

October 11, 2017

Via U.S. Mail and Email to:

Dino Ioannides

iecinfo@state.co.us

Independent Ethics Commission

[1300 Broadway, Suite 240](#)

[Denver, CO 80203](#)

Re: Response to Ethics Complaint against Commissioner Julie Cozad

Dear Mr. Ioannides:

This letter is in response to the false allegations made against me by Ms. Ellen DeLorenzo of [1744 Goldenvue Drive, Johnstown, CO 80534](#), related to a fundraising event I attended on January 27, 2017.

The Independent Ethics Commission should dismiss the case.

1. Weld County Elected Officials are not subject to the jurisdiction of the Commission.
Pursuant to the State Constitution requirements of Article XXIX do not apply to home rule counties that have adopted charters, ordinances, or resolutions that address the matters covered by this article. Weld County is a Home Rule County. In Weld County Code Sections 2-2-150 and 3-3-10A.10, the Board of County Commissioners has adopted its own rules about acceptance of gifts and conflicts of interest. A copy of those sections of the Code are attached as Attachments #1 and #2. A letter from Weld County Attorney Bruce Barker is attached as Attachment #3.
2. There is not a Conflict of Interest. I have no financial interest in Noble Energy, the event sponsor, not a table sponsor, for the Northern Colorado Medical Center Foundation Gala. I do not have any financial interest in Tetra Tech, a land use consulting firm I was previously employed with.

The Weld County Council has the responsibility of considering these types of matters for Weld County as outlined in the County Code and Charter. At their regular meeting on February 13, 2017, Ms. DeLorenzo, spoke during the Public Comment portion of the Council meeting. The official minutes state, "Ellen DeLorenzo, of Johnstown, questioned the ethics of Commissioner Julie Cozad, who attended a gala in January and sat at a table sponsored by Noble Energy." Councilman Abernathy, President of the Weld County Council, stated, "he saw no ethics violations." The other four members of the County Council did not object to Councilman Abernathy's statement. The Council did not find a Conflict of Interest. The minutes from the February 13, 2017, County Council meeting are included with this letter as Attachment #4. Further, this matter was considered by an outside auditing firm during a

recent performance audit of the Board of County Commissioners. After review of the records, questioning County Attorney Bruce Barker, and interviewing me, the auditors choose not to include any comment or recommendation regarding unethical behavior or conflict of interest on this matter, as a part of the audit.

3. There is no violation of the gift ban. I received no gift, money, property or services of value by attending the event. I was informed the value of the meal, including beverages, was approximately \$65.00. I wrote a check to Noble Energy, the event sponsor, not a table sponsor, in the amount of \$150.00, which more than covered the cost of the meal and beverages, for both my husband and myself. County Attorney Barker had advised me prior to the Gala that if I paid for my meal, I would not violate Section 3-3-10.A.10 of the Weld County Code.
4. There was no ex-parte communication or unethical behavior. To retain my position as an elected official, I need to be active and engaged in the community and county I serve. This requires me to attend numerous events and social functions like the local hospital, Northern Colorado Medical Center Foundation Gala. Typically, these types of events and functions have developers, consultants, realtors, land use attorneys and land use applicants in attendance. The NCMC Gala was no different. The event in question was in the ballroom of the Embassy Suites in Loveland, with over 600 people in attendance including another County Commissioner. I did not discuss any quasi-judicial land use case with any of the numerous possible applicants in the room.

Additionally, the Board of County Commissioners are not advised of land use cases until the Weld County Planning Commission makes a recommendation and it is posted on our docket at least two weeks prior to the public hearing. At the time of the Gala, I had no knowledge of a land use case coming before the Board.

Background:

Every year our local hospital, Northern Colorado Medical Center (NCMC), has a large social event and fund raiser for the NCMC Foundation, raising over a quarter of a million dollars to assist with their Cancer Center, Burn Unit, and other departments within the hospital. I have lived in Northern Colorado since 1979, I have always been very active in my community, and have supported our local hospital, including attending the NCMC Gala.

This year I was planning on attending the event which was on January 27, 2017. Prior to the event I received a phone call from a representative for Noble Energy (not an employee) who asked if I would like to sit at one of the Noble Energy tables. Noble Energy was the event sponsor, not a table sponsor, as indicated in the complaint from Ms. DeLorenzo. When a company is the event sponsor, the sponsorship amount offsets costs of the entire event, so that the hospital is able to raise more money. As an event sponsor, it is my understanding that

Noble Energy had two tables. The sponsorship amount should not be spread across just those seated at those two tables, but across all who attended the event.

I consulted with the County Attorney, Bruce Barker, about attending the event. He advised that I should find out the value of the meal and beverages and pay for my own dinner. I checked with Noble Energy's representative and was told that the value of the actual meal, including beverages, was approximately \$65.00. I wrote a check to Noble Energy in the amount of \$150.00, which more than covered the cost of the dinner, for both my husband and myself. We also made a charitable contribution to the hospital foundation, since the event was a fundraiser.

On February 13, 2017, Ms. DeLorenzo spoke during the Public Input portion of our Board of County Commissioner's regular Board meeting regarding my attendance at the NCMC event. The minutes from the Board meeting state: "**PUBLIC INPUT:** Ellen DeLorenzo, resident of Johnstown, stated her concern that Chair Cozad made an unethical decision as an elected official. Ms. DeLorenzo reported she would request from the County Council, this matter be submitted as part of the audit of the County Commissioners at their February 13, 2017 meeting. Bruce Barker, County Attorney, reviewed what constitutes a conflict of interest as to an elected official or an employee taking anything of value. He explained to be considered unethical that Chair Cozad would have to have monetary interest in Noble Energy, and since there was none, there is no conflict of interest. (Clerk's Note: Chair Cozad submitted a response to this matter as an item of Communication on the February 15, 2017, Agenda.)" Copies of the minutes of this meeting are attached, as Attachment #5.

I wrote a statement regarding my attendance at this event and submitted the statement to the Clerk to the Board to be placed in regular Board communications and, I also sent a copy to the Weld County Council Secretary, Linda Kane. I am attaching the statement to this letter. This item is Attachment #6.

I did not receive any monetary benefit by attending this event. The event was a local community social event, with the sole purpose of raising money for our hospital. I attended with many of my friends, neighbors, and other community members from across Weld County.

Another complaint being made by Ms. DeLorenzo states that Weld County had a land use hearing approximately three weeks after the Gala and that it was inappropriate for me to be seated at their table. I was not aware at the time that I accepted the invitation or at the time of the event that there was a pending land use case. Weld County has two to three land use cases per week, and I review those cases the week prior to the hearings, due to the enormous amounts of documents to review, prior to those hearings. There are notifications sent out in advance as indicated by Ms. DeLorenzo, but I was not aware that Noble had an upcoming hearing. Ms. DeLorenzo states that another Weld County Commissioner attended this event. Commissioner Sean Conway also attended this event. I am not aware of how he paid for his ticket, but he did come over to Noble Energy's table and talked to representatives from Noble Energy. I do not know what was discussed.

Representatives and employees of Noble Energy and I are both aware of quasi-judicial processes and avoidance of any ex parte communications. As a professional land use planner for over twenty years and now an elected official, I do understand and abide by the rules of the State and our County. I did work for Tetra Tech from 2006 until 2014, but I left the company in 2014 when I was elected as a Commissioner, so at the time of the hearing I had not been employed by Tetra Tech for over two years. I did not discuss this case or any other cases with any representatives from Tetra Tech, nor did I interact with anyone from Tetra Tech during the NCMC Gala. During the actual land use hearing on February 22, 2017, I stated that I had attended the event and sat at Noble Energy's table and that there were never any discussions on that case or any other cases, and that I could make a fair and impartial decision on the case. I also stated, on the record, that I have no conflicts of interest with either Noble Energy or Tetra Tech and I have no financial interest in either company. There was no opposition to the case. The minutes from the hearing are attached to this letter as Attachment #7.

In closing, I followed the rules and acted in an ethical manner. It is important to me that I do things with integrity. I understand, that as an elected official, that we need to make sure that we do things in an open and transparent way. I did not hide from Ms. DeLorenzo's complaint, but addressed it in a very public way, multiple times, and I openly posted on my Facebook page what happened right away and over 40 people commented that they appreciated my transparency on the issue.

I ask that the Commission dismiss this complaint based on the factual information that I have provided. Please let me know if you need any further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Julie A. Cozad". The signature is fluid and cursive, with the first name "Julie" being more prominent and the last name "Cozad" following in a similar style.

Julie A. Cozad

Sec. 2-2-150. - Amendment 41; standards of conduct in government.

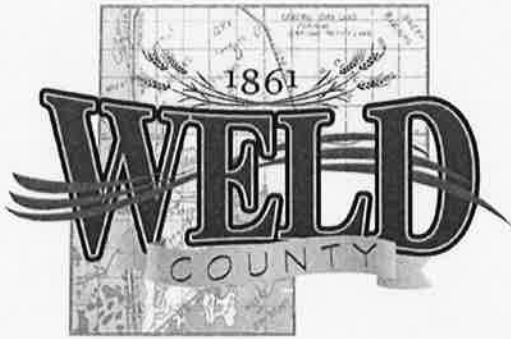
Section 7 of Article XXIX of the Colorado Constitution allows home rule counties to adopt charters, ordinances or resolutions that address the matters covered by said Article XXIX. All employees of Weld County are subject to the requirements of Paragraph 3-3-10.A.10 of this Code, which prohibits accepting bribes, money, property or services of value in the course of employment. By and through this Section, all elected officials of Weld County are also made subject to the prohibitions set forth in Paragraph 3-3-10.A.10 of this Code. Penalties for violations of Paragraph 3-3-10.A.10 shall include those which apply and are set forth in this Code and the state statutes.

(Weld County Code Ordinance 2006-11)

Sec. 3-3-10. - Expectations of proper conduct.

- A. Every County employee should be aware that he or she is a public employee and it is the employee's duty to serve citizens in a courteous and efficient manner. An employee must maintain a standard of conduct and performance which is consistent with the best interests of the County. Examples of conduct that may result in disciplinary action, up to and including termination from employment, include, but are not limited to, the following:
1. Failure to meet performance standards.
 2. Conduct endangering the safety or well-being of self, fellow employees or the public.
 3. Negligent or willful damage or waste of public property. This includes misuse of County property, equipment, vehicles or other materials for private gain, use or convenience and unauthorized use, possession or storage of County property.
 4. Failure to comply with lawful orders or regulations.
 5. Insubordination.
 6. Any acts or threats of violence, threatening behavior or the use of obscene, abusive or threatening language or gestures toward the public or fellow employees.
 7. Violation of the Drug-Free Workplace policy stated in this Chapter.
 8. Unexcused absence (including tardiness).
 9. Conviction of a serious crime (Section 3-3-70).
 10. Accepting bribes, money, property or services of value in the course of employment.
 11. Any material omission or falsehood in the application or interview for employment.
 12. Falsifying sickness, or any other cause of absence.
 13. Dishonesty.
 14. Giving preferential treatment to individuals or groups.
 15. Breach of confidentiality.
 16. Loss or suspension of driving privileges in those positions that require a valid driver's license.
 17. Loss of any license, certification or registration which is required by a position.
 18. Any conduct which is likely to have an adverse effect upon the functioning of County government.
 19. Falsifying County records or reports, including one's time or the time of another.
 20. Violation of any policy duly adopted by resolution or ordinance of the Board of County Commissioners and set forth in Chapters 1 and 2 of this Code, including but not limited to smoking in buildings and vehicles under the control of the County and lobbying by County employees without authorization.
- B. The foregoing list is for illustrative purposes only and is not intended to be all-inclusive.

(Weld County Code Ordinance 2003-4; Weld County Code Ordinance 2007-4; Weld County Code Ordinance 2007-11; Weld County Code Ordinance 2012-8)



COUNTY ATTORNEY

1150 "O" STREET
P O BOX 758
GREELEY CO 80632
www.co.weld.co.us
Direct Line: 970.336.7235
FAX: 970.352.0242

October 11, 2017

Julie A. Cozad, Chair
Board of County Commissioners
of Weld County
1150 O Street
Greeley, CO 80631

RE: DeLorenzo Ethics Complaint

Dear Commissioner Cozad:

You have received a letter from Dino Ioannides, Executive Director, Colorado Independent Ethics Commission ("the IEC"), dated September 29, 2017, stating the IEC has received an ethics complaint against you which the IEC has deemed "non-frivolous" and therefore is investigating. The complaint was submitted to the IEC by Ellen DeLorenzo on July 21, 2017. It alleges that on January 27, 2017, you attended the Northern Colorado Medical Center Foundation Gala ("the Gala") as a guest of Noble Energy. According to the complaint, by attending the Gala, you received a gift of \$275. This sum was the cost of admission to the event by any member of the public wishing to attend. Ms. DeLorenzo desires to have you "publicly admonished" and/or fined, "whichever is deemed appropriate." Executive Director Ioannides' letter gives you thirty (30) days from September 29th in which to respond to the complaint.

The IEC is the enforcement body for the provisions set forth in Article XXIX – Ethics in Government of the Colorado Constitution ("Article XXIX"). Ms. DeLorenzo alleges that you violated various provisions of Article XXIX by attending the Gala. It is obvious from the September 29, 2017, letter and its enclosed complaint that both Ms. DeLorenzo and Executive Director Ioannides presume that you, as an elected official of Weld County, are subject to the provisions of Article XXIX.

Weld County is home rule. The provisions of Article XXIX do not apply to home rule counties "that have adopted charters, ordinances, or resolutions that address the matters covered in this article." (Section 7 of Article XXIX.)

Letter, Commissioner Cozad
October 11, 2017
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In the week prior to January 27, 2017, I advised you that the requirements of Article XXIX did not apply to Weld County elected officials and employees. The reason was that in 2006 the Board of County Commissioners adopted Section 2-2-150 of the Weld County Code, which states:

Sec. 2-2-150. - Amendment 41; standards of conduct in government.

Section 7 of Article XXIX of the Colorado Constitution allows home rule counties to adopt charters, ordinances or resolutions that address the matters covered by said Article XXIX. All employees of Weld County are subject to the requirements of Paragraph 3-3-10.A.10 of this Code, which prohibits accepting bribes, money, property or services of value in the course of employment. By and through this Section, all elected officials of Weld County are also made subject to the prohibitions set forth in Paragraph 3-3-10.A.10 of this Code. Penalties for violations of Paragraph 3-3-10.A.10 shall include those which apply and are set forth in this Code and the state statutes.

Section 3-3-10.A.10 of the Weld County Code says:

Sec. 3-3-10. - Expectations of proper conduct.

A. Every County employee should be aware that he or she is a public employee and it is the employee's duty to serve citizens in a courteous and efficient manner. An employee must maintain a standard of conduct and performance which is consistent with the best interests of the County. Examples of conduct that may result in disciplinary action, up to and including termination from employment, include, but are not limited to, the following:

10. Accepting bribes, money, property or services of value in the course of employment.

These provisions were in effect on January 27, 2017, and are still in effect today. Additionally, Section 16-9 of the Weld County Home Rule Charter provides for the Weld County Council, an independently elected council of five (5) Weld County residents, to review conflicts of interest. Section 16-9 states:

Section 16-9. - Conflict of Interest.

(1) General: No county officer, member of an appointed board, or employee shall have any interest in any enterprise or organization doing business with Weld County which might interfere with the unbiased discharge of his duty to the public and the best interest of the County. This restriction shall not apply where the officer,

member of an appointed board, or employee's department has no direct contact nor business transaction with any such enterprise or organization.

(2) Specific:

- (a) No employee of the Central Purchasing Division shall have any interest in any enterprise or organization doing business with Weld County.
- (b) Neither the Treasurer nor employees of the Treasurer's Office shall have any proprietary interest in any financial institution in which the County maintains deposits.

(3) Question referred to Council:

In the event a question arises as to possible conflict of interest between any county officer, member of an appointed board, or employee, and any enterprise or organization doing business with Weld County, the question will be presented to the County Council for review, investigation, decision and resolution. The judgment and decision of the Council shall be considered final and shall be made a matter of public record.

In the week prior to January 27, 2017, I advised you to pay for the Gala meals you and your husband in order to comply with Weld County Code Section 3-3-10.A.10. I did not advise you to pay for the remainder of the cost of a ticket to attend the Gala as that represents the cost of a donation. This office has never taken the position that a donation associated with an entry ticket represents a "bribe, money, property or services of value" to the Weld County elected official or employee attending the event. It is my understanding that you paid for the meals and made a separate donation to the N.C.M.C. Foundation.

Ms. DeLorenzo attended the meeting of the Weld County Council on February 13, 2017. She presented the same complaint and information as that included in her July 21, 2017, complaint to the IEC. The County Council heard her testimony and asked both Ms. DeLorenzo and me questions. Council President Brett Abernathy said at the meeting he did not consider your attendance at the Gala to be an ethics violation. None of the other County Council members moved for the Council to further investigate or review the matter.

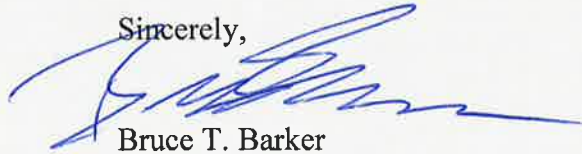
In conclusion, on January 27, 2017, you as a Weld County elected official were not subject to the provisions of Article XXIX. The Board of County Commissioners adopted Weld County Code Section 2-2-150 in 2006. Section 16-9 of the Weld County Home Rule Charter provides for an independently elected body of Weld County residents to review allegations of conflict of interest. In the week prior to the Gala, I had advised you to pay for the meals for you and your husband. It is my understanding you did so. Thus, I do not believe you violated Weld County Code Section 3-3-10.A.10. The Weld County Council considered Ms. DeLorenzo's complaint

Letter, Commissioner Cozad
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on February 13, 2017, and did not chose to investigate or review the matter further.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bruce T. Barker', with a stylized, flowing script.

Bruce T. Barker
Weld County Attorney

**MINUTES
WELD COUNTY COUNCIL
February 13, 2017**

The Weld County Council met in regular session in full conformity with the Weld County Home Rule Charter at 6:30 p.m., Monday, February 13, 2017, at the Weld County Administration Building, 1150 O Street, Greeley, CO.

ROLL CALL:

The meeting was called to order by President Brett Abernathy. Councilmen Michael Grilles, Jordan Jemiola, Charles Tucker, and Gene Stille were present, constituting a quorum of members. Also present was County Attorney Bruce Barker, former Councilman Don Mueller and County Council Secretary Linda Kane.

APPROVAL OF AGENDA:

Councilman Grilles made a motion to add an item to the agenda – to form an audit committee to work with the auditors, seconded by Councilman Tucker and carried. Councilman Abernathy made a motion to add an item to the agenda – discussion of a personnel executive session for the March meeting, seconded by Councilman Grilles and carried.

RECOGNITION OF FORMER COUNCIL MEMBER DON MUELLER

Councilman Stille made a motion to adopt Resolution 209 recognizing and thanking former Councilman Don Mueller for his service to the County Council. The motion was seconded by Councilman Tucker and carried. A plaque was also presented to Mr. Mueller.

DISCUSSION WITH COMMISSIONER SEAN CONWAY REGARDING CLAIMED INACCURACIES AT THE DECEMBER 19, 2016, COUNCIL MEETING

Commissioner Conway had a scheduling conflict and was not able to attend the meeting.

DISCUSSION REGARDING BIDS FOR AUDITS OF THE CLERK AND RECORDER'S OFFICE AND COUNTY COMMISSIONERS

APPROVAL OF BID #b1700059, AUDITS OF THE WELD COUNTY COMMISSIONERS AND THE WELD COUNTY CLERK AND RECORDER'S OFFICE: Six bids were presented and narrowed to two before Harvey M. Rose Associates, LLC, from San Francisco, CA, was recommended for selection by Councilman Grilles, seconded by Councilman Stille and passed unanimously.

APPROVAL OF DOCUMENTATION:

Approval of January 16, 2017, Minutes

Councilman Tucker made a motion to approve the January minutes, seconded by Councilman Jemiola and the motion carried.

PUBLIC COMMENT:

Ellen De Lorenzo, of Johnstown, questioned the ethics of Commissioner Julie Cozad, who attended a gala in January and sat at a table sponsored by Noble Energy. Councilman Abernathy stated he saw no ethics violations.

County employee Eliza Kunkel expressed appreciation that audits will soon begin.

Former Councilman Don Mueller commended the Council for moving forward with the audits.

Communications
4/17/17

NEW BUSINESS:

Discussion of Commissioner Coordinator Positions

Councilman Abernathy disagreed with Commissioner Sean Conway not being appointed coordinator for any county departments. Councilman Grilles agreed. Councilman Stille said he'd like to see each commissioner head a department and that would require a change to the Home Rule Charter.

Coordinator Reports

There were no coordinator reports.

Bills

Councilman Tucker made a motion to approve bills; it was seconded by Councilman Stille and carried.

- o Weld County Phone Bill for January

\$19.88.

Discussion of Audit Committee

Councilman Stille made a motion to disband the audit ad hoc committee consisting of Councilman Stille and Councilman Grilles and to establish a new committee to coordinate with auditors throughout the auditing process consisting of Councilman Abernathy and Councilman Grilles; it was seconded by Councilman Grilles and carried.

Discussion of Executive Session for March Meeting

Councilman Abernathy recommended the March meeting agenda contain an item related to holding an executive session to discuss personnel issues.

OLD BUSINESS:


There was no old business.

ADJOURNMENT:

By acclamation, the meeting was adjourned at 7:20 p.m.

March 20, 2017


Council President, Brett Abernathy


Council Secretary, Linda Kane

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO FEBRUARY 13, 2017

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, February 13, 2017, at the hour of 9:00 a.m.

► **ROLL CALL:** The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:

Commissioner Julie A. Cozad, Chair
Commissioner Steve Moreno, Pro-Tem
Commissioner Sean P. Conway
Commissioner Mike Freeman
Commissioner Barbara Kirkmeyer

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Stephanie Frederick
Controller, Barbara Connolly

► **MINUTES:** Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of February 8, 2017, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

► **AMENDMENTS TO AGENDA:** There were no amendments to the agenda.

► **CONSENT AGENDA:** Commissioner Kirkmeyer moved to approve the Consent Agenda as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

► **PUBLIC INPUT:** Ellen Delorenzo, resident of Johnstown, stated her concern that Chair Cozad made an unethical decision as an elected official. Ms. Delorenzo reported she would request from the County Council, this matter be submitted as part of the audit of the County Commissioners at their February 13, 2017 meeting. In response to Commissioner Kirkmeyer, Bruce Barker, County Attorney, reviewed what constitutes a conflict of interest as to an elected official or an employee taking anything of value. He explained to be considered unethical that Chair Cozad would have to have monetary interest in Noble Energy, and since there was none, there is no conflict of interest. (Clerk's Note: Chair Cozad submitted a response to this matter as an item of Communication on the February 15, 2017, Agenda.)

BIDS:

► 1) RECONSIDER BID #B1700016, 4"X4" AUTOMATIC SELF-PRIMING TRASH PUMP - DEPARTMENT OF PUBLIC WORKS: Trevor Jiricek, Director of General Services, stated staff would like to rescind the bid awarded to Wagner Rents on January 25, 2017, and award the bid from Primax USA

as the low bid. Jay McDonald, Director of the Department of Public Works, explained there was incorrect information submitted about the specifications but staff was finally able to confirm that Primax USA was able to perform services locally. Commissioner Moreno moved to rescind the bid award to Wagner Rents and approve the low bid from Primax USA. Seconded by Commissioner Conway, the motion carried unanimously.

► 2) RECONSIDER BID #B1700017, 6"X6" AUTOMATIC SELF-PRIMING TRASH PUMP - DEPARTMENT OF PUBLIC WORKS: Mr. Jiricek stated staff recommends rescinding the bid from Wagner Rents and explained the reason for this is outlined in staff's memo. He stated staff recommends awarding the low bid from Primax USA. Commissioner Moreno moved to rescind the bid from Wagner Rents and approve the low bid from Primax USA. Seconded by Commissioner Conway, the motion carried unanimously. Commissioner Freeman thanked Mr. Jiricek and Mr. McDonald for doing their due diligence concerning the bids.

► 3) APPROVE BID #B1700038, TRAFFIC PAINT AND BEADS - DEPARTMENT OF PUBLIC WORKS: Mr. Jiricek presented the eight (8) bids and stated staff recommends awarding the low bid from Sherwin Williams for the traffic paint and the low bid from Brightlands Tech, Inc., for the traffic beads, as stated in the memorandum from staff. Commissioner Kirkmeyer moved to approve said bid as recommended by staff. The motion, which was seconded by Commissioner Freeman, carried unanimously.

► 4) PRESENT BID #B1700040, SOUND SYSTEM (ISLAND GROVE) - DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Jiricek presented the three (3) bids and stated staff will bring back a recommendation on February 27, 2017. Commissioner Kirkmeyer requested a work session with staff to discuss the specifics of this bid.

► 5) PRESENT BID #B1700041, CUSTODIAL SUPPLIES - DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Jiricek presented the fourteen (14) bids rescind and stated staff will bring back a recommendation on February 27, 2017.

► 6) PRESENT BID #B1700049, UPS PREVENTATIVE MAINTENANCE AND REPAIR - DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Jiricek reviewed the four (4) bids received and stated staff will bring back a recommendation on February 27, 2017.

► 7) PRESENT BID #B1700050, SIGN MATERIALS - DEPARTMENT OF PUBLIC WORKS: Mr. Jiricek presented the nine (9) bids rescind and stated staff will bring back a recommendation on February 27, 2017.

NEW BUSINESS:

► 1) CONSIDER TEMPORARY ASSEMBLY PERMIT - BERTA AND MARTIN GUTIERREZ: Frank Haug, Assistant County Attorney, presented the application for the purpose of their seventh annual horse race and advised the maximum number of attendees is 1,500. He reported there are no concerns from staff, except the Department of Public Works would like to remind the applicants there is no parking allowed on the roadway. Martin Gutierrez, applicant, thanked the Commissioners for their support and stated he believes this is a successful event. Commissioner Kirkmeyer moved to approve said application. Seconded by Commissioner Conway, the motion carried unanimously.

► 2) CONSIDER LEASE AMENDMENT (822 7TH STREET, GREELEY) AND AUTHORIZE CHAIR TO SIGN: Toby Taylor, Director of Buildings and Grounds, reviewed the terms of the amendment to

extend the lease for one year, through February 28, 2018. Commissioner Freeman moved to approve said lease and authorize Chair to sign. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

► 3) CONSIDER PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT FOR CR 33 AND AUTHORIZE CHAIR TO SIGN - UNION PACIFIC RAILROAD COMPANY: Elizabeth Relford, Department of Public Works, presented the details of the agreement with Union Pacific Railroad for improvements to the crossing as part of the Weld County Industrial Park Development. The developer has paid the County the amount of \$123,939.00, and the County will reimburse Union Pacific Railroad for the construction. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.

► 4) CONSIDER APPOINTMENT OF AMANDA PETZOLD AS DEPUTY CLERK TO THE BOARD: Esther Gesick, Clerk to the Board, introduced Ms. Petzold who was welcomed by the Board. The motion to approve said appointment, which was made by Commissioner Moreno, and seconded by Commissioner Conway, carried unanimously.

PLANNING:

► 1) CONSIDER PARTIAL VACATION OF USR-1723 - CEDAR CREEK WIND FARM: Chris Gathman, Department of Planning Services, presented the request for the partial vacation of USR-1723, which is a condition of approval for USR15-0031, for a gravel mining operation, and reported the vacation will be for 32.2 acres. The applicant was not present for comment. No public testimony was offered concerning this matter. Chair Cozad clarified that the portion of USR-1723 where USR15-0031 will be located is, the area that is being vacated. Commissioner Freeman moved to grant said partial vacation of USR-1723. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously.

EXECUTIVE SESSION:

► 1) EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS, PURSUANT TO CRS § 24-6-402(4)(F); TO REVIEW AND CONSIDER, PURSUANT TO CRS 24-6-402(4)(G), DOCUMENTS PROTECTED BY THE MANDATORY NONDISCLOSURE PROVISIONS OF THE OF THE COLORADO OPEN RECORDS ACT; AND TO CONFER WITH THE COUNTY ATTORNEY FOR THE PURPOSES OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS, PURSUANT TO CRS § 24-6-402(4)(B): Commissioner Kirkmeyer moved for the Board of County Commissioners to go into executive session for the purpose of considering a document prepared by Mountain States Employers Council, subject "Sean Conway Investigation," including attachments thereto, and specifically in conjunction with such documents, to discuss personnel matters, pursuant to CRS § 24-6-402(4)(f); to review and consider, pursuant to CRS 24-6-402(4)(g), these documents as protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, specifically C.R.S. § 24-72-204(3)(a)(X); and to confer with the County Attorney for the purposes of receiving legal advice on specific legal questions thereto, pursuant to CRS § 24-6-402(4)(b); and to limit the persons present in the executive session to the five County Commissioners, County Attorney Bruce Barker, Human Resources Director Patti Russell, and Michele Sturgell, Manager, Workplace Investigations, Mountain States Employers Council. Commissioner Moreno seconded the motion, which carried unanimously. Chair Cozad stated the Board of County Commissioners is at 9:35 a.m. going into executive session, which will be held in the St. Vrain Conference Room. A motion to go into executive session was made, seconded, and voted favorably upon by a two-thirds majority of the Board members at the Board's open meeting held on this date. The executive session is for the purpose of considering a document prepared by Mountain States Employers Council, subject "Sean Conway Investigation," including attachments thereto, and specifically in conjunction with such documents, to discuss personnel matters, pursuant to CRS § 24-6-402(4)(f); to review and consider, pursuant to CRS 24-6-402(4)(g), these documents as protected by the mandatory

nondisclosure provisions of the Colorado Open Records Act, specifically C.R.S. § 24-72-204(3)(a)(X); and to confer with the County Attorney for the purposes of receiving legal advice on specific legal questions thereto, pursuant to CRS § 24-6-402(4)(b). Persons authorized by the Board of County Commissioners to be present in the executive session are Commissioners Cozad, Moreno, Conway, Freeman and Kirkmeyer, County Attorney Bruce Barker, Human Resources Director Patti Russell, and Michele Sturgell, Manager, Workplace Investigations, Mountain States Employers Council.

Esther Gesick

Subject: FW: Statement from Ellen DeLorenzo

From: Julie Cozad
Sent: Tuesday, February 14, 2017 10:35 AM
To: Esther Gesick <egesick@co.weld.co.us>
Subject: FW: Statement from Ellen DeLorenzo

Please make my statement below part of our communications in response to Ellen DeLorenzo's public comment and written statement. Thank you, Julie

Julie Cozad, Weld County Commissioner, District 2
1150 O Street, P.O. Box 758, Greeley, CO 80632
Office: 970-336-7204
Cell: 970-515-2424
Fax: 970-336-7233
jcozad@weldgov.com



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From: Julie Cozad
Sent: Monday, February 13, 2017 3:53 PM
To: Linda Kane <lkane@co.weld.co.us>
Cc: Linda Kane <lkane@co.weld.co.us>; 'tsilvy@greeleytribune.com' <tsilvy@greeleytribune.com>
Subject: Statement from Ellen DeLorenzo

County Council,

This morning at our Board meeting, during public comment, Ms. DeLorenzo submitted a written statement regarding my attendance at the Northern Colorado Medical Center Foundation Gala, which raises money for our hospital in Greeley. Both Commissioner Conway and I attended this event. I support our local hospital and have attended this event every year for at least seven years. This year I had planned on attending and purchasing my own tickets. At the last minute, I had been invited by Noble Energy to sit at their table. After discussion with our County Attorney, I paid Noble Energy for the value of the dinner for both my husband and I (dinner value was around \$60-70 and I sent a check to Noble for \$150), therefore no ethical violations occurred. I also made a donation to the Foundation, since this was, in fact, a fund raiser. All of the Commissioners regularly attend events for United Way, Boys and Girls Club, Food Bank, the Cancer Society, Hospital Foundation, our Chambers of Commerce and many other non-profits. Sometimes we are invited to sit at tables that are sponsored by local businesses. The sponsorships are to fund these non-profits and there is no benefit to the Commissioners other than lunch/dinner. I do not have a conflict of interest in regard to Noble Energy, as I have no financial interest in their company. Since this was a social event, there were no business discussions between myself and Noble Energy representatives during the event. Thank you for your consideration. Julie

Julie Cozad, Weld County Commissioner, District 2
1150 O Street, P.O. Box 758, Greeley, CO 80632
Office: 970-336-7204
Cell: 970-515-2424
Fax: 970-336-7233
jcozad@weldgov.com

2017-0514

**HEARING CERTIFICATION
DOCKET NO. 2017-10**

RE: A SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR16-0042, FOR MINERAL RESOURCE DEVELOPMENT FACILITIES, OIL AND GAS STORAGE FACILITY WITH TRANSLOADING; AND ANY USE PERMITTED AS A USE BY RIGHT, ACCESSORY USE, OR USE BY SPECIAL REVIEW IN THE COMMERCIAL OR INDUSTRIAL ZONE DISTRICTS AND A CONSTRUCTION LAYDOWN YARD, PROVIDED THAT THE PROPERTY IS NOT A LOT IN AN APPROVED OR RECORDED SUBDIVISION PLAT OR PART OF A MAP OR PLAN FILED PRIOR TO ADOPTION OF ANY REGULATIONS CONTROLLING SUBDIVISIONS IN THE A (AGRICULTURAL) ZONE DISTRICT – ALVIN DECHANT JR. AND DAVID DECHANT, C/O NBL MIDSTREAM HOLDINGS, LLC

A public hearing was conducted on February 22, 2017, at 10:00 a.m., with the following present:

Commissioner Julie A. Cozad, Chair
Commissioner Steve Moreno, Pro-Tem
Commissioner Sean P. Conway
Commissioner Mike Freeman
Commissioner Barbara Kirkmeyer - EXCUSED

Also present:

Acting Clerk to the Board, Tisa Juanicorena
Assistant County Attorney, Bob Choate
Planning Services Department representative, Kim Ogle
Public Works Department representative, Evan Pinkham
Planning Services Engineer representative, Hayley Balzano
Health Department representative, Ben Frissell

The following business was transacted:

► Chair Cozad clarified, for the record that, she has no conflict of interest with Noble Energy or Tetra Tech and she has had no outside contact with either entity regarding this case.

► I hereby certify that pursuant to a notice dated January 20, 2017, and duly published January 25, 2017, in the Greeley Tribune, a public hearing was conducted to consider the request of Alvin Dechant Jr. and David Dechant, c/o NBL Midstream Holdings, LLC, for a Site Specific Development Plan and Use by Special Review Permit, USR16-0042, for Mineral Resource Development Facilities, Oil and Gas Storage Facility with Transloading; and any Use permitted as a Use by Right, Accessory Use, or Use by Special Review in the Commercial or Industrial Zone Districts and a construction laydown yard, provided that the property is not a lot in an approved or recorded subdivision plat or part of a map or plan filed prior to adoption of any regulations controlling subdivisions in the A (Agricultural) Zone District. Bob Choate, Assistant County Attorney, made this a matter of record.

► Chair Cozad reviewed, for the public, the procedures to follow should this case result in a tie vote due to four Commissioners being present and one Commissioner excused.

► Kim Ogle, Department of Planning Services, presented a brief summary of the proposal and stated the site is located on an 80-acre parcel and he reviewed the relevant County Roads adjacent to and in close proximity of the site. Mr. Ogle stated the site is not located within the three (3) mile referral area of any municipality or intergovernmental agreement area. He explained the proposal will generate little traffic and he described the surrounding land uses and nearest residences. Mr. Ogle stated there has been no correspondence from surrounding property owners and the only notable objection was from Anadarko in reference to mineral rights and access. He described the three (3) phases of potential implementation and stated 16 referrals were sent out with five (5) responses received. Mr. Ogle displayed images of the site and surrounding properties and entered the favorable recommendation of the Planning Commission into the record as written.

► Evan Pinkham, Department of Public Works representative, provided a brief overview of the transportation plans and requirements stating an Access Permit has been granted, AP#16-00591, stipulating the usage of the existing accesses. He reviewed the average daily traffic counts and stated, based on the traffic narrative, there would be no tracking control or Improvements Agreement required.

► Hayley Balzano, Planning Services Engineer representative, presented the drainage and grading requirements and reviewed the relevant Conditions of Approval and Development Standards related to engineering.

► Ben Frissell, Department of Public Health and Environment, reviewed the water and sewer provisions, stating bottled water and portable toilets are acceptable and Development Standards (DS) #6-18 are typical Environmental Health items.

► Pam Hora, TetraTech, represented the applicant and began by introducing the team of individuals present and available to answer questions. She displayed a PowerPoint presentation and reviewed the location, lease agreement and access agreement with the Dechants, compatibility and neighbor outreach. She described, in detail, the three (3) potential phases of development depending on the market demand and explained the operations related to each phase. Ms. Hora emphasized the site will utilize pipelines and should only need occasional transloading in the event the pipeline is unavailable due to maintenance. She reviewed the hours of operation and number of employees and clarified that the expansion phases would not increase the number of employees. Ms. Hora stated the site would generate very low traffic, have restroom facilities, a fenced perimeter, security gate, and a detention pond to capture runoff in the areas that increase in imperviousness. She reviewed the fire district access and, in response to Chair Cozad, clarified the detention pond is located on the south side of phase one and north of the potential laydown yard. She explained, in detail, the concerns that Anadarko brought to their attention and stated the applicant is working with them. Ms. Hora concluded with compatibility and consistency with Code criteria and asked for approval.

► No public testimony was offered concerning this matter.

▶ In response to Chair Cozad, Ms. Hora stated there are future applications addressing proposed pipelines and gathering lines. In further response, Ms. Hora stated this project will connect to existing gathering lines to travel to market.

▶ In response to Chair Cozad, Ms. Balzano stated the Division of Water Resources (DOWR) has implemented a new referral that addresses the requirements regarding water holding times and detention facilities and if the requirements are not met they would be managed by the DOWR.

▶ Jeff Butson, Tetrattech, explained this new referral is a result of a State Bill that was passed requiring the registration of detention ponds and stipulations regarding water rights and release times. He thought there may have been five (5) conditions that now need to be met and there are still some questions surrounding this new implementation regarding who will register the detention ponds and who will manage the conditions. In response to Chair Cozad, Mr. Butson stated the final drainage report will formally address the conditions.

▶ In response to Commissioner Conway, Ms. Hora confirmed there are other applications for pipelines in the future that will potentially tie into the proposed facility. She deferred to Mr. Pickerel to provide a more detailed answer if crude cannot be moved via pipeline.

▶ Greg Pickerel, Noble Energy, explained the entire area operation in detail to include response plans if a pipeline is inactivated. He stated they would request temporary permission to truck the crude and water, if necessary.

▶ In response to Commissioner Conway, Mr. Pinkham stated an Improvements Agreement would need to be put into place if the truck trips surpassed 21 per day. Chair Cozad recommended adding a condition to reflect the possibility that the number of truck trips may trigger the need for an Improvements Agreement. In response to Chair Cozad, Mr. Ogle clarified the USR allows for transloading; therefore, an amendment would not be necessary.

▶ Mr. Choate suggested an Improvements Agreement be required as a Condition and include language that explains it does not impose any obligation on them unless the truck trips are triggered. In response to Commissioner Conway, Mr. Choate recommended it become the new Condition of Approval (COA) #1.A. The applicant requested the fees be held off until it is triggered. Mr. Choate interjected that specific language can be added for that purpose. The Board agreed.

▶ In response to Commissioner Conway, Ms. Hora stated no additional employees are needed.

▶ In response to Chair Cozad, Ms. Hora indicated the applicant has reviewed, and agrees to abide by, the Conditions of Approval and Development Standards, and they have no further questions or concerns.

▶ Chair Cozad stated Mr. Choate is preparing language for the new condition requiring an Improvements and Road Maintenance Agreement. In response to Chair Cozad, Mr. Choate read the proposed language which was acceptable to the Board and the applicant. Commissioner

HEARING CERTIFICATION – ALVIN DECHANT JR. AND DAVID DECHANT, C/O NBL
MIDSTREAM HOLDINGS, LLC (USR16-0042)
PAGE 4

Freeman interjected direction to staff to review emergency language to reflect short periods of time in relation to the preparation for the Improvements Agreement. The Board agreed.

(Clerk's Note: Subsequent to the hearing, Mr. Choate provided modified language to be inserted as COA #1.A.)

► Commissioner Moreno moved to approve the request of Alvin Dechant Jr. and David Dechant, c/o NBL Midstream Holdings, LLC, for a Site Specific Development Plan and Use by Special Review Permit, USR16-0042, for Mineral Resource Development Facilities, Oil and Gas Storage Facility with Transloading; and any Use permitted as a Use by Right, Accessory Use, or Use by Special Review in the Commercial or Industrial Zone Districts and a construction laydown yard, provided that the property is not a lot in an approved or recorded subdivision plat or part of a map or plan filed prior to adoption of any regulations controlling subdivisions in the A (Agricultural) Zone District, based on the recommendations of Planning staff and the Planning Commission, with the Conditions of Approval and Development Standards as amended and entered into the record. The motion was seconded by Commissioner Freeman, and it carried unanimously. There being no further discussion, the hearing was completed at 11:20 a.m.

This Certification was approved on the 27th day of February, 2017.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Julie A. Cozad, Chair

BY: _____

Deputy Clerk to the Board

Steve Moreno, Pro-Tem

EXCUSED DATE OF APPROVAL
Sean P. Conway

APPROVED AS TO FORM:

Mike Freeman

County Attorney

EXCUSED
Barbara Kirkmeyer

Date of signature: _____

2017-0416
PL2457

CERTIFICATE OF SERVICE

I certify that on October 13, 2017, I served a true and accurate copy of the foregoing RESPONSE TO ETHICS COMPLAINT AGAINST COMMISSIONER JULIE COZAD to the following persons:

Ms. Ellen DeLorenzo
1744 Goldenvue Drive
Johnstown, CO 80534
Sent on October 13, 2017 via certified mail
And via email: nvr2grn@gmail.com

A handwritten signature in blue ink, appearing to read "Julie A. Cozad", is written over a horizontal line.

By: Julie A. Cozad