

Model Motion to Convene an Executive Session To be entered into the minutes of the public meeting

Pursuant to section 24-6-402(4) of the Colorado Revised Statutes, I move that this [regular or special] public meeting of Board of [name of public entity] adjourn and, upon affirmative vote of two-thirds of the members present, reconvene in executive session for the sole purpose of discussing [topic to be discussed with as much detail as possible] as authorized by [statutory citation from table below].

Authorized Topics for Executive Session Discussion	Citation
Purchase, acquisition, lease, transfer or sale of real, personal or other property interest. <u>Exception</u> : The purpose of an executive session cannot be to conceal the fact that a member of the Board has a personal interest in the purchase, acquisition, lease or transfer.	§ 24-6-402(4)(a)
Receiving from the Board's attorney legal advice on a specific legal question. The mere presence or participation of the District's attorney is not sufficient.	§ 24-6-402(4)(b)
Matters that federal or state law or rules and regulations require be kept confidential. <u>Additional requirement</u> : The specific law, rule or regulation must be cited.	§ 24-6-402(4)(c)
Specialized details of security arrangements or investigations.	§ 24-6-402(4)(d)
Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.	§ 24-6-402(4)(e)
Personnel matters. <u>Exceptions</u> : The following matters must be discussed in public. <ul style="list-style-type: none"> • Discussions concerning personnel policies that do not require the discussion of matters personal to a particular employee. • Discussions concerning any member of the Board, any elected official or the appointment to fill the office of a Board member or an elected official. • Discussions concerning a particular employee, <u>if</u> the subject employee requests an open meeting. • Discussions concerning more than one employee, <u>if</u> all the subject employees request an open meeting. 	§ 24-6-402(4)(f)
Consideration of any documents protected by the mandatory non-disclosure provisions of the Open Records Act (§ 24-72-201, <i>et seq</i>), <u>except</u> consideration of documents or records that are defined as "work product" under § 24-72-202(6.5) or that are subject to the governmental or deliberative process.	§ 24-6-402(4)(g)

For Privileged Attorney-Client Communication during the Executive Session the attorney should state on the Record:

I _____, am acting as counsel to the board of Trustees of _____ in executive session. Pursuant to section 24-6-402(d.5)(ii)(B), no record will be kept of the portions of the executive session following this statement because, in my opinion the discussions constitute privileged attorney-client communication pursuant to section 24-6-402(4)(b).

For additional information on this or any other legal topic, please visit our website at:

www.svwpc.com

or contact any of our attorneys at 303-770-2700.

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