



Pueblo Energy Advisory Commission Meeting Minutes

Wednesday, March 6th, 2024, | 4 – 5:30 PM

Hybrid – Zoom and Public Works

Attendance

| | | | | | |
|---|-------------------------|---|---------------------------------------|---|-----------------------|
| ✓ | Michael Briscoe | ✓ | Tyler Surat | ✓ | George Andrews, Staff |
| ✓ | Tom Corlett | ✓ | John Vigil | | |
| ✓ | Ken Danti, Chair | ✓ | Alan Ward | | |
| ✓ | Nicole Ferguson | ✓ | Edgie Walrath | | |
| ✓ | Dylan Goodman | ✓ | Mike Wakefield | | |
| ✓ | Laura Getts, Vice Chair | ✓ | Charles Hernandez, City Councilperson | | |
| ✓ | Steve Nawrocki | ✓ | Mark Byavu-Ngoga, Guest | | |
| ✓ | Thea Rodriguez | ✓ | Iris Clark, Guest | | |
| | | ✓ | Manuel Pacheco, Guest | | |

1. Call to Order, Chair Ken Danti at 4:00 pm

- New Commissioners and Guests gave introductions. New Commissioner introductions included: Nicole Ferguson is the Executive Director of Mariposa Center for Safety and will be joining the Energy Commission for the first time. Charles Fernandez, retired finance director and former chief economist for the PUC, joins the advisory commission after being appointed by the mayor. Mike Wakefield director of the Healy Cener at CSUP. Michael Briscoe environmental sociology professor at CSUP. Dylan Goodman transportation planner for PACOG MPO. Thea Rodriguez, Health Promotion specialist at the Pueblo Health Department working with resident led coalitions in the west side and Colorado city, and its support and technical assistance, capacity building and strategic planning.

2. Chair Ken Danti called for a motion to approve the previous meeting's minutes and consent agenda. Alan made the motion to approve the minutes and consent agenda. Tom seconded the motion. The minutes and consent agenda passed unanimously.
3. Committee Reports
 - No Committee Reports. Edgie requested new commissioners to consider joining a subcommittee. Ken stated the Commission's Mission posted on [Pueblo Energy Advisory Commission | Pueblo, CO - Official Website](#). Also discussed Sunshine Laws requiring three or more Commissioners discussing business to publicly post meetings.
4. George gave updates on behalf of the City of Pueblo.
 - Described the five core reporting pillars of the Energy Commission, but subject to change as part of strategic planning: Transportation Decarbonization, Building Efficiency and Decarbonizations, Local Energy Production, Community Events & Workforce Development, and Local Policy.
 - Discussion right now for City's fleet to partner with new day hydrogen, as a fleet partner. Working through BEAM ARC siting. Returned EPC MOU to CEO and working through RFP process. Discussed Water Reclamation Plant Sustainability study and possibility for Commission to advise on projects. Will be requesting Black Hills ERP update when available (May 1). Planning Lunch and Learn event with Michael's Energy at Latino Chamber of Commerce. City is planning events for June Bike Month. City is exploring green workforce credentialing training opportunities for the public. George requested new commissioner orientation and existing commissioner recalibration to determine everyone's availability, time investment, specific pillar of focus. Explained adopting a Reach / Net Zero building code would require Pueblo Regional Building Dep.
 - Tyler shared updates on aggregate solar project he's been developing. Explained he knows investor who is interested in large scale solar project to offset City owned building usage via a 10-15-year PPA which equals about 10 -12 MW of production. Partner would fund project 100% and turn over asset ownership after PPA agreement ends. City currently pays estimated 20 cents per KWh and proposed project would let City buy power for estimated 8 cents per KWH.
 - Laura requested to compare direct City ownership of solar system and PPA agreement. Tyler shared solar tax equity partner is interested in tax depreciation while City could not claim this
 - Charles shared his experience with the regulatory process in the utility sector and equity investors. Explained how BHE could reload costs onto citizens from losing revenue from aggregate solar proposal.
 - Edgie explained how the City has two 20-year solar garden contracts with BHE and advocated for the option to renew every year. The City could fix rate a bond for energy projects.

- Tyler commented that BHE is supportive of solar proposals and explained solar tax equity partners are committing to a Letter of Intent. Explained similar aggregate projects he worked on with other counties and cities.

5. Regular Agenda

- George discussed draft SWOT analysis, ordinance creating commission, bylaws adopted 12.06.23., and mission.
- Tom shared desire for everyone's input in strategic planning process. Mike described the Mission may need revision, the need for cost benefit kinds of comparisons of every energy source, and a real, cohesive, comprehensive evaluation.
- Edgie supported a new commissioner orientation and the need to determine what the objects and goals are and forward. Ken wants to move through strategic plan with urgency
- John shared stakeholder meeting for BHE Demand Side Management at 11 AM on March 12th at Rawlings Library
- Adjourned at 5:33 pm

Next meeting: Wednesday, April 3rd at 4 – 5:30 pm

Zoom Chat Log

0:42:22 Mike Wakefield: Is the mission posted online?

00:54:08 Laura Getts: What: Southeast Regional Grants & Incentives Workshop

When: March 7th, 2024, | 10am-12pm

Where: Pueblo Rawlings Library – Thurston Room (100 E. Abriendo Ave.)

00:55:41 Nicole Ferguson, Mariposa CS (she/her): The meeting is posted publicly, it just needs to be updated. This is sufficient for Sunshine Law. You can also post a location, so long as the door is accessible to someone wishing to sit in, you meet the requirement. I was a CSAC commissioner for 6 years and we discussed this with the city attorney then.

<https://www.pueblo.us/2699/Pueblo-Energy-Advisory-Commission>

00:57:08 Laura Getts: The EPC would be a great opportunity to help finance a significant project at the Water Reclamation Facility.

01:13:13 Laura Getts: Thanks, Tyler. I would strongly encourage the City to conduct a side-by-side comparison of working with a tax equity partner vs. claiming the Direct Pay provision directly. We have currently been conducting a lot of pro formas around this scale of solar right now, and want to ensure that the City would be getting the lowest per kWh rate possible.

01:14:22 Laura Getts: The domestic content provision is an issue, regardless of which funding structure you choose. The added 10% for low-income communities would also be great, but is significantly oversubscribed and highly competitive so by no means a sure thing.

01:15:00 Laura Getts: The City also has an opportunity to look at an expanded array that could serve as a community solar facility, much as the City of Denver has done.

01:29:41 Tyler Surat: Thanks for your time. I have to exit early to attend another meeting.

01:30:27 Ken Danti: <https://www.pueblo.us/2699/Pueblo-Energy-Advisory-Commission>

01:35:05 Laura Getts: I am currently representing Pueblo on the State's Just Transition Advisory Committee and happy to answer any questions about the State's plans to support coal communities and transitioning workers. <https://cdle.colorado.gov/offices/the-office-of-just-transition/about-the-just-transition-advisory-committee>

01:36:07 Mike Wakefield: Thank you, Laura.

01:44:48 Laura Getts: The ACEEE's Local Clean Energy Self Scoring Tool could be a valuable resource for us and the City, assuming we maintain our current mission:

<https://www.aceee.org/toolkit/2022/06/local-clean-energy-self-scoring-tool-version-60>

01:50:42 Nicole Ferguson, Mariposa CS (she/her): I have somewhere to be at 5:30 so I have to drop off. Excited to work more with you all! Have a good evening!

01:58:55 Laura Getts: Thank you, John. That is a very important meeting to attend.

Shared Attachments

- Sunshine Laws
- City Report Matrix 3.6.2024
- Draft SWOT Analysis

West's Colorado Revised Statutes Annotated

Title 24. Government--State

Administration

Article 6. Colorado Sunshine Law (Refs & Annos)

Part 4. Open Meetings Law (Refs & Annos)

C.R.S.A. § 24-6-402

§ 24-6-402. Meetings--open to public--legislative declaration--definitions

Effective: June 11, 2021

[Currentness](#)

(1) For the purposes of this section:

(a)(I) “Local public body” means any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (a), in order to assure school board transparency “local public body” shall include members of a board of education, school administration personnel, or a combination thereof who are involved in a meeting with a representative of employees at which a collective bargaining agreement is discussed.

(III) Notwithstanding the provisions of subparagraph (I) of this paragraph (a), “local public body” includes the governing board of an institute charter school that is authorized pursuant to part 5 of article 30.5 of title 22, C.R.S.

(b) “Meeting” means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.

(c) “Political subdivision of the state” includes, but is not limited to, any county, city, city and county, town, home rule city, home rule county, home rule city and county, school district, special district, local improvement district, special improvement district, or service district.

(d)(I) “State public body” means any board, committee, commission, or other advisory, policy-making, rule-making, decision-making, or formally constituted body of any state agency, state authority, governing board of a state institution of higher education including the regents of the university of Colorado, a nonprofit corporation incorporated pursuant to [section 23-5-121\(2\), C.R.S.](#), or the general assembly, and any public or private entity to which the state, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the state public body.

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (d), “state public body” does not include the governing board of an institute charter school that is authorized pursuant to part 5 of article 30.5 of title 22, C.R.S.

(2)(a) All meetings of two or more members of any state public body at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.

(b) All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.

(c)(I) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is 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 public place or places for posting such notice shall be designated annually at the local public body’s first regular meeting of each calendar year. The posting shall include

specific agenda information where possible.

(II) The general assembly hereby finds and declares that:

(A) It is the intent of the general assembly that local governments transition from posting physical notices of public meetings in physical locations to posting notices on a website, social media account, or other official online presence of the local government to the greatest extent practicable;

(B) It is the intent of the general assembly to relieve a local government of the requirement to physically post meeting notices, with certain exceptions, if the local government complies with the requirements of online posted notices of meetings;

(C) A number of factors may affect the ability of some local governments to easily establish a website, post meeting notices online, and otherwise benefit from having an online presence, including the availability of broadband or reliable broadband, the lack of cellular telephone and data services, and fiscal or staffing constraints of the local government;

(D) Local governments are encouraged to avail themselves of existing free resources for creating a website and receiving content management assistance from the Colorado statewide internet portal authority and statewide associations representing local governmental entities; and

(E) It is the intent of the general assembly to closely monitor the transition to providing notices of public meetings online over the next two years and, if significant progress is not made, to bring legislation mandating in statute that all notices be posted online except in very narrow circumstances that are beyond the control of a local government.

(III) On and after July 1, 2019, a local public body shall be deemed to have given full and timely notice of a public meeting if the local public body posts the notice, with specific agenda information if available, no less than twenty-four hours prior to the holding of the meeting on a public website of the local public body. The notice must be accessible at no charge to the public. The local public body shall, to the extent feasible, make the notices searchable by type of meeting, date of meeting, time of meeting, agenda contents, and any other category deemed appropriate by the local public body and shall consider linking the notices to any appropriate social media

accounts of the local public body. A local public body that provides notice on a website pursuant to this subsection (2)(c)(III) shall provide the address of the website to the department of local affairs for inclusion in the inventory maintained pursuant to [section 24-32-116](#). A local public body that posts a notice of a public meeting on a public website pursuant to this subsection (2)(c)(III) may in its discretion also post a notice by any other means including in a designated public place pursuant to subsection (2)(c)(I) of this section; except that nothing in this section shall be construed to require such other posting. A local public body that posts notices of public meetings on a public website pursuant to this subsection (2)(c)(III) shall designate a public place within the boundaries of the local public body at which it may post a notice no less than twenty-four hours prior to a meeting if it is unable to post a notice online in exigent or emergency circumstances such as a power outage or an interruption in internet service that prevents the public from accessing the notice online.

(IV) For purposes of this section, “local public body” includes municipalities, counties, school districts, and special districts.

(d)(I) Minutes of any meeting of a state public body shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (3) of this section is held shall reflect the topic of the discussion at the executive session.

(II) Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (4) of this section is held shall reflect the topic of the discussion at the executive session.

(III) If elected officials use electronic mail to discuss pending legislation or other public business among themselves, the electronic mail shall be subject to the requirements of this section. Electronic mail communication among elected officials that does not relate to pending legislation or other public business shall not be considered a “meeting” within the meaning of this section.

(IV) Neither a state nor a local public body may adopt any proposed policy, position, resolution, rule, or regulation or take formal action by secret ballot unless otherwise authorized in accordance with the provisions of this subparagraph (IV). Notwithstanding any other provision of this section,

a vote to elect leadership of a state or local public body by that same public body may be taken by secret ballot, and a secret ballot may be used in connection with the election by a state or local public body of members of a search committee, which committee is otherwise subject to the requirements of this section, but the outcome of the vote shall be recorded contemporaneously in the minutes of the body in accordance with the requirements of this section. Nothing in this subparagraph (IV) shall be construed to affect the authority of a board of education to use a secret ballot in accordance with the requirements of [section 22-32-108\(6\), C.R.S.](#) For purposes of this subparagraph (IV), “secret ballot” means a vote cast in such a way that the identity of the person voting or the position taken in such vote is withheld from the public.

(d.5)(I)(A) Discussions that occur in an executive session of a state public body shall be electronically recorded. If a state public body electronically recorded the minutes of its open meetings on or after August 8, 2001, the state public body shall continue to electronically record the minutes of its open meetings that occur on or after August 8, 2001; except that electronic recording shall not be required for two successive meetings of the state public body while the regularly used electronic equipment is inoperable. A state public body may satisfy the electronic recording requirements of this sub-subparagraph (A) by making any form of electronic recording of the discussions in an executive session of the state public body. Except as provided in sub-subparagraph (B) of this subparagraph (I), the electronic recording of an executive session shall reflect the specific citation to the provision in subsection (3) of this section that authorizes the state public body to meet in an executive session and the actual contents of the discussion during the session. The provisions of this sub-subparagraph (A) shall not apply to discussions of individual students by a state public body pursuant to paragraph (b) of subsection (3) of this section.

(B) If, in the opinion of the attorney who is representing a governing board of a state institution of higher education, including the regents of the university of Colorado, and is in attendance at an executive session that has been properly announced pursuant to paragraph (a) of subsection (3) of this section, all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record or electronic recording shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication. The electronic recording of said executive session discussion shall reflect that no further record or electronic recording was kept of the discussion based on the opinion of the attorney representing the governing board of a state institution of higher education, including the regents of the university of Colorado, as stated for the record during the executive session, that the discussion constituted a privileged attorney-client communication, or the attorney representing the governing board of a state institution of higher education, including the regents of the university of Colorado, may provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication in the opinion of the attorney.

(C) If a court finds, upon application of a person seeking access to the record of the executive session of a state public body in accordance with [section 24-72-204\(5.5\)](#) and after an in camera review of the record of the executive session, that the state public body engaged in substantial discussion of any matters not enumerated in subsection (3) of this section or that the body adopted a proposed policy, position, resolution, rule, regulation, or formal action in the executive session in contravention of paragraph (a) of subsection (3) of this section, the portion of the record of the executive session that reflects the substantial discussion of matters not enumerated in subsection (3) of this section or the adoption of a proposed policy, position, resolution, rule, regulation, or formal action shall be open to public inspection pursuant to [section 24-72-204\(5.5\)](#).

(D) No portion of the record of an executive session of a state public body shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the state public body or as provided in sub-subparagraph (C) of this subparagraph (I) and [section 24-72-204\(5.5\)](#).

(E) The record of an executive session of a state public body recorded pursuant to subparagraph (A) of this subparagraph (I) shall be retained for at least ninety days after the date of the executive session.

(II)(A) Discussions that occur in an executive session of a local public body shall be electronically recorded. If a local public body electronically recorded the minutes of its open meetings on or after August 8, 2001, the local public body shall continue to electronically record the minutes of its open meetings that occur on or after August 8, 2001; except that electronic recording shall not be required for two successive meetings of the local public body while the regularly used electronic equipment is inoperable. A local public body may satisfy the electronic recording requirements of this sub-subparagraph (A) by making any form of electronic recording of the discussions in an executive session of the local public body. Except as provided in sub-subparagraph (B) of this subparagraph (II), the electronic recording of an executive session shall reflect the specific citation to the provision in subsection (4) of this section that authorizes the local public body to meet in an executive session and the actual contents of the discussion during the session. The provisions of this sub-subparagraph (A) shall not apply to discussions of individual students by a local public body pursuant to paragraph (h) of subsection (4) of this section.

(B) If, in the opinion of the attorney who is representing the local public body and who is in attendance at an executive session that has been properly announced pursuant to subsection (4) of this section, all or a portion of the discussion during the executive session constitutes a privileged

attorney-client communication, no record or electronic recording shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication. The electronic recording of said executive session discussion shall reflect that no further record or electronic recording was kept of the discussion based on the opinion of the attorney representing the local public body, as stated for the record during the executive session, that the discussion constituted a privileged attorney-client communication, or the attorney representing the local public body may provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication in the opinion of the attorney.

(C) If a court finds, upon application of a person seeking access to the record of the executive session of a local public body in accordance with [section 24-72-204\(5.5\)](#) and after an in camera review of the record of the executive session, that the local public body engaged in substantial discussion of any matters not enumerated in subsection (4) of this section or that the body adopted a proposed policy, position, resolution, rule, regulation, or formal action in the executive session in contravention of subsection (4) of this section, the portion of the record of the executive session that reflects the substantial discussion of matters not enumerated in subsection (4) of this section or the adoption of a proposed policy, position, resolution, rule, regulation, or formal action shall be open to public inspection pursuant to [section 24-72-204\(5.5\)](#).

(D) No portion of the record of an executive session of a local public body shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the local public body or as provided in sub-subparagraph (C) of this subparagraph (II) and [section 24-72-204\(5.5\)](#).

(E) Except as otherwise required by [section 22-32-108\(5\)\(e\)](#), C.R.S., the record of an executive session of a local public body recorded pursuant to sub-subparagraph (A) of this subparagraph (II) shall be retained for at least ninety days after the date of the executive session.

(e) This part 4 does not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose.

(f) The provisions of paragraph (c) of this subsection (2) shall not be construed to apply to the day-to-day oversight of property or supervision of employees by county commissioners. Except as set forth in this paragraph (f), the provisions of this paragraph (f) shall not be interpreted to alter any requirements of paragraph (c) of this subsection (2).

(3)(a) The members of a state public body subject to this part 4, upon the announcement by the state public body to the public of the topic for discussion in the executive session, including specific citation to the provision of this subsection (3) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the entire membership of the body after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the matters enumerated in subsection (3)(b) of this section or the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subsection (2)(d.5)(I) of this section, shall occur at any executive session that is not open to the public:

(I) The purchase of property for public purposes, or the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of the state public body shall use this paragraph (a) as a subterfuge for providing covert information to prospective buyers or sellers. Governing boards of state institutions of higher education including the regents of the university of Colorado may also consider the acquisition of property as a gift in an executive session, only if such executive session is requested by the donor.

(II) Conferences with an attorney representing the state public body concerning disputes involving the public body that are the subject of pending or imminent court action, concerning specific claims or grievances, or for purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of a state public body is not sufficient to satisfy the requirements of this subsection (3).

(III) Matters required to be kept confidential by federal law or rules, state statutes, or in accordance with the requirements of any joint rule of the senate and house of representatives pertaining to lobbying practices or workplace harassment or workplace expectations policies;

(IV) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution

for, a violation of the law;

(V) Determining positions relative to matters that may be subject to negotiations with employees or employee organizations; developing strategy for and receiving reports on the progress of such negotiations; and instructing negotiators;

(VI) With respect to the board of regents of the university of Colorado and the board of directors of the university of Colorado hospital authority created pursuant to article 21 of title 23, C.R.S., matters concerning the modification, initiation, or cessation of patient care programs at the university hospital operated by the university of Colorado hospital authority pursuant to part 5 of article 21 of title 23, C.R.S., (including the university of Colorado psychiatric hospital), and receiving reports with regard to any of the above, if premature disclosure of information would give an unfair competitive or bargaining advantage to any person or entity;

(VII) With respect to nonprofit corporations incorporated pursuant to [section 23-5-121\(2\), C.R.S.](#), matters concerning trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person;

(VIII) With respect to the governing board of a state institution of higher education and any committee thereof, consideration of nominations for the awarding of honorary degrees, medals, and other honorary awards by the institution and consideration of proposals for the naming of a building or a portion of a building for a person or persons.

(b)(I) All meetings held by members of a state public body subject to this part 4 to consider the appointment or employment of a public official or employee or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee shall be open to the public unless said applicant, official, or employee requests an executive session. Governing boards of institutions of higher education including the regents of the university of Colorado may, upon their own affirmative vote, hold executive sessions to consider the matters listed in this paragraph (b). Executive sessions may be held to review administrative actions regarding investigation of charges or complaints and attendant investigative reports against students where public disclosure could adversely affect the person or persons involved, unless the students have specifically consented to or requested the disclosure of such matters. An executive session may be held only at a regular or special meeting of the state public body and only upon the announcement by the public body to the public of the topic for discussion

in the executive session and the affirmative vote of two-thirds of the entire membership of the body after such announcement.

(II) The provisions of subparagraph (I) of this paragraph (b) shall not apply to discussions concerning any member of the state public body, any elected official, or the appointment of a person to fill the office of a member of the state public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (3), the state board of parole created in part 2 of article 2 of title 17, C.R.S., may proceed in executive session to consider matters connected with any parole proceedings under the jurisdiction of said board; except that no final parole decisions shall be made by said board while in executive session. Such executive session may be held only at a regular or special meeting of the state board of parole and only upon the affirmative vote of two-thirds of the membership of the board present at such meeting.

(d) Notwithstanding any provision of paragraph (a) or (b) of this subsection (3) to the contrary, upon the affirmative vote of two-thirds of the members of the governing board of an institution of higher education who are authorized to vote, the governing board may hold an executive session in accordance with the provisions of this subsection (3).

(3.5) A search committee of a state public body or local public body shall establish job search goals, including the writing of the job description, deadlines for applications, requirements for applicants, selection procedures, and the time frame for appointing or employing a chief executive officer of an agency, authority, institution, or other entity at an open meeting. The state or local public body shall make public the list of all finalists under consideration for the position of chief executive officer no later than fourteen days prior to appointing or employing one of the finalists to fill the position. No offer of appointment or employment shall be made prior to this public notice. Records submitted by or on behalf of a finalist for such position shall be subject to the provisions of [section 24-72-204\(3\)\(a\)\(XI\)](#). As used in this subsection (3.5), “finalist” shall have the same meaning as in [section 24-72-204\(3\)\(a\)\(XI\)](#). Nothing in this subsection (3.5) shall be construed to prohibit a search committee from holding an executive session to consider appointment or employment matters not described in this subsection (3.5) and otherwise authorized by this section.

(4) The members of a local public body subject to this part 4, upon the announcement by the local

public body to the public of the topic for discussion in the executive session, including specific citation to this subsection (4) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the quorum present, after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subsection (2)(d.5)(II) of this section, shall occur at any executive session that is not open to the public:

(a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale;

(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4).

(c) Matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

(d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;

(e)(I) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

(II) Subsection (4)(e)(I) of this section shall not apply to a meeting of the members of a board of education of a school district:

(A) During which negotiations relating to collective bargaining, as defined in [section 8-3-104\(3\)](#), are discussed; or

(B) During which negotiations for employment contracts, other than negotiations for an individual employee's contract, are discussed.

(III) Notwithstanding subsection (4)(e)(II) of this section, the members of a board of education of a school district may hold an executive session in accordance with the requirements of this subsection (4)(e) for the purpose of developing the strategy of the school district for negotiations relating to collective bargaining or employment contracts.

(f)(I) Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. With respect to hearings held pursuant to the "Teacher Employment, Compensation, and Dismissal Act of 1990", article 63 of title 22, C.R.S., the provisions of [section 22-63-302\(7\)\(a\)](#), C.R.S., shall govern in lieu of the provisions of this subsection (4).

(II) The provisions of subparagraph (I) of this paragraph (f) shall not apply to discussions concerning any member of the local public body, any elected official, or the appointment of a person to fill the office of a member of the local public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act", part 2 of article 72 of this title; except that all consideration of documents or records that are work product as defined in [section 24-72-202\(6.5\)](#) or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to this subsection (4);

(h) Discussion of individual students where public disclosure would adversely affect the person or persons involved.

(5) Deleted by [Laws 1996, H.B.96-1314, § 1, eff. July 1, 1996](#).

(6) The limitations imposed by subsections (3), (4), and (5) of this section do not apply to matters which are covered by [section 14 of article V of the state constitution](#).

(7) The secretary or clerk of each state public body or local public body shall maintain a list of persons who, within the previous two years, have requested notification of all meetings or of meetings when certain specified policies will be discussed and shall provide reasonable advance notification of such meetings, provided, however, that unintentional failure to provide such advance notice will not nullify actions taken at an otherwise properly published meeting. The provisions of this subsection (7) shall not apply to the day-to-day oversight of property or supervision of employees by county commissioners, as provided in paragraph (f) of subsection (2) of this section.

(8) 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 of subsection (2) of this section.

(9)(a) Any person denied or threatened with denial of any of the rights that are conferred on the public by this part 4 has suffered an injury in fact and, therefore, has standing to challenge the violation of this part 4.

(b) The courts of record of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state. In any action in which the court finds a violation of this section, the court shall award the citizen prevailing in such action costs and reasonable attorney fees. In the event the court does not find a violation of this section, it shall award costs and reasonable attorney fees to the prevailing party if the court finds that the action was frivolous, vexatious, or groundless.

(10) Any provision of this section declared to be unconstitutional or otherwise invalid shall not impair the remaining provisions of this section, and, to this end, the provisions of this section are declared to be severable.

Credits

Amended by Laws 1977, H.B.1018, § 1; Laws 1977, H.B.1503, § 1; Laws 1985, H.B.1097, § 6; Laws 1987, H.B.1018, § 1; Laws 1989, H.B.1143, § 4; Laws 1991, S.B.91-33, § 2, eff. June 1, 1991; Laws 1991, S.B.91-225, § 6; Laws 1992, H.B.92-1167, § 1, eff. April 23, 1992; Laws 1996, H.B.96-1314, § 1, eff. July 1, 1996; Laws 1996, S.B.96-212, § 3, eff. June 1, 1996; Laws 1997, S.B.97-59, § 1, eff. April 14, 1997; Laws 1999, Ch. 72, § 1, eff. March 31, 1999; Laws 2000, Ch. 117, §§ 4, 5, eff. April 13, 2000; Laws 2001, Ch. 63, § 5, eff. March 27, 2001; Laws 2001, Ch. 286, §§ 1, 2, eff. Aug. 8, 2001; Laws 2002, Ch. 35, § 1, eff. Aug. 7, 2002; Laws 2002, Ch. 86, § 7, eff. April 12, 2002; Laws 2002, Ch. 187, § 3, eff. May 24, 2002; Laws 2006, Ch. 2, § 1, eff. Aug. 7, 2006; Laws 2009, Ch. 94, § 1, eff. Aug. 5, 2009; Laws 2009, Ch. 369, § 74, eff. Aug. 5, 2009; Laws 2010, Ch. 391, § 40, eff. June 9, 2010; Laws 2012, Ch. 64, § 1, eff. March 24, 2012; Laws 2014, Ch. 380, § 1, eff. June 6, 2014; Laws 2014, Ch. 393, § 2, eff. June 6, 2014; Laws 2014, I.P. 124, eff. Dec. 17, 2014; Laws 2016, Ch. 351, § 15, eff. June 10, 2016; Laws 2019, Ch. 98 (H.B. 19-1201), § 1, eff. Sept. 1, 2019; Laws 2019, Ch. 134 (H.B. 19-1087), § 1, eff. Aug. 2, 2019; Laws 2019, Ch. 243 (S.B. 19-244), § 2, eff. May 20, 2019; Laws 2021, (S.B. 21-268), § 23, eff. June 11, 2021.

Editors' Notes

Relevant Additional Resources

Additional Resources listed below contain your search terms.

HISTORICAL AND STATUTORY NOTES

Laws 1977, H.B.1018, § 1, substituted “general assembly” for “legislature”, “may be” for “is” and inserted “state” preceding “constitution” in subsec. (1); substituted “adoption of any proposed policy, position” for “discussion or adoption of any proposed” and inserted “or is expected to be in attendance” in subsec. (2); and added subsec. (2.1).

Laws 1977, H.B.1503, § 1, added subsecs. (2.3), (2.5), (2.7) and (2.9); provided for rulemaking in subsec. (4) and the first sentence of subsec. (5); and added the second sentence to subsec. (5).

The 1985 amendment added subsec. (2.6).

The 1987 amendment inserted provisions in subsecs. (1), (2.3), and (2.5) pertaining to governing

boards of state institutions of higher education.

The 1989 amendment deleted “university of Colorado” preceding “university hospital” in par. (2.3)(f).

Section 13 of Laws 1989, H.B.1143, provides:

“Effective date. This act shall take effect upon passage; except that sections 2 through 10 shall take effect upon the commencement of operations and completion of any transfer of asserts to any corporation under part 4 of article 21 of title 23, Colorado Revised Statutes.”

Laws 1991, S.B.91-33 rewrote the section.

Laws 1991, S.B.91-225 provided for the board of directors of the university of Colorado hospital authority in provisions of subpar. (3)(a)(VI).

Laws 1991, S.B.91-225, approved June 1, 1991, amending this section becomes effective pursuant to section 15 of the 1991 law “upon the repeal of part 1, of article 21 of title 23”. The repeal becomes effective “upon the date agreed to by the board of regents and the university of Colorado hospital authority created by part 5 of [article 21] for the transfer of hospital assets to and the assumption of hospital liabilities of such authority.”

The repeal of part 1 of article 21 of this title became effective upon the transfer of assets on October 1, 1991.

[Laws 1991, S.B.91-225, § 1](#), provides:

“Legislative declaration. (1) The general assembly hereby finds and declares:

“(a) That through the passage of House Bill No. 1143 at its first regular session in 1989, the general assembly intended to authorize the board of regents of the university of Colorado to reorganize the university of Colorado university hospital by transferring its assets and operating obligations to a private nonprofit-nonstock corporation. The intent of the general assembly in authorizing the creation of the corporation was to remove university hospital from inappropriate government policies and regulations, to promote the economic viability of said hospital, and to enable said

hospital to accomplish its educational research, public service, and patient care missions;

“(b) That the university of Colorado university hospital was reorganized in accordance with the provisions of said House Bill No. 1143 and commenced operations through a private nonprofit-nonstock corporation on October 1, 1989, following the transfer of the hospital assets and operating obligations to such corporation;

“(c) That the corporation, in operating the hospital, hired employees, incurred debt, entered into contracts, leases, license agreements, credit agreements, and similar business transactions, and acquired assets;

“(d) That some employees of the university of Colorado university hospital became employees of the corporation and terminated active membership in the public employees’ retirement association;

“(e) That the corporation received moneys from the public employees’ retirement association for those employees who terminated active membership in such association and the corporation established its own retirement plan;

“(f) That the supreme court of the state of Colorado declared House Bill No. 1143 unconstitutional in its entirety in Colorado Association of Public Employees v. Board of Regents, case number 89SA476, announced December 24, 1990, (rehearing denied January 28, 1991) because the act violated [section 13 of article XII of the Colorado constitution](#), which requires that certain public entities be subject to the state personnel system;

“(g) That the declaration of unconstitutionality resulted in the existence of a nonprofit-nonstock corporation without the statutory authorization to operate the university of Colorado university hospital as set forth in House Bill No. 1143; and

“(h) That the intent of the general assembly in enacting this act is to again authorize the board of regents to reorganize university of Colorado university hospital through the establishment of a quasi-governmental and corporate entity vested with the powers and duties specified in this act and providing for the transfer of the hospital’s assets and operating obligations to said entity and to address issues relating to the employment and pension status of employees of the university of Colorado university hospital and employees of the nonprofit-nonstock corporation created to operate the hospital on October 1, 1989, and the validity of actions taken by the hospital and the corporation from and after October 1, 1989, when the corporation commenced operations to and including the effective date of this act. It is also the intent of the general assembly in including sections

in this act which were enacted, amended, or repealed in said House Bill No. 1143 to clarify the status of those statutory sections.”

The 1992 amendment added par. (2)(f).

[Laws 1996, H.B.96-1314, § 1](#), in par. (1)(b), inserted “electronically”; in par. (1)(d), inserted “, governing board of a state institution of higher education including the regents of the university of Colorado”, and deleted “the governing board of any state institution of higher education including the regents of the university of Colorado,” preceding “and any public”; in subpars. (2)(d)(I) and (2)(d)(II), in the second sentences, deleted “general” preceding “topic”; in par. (3)(a), in the introductory portion, inserted “the announcement by the state public body to the public of the topic for discussion in the executive session and the”, and “after such announcement”, and substituted “that” for “which” preceding “is not open”; in subpar. (3)(a)(II), in the first sentence, substituted “representing” for “for”; in subpar. (3)(a)(V), inserted “such”; in par. (3)(b), in the fourth sentence, inserted “announcement by the public body to the public of the topic for discussion in the executive session and the”, and added “after such announcement”; inserted subsec. (3.5); in subsec. (4), in the introductory portion, inserted “announcement by the local public body to the public of the topic for discussion in the executive session and the”, and “, after such announcement”, and substituted “that” for “which” preceding “is not open”; in par. (4)(c), added the second sentence; deleted subsec. (5), which prior thereto read:

“Prior to the time the members of the public body convene in executive session, the chairman of the body shall announce the general topic of the executive session as enumerated in subsections (3) and (4) of this section.”;

in subsec. (7), in the first sentence, inserted “or local public body”, substituted “within the previous two years have requested” for “request”, and added “, provided, however, that unintentional failure to provide such advance notice will not nullify actions taken at an otherwise properly published meeting”; and added the second sentence.

[Laws 1996, S.B.96-212, § 3](#), added subpar. (2)(d)(III).

[Laws 1996, S.B.96-212, § 1](#), provides:

“Legislative declaration--use of e-mail. The general assembly hereby finds and declares that the use of electronic mail by agencies, officials, and employees of state government creates unique circumstances. Electronic mail shares some features with telephonic communication,

which generally is not stored in any form and is generally regarded as private. However, electronic mail differs in that it creates an electronic record that may be used or retrieved in electronic or paper format. The use of electronic mail is becoming more common and more important in facilitating the ability of government officials to gather information and communicate with their staff, other officials and agencies, and the public. However, individual officials are not equipped to act as official custodians of such communications and to determine whether or not the communications might be public records. For these reasons, this act is intended to balance the privacy interests and practical limitations of public officials and employees with the public policy interests in access to government information.”

The 1997 amendment, in subsec. (3.5), deleted the former second sentence, which prior thereto read: “A list of all finalists being considered for a position shall be made public by the search committee no less than fourteen days prior to the first interview conducted for the position.”; and inserted the second and third sentences.

Laws 1999, Ch. 72, § 1, in par. (4)(g), added the exception.

Laws 2000, Ch. 117, § 4, in par. (1)(d), inserted “a nonprofit corporation incorporated pursuant to section 23-5-121(2), C.R.S.,” following “Colorado,”.

Laws 2000, Ch. 117, § 5, added subpar. (3)(a)(VII).

Laws 2001, Ch. 63, § 6, eff. March 27, 2001, rewrote subpar. (3)(a)(III), which had read:

“(III) Matters required to be kept confidential by federal law or rules or state statutes;”

Laws 2001, Ch. 286, § 1 added par. (2)(d.5), relating to executive sessions.

Laws 2001, Ch. 286, § 2, in the introductory paragraph of par. (3)(a), inserted “, including specific citation to the provision of this subsection (3) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized,” and inserted “, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subparagraph (I) of paragraph (d.5) of subsection (2) of this section,”; designated the existing text of par. (3)(b) as subpar. (3)(b)(I) and added subpar. (3)(b)(II); in the introductory paragraph of subsec. (4), inserted “, including specific citation to the provision of this subsection (4) authorizing the body to meet in an executive session and

identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized,” and inserted “, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subparagraph (II) of paragraph (d.5) of subsection (2) of this section,”; and designated the existing text of par. (4)(f) as subpar. (4)(f)(I) and added subpar. (4)(f)(II).

Laws 2002, Ch. 35, § 1 added subpar. (3)(a)(VIII).

Laws 2002, Ch. 86, § 7, amended subpar. (3)(a)(IV) by inserting “or investigations, including defenses against terrorism, both domestic and foreign, and including”; and amended par. (4)(d) by inserting “, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law”.

Laws 2002, Ch. 187, § 3, in par. (2)(d.5), in sub-subpars. (I)(A) and (II)(A), inserted the second sentences relating to electronically recording minutes on or after August 8, 2001.

Laws 2006, Ch. 2, § 1, rewrote sub-subpars. (2)(d.5)(I)(A), (2)(d.5)(I)(B), (2)(d.5)(II)(A), and (2)(d.5)(II)(B), which prior thereto read:

“(d.5)(I)(A) Discussions that occur in an executive session of a state public body shall be recorded in the same manner and media that the state public body uses to record the minutes of open meetings. If a state public body electronically recorded the minutes of its open meetings on or after August 8, 2001, the state public body shall continue to electronically record the minutes of its open meetings that occur on or after August 8, 2001; except that electronic recording shall not be required for two successive meetings of the state public body while the regularly used electronic equipment is inoperable. A state public body may satisfy the recording requirements of this subparagraph (A) by making any form of electronic recording of the discussions in an executive session of the state public body. Except as provided in subparagraph (B) of this subparagraph (I), the record of an executive session shall reflect the specific citation to the provision in subsection (3) of this section that authorizes the state public body to meet in an executive session, the actual contents of the discussion during the session, and a signed statement from the chair of the executive session attesting that any written minutes substantially reflect the substance of the discussions during the executive session. For purposes of this subparagraph (A), ‘actual contents of the discussion’ shall not be construed to require the minutes of an executive session to contain a verbatim transcript of the discussion during said executive session. The provisions of this subparagraph (A) shall not apply to discussions of individual students by a state public body pursuant to paragraph (b) of subsection (3) of this section.

“(B) If, in the opinion of the attorney who is representing the state public body and is in attendance at the executive session, all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication. Any electronic record of said executive session discussion shall reflect that no further record was kept of the discussion based on the opinion of the attorney representing the state public body, as stated for the record during the executive session, that the discussion constitutes a privileged attorney-client communication. Any written minutes shall contain a signed statement from the attorney representing the state public body attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication in the opinion of the attorney and a signed statement from the chair of the executive session attesting that the portion of the executive session that was not recorded was confined to the topic authorized for discussion in an executive session pursuant to subsection (3) of this section.”

“(II)(A) Discussions that occur in an executive session of a local public body shall be recorded in the same manner and media that the local public body uses to record the minutes of open meetings. If a local public body electronically recorded the minutes of its open meetings on or after August 8, 2001, the local public body shall continue to electronically record the minutes of its open meetings that occur on or after August 8, 2001; except that electronic recording shall not be required for two successive meetings of the local public body while the regularly used electronic equipment is inoperable. A local public body may satisfy the recording requirements of this sub-subparagraph (A) by making any form of electronic recording of the discussions in an executive session of the local public body. Except as provided in sub-subparagraph (B) of this subparagraph (II), the record of an executive session shall reflect the specific citation to the provision in subsection (4) of this section that authorizes the local public body to meet in an executive session, the actual contents of the discussion during the session, and a signed statement from the chair of the executive session attesting that any written minutes substantially reflect the substance of the discussions during the executive session. For purposes of this sub-subparagraph (A), ‘actual contents of the discussion’ shall not be construed to require the minutes of an executive session to contain a verbatim transcript of the discussion during said executive session. The provisions of this sub-subparagraph (A) shall not apply to discussions of individual students by a local public body pursuant to paragraph (h) of subsection (4) of this section.

“(B) If, in the opinion of the attorney who is representing the local public body and who is in attendance at the executive session, all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication. Any electronic record of said executive session discussion shall reflect that no further record was kept of the discussion based on the opinion of the attorney representing the local public body, as stated for the record during the executive session, that the discussion constitutes a privileged attorney-client communication. Any written minutes shall contain a signed statement from the attorney representing the local public body attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication in the opinion of the attorney and

a signed statement from the chair of the executive session attesting that the portion of the executive session that was not recorded was confined to the topic authorized for discussion in an executive session pursuant to subsection (4) of this section.”

Laws 2006, Ch. 2, § 2(2), provides:

“(2) The provisions of this act shall apply to discussions occurring in an executive session of a state public body or local public body on or after the effective date of this act.”

Laws 2009, Ch. 94, § 1, in sub-subpar. (2)(d.5)(I)(B), thrice substituted “a governing board of a state institution of higher education, including the regents of the university of Colorado,” for “state public body”; in subpar. (3)(a)(II), deleted “Governing boards of state institutions of higher education including the regents of the university of Colorado may also confer with an attorney” preceding “concerning specific claims”, and substituted “state public body” for “governing board of a state institution of higher education including the regents of the university of Colorado”.

Laws 2009, Ch. 94, § 2(2), provides:

“The provisions of this act shall apply to conferences with an attorney representing a state public body in an executive session held at a regular or special meeting of the state public body on or after the effective date of this act.”

Laws 2009, Ch. 369, § 74, in par. (4)(g), inserted “ ‘the Colorado Open Records Act’ ,” and deleted “commonly known as the ‘Open Records Act’ ” following “title;”.

Laws 2010, Ch. 391, § 1, provides:

Legislative declaration. (1) The general assembly hereby finds that:

“(a) The on-going economic challenges facing the state continue to force drastic cuts in all areas of the state **budget**, especially in funding for higher education;

“(b) A vibrant, effective, high-quality state higher education system that is both accessible and affordable is crucial to maintaining economic development within the state and to ensuring that the citizens of the state have the educational opportunities they need to succeed in a highly

competitive global economy;

“(c) The Colorado commission on higher education last completed a master plan for the state system of higher education in 2002-03. Since that time, in addition to drastic economic changes in the state and resulting **budget** cuts, there have been significant changes in state education policy, including:

“(I) Direction from the general assembly in the “Preschool to Postsecondary Education Alignment Act”, part 10 of article 7 of title 22, Colorado Revised Statutes, to fully align public education from elementary and secondary education through undergraduate and graduate higher education; and

“(II) Enactment of Senate Bill 04-189, which created the “College Opportunity Fund Act”, article 18 of title 23, Colorado Revised Statutes, and fee-for-service contracts, the combination of which shifts higher education funding from a formula-based funding system to funding based on student enrollment and the purchase of higher education services provided by state institutions of higher education;

“(d) In recognition of the significant policy and fiscal changes that have seriously impacted the state higher education system, the Colorado commission on higher education must work with the governing boards and chief executive officers of each of the state institutions of higher education to rewrite the master plan for the state system of higher education;

“(e) In rewriting the master plan, the Colorado commission on higher education should also take into account the final report of the higher education strategic planning steering committee appointed by the governor to address state higher education needs, governance, and funding and improving student access and success. The steering committee anticipates completing the final report by November 4, 2010.

“(f) The master plan must address:

“(I) The state’s workforce and economic development needs and how those needs may be met by the system of higher education;

“(II) The challenges facing the state system, including but not limited to improving accessibility and affordability for all students graduating from high school, decreasing the geographic disparity of higher education attainment in the state, and closing the educational achievement gap;

“(III) The current state funding crisis and its impact on the state higher education system with regard to funding for capital construction, the level of systemic funding, and the level of institutional funding; and

“(IV) Alignment of the state higher education system with the system of elementary and secondary education in the state;

“(g) The master plan must also include accountability measures that will demonstrate that students receive high-value and high-quality educational services that are provided with the efficiency necessary to reduce attrition and increase retention and enable students to attain their degrees in a reasonable period of time, and to help ensure students achieve post-graduation success.

“(2) The general assembly finds, therefore, that, due to the immediate and daunting economic challenges facing the state institutions of higher education, it is in the best interests of the state to immediately grant to the institutions greater flexibility in setting tuition rates and with regard to institutional operations. Further, the implementation of a new master plan for the statewide system of higher education will preserve the vitality and quality of the public higher education system in Colorado into the future to ensure that Colorado’s citizens, through their access to a world-class higher education system, can develop the knowledge and skills necessary to ensure their personal success and the success of the state as a whole.”

Laws 2010, Ch. 391, § 40, added par. (3)(d).

Laws 2012, Ch. 64, § 1, added subpar. (2)(d)(IV).

Laws 2014, Ch. 380, § 1, inserted par. (9)(a), and redesignated existing text of subsec. (9) as par. (9)(b).

Laws 2014, Ch. 380, § 2, provides:

“Applicability. This act applies to meetings held on or after the effective date of this act.”

Laws 2014, Ch. 393, § 2, in sub-subpar. (2)(d.5)(II)(E), inserted “Except as otherwise required by section 22-32-108(5)(e), C.R.S.”.

Laws 2014, Ch. 393, § 3, provides:

“Applicability. This act applies to meetings of boards of education that take place on or after the effective date of this act.”

Laws 2014, I.P. 124, as Proposition 104, redesignated par. (1)(a) as subpar. (1)(a)(I); added subpar. (1)(a)(II); redesignated par. (4)(e) as subpar. (4)(e)(I); and added subpar. (4)(e)(II).

The amendments to this section proposed by Laws 2014, I.P. 124, as Proposition 104, were approved by the electorate at the general election on Nov. 4, 2014, and became effective upon the proclamation of the vote by the governor, Dec. 17, 2014.

Laws 2016, Ch. 351, § 15, added (1)(a)(III); redesignated (1)(d) as (1)(d)(I); and added (1)(d)(II).

Laws 2019, Ch. 98 (H.B. 19-1201), § 1, in the introductory portion of (4), deleted “the provision of” following “specific citation to”, and made a nonsubstantive change; made nonsubstantive changes in (4)(e)(II) and (4)(e)(II)(A); and added (4)(e)(III).

Laws 2019, Ch. 134 (H.B. 19-1087), § 1, redesignated (2)(c) as (2)(c)(I), and added (2)(c)(II) to (2)(c)(IV).

Laws 2019, Ch. 243 (S.B. 19-244), § 2, in the introductory portion of (3)(a), substituted “subsection (3)(b) of this section” for “paragraph (b) of this subsection (3)”, and substituted “subsection (2)(d.5)(I)” for “subparagraph (I) of paragraph (d.5) of subsection (2)”; in (3)(a)(III), deleted “the” following “senate and”; and added “or workplace harassment or workplace expectations policies”.

Laws 2021, (S.B. 21-268), § 23, in (2)(c)(IV), substituted “school districts” for “school boards”.

Derivation:

C.R.S.1963, § 3-37-402.

Laws 1973, Ch. 456, § 1.

Relevant Notes of Decisions (1)

[View all 90](#)

Notes of Decisions listed below contain your search terms.

Local agencies, generally

Although county board of retirement, which maintained retirement plan for county officials and employees, performed fiduciary functions and did not establish public policy, it operated as agency of county, and was therefore subject to Open Meetings Law (OML) and Open Records Act (ORA), considering that board availed itself of public entity tax and health benefits, used county purchasing accounts, facilities, and seal, that public entities that participated in plan contributed public money to it, that board was authorized to levy retirement tax on all taxable property within county to pay costs of employer contributions to plan, and that plan **budget** was factored into county **budget**. [Zubeck v. El Paso County Retirement Plan, App.1998, 961 P.2d 597](#). [Counties](#)  [52](#); [Records](#)  [343](#)

C. R. S. A. § 24-6-402, CO ST § 24-6-402

Current through legislation effective June 14, 2021 of the First Regular Session of the 73rd General Assembly (2021). Some statute sections may be more current. See credits for details.

End of Document

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City Report Matrix 3.7.24

| | Transportation Decarbonization | Building Efficiency & Decarbonization | Local Energy Production & Resilience | Community Events & Workforce Development | Local Policy |
|--------------------|---|--|--|---|---|
| City Report | <ul style="list-style-type: none"> Discussing Pueblo Fleet as Partner in New Day Hydrogen Project BEAM Arc Siting | EPC MOU signed, returned to CEO, beginning RFP process ❖ Water Reclamation Sustainability Study | City Aggregate Solar Proposal <ul style="list-style-type: none"> Requesting BHE ERP Update | <ul style="list-style-type: none"> June is Bike Month Planning Lunch and Learn Events | Sunshine Laws New Commissioner Orientation |
| Grants | | | Private Funding | <ul style="list-style-type: none"> OIM E-Mobility Education and Awareness DOE Announces \$2.7 Million to Provide Workforce Development Opportunities | |
| Project | <ul style="list-style-type: none"> New Day Hydrogen Parks & Rec, Fleet, Brues Parking Lot, PBR Building | Energy Performance Contract ❖ Cogen, Nutrient Removal Process, Additional Solar | | | Adopting Reach / Net Zero Building Codes |

| | | | | | |
|-----------------|---|--|---|---|------------------------------|
| Partners | <ul style="list-style-type: none"> Fleet / Transit | <ul style="list-style-type: none"> Wastewater Treatment Plant | <p>Tyler Surat</p> <ul style="list-style-type: none"> Black Hills Energy | <ul style="list-style-type: none"> Latino Chamber, Michaels Energy | Pueblo Regional Building Dep |
| Policy | | | | | |

Draft SWOT Analysis

Ordinance Creating Commission: [09959 \(pueblo.us\)](http://pueblo.us/09959)



Bylaws Adopted 12.06.23:

Mission: 100% Renewable Energy Power for the City by 2035 ([Resolution 13612](#))

| | |
|--|--|
| <p>Strengths</p> <ul style="list-style-type: none"> Diverse and passionate group knowledge New Mayor Fed funding available (IRA, BIL, DOE) | <p>Weakness</p> <ul style="list-style-type: none"> Limited capital funding available Limited time each month, Volunteer Commission Limited awareness of PUC intervention |
| <p>Opportunity</p> <ul style="list-style-type: none"> Pueblo as DIC / Just Transition Community Grant Admin/Energy Coordinator to pursue funding Educational Events – Residential & Business Workforce Development training Beneficial Electrification Great Solar, Water Resource Hydrogen Project incoming | <p>Threats</p> <ul style="list-style-type: none"> Pro-nuclear high jacking Commission Lack of City Council/ Community/ Mayor buy in |

o

| Energy Advisory Commission Strategic Plan | | | | | |
|---|-----------------------|----------|-----------|------------------|---------------------|
| Objective 1: | | | | | |
| Activities | Person(s) Responsible | Timeline | Resources | Expected Outcome | Comments (optional) |
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| Objective 2: | | | | | |
| Activities | Person(s) Responsible | Timeline | Resources | Expected Outcome | Comments (optional) |
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| Objective 3: | | | | | |
| Activities | Person(s) Responsible | Timeline | Resources | Expected Outcome | Comments (optional) |
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