

RESOLUTION  
OF THE  
BOARD OF COUNTY COMMISSIONERS  
OF THE  
COUNTY OF DELTA, STATE OF COLORADO

RESOLUTION NO. 2018-R- 005

A RESOLUTION ADOPTING THE DELTA COUNTY BOARD OF COUNTY  
COMMISSIONERS STATEMENT AND POLICY REGARDING THE COLORADO OPEN  
MEETINGS LAW

**WHEREAS**, Pursuant to §24-6-402, Colorado Revised Statutes (C.R.S.), the Board of County Commissioners, Delta County is “local public body” and therefore subject to the requirements of the Colorado Open Meetings Law (§24-6-401, C.R.S., et seq.); and

**WHEREAS**, the Delta County Board of County Commissioners is committed to openness in government; and

**WHEREAS**, the Colorado Open Meetings Law itself addresses in some detail statutory requirements of the law; and

**WHEREAS**, the Board of County Commissioners find it prudent to further clarify its policy regarding the Colorado Open Meetings Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Delta County that:

The attached Delta County Board of County Commissioners Statement and Policy Regarding the Colorado Open Meetings Law is adopted as a policy of this Board.

ADOPTED this 2<sup>nd</sup> day of April, 2018.

ATTEST:

  
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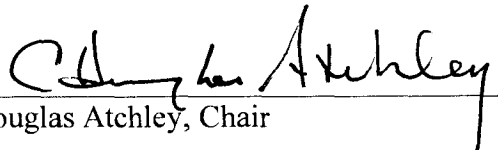
Teri Stephenson  
Delta County Clerk and Recorder

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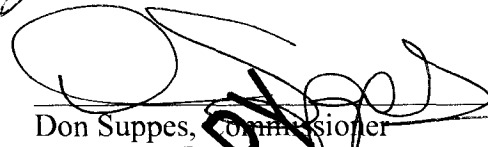


BOARD OF COUNTY COMMISSIONERS  
OF DELTA COUNTY, COLORADO:

By:

  
\_\_\_\_\_  
C. Douglas Atchley, Chair

  
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J. Mark Roeber, Vice Chair

  
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Don Suppes, Commissioner

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**Delta County Board of County Commissioners  
Statement and Policy Regarding the Colorado Open Meetings Law**

The Delta County Board of County Commissioners (BoCC) is committed to openness in government and to the concept that the formation of public policy is public business and may not be conducted in secret. The Open Meetings Law (OML), §24-6-402, Colorado Revised Statutes (C.R.S.) *et seq.*, applies to its meetings since the BoCC is a “local public body” as defined by statute. While the statute itself addresses in some detail requirements of the OML the BoCC finds it prudent to further clarify its policy regarding the OML.

Full and Timely Notice

A meeting must be part of the policy-making process to be subject to the requirements of the OML. Any meeting at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs...shall be held only after full and timely notice to the public.

Full notice

Statement and Policy – The public should be afforded access to a broad range of meetings at which public business is considered. The OML itself neither establishes the manner in which notice must be given, nor defines the content of the required notice. The law rather establishes a “flexible standard” aimed at providing fair notice to the public and that standard depends upon the particular type of meeting involved. However, the full notice requirement should not interfere with the ability of public officials to perform their duties in a reasonable manner. The OML requires that the notice includes “specific agenda information where possible.” A public meeting notice need not precisely set forth every single item to be considered at a meeting...a notice is sufficient as long as the items actually considered at the meeting are reasonably related to the subject matter indicated by the notice. The BoCC shall include specific agenda items in its posting when it is possible to do so - that is, when that information is available at the time of posting. The BoCC shall provide full notice of their meetings by ensuring the notice contains sufficient detail for an ordinary member of the community to understand that the listed topics may be considered by the BoCC. The notice shall sufficiently inform the public of the nature of the business to be considered. Known presenters (individuals, groups, or organizations) of information, requests, or reports shall be included in the agenda and placed as appropriate. “Action Items” will be represented by topic on the agenda and placed as appropriate, e.g., commissioner business. The BoCC is committed to prudent consideration of making relevant documents available to the public prior to a posted meeting, given the challenges of logistics and technology.

Timely notice

Statement and Policy – In every situation full and timely notice of public meetings shall be posted no less than twenty-four hours prior to the holding of the meeting. Although not required by statute, in the interest of affording increased access to the public; when possible, effort will be made to provide full and timely notice more than twenty-four hours in advance of holding a meeting. If a meeting agenda is publically posted and later revised (but still within the twenty-four hour statutory time period) a revision number shall be included on the revised agenda.

Place of notice

Statement and Policy – The BoCC shall provide notice to the public of public meetings within a reasonable time prior to the meeting in an area which is open to public view. At the first regular meeting of each calendar year the BoCC shall designate an area within the boundaries of Delta County that is open to public view as the official public place(s) of posting. All postings of notice shall occur at that official public place(s) of posting. Additional notice will be posted at the Delta County North Fork Annex in Hotchkiss and as technology allows, a copy of all meeting notices will be placed on the Delta County website at [www.deltacounty.com](http://www.deltacounty.com).

Additions to the meeting after notice

Statement and Policy – In extraordinary circumstances, in order to not interfere with the ability of public officials to perform their duties in a reasonable manner, the BoCC may have to make additions to a previously noticed meeting less than 24 hours before the noticed meeting. These additions shall only be made if it is determined to be reasonable and necessary for the public officials to perform their duties. Before adding any item to a previously noticed meeting the BoCC shall make a record of why:

1. It is reasonable to add the item that was not noticed.
2. The item is urgent and unexpected, i.e., why can't the item wait until the next regularly scheduled meeting or specially called meeting?
3. Why the information was not included on the notice, i.e., why was the information not available at the time of posting?

Questions or concerns

Any questions or concerns regarding this statement or policy (or other Open Meeting Law issues) should be addressed to the Delta County Administrator. The Administrator shall

then conduct an investigation into the question or concern by seeking information and documents as necessary. The Administrator shall also work with appropriate County staff to help in any investigation. The Administrator may also consult directly with the BoCC or County Attorney. The Administrator (or designee) shall then respond to the questioner or complainant. Depending upon circumstances the BoCC may assign an investigation under this paragraph to any appropriate staff member.

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