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# FAQs: Colorado Open Meetings Law

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More commonly known as the Sunshine Law, the Colorado Open Meetings Law has been in effect for local public bodies since 1991. The law ensures that public business is conducted transparently. For full information, visit [coloradofaic.org](http://coloradofaic.org).

## DOES THE COLORADO OPEN MEETINGS LAW APPLY TO ALL LIBRARY BOARDS?

The open meetings law covers all governing boards and other advisory bodies that have been delegated governmental decision-making functions, for example creating and adopting library policies, by a public body or official (C.R.S. § 24-6-402(1)).

## WHAT IS CONSIDERED A MEETING?

A meeting is any gathering in which the adoption of a proposed policy, position, resolution, rule, regulation or formal action occurs, or at which three or more trustees are expected to be in attendance. "Meetings" can be in-person, virtual, on the phone or by email. The standing monthly board meeting would be considered an official meeting, as would a gathering to discuss a library renovation. The public must have access to attend ANY meeting whether it's in person, online, or by phone.

## WHEN MUST A MEETING BE OPEN TO THE PUBLIC?

A meeting must be open to the public when a quorum is present to discuss library business or take formal action. Social gatherings and chance meetings are exempt from the law, but only if the discussion of the library is not the central purpose.



## WHAT IS A QUORUM FOR COLORADO LIBRARY BOARDS?

Whether a library board has five or seven members, the quorum is three. Should a vacancy bring the total number of acting trustees to under five, a quorum would become two.

## EXECUTIVE SESSIONS

C.R.S. § 24-6-402(3) and C.R.S. § 24-6-402(4)

### **What is an executive session?**

The board may have closed discussions during a regular or special meeting for certain authorized topics, including property transactions, specialized details of security arrangements or investigations, conferences with an attorney to receive advice on specific legal questions, negotiation strategies, personnel matters, et al. It's important to note that, when in executive session, only the authorized topic may be discussed. Actions also cannot be made in closed session, i.e. the board must close the executive session and reopen the public meeting prior to adopting any policies, resolutions, etc.

### **Do I have to post notice about an executive session?**

Yes, the specific matter to be discussed must be announced with as much specificity as possible without compromising the reason for the executive session. Failure to announce with the required specificity results in the minutes of the improperly closed public meeting to become public record.

### **What are the electronic recording requirements for an executive session?**

Relevant portions of an executive session recording must be made available for public inspection if a district court determines, based on a private review, that a public body held a closed-door discussion of matters not authorized by the open meetings law or that it adopted a proposed policy, position, resolution, rule or regulation or took formal action in an executive session.

## IS THE BOARD REQUIRED TO PROVIDE NOTICE ABOUT MEETINGS?

Yes, "full and timely" notice is required and must be posted in a formally designated public place at least 24 hours in advance. The posting must include agenda information where possible. Notice must also be provided to anyone who has requested meeting notifications. While a notice must be posted physically, it's also a good idea to post notice on the library's website.

## CAN TRUSTEES EMAIL OR TEXT EACH OTHER?

Of course! BUT, three or more trustees may not be in the same message chain about library business. The only time this many trustees may discuss something library related via text or email is for scheduling purposes. If only two trustees are on the text or email, they may discuss library business and comply with the law.

## CAN TRUSTEES VOTE ANONYMOUSLY?

Generally, no. Voting anonymously using secret ballots may not be used to adopt a proposed policy, position, resolution, rule, or regulation, or to take formal action. However, they may be used by trustees when electing board officers.

## DOES THE BOARD HAVE TO ALLOW PUBLIC COMMENTS?

The Colorado open meetings law does not address whether the public should be given an opportunity to comment on issues during meetings. Any rules that exist, including time limits for speakers and where public comments sit on the agenda, will exist in a board's bylaws.

LOCAL PRACTICES VARY FOR ADVISORY BOARDS. CONSULT YOUR LIBRARY DIRECTOR AND BOARD BYLAWS. CONTACT YOUR [COLLEAGUE ON CALL CONSULTANT](#) TO TALK ABOUT HOW THESE GUIDELINES LOOK IN PRACTICE AT YOUR LIBRARY.