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Appeals Court rules DougCo violated open meeting laws

HOA/GTK

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The Colorado Court of Appeals ruled that Douglas County Commissioners violated Colorado open meeting laws in a series of closed meetings leading up to the county's failed home rule special election.



The Thursday ruling reversed a trial court's denial of a preliminary injunction, finding the meetings were subject to open meeting laws and plaintiffs demonstrated a likelihood of success on the merits of the case.

The dispute stems from 11 "closed, unnoticed" meetings held by the county commissioners between December 2024 and April 2025, as well as three executive sessions related to the county's efforts to hold a home rule special election, according to court documents.

Under Colorado law, the public must be notified and able to attend "any meeting of a public body where public business is discussed," with exceptions for attorney-client privileges.

In April 2025, former county Commissioner Lora Thomas, state Rep. Bob Marshall and Julie Gooden filed a lawsuit alleging these meetings either failed to notify and allow the public to attend or follow strict statutory requirements for closed meetings.

The trial court previously concluded that the meetings were not subject to open meeting laws, denying an injunction which would have canceled the June 2025 home rule special election, which was rejected by 71% of voters.

The appeals court disagreed, determining that both the "closed, unnoticed" meetings and executive sessions involved discussions tied to policymaking, including strategies to promote the home rule measure and resolutions. The court said those discussions fell within the scope of the open meeting laws.

"Consequently, the court's conclusion that none of these meetings were "a part of the policy-making process" is clearly erroneous," the decision stated.

-N.T.

The court also found that the county violated open meeting laws by failing to follow strict procedural requirements for three executive sessions.

“The county attorney confirmed that no minutes reflecting a vote to convene an executive session existed, and that he neither recorded the executive sessions nor provided a signed attestation that no recording was necessary due to attorney-client privilege,” the decision stated. “Accordingly, we conclude that the BOCC’s failure (by its own admission) to strictly comply with the statutory requirements to convene an executive session violated (open meeting laws).”

The court ruled that whether the county continues to violate open meeting requirements remains an “active controversy” and remanded the case to the trial court to determine whether further violations have occurred and if injunctive relief is warranted.

“Douglas County remains steadfast in its commitment to transparency and adherence to Colorado open meeting laws and is pleased that the Appellate Court also did not issue an injunction,” a statement on the county website said. “The County is currently weighing whether to return to the Trial Court, where it can present further evidence of its compliance with the law or request additional review by the Colorado Supreme Court.”

The case will return to trial court, where a hearing to determine whether the Board of County Commissioners has continued to violate open meeting laws will be held, according to court documents.