

Independent Ethics Commission – Formal Complaint Form

Before the Independent Ethics Commission
of the State of Colorado

For Commission Use Only

Received date: 21-Jul-2017

Case. No.: 17-28

The Complainant is: Ellen DeLorenzo

Mailing Address (including city and zip code):
1744 Goldenvue Drive Johnstown, CO 80534

Daytime telephone number: 310-819-7985

Email address: flexprod@yahoo.com

The Respondent is: Julie Cozad

Mailing Address (including city and zip code):
1150 O Street, PO Box 758 Greeley, CO 80631

Daytime telephone number: 970-336-7233

Email address: jcozad@weldgov.com

January 27, 2017

When did the alleged violation occur:

Describe the specific acts or things complained of, with facts that provide a full understanding of the alleged violation(s). If possible, cite the specific ethical standards alleged to have been violated and describe how the violation(s) occurred. Use additional pages if necessary. Attach any documentary evidence you wish to submit.

Julie Cozad and her husband attended a fundraising event on 1/27/17 as guests of Noble Energy. The event was the Northern Colorado Medical Center Foundation Gala. Noble Energy was the presenting sponsor, with its table costing \$2500 per seat. Members of the general public could attend and be seated at other tables at a minimum cost of \$275 per seat. There were also other larger levels of sponsorship. Cozad claims this invitation occurred "at the last minute". She also claims that she consulted with and was advised by County Attorney Bruce Barker that if she reimbursed Noble for the cost of the two meals (which they determined to be worth \$75 each) there would be no ethical violation. When questioned at a Board of County Commissioners meeting about her attendance to this event, Cozad explained she had paid \$150 for her two tickets and had "made a donation" to the Foundation. I have learned from Barker that the donation was \$220, which means the Cozad cost to the event was at most \$370 for the two seats, while the general public would have paid at least \$550. Since Cozad was seated at a \$2500/seat table her

Additional Space on Next Page

Description of acts or things complained of (continued):

attendance was a direct violation of the Gift Ban, Section of Article XXIX as described in IEC position statements 8-01 and 8-03. By this standard, Cozad received a discount on the two meals of \$4630, making her liable for the 2x penalty, or \$9260.

Furthermore, per IEC Letter Ruling 12-01, even if allowance is made that the Noble Energy table was at the extreme, Cozad received at a discount of at least \$180 compared to the lowest price available to the general public. There is still a violation, even with the relaxed standards, with at least a \$360 liability as the 2x benefit. Another Weld County County Commissioner attended and paid \$550 for two seats and was seated with other state and local politicians plus members of the general public.

Most egregiously, Greg Pickerel, who was seated at the Noble Energy table, was the Noble Energy representative to the Weld County Board of County Commissioners (of which Cozad is Chair) when a land use case was presented to the BOCC three weeks later. It should be noted this was noticed to the public prior to the Gala issue in this complaint. Cozad did not recuse herself from the vote for any reason, up to and including the fact that she had worked at Tetra Tech (also representing the land use applicant at this meeting). This appears to be a clear ethical violation as outlined in IEC Handbook, page 10, creating at its minimum an appearance of impropriety. I (and others) would appreciate a full investigation. Thank you.

Check the box or boxes indicating the remedy sought:

☒ Public Admonishment

☒ Fines

whatever is deemed appropriate, per your process

I hereby acknowledge that the facts presented herein are true to the best of my knowledge, and I will cooperate in the process regarding this complaint and will appear at any proceeding of the Independent Ethics Commission if the complaint is scheduled for a hearing.

Signature: _____

Attorney (if applicable): _____

Dated at Johnstown (City), Colorado, this 21 day of July, 2017.

Created by Article XXIX of the Colorado Constitution, the Independent Ethics Commission may review and hold hearings on matters falling within its jurisdiction as outlined in Article XXIX.



28TH ANNUAL NCMC FOUNDATION GALA

THIS EVENT HAS PASSED.



Date

Date:

January 27

Venue

Embassy Suites

4705 Clydesdale Pkwy

Loveland, CO 80538 United States

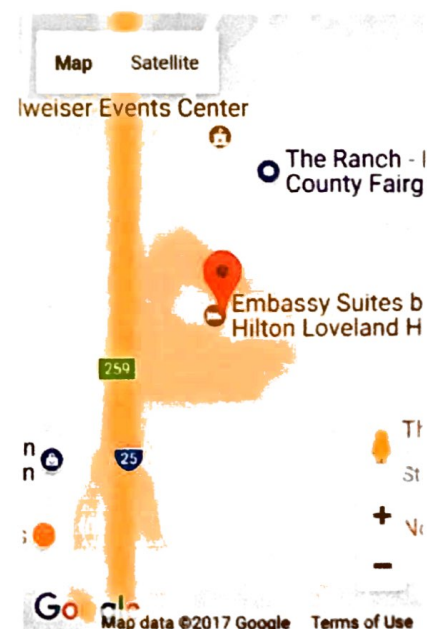
Google Map

Phone:

(970) 593-6200

Website:

embassysuites3.hilton.com



In what has become one of the signature philanthropic events in northern Colorado, the 28th Annual NCMC Foundation Gala, presented by Noble Energy, raised over \$223,000 in net proceeds for the North Colorado Medical Center Cancer Institute on January 28th. Nearly 700 guests turned out for "Havana Nights" themed black tie affair held at the Embassy Suites in Loveland.

In addition to raising funds to support technology upgrades for the NCMC Cancer Institute, the gala honors an outstanding individual or organization for distinguished service and leadership in healthcare in our region. This year's recipient of the NCMC Foundation Legacy Award,



↙
 5th from left =
 Julie Cozad
 Chair, Weld County
 Board of Commissioners

↘
 2nd from right =
 Greg Pickrel,
 Noble Energy Rep,
 Land Use Case

From: Bruce Barker bbarker@co.weld.co.us
Subject: FW: Statement from Ellen DeLorenzo
Date: Mar 9, 2017, 10:22:48 AM
To: Ellen nvr2grn@gmail.com, County Council
CountyCouncil@co.weld.co.us
Cc: Julie Cozad jcozad@co.weld.co.us

Ms. DeLorenzo:

In your communication to the Board of County Commissioners of Weld County and to the Weld County Council dated February 13, 2017, you state that you were told by several people that Commissioner Julie Cozad and her husband were seated at a table sponsored by Noble Energy at the North Colorado Medical Center Foundation Gala on January 28, 2017. You describe the table as being "front and center," the result of a \$25,000 donation from Noble Energy to the NCMC Foundation. I understand you believe Commissioner Cozad and her husband received something of value from being seated at the table. Furthermore, you believe Commissioner Cozad and her husband being seated at the table was "unethical at best and a clear conflict of interest."

Below is Commissioner Cozad's email to the Weld County Council and to the Greeley Tribune. It was also forwarded to the Clerk to the Board for inclusion in the Board's Communications. The email confirms that Commissioner Cozad and her husband paid for their meals at the Gala and made a \$220 donation to the NCMC Foundation. Commissioner Cozad also states that during the event, no business discussions occurred between Commissioner Cozad and Noble Energy representatives.

Neither Commissioner Cozad, nor her husband, received anything of value at the Gala for which they did not pay for themselves. As a result, I do not find that Commissioner Cozad violated either Section 3-3-10 A.10. of the Weld county Code, or C.R.S. § 24-18-104.

Bruce T. Barker, Esq.
Weld County Attorney
P.O. Box 758
1150 "O" Street
Greeley, CO 80632
(970) 356-4000, Ext. 4390
Fax: (970) 352-0242



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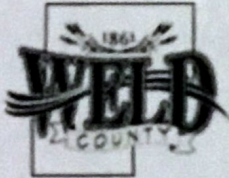
sender by return e-mail and destroy the communication. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication or any attachments by anyone other than the named recipient is strictly prohibited.

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](tel:970-336-7204)
Cell: [970-515-2424](tel:970-515-2424)
Fax: [970-336-7233](tel: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](tel:970-336-7204)
Cell: [970-515-2424](tel:970-515-2424)
Fax: [970-336-7233](tel:970-336-7233)
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**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.


CC: PLCKO/MM), PECHB),
HL(BF), CTBCTJ(SF)
3/8/17


2017-0415
PL2457


 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: Arthur G. Mesick

Weld County Clerk to the Board

Julie A. Cozad
Julie A. Cozad, Chair

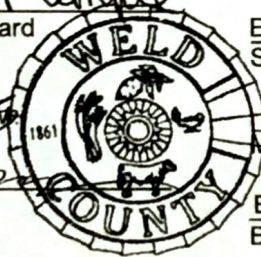
Steve Moreno
Steve Moreno, Pro-Tem

BY: Alfred A. Remmel
Deputy Clerk to the Board

EXCUSED DATE OF APPROVAL
Sean P. Conway

APPROVED AS TO FORM

County Attorney



Mike Freeman
Mike Freeman

EXCUSED
Barbara Kirkmeyer

Date of signature: 3/6/17

2017-0415
PL2457

ATTENDANCE LIST

DATE: February 28, 2017

[illegible]