

**TOWN OF CRESTONE
RESOLUTION NO. 004-2021**

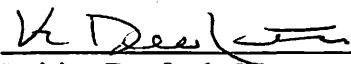
**A RESOLUTION RESCINDING RESOLUTION 003-2021 REGARDING THE
TOWN OF CRESTONE'S POSITION ON THE COLORADO OPEN MEETINGS
LAW AND ADOPTING THE RESOLUTION PREPARED BY THE TOWN'S
LEGAL COUNSEL AND COUNSEL FOR CIRSA**

WHEREAS, Resolution No. 003-2021 "A Resolution Regarding the Town of Crestone's Position Concerning the Colorado Open Meetings Law", was passed on June 14, 2021 upon a format prepared by an attorney representing a Town citizen and over the objection of the Town's Attorney and the Town Insurer's Attorney who had submitted a mutually agreed upon resolution which they had determined to be legally sufficient and not containing requirements which exceed those provided by the Colorado Open Meetings Act; and

WHEREAS, the Town Board of Trustees, upon a motion for reconsideration of its June 14, 2021 action having been duly made in accordance with the Board's Procedures and Rules of Order contained in Appendix 2B of Chapter 2 of the Crestone Municipal Code and having been seconded and duly passed, hereby rescinds Resolution 003-2021 and finds that certain provisions provided in the passed resolution to be unnecessarily constricting with the Town's right to conduct Executive Sessions and to receive legal advice within the framework of the Colorado Open Meetings Act.

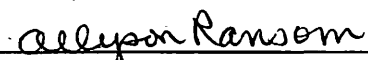
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CRESTONE, COLORADO STATE THAT Resolution No. 003-2021 be and is hereby rescinded in its entirety and the resolution which had been presented by the Town Attorney and CIRSA Attorney, attached and incorporated as EX A, is hereby adopted in its place.

PASSED and SIGEND this 12th day of July, 2021.



Kairina Danforth, Mayor

ATTEST



Allyson Ransom, Town Clerk

**TOWN OF CRESTONE
RESOLUTION NO. 004-2021**

**A RESOLUTION REGARDING THE TOWN OF CRESTONE'S POSITION
CONCERNING THE COLORADO OPEN MEETINGS LAW**

WHEREAS, the Colorado General Assembly has declared it to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and may not be conducted in secret; and

WHEREAS, the Town of Crestone is committed to ensuring continued citizen access to the formation of public policy while simultaneously ensuring that the Board of Trustees has the ability to convene executive sessions to discuss matters that are subject to a privilege or other statutorily justified reason for confidentiality; and

WHEREAS, the Town of Crestone has received input from local citizens regarding Town meetings and the convening of executive sessions; and

WHEREAS, the Town of Crestone desires to recognize and respond to citizens' interest in participating in local government and the formation of public policy for the Town; and

WHEREAS, as the nation emerges from the COVID-19 pandemic, the Board of Trustees recognizes that public business may be conducted in person and/or through a hybrid approach involving the use of technology; and

WHEREAS, the Town of Crestone desires to affirm its position with respect to open meetings consistent with Colorado's Open Meetings Law, C.R.S. § 24-6-402;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CRESTONE, COLORADO STATE THAT:

1. The Town affirms that it will continue to provide adequate notice of public meetings convened by the Board of Trustees consistent with C.R.S. § 24-6-402(2)(c)(I), including by posting the notice in three bulletin boxes in Town.¹ The notice will continue to be posted on the Town's website at least 24 hours prior to the Town holding the meeting. The notice shall continue to include specific agenda information where possible.

2. Should the Town find it necessary to convene an executive session, such executive session should continue to be noted on the agenda when possible. The Town recognizes and affirms that executive sessions should ordinarily be noted on an agenda posted twenty-four hours in advance of such executive session being convened. The Town does, however, recognize that emergencies may arise that affect the immediate health, safety, and welfare of the Town, its citizens, and the public generally that may demand the convening of an

¹ The bulletin boxes are currently: (1) next to the front door of Creston Town Hall at 108 W. Galena Avenue, (2) next to the Crestone board meeting room at 111 S. Alder Street, and (3) inside the U.S. Post Office at 161 E. Silver Avenue.

executive session with less than twenty-four hours' notice. The Town affirms that executive sessions convened on an emergency or impromptu basis will be rare and only appropriate where a delay of twenty-four hours may result in harm to the Town, its citizens, or the public interest. In the event the Town finds it necessary to convene an emergency or impromptu executive session, it will provide notice at the earliest time that is reasonably practical.

3. The Town affirms that discussion by Trustees and Town staff during public portions of meetings will continue to conform substantially to the posted agenda. The purpose of this affirmation is to ensure, as much as is reasonably possible, that the public knows what will be discussed or voted on at a meeting.

4. The Town affirms that a motion to enter executive session must continue to be made during the public portion of a meeting and that such motion must be recorded. The motion to enter executive session must include as much detail as possible without compromising the purpose of meeting in private. Such motion must include citation to the specific statutory ground for entering the executive session. The public will continue to be permitted to remain in the meeting until the Board of Trustees has voted to enter executive session. The public may remain in the meeting until the Board of Trustees votes because the meeting is public and open until and unless the vote is adequate to enter executive session. There may be instances when the Board of Trustees denies a motion to enter executive session, and such motion and vote is public and done in open session.

5. Except for executive sessions convened for the purpose of receiving legal advice on specific legal questions, executive sessions will continue to be recorded and retained by the Town for at least ninety days.

6. Executive sessions convened for the purpose of receiving legal advice on specific legal questions shall not be recorded if, in the opinion of the attorney who is representing the Town of Crestone and who is in attendance at an executive session that has been properly announced pursuant to the Open Meetings law, determines that all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication. The electronic recording shall reflect that no further record of the executive session is being kept based upon the opinion of the attorney representing the Town that the executive session discussion constitutes a privileged attorney-client communication.

7. Discussion by the Board of Trustees in executive session shall continue to be limited to the subject matter for which the executive session was convened, and Trustees should interrupt and advise the other participants in executive session if, in his or her opinion, the conversation appears to be deviating or is about to deviate from the subject matter for which the executive session was convened.

8. The Town affirms that the Board of Trustees will continue not to adopt any proposed policy, position, resolution, rule, regulation, or take formal action during executive session, except the review, approval, and amendment of the minutes of a previous executive session. The Town also affirms that the Board of Trustees will not engage in any straw poll or other informal vote during executive session.

9. In the event the Town adopts a hybrid approach for in-person/web-streaming of Town meetings, the Town shall discuss how best to meet the spirit and intent of the Open Meetings Law through the use of technology.

10. No provision in this resolution is designed to supplant state law concerning open meetings of local government bodies.

PASSED AND RESOVLED by the Board of Trustees of the Town of Crestone, Saguache County, this 14th day of June, 2021, by a vote of ____ for and ____ against.

Kairina Danforth, Mayor

ATTEST

Allyson Ransom, Town Clerk