

## RECORD OF PROCEEDINGS

---

---

UPPER YAMPA WATER CONSERVANCY DISTRICT  
BOARD OF DIRECTORS MEETING  
DECEMBER 16, 2015 3:00 PM  
3310 CLEAR WATER TRAIL, STEAMBOAT SPRINGS

### MINUTES

Chairman John Redmond called the meeting to order and declared a quorum present. Director Tom Sharp joined the meeting in person, and Directors Redmond, Colby, Monger, Brenner, and Murphy joined the meeting by phone. General Manager Kevin McBride, District Engineer Andy Rossi and Office Manager Karina Craig were also present. General Counsel Bob Weiss and consultants Josh Marks and Rudy Verner joined the meeting by phone.

The following agenda was proposed:

- (1) Establishment of Quorum and Call to Order;
- (2) Approval of Agenda for Meeting; action item
- (3) Report of the General Manager;
  - a) Steamboat Lake Contract
- (4) Report from General Counsel;
  - a) Stahl Litigation
- (5) Executive Session with Bob Weiss, legal Counsel, under CRS § 24-6-402(4)(b) to discuss legal issues on the Stahl Litigation and the Steamboat Lake Contact. Mere presence or participation of an attorney at an executive session of the local politic body is not sufficient to satisfy the requirements of this subsection (4).
- (6) Adjournment.

***Approval of the Agenda*** Director Sharp made a motion to approve the proposed agenda. Director Murphy seconded the motion, which was unanimously approved.

#### ***Report of the General Manager – Steamboat Lake***

Manager McBride spoke about the proposed 500 AF Elk River augmentation plan. The District has engaged Resource Engineering for services in the development of the plan. The District has been in communication with CPW and a draft contract is being developed. CPW proposed Steamboat Lake draw down limitations and a renewal period as short as five years. The District requested a renewal period of 25 years and the draw down limitation clause to be removed, to which CPW has agreed. Both parties agreed to an annual meeting in which the District would report the current contracts. Instream flows from Willow Creek were discussed. An allotment contract with CPW was also discussed.

## RECORD OF PROCEEDINGS

---

Director Sharp made a motion for the board to authorize the filing of the Elk River Master Augmentation plan case this December and for the District to appropriate sums as needed to accomplish the filing. Director Brenner seconded the motion, which was unanimously approved.

**Executive Session** Director Sharp made a motion to enter into Executive Session. Director Colby seconded the motion. It was unanimously agreed to go into Executive Session under provision C.R.S. §24-6-402(4) (b) to discuss with counsel legal issues on the Stahl Litigation and the Steamboat Lake CPW contract negotiation. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4). The Executive Session commenced at 3:15 PM and concluded at 4:15 PM.

**Determination of future meetings** The scheduled date for the next Board meeting was reviewed and confirmed for February 10, 2015 at 1:00 PM, at the District's office.

**Adjournment** Director Brenner made a motion to adjourn the meeting; it was seconded by Director Murphy and unanimously approved. The meeting was adjourned at 4:20 PM.

I certify that the foregoing constitutes a true and correct summary of the proceedings at the above referenced meeting.

  
Kevin McBride, District Secretary/Manager

### STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned Robert G. Weiss hereby attests, pursuant to CRS Section 24-6-402(2)(d.5)(II)(B), that the portion of the executive session that was not recorded and which related legal issues on the Stahl Litigation and the Steamboat Lake CPW Contract negotiation constituted a privileged attorney-client communication in the opinion of the undersigned attorney.

  
Robert G. Weiss, Counsel

Date: 3-14-2016

### STATEMENT FROM CHAIR OF EXECUTIVE SESSION REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned chairman hereby attests, pursuant to CRS Section 24-6-402(2)(d.5)(II)(B), that all of the executive session was not recorded and was confined to the topics authorized for discussion in an executive session pursuant to subsection (4) of CRS Section 24-6-402.

  
John Redmond, Chairman

Date: 2/19/16