

RECORD OF PROCEEDINGS

UPPER YAMPA WATER CONSERVANCY DISTRICT EXECUTIVE COMMITTEE MEETING FRIDAY, APRIL 10, 2015 (2:00 PM) 3310 CLEARWATER TRAIL, STEAMBOAT SPRINGS

MINUTES

Chairman John Redmond called the meeting of the Executive Committee to order and declared a quorum present. In addition to Chairman Redmond, the Executive Committee members in attendance were Doug Monger, Tom Sharp, Steve Colby, and Ken Brenner. General Manager Kevin McBride and General Counsel Bob Weiss also attended.

The following agenda was proposed:

AGENDA

- (1) Call to Order;
- (2) Approval of Agenda for Meeting;
- (3) Miles/Lay Property;
- (4) Price of Water Trust Lease;
- (5) Executive Session with Bob Weiss, legal counsel, under CRS § 24-6-402(4)(b) to discuss legal issues on the Miles/Lay property. 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);
- (6) Adjournment.

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The agenda of the meeting was unanimously approved.

Miles/Lay Property The Executive Committee discussed acquisition of the Miles/Lay Property for use by the Upper Yampa Water Conservancy District (the District) in connection with Morrison Creek Reservoir or the Upper Morrison Creek Diversion projects of the District. The property is in foreclosure. The Board previously delegated negotiation of a contract for acquisition of this property to the Executive Committee. The Executive Committee instructed District staff to offer a specific price supported by an appraisal or realtors estimate of value discounted for the proposed life estate.

Price of Water Trust Lease The General Manager reported that the Colorado Water Trust was interested in purchasing water from the District for release from Stagecoach to the Yampa in the summer of 2015. This subject will be brought back to the Board at the May Board meeting. A per acre foot price of \$35.00 per acre foot adjusted by inflation from 2013 was discussed.

It was unanimously agreed to go into Executive Session under provision C.R.S. §24-6-402(4) (b) to discuss with counsel legal issues relating to the Miles/Lay Property. 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). Robert Weiss, as counsel for the District, stated that in his opinion discussion of the matter announced to go into executive session constitutes a privileged attorney/client communication. He was therefore recommending that no further record be kept of the executive session. The Executive Session commenced at about 2:40 PM and concluded at about 3:00 PM.

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 concerns.

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 the Miles/Lay Property constituted a privileged attorney-client communication in the opinion of the undersigned attorney.



Robert G. Weiss, Counsel

Date: _____

7-6-2015

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



John Redmond, Chairman

Date: 5/20/15