

R. Brakenridge Facebook post (Lyons Open Discussion) June 30, 2021:

What is going on in town hall? An executive session of our town board was recently held. These sessions are strictly limited via Colorado law, they cannot be used to shield discussions related to town financial contributions to a developer's subdivision plans. The mere presence of the town attorney is specially not an excuse for executive session, nor are "negotiations", unless those are for town purchase or sale of town land...only. The rules are very strict. There is an appearance based on the town's stated justification of the executive session after public disclosure of the developer's requests that more general matters may have been discussed; matters that are not protected; an appearance that the town is keeping private what is not in any respect confidential information: that the Summit company is requesting major financial concessions from the town, and that some trustees may be favorable to the negotiations needed. But these are public matters, very public matters, must only be discussed in public meeting by our town board and cannot be legally shielded from public view. They have not been up to now! The only conceivable basis for executive session in the present matter would be for the town to obtain legal opinion about its options to proceed to enforcement against the developer of its obligations under the present development agreement. Anticipated lawsuits are protected; negotiations regarding financial concessions to modify the town/developer development agreement involve public finances and are not. As soon as any other topics than legal actions were considered, the meeting would have been required to come out of executive session. I hope a taped record was kept of the meeting.

Text of C.R.S. 24-6-402(4)(e) ("Open Meetings" or "Sunshine" Law):

4) The members of a local public body ... 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) ... may hold an executive session ... for the sole purpose of considering any of the following matters:

.....

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