

RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
EXECUTIVE COMMITTEE MEETING
WEDNESDAY, FEBRUARY 14, 2018 (2:00 PM)
3310 CLEAR WATER TRAIL, STEAMBOAT SPRINGS, CO**

MINUTES

Ken Brenner, chairman, called the meeting of the Executive Committee to order and declared a quorum present. In addition to Ken Brenner, the Executive Committee members present were Tom Sharp, Doug Monger, John Redmond, and Webster Jones. General Manager Kevin McBride and District Engineer Andy Rossi were also present. General Counsel Bob Weiss was present by video link.

The following agenda was proposed:

AGENDA

- (1) Call to Order;
- (2) Approval of Meeting Agenda;
- (3) Public Input;
- (4) Yamcolo Irrigators Pricing Negotiation;
- (5) Opposition to Porcupine Ridge System Conservation Pilot Program application;
- (6) Stagecoach Contract Extension with City of Steamboat Springs update;
- (7) Executive Session with Bob Weiss, legal counsel, under CRS § 24-6-402(4)(b) to discuss legal issues on Yamcolo Irrigators Pricing Negotiation, Porcupine Ridge System Conservation Pilot Program application, and Stagecoach Contract Extension with City of Steamboat Springs update. 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).
- (8) Adjournment.

The agenda was unanimously approved with the change that items 4-6 concerned legal matters that would be discussed in executive session with General Counsel Weiss.

There was no public comment.

Counsel Weiss, as Counsel for the District, stated that in his opinion discussion of the matter announced to go into executive session (items 4-6) constitute privileged attorney/client communications. He was therefore recommending that no further record be kept of the executive session. It was moved and seconded, and was unanimously agreed to go into

RECORD OF PROCEEDINGS

Executive Session under provision C.R.S. §24-6-402(4) (b) to discuss with counsel legal issues relating to Yamcolo Irrigators Pricing Negotiation, Porcupine Ridge System Conservation Pilot Program application, and Stagecoach Contract Extension with City of Steamboat Springs update. 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 approximately 2:15PM and concluded at approximately 3:30PM.

The 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 any concerns.

Following the executive session it was moved, seconded and approved unanimously to:

- 1) Offer the price to the YIA at \$15.98 per acre foot for 2018 and to communicate such price as an offer to settle in lieu of arbitration with an explanation of the components included in such pricing.
- 2) Write letter to CWCB re Porcupine Ridge application to fallow land under Pilot System Water Conservation Program to advise that it would be unlawful to export water for this purpose from the Yampa basin to the Colorado basin without beneficial use in the Colorado basin and that the District was under no obligation under the Stillwater ditch Agreement and would not allow the Stillwater ditch to be used for such purpose or for any purpose not including first irrigation use on the Porcupine Ridge Ranch.

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 to § Yamcolo Irrigators Pricing Negotiation, Porcupine Ridge System Conservation Pilot Program application, and Stagecoach Contract Extension with City of Steamboat Springs update. constituted a privileged attorney-client communication in the opinion of the undersigned attorney.

Date: 5/16/18


Robert G. Weiss, Counsel

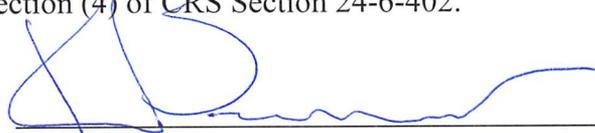
RECORD OF PROCEEDINGS

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.

Date: _____

3/22/18



Ken Brenner, Chairman