5-24-2016

Travis LaBerge
Name:
Chairperson, Boulder County Cultural Council

Approved:
Date: 06/28/2016

Elise Jones
Chair, Boulder County Board of County Commissioners