



MINUTES
AGNC BOARD OF DIRECTORS & MEMBER MEETING
November 17, 2021
CNCC, 2801 W. 9th Street, Craig, CO, 81625
10:00 am to 2:00 pm

ZOOM: <https://us02web.zoom.us/j/2510562431> **Password:** 2462
PHONE: +1 (669) 900-6833 **Meeting ID:** 251 056 2431 **Password:** 2462

Pledge of allegiance

Call to order – 10:04 AM Mike Samson, Chairman: Introductions were made, and it was noted that Brian Condie will be the alternate for Garfield County municipalities.

Approval of minutes – Chris Nichols made a motion to approve the minutes; Keely Ellis seconded the motion; motion passed.

Financial report – Bonnie Petersen reviewed financials for October 2021. Total cash accounts at the end of October are \$675,057.41. Total income for October was slightly ahead of budget and year to date, total income is ahead of budget. Net income for the month was \$4,021.94 well ahead of the budgeted negative net income. Year to date net income is \$20,114.81 well ahead of budgeted negative income. Ken Kreie moved to approve the financial report; Chris Nichols seconded the motion, motion passed.

Project and Committee Reports:

Legislative Update – Diana Orf indicated that there has been continued discussion on the short-term rental issue, the legislature has formed a task force to work on the issue. Everything is on the table but there is not a way to do that cleanly, the related workload for assessors is heavy. They have to find a middle ground; they started with air BNB's and are trying to define a commercial line; they will likely find a middle ground there. The interim Water Committee came up with 3 bills to introduce; one is on water speculation, one on funding for ground water issues and the last relates to agriculture issues. The most contentious bill is the one on headwaters – that was not introduced yet, Senator Donovan said she would be back with it in regular session. The Senator thinks headwaters need more protection than others and wants to create two classes of water to be considered in water court. Wildfire matters committee drafts look at more tax incentives to do mitigation for property owners. Statewide fire building codes has come up but right now, they are doing intelligence gathering and building technology for good fire approach. They are looking for the ability to tie funding to areas that have adopted certain building codes. Building codes are expected to be a discussion item. American White-Water Association requested a requirement for engineered structure language that was not forwarded in a bill, but they have indicated they do plan to have a bill – not sure what the impacts might be but will watch this carefully. The idea of headwaters for tributaries could jeopardize the prior appropriation doctrine – that is the first question asked – calling out headwaters as a separate category may violate the constitution. Ridgway has declared that the river has rights, but that concept has not been well received in the courts. A lot of meetings regarding the over allocation of the Yampa have been held – the state engineer is hinting that a

January or February date is likely to happen. They have been talking about grandfathering existing uses. Anything new will require augmentation and will go through the process. Redistricting is done – maps were approved by the Supreme Court on Monday. Governor's budget is out – he has not made formal presentation. JBC will hear from state departments about budgets. Rankin asked about wolf costs and water projects. \$30 million set aside included for childcare availability also discussion about state money to provide funding for matching homeless projects. Some targeted areas for infrastructure have been suggested as more of an overview - real details will be in departmental budgets. The November legislative report is included as attachment B at the end of these minutes.

Area Agency on Aging Overview – Heather Jones, NW CO AAoA Director. Provided an overview of what AAoA is and what their organization does. The organization exists to provide services for older adults, low-income and minority citizens. AAoA operates on about a \$2.5 million budget – when established in 1974, funding was \$34,000. Contracted services include Aging and disability resources of Colorado (ADRC); adult day care; evidence-based health promotion programs and screenings; nutrition programs – dining sites and home delivered meals; and legal services. There are 21 meal sites in the region; most are re-opened now for on-site dining, or alternative grab and go options. AAoA also supports the long-term care ombudsman program that checks on the quality of long-term facility care for seniors. The organization also offers reassurance through life alert button vouchers; senior centers, state health insurance program (SHIP), transportation and vouchers for dental, emergency assistance, hearing aids, respite, lifeline, glasses, homemaking. SHIP open enrollment for Medicare participants help educate seniors on changes in Medicare they may need to know about. AAoA contracts for transportation to doctor appointments, grocery stores, and other needs as appropriate. A new item for 2021 is technology support providing iPads in senior centers/low-income housing for telehealth, grocery ordering, and/or family connections. Technology funding has been provided through COVID relief funds. The organization partnered with “get set up” who can teach seniors about how to use their computers and various programs. NWCO AAoA serves around 4,000 seniors across the region; there are about 63,000 seniors in the region now. Seems like 75% of deaths related to COVID are seniors. Veterans ADRC run veteran program allotted funds to pay those caregivers.

Update SB290 passed last year – application released due by Dec. 20 reached out to providers CO 2nd or 3rd aging stage in US. Healthcare shortage in home care agencies – assisted living have been looking for supplemental assistance with traveling personnel and national guard to aid facilities. Meals on Wheels has outgrown its kitchen and has partnered with the food bank to expand the program. AAoA received vaccination funds that can be used to help with boosters. They will do outreach to get information about vaccination opportunities out. They may receive carry over funds this month or next month including ARPA funds. State Unit on Aging audited the NWCO program Oct. 19th and found it to be in full compliance. AAA monthly update is included as attachment A at the end of these minutes.

CCI Update and Plans for 2022 – Gini Pingnot, CCI Legislative Director provided an update on the CCI legislative priorities for 2022. There are 8 legislative priorities for this year; priorities are determined by asking members which bills they would like CCI to run in the upcoming session. The bills for 2022 include:

County Authority to Dissolve a Special District – there are lots of ways to dissolve a SD board, DOLA and municipalities can, but a county cannot – members think it is an oversight. Reason a district might be dissolved may include the fact that services offered may be no longer needed – another entity has taken over, etc. – this bill would correct that.

County Authority to Remove Cemetery District Board members for cause – think fraudulent activity or something preventing completion of duties. CCI is working with the special district association on both bills.

Allow counties to designate roadways as wintertime cross country ski access. Counties have the ability to do this for snowmobiles when plowing will not take place – the bill adds skiing.

Property Tax Exemption for leasing property to a non-profit childcare provider. During the pandemic communities lost childcare providers meaning working moms left jobs to care for children. The bill will allow commercial landlords to have non-profit childcare use property and to claim a tax exemption. It is hoped that the statute may help some high-cost communities to open commercial real estate for non-profit childcare.

Expansion of allowable uses of county lodging excise tax – counties are allowed to add excise taxes for lodging – statute states they can only use the revenue for marketing and advertising. Visitor experience has changed recently, and local governments are looking at lack of housing, childcare, etc. and would like to support these other issues in the name of tourism. Commissioners not interested in changing amount of funding for general county expenses; they want to address visitor experience. Tightening up Local Marketing District fund usage is all predicated on favorable approval of voters.

Kinship Placement in Child Welfare arena – a federal bill passed in 2018 to allow for placement with relatives. Priority number one in such cases is to keep kids safe and in familiar settings; it is time to take a look at state statute and make sure we are not closing the door on kin.

Protect personal information – code enforcers/compliance officers. Bill builds on trying to provide some ability for county staff who may be feeling threatened to protect personal information by requesting that it come off the internet. A similar law was passed to protect child welfare workers a couple of years ago – last year a bill did the same for public health workers. This year CCI is working on code enforcers – building code, land use. It is up to employee to determine if that is needed, it is not a blanket provision. It will be important to make it clear to workers that if information is removed it could create issues related to items like loan applications, etc. Betsy Bair noted that the Colorado health Association is looking at doing the same thing for health care workers; they are seeing a lot of concern in the health care space.

Protect historic ponds for fire fighting purposes. Existing provision allows wells to be used for firefighting and can be used to put the fire out. Counties want to do the same thing with ponds – the bill is not intended to protect a pond that somebody just wants to protect. There will be an assessment regarding which ponds need to be designated – will be really narrow, tight parameters. Consideration of water right holders for those ponds will be required and there will be an expectation that there is augmentation; when bill is drafted, it will specify guardrails and expectation for replacing water.

Tri-State Update – Drew Kramer introduced Tim Osborn, Craig Station Plant Manager. He provided an overview of stats for the plant. Units 1 and 2 are fully available, unit 3 work is being done – overall the station has been 88% available. Actual utilization is down it is not used as much with the injection of renewables etc. on the grid. They have about 80 days of coal in the stockpile. Tri-State consolidated all 3 units into one operating permit, an effort that has taken a number of years. There are no scheduled outages on unit 2 in 2022, the next one is a 6-week outage in 2023 – that will be the last major outage for the remaining station lifespan.

Drew talked about the Craig energy center concept noting that there is not a lot of detail for the concept yet. General idea of re-purposing the station takes into consideration that Tri-State has land, workforce, a supportive community, facility, etc. The CEO announced at their annual meeting that they are talking to the state about creating an energy center – the state is supportive. DOE issued an RFI for facilities to do hydrogen demonstration projects. There are a lot of uses for hydrogen – one is electric generation. They applied to DOE – got a lot of letters of support and hope a funding opportunity announcement might follow. When they learned about the regional BBB grant application, Tri-State was interested in applying for that to launch this center. AGNC and Region 10 allowed the addition of the concept to the regional proposal. Thanks to all who worked on the application for the proposal. Nuclear and coal gasification not being looked at now but don't think it is off the table.

Lisa Tiffin provided an overview of the Tri-State Electric Resource Plan (ERP) for Colorado submitted to the PUC. Small nuclear and coal gasification comes up and they are working with data resources to determine what makes sense. An overview of the Colorado ERP was provided. In 2019 three bills impacted Tri-State – the reduction of GHG emissions was passed via HB19-1261; and SB19-236 required submission of ERP by wholesale electric cooperatives.

The process started in spring of 2020; first regulatory filing was made December 2020 with eight alternates. In June, the PUC required five consensus scenarios – needed one scenario to represent Tri-State member system – that was filed in September this year. The plan is in hearings now. DMEA is an intervenor in the process and Wyoming members have been active in the process.

There are stakeholder Scenarios – 1-5. All scenarios are unattainable as they require early closure. Correct assumptions show that 12-31-29 is the right date. The Revised Preferred Plan – indicates that unit 1 would close in 2026, unit 2 after that and unit 3 at the end of 2029. Going forward, it will take more work to achieve efficiencies after capitalizing on low hanging fruit. Plan needs to be driven from a point of reality. Scenarios have very different revenue requirements and impact on rates. Timing of decisions can have a big impact on communities.

Key issues:

Affordability and reliability. Environmental Responsibility. Resource Acquisition Period – Phase II Acquisitions.

Member load uncertainty annual forecast used is 2020 forecast – 2021 is lower. Partial Requirements contracts reduce 203 MW of Demand - FERC proceeding is creating unknowns for Tri-State as it determines contract termination payments for member exits. Additional uncertainties relate to beneficial electrification statewide initiatives mandating electric vehicles – gas compression, etc.

The Resource Acquisition Period of 2021 to 2030 was assigned to Tri-State, the company did not get to choose. They will likely have to file a waiver to allow time for technologies to advance in order to meet the requirements.

Next Steps include a series of timelines leading to a hearing January 31 to February 7, 2022, followed by an anticipated ALJ/Commission decision in May 2022.

Key Points of the Tri-State plan are to:

- Retain Craig 3 to announced retirement date for reliability and affordability,
- Model reasonable, achievable levels of energy efficiency,
- Allow organized markets to evolve for the successful integration of intermittent resources,
- Restrict RAP to primarily 2025/some 2026,

- Support CoPUC approval of Tri-State’s revised Preferred Plan for ERP.

Federal Delegate Updates – Sarah McCarthy provided an update from Senator Hickenlooper’s office. The infrastructure package signed into law on Monday, it is the largest investment in infrastructure since the new deal. Senator Hickenlooper was on a smaller committee working through language on the Broadband portion of the bill making sure rural communities were put first and foremost. Every state will receive \$100 million which will provide high speed access and lower cost. Other funding will be made available through grants to the states. Roads and bridges – Colorado ranked a C- grade on road and bridge infrastructure; we have 481 bridges and over 600 miles of highway classified as poor. The bill will bring in \$1.3 billion for roads and additional funding for bridges as well. Transit and EV charging are included in the bill, and it will also help with electric vehicle charging infrastructure. \$8.3 billion was allocated for water infrastructure nationally with a focus on drought forestry, dams, new surface, and groundwater storage. Both Senators wrote a letter in the spring highlighting the need for western water structures. Most will go to the states some through federal agencies and funds will be sent through grants, etc. Vehicle charging network may take a year or so to get all the rules set out. Could take several months to get money distributed. Other updates Senator is leading on a bill to extend upper Colorado and San Juan Basin fish recovery programs. The bill helps to coordinate programs on the rivers; ESA compliance for water projects.

Hilary Henry and Matt Kireker from Senator Bennet’s office provided an update noting that the Senator’s Bridge Act language was included in the infrastructure language. Money will flow through CDOT primarily for transportation. The water funding provided for storage will be huge. Money will be managed through the Bureau of Reclamation and access will be through CDPHE for local governments. Forest restoration received \$225 million and includes an extension of secure rural schools’ program. NDAA is keeping space command in Colorado. Academy nomination process is underway, Senator Bennet is working with Senator Hickenlooper through the process, and they want to put a spotlight on the West Slope to support students in this process.

Administrative Update - Bonnie Petersen

- The 2022 Meeting Schedule was provided for reference to members and attendees.
- 2022 Leadership transition – Per direction from the AGNC Executive Committee, Bonnie informed all in attendance that she plans to retire in 2022. The Executive Committee has directed that the job description be distributed in early 2022 so search for a candidate can be conducted.

New Business – *Next meeting February 23, 2022, Garfield County Administration Building, Community Room, 195 W. 14th Street, Rifle, CO 81650*

Adjournment – meeting was adjourned at 2:08 pm.

Attendance:

Mike Samson, Garfield County	Gary Moyer, Rio Blanco County
Cody Davis, Mesa County Commissioner	Chris Nichols, City of Craig
Melody Villard, Moffat County Commissioner	Dianna Orf, Orf & Orf, P.C.
John Bristol, Steamboat Springs Chamber of Commerce	Richard Orf, Orf & Orf, P.C.
Ken Kreie, Town of Fruita	Jeff Comstock, Moffat County
Bill Carlson, Town of Palisade	Christina Oxley, Colorado Workforce Commission
Brian Condie, City of Rifle	Karl Paulson, CWF
Heather Jones, AAOA	Tiffany Pehl, AGNC

Margie Joy, CHFA
Erin McCuskey, NWCOSBDC Regional Director

Grady Hazelton, Town of New Castle
Dana Hlavac, DOLA
Carolyn Tucker, CWF
Keely Ellis, Town of Rangely/CNCC
Matthew Kireker, Senator Bennet's Office
Tyler Kelly, Rifle Regional EDC
Tom Kleinschnitz, Moffat County Tourism

Kat Papenbrock, OEDIT

Betsy Bair, Community Hospital

Tim Osborn, Tri-State G&T

Gini Pingnot, CCI

Sarah Ruen Blanchard

Bonnie Petersen, AGNC
Eddie Smercina, Rio Blanco County Natural
Resource Director

Adam Massey
Peter Brixius, Town of Craig
Ray Beck, Moffat County
Shannon Scott, Craig Economic Development
Jennifer Holloway, Craig Chamber
Lisa Jones, President, CNCC
Perry Will, State Representative

Drew Kramer, Tri-State G&T

Sarah McCarthy, Senator Hickenlooper's Ofc.

Hilary Henry, Senator Bennet's Ofc.

Lisa Tiffin, Tri-State G&T

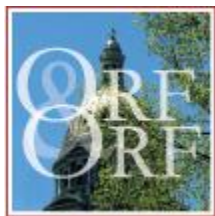
ATTACHMENT A



Updates from AAA 11/17/2021:

- SB290- The Colorado Department of Human Services (CDHS) has released the request for applications for the \$15 million grant. Providers have until 11/26/2021 to submit proposals to AAA. The AAA will then work on combining proposals and submit to CDHS by the deadline of 12/20/2021
- The AAA received COVID-19 vaccination funds of \$38,878. Region 11 and a couple of AAAs across the state will be working with a marketing group to do outreach and education on COVID vaccines and Boosters. The marketing group will use social media, radio, and newspapers for marketing.
- The State Unit on Aging is still stating that we will receive our federal carryover funds and ARPA funds shortly.
- A couple of our nutrition providers (Mesa & Rio Blanco) have recently started a nutrition education program called Text2LiveHealthy. It is a free text program offered by the State Unit on Aging. It provides resources and tips for older adults and their caregivers to engage in a healthy lifestyle. It also connects subscribers with information about local wellness-related events. The information is available in both English and Spanish.
- Nutrition providers in Garfield County have been getting together and discussing how to best meet the nutritional needs of older adults across the county.
- Region 11 local ombudsman program is in compliance with the standards of the Long-Term Care Ombudsman Program.

ATTACHMENT B



Associated Governments of Northwest Colorado (AGNC) Government Affairs Report November 17, 2021

Legislative Interim bills

The legislative interim committees have completed their work with three bills recommended by the Water Resources Review Committee and five bills recommended by the Wildfire Matters Review Committee all approved for introduction in the regular session. Issues addressed by the Water committee included water speculation, funding for groundwater issues in the Republican and Rio Grande Basins and adding agriculture issues to the Water committee going forward. The Wildfire bills

Among bills not requested for consideration is an effort by American Whitewater to remove the requirement for an engineered structure to claim an in-channel recreational diversion rights (RICD). The concept and rationale for legislation was presented to the Water Resources Review Committee in September, but representatives of the group indicated at the time that they were not proposing a bill. However a September 28 article in the Colorado Sun suggested that they would move forward https://coloradosun.com/2021/09/28/recreational-in-channel-diversion-ricd-water-rights-colorado/?mc_cid=37e897aff3&mc_eid=199fd66a81&fbclid=IwAR3N16_qVpebs279qi7WPhecDhGIA-6D5U2b26eIFakHftLR1opnPHZPSCQ and a quick review of the organization's Facebook page also states that they are "working to expand the ability for communities to file those water rights, because as we all know, you don't need a whitewater park for a quality whitewater recreation experience, you just need the right water levels." When questioned by interim committee members, the group stated that "this is not a water grab" while acknowledging that some might perceive it as such. The overwhelming question, however, for a guaranteed flow in drought years, "where will the water come from?" Committee members posed that question.

Statewide Ballot Measures All three statewide ballot measure addressing tax issues were defeated.

Legislative Redistricting Affecting NW Colorado

On November 15th Colorado Supreme Court approved the final maps submitted for legislative redistricting, putting Moffat, Rio Blanco, Routt, Jackson, Grand, Eagle, part of Garfield, Clear Creek, and Gilpin counties into Senate District 8.

Part of Garfield, Pitkin, part of Delta, Gunnison, part of Montrose, and Hinsdale counties are now in Senate district 5. The remaining portion of Montrose County is in Senate district 6.

On the House side, Moffat, Routt, Rio Blanco, and most of Eagle County lie in House District 26.

District 57 includes Garfield, Pitkin, and a corner of Eagle County.

District 58 now includes Montrose, Part of Delta, Ouray, San Miguel, Hinsdale, Dolores, and part of Montezuma County.

The Governor's Budget Request listing his priorities for spending was sent to the Joint Budget Committee on November 1. He was scheduled to make a presentation concerning an overview of his request on November 15, but instead scheduled a trip to the White House for signing of the infrastructure bill.

The Governor is focusing his spending priority on using federal ARPA money to reduce the amount owed to the federal government for loans to the Unemployment Trust Fund, to reduce homelessness, to fund behavioral health programs through local government programs, and to pay down the amount “owed” for K-12 education, reducing the Budget Stabilization Factor (an accounting methods used to defer constitutionally required spending for education during the great recession).

Less infrastructure money is provided than hoped (although the Governor may be relying on the newly signed federal Infrastructure bill to provide those funds). Broadband improvement is included, however. The budget request also prioritizes funding for recreation and tourism. Sen. Rankin today asked the JBC analyst about the paucity of funding for water projects in the budget and requested that the Dept. of Natural Resources respond to that question in their hearing scheduled for December 7. The Governor’s Request letter addressed priorities in general categories, while individual departmental budgets provide more information online-item requests for specific programs as they move before the JBC. Thus far, the staff briefings on budgets for the Department of Personnel, Department of Natural Resources, Department of Agriculture, Department of Public Safety, and Dept. of Law (AG’s office) have been presented to the Committee. Line-item budgets for departments are not released publicly until they are put before the JBC.