

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
May 3, 2018**

County Commissioner Douglas B. Monger, Chair called the special meeting of the Routt County Board of County Commissioners to order. Commissioner Timothy V. Corrigan, Deputy County Manager Dan Weinheimer, County Manager Tom Sullivan, Assistant County Attorney Lynaia South and County Attorney Erick Knaus, County Treasurer Brita Horn, and Chuck McConnell, citizen, were also present. Commissioner Cari Hermacinski participated via telephone. Helena Taylor recorded the meeting and prepared the minutes.

Commissioner Monger recognized Commissioner Hermacinski attending the meeting via telephone.

**EN RE: LEGAL / ERICK KNAUS**

**C.O.R.A. REQUEST EXECUTIVE SESSION**

Mr. Knaus stated the Board of County Commissioners received a request for records pursuant to the Colorado Open Records Act (C.O.R.A.), C.R.S. 24-72-201, *et seq.* Given the time restrictions governing disclosure of the records, a hearing must occur on or before May 4, 2018. Furthermore, the records may contain attorney-client privileged communications. Thus an executive session is requested.

**MOTION**

Commissioner Monger moved to enter into Executive Session under C.R. S. Section 24-6-402 (4)(b) – conference with County Attorney to receive legal advice on specific legal issue. This session will not be recorded as the County Attorney has advised that the discussion is subject to the attorney-client privilege. Those present included the Board of County Commissioners, the Deputy County Manager, County Manager, County Attorney Erick Knaus, and Assistant County Attorney Lynaia South.

Commissioner Corrigan seconded; the motion carried 3-0.

The Board entered into Executive Session 2:06 p.m.

The Executive Session adjourned at 2:34 p.m. No minutes or formal actions were taken during the executive session and Commissioner Monger stated that no decisions were made.

Mr. Knaus stated the County Manager received a C.O.R.A. request from Mr. McConnell, on May 1, 2018, requesting invoices from Kutak Rock LLC related to legal work done on behalf of the County on the Peabody bankruptcy filing. The County has 72 hours to respond to such requests. Mr. Knaus stated now that the Board has come out of Executive Session, he asks for direction from the Board on how to proceed with Mr. Connell's request.

Commissioner Monger stated he didn't have any issues in releasing the invoices to Mr. McConnell. Commissioner Hermacinski also agreed with the statement. Additionally, Commissioner Monger stated that during public comment on Tuesday, April 24, 2018, Mr. McConnell questioned the County's hiring of Kutak Rock to represent the County on the Peabody bankruptcy matter. Commissioner Monger felt the hiring of the outside firm on this matter was the right thing to do and was not in duplication of what the Treasurer was already doing on this same matter. The majority of the work done by Kutak Rock was on the Special Use Permits, Land Use Permits, as well as cost-sharing agreements on county road use between Peabody and Routt County.

Commissioner Hermacinski agreed to the release of the requested records.

Commissioner Corrigan stated that he felt it appropriate for the County to seek outside legal representation in order to understand the implications of the Treasurer's desire to potentially sell Peabody's claim of taxes to a third party. He also agrees with Commissioners Monger and Hermacinski in releasing the invoices and the work details and feels it's appropriate to do so. He is pleased with the detailed information provided by Kutak Rock LLC on the work done on behalf of Routt County. He felt the County had very professional representation on this case.

Mr. Knaus stated the bank information on the invoice heading will be redacted. He made mention of the footer also, where it states the information is subject to attorney-client privilege. He stated that this is arguable in context.

Mr. McConnell stated he wanted to thank Commissioners Monger and Corrigan for their transparency in this issue. He stated that the Commissioners had said that "no money would be spent" when hiring Kutak Rock LLC. He had a difficult time understanding on how it went from not spending any money to spending \$16,000 which was \$13,000 over budget; he takes issue on that but he is not here to debate the issue.

Mr. McConnell asked when he can get the information requested. Mr. Sullivan stated he will email the information to him once the attorney's office redacts the bank information from the invoices.

No further business coming before the Board, same adjourned sine die.

---

Kim Bonner, Clerk and Recorder

---

Douglas B. Monger, Chair

---

Date