

# RECORD OF PROCEEDINGS

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## UPPER YAMPA WATER CONSERVANCY DISTRICT EXECUTIVE COMMITTEE MEETING WEDNESDAY, FEBRUARY 10, 2021 (11:00 AM)

### ONLINE MEETING:

[HTTPS://ZOOM.US/J/93170009433?PWD=TGo0ZUHLZTLWZzkyR2t4Q0FiWL  
ZHQT09](https://zoom.us/j/93170009433?pwd=TGo0ZUHLZTLWZzkyR2t4Q0FiWLZHQT09)

### MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Executive Committee Members present were Doug Monger, John Redmond, Tom Sharp and Webster Jones. General Manager Andy Rossi, Business Manager Deb Bastian, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present. Public Information and External Affairs Manager Holly Kirkpatrick and Erin Light, Colorado Division of Water Resources were present for the Public Input and Comment portion of the meeting.

This meeting was held entirely by videoconference utilizing Zoom. The meeting agenda included instructions to the public describing the process to participate in the meeting and comment on agenda items.

The following agenda was proposed:

### AGENDA

- (1) **11:00 AM** Establishment of Quorum and Call to Order
- (2) **11:00 AM** Approval of Agenda for Meeting **Action item**
- (3) **11:05 AM** Public Input and Comment  
The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.
- (4) **11:10 AM** Update on Case No. 20CW3019 and Case No. 20CW3020 **Action item**
- (5) **11:30 AM** General Manager 6-month review
- (6) **12:00 PM** General Counsel review
- (7) **12:30 PM** Executive Sessions:
  - a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and \_\_\_\_\_ (insert description). Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
  - b. Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to \_\_\_\_\_ (insert brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.

## RECORD OF PROCEEDINGS

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- c. Executive session under CRS § 24-6-402(4)(f)(I) concerning personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. This executive session concerns \_\_\_\_\_ (insert name(s) of employees) who has not requested an open meeting. This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (8) **1:30PM** Committee actions in regard to Executive Session
- (9) **1:50 PM** Adjournment.

Chairman Brenner established a quorum and called the meeting to order at 11:08 AM.

**Meeting Agenda.** Special Counsel Grosscup noted a correction to agenda item (4). The correct Case Nos. should be 20CW3019 and 20CW3020. Director Monger moved to approve the amended agenda. Director Sharp seconded the motion which was unanimously approved. Director Redmond had not yet joined the meeting.

**Public Input and Comment.** Chairman Brenner invited members of the public to comment on items not otherwise scheduled on the agenda. There was no comment.

**Update on Case No. 20CW3019 and Case No. 20CW3020.** Special Counsel Grosscup provided an overview of the status of the cases and noted the other parties that are in opposition. The Committee will discuss further details in Executive Session.

**Executive Session.** At 11:19 AM Director Sharp moved, Director Monger seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Case Nos. 20CW3019 and 20CW3020. Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded. Director Redmond had not yet joined the meeting.

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 concern for the record. No one stated concerns.

**Committee Action Regarding Executive Session.** There was no action required.

**General Manager 6-month review.** The Committee noted that they are pleased with the General Manager's performance and progress over the last 6 months. The Committee discussed developing a process and format for an annual review of the General Manager in November.

**General Counsel review.** General Counsel Weiss provided an overview of his tenure and provided some expectations. The Committee gave comment on the performance of the General Counsel.

Director Jones moved to adjourn the meeting at 1:02 PM. Director Monger seconded the motion which was unanimously approved.

## RECORD OF PROCEEDINGS

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

*Andy Ross*

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Andy Ross, District Secretary/Manager

Date: Mar 18, 2021

### 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 water cases constituted a privileged attorney-client communication in the opinion of the undersigned attorney.

*Robert G. Weiss*

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Robert G. Weiss, Counsel

Date: Mar 20, 2021

### 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.

*Ken Brenner*

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Ken Brenner (Mar 25, 2021 10:08 MDT)

Ken Brenner, Chairman

Date: Mar 25, 2021