



Parks and Open Space

5201 St. Vrain Road • Longmont, Colorado 80503
303.678.6200 • Fax: 303.678.6177 • www.bouldercounty.org

MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE ADVISORY COMMITTEE June 22, 2017

The meeting was called to order at 6:30 p.m. by John Nibarger in the Hearing Room of the Board of Commissioners, Third Floor, Boulder County Courthouse, Boulder, Colorado.

POSAC Members in Attendance

Present: Sue Anderson, Jenn Archuleta, Jim Krug, Scott Miller, John Nibarger, Gordon Pedrow, and Heather Williams

Excused: Cathy Comstock and James Mapes

Staff in Attendance

Janis Whisman, Renata Frye, Jeff Moline, Vanessa McCracken, Richard Dabbs, Ernst Strenge, Conrad Lattes, Therese Glowacki, and Eric Lane

Approval of the May 25, 2017 Meeting Minutes

Action Taken: Scott Miller moved to accept the May minutes. Jim Krug seconded the motion. Motion carried unanimously. [Heather Williams and Sue Anderson abstained because they were not at the May meeting]

Public Participation - Items not on the Agenda

- Kathy Carty-Mullen, 1250 S Boyero Ct., Superior. She showed photos and a video of a mink living at Hodgson-Harris Reservoir in Superior.

McCarty Conservation Easement Acquisition

Staff Presenter: Janis Whisman – Real Estate Division Manager

Action Requested: Recommendation to BOCC

Public Comments: None

Action Taken: Jim Krug moved to accept staff recommendation for the purchase as presented, and Gordon Pedrow seconded the motion. After discussion, motion carried unanimously.

Permitting Leashed Dogs on an Approximately 1,000-foot Section of Picture Rock Trail between Red Gulch Road and Bohn Park

Access Point

Staff Presenter: Ernst Strenge - Interim Resource Planning Manager

Action Requested: Recommendation to BOCC

Public Comments:

- Rick DiSalvo, 419 Park St., Lyons. He lives in that area and he is in favor of this proposal.

Action Taken: Sue Anderson moved to accept staff recommendation for the proposal as presented, and Gordon Pedrow seconded the motion. After discussion, motion carried unanimously.

Update on Agricultural Resource Division Activities

Staff Presenter: Agricultural Resource Staff

Action Requested: Information Only

Public Comments: None

POS Agricultural Monitoring Programs

Staff Presenter: Agricultural Resource Staff

Action Requested: Information Only

Public Comments: None

POSAC Bylaws, Protocols, and Procedures

*Staff Presenters: Conrad Lattes – Assistant County Attorney
and Eric Lane - POS Director*

Action Requested: Information Only

Public Comments: None

Director's Update

- The BOCC voted to allow limited hunting for three years on the Ron Stewart Preserve at Rabbit Mountain to try to encourage the elk to migrate to other areas.
- The job announcement has posted for a new Agricultural Resources Manager. Jeff Moline, the interim manager, will soon return to his position as Resource Planning Manager. The link is <https://www.governmentjobs.com/careers/boulder>
- Lagerman Reservoir, located just west of Longmont, will be expanded and renamed Lagerman Agricultural Preserve. This expansion and the new Open Sky Loop trail will be opened to the public following a ribbon-cutting ceremony hosted by the Boulder County Commissioners and Parks & Open Space staff on Monday, June 26 at 9:00 a.m.
- There will be a public open house on Wednesday, June 28, 6:30-8:00 p.m. at the Parks & Open Space office, 5201 St. Vrain Rd in Longmont to discuss the upcoming prescribed burn at the Ron Stewart Preserve at Rabbit Mountain.
- St. Vrain Creek Restoration Project will begin in the next couple weeks. It is largely funded by the Emergency Watershed Protection Program. This project should be complete by the fall.

Adjournment

The meeting adjourned at 9:08 p.m.

The full audio, available staff memos, and related materials for this meeting can be found on our website: www.BoulderCountyOpenSpace.org/POSAC



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PARKS AND OPEN SPACE ADVISORY COMMITTEE MEETING

DATE: Thursday, June 22, 2017
TIME: 6:30 pm
PLACE: Commissioners' Hearing Room, 3rd Floor, Boulder County Courthouse,
1325 Pearl Street, Boulder, CO

AGENDA

Suggested Timetable

- 6:30 1. **Approval of the May 25, 2017 Meeting Minutes**
- 6:35 2. **Public Participation - Items not on the Agenda**
- 6:40 3. **McCarty Conservation Easement Acquisition**
Staff Presenter: Janis Whisman – Real Estate Division Manager
Action Requested: Recommendation to BOCC
- 6:55 4. **Permitting Leashed Dogs on an Approximately 1,000-foot Section of Picture Rock Trail between Red Gulch Road and Bohn Park Access Point**
Staff Presenter: Ernst Strenge - Interim Resource Planning Manager
Action Requested: Recommendation to BOCC
- 7:10 5. **Update on Agricultural Resource Division Activities**
Staff Presenter: Agricultural Resource Staff
Action Requested: Information Only
- 7:40 6. **POS Agricultural Monitoring Programs**
Staff Presenter: Agricultural Resource Staff
Action Requested: Information Only
- 8:10 7. **POSAC Bylaws, Protocols, and Procedures**
Staff Presenters: Conrad Lattes – Assistant County Attorney and Eric Lane - POS Director
Action Requested: Information Only
- 9:10 8. **Director's Update**
- 9:15 9. **Adjourn**

Available staff memos & related materials for this meeting may be viewed on our website:
www.BoulderCountyOpenSpace.org/POSAC



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PARKS AND OPEN SPACE ADVISORY COMMITTEE MEETING

TO:	Parks & Open Space Advisory Committee
TIME/DATE:	Thursday, June 28, 2017, 6:30 p.m.
LOCATION:	Commissioners Hearing Room, 3 rd floor, Boulder County Courthouse, 1325 Pearl Street, Boulder, CO
AGENDA ITEM:	McCarty Conservation Easement Acquisition
PRESENTER:	Janis Whisman, Real Estate Division Manager
ACTION REQUESTED:	Recommendation to the BOCC

Summary

Helen McCarty owned approximately 124 acres at 6307 N. 107th (Highway 287), and when she passed away, she donated a conservation easement to the county over an approximately 100-acre portion of her property. The Parks and Open Space Department recommends accepting the donation and paying \$52,000 for a 50% interest in 65 shares of the Boulder and White Rock Ditch and Reservoir Company, which are the water rights used on the land.

Background

Helen McCarty was the granddaughter of Swedish immigrant Andrew William (A.W.) and Christine Johnson, who purchased the property in the mid-1870s. The property is a Centennial Farm, since it has been in the same family's ownership for more than 100 years. The property contains a 1902-era brick house and several outbuildings that have been determined by historic site survey as having local historic significance.

Mrs. McCarty unfortunately passed away last year, and her sons, Michael and Patrick McCarty, let the county know she had donated a conservation easement to the county over approximately 100 acres of her property in her will. The county agrees that the donation includes just one building right, and that Mrs. McCarty intended to keep two building rights.

Deal Terms

Because Mrs. McCarty intended to keep two buildings rights and limit the conservation easement donation to approximately 100 acres, her family has requested the creation of two building lots that will stay in the family's ownership. The county will accomplish this through the Parks and Open Space Department's 'division of land process' that will legally create the lots. One of the lots will comprise approximately 5.08 acres. It will encompass all of the structures on the property and will use the historic access from Highway 287. The second lot will be a vacant lot containing approximately 17.14 acres. This will leave approximately 102.17 acres in a third legal parcel that will then be encumbered by the conservation easement that will remove its building right.

The 102.17 acres are irrigated with 65 shares of Boulder and White Rock Ditch and Reservoir company ditch water. Mrs. McCarty's will did tie the water to the land through the donated conservation easement, but her sons recognize the importance of keeping water on the land so it can remain irrigated. They have offered to tie the water to the land in the county's usual fashion, in which the county will pay \$52,000 to buy a 50% interest in the

water. The county's 50% interest in the water will be tied to the land through a restrictive covenant, and the McCarty's remaining 50% interest will be tied to the land through the conservation easement.

Acquisition Summary

Acres	Water Rights	# Building Rights County Will Acquire	Price per Acre	Water Right Value	Total Purchase Price
102.17*	50% interest in 65 shares of Boulder and White Rock	One (1)**	\$0	\$52,000	\$52,000

*The acreage will be finalized by survey.

** McCarty's will retain two (2) building rights.

Boulder County Comprehensive Plan Designations

Since the maps in the comprehensive plan are intended to be illustrative rather than specific, these designations are indicators of importance but not confirmation that these features exist on the property. The Boulder County Comprehensive Plan maps indicate the property contains these features: Approximately 91 acres are Farmland of National Significance, also now called Prime Farmland because it is irrigated, and approximately 10 acres are Farmland of State and Local Importance. The property is also within the White Rocks/Gunbarrel Hill Environmental Conservation Area.

Staff Discussion and Recommendation

Staff recommends accepting this donated conservation easement. The land is an important parcel in the county's agricultural heritage, and it is highly visible from Highways 52 and 287. The donation value is significant, even though Ms. McCarty retained two of the three building rights associated with her overall property. Staff also recommends investing \$52,000 to acquire the 50% interest in the water rights and tying that 50% county interest in water to the land via restrictive covenant. Tying the water to the land via the county's restrictive covenant and the conservation easement ensures that the land will continue being irrigated into the future.

POSAC Action Requested

Recommendation to the Boulder County Commissioners for approval of the acquisition and associated divisions of land and purchase of water rights as described above.



-  McCarty Lot A
-  McCarty Lot C
-  McCarty Lot B

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PARKS AND OPEN SPACE ADVISORY COMMITTEE

TO: Parks & Open Space Advisory Committee

TIME/DATE: Thursday, June 22, 2017, 6:30 p.m.

LOCATION: Commissioners Hearing Room, 3rd floor, Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

AGENDA ITEM TITLE: Permitting Leashed Dogs on an Approximately 1,000-foot Section of Picture Rock Trail between Red Gulch Road and Bohn Park Access Point

PRESENTER: Ernst Strenge, Interim Resource Planning Manager

ACTION REQUESTED: Recommendation to the BOCC

Members of the public and Parks & Open Space staff have requested that leashed dogs be permitted on a small section of the Picture Rock Trail at Heil Valley Ranch Open Space. The area in question is approximately 1,000 feet in length, going from Red Gulch Road to the Bohn Park access point (see attached map). Dogs are currently not permitted on Heil Valley Ranch.

This proposal would allow residents with leashed dogs easier access to and from the town of Lyons. The town dog park located in Bohn Park, sits adjacent to Heil Valley Ranch. This proposal gives people from the community, particularly Lyons Estates and Red Gulch, the ability to access the dog park and surrounding area more directly. At this point there is no easy access for dog walkers to Bohn Park from Red Gulch and Lyons Estates communities.

Staff is supportive of this proposal. As this area is adjacent to existing development, impacts to wildlife will be minimal. In addition, Resource Protection staff would no longer need to spend time contacting leashed dog walkers in the area. The area will be managed with appropriate signs and an existing fence that crosses the Picture Rock Trail, which will delineate the extent of the leashed dog section. Beyond the fence, dogs will continue to be prohibited.

Recommendation to the BOCC

- Permit dogs on an approximately 1,000-foot section of the Picture Rock Trail between Red Gulch Road and the Bohn Park access point and manage this new use with appropriate signs and fencing.



Lyons

Red Gulch Road Entry Point

Recommended section of Picture Rock Trail where dogs would be allowed.

Bohn Park Access Point

Existing fence across trail. Beyond this fence, dogs will continue to be prohibited.

Legend

BCPOS Trails

- Multiuse Trail

Boulder County Open Space

- County Open Space
- County Conservation Easement





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PARKS AND OPEN SPACE ADVISORY COMMITTEE

TO: Parks & Open Space Advisory Committee

TIME/DATE: 6:30 p.m., Thursday, June 22, 2017

LOCATION: Commissioners Hearing Room, 3rd floor, Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

AGENDA ITEM TITLE: Update on Agricultural Resource Division Activities

PRESENTER: Jeff Moline, Agricultural Resources Manager and Agricultural Resources Staff

ACTION REQUESTED: Informational Only

Introduction

2016 was a watershed year for the Agricultural Resources Division of Boulder County Parks and Open Space (BCPOS). The big news was a modification to the County's Cropland Policy of 2011 that will phase out genetically engineered crops and neonicotinoid pesticides within five years. At the same time, the County has pursued a Sustainable Agricultural Research and Innovation Initiative (SARII) and put that project out to bid this year; the SARII project would provide studies and demonstrations on the maintenance and growth of soil health, environmental benefits, and the economic viability of producers. However, apart from these important changes, there were a number of other division activities that were no less critical to continuation of our agricultural program in the County.

Administration

The Ag Division includes 14 full-time employees that manage the program's 25,000 acres of agricultural leases along with the all of the county's irrigation water and infrastructure. In 2016, the gross income from our land rental was nearly \$1.3 million. This is less than previous years, primarily due to declining commodity prices. The effect of this decline has been compounded on the net income for the program by increasing costs related to inputs and water assessments. Nevertheless, the department continues to apply agricultural revenues to operational and maintenance activities. Staff from both the Ag Division as well as the Administration Division process and manage the leases, accounts, and contracts associated with the program's 123 leases with 65 different tenants. While staff assists tenants with prioritizing projects on properties and in navigating the policies and procedures of local government, all of the staff in the division would say that the ultimate success of the program lies with the tenants, their hard work and planning, and their dedication to the sustainable management of the natural resources on the agricultural properties.

Capital Improvements

The department also earmarks capital improvement funding to large projects. One of the ways the department leverages money is by participating in federal programs to match funding with producers and the Natural Resources Conservation Service (NRCS). Since

2015 (and through 2017) the department has participated in the construction of five large irrigation projects and one smaller one using approximately \$362,000. The total project cost of these projects is \$1,292,000. Staff completed 80 smaller maintenance and operation projects in 2016 many of which assisted organic/transitioning or market farm operations which resulted in about \$252,000 of expenditures on those types of properties.

Cropland Policy Projects

The Cropland Policy directs staff to perform a number of procedures and tasks in order to realize the policy's goals and visions. One of those goals is transitioning 25% (the metric was upwardly revised during the 2020 Vision process for the department) of the cropland to certified organic status. The amount of acres (2517) and percentage (15.7%) of cropland meeting this goal did rise again in 2016. The importance of pollinators is another priority in the Cropland Policy. Staff has been involved in three programs to address this issue: a volunteer site monitoring program, hosting a pollinator conservation course by the Xerces Society this year, and pollen analysis for neonicotinoids—none of which were detected in 2016 samples. Finally, the policy supports two other significant efforts for the division: education and outreach and local food initiatives. Activities related to these goals include farm tours and workshops for the public, staff, and tenants; participation in school programs; a robust social media and website presence; the double SNAP program at farmers' markets; a locally grown pinto bean project that provided protein to local food banks; and volunteer gleaning projects that helped get organic food to Community Food Share.

Prairie Dog Management

While the subject of a different department policy (The Prairie Dog Element of the Grassland and Shrubland Management Policy) the staff involved in these activities are an integral part of the Ag Resources division and their work in 2016 involved 32 agricultural properties.

Water Program

Water staff maintains and updates the department's water infrastructure and is actively adding electronic recording devices for better accounting of our water resources. The staff also works with the State Engineer's Office to call for water, resolve ditch issues, shore up discrepancies in accounting, assist with updating geospatial information of our infrastructure, and coordinate design reviews for flood and creek restoration projects. A number of water and ag staff serve on ditch company boards—the county owns an interest in 98 ditches—and assist with water issues throughout the county as they interface with either our land or water rights. One of the larger projects staff is involved in is working with legal and engineering consultants on our pending water court application for Kenosha Ponds. The application proposes to create a new decree which will determine how much additional augmentation water we will need to offset the evaporation of groundwater from the open water bodies that were created on the property.



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PARKS AND OPEN SPACE ADVISORY COMMITTEE

TO: Parks & Open Space Advisory Committee

TIME/DATE: 6:30 p.m., Thursday, June 22, 2017

LOCATION: Commissioners Hearing Room, 3rd floor, Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

AGENDA ITEM TITLE: POS Agricultural Monitoring Programs

PRESENTER: Jeff Moline, Agricultural Resources Manager and Agricultural Resources Staff

ACTION REQUESTED: Informational Only

Introduction

Boulder County's Cropland Policy provides extensive support for a variety of agricultural monitoring programs. In particular it identifies soil health (policies 4.8 and 4.9), pesticide use (policy 6.2.7), and water quality (policies 3.8 and 3.11) as areas of interest.

Soil Health

Vanessa McCracken, a Resource Specialist in the Ag Division, has been coordinating an effort to improve the department's assessments of soil health. In 2016 technical assistance from the Natural Resource Conservation Service allowed staff to slightly re-design and expand the program by including a field examination along with two separate and distinct laboratory tests. Volunteers, colleagues, and staff tested eight properties using the three methods on every site. The data from each property showed alignments in the results of the different assessments. Since each of the methods offers some unique information, and since the goal of the program is to discern trends on the same property, staff is continuing these assessment methods for 2017. Those results will be presented and discussed at the meeting.

Water Quality

Last year represented the second annual collection of water quality data in the lower Dry Creek drainage for the BCPOS Ag program. Chase Dryden, Resource Specialist in the Ag Division, coordinates this assessment project. The division chose this area to examine since the department owns and leases a considerable portion of the watershed in the lower section of the drainage. Staff has collected water samples from the stream itself and from four field locations in order to gather data from a variety of points and draw preliminary conclusions about relationships between the sites. For example, tailwater was sampled coming off agricultural fields and then the creek was sampled downstream from the tailwater source. The samples' physical properties were tested and their nutrient and pesticide concentrations analyzed as well. Results from this study will be presented and discussed at the meeting.

Pesticide Monitoring

The Agricultural Resource Division collects integrated pest management (IPM) data from tenants on ten crop categories. The crop-specific checklists are divided into three primary sections which gather general crop and tillage information, self-reported data about record keeping and control methods, and a determination of the field use environmental impact quotient (EIQ). In addition to the IPM program and the above soil health tests, the division conducted pesticide residue tests on soil samples on five properties as well in 2016. The results from those tests and a summary of the IPM data will be presented and discussed at the meeting.



Office of the County Attorney

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PARKS AND OPEN SPACE ADVISORY COMMITTEE MEETING

TO: Parks & Open Space Advisory Committee

DATE AND LOCATION: June 22, 2017, 6:30 p.m. Commissioners Hearing Room, 3rd floor Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

AGENDA ITEM TITLE: Open Records and Open Meetings

PRESENTER: Conrad Lattes, Assistant County Attorney

ACTION REQUESTED: Information Only

POSAC is an advisory board comprised of members appointed by the Board of County Commissioners to make recommendations to the Board regarding issues related to the Boulder County Parks and Open Space Department. POSAC does not make any final decisions; it makes recommendations to the Board, which is the ultimate decision maker. As appointed members of POSAC, you are part of a “local public body” and are subject to state laws related to open records and open meetings, each of which have been enacted in order to promote transparency and confidence in the operations of government. The idea with these laws is that the public has a right to know everything that has gone into the decision making process of all public bodies. The purpose of this memo is to provide an awareness of some of the considerations related to these statutory requirements so that you can better understand your responsibilities as a committee member. If you ever have questions about these issues, please feel free to either call (303-441-1761) or email (clattes@bouldercounty.org) me. Thank you.

Open Records Act

The Colorado Open Records Act states that all public records, with limited, enumerated, exceptions, are subject to disclosure upon request. Any communications to or from POSAC members related to issues before POSAC are considered public records subject to disclosure under the Open Records Act. This includes communications from a member of the public to a single POSAC member about an issue that is likely to come before POSAC or any communication between two individual POSAC members about matters that are likely to be considered by POSAC. The custodian of the records requested has to make the records available for inspection within 3 business days of the request, but can seek an extension of up to 10 additional business days if it is a voluminous request or for other compelling reasons. There is no requirement for the requester of information to provide any reason for the request. The county can charge \$.25 per page if the requester would like copies and, if the request involves an unusual amount of time to respond, the county can also charge for staff time necessary to compile the records. There are limited exceptions that apply in some circumstances that prevent disclosure (i.e. attorney-client privilege, deliberative process privilege, and negotiation of real estate purchases) but the general presumption is that any record of the government is subject to being inspected and/or copied. Any emails by, to, and

between POSAC members are open records that can be required to be disclosed under an open records request. Please keep this in mind when you send any emails about topics that have, will, or may come before POSAC.

Open Meetings Law

The purpose of the Colorado Open Meetings Law, also called the Colorado Sunshine Law, is fairly simple: "It is declared to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and may not be conducted in secret."

While the purpose of having open meetings laws makes sense and is simple and straight forward, implementation of that law is more difficult:

The Colorado Open Meetings Law applies to all "meetings" of "local public bodies."

What is a Local Public Body?

A "local public body" is "any board, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function." C.R.S. §24-6-402(1)(a). Although POSAC has not been delegated decision making responsibility and will not take any formal action on behalf of Boulder County, because the purpose of POSAC is to advise Boulder County, POSAC is a "local public body" that is subject to the Open Meetings Law.

What is a Public Meeting?

A meeting is "any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication." C.R.S. §24-6-402(1)(b).

Under the law, all meetings of "a quorum or three or more members of a local public body, whichever is fewer, at which public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times." C.R.S. §24-6-402(2)(b). For POSAC, any meeting of three or more members is a public meeting and all protocols in the law must be followed.

Regularly scheduled meetings of POSAC are clearly public meetings that must be open to the public. In 2008, the Board of County Commissioners considered, but declined to agree to, having ongoing electronic public meetings by blog. Boulder County supports having POSAC conduct all of its public business at its monthly meetings and would like, to the extent possible, avoiding inadvertent public meetings from occurring. What this means is that 3 or more members of POSAC cannot have a discussion about any issues related to the work of POSAC except at regularly scheduled meetings.

Email

Email communications between a quorum or three or more members of the Council in which public business is discussed are also "public meetings." It would be difficult to provide advance notice of, or public participation in or monitoring of, electronic meetings to be held by email. Serial emails from one member to another, and then forwarded to another, have been held by courts to be public meetings under the law.

If email communications are between only 2 of the members, no advance notice or ability to inspect the records is required, so individual members are free to discuss public business via email with one other individual member at a time (however, these emails could be required to be produced after the fact under the Open Records Act), *but do not forward any emails to other members*. The BOCC has indicated its preference that all deliberations of POSAC occur in public and POSAC members are discouraged from emailing each other about substantive issues that will be considered by the committee.

By joining POSAC, members do not give up their free speech rights to contact the government and have their opinions considered. Members may contact the rest of the committee to make comments (as Gordon did in April), just as any other member of the public may, *but any comments may not solicit a response and a response may not be given by other members of POSAC* (i.e. one-way communication is acceptable, but not two-way communication). Also, even though members of POSAC have been selected by the BOCC because of the experience they bring to issues that will come before the committee, members of the public who makes comments to POSAC deserve to be heard and to believe that you have not pre-decided issues before the public comment period is over. You are not under the same restrictions as the BOCC against pre-judging matters that come before the committee but refraining from expressing positions on issues until after the record is complete will lead to a greater sense of the legitimacy and fairness of the process.

While email is a convenient method of scheduling meetings, coordinating carpooling, and other logistical issues, it is recommended that POSAC members make all comments about substantive issues to POS staff and not directly to each other. Please try to not discuss public business by email between POSAC members because it can be difficult to avoid the forwarding of chains of email and the inadvertent violation of the law and it can diminish the effectiveness of the public hearing process.

Notice

“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.” C.R.S. §24-6-402(2)(c). Postings are supposed to be made at least 24 hours in advance of meetings and shall include the agenda if possible. Boulder County will post notice of meetings about which it is aware, but can’t post notice of meetings it does not schedule and does not know about.

Minutes, Other Records and Executive Sessions

“Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, rule, regulation, or formal action occurs or could occur shall be taken and promptly recorded, and such records shall be open to public inspection.” C.R.S. § 24-6-402(2)(d)(II). Local public bodies may hold executive sessions for narrowly defined reasons (receipt of legal advice, negotiation/discussion of proposed real estate transactions). In order to have an executive session, it must be requested by 2/3 of the local public body during a public meeting. If an executive session takes place, there must be an announcement in the public meeting of the topic to be considered and the legal authority for the executive session, and the minutes must contain the topic discussed at the executive session. Executive sessions are not subject to the Open Meetings Law, but any executive session must be recorded (so that someone can challenge, and a court can review, whether the topic of the executive

session was actually for proper purposes), except for portions protected under the attorney-client privilege. If the procedural requirements are not complied with (i.e. improper vote, notice, or minutes) the entire record of the executive session must be disclosed.

Enforcement

Colorado courts have jurisdiction to issue injunctions to enforce the purposes of the section upon application by any citizen of the state. A prevailing citizen is entitled to an award of costs and attorney fees. Because Boulder County supports the purposes of the open meetings law and does not want to have to pay attorney fees, please help the County stay within the bounds of the law.



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PARKS AND OPEN SPACE ADVISORY COMMITTEE

TO: Parks & Open Space Advisory Committee

TIME/DATE: June 22, 2017, 6:30 p.m.

LOCATION: Commissioners Hearing Room, 3rd floor, Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

AGENDA ITEM TITLE: **Bylaws and Public Comment**

PRESENTER: Eric Lane, Director

ACTION REQUESTED: **Information Only**

As discussed at the annual POSAC retreat held in February 2017, it is time to revisit POSAC's bylaws which have not been updated in decades. Issues that should be addressed include both substance (e.g., roles of POSAC) and process (e.g., transparency of public comment).

Some topics that have come up over the past several months include:

- How meetings are conducted:
 - Order of topics to be addressed at POSAC meetings
 - Consideration of additional information not provided by Boulder County
- How public comment should be conveyed and captured
- Conveying opinions outside of POSAC's deliberative process to POS or BOCC
- Where in the public process of developing a policy or management plan that it seems most useful to engage POSAC

I recommend that staff review the existing bylaws, examine contemporary best practices in advisory committee function, and prepare revised bylaws for POSAC review and discussion at a future 2017 POSAC meeting. It would also be helpful for POSAC members to identify additional topics of interest for exploration and consideration in revised bylaws.