

MINUTES OF THE SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF
GREEN MOUNTAIN WATER AND SANITATION DISTRICT

March 16, 2021

A Special Meeting of the Board of Directors (the "Board") of the Green Mountain Water and Sanitation District, (the "District") was held at 6:00 p.m. on Tuesday, March 16, 2021.

~~This document is an edited version of the audio recording of the District Board meeting. The audio recording shall be the official record of the District Board meeting proceedings. Such audio recording is available on the District website.~~

A.P.
B.M.

Attendance: A special meeting of the District was scheduled in compliance with the laws of the State of Colorado, with the following directors in attendance:

Adrienne L. Hanagan, President – Virtual Attendance
Jeff A. Baker, Vice President – Virtual Attendance
Alex Plotkin, Secretary – Virtual Attendance
Karen Morgan, Treasurer – Virtual Attendance
Rhonda Peters, Director – Virtual Attendance

Also, present were:

Greg Kropkowski, District Manager
Sam R. McKay
Jesse Davenport
Jo Deziel Timmins, Deziel Timmins LLC, District Legal Counsel

Also, in Attendance from the Public:

Brenda Bronson
Hank Brumley
Peggy Ralph

Call to Order / Declaration of Quorum: Director Hanagan, noting the presence of a quorum of the Board called to order the Special Meeting of the Board of the Green Mountain Water and Sanitation District at 6:04 p.m.

Directors & Disclosure Matters: None.

Approval of/Deletions from the Agenda: Director Plotkin **MOVED** to make a Motion that the Public Comments be limited to the Public Comment Section of the Agenda for this meeting. Director Baker seconded. Director Plotkin stated that he felt

that there had been a level of hostility that has existed at some of the past meetings and going forward would request that the Board and the Public work together to resolve the legal matters at hand. He further listed several requests relating to the flow and general decorum of the meetings going forward. There was a short discussion.

Directors Plotkin, Baker, Morgan and Peters voted in favor. Director Hanagan voted no as she is in favor of people speaking their mind. The Motion passed.

Public Comment:

Members of the public wishing to address the board during the public comment period are asked to indicate the agenda item number or public comment period next to their name on the sign-in sheet. Members of the public will then be recognized by the Board as each agenda item is undertaken.

Brenda Bronson: On February 14th, she stated that she had sent an email to all Board Members asking if anyone had received Dave Wiechman ceasefire seeking truth e-mail. That email asked you to stop trying to pass new Bylaws until you got through your litigation. To date no one has responded to her request. Ms. Bronson stated that she had recently written a Cora request for all e-mails and other correspondence from Dave Whitman and John Henderson that have been sent to the Board that are not part of any meeting. Ms. Bronson agreed to only having public comments at a certain time.

Peggy Ralph: There were technical difficulties at the last meeting, and she didn't hear an answer to her question - How is the lawsuit proceeding and whether Ms. Deziel Timmins is the only attorney handling the court case. Ms. Ralph stated that she is concerned about the legal budget and made a Cora request last week, asking about the status of Scott Gessler and if he is still helping. Ms. Deziel Timmins responded to Ms. Ralph's questions.

Directors Matters:

- a. Discussion of public outreach meeting proposed for March 23, 2021, brought up on March 9, 2021.

A short presentation was given by Jesse Davenport and Mr. Greg Kropkowski on the technical and logistic issues involved with having a Public Hybrid meeting on March 23 at Bowles Church.

Director Hanagan left the meeting for a short period. Upon her return she stated that she needed to make a slight correction to the agenda item. The agenda reads, "Discussion of public outreach meeting proposed March 23rd." It should read, "A discussion of public outreach

meeting, which was called by a Director for March 23rd at the March 9th meeting.” Before opening the floor to all Board members on this topic, she stated that she was happy that everyone was interested in the community meeting; however, she was confused by the flurry of emails that she saw over the weekend. Director Hanagan read emails into the record from Directors Plotkin, Baker and Morgan regarding the March 23rd meeting. She further stated that she had called for the March 23rd meeting appropriately, pursuant to Section 24-0-402 of the Special Meetings Act, which allows for a single Director to call for a meeting. A lengthy discussion followed.

The Directors agreed that they did need to have a public meeting to discuss the status of the litigation and the options; however, there was no consensus on how this should be approached.

Director Hanagan stated that she still wants to do the meeting on March 30th at 6:00 pm if that works for the church. She doesn't plan to do any sort of canned presentation as she wants to get input from the public and collect their questions. Director Hanagan confirms that she will not require any support from the staff as she will support the meeting herself and asks Ms. Deziel Timmins to attend if available. Director Hanagan stated that all Directors were welcome to attend. No Director commits to attending the community meeting.

Directors Plotkin, Baker and Peters agree to have April 20, 2021, as a placeholder meeting to have a virtual presentation for the public. Director Morgan states that she can't commit to a date for a meeting that she doesn't know what the purpose is.

Director Plotkin **Moved** to make a motion to go into Executive Session. Director Baker seconded. The Motion passed by unanimous consent.

Executive Session:

Ms. Deziel Timmins: This meeting of the Board of Directors of Green Mountain Water and Sanitation District will go into Executive Session to confer with the District's legal counsel for the purpose of receiving legal advice pertaining to pending litigation as set out on the agenda. This communication is privileged under the attorney client privilege because it can constitute legal advice. This Executive Session is authorized by the Colorado Revised Statutes Title 24, Article 6-402(4)(b), also known as the Colorado Sunshine Law.

- a. Executive Session pursuant to Section 24-6-402(4)(b) and/or Section 24-6-402(4)(e), C.R.S. for the purpose of conferencing with an attorney to receive legal advice regarding:

- i. Status of Litigation relating to Big Sky
- ii. Status of Big Sky No. 1 v. GMWSD alleging breach of IGA
- iii. Status of CDN Litigation
- iv. Status of Stream Realty Litigation
- v. Status of Cardel Homes Litigation
- vi. Status of Three Dinos Litigation

Director Hanagan stated that they are out of Executive Session at 9:28 pm. Are there any other matters that any Directors would like to bring up?

Other Matters: None

Adjourn: Director Hanagan **MOVED** to adjourn the meeting. Director Baker seconded the Motion. The Motion passed by unanimous consent, and the meeting was adjourned at 9:29 p.m.

Adrienne L. Hanagan, President

Alex Plotkin

Alex Plotkin, Secretary

Abstained

Rhonda Peters, Director

Jeffrey A. Baker

Jeffrey A. Baker, Vice President

KJ

Karen Morgan, Treasurer