

RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS EXECUTIVE COMMITTEE MEETING
FRIDAY, DECEMBER 8, 2017 (9:00 AM)
3310 CLEARWATER TRAIL, STEAMBOAT SPRINGS**

MINUTES

Doug Monger, as acting chairman, called the meeting of the Executive Committee to order and declared a quorum present. In addition to Doug Monger, the Executive Committee members present were Ken Brenner, Tom Sharp, and Webster Jones. Board members present were Bob Woodmansee and Stephen Colby. General Manager Kevin McBride and General Counsel Bob Weiss were also present.

The following agenda was proposed:

AGENDA

- (1) 9:00 am: Call to Order
- (2) Approval of Meeting Agenda (agenda setting discussion only)
- (3) 9:05 am: Immediate Items for the January 2018 Board meeting:
 - (a) New Stagecoach Contract Form;
 - (b) Yamcolo Irrigators Negotiations; (reappoint negotiators)
 - (c) Office Space Discussion;
- (4) 9:30 am: Executive Session with Bob Weiss, legal counsel, under CRS § 24-6-402(4)(b) to discuss legal issues related to Stagecoach municipal contract extensions, response to the Dequine family letter, and Mount Werner Water office space. 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).
- (5) 10:00 am: Adjournment.

The agenda of the meeting was unanimously approved.

RECORD OF PROCEEDINGS

New Stagecoach Contract Form General Manger McBride reported to the Executive Committee that he is in discussions with the Steamboat Ski & Resort Corporation (SSRC) concerning the purchase of Stagecoach water. SSRC is interested in purchasing up to 250 acre feet. Manager McBride has quoted to SSRC a purchase price of \$118.13 per acre foot annually. Mr. Weiss has a conflict in this matter and is not participating in discussions with SSRC. General Manger McBride has asked special counsel for the District, Scott Grosscup, to prepare updated form contract for Stagecoach water for the January Board meeting. The Executive Committee discussed potential contract terms. No decisions were made, and Manager McBride was directed to schedule discussion of contract for January meeting.

Yamcolo Irrigators The District must provide Yamcolo price for 2018 to the Yamcolo Irrigators Association (YIA) by the end of January. Manager McBride provided information regarding 2018 pricing to the Executive Committee, which set the price under the YIA contract for 2018 at \$ 16.63 per acre foot and authorized Manager McBride to notify YIA of this price for 2018. Tom Sharp and Ken Brenner appointed to negotiate with YIA as necessary.

Office Space Discussions The Executive Committee was provided recent correspondence with the Mt. Werner Water District regarding office space. Doug Monger and Ken Brenner were appointed to negotiate with Mt. Werner Water.

Counsel 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. It was moved and seconded, and 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 Stagecoach municipal contract extensions, response to the Dequine family letter, and Mount Werner Water office space. 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). The Executive Session commenced at approximately 9:30 am and concluded at approximately 10:00 am.

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 any concerns.

RECORD OF PROCEEDINGS

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 Stagecoach municipal contract extensions, response to the Dequine family letter, and Mount Werner Water office space constituted a privileged attorney-client communication in the opinion of the undersigned attorney.

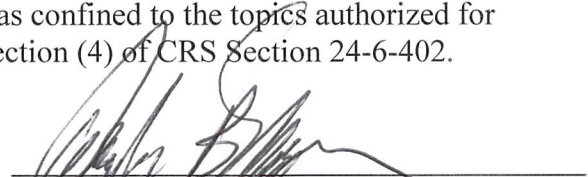
Date: 1-31-18


Robert G. Weiss, Counsel

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.

Date: 11/31/2018


Doug Monger, Acting Chairman