

**From:** "Doherty, Mark" <[mdoherty@bouldercounty.org](mailto:mdoherty@bouldercounty.org)>

**To:** Kristin Bjornsen [REDACTED], "Pearlman, Ben" <[bpearlman@bouldercounty.org](mailto:bpearlman@bouldercounty.org)>

**Subject:** RE: Concerns about executive sessions

**Date:** January 13, 2017 at 3:57:09 PM MST

Dear Ms. Bjornsen,

I have reviewed your e-mail dated December 28, 2016, with questions about executive sessions conducted by the Board of County Commissioners. The method for conducting executive sessions is governed by statute, specifically § 24-6-402, C.R.S. The statute allows the Board to hold an executive session when it announces the topic for the executive session, including citation to the statute authorizing the session and a two-thirds vote of the Board. *See Walsenburg Sand & Gravel Co., Inc. v. City Council of Walsenburg*, 160 P.3d 297, 299 (Colo.App. 2007). The Board follows the prescribed statutory process for holding executive sessions, which process is reflected in the agendas, recordings, and minutes of each of the Board's meetings.

The Commissioners strive to do everything it can to allow citizens to participate in the legislative decision-making process to keep citizens fully informed on issues of public importance. If you have suggestions on how the Board could improve this process—especially with respect to the Twin Lakes matter—we would be happy to meet with you to discuss them.

With respect to your decision to move forward with litigation on the earlier CORA matter referenced in your email, we will respond appropriately to any court documents. Our position remains that those draft emails are work product, and are thus exempt from production. We have chosen not to waive that privilege.

Regards,

Mark

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