



Town of Parachute | City of Rifle | Town of Silt | Town of New Castle | City of Glenwood Springs | Town of Carbondale  
Garfield County | Garfield County Public Library District | Roaring Fork Transportation Authority  
Colorado Department of Local Affairs | Governor's Energy Office

## **Meeting Minutes**

Wednesday, Jan. 14, 1 to 3:15 p.m.,  
Garfield County Administration Building, 108 8<sup>th</sup> St., Glenwood Springs

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### **Board members present:**

Garfield County: Ed Green  
Carbondale: Michael Hassig, G-NECI Chairperson  
Glenwood Springs: Shelley Kaup; David Sturges, alternate  
Silt: Meredith Robinson  
Rifle: Keith Lambert, G-NECI Vice-Chairperson; Jay Miller, alternate  
Parachute: Judi Hayward, G-NECI Secretary  
Garfield Library District: Amelia Shelley; Janine Rose alternate  
RFTA: Ed Cortez; Tari Williams, alternate

### **Board members not present:**

Town of New Castle

### **Others attending:**

Dept. of Local Affairs: Jack Kirtland  
Garfield County: Commissioner Tres Hout; Commissioner John Martin;  
John Niewoehner, planning engineer; Lisa Dawson, finance director; Bob Prendergast, finance officer; Linda Morcom, administrative assistant; Matt Anderson, contracts administrator  
Carbondale: Tom Baker, town manager  
Silt: Betsy Suerth, town administrator  
Rifle: Mike Braaten, energy coordinator  
CLEER: Alice Laird, Heather McGregor, staff  
Media: David Frey, Aspen Daily News  
General public: Steve Coley, George Wear, Dieter Martini

### **Key decisions & actions**

- Approval of G-NECI Advisory Board bylaws
- Election of Judi Hayward to position of Board Secretary

- Recommendation to BOCC of approval for G-NECI contract between Department of Local Affairs and Garfield County
- Recommendation to BOCC to enter into 90-day emergency procurement contract with CLEER, and to simultaneously issue an RFP and award a long-term contract for G-NECI staffing within the 90-day period.

### **Next meeting**

Wednesday, Feb. 11, 2009, 1-3 p.m.,  
Garfield County Human Services Building, 195 W. 14<sup>th</sup> St., Rifle

### **Discussion**

**Approval of minutes** from Dec. 17, 2008, meeting: Moved by Meredith Robinson, seconded by Judi Hayward, no discussion, motion passed unanimously.

**Public comments:** none

### **Adoption of proposed bylaws**

Betsy Suerth raised the question of board member qualifications, based on discussion in Work Group meetings in 2008. Should the bylaws specify whether board members must be elected officials? Michael Hassig said the group had seemed to agree on allowing each partner government to send an elected official or staff, whichever they preferred.

Meredith Robinson noted that the proposed bylaws referred to a simple majority vote. Alice Laird noted that the question of majority vs. super-majority was not clearly decided at the Dec. 17 meeting. Keith Lambert recalled that at the Nov. 5 meeting, the group decided on a supermajority. "I think it lends stronger direction to what we are doing, as we make recommendations to the commissioners." Shelley Kaup noted that if only a quorum is present, a small number of people would be making decisions.

The board decided that a quorum will consist of 5, and that a supermajority of 2/3 of those present must agree for a vote to carry. The board directed staff to amend bylaw items 13 and 24 to reflect this change.

Approval of bylaws, with changes as discussed: Moved by Amelia Shelley, seconded by Judi Hayward, motion passed 7-1.

**Election of Advisory Board Secretary:** Judi Hayward volunteered to serve in the position. Moved by Ed Green, seconded by Shelley Kaup, motion passed unanimously.

### **Approval of Scope of Services for contract between Colorado Department of Local Affairs and Garfield County**

Alice Laird explained that the Scope of Services, noted in the contract as Exhibit A, is similar to what was presented at the Dec. 17 meeting. It collapses the original 11 topic areas of the grant

into six program areas. On Jack Kirtland's request, the name of the sixth program area was changed from "Long Range Planning" to "Sustainability Team and Clean Energy Financing."

The budget for the grant program, shown on page 9 of the meeting packet, includes the known revenue from DOLA, GEO and local cash match, and the division of expenditures among the six program areas. Jack Kirtland has also asked for a revenue and expenditure accounting of the in-kind pledges made by the partner governments and other organizations, "to accurately reflect the commitment coming from the region." The board and Kirtland discussed details about how to list these figures. Kirtland suggested that columns be added to the budget for revenue and expenditures of in-kind money. He said each contributing entity remains responsible for keeping track of those commitments and expenditures over time.

For the purposes of the contract, descriptions of the proposed spending should be kept general. At the time Garfield County files for reimbursements under the grant, more specific information will be necessary. Kirtland said, "We want to hold your feet to the fire, but problems will arise. It's better to account for that by being less specific, rather than having to come back to amend the contract."

Keith Lambert noted that more detailed budget spreadsheets will be needed for internal budgeting and accountability. Alice Laird said she plans to have conversations with each G-NECI partner that made an in-kind pledge regarding their intent and interests. The board directed Alice to revise the contract budget to reflect the in-kind pledges.

Shelley Kaup asked what is expected for handling local cash match and local in-kind match. She said Glenwood Springs plans to handle its in-kind match independently, issuing RFPs, managing the work and handling accounting. Kirtland said if Glenwood Springs reports its project as a cash contribution and Garfield County passes that information along to DOLA, we will have met the requirements.

Laird noted that Carolyn Dahlgren, the deputy county attorney, wants to make sure the contract language about IGAs with the local government partners is consistent.

Ed Green questioned whether special provisions in place on Jan. 1, such as Amendment 54, would be included in the contract. Kirtland said the G-NECI partners and its contractors will have to comply with A-54, whether it's in the contract or not.

Michael Hassig summarized the discussion, stating, "So with Jack's recommendations and these other corrections to modify text, the action of this board would be to recommend to the BOCC their signature of this contract based on these amendments." Lambert moved to recommend to the Garfield BOCC approval of the contract, noting, "DOLA wants to hold our feet to the fire, but not burn us." Amelia Shelley seconded, the motion passed unanimously.

### **Staffing and contracting options**

Matt Anderson, senior contracts administrator for Garfield County, presented a memo (*Appendix A to these minutes*) to the Advisory Board reporting his assessment of the question of issuing a

sole source contract to CLEER for the management of the G-NECI programs. The memo included the sections from the Garfield County Procurement Manual related to sole source procurements and emergency procurements. Anderson noted the pros and cons of using sole source or RFP (Request for Proposal, or competitive bidding) procurement procedures. In sum, Anderson said it would be difficult to justify a sole source contract, although a sole-source contract would expedite the grant program.

A lengthy discussion about the options ensued. Michael Hassig asked who would write the RFP. Ed Green said Anderson would do that. David Sturges asked if the county had written criteria for approving sole source contracts. Anderson said a lot of companies could do the work, based on his reading of the scope of services that CLEER provided. Sturges asked whether consideration would be given for knowledge of this grant. Anderson said, "It boils down to giving other people the opportunity to bid. Knowledge of the project could be a factor in making that evaluation. If you feel putting it out for RFP would provide no benefit to county, if it would create setbacks or damages, you could waive that. Putting out the RFP is to your best advantage."

Shelley Kaup said the RFP process would set us back by at least a month. Ed Cortez asked about moving first with an RFQ (Request for Qualifications). Alice Laird noted that the start-up phase is important, that GEO has expectations for its grants. "We feel accountable for these programs. Things have to move quickly," Laird said.

Tari Williams suggested that Garfield County could contract with CLEER for an emergency procurement while pursuing an RFP at the same time. Michael Hassig said the decision will be up to the Garfield BOCC, but added, "None of us would be here but for the work Alice [Laird] and Heather [McGregor] have done. To go through an RFP and selection process is no more than a charade. I question the productivity of it." Anderson said the RFP process will be fair, and is a way ensure the best value.

Hassig asked Commissioner Trési Houpt how this idea would go over with the BOCC. "My sense is the BOCC will support what you bring forward," she said. Jay Miller said it would be easier for the BOCC to justify a sole source contract than to justify awarding CLEER a contract through the RFP process.

Ed Green brought up Amendment 54, which would apply to a sole-source contract or for an RFP process that draws fewer than three bidders. Alice Laird said A-54 would be impossible to comply with. She suggested setting up staff positions as a way to get around A-54, and asked whether the county is confident it would get three bids. Steve Coley said he would be willing to bid, and urged the Advisory Board to put the work out for an RFP. Hassig said to Laird, "If your preference is to be selected by RFP so you can avoid A-54, tell us."

Green said Garfield County could hire new staff, but that would require posting the jobs and evaluating resumes, or the G-NECI board could become a nonprofit organization. Those options would take time too. Green said Garfield County could hire Laird and McGregor as temporary employees during the RFP process. Williams repeated her suggestion to issue a 90-day emergency contract with CLEER for less than \$100,000 and pursue the RFP at the same time.

Meredith Robinson said that would be the best solution. Anderson said the RFP should be based on appropriate spending of taxpayer dollars, not trying to dodge A-54.

Hassig summarized the proposal to undertake emergency procurement through CLEER for a 90-day period and for less than \$100,000, while at the same time issuing an RFP, evaluating proposals and entering into a contract for the balance of the work. Anderson noted that such a contract would be based on an hourly rate; Green said the contractors would be asked to notify the county when the work reaches the 80 percent threshold.

Robinson moved to recommend to the BOCC to enter into an emergency contract with CLEER for the next 90 days, and to issue an RFP and put a longer-term contract into place within that time. Ed Cortez seconded, the motion passed unanimously.

### **Morning workshop and G-NECI projects**

Alice Laird briefly summarized the morning workshop, “Save Energy, Save Money: Tools, strategies and resources for facilities energy management.” The workshop drew a standing room only crowd and the two speakers made useful presentations. One question for G-NECI partners to consider is whether they want to go together to hire an energy services company, or each contracts with an ESCo on their own. This will be a question for a future agenda.

Laird noted that G-NECI has received grant awards from GEO for solar rebates, Insulate Colorado and Energy Star New Homes program. The deadline for getting the solar rebates paid out is June 30.

Heather McGregor said the Feb. 19 press conference, to be followed by roll-out events in each community, is a goal worth shooting for. Meredith Robinson noted that the chambers of commerce in each community can help. McGregor also said she would like to include the new website in her work for the next 90 days.

### **Garfield County Finance Department**

Lisa Dawson reported that she, Bob Prendergast and CLEER staff discussed the process and what the finance department needs to cut checks. Issues that prevented action on this plan were addressed earlier in this meeting: staffing plan, bylaws, scope of services. Dawson sought clarification on how to deal with match money from local governments. Garfield County needs IGAs to process that money, or have agreements that some local governments would pay contractors directly.

Michael Hassig said even within the 90-day emergency contract, CLEER can subcontract for additional services. Would CLEER submit a single monthly bill to Garfield County? Ed Green said the question is tracking the match money from other entities. Hassig suggested a process for CLEER to take competitive bids and submit an itemized monthly bill. Can an IGA describe a process for matching funds to bypass the county and go to another designee? Jack Kirtland said DOLA will be looking for documentation on how the match money is spent. He advised the county to keep copies of all documentation in its files in case of an audit.

Shelley Kaup said Glenwood Springs anticipates a combination, where a portion goes in as its cash match and the city keeps its in-kind portion in hand for its projects. Kirtland said that's fine. Hassig said with a process for CLEER to invoice on the DOLA grant, it could act as a re-grantor for a project administered for Glenwood Springs. Meredith Robinson said it's not a good idea to have something going on the side. Kaup suggested that the board go through all the grant deliverables, make sure each item is detailed in the budget, and show where each entity's cash and in-kind fits in.

Hassig said communities could do their own RFPs and go to CLEER for the reimbursement, or ask CLEER to manage the project. Keith Lambert asked if that is the purpose of the IGAs. Green noted that Carolyn Dahlgren has developed language for an IGA; her next step is to talk with each partner's attorney. Lambert said it should be resolved by a discussion between CLEER and the county, with the county setting ground rules because it is holding the pot. "We aren't holding it, but we are accountable for it," Green said.

Ed Cortez asked how long it would take to process nine IGAs. "I like the idea of having Garfield County hold the pot, then if Glenwood has a specific project to be done, CLEER will ask for the funds to take care of that project — instead of coming to each municipality with the request." Robinson said that would make the program more transparent, because it would be easier to look into one place. Kaup disagreed, saying there would be greater transparency to follow through on the IGAs and "not pass around money that doesn't need to change hands."

Kirtland noted that some partners have a plan for their cash or in-kind match; others just put in a dollar amount and are waiting to see what the options are. Kaup suggested developing a matrix to identify where the money will be going. Laird said she would meet with each partner in the coming weeks and have that matrix and budget ready for next meeting. "This will bump it up to a level that will address a lot of questions," Laird said.

### **Requests for Feb. 11 agenda**

- Matrix of revenue and spending plans
- Website content outline
- Contracts for the 90-day emergency procurement and RFP
- Report on progress of IGAs

### **Adjournment**

These minutes were reviewed and approved by a vote of the Garfield New Energy Communities Initiative Advisory Board on Feb. 11, 2009.

Signed by: \_\_\_\_\_

Judi Hayward, Secretary