

Colorado Natural Resources Trustees

**BY-LAWS
OF
THE COLORADO NATURAL RESOURCES TRUSTEES**

By-Laws adopted March 24, 2021.

These By-Laws replace any existing by-laws adopted by the Trustees and are designed to be prospective.

BY-LAWS OF THE COLORADO NATURAL RESOURCES TRUSTEES

PREAMBLE

For the purpose of providing for the orderly conduct and carrying on of the business, objects and affairs of the Colorado Natural Resources Trustees (“Trustees”), the Trustees hereby make, publish and declare these By-Laws.

ARTICLE I – THE COLORADO NATURAL RESOURCES TRUSTEES

Governor Roy Romer and Governor Bill Owens, in 1990 and 2006 respectively, designated the following individuals as Colorado’s Natural Resources Trustees:

- The Executive Director of the Colorado Department of Health¹
- The Executive Director of the Colorado Department of Natural Resources
- The Colorado Attorney General

These individuals, or their delegates, serve as Colorado’s Natural Resources Trustees.

The Natural Resources Trustees act on behalf of the public as Trustees for the natural resources within the State of Colorado or for resources belonging to, controlled by, or appertaining to the State of Colorado. This includes:

- Providing direction to Trustee staff related to the pursuit of Natural Resource Damages (“NRD”) claims;
- Providing direction to Trustee staff related to restoration of injured natural resources;
- Approving the initiation, litigation, and settlement of NRD claims; and
- Approving funding for restoration projects.

ARTICLE II – DEFINITIONS

When used herein, the following words, terms and phrases shall have the following meaning:

- A. The term “Trustees” shall mean the Colorado Natural Resources Trustees, as described in Article I of these By-Laws.
- B. The term “Open Meetings Law” shall mean section 24-6-401 *et seq.*, C.R.S., as it may be amended from time to time.

¹ In 1994, the Colorado Department of Health became the Colorado Department of Public Health and Environment.

- C. The term “Open Records Act” shall mean section 24-72-201 *et seq.*, C.R.S., as it may be amended from time to time.
- D. Other terms shall have the same meanings as provided for in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.* (CERCLA) and the Oil Pollution Act of 1990, 33 U.S.C. § 2701 *et seq.* (OPA). 42 U.S.C. § 9607(f)(2)(B).

**ARTICLE III – MEETINGS OF THE COLORADO
NATURAL RESOURCES TRUSTEES**

A. Frequency of Trustee meetings.

To the extent practicable, the Trustees shall meet quarterly. Additional meetings may be scheduled as required; meetings may also be canceled at the discretion of the Trustees.

B. Rules Governing Trustee Meetings.

1. Open Meetings.

The Trustees are a “state public body,” subject to the requirements of the Colorado Open Meetings Law.

2. Notice of Meetings.

The Trustees shall provide the public notice of upcoming Trustee meetings via the Natural Resources Trustees’ website as maintained by the Colorado Attorney General’s Office.

3. Quorum.

Two Trustees or their delegates constitute a quorum.

4. Meeting Chair.

The Attorney General or his or her delegate shall chair Trustee meetings, unless the Trustees agree that another Trustee will serve as Chair.

5. Trustee Decisions.

The Trustees shall make decisions by motion, second and vote. A majority is required to carry a motion.

6. Rules of Order.

Meetings shall be as informal as circumstances permit. The Trustees may, at their discretion, agree to invoke Robert's Rules of Order. If Board action is clear, such action is not invalid if the action failed to strictly adhere to processes spelled out in Robert's Rules of Order.

7. Trustee Resolutions.

The Trustees shall make decisions concerning expenditure of funds by formal Trustee Resolutions. The Chair shall sign Trustee Resolutions after the Trustees have agreed to a motion for approval. No other signatures shall be necessary for a Trustee Resolution to become effective unless the Trustees agree to require all Trustee signatures.

8. Executive Session.

The Trustees shall meet in executive session only pursuant to the Colorado Open Meetings Law.

C. Trustee Authority.

The Trustees shall operate within the limits of all applicable statutory directives, legislative intent, and any specific directions or laws related to their designation and their powers and duties.

D. Annual Training.

The Trustees shall receive training the first quarter of each calendar year. This training shall cover:

1. The statutory and regulatory framework under which the Trustees operate, with specific focus on CERCLA and the OPA and any related guidance or directives which relate to their powers and duties as public representatives.
2. The Trustees' role in the oversight of projects or entities approved to receive public funding.
3. The goals of the Natural Resource Damages Program.
4. How to identify and manage conflicts of interest.
5. The requirements of the Colorado Open Records Act.

6. The roles and duties of Trustee staff and how those roles and duties relate to the Trustees' mission and goals, including how staff identify and secure sufficient data to ensure informed decision-making.
7. The manner in which Trustee staff will ensure appropriate involvement of the Trustees in key communications and policy-making activities.
8. The process for coordinating with other boards, commissions, industry, educational institutions, and state agencies where appropriate and where responsibilities and interests overlap.
9. A review of these By-Laws and other management practices to ensure best practices are utilized.

**ARTICLE IV – STAFF OF THE COLORADO
NATURAL RESOURCES TRUSTEES**

A. Trustee staff.

Staff of the Colorado Department of Law, Colorado Department of Natural Resources and Colorado Department of Public Health and Environment serve as staff to the Trustees.

B. Trustee Representatives.

Each Trustee agency shall assign a staff member to serve as Trustee Representative to act as the lead liaison between Trustee staff and the Trustees. To the extent practicable, the Trustee Representatives shall meet no less than monthly. Additional meetings may be scheduled as required; meetings may also be canceled at the discretion of the Trustee Representatives. Meetings with Trustee Representatives may include Trustee staff.

C. Legal Counsel.

The Deputy Attorney General of the Natural Resources and Environment Section of the Colorado Department of Law serves as legal counsel to the Trustees.

ARTICLE V – COLORADO OPEN RECORDS ACT

The Trustees are committed to transparency and open government. The Open Records Act applies to all public records kept by the Trustees. The Attorney General shall serve as the custodian of these records. Requests for records must be made in writing through the Colorado Department of Law. The Department of Law’s office procedure for handling records requests will apply to all requests for Trustee records.

ARTICLE VI – CONFLICTS OF INTEREST

Trustees shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which they have a direct or substantial financial interest. *See* § 24-18-108.5(2), C.R.S. The Trustees may seek advice from legal counsel in order to ensure compliance with this Article.

ARTICLE VII – COMPLIANCE WITH SECTION 24-3.7-102, C.R.S.

HB 18-1198, codified in section 24-3.7-102, C.R.S., requires “each statutorily created board or commission in state government” to “implement written policies or bylaws and obtain annual training” concerning, generally, best practices for operating and complying with laws concerning public boards and commissions.

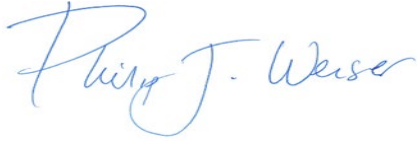
The Governor of each State has the authority to designate State officials who may act as trustees for natural resources under CERCLA and OPA. The Trustees were designated by letter and are not a “statutorily created board or commission in state government.” Therefore, they are not bound by HB 18-1198. However, because HB 18-1198 contains best practices for organizations like the Trustees sitting as a board, the Trustees are adopting these By-Laws.

ARTICLE VIII – EFFECTIVE DATE

- A. These By-Laws shall take effect immediately upon a vote of the Trustees.
- B. The By-Laws may be amended in whole or in part at a Trustee meeting by vote pursuant to Article III.B.5. Adopted amendments shall take effect immediately.

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It being the desire of the Trustees to meet their responsibilities to the people of Colorado, and, in the most efficient and conscientious way possible, to discharge their duties under the law, the Trustees do hereby adopt these By-Laws.



March 24, 2021

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Philip J. Weiser  
Colorado Attorney General



March 24, 2021

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Jill Hunsaker Ryan, Executive Director  
Colorado Department of Public Health and Environment



March 24, 2021

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Dan Gibbs, Executive Director  
Colorado Department of Natural Resources