

The Board of County Commissioners met in special session on August 18, 2020. Those present for the session were, Don Batchelder, Chair; Ben Tisdel, Vice-Chair; John E. Peters, Commissioner Member; Connie Hunt, County Administrator; Carol Viner, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes. The meeting was conducted virtually and in person pursuant to Resolution 2020-007 Setting Forth a Virtual Meeting Policy During a Local Disaster Emergency.**

**A. 9:03 The Board of County Commissioners convened into an Executive Session pursuant to C.R.S. 24-6-402(4)(b) and (e) for a conference with the County Attorney to receive legal advice and to determine positions relative to negotiations regarding Ouray District Court, Case 2019CV30000:**

Before the Board convened into executive session, Hunt requested that the Board authorize her to draft a letter of extension for the Peace Officers Mental Health grant. The Board agreed to ratify approval of the letter at the next meeting.

Hollenbeck requested the Board's approval of a Special Event Permit and Agreement for a commercial film shoot to occur over the weekend. The Board agreed to ratify approval of the Agreement at the next meeting.

**M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to enter into executive session pursuant to C.R.S. 24-6-402(4)(b) and (e) for a conference with the County Attorney to receive legal advice and to determine positions relative to negotiations regarding Ouray District Court, Case 2019CV30000.**

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

*Commissioner Batchelder voted in the affirmative.*

*Commissioner Tisdel voted in the affirmative.*

*Commissioner Peters voted in the affirmative.*

*There was no discussion. Motion passed unanimously.*

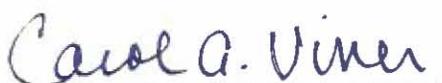
**9:16 The Board of County Commissioners convened into executive session:**

**10:32 The Board of County Commissioners exited executive session:**

Commissioner Batchelder said that no decisions were made. The Board directed Viner to release the draft Settlement Agreement documents to be discussed by the Board during the August 26, 2020 special meeting. The Board requested staff develop a historical packet of information that pertained to County Road 5.

*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.*

  
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Don Batchelder, Chair

  
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Carol Viner, County Attorney

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Page 1 of 2

Michelle Nauer, Clerk & Recorder

Ouray County, CO

10-01-2020 10:56 AM Recording Fee \$0.00



The Board agreed to answer questions from the public pertaining to procedures.

Scott Williams, County resident, thanked the Board, County staff, and the property owner for their efforts during the litigation. Williams asked if action would be taken on the settlement agreement during the August 26<sup>th</sup> special meeting. Viner said that it was a possibility that the Board could take action on the documents.

Al Lowande, County resident, asked for the deadline for written public comments. Commissioner Batchelder said that the Board would receive public comment up until the meeting started.

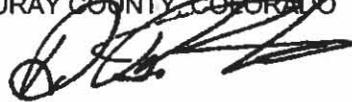
Rein Van West, County resident, asked if the Board could either accept or deny the settlement agreement. Commissioner Batchelder said that either action was possible. Van West asked what would happen if the Board denied the settlement agreement. Viner said that the litigation would continue, and that the 2018-2019 Winter Maintenance Agreement (WMA) would remain in effect for the winter season. The case would be decided by a judge in the summer of 2021.

Williams asked if the Board was planning a site visit to the area. Commissioner Batchelder said that no plans had been made; Viner said that the County had hired Chris Haaland to help develop a recreational trail adjacent to the existing road and that Haaland was free to discuss the plans, if he wished.

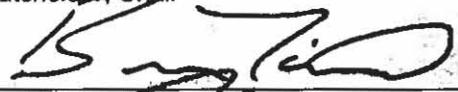
Lowande asked if a public hearing was required for the action contemplated by the Board. Commissioner Batchelder explained that the action needed to occur in a public regular or special meeting; however, a public hearing was not required.

**10:52 The Board of County Commissioners adjourned the special meeting.**

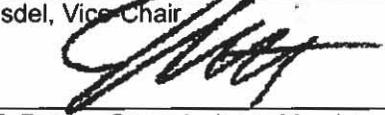
BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO



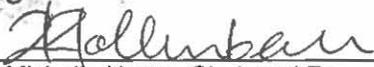
Don Batchelder, Chair



Ben Tisdell, Vice Chair



John E. Peters, Commissioner Member



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