

RECORD OF PROCEEDINGS

UPPER YAMPA WATER CONSERVANCY DISTRICT
EXECUTIVE COMMITTEE MEETING
WEDNESDAY, AUGUST 18, 2021 (11:00 AM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:

[HTTPS://US06WEB.ZOOM.US/J/88003962692?PWD=R1kZEMtLbFBxMLd4Y3pZZkRSYlM5dDZ09](https://us06web.zoom.us/j/88003962692?pwd=R1kZEMtLbFBxMLd4Y3pZZkRSYlM5dDZ09)

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, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, Chief Accountant Karina Craig, General Counsel Bob Weiss and Special Counsel Graham Gilbert representing the District in the Water Horse case were also present. Members of the public present included Frank Alfone, Mt. Werner Water & Sanitation District and Jeff Houck, Water Counsel for Mt. Werner Water & Sanitation District.

This meeting was held in person and 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** Water Horse Case
- (5) **11:30 AM** New Water Contracts **Action item**
 - a. Stagecoach
- (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) **12:50 PM** Committee actions in regard to Executive Session **Action item**
- (8) **1:00 PM** Adjournment.

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Chairman Brenner established a quorum and called the meeting to order at 11:09 AM.

Meeting Agenda. Director Jones 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. Frank Alfone provided an update on Mt. Werner Water & Sanitation District's current construction projects.

Water Horse Case. General Counsel Weiss and Special Counsel Gilbert provide an overview of current actions regarding the Water Horse case. Director Monger noted that the River District met and has declined to move forward on any action regarding the Water Horse case.

Executive Session. At 11:24 AM Director Jones 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 Water Resumes, Water Cases, Contract Negotiations and the Water Horse case. 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.

At 12:03 PM, the Committee returned from executive session. 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.

New Water Contracts. General Manager Rossi provided an overview of the new water storage contract request from Mt. Water & Sanitation District. Director Sharp informed the committee that he is the attorney for the Mt. Werner Water & Sanitation District and due to this conflict of interest he will recuse himself from any discussion on this subject and will leave the committee meeting at this time. Frank Alfone, General Manager of Mt. Werner Water & Sanitation District, presented a history and overview regarding Mt. Werner Water & Sanitation District and the Upper Yampa Water Conservancy District and submitted his proposal to the committee. After discussion, General Counsel Weiss stated he recommended the committee go into Executive Session to further review the proposal and to provide direction to General Manager Rossi and General Counsel Weiss on how to proceed in working with Mt. Werner Water & Sanitation District on this issue.

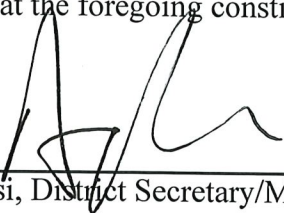
Executive Session. At 12:54 PM Director Jones moved, Director Monger seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to the request from Mt. Werner Water & Sanitation District. This session will be recorded, and a copy of the recording maintained for not less than 90 days.

At 1:15 PM, the Committee returned from executive session. 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.

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Director Jones moved to adjourn the meeting at 1:16 PM. Director Monger seconded the motion which was unanimously approved.

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: _____

9/16/21

STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned Robert G. Weiss, legal counsel for the District, 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 Water Horse case constituted a privileged attorney-client communication under CRS Section 24-6-402(4)(b).



Robert G. Weiss, Counsel

Date: _____

9-15-2021