

Colorado Sunshine Law

The Colorado Sunshine Law generally requires that any state or local governmental body that meets to discuss public business or to take formal action do so in meetings that are open to the public. Under the law (§ 24-6-402, C.R.S.), "meeting" refers to any kind of gathering, convened to discuss public business, whether in person, by telephone, electronically, or by other means of communication. Electronic mail messages can be considered "meetings" under the statute. The statute does not apply to chance meetings or social occasions where public business is not the central purpose of the meeting.

All meetings of two or more members of any state public body where any public business is discussed must be open to the public. This definition includes in person, telephone, or electronic communications. The law states that a gathering of a quorum or three or more individuals of a local body constitutes a meeting. The law also explicitly states that emailed messages discussing pending actions constitutes meetings and are subject to the law.

The Law defines government body as all branches of state and local government including all boards, commissions, etc. It also includes non-profit and private corporations who receive state funding and any bodies who have been granted decision-making authority.

Notice Requirements

A meeting notice must be posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The designated place for posting the notice is identified each year at the first regular meeting of each calendar year. Agenda information should be included when possible.

Meeting Process

Minutes of all public meetings must be taken and open to public inspection. Executive session minutes must reflect the discussion topics of the executive session. Executive sessions, except for sessions involving material that would fall under the attorney-client privilege, must be recorded using audio or video recording methods. Records of executive sessions can be requested for an in camera review if there is probable cause that the executive session discussed topics that were not subject to closed meetings. Records of executive sessions must be maintained for 90 days.

Executive Sessions

The Law allows for executive sessions to be called by a 2/3 vote within an open meeting to consider the following topics:

the purchase or sale of property;

anything subject to the attorney-client privilege exemption;

matters that are subject to state or federal statutes requiring concealment;

labor negotiations;

discussions of employee dismissal, discipline, promotion, demotion, or compensation are open unless the employee specifically requests an executive session and is still subject to a vote by the board in question;

security details; and

discussions of any records exempted under the Colorado Open Records Act.

If Violated

State courts have jurisdiction to enforce the Colorado Sunshine Law for open meetings. In cases where the court finds a violation occurred, the court can award the plaintiff costs and reasonable attorney fees. If the court does not find a violation occurred, it can award costs and reasonable attorney fees to the prevailing party if the court finds that the action was frivolous, vexatious, or groundless. The state determined that the court may also invalidate decisions at illegal meetings, stating "No resolution, rule, regulation, ordinance, or formal action of a state or local public body shall be valid unless taken or made at a meeting that meets the requirements."