

2:17 The Commissioners reconvened into regular session:

Commissioner Albritton noted for the record that the Commissioners came out of an executive session to receive legal advice about tax lien sales and she asked for a motion to enter into a second executive session to receive advice on the Horizon Ranch, the Gunn matter, and the Divide Ranch. Commissioner Padgett asked to receive advice in the executive session on the Lindley matter.

I. 2:17 Executive Session pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice:

M/S/P—Motion was made by Commissioner Fedel and seconded by Commissioner Padgett to enter into an executive session pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice on matters relating to Horizon Ranch, the Gunn matter, the Divide Ranch and the Lindley matter.

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

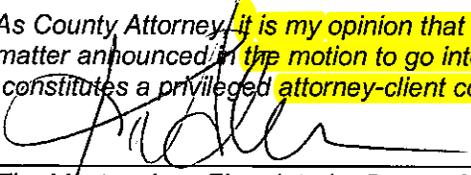
Commissioner Albritton voted in the affirmative

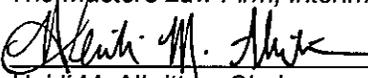
Commissioner Fedel voted in the affirmative

Commissioner Padgett voted in the affirmative

There was no discussion. Motion passed unanimously.

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.


The Masters Law Firm, Interim County Attorneys


Heidi M. Albritton, Chair

Those present for the executive session were Interim County Attorney Kathryn Sellars; Commissioner Albritton; Commissioner Fedel; Commissioner Padgett; and Connie Hunt, County Administrator.

[Recording of this executive session was made by Kathryn Sellars who would retain the recording in her records.]

2:18 The Commissioners reconvened into executive session:

3:08 The Commissioners reconvened into regular session:

Commissioner Albritton noted for the record that no decisions were made in the executive session.

J. 3:08 Commissioner/Administrative Reports, continued:

Kathryn Sellars discussed the following:

- 1) **OHV Petition** The Masters Law Firm was contacted by Steve Zwick, and David Masters had a telephone conference with San Miguel County Attorney Steve Zwick, San Juan County Attorney Paul Sunderland, and Hinsdale County Attorney Michael O'Loughlin. The Forest Service was trying to obtain grant funds from the State OHV Fund but were turned down because Parks and Wildlife was unhappy with the OHV ordinances in all four counties. Tim Monahan with the State Attorney General's Office assigned to Parks and Wildlife had an idea that the interested parties could petition the agency for amendment of a rule that could carve out and recognize the counties' OHV regulations as they stood for the four counties. The question was would Ouray County be interested in being a party to such a petition. Steve Zwick would set up a meeting with the Ouray County Commissioners to discuss it further.

Commissioner Padgett continued:

- 2) **Legislative Update** She updated the other Commissioners on her meeting at CCI.

OHV Commissioner Padgett picked up on the previous discussion. The State Parks had an issue with liability insurance and age limits. The Counties had the authority to craft local regulations as long as they were not "in conflict" with the State Statutes. This gave them some local control. Her question was how could there be a State Statute that allowed Counties to craft legislation and then have the State Parks Board claim that because there was a difference from the State Statute that allowed this, it was inherently in conflict. She reported that Tim Monahan with the State Attorney General's Office had been copied on emails regarding this issue and he claimed that the four Counties' regulations were definitely in conflict. That was why any grant applications from the four counties were graded and ended up on the bottom of the stack with the least number of points. She asked why no one went after the perception that the Counties were in conflict questioning why they were in conflict. Commissioner Padgett wanted to propose