

**LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0838
Prime Sponsor(s): Rep. Peniston
 Sen. Hodge

Date: April 22, 2013
Bill Status: House Local Government
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TITLE: CONCERNING PROCEDURES GOVERNING DISCUSSIONS BY LOCAL PUBLIC BODIES HELD IN EXECUTIVE SESSION UNDER THE COLORADO OPEN MEETINGS LAW.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: Upon signature of the Governor, or on becoming law without his signature		
Appropriation Summary for FY 2013-2014: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

Under current law, minutes must be taken whenever a local public body has a public meeting, and a separate recording must be made whenever the body enters an executive session. If, in the opinion of the attorney representing the local public body, portions of the discussion held during executive session constitute a privileged attorney-client communication, those portions are not recorded. This bill requires continuous recording of executive sessions, even when the discussion is claimed by the representing attorney to be privileged, or subject to protection as trial preparation material.

The bill requires a local public body to keep a privilege log to identify the approximate times the privileged discussion takes place and the nature of the communication, without revealing details of the privileged information discussed. These portions of an executive session may be recorded separately from the remaining recording of the executive session. Any member of the local public body may challenge the validity of the claim of privilege in court.

Background

A local public body is any policy-making board or commission of a political subdivision of the state, which includes counties, municipalities, school districts, special districts, and any public or private entity that has delegated authority from a political subdivision, for example, charter school boards. Local public bodies do not include the governing bodies of institutions of higher education.

Local Government Impact

Local public bodies must adjust internal practices related to recording executive sessions and implementing open meeting laws, and will have new expenses to create and implement procedures for logging and recording privileged portions of executive sessions.

Departments Contacted

Cities
Higher Education

Counties
Local Affairs

Education