

## **EXECUTIVE SESSION MOTION FORM**

(This session may only occur at a regular or special meeting of the Board)

### 1. MOVE TO GO INTO EXECUTIVE SESSION:

(Language in bond-face is for inclusion in the motion as applicable; if the stated purpose of the executive session is legal advice; do not combine it with any other purpose):

- **For a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);**
- **For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);**
- **To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);**
- **For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f)(I)&(II) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;**
- **For discussion of a matter required to be kept confidential by the following federal or state law, rule, or regulation: under C.R.S. Section 24-6-402(4)(c);**
- **For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d);**
- **For consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g);**

Other (specify):

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES (Chairman may ask Attorney/staff to provide the details):

## ANNOUNCEMENT NO. 1

ANNOUNCEMENT TO BE MADE BY CHAIRMAN AT THE BEGINNING OF THE EXECUTIVE SESSION (MAKE SURE THE TAPE RECORDER IS TURNED ON; DO NOT TURN OFF UNLESS SO ADVISED BY THE COUNTY ATTORNEY).

It is \_\_\_\_\_ and the time is \_\_\_\_\_. For the record, I am the Chairman, as required by the Open Meetings Law; this executive session is being electronically recorded.

Also present at this executive session are the following persons:

This is an executive session for the following purpose:

(Repeat the language of the motion, including the statutory citation.)

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

## **ANNOUNCEMENT NO. 2**

**ANNOUNCEMENT TO BE MADE BY THE CHAIRMAN BEFORE CONCLUDING THE EXECUTIVE SESSION (WHILE THE TAPE RECORDER IS STILL ON).**

I hereby attest that this recording reflects the actual contents of the discussion at the executive session and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings Law.

- I will hand the tape to the County Attorney to retain for a 90-day period.

**OR**

(If County Attorney was the subject of the session or was not present at the session.)

- I will retain the tape in my possession for a 90-day period.

The time is now \_\_\_\_\_, and we now conclude the executive session and return to the open meeting.

(Turn off tape and return to open meeting.)

### **ANNOUNCEMENT NO. 3**

ANNOUNCEMENT TO BE MADE AT THE BEGINNING OF AN EXECUTIVE SESSION FOR LEGAL ADVICE, OR FOR THE DISCUSSION OF LEGAL ADVICE DURING AN EXECUTIVE SESSION WHOSE STATED PURPOSE IS A SUBJECT OTHER THAN ADVICE.

(Make sure Announcement No. 1 has been made first.)

By County Attorney:

As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication. I am therefore recommending that no further record be kept of this executive session.

By Chairman:

The County Attorney has recommended that no further record be kept of this executive session. The time is now \_\_\_\_\_ and I am turning off the tape recorder at this time.

(Turn off tape recorder at this time.)

(If the attorney-client communication has finished, but the executive session continues, TURN THE TAPE RECORDER BACK ON.)

By Chairman:

This time is now \_\_\_\_\_ and I have turned the tape recorder back on because the privileged attorney-client communication is finished.

AT THE END OF THE EXECUTIVE SESSION, MAKE SURE ANNOUNCEMENT NO. 2 IS MADE BEFORE TURNING OFF THE TAPE RECORDER.)

## **ANNOUNCEMENT NO. 4**

**STATEMENT TO BE MADE BY THE CHAIRMAN UPON RETURNING TO THE OPEN MEETING.**

The time is now \_\_\_\_\_, and the executive session has been concluded. The participants in the executive session were:

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

hearing none, the next agenda item is . . . .