



The Board of County Commissioners met in special session on February 23, 2022. Those present for the session were, Lynn M. Padgett, Chair; Jake Niece, Vice-Chair; Ben Tisdell, Commissioner Member; Connie Hunt, County Administrator; Leo Caselli, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes.**

A. 12:30PM General Business:

1. Request for approval and authorization of Chair's signature on the following expenditures:

a. Warrants:

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Niece to approve and authorize Chair's signature on the warrants, as presented. The motion carried unanimously.

b. Wire Transfer Approval Form for Courthouse Lease Purchase Payment #15:

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Niece to approve and authorize Chair's signature on Wire Transfer Approval Form for Courthouse Lease Purchase Payment #15. The motion carried unanimously.

2. Request for approval of the following minutes:

a. October 19, 2021 minutes:

David Beckhardt, County Road 22A resident, proposed several changes to the minutes.

The Board requested that Hollenbeck revisit the recording of the proceeding.

b. October 21, 2021 special meeting minutes:

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Niece to approve the October 21, 2021 special meeting minutes as presented. The motion carried unanimously.

B. 12:49PM The Board of County Commissioners convened into an executive session pursuant to C.R.S. § 24-6-402(4)(b); for a conference with the County Attorney and contract legal counsel for the purpose of receiving legal advice on specific legal questions regarding updates and direction for water development matters in 2019CW3098 and 2021CW3064:

Carol Viner, Contract Legal Counsel, was present.

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Tisdell to convene into executive session pursuant to C.R.S. § 24-6-402(4)(b); for a conference with the County Attorney and contract legal counsel for the purpose of receiving legal advice on specific legal questions regarding updates and direction for water development matters in 2019CW3098 and 2021CW3064.

A roll call vote was taken on the motion with the following results:

Commissioner Padgett voted in the affirmative.

Commissioner Niece voted in the affirmative.

Commissioner Tisdell voted in the affirmative.

There was no discussion. Motion passed unanimously.

As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication.



Lynn Padgett, Chair



Leo Caselli, County Attorney

12:50PM The Board of County Commissioners convened into executive session:

1:33PM The Board of County Commissioners exited executive session:

Caselli stated that the Board had just exited an executive session; the discussion was as announced in the motion. Caselli recommended that the Board authorize County staff to file a statement of opposition in order to preserve the County's rights in the 2021CW3064 case. Commissioner Niece said that, while it felt counterintuitive, following Caselli's recommendation made sense. The Board agreed to direct Caselli to file a statement of opposition in 2021CW3064.

Caselli was pleased to report that an applicant that had previously opposed the County's case in 2019CW3098 had changed their position.

M/S/P – Motion was made by Commissioner Tisdell and seconded by Commissioner Niece to authorize County Staff and Contract Legal Counsel to submit a statement of opposition in Water Court Case 2021CW3064 in Water Division 4, in accordance with statute, as recommended by Counsel. The motion carried unanimously.

1:40PM The Board of County Commissioners adjourned the special session.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



Attest:

Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

Lynn M. Padgett, Chair

Jake Niéce, Vice-Chair

Ben Tisdell, Commissioner Member