



ASSOCIATED GOVERNMENTS  
OF NORTHWEST COLORADO

MINUTES

**AGNC BOARD OF DIRECTORS & MEMBER MEETING**

**August 19, 2020**

*Ute Water Conservancy District,  
2190 H ¼ Road, Grand Junction, CO 81505*

**9:00 am to 1:00 pm**

**Call to order** – Ray Beck, Chairman, called the meeting to order at 9:03 am. Introductions were made.

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

**Financial report:** Bonnie Petersen provided an overview of the financials for July 2020. Total cash position at the end of July was \$353,865.88. Revenue was slightly less than budget for the month but continues to exceed budget year to date. Expenses were less than budgeted for the month and continues to be less than budgeted for the year. Net income for the month was positive \$9,974.56 compared to budget of (\$1,492.92); year to date net income is less negative than projected by the budget. A motion was made by Chris Nichols to approve the financial report; motion was seconded by John Justman, motion passed.

**Project and Committee Reports:**

AAoA - Heather Jones reported that July had a 51% increase in required home meals - nutrition programs are still in demand. There was a drop in increase in calls to ADRC, but the call volume is still higher than last year. AAoA is monitoring the fires to determine the potential impact on services; they have some facilities in Glenwood that may need to be evacuated if fire threatens. Three dining sites could be in jeopardy as well if the Grizzly Creek fire moves further west. She is getting out applications for the COVID CARES Act funding, the plan is to use the \$150K for new providers with priority given to nutrition and outreach programs which are the biggest issues with older adults through the pandemic. AAoA is looking at a phased approach for ombudsmen to do visits in person rather than by phone going forward; the second phase would allow them back into the facilities. Will be using CDC recommendations for PPE probably masks and face shields. Heather is sitting on the reopening committee at the state level for the State Unit on Aging. Many senior and community centers are not yet open, but the committee is developing strategies for safe opening. The State Unit on Aging is working to allow AAA's the flexibility of virtual assessments of programs. You can see Heather's report at the end of these minutes as Attachment A.

Legislative report –Orf & Orf - Richard, Ted, Diana reported that it appears that eight ballot initiatives will be on the November ballot for certain; three more are being verified by the Secretary of State (SOS). For resources being put into the ballot efforts see full report below. The SOS has 30 days to verify signatures on those measures pending. The measures are Paid FML Insurance program; Local voter approval of gaming limits; voter approval to create fee-based enterprises. Richard noted that the measure for the reduction of state income tax will be

the only income tax issue on the ballot this year. The effort to raise income tax in a graduated fashion supported mostly by teachers did not collect enough signatures. Cigarette tax will significantly raise taxes to backfill rural schools.

Regulatory activities – the greenhouse gas (GHG) group from AQCC met all yesterday afternoon - three people were appointed to come up with strategies to make GHG emissions to comply with legislation passed in 2019. They will be looking at models around what measures can happen to reduce emissions to meet deadlines set out in the bill. Two of the members are very vocal climate action persons; they want to have aggressive plans and a backup plan in case they fall short. A Lawsuit was filed against the Governor and regulatory entities because the July 1st date for the plan has been missed. The discussion is an economy wide effort as they are looking at increasing electric vehicles and they want to include light duty trucks, they are looking at new rules for diesel equipment requirements, for building construction, electrification of buildings with a phase out of natural gas forcing the installation of electric appliances. Coal fired power plants have announced closure dates up to 2030; more aggressive members want to accelerate that timeline and force them to close earlier and limit emissions while they are operating. Full commission meets tomorrow and will have a report from this group. Once they adopt these regulations, they must have rulemaking hearings. Chuck Grobe was reappointed to air commission - 3 others were not appointed including one from Aspen. Three new members are coming on: an oil and gas worker, the mayor of Broomfield and the head of local pipe fitters and Ogletree from Denver. The water quality control division is working on a permit program to cover what they see as deficiencies in the Trump WOTUS rules. The state sees them as waters of Colorado, and they are trying to place provisions on state waters that mirror the prior federal rules. The Governor formed a Tax study group - Bob Rankin is on it. They do not consider the group to be covered under the open meetings law; it is hoped that Senator Rankin will share information with us. Since the Law enforcement reform bill passed over 200 officers have resigned or announced retirement - people are concerned about what will happen. Officers are concerned about the personal liability provision in the bill and it is having a negative impact.

Some AQCC commission members will not be happy till the entire state of CO is shut down. We do need to talk to them before a regulation is in front of them. It would be good to have an introductory conversation with the new members. The response for some members is that the only issue is climate. When things are suggested that might not work, they have replied that we have a crisis; there does not seem to be any other consideration. The dates in the bill were unrealistic, many people told them they were. One of the issues they stressed is how they were going to support mass transit to address emissions. They still believe we can get major transportation emissions cuts by using mass transportation; people have abandoned mass transit due to COVID, but they are moving forward because that is what they believe to be true. The issue about regulation by non-elected people was raised; during the 2019 session the state legislature turned over a huge amount of policy making authority to the health department. That department now has authority over almost everything we do in the state today.

**Region 10 Broadband Project Overview** – Michelle Haynes, Region 10 Executive Director, and Virgil Turner, Broadband Project Director provided an overview of their broadband project sharing what it means to them and others in Western Colorado. Region10 provides a broadband network within their region; the Broadband project was born out of the Economic Development (ED) planning in the region a few years ago. Members thought broadband was the #1 issue in the area - businesses were leaving and communities could not attract businesses. In an effort to address the ED need for businesses, address severe outages in the region and to obtain the same level of broadband as urban areas for similar prices, the project moved forward. Michelle

reviewed the components of the planning and the current and future buildout of the infrastructure focused on middle mile connectivity. She shared the investors and partners involved in the effort as well as the grant funding obtained for construction. The project plan was to deliver gigabit level service so ISP's can buy adequate service. As coal mines began to shut down R10 began to work on the broadband project. Economic reports show that as coal mine jobs decline personal per capital income was growing and doing so faster than counties nearby. Live works hired 100 to 120 miners to work on their project. They targeted coal mine workers as a re-employment effort. Attracting remote workers is a focus and trying to keep workers and young people in communities. The next goal is how do we get connected and leverage this even further. R10 is connected pretty well but paying a premium to Albuquerque and Denver to points of presence in those locations. R10 is looking at connecting their network to other networks to bring all or our prices down to drive down wholesale costs. Montrose seeing prices in the 50cent range, but people can buy service in Denver for less than that. An overview was provided about how the network can be expanded. By connecting networks together Western Colorado could get redundancy and accomplish expansion goals. R10 plan to construct a fiber along I-70 that will eventually go to the Utah state line. They have an agreement to use fiber to a meet me location in Glenwood springs – they are requesting a grant from EDA for a project in partnership with Garfield County to have a meet me location in Rifle and will do Parachute and Debeque in the future. Once all projects come to fruition will see Western Colorado being able to compete on a level playing field with the Front Range of Colorado. We will be able to offer the same or better levels of service.

**West Slope COGA Energy Update** – Chelsie Miera, Executive Director provided an overview of the status of natural gas production in NW Colorado. The Piceance basin is the 2nd largest natural gas reserve in the country. Natural Gas prices are at about \$2.40 which is good news. Energy producers had gas supplies ready for a normal economy and as people stayed home due to the pandemic, demand slowed down and resulted in a glut of supply. Energy markets have not been predictable this year. Russia/OPEC energy wars have impacted markets; those countries are not concerned with labor or humane practices. They were fighting with one another, but the U.S. was their target. The Pine gulch fire is impacting producers in NW Colorado. Colorado offers compounding issues of regulatory uncertainty. SB181 is arguably as bad as ballot initiative 112 which was defeated soundly by Colorado voters. There are hearings on Monday, August 24th, West Slope producers need West Slope voices to be heard. Oil production in basins produce natural gas which adds to the supply. The industry is being targeted constantly with taxes and fees. The mill levy was raised in a time when we should not be raising taxes or fees on any industry. Significant rulemakings are coming up at COGCC and AQCC; Colorado has more rulemakings coming up than we have rigs operating in the state. A gentleman's agreement for this year was reached between the producers and the Governor so there are no direct oil and gas related issues on the ballot. Producers are concerned about the wolf initiative. Polis declared that the oil and gas wars are over AGAIN; the question is, will it stick? The state will have a tough 2021 session. John Putnam with AQCC will roll our massive emission cuts that target oil and gas sector. Jordan Cove is a big opportunity for Colorado; it just needs the last little pipeline section to be built. Resources from Jordan Cove would be produced for Asian markets which are much cleaner than currently produced coal electricity in China. It is expected that Colorado would see a net benefit globally if we could export Rockies gas to Asian countries. WSTN is looking at new routes for exports. The energy industry is a huge and important piece of the economy as we come out of the pandemic. Producers are strongly invested in communities where they operate. The COVID response was robust; producers called landowners to be sure they had supplies they needed. Chevron donated software to provide a reverse hot line to address

needs in the community. A new movement seems to be forming; activists are leaving the environmental “crisis” narrative. Planet of the Humans and Apocalypse Never were developed by “environmental” activists and they point out the realities around renewable energy technologies. Colorado has the most stringent regulatory environment in the country. The state has the most clean, safe, affordable, and reliable energy in the country. Oil and gas have gotten smaller in terms of footprint but not so with solar, wind, or hydro. The COGCC mission is to change rulemaking. August 24th is the one day for public comment for the 200-600 series of regulatory proposals. All these hearings are being done during a pandemic in wildfire season with no relief which does not allow for adequate public input. The regulators hear constantly from Boulder who do not want the energy industry in the state. The deadline to sign up to testify on August 24th is 5:00 today; Chelsie will send the link out. Elected officials get to go to the front of the line. The proposed regulations are overlaying huge high priority habitat and native aquatic streams to eliminate oil and gas - these are in the 1200 rule making. Scott McInnis noted that there is some good news in that Chevron purchased Noble Energy; the company value was \$12 billion but Chevron bought it for \$5 billion. It appears that Chevron is making a bet that traditional fuels will have a strong place in the future. It was suggested that Chevron government relations get involved immediately regarding the rulemakings taking place.

### **Federal Delegation Updates**

George Rossman from Congressman Tipton’s provided an update. The House is being called back into session this weekend to work on post office legislation. Have not seen anything yet on what is being put in the bill for the post office; we will see what is being proposed when everyone is back. It is expected that we will see a continuing resolution at least through the election then expect negotiations around Christmas time. It depends on the election as to what happens with the budget. There is not much encouraging about COVID assistance out of the House. Senate Republicans are waiting on House Democrats, so the prospects of a big stimulus package do not look positive right now. George thanked AGNC for the support of Congressman Tipton and relayed thanks from Scott, Brandon, and staff. The Congressman will close his office around November 23rd. AGNC members asked George to let the Congressman know how much we appreciate his service over the years and that we will miss him.

Betsy Bair from Senator Bennet’s office had a phone call regarding the wildfires and had to leave the meeting. Betsy apologized that she had to take the call and noted that Senator Gardner is working on fires and the next stimulus bill.

Alyssa from Senator Bennet’s office noted that there are still a lot of questions regarding a COVID package. Senate left for August recess we most likely will not see conversations until back the Senate is back in session at the end of September. The Senator is advocating for these items in a potential package:

- 1) restart act puts in 6 months of liquidity to small businesses as a loan but with an opportunity for forgiveness; it has 50 co-sponsors in the Senate including Senator Gardner;
- 2) State and Local funding with more flexibility on how to spend future resources;
- 3) Health force which is a way to put people back to work in health infrastructure to health schools, etc. to open safely.

He is working on two pieces of legislation; 1) Resilient Act infrastructure bill to streamline federal bureaucracy and empower local leaders; 2) Bridge Act - a broadband bill providing \$30 billion to states to connect unserved communities and schools by encouraging gigabit internet with at least 100X100 Mbps and requires at least one low cost option for each community.

### **Administrative Update**

Bonnie Petersen provided an Administrative Update on the following topics:

- Redistricting Commission - Brad McCloud reviewed the criteria and make up of the Congressional Redistricting Commission and the Legislative Redistricting Commission. An individual may apply to serve on the commissions; the applications were published by the Colorado Legislative Council by August 10<sup>th</sup> and applications must be returned by November 10, 2020. It is important that we have strong candidates from Western Colorado apply for these commissions.
- AGNC has been asked to provide a letter of support for T. Wright Dickinson's application to serve on the redistricting committee. It was noted that the commission is critical position and that AGNC may want to see who is going to apply for the position before committing to a letter of support. The board agreed to take some time to see who else shows an interest and then determine who to support; it may be more than one applicant. It was also pointed out that what is vitally important is that we get voices from rural and Western Colorado on the commission; anybody with an interest should apply, the more solid applicants we get the better. The 3rd CD is interestingly drawn, and the majority of the headwater's county is actually in Boulder district which concerns many. AGNC should not be afraid to oppose potential candidates.
- County Resolutions for Redistricting – West Slope Counties that wish to see the 3<sup>rd</sup> CD encompass the counties in Western Colorado should consider preparing a resolution for the 3rd CD to keep Western Colorado counties together. That was the fallacy of the last redistricting effort when the case was heard by the courts. It is not too soon to begin discussing that among the counties in the region.

**New Business:** *Next Meeting September 16, 2020, Granby Library, 55 Zero St., Granby, CO 80446*

**Adjournment – Meeting adjourned at 1:06 pm.**

**Attendance:**

Ray Beck, Moffat County  
Mike Samson, Garfield County  
Tiffany Pehl, AGNC  
George Rossman, Congressman Tipton's Ofc.  
Heather Jones, AAoA  
Grady Hazelton, Town of New Castle  
Chris Nichols, City of Craig  
Lisa Piering, Town of Rangely  
Jeff Comstock, Moffat County  
Rep. Perry Will, HD 57  
Scott McInnis, Mesa County  
Alyssa Logan, Senator Bennet's Office

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.  
Michelle Haynes, Region 10  
Jeannie Caldwell, Town of Rangely  
Brandon Bainer, Congressman Tipton's Ofc.  
Brad McCloud, EIS Solutions

## ATTACHMENT A



### **Comparing June 2019 vs June 2020**

- 51% increase (13,361 to 20,137) in meals across the region
- 7% increase in information and assistance calls (ADRC)

### **Updates from AAA:**

- Continuing to monitor the fires and its potential impact on services
- Looking to get a request for applications for COVID-19 funding out
- The State Long Term Care Ombudsman Program is looking at a phased approach for ombudsman to be able to start visits with residents
- The State Unit on Aging currently has a reopening committee
- The State Unit on Aging is going to allow AAAs the flexibility of virtual assessments of programs.

## ATTACHMENT B



### Associated Governments of Northwest Colorado (AGNC) Legislative Report August 19, 2020

#### Ballot Issues

Eight measures have been approved for the November ballot and three are currently being validated by the Secretary of State's Office by counting the signatures on the petitions.

National Popular Vote. According to a Denver Post analysis, if approved, this measure will allow Colorado to join other states in casting its electoral votes for the winner of the national popular vote rather than the winner of the state popular vote. Citizens led the effort to put this on the ballot to overturn a bill that was passed and signed in 2019. The measure will appear on the ballot. More than \$2 million has been spent by supporters (many from outside Colorado) while opponents do not report receiving or spending any money to defeat the measure. However, the election season is still early.

Reintroduction of Gray Wolves. The measure amends Colorado statutes to require reintroduction of gray wolves into Colorado and requires Colorado Parks and Wildlife to develop a management plan. The measure will appear on the ballot. Opponents (there are two organized groups) have spent approximately \$200,000 to fight the measure, while supporters have spent \$1.5 million to pass it.

Gallagher Amendment Repeal. The measure was referred to the ballot by the General Assembly (therefore no signature requirement to be met). It amends the Constitution by repealing the Gallagher Amendment which fixes the ratio of residential property tax to all other property tax revenue at 45-55%. If passed, a separate piece of legislation will freeze the current assessment ratio until changed by the legislature. Neither the issue committee formed to support (Colorado Coming Together) nor the opposition committee (Keep Property Taxes Low) report having spent any money on the measure.

Cigarette and Nicotine Taxes. This measure was referred to the ballot by the General Assembly following the passage of HB 20-1427 on the last day of the session. It was a compromise to head off a more radical proposal. It increases the tax on cigarettes and other tobacco products and adds a new tax on nicotine products such as vaping substances. A portion of the revenue raised would go to public schools. There do not appear to be issue committees formed concerning this specific measure, although several organizations worked on previous efforts.

Citizenship Qualification of Electors. The Constitutional measure reiterates that only citizens may vote in elections. Supporter organization Colorado Citizen Voter has spent \$20,000 to pass the measure. No opposition committee is currently registered.

Reduction of State Income Tax. Initiative #306 qualified for the ballot August 17 via a petition submitted by Jon Caldara and Sen. Jerry Sonnenberg. It lowers the Colorado income tax for individuals from 4.63% of federal taxable income to 4.55%. Income tax for C corporations is also decreased from 4.63% to 4.55% of Colorado net income.

Prohibition of Late Term Abortions. The measure amends Colorado criminal statutes by prohibiting licensed physicians from performing an abortion if the gestational age is at least 22 weeks, as determined using best medical practices. The measure requires physicians to decide of the probable gestational age before performing any abortion. Under the measure, performing or attempting to perform an abortion after 22 weeks gestational age is a class 1 misdemeanor.

Bingo and Raffle Rules. The measure amends the Colorado Constitution to allow persons conducting bingo and raffle operations to be paid (no more than minimum wage) and changes the required period of existence of an organization sponsoring bingo or a raffle from five years to three. This measure was referred by the General Assembly pursuant to HCR 20-001. Three additional measures are undergoing review to determine whether petition signatures are sufficient.

- Paid Family and Medical Leave Insurance Program The measure creates a statewide paid family and medical leave insurance program and division as an enterprise in the Department of Labor and Employment (CDLE). The purpose of the Family and Medical Leave Insurance (FAMLI) program and division is to provide partial wage-replacement benefits for up to 12 weeks per year to eligible employees, and employment protections for employees that take that leave. Premium payments for the program are split between employers and employees.
- Local Voter Approval of Gaming Limits in Black Hawk, Cripple Creek, and Central City. The Colorado Constitution currently limits gaming to slots, blackjack, poker, craps, and roulette, with a maximum bet of \$100 for any game. This measure would allow voters in Central City, Black Hawk, and Cripple Creek to expand bet amounts and the types of games allowed at casinos in the three cities. Additionally, the measure allows gaming revenue distributed to the state's public community colleges to be spent on programs that improve student retention and increase completion of credentialed programs.
- Voter Approval for Creation of Certain Fee Based Enterprises. The voter approval requirement applies if the program's projected or actual revenue from fees and surcharges exceeds \$100 million over the first five years for which the program will operate as an enterprise. To make this determination, projected or actual revenue from enterprises created in the five preceding fiscal years and serving primarily the same purpose are added to the projected or actual revenue of the created or qualifying enterprise.

### **Regulatory Activities**

Greenhouse Gas Mitigation Strategies. The AQCC subcommittee on GHG emission reduction met August 18 to review potential strategies for reducing GHG emission to meet the requirements of SB 19-096 and HB 19-1261. This legislation set aggressive targets for reducing Colorado's GHG remissions economy wide to combat climate change. The AQCC was required to proposed regulations to accomplish these goals by July 1, 2020 but is unable to meet that deadline. As a result, environmental organizations are suing the Polis Administration. The subcommittee has met twice to review potential strategies including increased reliance on electric vehicles (including light duty trucks and heavy equipment), accelerate coal plant closures, low carbon fuel standards, electrification requirements for buildings and phasing out natural gas usage, cap and trade for transportation fuels, and a host of other measure that are sure to meet with public disapproval. The subcommittee will hold one additional meeting and will present its recommendations to the full AQCC.

AQCC Appointments. Congratulations to Chuck Grobe who was just reappointed to the AQCC. Three new members have also been appointed to the Commission

- Randy Ahrens worked in the oil and gas industry before serving as the mayor of Broomfield from 2013 to 2019.
- Gary Arnold, the business manager for Denver Pipefitters Local #208. Arnold has [defended the controversial Jordan Cove project](#) in Oregon in his role with the union.
- Michael Ogletree, who works as the Air Quality Program manager from the City of Denver.



Water Quality Issues. The Water Quality Control Division continues to press for a new permit program to cover dredge and fill activities previously permitted by the Army Corps of Engineers but which are now exempted from the Clean Water Act through the new federal Waters of the U.S. definition. The State of Colorado sued arguing that the Trump Administration rule will leave state waters unprotected and was successful in obtaining a preliminary Injunction. A similar suit filed by other states in the Northern District of California was unsuccessful; therefore, the injunction applies only in Colorado. The CDPHE continues to hold stakeholder meetings and the Colorado Water Congress State Affairs Committee has convened a working group to address the issue.

Tax Issues. No legislative interim committees are being held, due to the budget shortfall; however, the Governor's Office has convened a tax study group which includes several legislators. Their discussions will include expenditures and the budget. Upon inquiry to the Governor's Office, we have been informed that these meetings are closed to the public and not subject to the Open Meetings Law.

Fallout from 2020 Legislation. Despite assurances from law enforcement organizations and legislators about the feasibility and acceptance of the Law Enforcement Reform bill SB 20-217, we understand that over 200 police officers in Colorado have resigned or announced retirement since that bill was signed into law. A major issue is the requirement that officers are personally liable for up to \$25,000 in civil court arising from actions (use of force) found to be "not in good faith." This requirement eliminates the much-criticized qualified immunity used to defend their actions, but places severe burden on their families in civil actions by increasingly unpredictable plaintiff suits. When coupled with threats by the legislation's prime sponsor to eliminate "loopholes" such as a city indemnifying its officers (by stating that it would never find bad faith) it will be increasingly difficult to hire and retain good officers.