



TECHNICAL UPDATE

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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, all meetings of a quorum of three or more members of any local public body, whichever is fewer, such as a county board, at which any public business is discussed or any formal action taken are declared to be meetings open to the public at all times.

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 after proper notice.

EXECUTIVE SESSION

An executive session is a private meeting for discussing confidential matters where no formal action is taken. Proper advance notice is required, and sessions must be recorded unless they qualify as privileged attorney-client communication. If documents used in the session contain both private and public information, the public portions may be subject to open records laws, while private details can be redacted before release.

Protected private information includes financial or payroll data, Social Security numbers, bank account details, personnel records, medical information, criminal investigations, and pending legal matters. To ensure compliance, consult your county attorney to determine if a topic qualifies for a privacy exemption. CTSI provides [executive session forms](#) to help streamline the process and improve meeting efficiency.

Common pitfalls in executive sessions include failing to provide proper notice with a clear legal reason, misusing attorney-client privilege for discussions that don’t qualify, and neglecting required session recordings. Conversations must also stay within the stated purpose, as straying off-topic can violate transparency rules. Additionally, accidental disclosure of confidential information can create legal risks. Following proper procedures and consulting legal counsel can help ensure compliance while maintaining confidentiality.



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.