

ARTICLE III. - OPEN MEETINGS

Sec. 2-31. - Declaration of policy.

It is hereby declared to be the policy of the city that the formation of public policy is public business and should be conducted in public, and that the public shall be entitled to the fullest possible access to the deliberations and proceedings of public bodies.

(Code 1950, § 114.1)

Sec. 2-32. - Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them:

- (1) *Meeting.* Any assemblage of a quorum of any public body whose central purpose is the discussion of public business or the adoption of any proposed policy, position, resolution, rule, regulation, standard, ordinance, or other official action or enactment. The term "quorum" shall mean that portion of a public body defined by its by-laws or rules as the minimum number of its members who must be present at a meeting for business to be transacted legally.
- (2) *Public body:*
 - a. City council and committees thereof;
 - b. Advisory commission on aging;
 - c. Mayor's commission on youth;
 - d. Advisory commission on people with disabilities;
 - e. Library commission;
 - f. Board of public health and environment;
 - g. Board of human services;
 - h. Board of water commissioners;
 - i. Parks and recreation advisory board;
 - j. Board of county commissioners;
 - k. Board of equalization;
 - l. Board of adjustment-zoning;
 - m. Mayor's advisory council (community development);
 - n. Landmark preservation commission;
 - o. Denver planning board;
 - p. Civil service commission;
 - q. Career service board;
 - r. Board of trustees, firemen's pension fund;
 - s. Police pension and relief board;
 - t. Retirement board;
 - u. Commission on art, culture and film;
 - v. Building code revision committee;

- w. Reserved;
- x. Community corrections board;
- y. Board of plan enforcement review and variation;
- z. Board of appeals of the building inspection division;
- aa. Reserved;
- bb. Development review committee;
- cc. Health insurance committee;
- dd. City-school coordinating committee;
- ee. Economic development advisory committee;
- ff. Denver cable television board;
- gg. Employee deferred compensation committee;
- hh. Employee suggestion board;
- ii. Employee voluntary salary redirection committee;
- jj. Reserved;
- kk. Reserved;
- ll. Commission on mental health;
- mm. Reserved;
- nn. Neighborhood improvement and facilities commission;
- oo. Private industry council;
- pp. Rehabilitation advisory panel (Chapter 31 committee);
- qq. Board of standards;
- rr. Urban homesteading program committee;
- ss. Denver women's commission;
- tt. Reserved;
- uu. Stapleton redevelopment advisory committee;
- vv. Gay and lesbian advisory task force;
- ww. Hispanic advisory task force;
- xx. Black advisory task force;
- yy. American Indian advisory task force;
- zz. Asian advisory task force;
- aaa. Denver employee medical health care insurance program committee;
- bbb. Citizen oversight board;
- ccc. ACCESO-Spanish language voter advisory board;
- ddd. The housing stability strategic advisors.
- eee. The green building technical advisory committee.

- (3) *Public business.* Any matter relating to governing or the government of the city or of the public business regulated by the respective public bodies.

(Code 1950, § 114.2; Ord. No. 281-93, § 1, 4-19-93; Ord. No. 987-96, § 2, 11-12-96; Ord. No. 1110-96, §§ 1, 2, 12-16-96; Ord. No. 372-99, § 1, 5-10-99; Ord. No. 730-04, §§ 2, 5, 10-4-04; Ord. No. 264-07, § 1, 6-11-07; Ord. No. 7-10, § 2, 1-4-10; Ord. No. 141-13, § 6, 3-18-13; Ord. No. 625-16, § 2, 9-19-16; Ord. No. 427-18, § 1, 6-11-18; Ord. No. 1134-18, § 2, 10-29-18; Ord. No. 47-20, § 50, 3-16-20)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 2-33. - Open meetings required; exceptions.

- (a) All meetings of a quorum of a public body shall be open to the public.
- (b) No chance meeting or social gathering shall be used to circumvent the intent or the provisions of this article.
- (c) The provisions of subsection (a) shall not apply to any of the following:
 - (1) Any collective bargaining conference, which for the purposes of this article is a meeting between the mayor and members of the council, at which the sole purpose is the discussion of the position of, and of related measures to be taken by or in behalf of, the mayor and council in collective bargaining with employees of the city, pursuant to appropriate provisions of the Charter;
 - (2) Any internal staff meeting of or between personnel of a department, agency or other authority of the city; including any meeting of the mayor and cabinet, of the civil service commission with its staff, or of the career service board with its staff;
 - (3) Any meeting whose sole purpose is the discussion of the existing or prospective personnel of a public body or of a department, agency or authority; including such meetings of the police advisory review committee, any oral interview of, or deliberations concerning the nomination, selection or promotion of, or adverse action against, persons under such consideration by the civil service commission, career service board or a judicial nominating commission, or duly appointed committees or boards thereof;
 - (4) Any chance meeting or social gathering of officials or personnel of the city, at which discussion of public business is not or does not become the central purpose; and
 - (5) Any internal staff meeting of or between personnel of a department, agency or other authority of the city and the audit committee, or the audit committee with its staff or independent auditors, however, the audit committee may, upon notice and publication of an agenda hold open, public meetings to discuss non-confidential materials and discuss final findings as contained in completed audits or materials which the audit committee has released pursuant to D.R.M.C. section 20-281.

(Code 1950, § 114.3; Ord. No. 775-07, § 2, 12-26-07)

Sec. 2-34. - Executive sessions.

- (a) Except as provided in section 2-33, a meeting which is scheduled in advance, and for which public notice has been given in accordance with section 2-35, upon a two-thirds vote in open session of those members of the public body present, may go into executive session for any or all of the following purposes; provided, that the general nature of such purpose is announced before the executive session begins:
 - (1) An urgent matter concerning public health or public safety;

- (2) Discussion of any purchase by the city which, if known by the public in advance, might result in substantial financial gains or losses to the city;
 - (3) Relations in which it is the policy of the law to encourage confidence and to preserve it inviolate, as set forth in the provisions of C.R.S. 1973, 13-90-107;
 - (4) Discussion of any acquisition, sale or use of real estate by the city which, if known by the public in advance, might result in substantial financial gains or losses to the city;
 - (5) Any investigative proceedings regarding allegations of civil or criminal misconduct; provided, that the person providing such information or the person under investigation requests that such proceedings be closed to the public;
 - (6) Discussion of ongoing negotiations of contracts, intergovernmental agreements and other similar instruments for the purpose of formulating particular city positions in such negotiations;
 - (7) Matters required to be kept confidential by federal or state law or rules or by ordinance.
 - (8) Discussion of investigations or disciplinary proceedings regarding allegations of violations of personnel rules or departmental policies or information, documents, or files relating to such investigations or disciplinary proceedings.
- (b) Notwithstanding the provisions of subsection (a) emergency executive sessions may be called without advance notice to the public, as provided in section 2-35(c).
 - (c) Notwithstanding any other provisions of this Code, any board or commission conducting a hearing under authority of the Charter or of ordinance may hold an executive session to consider and evaluate evidence, including the credibility of witnesses, and issue a written decision available to the public. Such decision shall include the vote of individual members of the board or commission.
 - (d) In an executive session held pursuant to subsection (a) of this section, only the matters listed therein may be discussed. If any subject matter not listed in subsection (a) is to be discussed, the executive session shall be terminated and the meeting shall be re-opened to the public.

(Code 1950, § 114.4; Ord. No. 680-88, §§ 1, 2, 10-31-88; Ord. No. 730-04, § 6, 10-4-04)

Sec. 2-35. - Public notice; exception for emergencies.

- (a) Except as provided in the Charter and in sections 2-33 and 2-34, any meeting of or between a public body of the city, at which a quorum of the public body is expected to attend, shall be held only after notice thereof is given to the public not less than forty-eight (48) hours in advance of such meeting; and
 - (1) Such public notice shall include prominent posting at the principal office of such public body, or if no such office exists, at the building in which the meeting is to be held; and
 - (2) Such public notice shall also be filed with and posted on a bulletin board located in a conspicuous place accessible to the public on the first floor of the City and County Building at Colfax Avenue and Bannock Street, Denver, Colorado; and
 - (3) The contents of the public notice shall include but shall not necessarily be limited to the date, time and place of the meeting and a general description of the subject to be discussed.
- (b) Whenever the requirements for public notice respecting the meetings described herein are not complied with, such meetings shall be cancelled forthwith or postponed until such time as such requirements are met.
- (c) Notwithstanding any of the provisions of this article, an emergency meeting may be held without advance notice to the public when the person chairing the public body that is involved determines that an emergency situation exists; and the person may determine that such meeting shall be either open to the public or an executive session, as circumstances may require, without taking a vote as otherwise required by section 2-34(a); provided that the nature of the emergency and the action

taken at such meeting shall be made known to the public within forty-eight (48) hours thereafter, in accordance with the provisions for posting of public notices of subsection (a).

(Code 1950, § 114.5)

Sec. 2-36. - Actions voidable when requirements not met.

Any policy, position, regulation, rule, standard, ordinance or other formal action or enactment of the city shall be voidable by a court of competent jurisdiction when taken or made at a meeting that does not meet the requirements of this article; provided, however, that an action at law to void any such action or enactment must be commenced within ninety (90) days thereafter.

(Code 1950, § 114.6)

Sec. 2-37. - Enforcement.

- (a) The county court is hereby authorized to issue an order to enforce the purposes of this article upon application by any resident of the city who is injured by an action taken in violation hereof, and who posts with the county court cash or a property bond in the amount of five hundred dollars (\$500.00) for payment to the city or public body thereof of costs incurred by the city or public body of the city if such application is dismissed, provided that such bond may be waived or reduced by the judge of the county court upon application by the resident showing that such posting of a bond would cause him significant personal, financial hardship.
- (b) The county court may order payment of reasonable attorneys' fees and court costs to the successful party in an action brought under this article.

(Code 1950, § 114.7)

Secs. 2-38—2-50. - Reserved.