

Colorado Open Meetings Law

Effective Governance 2025

Robert Sheesley, CML general counsel
rsheesley@cml.org



Open Meetings Law

“The formation of public policy is public business and may not be conducted in secret”



Local Public Body

- Board or commission
- Authority
- Advisory, policy-making, rule-making or formally constituted body with a delegated governmental decision-making function



Public Meeting



(or a quorum, if fewer)

Empowered cities and towns, united for a strong Colorado.

Contents of this presentation reflects the view of the presenter, not of CML.



COLORADO
MUNICIPAL
LEAGUE

Public Meeting



Public business
discussed



Formal action may be
taken

Not Public Meetings

- Social gatherings
- Chance Meetings
- Individual communications
- Events that aren't part of the policymaking process



Exempt Electronic Communications

- Not related to merits or substance of public business
- Scheduling or availability
- Forwarding information
- Responding to outside inquiry
- Question for later discussion



Notice Requirements



If the meeting:

Involves formal action or

A majority or quorum is
(or is expected to be)
in attendance



Full and timely notice

24 hours prior

Designated place

Specific agenda
information where possible

Executive Sessions – Perception v. Reality



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Executive Sessions - Grounds

- Property transactions
- Advice on specific legal questions
- Personnel matters
- Confidential matters (by statute)
- Negotiation positions & strategy
- Security arrangements



Executive Sessions - Process

- Specific citation & subject in motion
- 2/3 vote
- Must record unless attorney determines attorney-client privileged



Executive Sessions - Tips

- Stay on topic
- Keep materials and discussion confidential
- Avoid voting
- Discuss and decide in public (no rubber stamp)



Common Issues

- Presence of third parties
- Discussing board members
- Personnel
- Materials
- Personal recordings
- Disclosures



Curing Defects

- No “rubber-stamp”
- Notice
- Public input
- Meaningful discussion and contributions before decision
- Public decision



Violations



Actions
invalidated



Attorney
fees



Executive
session
records
disclosed



Loss of
public
trust