



COLORADO
Department of Education
Colorado State Library

Effective Communication of Public Library Board of Trustees FAQ

In recent months, questions around board communication have come to your Public Library Leadership Team at the Colorado State Library. The following sections are intended for informational purposes and not intended as legal advice. Libraries and trustees should consult their own bylaws, policies, or legal counsel for legal advice.

What are the laws and regulations around trustee communication in Colorado?

Colorado Revised Statute § 24-6-401 - 24-6-402 are known as Colorado Open Meeting or Sunshine Laws. These lay out the requirements of local government's conducting public business in a transparent meaningful manner. A good resource to help build understanding is [Division of Local Government's Open Meeting Requirements](#) webpage.

Additionally, C.R.S. § 24-72-202 known as the CO Open Records Act (CORA) states that all writings (includes digital and multiple media) made, maintained, or kept by a political subdivision (public libraries are political subdivisions) must be made available to the public when requested. Records are items specific to the roles and responsibilities of the board of trustees including items related to the expenditure of public funds with few exceptions. Consult with legal counsel with questions and to determine if requested record is covered by CORA.

If I meet with trustees individually about an issue, am I breaking the law?

Questions to ask yourself when chatting with other library board of trustees:

- Are you talking about library trustee business?
- Are three people involved in the conversation even if not at the current time?

Library trustees might socialize, attend the same book club, or run into each other at the supermarket. You don't need to avoid each other. You do need to be mindful of what you discuss. Do not discuss any business about the library policy, the library director as a board employee, financial stewardship, long-range planning, or library advocacy. Pretty much, any content that might impact a decision that is a responsibility of the board should only be discussed at a publicly noticed meeting.

A recent court case with former members of the Douglas County School District found that individual trustees were intentionally circumventing the Open Meeting Laws by

meeting about the same board business in groups of two. They were found to be in violation of the law.

Carpooling to the meeting? That is legally fine as long as you don't continue to discuss items from the board meeting during the car ride. While legally allowable, you should consider the optics to both the community and to your fellow trustees. Be mindful.

We want to talk about a tricky issue privately. How do we do this?

You don't. Unless you are formally calling for executive session based on one of the legal reasons for executive session in CO, you are required to discuss public business in public, even when difficult. Coloradans believe in the transparency of our government. Know your reasons for executive session (C.R.S §§ 24-6-401 - 24-6-402). If in doubt, contact legal counsel.

I'm going on vacation and want to attend a meeting virtually. Can we just set up a Zoom meeting for me to do this?

Colorado local governance law allows public business to occur through virtual and physical settings, as long as the trustee is able to see any documents being shared, can participate in the discussion, and the public is informed of the option and able to attend. According HB21-1278, local public bodies retain the flexibility to choose their meeting formats—whether in-person, fully virtual, or hybrid—on a meeting-by-meeting basis, provided each individual meeting complies with public notice, transparency, and accessibility mandates.

Can I text other trustees about the time and date of the next trustee meeting?

Interpersonal, administrative, or logistical messages are not considered public business under Open Meeting Laws for the General Assembly. Refer to your board's bylaws, trustee communication policy, or legal counsel to learn the answer for your board. It is critical that trustees are trained on what is and isn't allowed to avoid inadvertently violating CO Open Meeting Laws.

How can I legally share information with my fellow trustees?

Came across an interesting article you'd like to share with your fellow trustees?
Attended a great session during the CALCON Trustee Track that you would like shared with others?

It is not appropriate to bring a copy of the information for each trustee meeting and distribute then. Why? Under Colorado Open Meeting Laws, agendas are to be specific and posted a minimum of 24-hours in advance in order to ensure public awareness through transparency. Bringing documents on a topic not on the agenda could inadvertently violate those laws.

Appropriate ways to share relevant information:

- Check your board communication procedures and onboarding training for guidance

- Request time on the agenda to share the information is an appropriate action.
- Provide the information to the library director who might then share out

I want an item on the agenda. How do I get it added?

The first step is to refer to your bylaws or trustee communication policy to identify appropriate steps. Typically, a trustee can ask the person who creates the agenda (typically the board president with the library director) to add.

Recent updates to the Colorado Open Meeting Laws postings of agendas (C.R.S §§ 24-6-401 - 24-6-402) means a member of the community could review the agenda 24 hours in advance and consider whether or not they plan to attend the meeting based on information in the agenda. Unless an emergency happens in that 24 hour, the agenda shouldn't change.

If a trustee feels they are being unheard by the agenda creators, and the item must be discussed, during the meeting, the trustee should call for a motion to discuss the desired matter *at the next meeting*. If a second occurs, opening the discussion (not to discuss the matter now, but at the next meeting), and the board votes and agrees, then the item should be placed on the agenda. If it doesn't happen, the same should reoccur.

If the board decides not to discuss the item at a future meeting, the trustee bringing the motion should recognize that it is not the will of the board to address and let the matter drop. Remember, the board acts as a whole once a decision is made.

Who should hold board members accountable for trying to conduct public business outside of a board meeting?

Everyone on the board should help to support fellow trustees in making good decisions. Sometimes we need reminders. Training tips at meetings of the standard expectation of communication are helpful. Training around communication expectations is available through the Colorado State Library (CSL) or Colorado Library Consortium (CLiC).

If all else fails, censure or even recommendation for removal of the trustee are extreme actions taken by the public library board of trustees. Additionally, any citizen within the service area may bring a suit to court if violations occur.