

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

September 3, 2024

A Special Meeting of the Board of Directors (the “Board”) of the Green Mountain Water and Sanitation District, (the “District”) was held at 6:30 p.m. on Tuesday, September 3, 2024.

The recording of this meeting is available on the District’s website.

<p><b>Attendance:</b></p>	<p>A Special Meeting of the District was scheduled in compliance with the laws of the State of Colorado, with the following Directors in attendance:</p> <p>Karen Morgan, President Dave Wiechman, Vice President Roger Wendell, Treasurer Randy Little, Secretary Arthur Martinez, Director</p> <p>Not present, and unexcused: None</p> <p>Also present were: Josh Stanley, District Manager, GMWSD Mike Ogborn, Legal Counsel/Attorney</p>
<p><b>Call to Order / Declaration of Quorum (0:01)</b></p>	<p>Director Morgan, noting the presence of a quorum of all Directors, called to order the Special Meeting of the Board of the Green Mountain Water and Sanitation District at 6:30 p.m.</p>
<p><b>Directors &amp; Disclosure Matters (0:29)</b></p>	<p>None.</p>
<p><b>Approval of/Additions to /Deletions from the Agenda (0:29)</b></p>	<p>None.</p>
<p><b>Public Comment (0:42)</b></p>	<p>None.</p>
<p><b>Executive Session pursuant to §24-6-402(4)(b) C.R.S. for the purpose of receiving legal advice regarding:</b></p>	<p>Director Wendell <b>MOVED</b> to enter into Executive Session pursuant to §24-6-402(4)(b) C.R.S. for the purpose of discussing the trial with Big Sky. Director</p>

<p><b>Big Sky Trial Preparation (0:49)</b></p>	<p>Little seconded, following discussion and upon vote the motion <b>PASSED</b> unanimously.</p> <p>The Board entered into Executive Session at 6:32 p.m.</p> <p>Executive session concluded at 7:03 p.m.</p>
<p><b>Legal Matters (2:00)</b></p>	<p>There are no actions to approve from the executive session. (2:00)</p>
<p><b>New Business (2:27)</b></p>	<p>None.</p>
<p><b>Adjourn (2:38)</b></p>	<p>Director Morgan adjourned the meeting at 7:04 p.m. (2:38)</p>

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Randy Little, Secretary

This document was signed by Secretary Randy Little at the October 8th regular meeting, to view the signed document, please contact the district.

ATTESTATION OF ATTORNEY  
REGARDING RECORDING OF EXECUTIVE SESSION

I, Michael Ogborn, under penalty of perjury declare as follows:

1. I am of legal age and am competent to testify to the matters in this affidavit.
2. I am an attorney and litigation counsel for Green Mountain Water and Sanitation District ("Client").
3. An executive session was held on the 3rd day of September 2024 at approximately 6:32 p.m. ("Executive Session"). I participated in the Executive Session.
4. The purpose of the Executive Session was for a conference with an attorney for the District for the purpose of receiving legal advice on specific legal questions concerning the Big Sky lawsuit, under C.R.S. Section 24-6-402(4)(b).
5. In accordance with C.R.S. § 24-6-402(2)(d.5)(II)(B), if, in the opinion of the attorney who is representing the local public body and who is in attendance at an executive session that has been properly announced pursuant to subsection (4) of this section, all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record or electronic recording shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication. The electronic recording of said executive session discussion shall reflect that no further record or electronic recording was kept of the discussion based on the opinion of the attorney representing the local public body, as stated for the record during the executive session, that the discussion constituted a privileged attorney-client communication, or the attorney representing the local public body may provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication in the opinion of the attorney.
6. During the Executive Session, I determined that all of the discussion constituted a privileged attorney-client communication, and, in accordance with C.R.S. § 24-6-402(2)(d.5)(II), I advised Client that no record or electronic recording was required for all or the relevant portion of the discussion in my legal opinion.

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 7<sup>th</sup> of October 2024, at Denver, Colorado.

Signed by Michael Ogborn.

To view the signed document, please contact the district.