

Bond Case Briefs

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OPEN MEETINGS - COLORADO

The Sentinel Colorado v. Rodriguez

Colorado Court of Appeals, Division II - December 7, 2023 - P.3d - 2023 WL 8462301 - 2023 COA 118

Newspaper filed complaint against city records custodian seeking release of recording of city council executive session about censure charges against council member, alleging council committed Colorado Open Meetings Law (OML) violations at that executive session.

The District Court held that the violations were cured by a subsequent public city council meeting and ordered custodian not to release recording. Newspaper appealed.

The Court of Appeals held that:

- Council's announcement of executive session closed to public for "Legal Advice" failed to comply with OML;
- Council adopted a position or formal action at executive session, in violation of OML;
- Council waived any attorney-client privilege that existed to protect recording of executive session from public disclosure;
- Subsequent public meeting of city council regarding censure charges did not "cure" OML violations of executive session; and
- Newspaper was not entitled to award of attorney fees under OML.