An Act

HOUSE BILL 19-1087

BY REPRESENTATIVE(S) Soper and IIansen, Coleman, McKean, Snyder, Williams D., Bockenfeld, Gray, Jaquez Lewis, Kipp, Rich, Tipper, Titone, Weissman;
also SENATOR(S) Woodward and Bridges, Gonzales, Hisey, Moreno, Todd.

CONCERNING ONLINE NOTICE OF PUBLIC MEETINGS OF A LOCAL GOVERNMENTAL ENTITY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-6-402, amend (2)(c) as follows:

24-6-402. Meetings - open to public - legislative declaration - definitions. (2)(c)(I) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.
local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

(II) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(A) It is the intent of the General Assembly that local governments transition from posting physical notices of public meetings in physical locations to posting notices on a website, social media account, or other official online presence of the local government to the greatest extent practicable;

(B) It is the intent of the General Assembly to relieve a local government of the requirement to physically post meeting notices, with certain exceptions, if the local government complies with the requirements of online posted notices of meetings;

(C) A number of factors may affect the ability of some local governments to easily establish a website, post meeting notices online, and otherwise benefit from having an online presence, including the availability of broadband or reliable broadband, the lack of cellular telephone and data services, and fiscal or staffing constraints of the local government;

(D) Local governments are encouraged to avail themselves of existing free resources for creating a website and receiving content management assistance from the Colorado statewide internet portal authority and statewide associations representing local governmental entities; and

(E) It is the intent of the General Assembly to closely monitor the transition to providing notices of public meetings online over the next two years and, if significant progress is not made, to bring legislation mandating in statute that all notices be posted online except in very narrow circumstances that are beyond the control of a local government.

(III) ON AND AFTER JULY 1, 2019, A LOCAL PUBLIC BODY SHALL BE
DEEMED TO HAVE GIVEN FULL AND TIMELY NOTICE OF A PUBLIC MEETING IF
THE LOCAL PUBLIC BODY POSTS THE NOTICE, WITH SPECIFIC AGENDA
INFORMATION IF AVAILABLE, NO LESS THAN TWENTY-FOUR HOURS PRIOR TO
THE HOLDING OF THE MEETING ON A PUBLIC WEBSITE OF THE LOCAL PUBLIC
BODY. THE NOTICE MUST BE ACCESSIBLE AT NO CHARGE TO THE PUBLIC. THE
LOCAL PUBLIC BODY SHALL, TO THE EXTENT FEASIBLE, MAKE THE NOTICES
SEARCHABLE BY TYPE OF MEETING, DATE OF MEETING, TIME OF MEETING,
AGENDA CONTENTS, AND ANY OTHER CATEGORY DEEMED APPROPRIATE BY
THE LOCAL PUBLIC BODY AND SHALL CONSIDER LINKING THE NOTICES TO
ANY APPROPRIATE SOCIAL MEDIA ACCOUNTS OF THE LOCAL PUBLIC BODY. A
LOCAL PUBLIC BODY THAT PROVIDES NOTICE ON A WEBSITE PURSUANT TO
THIS SUBSECTION (2)(c)(III) SHALL PROVIDE THE ADDRESS OF THE WEBSITE
TO THE DEPARTMENT OF LOCAL AFFAIRS FOR INCLUSION IN THE INVENTORY
MAINTAINED PURSUANT TO SECTION 24-32-116. A LOCAL PUBLIC BODY THAT
POSTS A NOTICE OF A PUBLIC MEETING ON A PUBLIC WEBSITE PURSUANT TO
THIS SUBSECTION (2)(c)(III) MAY IN ITS DISCRETION ALSO POST A NOTICE BY
ANY OTHER MEANS INCLUDING IN A DESIGNATED PUBLIC PLACE PURSUANT
TO SUBSECTION (2)(c)(I) OF THIS SECTION; EXCEPT THAT NOTHING IN THIS
SECTION SHALL BE CONSTRUED TO REQUIRE SUCH OTHER POSTING. A LOCAL
PUBLIC BODY THAT POSTS NOTICES OF PUBLIC MEETINGS ON A PUBLIC
WEBSITE PURSUANT TO THIS SUBSECTION (2)(c)(III) SHALL DESIGNATE A
PUBLIC PLACE WITHIN THE BOUNDARIES OF THE LOCAL PUBLIC BODY AT
WHICH IT MAY POST A NOTICE NO LESS THAN TWENTY-FOUR HOURS PRIOR TO
A MEETING IF IT IS UNABLE TO POST A NOTICE ONLINE IN EXIGENT OR
EMERGENCY CIRCUMSTANCES SUCH AS A POWER OUTAGE OR AN
INTERRUPTION IN INTERNET SERVICE THAT PREVENTS THE PUBLIC FROM
ACCESSING THE NOTICE ONLINE.

(IV) FOR PURPOSES OF THIS SECTION, "LOCAL PUBLIC BODY"
INCLUDES MUNICIPALITIES, COUNTIES, SCHOOL BOARDS, AND SPECIAL
DISTRICTS.

SECTION 2. In Colorado Revised Statutes, 32-1-903, amend (2)
as follows:

32-1-903. Meetings. (2) Notice of time and place designated for all
regular AND SPECIAL meetings shall be posted in at least three public places
within the limits of the special district, and, in addition, one such notice
shall be posted in the office of the county clerk and recorder in the county
or counties in which the special district is located. Such notices shall remain

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posted and shall be changed in the event that the time or place of such
regular meetings is changed. PROVIDED IN ACCORDANCE WITH SECTION
24-6-402. Special meetings may be called by any director by informing the
other directors of the date, time, and place of such special meeting, and the
purpose for which it is called, and by posting providing notice as provided
in this section at least seventy-two hours prior to said meeting IN
ACCORDANCE WITH SECTION 24-6-402. All official business of the board
shall be conducted only during said regular or special meetings at which a
quorum is present, and all said meetings shall be open to the public.

SECTION 3. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the state
constitution against this act or an item, section, or part of this act within
such period, then the act, item, section, or part will not take effect unless
approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

KC Becker
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF THE SENATE

APPROVED April 25, 2019 at 1:45 p.m.
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO