

RECORD OF PROCEEDINGS

UPPER YAMPA WATER CONSERVANCY DISTRICT EXECUTIVE COMMITTEE MEETING MONDAY, FEBRUARY 22, 2021 (10:00 AM)

ONLINE MEETING:

[HTTPS://ZOOM.US/J/94028561382?PWD=AFpKEU90V3VxNWtKQlPYZXBmNUpMUT09](https://zoom.us/j/94028561382?pwd=AFpKEU90V3VxNWtKQlPYZXBmNUpMUT09)

MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Committee Members present were Doug Monger, John Redmond, Tom Sharp and Webster Jones. General Manager Andy Rossi, District Engineer Emily Lowell, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present.

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) **10:00 AM** Establishment of Quorum and Call to Order
- (2) **10:00 AM** Approval of Agenda for Meeting **Action item**
- (3) **10:05 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) **10:10 AM** Update on Case No: 95CW79 and Case No. 19CW3005 **Action item**
- (5) **10:30 AM** Executive Session
 - 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.
- (6) **11:00 AM** Committee actions in regard to Executive Session
- (7) **11:05 AM** Adjournment.

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Chairman Brenner established a quorum and called the meeting to order at 10:08 AM.

Meeting Agenda. Director Redmond moved to approve the agenda. Director Sharp seconded the motion which was unanimously approved.

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: 95CW79 and Case No. 19CW3005. Special Counsel Grosscup commented that he had received notice from Tri-State that he wanted to discuss with the committee in Executive Session.

Executive Session. At 10:15 AM Director Monger moved, Director Redmond 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: 95CW79 and Case No. 19CW3005. 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.

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.

The meeting adjourned at 10:58 AM.

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




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



Robert G. Weiss, Counsel

Date: Mar 20, 2021

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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

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

Ken Brenner, Chairman

Date: Mar 25, 2021