



ASSOCIATED GOVERNMENTS
OF NORTHWEST COLORADO

MINUTES

AGNC BOARD OF DIRECTORS & MEMBER MEETING

October 21, 2020

Colorado Northwestern Community College, Weiss Conference Room

500 Kennedy Drive, Rangely, CO 81648

9:00 am to 1:30 pm

ZOOM: <https://us02web.zoom.us/j/2510562431>

PHONE: +1 (669) 900-6833 **Meeting ID:** 251 056 2431

Call to order – Ray Beck, Chairman, called the meeting to order at 9:04 am. Introductions were made.

Approval of Minutes – Chris Nichols moved to approve the minutes from the September 2020 meeting; Mike Samson seconded the motion, the motion passed.

Financial report: Bonnie Petersen provided an overview of the financials for September 2020. Total current assets as of September 31, 2020, \$519,748.37. Income for the month is less than budgeted as we projected ED Summit income for the month but were unable to conduct that event and contribution project receipts were slightly less than projected. YTD revenues exceed budget by approximately \$13,000. Expenses for the month are below budget and the same is true for YTD expenses. Net income for the month is positive and exceeds budget, YTD net income is well ahead of budget as well. Projections for year-end indicate a good possibility that AGNC will finish the year with a positive net income figure of approximately \$14,500 which includes the added expense of hiring an Executive Assistant for the balance of the year. Chris Nichols moved to approve the financial report; Keely Ellis seconded the motion, motion passed.

The 2021 budget proposal was reviewed; it reflects and incorporates expected grant income and expenses for the year. Net income is projected to be negative \$32,440.50 at year end 2021 which is in line with the 2020 budget. Staff will continue to identify opportunities for sponsorships and other revenue sources as well as manage expenses to overcome the negative number if possible. Chris Nichols moved to approve the 2021 budget as presented; Keely Ellis seconded the motion, motion passed.

Staff recommends the establishment of a new bank account for the management of the funds that will come from the CARES Act grant. Chris Nichols made a motion to approve the creation of another bank account; Mike Samson seconded the motion, motion passed.

Project and Committee Reports:

AAoA -

Heather Jones - had a grant committee meeting September 28th; she had received 4 applications for CARES Act funding although she had expected at least 10. Grand River Health delivers home meals – and was awarded \$15K; Valley meals and more delivers meals to CBD was awarded \$15K and Garfield County Senior Programs was awarded \$3,537 for their program. Routt County council on aging applied for a grant but did not meet the guidelines so the committee did not approve grant. Ombudsmen can now visit outside with residents, to discuss complaints or to check-in on residents. At some point they will be able to go inside again. LTC ombudsman was in Grand Junction on the 25th of September and audited the NW program accompanying Heather on her visits. Heather does not anticipate any deficiencies. Heather will begin audits of providers throughout region, she hopes to have them complete in November. ADRC's Mesa - one for rest - can now get matching for Medicaid dollars. Will help provide more

sustainable funding for ADRC; the contract goes into effect in November. Senior Law Day is November 13th; it is a free event – Heather provided a flier. Colorado legal services is doing a virtual Law Day series. First 2 webinars had 30 in attendance. 250 people have registered for various webinars in the series. There was some good content particularly on technology use by seniors. Also, AAA will partner with the state or non-profits to identify funding outside government resources. Heather’s report can be seen at the end of these minutes as Attachment A.

Dinosaur Welcome Center - Cheryl McDonald joined the group and provided an update on Dinosaur Welcome Center (DWC) activity. They are seeing more hunters this year; CPW had record year in tags. Visits are 3,918 YTD; visitation is down a bit but not as much as other centers. DWC is closed Sunday’s and Monday’s. Cheryl noted that the new charging stations are in place at DWC - there are 2 units, and they are being used. One visitor noted that the stations have filled a black hole; the units are a good asset to NW Colorado. Kudos to Moffat County for supporting station – it is a fast charging station. Electricity fees helps to offset electricity for DWC. It can take from 1.5 to 3.0 hours to charge. While cars are charging, travelers will come into the center to do work or go to local eateries for coffee, food, etc. Dinosaur Diamond thanked Moffat County as well. Cheryl reminded everyone about free advertising on DWC sign board. Cheryl asked about the Veteran parking signs and whether Grady passed on the challenge. Paula in Glenwood noted that her community would like to be next in the challenge. Rangely is the new fiscal agent for DWC; although nobody has heard if the state will continue funding the center after this fiscal year.

Proposition EE – Chrissy Estes Faraci – DJC&A/Faraci Government Relations, LLC, works with No on Proposition EE, it is a bad deal for Colorado. The measure will result in a \$294 Million tax increase; a gradual increase on cigarettes will be implemented establishing a flat price on cigarettes. Proponents say the tax will fund universal pre-school in the state. There are problems associated with that concept. As this is not a constitutional measure there is no guaranteed funding stream for pre-school in Colorado. As a statutory measure it cannot allocate funding that will ind future legislatures. It is a regressive tax and impacts lower income users disproportionately. This is a tax to fund pre-school - state should not count on the tax of an addictive substance for such funding; the state should find a more stable funding source. Proponents say this will stop smoking and vaping by teenagers. It’s an admirable goal but it would be good to see more sustainable efforts toward the cessation issue. If the goal is to encourage people to stop smoking, then the proponent should have put more funding in initiative toward that goal. This is price fixing and it sets a dangerous precedent. The legislature passed a 43 page bill with no public input and only 20 minutes of testimony before passing it for the ballot; it was not well vetted before going to voters. CML and others oppose this measure as several local communities are looking at local tax and this may negatively impact their efforts. The No on Proposition EE would ask AGNC to take a position against the measure. It was noted that we often see measures like this make promises that are not kept like the marijuana measure. Chrissy noted that there is no guarantee the funds will go to preschool and that CASB took a neutral position. This measure takes away the ability to establish a reliable fund. It also begs the question, “Should be we increasing taxes with all the challenges we are facing?” Chris Nichols made a motion that AGNC oppose the measure; Ray Beck seconded the motion. A role call vote was taken, and the motion failed with 4 yes votes, 1 no vote and 1 abstention. Five votes were needed to pass.

Legislative Update & Discussion — Diana Orf provided an update noting that they don’t know till the election what the next session might look like. It appears the legislature still thinks they can operate under the court ruling from earlier this year which would allow for adjournment and reconvening as deemed necessary. We know there will be new leadership I the house. People are holding ideas close to the chest, expect a lot of education bills. All the action is in state agencies now with the passage of environmental bills in 2019. Rulemaking is underway right now. The state is still hurting financially but not as much as projected; the next forecast will be provided in December. The Governor still has to deliver a proposed budget on November 1st. A lot of programs are being set up as enterprises – the health department was allowed to set up an enterprise for research efforts. GHG reduction roadmap comments are due November 1st. The goal is to reduce emissions 50% by 2030 – the regulators are talking about electric cars and project the state could have 940,000 electric cars on the road by 2030. They are looking

at requirements for mid and heavy-duty trucks and delivery vehicles to be electrified on road. They continue to recommend moving away from natural gas for heat and water heating; expect they will have a bill to require new buildings to be heated by electricity rather than natural gas. Among reviews by the state auditor's office were EZ credits, etc. Those credits are likely to be subject to legislation to modify or repeal. Credits and adjustments for energy production will be under attack. Other areas we may see legislation will be law enforcement issues - sponsors have grown concerned about community statements of exemptions for officers. Police officers' group is looking at doing an insurance program to help officers. CCI is looking at doing something as well also trying to do something about the costs of body cameras and video storage as well. Also want to look at restoring public immunity under 217 as well. Changes on water quality control permits i.e. wastewater and on-sight treatments. Application for permit use rules in place at time of submission have made decision that health at risk if newest rules are not followed. A lot of water folks may be commenting on this issue. Governmental immunity established by US Supreme Court - state constitution says can't sue but exception includes if you have insurance policy can be sued up to amount of policy. Police decided by Supreme Court that if acted in good faith - will likely see good faith exception. Greenwood Village stated that they will find officers always acted in good faith. Sponsor wants to be sure that everything in bill is observed. Best and most experienced officers are leaving.

Senator Bob Rankin, SD 8. Provided an update from the JBC. The state cut \$3.3 billion from spending for this fiscal year. The first billion came from cutting programs then one-time spending was cut. Reserves and cash fund reserves were used where possible; the state can't repeat those cuts. After those cuts, the state then cut education by over a billion dollars. We need to start thinking about next year and economic recovery - the economy is performing better than expected. Reports from last week was better and it looks like we may have a "v" shaped recovery. The September forecast was showing a \$2.5 billion shortfall for next year. It is likely we will have a 2- or 3-year program to get back to normal. Number one issue for Bob is planning for a 2- or 3-year recovery period. The state has 3,000 people on the Medicaid waiting list, we need to get those people covered. Restoring K-12 education should be first then higher education; the state can't really add all the new programs legislators want to fund. We need to patch the holes created by the shortages. The Senator wants to work on health care proposals that actually reduce the cost of health care; others have been structural - how to pay for care - need to look at the cost of procedures and what should it be. Expect discussion in legislature to allow flexibility and school of choice and online learning. Current exemptions etc. are being considered, need to determine how to protect EZ.s. Expect some action on part of Governor to attack some of these. Believe there will be a great opportunity to keep those for rural areas; think we can protect those. The Senator supported the repeal of Gallagher; if it doesn't pass, it hurts special districts and creates disruption. Other tax policy avoided was taxation for school districts, which is vastly unfair - these policies are more important than small exemptions. Funding for Just Transition is a major concern, there is no money. Senator is optimistic about forming coalition with El Pomar relating to coal transition. Would like to let this be a community driven initiative. There is not money just political cover from the Just Transition. Projects being considered are not revenue producing like coal and electric. Severance and FML forecasts don't show an expectation that these will recover period. Keeping local round table projects funded is a big deal. DOLA's ability to do grants will just go away. Need about \$200 million a year to fuel funding projects. JBC goes to work the first week in November and will meet in person in a room downstairs - members will wear masks and be distanced; no others will be allowed except virtually.

AGNC Business - Chairman Beck recognized Cheryl McDonald and Linda Hedges for their dedication to the DWC as well as Northwest Colorado over the past several years. AGNC extended heartfelt thanks for their efforts. Linda will be leaving the center and moving out of state.

Redistricting Commission Applicants from Western Colorado - AGNC was asked to provide a letter of support for the appointment of T. Wright Dickinson to the redistricting committee. We have tried to get a list of applicants but have not received anything thus far. The board agreed that they will consider support for other applicants, should they request it, based on their experience with public lands, water, outdoor recreation, resource development and their nexus with the Western Slope. The members

discussed T. Wright Dickinson's candidacy and agreed that he met the criteria outlined. Mike Samson made a motion that AGNC write a letter of support to be included with T. Wright's application; Chris Nichols seconded the motion, the motion passed.

Federal Delegation Updates

Betsy Bair from Senator Gardner's office reported that the Senate will vote Monday on the Supreme Court candidate. She noted that the Senator's 988 Suicide legislation passed and was signed into law. The office continues to work on issues brought forward and is looking forward to the election in the next 2 weeks.

Alyssa Logan from Senator Bennet's office provided an update reporting that nobody knows the status on another COVID bill. Senator Bennet would like to see a bill that provides support to state and local governments as well as health care facilities. He is working on 4 pillars – 1) recent legislation is the RAMP up bill which provides additional grants to meat processing facilities to meet federal requirements, 2) the fire season is ongoing and he is continuing to push for fire equipment and personnel for now and in the future, 3) he is hosting listening sessions that are open for the region, 4) the search for academy nominations is ongoing.

Administrative Update

Bonnie Petersen provided an Administrative Update on the following topics:

- **A NW Loan Fund Program Update for September 2020 was provided and reviewed. \$545,748.00 in loans were provided to 41 businesses or non-profits through the Energize Colorado Gap Fund – Round One.**
- **The GHG Reduction Roadmap Comment Letter is due November 1, 2020. AGNC will prepare a letter. The AGNC comments will draw from points provided by Orf and Orf.**
- **Staff sent out a document called the 30X30 Plan which AGNC members should be aware of going forward.**
- **The facility in Battlement Mesa scheduled for the November meeting is no longer available. It was decided that staff would look for a location in Grand Junction to hold the final 2020 board meeting.**

New Business: *Next Meeting November 18, 2020, TBD, Grand Junction, CO.*

Adjournment – Meeting adjourned at 12:55 pm.

Attendance:

Ray Beck, Moffat County
Mike Samson, Garfield County
Tiffany Pehl, AGNC
Tim Redmond, Town of Hayden
Heather Jones, AAoA
Merrit Linke, Grand County
Chris Nichols, City of Craig
Peter Brixius, Town of Craig
Keith Peterson, CNCC
Rep. Perry Will, HD 57
Lisa Piering, Town of Rangely
McKenzie Webber, Rangely Chamber
Christina Oxley, Colorado Workforce
Carolyn Tucker, Colorado Workforce
Tom Kleinschnitz, Moffat County Tourism
Chrissy Estes Faraci, No on EE
Senator Bob Rankin, SD 8
970-618-0193

Bonnie Petersen, AGNC
Betsy Bair, Senator Gardner's Office
John Justman, Mesa County
Doug Monger, Routt County
Diana Orf, Orf & Orf, P.C.
Richard Orf, Orf & Orf, P.C.
Ted Orf, Orf & Orf, P.C.
Keely Ellis, Town of Rangely
Jeannie Caldwell, Town of Rangely
Makala Barton, Rio Blanco ED
Laura Kay Houser, AGNC
Cheryl McDonald, Dinosaur Welcome Cntr.
Linda Hedge, Dinosaur Welcome Center
Jon Bristol, Steamboat Springs ED
Alyssa Logan, Senator Bennet's Ofc.
Shannon Vassen, Town of Fruita
Brad McCloud, EIS Solutions
970-675-3342

ATTACHMENT A



Updates from AAA:

- AAA COVID-19 Grant Committee met 9/28/2020
 - Grand River Health MOW \$15,000
 - Valley Meals and More \$15,000
 - Garfield Senior Programs \$3537

- Ombudsman can now visit residents outside to discuss complaints or to just check-in with residents

- The State Long Term Care Ombudsman audited our program 9/25/2020
 - Not anticipating any deficiencies

- The AAA will be auditing providers virtually starting next week and should be wrapped up by beginning of December.

- The ADRC Medicaid FFP (Federal Financial Participation) contract was signed last week.

- Roaring Fork Senior Law Day November 13th, *see flyer*

- Colorado Legal Services and AAA will be doing a Virtual Senior Law Day Series 10/09-12/4.

- N4A (National Association of Area Agencies on Aging) had a virtual conference 9/21-9/24.

ATTACHMENT B



Associated Governments of Northwest Colorado (AGNC) Government Affairs Report October 20, 2020

2021 Legislative Session. The only thing “certain” about the 2021 legislative session is uncertainty. As new COVID 19 cases climb and more restrictive public health orders are handed down, the protocols for the new legislative session have not yet been established. Many scenarios have been considered, some modeled on the second half of the 2020 session, others that will be developed following the election and selection of leadership by the respective Democrat and Republican caucuses. Among the possibilities rumored are restructuring of committees and committee schedules, convening and certification of election results and swearing of new members followed by conducting basic legislative business then adjourning for a period for later return. Until we get closer to January 13, we will have no definitive answers.

GHG Reduction Roadmap. On September 30, the Governor released the state’s Greenhouse Gas Reduction Roadmap for public comment. The plan lays out various strategies and a timeline to achieve the GHG reductions called for by HB 1261, SB 096, and SB 236 in 2019. Those reductions must be 50% below 2005 levels in 2030 and 90% below the baseline by 2050. **The state admits that** progressing toward the goals will require additional policies beyond the actions the state has taken already.

Strategies to reduce emissions are economy wide and include rapid adoption of 100% renewable energy, an aggressive move to electric vehicles, electrification of heating for buildings coupled with energy efficiency, replacement of gas appliances with electricity, new building codes and land use measures, reductions in vehicle miles traveled through increased telecommuting and public transit (subsidized by large employers). The roadmap can be viewed at

<https://drive.google.com/file/d/1xfgGXcu6fZ6IeOBHVrbEz9WgtfE0ZW4l/view>. Comments are due November 1 by 5 pm.

Taxation legislation. Among the tax expenditures (representing lost revenue to Colorado) are various Enterprise Zone credits and exemptions reviewed by the State Auditor’s office. Each program was evaluated individually; however, the general conclusion was that:

Overall, we found that the Enterprise Zones Tax Expenditures are meeting their purpose, but to a limited extent. Although we found that businesses that claimed these tax expenditures reported making substantial investments and hiring a significant number of employees within enterprise zones, it appears that much of this business activity would have likely occurred regardless of the tax expenditures. Further, although we found that these tax expenditures have likely had a positive impact on the State’s economy, our analysis of several economic indicators showed no measurable difference in the performance of enterprise zones compared to similar areas outside of enterprise zones.

It is likely that these programs, along with other credits, exemptions, and deductions, will be scrutinized more carefully by the legislature in 2021 for potential changes.

Law Enforcement Legislation. Proponents of last session’s SB 20-217 have stated intent to correct “loopholes” in that bill that allow local governments to shield police officers from any financial liability for their actions through blanket policies finding “good faith” in all actions, while the Colorado Fraternal Order of Police is proposing to provide insurance for their members to cover the \$25,000 personal liability. We also anticipate legislation to limit fines and fees imposed state and local governments on criminal defendants and redirect some of the spending that it provides. See the October 9 memo from Legislative Council staff provided to legislators. https://leg.colorado.gov/sites/default/files/r19-1293_fines_and_fees_in_the_criminal_justice_system_with_attachments.pdf

We understand that our local government colleagues at CCI may also address the unfunded mandates in SB 20-217 related to body cameras and video footage and restoring Colorado Governmental Immunity application to the new civil right of action established in 13-12-131 C.R.S.

Water Quality rule for permits. The Water Quality Control Division issued a Public Comment Draft of a new implementation policy that provides a written determination of the Colorado Department of Public Health and the Environment, Water Quality Control Division (division) under section 24-4-104.5(1), C.R.S. that specific division activities characterized as permits under the Administrative Procedure Act (APA) are governed by the regulations and policies in effect on the date that the division issues such permits and certifications, rather than the date of the applications. The Division states that the policy simply reflects longstanding practice. The new policy relieves the Division of its requirement to provide individual written determinations to each applicant when it finds that circumstances meet the statutory (APA) criteria for application of the new rules, instead allowing the Division to make a blanket finding. The new policy would apply to:

- NPDES permits
- Site locations and other approval
- Drinking water design approvals and alternative drinking water technology acceptances
- Division approvals of new onsite wastewater treatment system technologies
- Authorizations pursuant to Water Quality Control Commission regulations, for example domestic reclaimed water, biosolids land application authorization, and pretreatment.
- Other permitting-type actions

The primary rationale is that public health would not be adequately protected under older rules or would not comply with more recent statutes. The notice in the Division bulletin follows:

A new draft Water Quality Control Division policy is available for public comment for 30 days from the date of the bulletin's publication. This draft policy is entitled Rule Applicability to Water Quality Control Division

Permit-Type Actions under the Colorado Administrative Procedures Act. The draft policy can be found here: https://docs.google.com/document/d/1gdLEBLqeyrUTVA5O_1S3w-kOQt_N1FQG4YQf4Vt4_sk/edit?usp=sharing