

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE NORTH WELD COUNTY WATER DISTRICT

Held: Tuesday, the 16th day of May, 2023, at 9:30 A.M.

The meeting was conducted via teleconference.

ATTENDANCE

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Scott Cockroft, Secretary
Matthew Pettinger, Assistant Secretary
Anne Hennen, Assistant Secretary
Nels Nelson, Director

Tad Stout was absent and excused.

Also present were Eric Reckentine, General Manager of the District; Zachary P. White, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District general counsel; Garrett Mick, North Weld County Water District; Jamie Cotter, Spencer Fane, District special counsel.

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order at 9:30 A.M.

Declaration of Quorum and Confirmation of Director Qualifications

Mr. Stout noted that a quorum for the Board was present and that the directors had confirmed their qualification to serve.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest

Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White reported that disclosures for those directors that provided WHITE BEAR ANKELE TANAKA & WALDRON with notice of potential or existing conflicts of interest, if any, were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest about any matters scheduled for discussion at the meeting. All directors reviewed the agenda for the meeting and confirmed that they have no additional conflicts of interest in connection with any of the matters listed on the agenda.

Approval of Agenda

Mr. Reckentine presented the Board with the agenda for the meeting. Upon motion of Mr. Pettinger, seconded by Ms. Hennen, the Board unanimously approved the agenda.

PUBLIC COMMENT

None.

Discussion of Order re Case No. 2022CV30072 Eagle View Farms, LLC v. North Weld County Water District and Consider Approval for Notice of Appeal

Ms. Cotter updated the Board regarding the Order Granting Plaintiff's Motion for Summary Judgment Regarding Liability and Denying Defendant's Motion received on May 12, 2023. She explained the current status of the litigation and discussed the upcoming trial date regarding damages. She discussed the option to appeal the Order.

EXECUTIVE SESSION

Upon a motion by Mr. Cockroft, seconded by Mr. Pettinger, the Board unanimously determined to enter into executive session for the purpose of receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4)(b) & (e), C.R.S. related to Case No. 2022CV30072 Eagle View Farms, LLC v. North Weld County Water District.

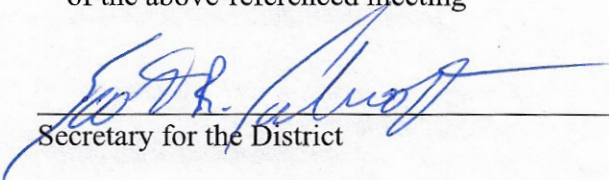
Following the executive session, upon a motion by Mr. Pettinger, seconded by Mr. Cockroft, the Board directed Ms. Cotter to file a notice of appeal immediately and to pursue an appeal of the Order.

OTHER BUSINESS

ADJOURNMENT

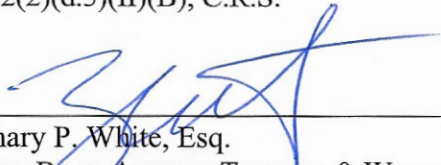
There being no further business to be conducted, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting


Secretary for the District

Attorney Statement
Regarding Privileged Attorney-Client Communication

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that in my capacity as the attorney representing the North Weld County Water District (the "District"), I attended the Executive Session on May 16, 2023, for the sole purposes of conferencing with the District's Board of Directors for the purpose of giving legal advice on specific legal questions and discussing negotiations with third parties as authorized by §§ 24-6-402(4)(b) and (e), C.R.S. I further attest that it is my opinion that all or a portion of the executive session discussion constituted attorney-client privileged communication as provided by § 24-6-402(4)(b), C.R.S., and based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S.



Zachary P. White, Esq.
WHITE BEAR ANKELE TANAKA & WALDRON
General Counsel to the District