

RESOLUTION No. 2010-009
(Amendment to Resolution 2009-044)

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO ADOPT A POLICY REGARDING THE CONDUCT OF WORK SESSIONS**

WHEREAS, Ouray County, Colorado, acting by and through the Board of County Commissioners of Ouray County, Colorado ("Board") is a statutory County, organized under and by virtue of the laws of the State of Colorado; and

WHEREAS, the Board is empowered under C.R.S. §30-11-107(e) to provide for the management of the business and concerns of Ouray County; and

WHEREAS, pursuant to C.R.S. §30-10-303(2) the Board may hold such special meetings and adopt such publication procedure therefore as the public interest may, in the opinion of the Board, require; and

WHEREAS, the provisions of the "Open Meetings Law" at C.R.S. §24-6-402(2)(d)(II) provide that "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."; and

WHEREAS, the provisions of the Open Meetings Law at C.R.S. §24-6-402(2)(c) provide that "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 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**"; and

WHEREAS, pursuant to the provisions of the Open Meetings Law at C.R.S. §24-6-402(2)(b), **all** meetings of a quorum of the Board at which any public business is discussed or at which any formal action may be taken are public meetings and shall be open to the public at all times, with the exception of a properly called executive session; and

WHEREAS, in managing the business and concerns of Ouray County, the Board, on occasion, conducts work sessions for the purpose of education on a topic, brainstorming and generally having less formal discussions on issues between the Board and Staff; and

WHEREAS, all work sessions are open to the public; however, no formal action is taken at any work session; and

WHEREAS, based upon the requirements of current law, notice of a work session must be posted no less than twenty-four hours prior to the meeting; a work session must be open to the public; and minutes are not required to be taken as no formal action may or will occur at a work session; and

WHEREAS, notwithstanding the specific statutory requirements contained in the Open Meetings Law, the Board wishes to be open and transparent in conducting the business of Ouray County and therefore adopts this policy regarding the conduct of work sessions by the Board;

WHEREAS, the public is encouraged to avail themselves of the information that is made available on issues of public concern and actively participate in the process;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. Notice of all Board work sessions shall be properly posted per the statutory requirements contained in C.R.S. §24-6-402(2)(c). In addition, reasonable advance notice of work sessions will be provided to those persons who have, within the last two years, requested notice of meetings of the Board. Unintentional failure to provide such advance notice will not invalidate any work session. Ouray County will continue to endeavor to go above and beyond the referenced statutory requirements for providing notice of work sessions, subject to staffing and budgetary limitations, by utilizing the Ouray County website, other posting locations and the like.
2. On a case-by-case basis, the Board may direct Staff to publish notice of a work session in the legal newspaper of record for Ouray County.
3. All work sessions conducted by the Board shall be recorded and such recordings shall be maintained by the Clerk of the Board in the same manner as Board of County Commissioners recordings are maintained.
4. The recordings of Board work sessions are not an official record of the activities of any work session and will be made only for the purpose of allowing citizen participation to be as broad and meaningful as possible.
5. All work sessions shall be open to the public and public participation at such work sessions shall be at the discretion of the Board, based upon time constraints, number of anticipated speakers present, topics of discussion, etc.
6. The adoption of any proposed policy, position, resolution, rule, regulation or other formal action shall not occur at any work session and such action must be placed on a regular or special meeting agenda; however, direction may be given to Ouray County Staff for further work to be completed on a topic or for scheduling future meetings.
7. The policy shall be revisited by the Board within twelve months of the date of this resolution.

APPROVED AND ADOPTED THIS 8th DAY OF February, 2010.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



Lynn M. Padgett, Chair




K. Keith Meinert, Vice-Chair



Heidi M. Albritton, Commissioner





Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board