

Open Meetings Law

TOPS Working Committee

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Open Meetings Law

- The City Charter adopted the State's Open Meetings Law as it existed at the time.
- Charter 3-60(d):
 - “Colorado Statutes as now existing applying to open meetings of local governments shall apply to the meetings of the City Council and its boards and commissions.”

Open Meetings Law

- **Colorado Revised Statutes Section 24-6-402**
- **Requires local public body to discuss public business or to take formal action in meetings that are open to the public.**
 - “Local Public Body” means any Board, Committee, Commission, or other advisory, policy-making, rule-making, or formally constituted body of the City

Notice Requirement

- **Every meeting must be noticed at least 24 hours prior to the meeting, posted at a public place.**
 - “Meeting” any kind of gathering, convened to discuss public business.
 - “All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.” C.R.S. 24-6-402(2)(b)

Notice Requirement cont.

- **Examples of what this prohibits:**
 - Emails involving 3 or more committee members discussing matters of public business
 - Email or phone call “chains” ultimately involving 3 or more members discussing public business

Minutes

- Minutes of meetings must be taken and promptly recorded and are open to public inspection

Executive Session

- **Requires a vote of two-thirds of a quorum**
- **Must be properly noticed to the public**
- **Executive session is not open to the public.**
 - Minutes must reflect the topic of discussion and citation to authorizing law
 - Electronically recorded (except for privileged attorney-client communication)

Executive Session cont.

- **Executive Sessions may only be held for the specific reasons, for example:**
 - Land acquisitions or sales
 - Personnel Matters
 - Legal Matters
- **If a committee member is appearing electronically must affirmatively state:**
 - That they are alone
 - That no one else can hear the matters being discussed

Open Meetings Law

- **Any discussion in violation of OML must be addressed at the next meeting**
- **Possible repercussions if OML is not followed:**
 - Action taken shall not be valid unless taken or made at an open meeting;
 - Any person denied or threatened with denial of the rights conferred on the public in Statute can challenge a violation.
- **Generally, Board members should not discuss Board business outside of Board meetings.**