



Legal Review Committee  
May 20, 2020

Addendum #1

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**Subject:** Info for Legal Committee Meeting - Gathering Size Exemption  
**Date:** Monday, May 18, 2020 12:13:03 PM

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This new information below came from CML after the Legal Committee packet was completed. We can discuss it further at the meeting on Wednesday, and by then there may be additional clarification from the State. Thanks.

## 10-Person Rule

We have been urging the Governor's office to clarify whether the strictures in the PHO on public gatherings of more than 10 persons are were intended to apply to in-person meetings of governing bodies and in-person court operations. We were told that these critical government functions were intended to be exempted from the 10-person rule, and the Governor's staff committed to clarifying the issue in the PHO.

The amended version of the PHO released last night reflects the following edits under the definition of "Critical Government Functions" with the new language underlined:

**III.(D) Critical Government Functions.** The provision, operation and support of the following state and local government functions shall continue:

.....

1. Judicial branch operations including state and municipal courts, including attorneys if necessary for ongoing trials and required court appearances, unless appearances can be done remotely
2. ~~Legislative~~ The Colorado General Assembly, legislative bodies of municipal governments, and executive branch functions

Section I(C) of the PHO imposes the 10-person limit on public gatherings "except for the purposes expressly permitted in this PHO." The state takes the position that gatherings associated with legislative bodies and courts are "expressly permitted" under the definition of Critical Government Services and therefore not subject to the 10-person limit.

### **MEREDYTH MUTH**

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