

Dolores Public Library

Board of Trustees

Executive Session Policy

The Open Meetings Law, which is part of the Colorado Sunshine Law (C.R.S. § 24-6-402), requires any state or local governmental body to discuss public business or to take formal action in meetings that are open to the public. A meeting refers to any kind of gathering convened to discuss public business, whether in person, by phone, electronically, or other means of communication (emails are considered meetings and subject to the law). A meeting of two or more member of any public body where public business is discussed must be open to the public. The law states that a gathering of a quorum or three or more individuals of a governing body constitutes a meeting. The Law defines a governing body as all branches of state and local governments, 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.

An Executive Session may review and discuss the following topics per C.R.S. § 24-6-402(4): purchase, sale, rent, or lease of property; anything subject to attorney-client privilege; matters subject to state or federal statutes requiring confidentiality; labor negotiations; conference with the board's attorney on specific legal questions; security details or law enforcement investigations; personnel; and discussion of any records exempted under the Colorado Open Records Act. An employee may request an open meeting for an employment or personnel issue only as it relates to that individual. Discussions regarding more than one employee usually fall under an executive session. Final votes or decisions to take legal action can only occur after reconvening in an open meeting.

Under law, the Dolores Public Library Board of Trustees may call for an Executive Session to discuss issues that may compromise the legitimate privacy interests of a public officer, appointee, or employee, or compromise the attorney-client privilege. During an executive session, only individuals whose presence is reasonably necessary for the public entity to carry out its executive session responsibilities may attend.

Discussions and actions of an executive session will be recorded pursuant to CRS § 24-6-402, and the following procedures apply:

- A meeting notice must be posted in the designated public place within the boundaries of the District no less than 24 hours before the meeting. The statutory citation must be included on the notice.
- An executive session must be called at a posted public meeting. A trustee must make a motion to enter into an executive session by announcing the topic to be discussed; cite at least one (1) of the specific sections of statute to authorize the session as shown in paragraph 2 above; and briefly describe the matter to discuss. An example would be: Move to call an

Executive Session to discuss the performance evaluation of the Director, pursuant to CRS 24-6-402(4)(f), personnel matters. All individuals allowed in the session will be named and included in the motion. When a second is received, it is discussed and voted on by each trustee. The motion and vote will be recorded in the session minutes.

- The public meeting is closed by the Board President.
- The executive session is called to order when required individuals are present.
- The board president calls the executive session to order and announces that the session will be recorded using audio, video, or digital equipment. This does not apply to sessions that fall under the attorney-client privilege.
- Recording begins as the session is called to order with the date and time. The board president indicates that a majority vote authorized the session, its purpose, the citation for executive session, and those persons in attendance. Recording must continue until after adjournment is called.
- When the business of the executive session is complete, the board president announces that the executive session is over, and the recording equipment is turned off. If the public meeting is to resume, the president announces that the public meeting is reopened. No motion or vote is required to close the executive session.
- The board may not adopt or approve any proposed policy, position, resolution, rule, regulation, or other formal action, except for the approval of the minutes of a previous executive session, during an executive session.
- Under law, the recording must be maintained for 90 days. The District keeps all recordings for 90 days. After that date, the recording is erased and destroyed. Recordings can only be made available to the public upon consent of the Library Board of Trustees or a court order. Any trustee that wishes to use the recording can do so upon approval by the board president.

Adopted August 11, 2020