

# RECORD OF PROCEEDINGS

---

---

## UPPER YAMPA WATER CONSERVANCY DISTRICT EXECUTIVE COMMITTEE MEETING WEDNESDAY, JUNE 16, 2021 (11:00 AM)

### ONLINE MEETING:

<https://zoom.us/j/98878938326?pwd=VmVtSTNhQkVrZ3dMNW9GNW5wZjIwZz09>

### 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. Board Members present were Lyn Halliday. General Manager Andy Rossi, Business Manager Deb Bastian, Chief Accountant Karina Craig, 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) **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** Case No. 20CW3015 – Lake Catamount Refill **Action item**
- (5) **11:45 AM** Sickles Parcel
- (6) **12:15 PM** 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.
- (7) **XX:XX PM** Committee actions in regard to Executive Session
- (8) **XX:XX PM** Adjournment.

## RECORD OF PROCEEDINGS

---

---

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

**Meeting Agenda.** Director Sharp moved to approve the agenda. Director Jones 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.

**Case No. 20CW3015 – Lake Catamount Refill.** Special Counsel Grosscup reviewed the status of the Lake Catamount Refill Case No. 20CW3015, stipulation and draft ruling with the committee.

**Executive Session.** At 11:28 AM Director Sharp moved, Director Jones seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and Lake Catamount Refill Case No. 20CW3015. 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.

**Sickles Parcel.** General Manager Rossi reported that Trout 123 is offering the Sickles West property to the UYWCD for purchase and that staff and legal counsel have performed preliminary research into the details of the property and associated attributes. General Manager Rossi outlined the merits of purchasing the Sickles West property from Trout 123. During the committee's discussion of the Sickles property purchase, Director Monger disclosed a potential conflict of interest that he is a lessee of the property. The committee discussed the possible conflict of interest and decided that Director Monger should not vote on the Sickles parcel item at the July meeting. However, the committee members did ask Director Monger to share his knowledge and perspective of the property since no decision was scheduled at the time.

**Executive Session.** At 12:11 PM Director Sharp moved, Director Redmond seconded, and it was unanimously agreed to go into 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 Trout 123 offering Sickles West property to the UYWCD for purchase. This session will be recorded, and a copy of the recording maintained for not less than 90 days.

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 Actions in regard to Executive Sessions.** Chairman Brenner stated there was no action required. Director Monger moved to adjourn the meeting at 12:30 PM. Director Sharp seconded the motion which was unanimously approved.

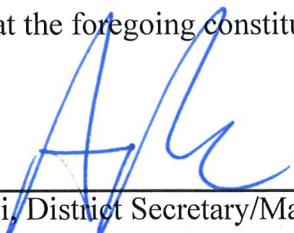


## RECORD OF PROCEEDINGS

---

---

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

  
\_\_\_\_\_  
Andy Rossi, District Secretary/Manager

Date: 7/22/21

### 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 the Lake Catamount Refill Case No. 20CW3015 constituted a privileged attorney-client communication in the opinion of the undersigned attorney.

  
\_\_\_\_\_  
Robert G. Weiss, Counsel

Date: 7-21-2021

### 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 that was not recorded was confined to the topics authorized for discussion in an executive session pursuant to subsection (4) of CRS Section 24-6-402.

  
\_\_\_\_\_  
Ken Brenner, Chairman

Date: 7/21/21

