



ASSOCIATED GOVERNMENTS  
OF NORTHWEST COLORADO

MINUTES

AGNC BOARD OF DIRECTORS & MEMBER MEETING

May 17, 2017

9:00 am – 1:30 pm

Rangely District Hospital Conference Room, 225 Eagle Crest Drive, Rangely, CO 81658

**Call to order and introductions** – Ray Beck, Chairman, called the meeting to order at 9:04 am; after the pledge of allegiance, introductions were made.

**Approval of Minutes:** Mike Samson made a motion to approve the minutes as presented, Andy Key seconded the motion; motion passed unanimously.

**Financial Report** - Bonnie Petersen presented the financial report noting that we have followed up on accounts receivable items that are more than 60 days old. Andy Key made a motion to approve the financials as presented, Cari Hermacinski seconded the motion; motion passed unanimously.

**AAoA Report** – Dave Norman gave an update for AAoA. Senior Law Day was held in Grand Junction on May 5 at the Doubletree. They had 300 people attend, 30 attorney presentations and 41 vendors proving to be a very successful day. AAoA has serviced 3,066 seniors since July 1, 2016, with 187,183 units of service. Of the total served, 811 were over age 85 and half are women living alone. Norman presented the AAoA budget recommendation for the next year, (see attached). The state does not have word from the federal government as to what the federal funding amount will be for the senior program. Federal money cannot be spent until the allocation is made, which means the state funds will have to be spent first. Federal funds come from Older Americans Act. A continuing resolution has passed at the federal level so funding is expected, but notification and fund transfers are being held up at the federal level. Last year AAoA received Homestead funds from the state as not all of them were claimed; this is a onetime only occurrence. The administrative budget will not be increased this year. Norman anticipates some funds will be carried over from the prior year and they may be able to adjust some items with those funds. AAoA anticipates program funding of \$1,814,730.00; total funding with admin funds is expected to be \$2,003,978.00. AAoA serves 54,887 people over 60 in the region. The AAoA committee recommends the budget to AGNC for acceptance. Mike Samson moved for acceptance, Cari Hermacinski seconded the motion; the motion passed. On 8-25-17 the Senior Leadership Conference will be held on legislative issues at the Workforce Center in Grand Junction. The State Commission on Aging will attend and will have discussions about senior issues and priorities.

**DWC Report** – Cheryl McDonald prepared and presented an update for the DWC. See attached report. Dorothy Collins has reached 6,000 hours of volunteer time, being the first person to reach this milestone at the center. In order to ramp up coverage on weekends, volunteers on Friday afternoons, Saturdays and Sundays will earn double hours. She attended the Local Marketing District meeting on 5/16/2017 and they only require one more bid to come in for the

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sign so it can be approved. She would like to thank the LMD and the three county representatives who approached her at the last meeting offering help if funds are short for the sign. On May 10 she took volunteers to tour Grand Junction including Enstrom's Candies and the Cross Orchards Living History Museum. Unexpectedly, there were 3 portions of the tour that were comped so budget expenditures were minimized.

**2017 Legislative Session Wrap Up** – Dianna (via phone), Richard and Ted Orf provided a report on the 2017 legislative session and AGNC participation.

- The reauthorization of the Energy Office proved to be unsuccessful on the last day of session. The Senate adhered to their position as they could not accept the amendments placed in the bill by the House.
- Orf & Orf appreciates the input from the policy discussions every week; those calls and input opportunities went right up to the end of this year's session. AGNC considered about 155 of the 793 total bills introduced, equating to about 22% of the bills introduced.
- Out of 681 bills only 270 were killed. 60% of the bills managed to get both parties to support them. We took position on 72 bills, 29 were a hard oppose, and we were on the prevailing side for about 72% of the bills we took action on. AGNC is in the mainstream of Colorado politics.
- We have an advantage over other organizations working with local governments because we can act more quickly. Weekly calls can be hard to get to sometimes but we've done the best we can by reaching out through email, etc. The Colorado legislative session lasts 120 days; this year it was from January 10 through May 10. We dealt with a bill that lasted all 120 days and a bill that lasted 1 day. Action on 301 happened on the last day of session at 3 pm. We had to take a position as if a proposed amendment went on the bill, and AGNC changed its position from support to oppose.
- AGNC members are experts on the changes being offered in the bills and it is important that information be provided to help the team represent the position; member feedback is an enormous help.
- Richard and Dianna were able to get amendments on bills we opposed to make them far less damaging which is a victory. Oftentimes, AGNC would comment on bills right after introduction to get changes made to be more acceptable.
- HB17-1049 - property tax abatement – should have been an easy bill but in a span of about 2 weeks some amendment language was added to the bill that would negatively impact it. AGNC took ownership of fixing the language and worked with the Mesa County assessor and Mesa County lawyers to change that language; it took several months of discussion, but we managed to get it through legislature.
- Broadband was one of the big items this year with 4 bills introduced to address rural Broadband that really didn't do anything.
- Business Personal Property tax certain businesses keep putting out bills to reduce the tax but that hurt local rural communities so there is a fine line to walk on that issue. All BPP tax bills were killed except for a minor exemption in SB17-267 which takes the credit out of the state budget and does not take the funds from local communities. There is a constant education effort to let legislators know how important BPP tax is to rural communities.
- There were 7 construction defect bills introduced and all were killed except one; however, they don't think that bill will do much to resolve the issue.

- HB17-1138 regarding municipal courts was changed when Rifle forced a language change into the bill to address a narrow problem related to hearings held by phone or video in small municipalities.
- There were several CORA bills HB17-1177, SB17-40, HB17-1029. Stakeholder meetings last summer, that excluded many of the stakeholders, required us to oppose the bill, and other groups followed in opposition. At the end, a dozen others were in same position as AGNC. The issue was that there may be over 1,000 different data points in an Excel spreadsheet to be reviewed, so how do small governments redact personal, private information in these documents without a lawyer at its side? It is personal information, not government information and not appropriate to provide, and causes a liability issue for local governments. Metadata includes all the information from previous drafts and edits that are not removed in the final draft. Formatting documents as a PDF removes the prior information, but under the bill, we will no longer be able to do that.
- AGNC may want to get recordkeepers together with county lawyers to help members know how to comply with bill and keep private data private. The \$100,000 fine was eliminated from bill. A number of protections for local governments were added to the bill.
- Dianna got an amendment to keep the location of critical infrastructure as private; that information could be used for illicit purposes.
- Next session, expect a bill requiring all records to be online.
- HB17-1177 requires a 14-day cooling off period – complainant will have to provide notice of intent to sue and the bill requires a meeting to determine if compliance is possible.
- SB17-267 - Sustainability of Rural Colorado – was closely related to HB17-1242; 267 would not have passed if 1242 had. The bills were heard at the same time, with more than 100 witnesses per bill. The 1/2 cent sales tax was not likely to pass a vote of the electorate. Transportation was a priority on the first day of session and, when 1242 died, legislators had to think about finding an alternative for solutions. The wide title of 267 allowed this to be the only place transportation could be addressed. There were a lot of hard negotiations because many legislators did not want the Referendum C cap to be expanded.
- The bill enterprises the Hospital Provider Fee and brings down the TABOR cap by \$200 million. Inside that bill, they provided that \$2 billion could be used for bonding to address transportation needs (25% of that must be spent in counties with less than 50,000 in population), business property taxes get a credit, and it increased the Medicaid prescription drug fee by \$1. It will also allow for the leasing of state property with a lease buy-back provision to provide funding for the bonds. It had to pass for the state budget, but will likely see lawsuits over financing issues without a vote of the people.
- AGNC did not support or oppose 1242, there were concerns about the bill and we proposed amendments to address those concerns.
- The Governor wants a wind energy piece and reauthorization of the Energy Office and he may call a special session. He needs to have an agreement to call a special session ~~as it can~~ a special session would only last three days, and so only a bill with prior agreement could pass in that limited time.
- HB17-1339 was crafted by a California group to provide for a complex bonding scheme to incentivize closure of coal fired power plants. AGNC looked carefully at the first draft of this bill and did not support it. The trade-off seemed to incentivize closure before necessary and provided accelerated depreciation which would cause the problem that would require impact assistance. This sort of proposal will likely return.

**AGNC EDA Grant** – Trent Thompson, ED Representative with the Economic Development Administration under the US. Department of Commerce discussed the Planning Grant being awarded to AGNC to determine if Region 11 will qualify as an Economic Development District. 101 on EDA: the primary mission is to work with communities to help with economic development, it is focused in distressed areas. This is a small, 10-state, agency, headquartered in Denver with \$20 million for those 10 states. The EDA covers 2 kinds of assistance: planning and feasibility, and the implementation - anything from public works to operational support with grants for only public or non-profit entities for projects such as incubators, industrial parks, and infrastructure improvements. This grant is working with AGNC on creating a CEDS to look at the regional priorities for economic development and to investigate if the region should become an EDD. If an EDD is created, AGNC will hire a regional ED person to hold regional meetings to continue to assess the needs and priorities. The EDA provides 50/50 matching grants up to \$70k per year for funding the ED position. The person hired as the Regional ED person will update the CEDS every year and every 5 years will re-write it. The award has been signed, but the funding was not reserved for the regional office and that is now being done in D.C. – when that has happened then they will provide the award letter to AGNC. There was a plus up in funding to the office given for coal-affected communities including the Rocky Mountain Region. We want to encourage you to work with us and come for a grant, by the end of the current fiscal year; this can be done parallel to this investigative grant. The project has to show a link between job growth and infrastructure. For example: utilities, if they are not private; operational support of an ED organization for period of 3 years as long as there is a sustainability plan after the first 3 years. Go to ‘statsamerica.org’ to get the distressed numbers to see if your locale qualifies – 1% or higher of national average of unemployment or 80% or lower of national average salary; or a significant decline in an industry (i.e. coal). There is also a special need category. Population loss can be used to decide distress, a case has to be made in order to use that. Katelin Cook, Rio Blanco County ED, said Meeker/Rangely are not eligible because of their average wages being high, which is the only thing that’s elevating them out of distress, but those jobs are being lost. Thompson advised if you know there is expected job loss, you can use that under the special needs category. A company announcement or press release or newspaper article would suffice as evidence. The idea is to prevent the out population so if you know the higher wage jobs are going to be lost, you should apply. Only one area has to be distressed to have the whole region become an EDD. Trent is our advocate in the office. A review committee will make the recommendation and changes could be suggested for final application. His office will work with the applicant to get through technical requirements to try to help with compliance.

**Discussion on HB17-1313 Veto Letter** - Richard provided background on bill it changes the way civil forfeitures are handled. They tried to amend the \$50,000 cap out of the bill and every law enforcement organization indicated the cap was not acceptable. Department of Public Safety is opposed. Stan Hilke has opposed. Need to get veto request letter out soon.

### **Legislative Update**

Betsy Bair with Senator Gardner’s office gave an update.

- Office worked with Trent and have done some great things working with Nucla and Naturita.
- Took points about BLM move back to Senator. Gardner and Tipton carrying BLM bill. The bill directs the Secretary of Interior to have a strategy in place in 180 days to move the BLM west. It lists 11 specific western states and asks to create a metrics description of defining factors along with a timeline. Grand Junction realtors are putting together proposals.

- Denver Post had published an editorial entitled “Rural Areas in Colorado Have an Opportunity Gap”, highlighting the state’s perpetuation of the rural-urban divide.
- State demographer numbers: 60 rural jobs are equal to 240 front range jobs right now; A loss of 100 jobs in the most rural areas are equal to 4432 jobs in Denver; 400 additional jobs in Western Colorado would be huge impact to region.
- The Reach Act dropped today. This is a bi-partisan bill. 60% of trauma deaths occur in rural areas due to lack of access to emergency rooms. Under Medicare, critical access hospitals have to meet criteria and many rural hospitals have closed because they can't keep beds open. Rural emergency hospitals can get reimbursed without bed requirement under this act. We have to have the ability to get to hospitals quickly and we want to improve access to rural areas.
- AHCA - Gardner is on a working group in the Senate. The Senate is not happy with house bill. We held a rural healthcare roundtable when the senator was in the area. Western Colorado is now the 9th most expensive in the US for healthcare premiums. A lot of rural residents rely on ACA for health care. Senator Gardner does not want the Medicaid expansion removed.
- We have medical refugees coming to Colorado for cannabidiol (CBD) oils to treat their children with severe seizure disorders. Senator Gardner has introduced legislation to allow these oils in 44 states as it does not get them high.
- Senator Gardner has been very vocal on North Korea. He was first senator since the Cold War to consider placing sanctions on North Korea. We will continue to look at sanctions and push back so we don’t have nuclear weapons in North Korea.

**Administrative Update** – Bonnie Petersen provided AGNC update.

- 2017 mini-grant letters are out. If you haven’t received yours, please let us know.
- We sent out a letter about the Martinez-COGCC litigation. A lawsuit was filed, it was like a lawsuit filed in Washington State and some of the litigants are involved in that suite. A request was made of the COGCC for a rule-making that you can’t approve any oil and gas developments unless you can prove there is no health or environmental risk at all. COGCC denied the rule-making indicating that they have a requirement to balance health and safety with resource development. The lawsuit was filed because of the rule-making denial and the court sided, in a split decision, with the plaintiff’s argument. It is expected that the issue will be appealed to the Supreme County and AGNC has been asked if we will be a part of a coalition of organizations to sign onto an amicus brief. The board has indicated they support being part of the coalition.
- Last weekend there was a meeting of Colorado Cooperation. This was the 39th meeting in their 23-year history. This was their first meeting ever in Grand Junction. Greg Walcher made a presentation about federal lands and the discussion around the transfer of lands to the states. While there is no appetite for transfer of lands, it is important to engage in a discussion about how these lands could be managed better; Walcher suggests this conversation should take place in Colorado. AGNC may have an opportunity in engage in this discussion with the Colorado Competitive Council (C3) which is part of the Denver Metro Chamber, in this discussion and open this conversation. Nick will be coming in June to our meeting in Hayden where we could discuss this with him. AGNC members indicated that this is a topic worthy of AGNC’s resources and encouraged staff to explore the idea.
- Several AGNC members are going to Washington, D.C. next week. Veresen’s federal relations person, Ray Bucheger, has been working with us to set up separate meetings with Gardner, Bennet, and Tipton to talk specifically about Jordan Cove. Jeff Comstock

has set up time with Tim Williams at DOI and CLUB20 has set up a meeting with Secretary Zinke, Congressman Perlmutter and the chairman of FERC. There are also meetings setup with Congressman Paul Gozak of the Western Congressional caucus and Billy Kirkland with the White House; Kirkland is the deputy in charge of the president's intergovernmental affairs office.

- Advised Betsy that AGNC is working on a letter of support for the BLM transfer.
- John Justman asks to get comments in about leases in Mesa and Garfield counties. Due by June 9.
- Mike Samson passed along kudos to Tiffany from Kirby Wynn for helping with the Energy and Environment Symposium in Rifle. Thanks to AGNC for giving up her time to help.

**New Business:** *Next Meeting is on June 21, 2017 at the Routt County Fairgrounds Exhibit Hall, 365 S. Poplar St, Hayden, CO 81639*

**Adjournment** – Meeting Adjourned at 1:46 pm.

**Attendance:**

Ray Beck, Moffat County  
Duncan McArthur, City of Grand Junction  
Cheryl McDonald, Colorado Welcome Center  
Trent Thompson, EDA, Department of Commerce  
Mike Samson, Garfield County  
Andy Key, Town of Rangely  
Cari Hermacinski, Routt County  
Joseph Nielsen, Town of Rangely  
Tiffany Pehl, AGNC  
Nick Goshe, Rangely District Hospital  
Peter Brixius, Town of Rangely  
Dave Norman, AAoA NW CO  
Si Woodruff, Rio Blanco County

Konnie Bilgren, Rangely Area Chamber  
Katie Mackley, Rifle Regional EDC  
Keely Winger, Rio Blanco County  
Katelin Cook, Rio Blanco County  
Michelle Balleck, Craig/Moffat EDP  
Jeff Comstock, Moffat County  
Richard Orf, Orf & Orf, PC  
Ted Orf, Orf & Orf, PC  
Bonnie Petersen, AGNC  
Dianna Orf, Orf & Orf, PC – Via Call