



COLORADO

Transportation
Investment Office

ANNUAL BEST PRACTICES TRAINING

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Agenda

- C.R.S. Section 24-3.7-102 requires annual training in several areas including:
 - Statutory Powers and Duties;
 - Identifying and managing conflicts of interest;
 - Understanding the requirements of the Colorado Open Records Act and open meetings laws.

CTIO STATUTORY POWERS AND DUTIES

1. C.R.S. Section 43-4-806

1. General Purpose - “actively seek out opportunities for public-private partnerships for the purpose of completing surface transportation infrastructure projects...pursue any available means of financing such surface transportation infrastructure projects that will allow the efficient completion of the projects.”
2. General Powers - “impose user fee...issue or reissue revenue bonds...contract with any other governmental or nongovernmental source of funding for loans or grants...seek out and enter into public-private partnerships.” (Other powers contained in subsection 6 and C.R.S. Section 43-4-808)
3. General Duties - annual accounting of the user fees collected; supervise enterprise director; adopt bylaws for the regulations; set and adopt an annual budget; evaluate any toll highway in the state that is owned and offered for sale or for lease.

Conflicts of Interest

- Rules of Conduct (Section 24-18-108.5, C.R.S.) - A Board Member shall receive no compensation other than a per diem allowance . . . shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest.
- Voluntary Disclosure (Section 24-18-110, C.R.S.) - Two step process:
 - You can make a written disclosure to the Secretary of State that adequately describes the financial interest; and
 - Immediately before the vote, you state for the record the fact and summarize the nature of the interest.

Colorado Open Records Act (CORA)

- All public records shall be open for inspection by any person at reasonable times, except as provided in part 2 or as otherwise provided by law. Section 24-72-203, C.R.S.
 - Records - all writings made, maintained or kept for use in the exercise of functions required or authorized by law or involving the receipt or expenditure of public funds. Exemption (Section 24-72-202(6), C.R.S.)
 - Common Exemptions (24-72-204, C.R.S.):
 - Deliberative Process;
 - Work Product;
 - Trade Secrets, Confidential Commercial, Financial, or Geophysical data;
 - Security Arrangements.

Colorado Open Meetings Law

- **What is a Meeting** (Section 24-6-402 (1) (b)) - Any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.
- **What is Public Meeting** (Section 24-6-402 (2) (a)) - All meetings of two or more members of a state public body at which any public business is discussed or at which any formal action may be taken.
- **What Type of Notice is Required** (24-6-402 (2) (c)) - Notice must be full and timely [24 hours prior]. No requirement that specific advance notice be given of formal actions that might be taken. Notice is sufficient as long as the items actually considered at the meeting are reasonably related to the subject matter indicated by the notice.
 - Notice Must Include the Following:
 - Date and time of the meeting; Location of the meeting; Agenda for meeting
- **What Type of Record Must be Kept** (24-6-402 (2) (d)) - Minutes must be prepared for all meetings and are open to the public for review.
 - Minutes of the meeting during which an executive session is authorized shall only reflect the topic discussed in the executive session.

Executive Sessions

- Executive Session - Meeting of the board without the public present.
 - Can only be used for discussions of specific and noticed topics;
 - Cannot be used to take any formal action.
- Limitations on Executive Sessions:
 - Can only be used to discuss the topic that falls into the following categories:
 - **Conferences with an attorney** to receive legal advice on specific legal questions;
 - **Matters required to be kept confidential** (federal law or rules, state statutes);
 - **Specialized details of security arrangements** or investigations;
 - **Determining positions relative to matters subject to negotiations**, developing strategy for and receiving reports on the progress of such negotiations; and instructing negotiators;
 - **Appointment or employment** of a public official or the dismissal /discipline.



Recent Developments

- Email Discussions
 - Intermountain Rural Elec. Ass'n v. Colo. Public Utilities Commission, 298 P.3d 1027 (Colo.App. 2012);
 - Colorado Off-Highway Vehicle Coalition v. Colorado Board of Parks and Outdoor Recreation, 292 P.3d 1132, 1134 (Colo. App. 2012).
- Open Meeting v. Noticed Meetings
 - Board of County Commissioners of Costilla County v. Costilla County Conservancy District, 88 P.3d 1188 (Colo. 2004).
- Public Vote
 - Weisfield v. City of Arvada, 361 P.3d 1069 (Colo.App. 2015).
 - Douglas County School Board Issues

Questions?