

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING MINUTES
September 27, 2011**

The September 27, 2011 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Hap Channell, Chairperson
Paula Swenson, Vice-Chairperson
Phil Chamberland, Commissioner

Matthew Birnie, County Manager
Katherine Haase, Clerk to the Board
Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 4:45 pm.

REPORT FROM LEGAL COUNSEL REGARDING SG INTERESTS I, LTD V. GUNNISON COUNTY LITIGATION; POTENTIAL AMENDMENT TO RESOLUTION NO. 11-26; ATTORNEY'S FEES; POSSIBLE EXECUTIVE SESSION; POSSIBLE ACTION: County Attorney David Baumgarten was present for discussion. Special counselor Barbara Green was available for discussion via telephone.

County Attorney Baumgarten suggested that the Board enter an executive session with him, County Manager Birnie and Special Counsel Barbara Green in order to hear a report from counsel and to discuss the items listed on the agenda. He stated that there would be no contemporaneous recording kept of the executive session since this discussion would be subject to attorney/client privilege. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to go into executive session as outlined by the County Attorney. Motion carried unanimously.

The board went into executive session at 4:45 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 5:35 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made. He also confirmed that there was no contemporaneous recording kept of the executive session as the content of the discussion was subject to attorney/client privilege.

The Board asked staff to craft an amendment to Resolution #2011-26, more specifically Condition #6 within the resolution, in order to meet Judge Patrick's order and to satisfy the County's desire for water quality inspections. County Attorney Baumgarten will provide a draft resolution for approval on 10/4/11.

It was agreed that, although Chairperson Channell voted against the passage of Resolution #2011-26, he will not be precluded from voting on the new resolution. Commissioner Swenson has a scheduling conflict and will not be in attendance for the 10/4/11 meeting.

Moved by Commissioner Swenson, seconded by Commissioner Chamberland to authorize staff to expend the necessary costs to continue with the outside counsel attorney fees on this matter. Motion carried unanimously.

ADJOURN: Moved by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 5:42 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk