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Colorado Court of Appeals Case No: 2022CA1934 Judges Furman, Román and Fox District Court, Arapahoe County Case No: 22CV30927 Judge Elizabeth Beebe Volz	
PETITIONER/CROSS-RESPONDENT: THE SENTINEL COLORADO, v. **RESPONDENT/CROSS-PETITIONER:** KADEE RODRIGUEZ, City Clerk, in her official capacity as records custodian	**▲ COURT USE ONLY ▲**
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BRIEF OF *AMICUS CURIAE* COLORADO FREEDOM OF INFORMATION COALITION (CFOIC) IN SUPPORT OF PETITIONER/CROSS-RESPONDENT THE SENTINEL COLORADO'S POSITION

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28, C.A.R. 32, and C.A.R. 29, including all formatting requirements set forth in these rules.

Specifically, the undersigned certifies that:

- The brief complies with C.A.R. 28(g). It contains 4,620 words in those portions subject to the Rule.

By */s/ Ashley I. Kissinger*
Ashley I. Kissinger, #37739

IDENTITY AND INTEREST OF AMICUS CURIAE

Amicus curiae is the Colorado Freedom of Information Coalition ("CFOIC"), a nonpartisan alliance of groups, news organizations and individuals dedicated to ensuring the transparency of state and local governments in Colorado. To that end, CFOIC promotes open courts, open access to government records and meetings, and freedom of the press.

CFOIC's membership is diverse and includes the following organizations: American Civil Liberties Union of Colorado, Associated Press, BillTrack 50, Chalkbeat Colorado, Colorado Association of Libraries Intellectual Freedom Committee, Colorado Bar Association, Colorado Broadcasters Association, Colorado Common Cause, The Colorado News Collaborative, Colorado Newsline, Colorado Press Association, Colorado Press Women, Colorado Public Radio, Colorado Springs Press Association, Delta County Citizen Report, 5280 Magazine, Independence Institute, League of Women Voters of Colorado, Professional Private Investigators Association of Colorado, Rocky Mountain PBS and Colorado Society of Professional Journalists. News organizations affiliated with the

Colorado Press Association and broadcast stations affiliated with the Colorado Broadcasters Association are also members of CFOIC.[1]

Among other things, CFOIC helps Coloradans understand and use the Colorado Open Meetings Law (COML), monitors violations of the statute, and marshals expertise on COML for the benefit of citizens, the General Assembly, and the state judiciary. A key part of CFOIC's mission is to ensure that the law providing public access to government meetings remains strong and vibrant so that Colorado's citizens can be well informed about what their state and local agencies are doing on their behalf. And informing citizens of what their government is up to is perhaps the most critical function of the media members of CFOIC. Accordingly, judicial interpretation of the state's open meetings laws, including the COML, is a matter of significant importance to CFOIC and its constituents. The CFOIC thus has a strong interest in the outcome of this case.

Due to its mission, it also has expertise with the COML that may assist the Court in this case. That assistance is especially important here because this brief asks the Court to affirm the judgment on an alternative ground appearing from the record that is not the principle focus of the parties' briefing.

[1] The positions and arguments CFOIC asserts herein do not necessarily reflect the views of all of its member organizations and/or individual members.

SUMMARY OF ARGUMENT

The COML is a carefully crafted statute balancing the need for transparency in government with the need for our civil servants, serving on government bodies, to sometimes address public issues in private, otherwise known as "going into executive session." There is tension between these needs, and the Colorado General Assembly resolved that tension by thoughtfully devising a regime that allows public bodies to go into executive session *only* if they do so during a properly noticed public meeting, and *only* if they follow specific procedural requirements enacted to ensure public oversight of the process of going into executive session.

This case may be easily resolved by enforcing one of those procedural requirements. The district court held, and the Court of Appeals affirmed, that the City Clerk failed to abide by the so-called "particular matter announcement" requirement before voting to convene an executive session. The particular matter announcement requirement is critically important for two reasons. It serves to focus the members of the public body on the question whether they may lawfully meet in private to discuss the particular public matter they wish to discuss. And it is the sole means by which the public in attendance at the public meeting can know whether the public body is going into executive session for a legitimate, statutorily-

authorized reason. If not, members of the public can object and—one would hope—obtain voluntary compliance with the law by the body. And if the body proceeds to go into executive session nonetheless, the objector may file suit to have the improperly convened "executive session" declared a public meeting, the minutes and recording of which the public is entitled to access.

Because the City Clerk did not abide by the particular matter announcement requirement, this Court can affirm the Court of Appeals on an alternative ground: That the City's Clerk's failure to *properly* convene an executive session renders the so-called "executive session" an unlawful discussion of public business behind closed doors, rendering the City Clerk's minutes and recording of that discussion accessible by the public.[2]

It would greatly benefit the public, press, and all public bodies subject to the COML if the Court takes this opportunity to confirm that this is how the COML works, regardless of how it resolves the attorney-client privilege waiver issue discussed by the parties. The Court of Appeals has held *four times*—three times in published opinions—that the failure to properly announce in advance the particular

[2] In its Opening Brief the City Clerk did not (and could not in good faith) dispute the lower courts' holdings that it failed to abide by the particular matter announcement requirement.

matter that will be discussed in an executive session renders that closed-door meeting an open meeting, the minutes and recording of which the public is entitled to access. This is the only reading of the statute that makes any sense. But *this* Court has not yet so held, and it is perhaps for this reason that many public bodies continue to overlook (or in some cases flout) the particular matter announcement requirement for executive sessions. It is time to clarify the law on this point.

ARGUMENT

I. The COML was enacted to ensure that government business is not conducted in secret.

Public access to government information is absolutely critical to a healthy functioning democracy. As this Court has explained, "[a] free self-governing people needs full information concerning the activities of its government not only to shape its views of policy and to vote intelligently in elections, but also to compel the state, the agent of the people, to act responsibly and account for its actions." *Cole v. State*, 673 P.2d 345, 350 (Colo. 1983).

As such, access to information about government is a First Amendment-protected value. *See, e.g.*, *id.* (describing "[t]he public's right of access to public information"). Provision and protection of such access is necessary to fulfill the First Amendment's "purpose of assuring freedom of communication on matters relating to the functioning of government." *Richmond Newspapers, Inc. v.*

Virginia, 448 U.S. 555, 575 (1980); *see also Cole*, 673 P.2d at 350 ("The First Amendment plays an important role in affording the public access to discussion, debate, and the dissemination of information and ideas."); *First Nat'l Bank v. Bellotti*, 435 U.S. 765, 783 (1978) (explaining that the First Amendment "prohibit[s] government from limiting the stock of information from which members of the public may draw").

Access to government meetings is not, however, self-executing under the First Amendment or any other law. It is provided by legislative enactments, and is protected by the judiciary's enforcement of those statutes.

Colorado's statutes have a variety of open meetings laws, the most comprehensive and generally-applicable of which is the COML. The COML was enacted by citizen initiative to ensure that those who serve on governmental bodies do not meet "in secret" to "form[] public policy." § 24-6-401, C.R.S.; *Cole*, 673 P.2d at 349 ("The "intent of the [COML] is that citizens be given the opportunity to obtain information about and to participate in the legislative decision-making process."). To that end, the COML mandates public access to a broad range of state and local government meetings in order to ensure public oversight of government activities and prevent "secret" meetings that violate the public trust. *Bd. of Cnty. Comm'rs v. Costilla Cnty. Conservancy Dist.*, 88 P.3d 1188, 1193 (Colo. 2004).

This regime is obviously not the simplest or most efficient way of doing the public's business. Anyone who has served on a school board or another local or state board knows it is easier and often more palatable to conduct business privately than it is to do so in the public eye. It can be more efficient, and there are fewer reputational consequences to members of the body expressing their points of view, discussing the issues, and voting on proposed measures. But in the United States the government belongs to the people, and thus the public's business must, wherever feasible, be conducted in view of the people. This is the only way to avoid autocratic rule. And thus the General Assembly of Colorado, just like the legislatures of every state and the United States Congress, has enacted laws like the COML to impose specific procedures for discussing the public's business outside of public view. Enforcement of these laws is essential to overcome, in the context of conducting the business of the *public*, the natural human inclination to discuss matters privately.

II. The COML permits some topics to be discussed confidentially by public bodies in "executive session," but only if the body satisfies the statutorily-mandated procedures for notifying the public of what it is doing and why.

The COML recognizes that there are certain situations in which, despite the need for full transparency in most meetings where public matters are discussed, there is a legitimate need to convene a meeting outside the presence of the public,

known as an "executive session." These include the purchase or sale of property, attorney-client privileged communications, matters made confidential by other state or federal laws, and other specific topics. *See* §§ 24-6-402(3)(a)-(d), C.R.S. (topics permitted to be discussed in executive session by state public bodies), §§ 24-6-402(4)(a)-(i), C.R.S. (topics permitted to be discussed in executive session by local public bodies).

But the General Assembly also concluded that public bodies should not simply meet in secret to discuss these matters. That is, members of public bodies should not have the sole authority to secretly decide among themselves when a discussion topic falls into one of these categories that provides a safe harbor for discussion out of the public eye. The COML recognized this could easily lead to abuse without oversight or consequence. And so, as discussed below, it gave the people the power to *oversee* the process of a public body convening an executive session.

III. COML's executive session particular matter announcement requirement is the key safeguard for preventing public bodies from meeting privately under circumstances where state law forbids it.

The General Assembly provided two checks on potential abuse of the executive session power that are at stake in the case before the Court: (1) the requirement that the body advise the public—with as much specificity as

possible—of *why* it is closing a public meeting to go into executive session (the "particular matter announcement requirement"); and (2) the consequence that failure to abide by the particular matter announcement requirement renders a so-called "executive session" in fact a public meeting, and thus entitling the public to inspect the minutes and recordings of the meeting.

A. Public bodies must announce why, specifically, they are going into executive session, and that reason must be supported by a provision in COML permitting such an executive session.

The first check is the particular matter announcement requirement. The COML requires public bodies to announce *why* they are planning to convene an executive session to discuss something in private, and they must give *as specific an explanation as possible*:

> The members of a state public body . . ., upon the announcement by the state public body *to the public* of [1] the topic for discussion in the executive session, including [2] specific citation to the provision of this subsection . . . authorizing the body to meet in an executive session *and* [3] 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. . . 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 the statute] . . . .

§ 24-6-402(3)(a), C.R.S (emphasis added); *accord* § 24-6-402(4), C.R.S. (same provision for local public bodies, applicable here).[3]

This announcement requirement gives the public and members of the press (who regularly serve as surrogates for the public by attending government meetings and reporting on them) the ability to object if the public body is not properly convening an executive session for legitimate, statutorily-authorized reasons. This salutary checking function is important. In its most critical form, it enables the public to interrupt—and hopefully derail—efforts at corruption and other malfeasance. But even in the ordinary situation where the motives of a public body going into executive session are pure, it can serve to remind (or educate) members of the public body of their obligation under the COML to explain their specific, statutorily-authorized reason for meeting in private. The particular matter

[3] Only after announcing the topic with specificity, and on "the affirmative vote of two-thirds of the entire membership of the body after such announcement," the public body "may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the matters" permitted to be discussed, "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 [the COML] shall occur at any executive session that is not open to the public[.]" §§ 24-6-402(3) & (4), C.R.S. Thus there are additional procedural safeguards attendant to executive sessions, beyond the particular matter announcement requirement. As the CFOIC understands it, none of these other executive session-convening requirements are at issue in this case.

announcement requirement also affords the public an understanding of what is to be discussed behind closed doors, even though the public is not privy to the conversation itself.

The particular matter announcement requirement is thus not simply an annoying, meaningless technicality. It serves the important purpose of ensuring that public bodies remember their COML obligations and are not meeting privately in circumstances under which the General Assembly has determined they must meet publicly.

B. If a public body fails to abide by the particular matter announcement requirement, (a) any executive session convened is unauthorized, and (b) by operation of other provisions of the COML, that closed-door discussion is rendered a meeting open to the public and therefore the minutes and electronic recording of it are open to the public.

In addition to this case, the Court of Appeals has held three times, in published opinions, that if the statutory procedures for convening an executive session are not observed, the closed-door meeting that occurs is in fact a meeting open to the public, and therefore the public may access the recording of it.[4]

[4] Originally public bodies were simply required to keep minutes of all meetings, and executive sessions could be referenced simply by their topic. But in 2001, the General Assembly amended COML to require that discussions that occur in executive session must be electronically recorded unless the reason for going into executive session is to discuss matters protected by the attorney-client privilege. § 24-6-402(2)(d.5)(I)-(II), C.R.S. But as was the case here, a body may choose to

First, in *Zubeck v. El Paso County Retirement Plan*, the Court of Appeals held that the Plan was a public body subject to COML, and because the Plan "did not follow statutory requirements for calling an executive session, . . . the meetings were not" in fact "held in an executive session." 961 P.2d 597, 601 (Colo. App. 1998). The court held that the district court had therefore erred in permitting the Plan to redact the minutes of its meetings to omit portions that could have been held in executive session. *Id.*

The Court of Appeals reaffirmed and bolstered the *Zubeck* principle six years later in *Gumina v. City of Sterling*, 119 P.3d 527 (Colo. App. 2004). There the city council failed to properly convene an executive session in two ways. It voted to go into executive session "before any topic of discussion was announced." *Id.* at 529. And when it did provide the public some information about the planned executive session after the vote, it did not explain that *Ms. Gumina's employment* was going to be one of the subjects of the meeting—it simply parroted the statutory provisions that would have authorized the executive session, including, with

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record an executive session convened for attorney-client privilege purposes. *Id.* ("no record or electronic recording shall be *required*") (emphasis added); *see also* § 24-6-402(2)(d)(I)-(II), C.R.S. (there is similarly no prohibition on meeting minutes reflecting an executive session discussion; those minutes "shall" at a minimum "reflect the topic of the discussion at the executive session").

respect to Ms. Gumina, discussion of "personnel matters." *Id.* at 529-30. The court, citing *Zubeck*, held that "because the Council failed to strictly comply with the requirements of the statute for convening two executive sessions, the trial court must open the records of those sessions to public inspection." *Id.* at 532.

The court relied on a prior holding of this Court, as well as another provision in COML itself, to reach its conclusion. First, the court observed that this Court has held that "[e]xceptions to the [Colorado Open Records Act's] presumption in favor of disclosure of public records are to be strictly construed," and it concluded that "this rule applies with equal force to the executive session exception carved out in the Open Meetings Law." *Id.* Therefore, "if an executive session is not properly convened, it is an open meeting subject to the public disclosure requirements of the Open Meetings Law." *Id.*

Next the court recognized that this conclusion is compelled by the statute itself, citing Section 402(2)(b) of the COML: "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*." § 24-6-402(2)(b), C.R.S. (emphasis added). Accordingly, since no executive session was properly convened, the closed-door session that had occurred was "an open meeting subject to the

disclosure requirements of the [COML]" and "[t]he meetings and their recorded minutes, therefore, should have been open to the public." *Gumina*, 119 P.3d at 532.

In 2020, the Court of Appeals again reaffirmed that "[s]trict adherence to the procedure" of convening an executive session "is important": "'If an executive session is not convened properly, then the meeting and the recorded minutes are open to the public.'" *Guy v. Whitsett*, 2020 COA 93, ¶ 13 n.5 (quoting *Gumina*, 119 P.3d at 531).[5] The court held that merely parroting the statutory provision that would authorize an executive session (*e.g.*, "personnel matters" or "legal advice") is insufficient, rendering any "recordings and minutes" thereof—including as they related to the provision of legal advice—open to the public. *Id.* ¶ 33.

IV. Public bodies routinely fail to announce, with the requisite specificity, the topic of an executive session.

Despite the fundamental importance of the particular matter announcement requirement, and the fact that it is expressly laid out in the COML itself,[6] public

[5] The Court of Appeals also reaffirmed it in 2009 in an unpublished decision. *See Worldwest Ltd. Liab. Co. v. Steamboat Springs Sch. Dist. RE-2*, 37 Media L. Rptr. 1663, 1669 (Colo. App. 2009) (ordering release of recording of executive session involving discussions of personnel matters and discussions with an attorney because the notice of the executive session was insufficiently specific) (copy attached as Exhibit A).

[6] It is worth noting here that, unlike the CORA, the COML is a short statute. It is easy to read, and every newly-elected or appointed member of a public body should be presumed to have read and generally understand its requirements. There

bodies across Colorado quite often overlook it, whether intentionally or not. As a result, members of the press and of the public are forced to go to court seeking a remedy for improperly-convened executive session meetings. The *Zubeck*, *Gumina*, *Guy*, and *Worldwest* cases are illustrative, along with the following additional examples:

- In the wake of a shooting at East High School, the Denver City Council improperly convened an executive session. The Council invoked executive session provisions that did not apply, and failed to advise the public of the particular matter discussed at that meeting: the Superintendent's request that police officers be reintroduced to schools contrary to then-current board policy. Seven media organizations sued and prevailed in obtaining a court order requiring the recording of the meeting to be released. *See* Melanie Asmar, *Judge: Denver school board must release recording of closed door meeting*, Chalkbeat Colo. (June 23, 2023), https://www.chalkbeat.org/colorado/2023/6/23/23771523/denver-school-board-open-meetings-violation-police-sros-release-recording-judge-rules/; *see also Denver Public Schools Board of Education executive session March 23, 2023*, Denver Post (July 24, 2023),

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is easy access to guidance on its requirements published by the Colorado Municipal League, the Colorado Department of Local Affairs Division of Local Government, and others. *See, e.g.*, *Newly Elected Officials*, Colo. Mun. League, https://www.cml.org/home/education-training/newly-elected-officials-workshops (last visited Jan. 15, 2025); *Colorado Open Meetings Law: Let the Sunshine In*, Colo. Mun. League, https://www.cml.org/docs/default-source/training/oml4-cml.pdf?sfvrsn=9f2aad45_2 (last visited Jan. 15, 2025); *Open Meetings Requirements*, Colo. Dep't of Local Affairs, https://dlg.colorado.gov/open-meetings-requirements#:~:text=Meetings%20Open%20to%20Public.,402(2)(b) (last visited Jan. 15, 2025).

https://www.youtube.com/watch?v=YuTz3AiwZJI (the released recording).

- *The Colorado Independent* successfully sued the Colorado Independent Ethics Commission, which had regularly been convening privately to discuss matters without notifying the public of the particular matters being discussed. The Commission was forced to disclose recordings and notes take during such unlawful closed-door meetings even though the attorney-client privilege was invoked. *See* Ernest Luning, *Judge: Colorado's top ethics panel broke open meetings law*, Colo. Indep. (Sept. 2, 2009), https://www.coloradoindependent.com/2009/09/02/judge-colorados-top-ethics-panel-broke-open-meetings-law/.

The situation in Colorado is emblematic of a problem that has developed nationwide. Across the country, a decrease in resources for local reporting[7] has emboldened public officials to increase secrecy and preclude public access to what

[7] *See, e.g.*, Lara Takenaga, *More Than 1 in 5 U.S. Papers Has Closed. This Is the Result*, N.Y. Times (Dec. 21, 2019), https://www.nytimes.com/2019/12/21/reader-center/local-news-deserts.html ("Over the past 15 years, more than one in five papers in the United States has shuttered, and the number of journalists working for newspapers has been cut in half…."); Penelope Muse Abernathy, Ctr. for Innovation & Sustainability in Local Media, *The Expanding News Desert* 96 (2018), https://www.cislm.org/wp-content/uploads/2018/10/The-Expanding-News-Desert-10_14-Web.pdf (describing the rise of "ghost newspapers" in local communities across the United States, which once provided comprehensive news and now offer significantly scaled back coverage); Knight Found., *In Defense of the First Amendment* 5 (Apr. 21, 2016), https://knightfoundation.org/wp-content/uploads/2020/03/KF-editors-survey-final_1.pdf (showing that more than two-thirds of editors who responded to a Knight Foundation survey stated that the news media was less able to pursue First Amendment legal action than it was a decade prior).

should be "public" meetings. *See, e.g.*, *Reporter, public barred from Illinois township board meeting*, U.S. Press Freedom Tracker (Feb. 13, 2024), https://pressfreedomtracker.us/all-incidents/reporter-public-barred-from-illinois-township-board-meeting/ (explaining how news media was prevented from attending a town board meeting "in apparent violation of Illinois' Open Meetings Act"); *Media barred from public lead water crisis meeting in New Jersey*, U.S. Press Freedom Tracker (Aug. 27, 2019), https://pressfreedomtracker.us/all-incidents/media-barred-public-lead-water-crisis-meeting-new-jersey/ (detailing how "[t]he news media was barred from attending a public meeting on Newark, New Jersey's ongoing lead contamination crisis").

The rule of law is the only bulwark against this trend. The public can bring lawsuits under open meetings laws to try to fight these abuses. But litigation is expensive and uncertain, as is the recovery of attorneys' fees for bringing it. It is also time consuming.[8] And if, at the end of the day, courts do not impose a consequence for these abuses by strictly enforcing their open meetings laws, the laws will become a nullity.

[8] For these reasons, it can fairly be assumed that only the most egregious violations in the most politically fraught circumstances make their way to a court, and therefore that the list above is only anecdotal and illustrative of a larger problem.

V. If the particular matter announcement requirement and the other procedural requirements for convening executive sessions are to have the effect the General Assembly intended, this Court must hold that failure to abide by those requirements renders an executive session a meeting open to the public.

In this case, the Court of Appeals affirmed the district court's holding that "the announcement for the March 14 [closed door meeting] violated the OML public notice requirement" because it did "not identify any 'detail' of the topic to be discussed." Opinion at 11, ¶ 29 (citation omitted). The City Clerk conceded this but argued in a motion for reconsideration that its later executive session "cured" the problem. The Court of Appeals properly rejected this argument "[b]ecause case law on curing [COML] violations only applies where a party seeks to invalidate an *action* taken in an improperly convened executive session[.]" Opinion at 16, ¶ 41.

Although the City Clerk does not contest this aspect of the Court of Appeals' holding, this Court can affirm the judgment below on any ground appearing from the record. *See, e.g.*, *People v. Moreno*, 160 P.3d 242, 247 (Colo. 2007) (appellate court may affirm on "any ground supported by the record, whether or not that ground was relied upon" below "or even contemplated by the trial court" (citing *People v. Quintana*, 882 P.2d 1366, 1371 (Colo. 1994) (quoting *Dandridge v. Williams*, 397 U.S. 471, 475 n.6 (1970))). A ruling by this Court affirming the sound body of Court of Appeals precedent on this issue is what is needed to quell

any lingering doubt there could be on the matter and spur public bodies to pay attention to and comply with the law.

A holding enforcing the particular matter announcement requirement may result, for a period thereafter, in some public body discussions of sensitive topics—discussions that could have been held in private—to be revealed to the public. But a ruling by this Court is clearly what is needed to stem the tide of noncompliance in the twenty-seven years since the Court of Appeals first announced the *Zubeck* principle. Soon public bodies will learn the consequences of non-compliance and will begin complying.

And what is the alternative? There really is none. If the Court does not hold that the particular matter announcement requirement means what it says, it will not mean what it says. It will continue to be honored more in the breach than in the observance, undercutting the very purpose of the COML: to keep public bodies from meeting in secret—a practice that not only deprives the public of the information it needs for effective self-governance, but undermines the public trust in government institutions.

CONCLUSION

Justice Brandeis wisely observed over a century ago that "[s]unlight"—*i.e.*, transparency—"is said to be the best of disinfectants" Louis D. Brandeis, *What Publicity Can Do*, Harper's Weekly (Dec. 20, 1913) at 10. Government is run by human beings, and human beings are fallible. At best members of government bodies debate the issues and make wise public policy decisions. But sometimes they are well-intentioned but misguided and/or underinformed. And at worst they are greedy or corrupt. "Sunlight"—transparency into the process of making public policy—is the key to achieving the wisest and most just public policy decisions. Transparency and the resulting citizen participation in government are among the most fundamental pillars on which a democracy depends. Allowing public bodies to flout or ignore the particular matter announcement requirement (and other executive session convening requirements) with no consequence would erode a fundamental democratic process.

Accordingly, the CFOIC respectfully urges this Court to affirm the judgment of the Court of Appeals on the alternative ground that the City Clerk did not comply with the COML's particular matter announcement requirement, and therefore the closed-door session was a public meeting that was improperly closed.

Respectfully submitted on this 16th day of January, 2025

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CERTIFICATE OF SERVICE

I certify that on the 16th day of January, 2025, the foregoing was served via Colorado Courts E-filing, which will generate service on all parties.

/s/Stephanie Agabo
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