

OPEN MEETINGS

The Open Meetings Act¹ ("Colorado Sunshine Law") applies to the Town Council, as well as the Planning & Zoning Commission and any other official board of the Town. It probably applies to the intergovernmental agencies and boards that we have been instrumental in organizing, such as the Joint Planning Commission.

The Act broadly defines a "meeting" as "any gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication".² Whenever three or more members of any Board (or a quorum of members, if fewer than three) get together and public business is discussed, it is a meeting. Formal action is not a requirement. Casual gatherings or events wherein business is not being discussed are generally not considered to be public meetings, although recent legislative changes on this topic make it less clear if the events are subject to notice or invitation to Town officials.

Prior notice to the public is required of any meeting.³ Again, this includes work sessions. Notice is not required for an emergency meeting.⁴ Minutes are required for all meeting at which a policy, position, resolution, rule, regulations, or formal action occurs or could occur.⁵ This is also mandated by the Ridgway Town Charter.⁶ Formal action does not occur during our work sessions or executive sessions.

Executive sessions can occur only at regular or special meetings. They require a 2/3 vote of the quorum and an announcement of the general topic. Basically, executive sessions can be held to discuss matters (1) subject to negotiation (2) matters subject to the attorney client privilege (advise from legal counsel); (3) personnel matters (this can only apply to matters involving employees actually serving under Council); (4) matters required to be confidential by law; (5) investigations or security matters; and (6) matters relating to the conveyance of real property or personal property.⁷ Executive sessions are not allowed for deliberations.

Legislative changes that occurred in 2001 now require executive sessions to be specifically announced, with some general reference to the applicable statutory provisions as enumerated above. There is precise announcement protocol that needs to be followed, and this protocol has been provided previously. Copies of this protocol are available.

In Summary

- **Having discussion of public business, of any nature, with three or more members outside of a meeting is prohibited as a matter of State law.**
- **You should have 2/3 affirmative vote of quorum to adjourn into executive session, and must state the reason and expected time for such session.**
- **Action cannot be taken outside of regular meetings.**
- **In general, executive sessions are going to occur only on a rare basis, and specific protocol needs to be followed. All executive sessions should be arranged through with the assistance of Town Attorney or Town Clerk.**

¹¹ CRS §24-6-401.

² CRS §24-6-402(1)(b).

³ CRS §24-6-402(2)(c).

⁴ *Lewis v. Town of Nederland*, 20 B.T.R. 1205 (Colo. App. 1996).

⁵ CRS §24-6-402(2)(d)(II).

⁶ Art. III, §2, Town of Ridgway Charter.

⁷ CRS §24-6-402(4).