

## Colorado Public Meetings & Executive Sessions

The Colorado Open Meetings Law (OML), part of the Colorado Sunshine Law, lays a set of ground rules for how public meetings must be conducted. The law was first passed in 1972 and later modified in 1996. According to the law, meetings of two or more members of any state or local public body, such as a county board, where public business is discussed or formal action is taken, must be open to the public.

The OML applies to more than just physical gatherings. Phone calls, emails, or other electronic communications can also be considered meetings subject to the OML. Furthermore, public notice of a meeting must be given at least 24 hours in advance. However, the Colorado Supreme Court has ruled that “a meeting must be part of the policy-making process to be subject to the requirements of the OML.” So mere attendance at another public body’s meeting does not necessarily trigger OML requirements.

There are a few exceptions to the open meetings and open records law (e.g., chance meetings, social gatherings, property matters; attorney conferences; negotiations with employee organizations; personnel; and student discipline). If a public body must discuss a confidential matter, an executive session may be called.

### EXECUTIVE SESSION

An executive session is a private meeting where confidential information is under discussion. Executive sessions must be recorded unless the session can be considered privileged attorney-client communication. If a document used in the executive session has both private and public information, the document may be subject to the open records law; however, private information may be redacted before making the document public.

Private information that is protected under various open records laws includes financial or payroll data, social security numbers, bank account information, personnel records, health and medical records, criminal investigation, some pending legal matters, and so forth. Consult your county attorney to determine if the topic qualifies for a privacy exemption to the open records law.

### WHAT THIS MEANS FOR COUNTIES

County board meetings and other meetings of governing boards are subject to the open meetings act. If private information as defined by the Colorado Open Meetings Act and the Colorado Open Records Law is under discussion, use an executive session to discuss the matter. Be sure to stress the importance of confidentiality concerning issues discussed in an executive session, as any leak of confidential information can open the board to liability.



For more information about the requirements for open meetings and executive sessions, contact CTSI at 303 861 0507.