

RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING
THURSDAY SEPTEMBER 14, 2016 1:00 PM
3310 CLEAR WATER TRAIL, STEAMBOAT SPRINGS**

MINUTES

Vice Chairman Doug Monger called the meeting to order and declared a quorum present. Vice Chairman Monger and Director Web Jones were present in person. Directors Stephen Colby, Tom Sharp, and Ron Murphy attended the meeting by phone. General Manager Kevin McBride; General Counsel Bob Weiss; David Hallford and Erika Gibson, Counsel to the District, Balcomb & Green, PC; and Scott Fifer, President, Resource Engineering were also present.

The following agenda was proposed:

AGENDA

- (1) Establishment of Quorum and Call to Order
- (2) Approval of Agenda for Meeting; action item
- (3) Report of the General Manager;
 - a) Elk River Augmentation Plan stipulations with CPW and CWCB.
 - b) Contesting the Willow Creek ISF (withdrawal)
- (4) Executive Session with Bob Weiss, legal Counsel, under CRS § 24-6-402(4)(b) to discuss legal issues on the Elk River Augmentation Plan Stipulations with CPW and CWCB, and Contesting the Willow Creek ISF (withdrawal). 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).
- (5) New Business;
- (6) Adjournment.

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Agenda. The agenda was unanimously approved.

Elk River POA and Willow Creek ISF. David Hallford described to the Board the status of these cases, including proposed resolution with opposers and with Colorado Water Conservation Board, CWCB, regarding the Willow Creek ISF.

Executive Session. Bob Weiss, as counsel for the District, stated that in his opinion, discussion of the Elk River POA and Willow Creek ISF matters announced to go into executive session constitute a privileged attorney/client communication. He was therefore recommending that no further record be kept of the executive session.

Director Jones made a motion to go into executive session. It was seconded by Director Monger and unanimously agreed to go into Executive Session under provision C.R.S. §24-6-402(4) (b) to discuss legal issues in the Elk River POA and Willow Creek ISF. 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 about 1:20 PM and concluded at about 2:00 PM.

The Vice Chairman then announced that if any person who participated in the executive session believed that any substantial discussion of any matters not included in the motion to go into executive session occurred in the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that such person state their concerns for the record. No one stated concerns.

Following conclusion of the Executive Session, Director Sharp moved to authorize the District to withdraw its opposition to Willow Creek ISF provided Colorado Parks and Wildlife, CPW, and CWCB stipulate to the proposed decree in the Elk River POA case in form acceptable to General Manager and Counsel. The motion was seconded and unanimously approved.

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



Kevin McBride, District Secretary/Manager

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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 to Elk River POA and Willow Creek ISF constituted a privileged attorney-client communication in the opinion of the undersigned attorney.



Robert G. Weiss, Counsel

Date: 11/16/2016

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 the part of the executive session which was not recorded and was confined to the topic authorized for discussion in an executive session pursuant to subsection (4) of CRS Section 24-6-402.



Doug Monger, Chairman

Date: 11/16/2016