

# **GRAND JUNCTION REGIONAL AIRPORT AUTHORITY**



### **Grand Junction Regional Airport Authority**



Date: May 19, 2020

### Location:

Electronic Meeting

Link: <a href="https://us02web.zoom.us/j/813501044?pwd=Zi82UIQ5Rnpjc2ZQU1JqRDNpc0NYUT09">https://us02web.zoom.us/j/813501044?pwd=Zi82UIQ5Rnpjc2ZQU1JqRDNpc0NYUT09</a> Time: 5:15 PM

### **REGULAR MEETING AGENDA**

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Commissioner Comments

### V. Citizens Comments

The Grand Junction Regional Airport Authority welcomes respectful public comments at its meetings. The Citizens Comment section is open to all individuals that would like to comment. If you wish to speak under the Citizens Comment portion of the agenda, please e-mail your comment to the Board Clerk (jburtard@gjairport.com) 30 minutes prior to the meeting. Comments not sent 30 minutes prior to the meeting will not be accepted. The Board Chairman will indicate when you may come forward and comment. Please state your name for the record. Presentations are limited to **three minutes** and yielding time to others is not permitted. Speakers are to address the Chairman, not each other or the audience, and are expected to conduct themselves in an appropriate manner. The use of abusive or profane language shall not be allowed. No debate or argument between speakers and/or members of the audience shall be permitted.

### VI. Consent Agenda

The Consent Agenda is intended to allow the Board to spend its time on the more complex items on the agenda. These items are perceived as non-controversial and can be approved by a single motion. The public or Board Members may ask that an item be removed from the Consent Agenda and be considered individually.

Α.	April 21, 2020 Meeting Minutes	_ 1
	<ul> <li>Approval of April 21, 2020 Board Meeting Minutes</li> </ul>	
В.	May 5, 2020 Meeting Minutes	_ 2
	<ul> <li>Approval of May 5, 2020 Special Board Meeting Minutes</li> </ul>	
C.	DVR Replacement	_ 3
	- Purchase of \$11,700 DVR replacement to expand storage for Airport video	

camera recordings.

- D. Airport Insurance Policy Renewal
  - Board approval of the 2020-2021 renewal of property and casualty insurance brokered by HUB International. Estimated premiums and broker fees totaling \$125,482.

4

- E. City Annexation of Airport Property Received from BLM
  - In 2019, the BLM transferred 188 acres to the Airport. Board approval of moving land transfer before the City of Grand Junction Planning Department for annexation into the City of Grand Junction city limits to be consistent with Airport property.

### VII. Action Item

- A. Draft Senate Bill 5.4.20 (PFAS Enterprise) Formal Opposition \_\_\_\_\_\_ 5
  - Approval for Chairman to sign joint community opposition of proposed Senate Bill 5.4.20.

### VIII. Discussion

### IX. Staff Reports

- A. Executive Director Report (Angela Padalecki)
- B. Operations Report (Eric Trinklein)
- C. Finance and Activity Report (Sarah Menge) \_\_\_\_\_ 6
- D. External Affairs Report (Joe Burtard)
- E. Facilities Report (Ben Peck)
- F. Project Report (Eric Trinklein)

### X. Any other business which may come before the Board

XI. Adjournment



Grand Junction Regional Airport Authority Board Regular Board Meeting Meeting Minutes April 21, 2020

### **REGULAR BOARD MEETING**

### I. Call to Order

Mr. Tom Benton, Board Chairman, called the Meeting of the Grand Junction Regional Airport Authority Board to order at 5:15 PM on April 21, 2020 in Grand Junction, Colorado and in the County of Mesa. The meeting was hosted electronically.

Commissioners Present:	<u>Guests:</u>
Tom Benton (Chairman)	Jeff Herd, Ireland Stapleton Pryor & Pascoe, PC.
Chuck McDaniel	Brad Rolf, Mead and Hunt
Thaddeus Shrader	Shannon Kinslow, TOIL
Clay Tufly	Brian Mohr, InterVISTAS
Erling Brabaek	Josh Cohn, InterVISTAS
Ron Velarde	
Linde Marshall	
<u>Airport Staff:</u>	
Angela Padalecki (Executive Director)	
Joseph Burtard (Clerk)	
Karl Hanlon (Counsel)	
Sarah Menge	
Ben Peck	
Eric Trinklein	
Dylan Heberlein	
Cameron Reece	
Shelagh Flesch	

### II. Pledge of Allegiance

### III. Approval of Agenda

Commissioner Brabaek made a motion to approve the April 21, 2020 Board Agenda. Commissioner Marshall second the motion. Roll Call Vote: Commissioner Benton, yes; Commissioner Brabaek, yes; Commissioner Marshall, yes; Commissioner McDaniel, yes; Commissioner Shrader, yes; Commissioner Tufly, yes; and Commissioner Velarde, yes. The motion carries.

### IV. Commissioner Comments

No Commissioner Comments were made.

### V. Citizen Comments

No citizen comments were made.

### VI. Consent Agenda

- March 24, 2020 Meeting Minutes Approval of March 24, 2020 Board Meeting Minutes
- April 7, 2020 Special Board Meeting Minutes Approval of April 7, 2020 Special Board Meeting Minutes

ProDIGIQ Three-Year Contract Extension Approval for FIDS System Approval of three-year contract with ProDIGIQ Inc. to provide Flight Information Display System (FIDS) at the Airport.

Commissioner McDaniel made motion to approve the Consent Agenda. Commissioner Brabaek seconded. Roll Call Vote: Commissioner Benton, yes; Commissioner Brabaek, yes; Commissioner Marshall, yes; Commissioner McDaniel, yes; Commissioner Shrader, yes; Commissioner Tufly, yes; and Commissioner Velarde, yes. The motion carries.

### VII. Action Items

# Lease Assignment and Consent to Lease Assignment –R & L Investments, LLC and Colorado Mesa University (CMU)

Chairman Benton and Commissioner Brabaek abstained. Vice Chair, McDaniel led the discussion. Commissioner Marshall made a motion to approval of Lease Assignment between R & L Investments, LLC and Colorado Mesa University, and authorize the Executive Director to execute the assignment. Commissioner Velarde seconded the motion. Roll Call Vote: Commissioner Marshall, yes; Commissioner McDaniel, yes; Commissioner Shrader, yes; Commissioner Tufly, yes; and Commissioner Velarde, yes. The motion carries.

### Garver Task Order for Pavement Rehab Design

Commissioner Shrader made a motion to approval of the work order for Garver for \$549,795 and authorize the Executive Director to sign. Tufly seconded the motion. Roll Call Vote: Commissioner Benton, yes; Commissioner Brabaek, no; Commissioner Marshall, yes; Commissioner McDaniel, yes; Commissioner Shrader, yes; Commissioner Tufly, yes; and Commissioner Velarde, yes. The motion carries.

### Scope of Work for Terminal and Landside Planning with InterVISTAS

Commissioner Velarde made a motion to approval of the on-call planning services task order with InterVISTAS for \$69,985 and authorize the Executive Director to sign. Commissioner Brabaek seconded the motion. Roll Call Vote: Commissioner Benton, yes; Commissioner Brabaek, yes; Commissioner Marshall, yes; Commissioner McDaniel, yes; Commissioner Shrader, yes; Commissioner Tufly, yes; and Commissioner Velarde, yes. The motion carries.

### **Resolution No. 2020-005 Revised Resolution Concerning Execution of Documents**

**Pertaining to Bank Accounts** Commissioner Brabaek made a motion to adopt Resolution No. 2020-005: Revised Resolution Concerning Execution of Documents Pertaining to Bank Accounts. Commissioner Marshall seconded the motion. Roll Call Vote: Commissioner Benton, yes; Commissioner Brabaek, yes; Commissioner Marshall, yes; Commissioner McDaniel, yes; Commissioner Shrader, yes; Commissioner Tufly, yes; and Commissioner Velarde, yes. The motion carries.

### VIII. Discussion

COVID-19 Update Airport Insurance Policy Renewal

### IX. Staff Reports

- A. Executive Director Report (Angela Padalecki)
- B. Operations Report (Dylan Herberlein)
- C. Finance and Activity Report (Sarah Menge)
- D. External Affairs Report (Joseph Burtard)
- E. Facilities Report (Ben Peck)
- F. Project Report (Eric Trinklein)

# X. Any other business which may come before the Board No additional business was discussed.

### XI. Adjournment

The meeting adjourned at approximately 7:06 PM.

Audio recording of the complete meeting can be found at <u>https://gjairport.com/Board\_Meetings</u>

Tom Benton, Board Chairman

### ATTEST:

Joseph R. Burtard, Clerk to the Board

April 21, 2020 Minutes – Page 3



### Grand Junction Regional Airport Authority Board Special Board Meeting Meeting Minutes May 5, 2020

### **SPECIAL BOARD MEETING**

### I. Call to Order

Mr. Tom Benton, Board Chairman, called the Meeting of the Grand Junction Regional Airport Authority Board to order at 5:15 PM on May 5, 2020 in Grand Junction, Colorado and in the County of Mesa. The meeting was hosted electronically.

Commissioners Present:	<u>Guests:</u>
Tom Benton (Chairman)	Jeremy Lee, Mead & Hunt
Chuck McDaniel	Jeff Herd, Ireland Stapleton Pryor & Pascoe, PC.
Thaddeus Shrader	Kent Taylor, CAF
Clay Tufly	Brad Rolf, Mead & Hunt
Erling Brabaek	Shannon Kinslow, TOIL
Ron Velarde	
Linde Marshall	
<u>Airport Staff:</u>	
Angela Padalecki (Executive Director)	
Joseph Burtard (Clerk)	
Karl Hanlon (Counsel)	
Dan Reimer (Counsel)	
Sarah Menge	
Ben Peck	
Eric Trinklein	
Dylan Heberlein	
Cameron Reece	
Shelagh Flesch	

### II. Pledge of Allegiance

### III. Approval of Agenda

Commissioner Velarde made a motion to approve the May 5, 2020 Board Agenda. Commissioner Tufly second the motion. Roll Call Vote: Commissioner Benton, yes; Commissioner Brabaek, yes; Commissioner Marshall, yes; Commissioner McDaniel, yes; Commissioner Shrader, yes; Commissioner Tufly, yes; and Commissioner Velarde, yes. The motion carries.

### IV. Commissioner Comments

No Commissioner Comments were made.

### V. Citizen Comments

No citizen comments were made.

### VII. Action Items

### **CARES Act Airport Grant Award**

Commissioner Brabaek made a motion to approve the CARES Act \$5,679,740 grant award. Commissioner Marshall seconded the motion. Roll Call Vote: Commissioner Benton, yes; Commissioner Brabaek, yes; Commissioner Marshall, yes; Commissioner McDaniel, yes; Commissioner Shrader, yes; Commissioner Tufly, yes; and Commissioner Velarde, yes. The motion carries.

### VIII. Discussion

COVID-19 Related Matters Airport updated on current COVID-19 related matters.

2020 Financial Forecast Discuss and review current 2020 financial forecast.

Join Agency Meeting

Discuss upcoming Joint Agency Meeting with City of Grand Junction, Mesa County, and Grand Junction Regional Airport.

Director of Planning and Development Transition Plan Update on the Airport's transition plan for departing Director of Planning and Development.

### IX. Any other business which may come before the Board

No additional business was discussed.

### X. Adjournment

The meeting adjourned at approximately 6:56PM.

Audio recording of the complete meeting can be found at <u>https://gjairport.com/Board\_Meetings</u>

Tom Benton, Board Chairman

ATTEST:

Joseph R. Burtard, Clerk to the Board

# **Grand Junction Regional Airport Authority** Agenda Item Summary

TOPIC:	Digital Video Recorde	r Upgrade			
PURPOSE:	Information	Guidance 🗆	Decision 🛛		
RECOMMENDATION:	11 1	t Information Systems to pur nents as quoted from Ingram	rchase the digital video recorder for \$11,676.60.		
SUMMARY:	network. The addition and has reduced the an overwritten. Staff budg budget. With the curre new Digital Video Rec price shop the DVR w frame speed, sized to a two months of recorde stating that a compone	nount of time that this data re- geted \$17,000.00 dollars for t nt decline in revenue staff re- corder (DVR) and requested t ith new requirements. These accommodate a 25% growth d data retention. A notation w nt is back ordered. This is cu- pacts of COVID-19. Sequent	n increase of stored recorded data emains available before if is the upgrade within the 2020 evaluated the requirements of a Sequent Information Systems to requirements include increased in the camera network, and have was made on the quotations		
<b>REVIEWED BY:</b>	Executive Director and	l Legal Counsel			
FISCAL IMPACT:	\$11,676.60 (\$17,000 Budgeted)				
ATTACHMENTS: Sequent Quotations					
STAFF CONTACT:	Ben Peck <u>bpeck@gjairport.com</u> (970) 261-3624				



Sequent Information Systems, LLC 205 N. 4th St., Suite 302 Grand Junction, CO 81501 Phone: (970) 254-0855 Fax: (970)683-5060

### Quotation

Date	Quote #	
4/29/2020	2	

Grand Junction Reginal Airport Attn: Ben Peck

Ingram

Description		Qty	Unit Price	Ext. Price
P02465-B21	HPE ProLiant DL380 G10 2U Rack Server 2 x Xeon Gold 5218 - 64 GB RAM HDD SSD 12Gb/s SAS Controller - 2 Processor Support - 16 MB Graphic Card Backordered. Lead time could be up to 60 days.	1	\$4,678.75	\$4,678.75
881457-B21	HPE 2.4TB SAS 12G 10K Backordered. Lead time could be up to 30 days.	12	\$477.60	\$5,731.20
700139-B21	HPE 32GB microSD Flash Memory Card	1	\$122.30	\$122.30
826691-B21	HPE DL38X Gen10 SFF box1/2 cage/backplane kit Backordered. Lead time could be up to 60 days.	1	\$221.60	\$221.60
9EM-00652	Microsoft Windows Server Standard 2019 – 16 core	1	\$922.75	\$922.75
Labor	Configuration and Installation	1	\$3,300.00	\$3,300.00
Total:				\$11,676.60

\*Note: Video storage can be increased by 25% at a cost of \$1,432.75

\*Note: Pricing does not include applicable sales tax, shipping/handling and/or structured cabling.

\*Note: Quote is valid for 30 days.



Sequent Information Systems, LLC 205 N. 4th St., Suite 302 Grand Junction, CO 81501 Phone: (970) 254-0855 Fax: (970)683-5060

### Quotation

Date	Quote #
4/29/2020	2

Grand Junction Reginal Airport Attn: Ben Peck

**Provantage** 

Description		Qty	Unit Price	Ext. Price
P02465-B21	HPE ProLiant DL380 G10 2U Rack Server 2 x Xeon Gold 5218 - 64 GB RAM HDD SSD 12Gb/s SAS Controller - 2 Processor Support - 16 MB Graphic Card Backordered. Lead time could be up to 30 days.	1	\$4,711.20	\$4,711.20
881457-B21	HPE 2.4TB SAS 12G 10K	12	\$499.90	\$5,998.80
700139-B21	HPE 32GB microSD Flash Memory Card	1	\$114.85	\$114.85
826691-B21	HPE DL38X Gen10 SFF box1/2 cage/backplane kit Backordered. Lead time could be up to 30 days.	1	\$240.90	\$240.90
9EM-00652	Microsoft Windows Server Standard 2019 – 16 core	1	\$961.20	\$961.20
Labor	Configuration and Installation	1	\$3,300.00	\$3,300.00
Total:				\$12 026 95

Total:

\$12,026.95

\*Note: Video storage can be increased by 25% at a cost of \$1,432.75

\*Note: Pricing does not include applicable sales tax, shipping/handling and/or structured cabling.

\*Note: Quote is valid for 30 days.



Sequent Information Systems, LLC 205 N. 4th St., Suite 302 Grand Junction, CO 81501 Phone: (970) 254-0855 Fax: (970)683-5060

### Quotation

Date	Quote #
4/29/2020	2

Grand Junction Reginal Airport Attn: Ben Peck

Synnex

Description		Qty	Unit Price	Ext. Price
P02465-B21	HPE ProLiant DL380 G10 2U Rack Server 2 x Xeon Gold 5218 - 64 GB RAM HDD SSD 12Gb/s SAS Controller - 2 Processor Support - 16 MB Graphic Card Backordered. Lead time could be up to 60 days.	1	\$5,035.30	\$5,035.30
881457-B21	HPE 2.4TB SAS 12G 10K	12	\$521.75	\$6,261.00
700139-B21	HPE 32GB microSD Flash Memory Card	1	\$129.55	\$129.55
826691-B21	HPE DL38X Gen10 SFF box1/2 cage/backplane kit Backordered. Lead time could be up to 30 days.	1	\$234.75	\$234.75
9EM-00652	Microsoft Windows Server Standard 2019 – 16 core	1	\$920.20	\$920.20
Labor	Configuration and Installation	1	\$3,300.00	\$3,300.00
Total:				\$12,580.80

\*Note: Video storage can be increased by 25% at a cost of \$1,432.75

\*Note: Pricing does not include applicable sales tax, shipping/handling and/or structured cabling.

\*Note: Quote is valid for 30 days.

# **Grand Junction Regional Airport Authority**

Agenda Item Summary:

TOPIC:	Airport Insurance Po	licy Renewal				
PURPOSE:	Information $\Box$	Guidance 🗆	Decision 🖂			
RECOMMENDATION:		Board approval of the 2020-2021 renewal of property and casualty nsurance brokered by HUB International.				
DISCUSSION:	agencies for the Airp quotes and a list of c renewal proposal. Ba based on staff evalua	ed bids from various insurance alty insurance policies. Those summarized on pg 3 of the ed by HUB on our behalf and e and insured value options, we are th estimated premiums and broker				
	Following the April workshop HUB obtained additional quotes and helped identify some changes in policy structure that allowed us to change carriers, improve coverage, and still maintain our expiring policy costs even with an increase of over \$11.4M in covered property value and a \$1M increase in the amount of public officials liability coverage.					
	that allows them to g aircraft incident whil policy allowed this a previous carrier (Tra The property coverage	o off airport property e still having coverag s well, but the cost in velers) than separatin	FF Trucks into a separate policy if a need arises to respond to an ge on damages. Our previous crease was much higher with our g coverage and changing carriers. er (CHUBB) also has some policy.			
	inland marine covera	ige (currently at \$25k)	eductible levels for property and ) and ultimately decided that the ncrease in deductible at this time.			
		al from HUB includes g details for reference.	s our recommended renewal and			
<b>REVIEWED BY:</b>	Executive Director and Legal Counsel					
FISCAL IMPACT:	Annual Premium <b>\$1</b> 2 Operating Budget \$1					
ATTACHMENTS:	Board Renewal Sum					
STAFF CONTACT:	Sarah Menge 970-248-8581 <u>smenge@gjairport.cc</u>	<u>m</u>				



# **Renewal Premium Summary Expiring to Recommended**

Coverage	Exp	iring	Recommended Renewal			
	Carrier	Premium	Carrier	Premium		
Property and Inland Marine *	TRAVELERS	\$49,346		\$34,643		
Inland Marine * Fire Trucks Only	TRAVELERS	Incl in Inland Marine above	Hanover Insurance Group.	\$12,363		
Airport General Liability Incl TRIA and War	снивв.	\$24,336	CHUBB.	\$26,179		
Automobile Liability & Physical Damage	TRAVELERS	\$11,846	TRAVELERS	\$11,846		
Public Officials Liability **	XL CATLIN	\$28,596.92	XL CATLIN	\$31,560.23		
Crime	TRAVELERS	\$1,854	TRAVELERS	\$1,854		
Broker Fee	HUB	\$10,000	HUB	\$10,000		
Total Premium		\$125,978.92		\$125,481.92		

Expiring premiums have been annualized to reflect the exposure changes being presented on the current renewal proposal utilizing the rates from the expiring policies.

\*Property and Inland Marine:

- Building
- Contractor Equipment E
  - Equipment Expiring TIV \$2,815,141
- Scheduled Property Expiring \$610,000
- Business Income Expiring \$5,197,000

Renewal TIV \$43,770,000 Renewal \$2,601,780 Renewal \$600,000 Renewal \$6,171,100

• Fine Arts, Gas, and Tanks are included on the Chubb property form within BPP.

Expiring TIV \$32,314,847

- All buildings are blanket coverage, other than fencing and hangars which are scheduled coverage.
- Fire Trucks on their own policy to achieve on and off premises coverage for physical damage.
- Inland Marine is Replacement Cost on items 5 years or newer, ACV on older items.

\*\* Public Officials Liability:

• \$2M limit on expiring, increased to \$3M limit for 20/21 renewal term.



# **Renewal Premium Summary Expiring with Renewal Options**

Coverage	Exp	biring		- Expiring nt Carriers	Renewa	I Options
	Carrier	Premium	Carrier	Premium	Carrier	Premium
Property and Inland Marine	TRAVELERS	\$49,346	TRAVELERS	\$56,878	CHUBB' Hanover Insurance Group.	\$47,006
Airport General Liability Incl TRIA and War	СНИВВ	\$24,336	CHUBB.	\$26,179	CHUBB.	\$26,179
Automobile Liability & Physical Damage	TRAVELERS	\$11,846	TRAVELERS	\$11,846	CHUBB.	\$12,796
Public Officials Liability	XL CATLIN	\$28,596.92	XL CATLIN	\$31,560.23	XL CATLIN	\$31,560.23
Crime	TRAVELERS	\$1,854	TRAVELERS	\$1,854	TRAVELERS	\$1,854
Broker Fee	HUB	\$10,000	<b>O</b> HUB	\$10,000	HUB	\$10,000
Total Premium		\$125,978.92		\$138,317.23		\$126,431.92

Expiring premiums have been annualized to reflect the exposure changes being presented on the current renewal proposal utilizing the rates from the expiring policies.



# **Market Quotes Provided or Response to RFP**

Carrier			Line of C	overage		
	GL	Property/ Inland Marine	Business Auto	Public Officials Liability	Crime	Additional Lines
Allied	Declin	ed providing qu	ote for any lir	ne of coverage	e, due to ope	erations
Allianz	Declin	ed providing qu	ote for any lir	ne of coverage	e, due to ope	erations
Chubb / ACE	\$26,179	\$34,643	\$12,796	\$25,513	N/A	N/A
CNA	Declin	ed providing qu	ote for any lir	ne of coverage	e, due to ope	erations
EMC	Declin	ed providing qu	ote for any lir	ne of coverage	e, due to ope	erations
Hanover	Declined due to operations	\$12,363	Declined	providing quo	ote due to op	erations
Hartford	Declin	ed providing qu	ote for any lir	ne of coverage	e, due to ope	erations
IMU / One Beacon	Declin	ed providing qu	ote for any lir	ne of coverage	e, due to ope	erations
Liberty Mutual	Declin	ed providing qu	iote for any lir	ne of coverage	e, due to ope	erations
Lloyd's of London	N/A	N/A	N/A	N/A	N/A	Active Shooter Quoted
Philadelphia	Declin	ed providing qu	iote for any lir	ne of coverage	e, due to ope	erations
Travelers	Declined due to operations	\$56,878	\$11,846	N/A	\$1,854	N/A
XL	N/A	N/A	N/A	\$28,596.92	N/A	N/A
Zurich	Declin	ed providing qu	ote for any lir	ne of coverage	e, due to ope	erations



# **Subjectivities and Items for Discussion**

# **General Liability Coverage**

- Receipt of signed TRIA and Signed Application needed to bind coverage.
- Operations, aircraft landings, and revenue estimate factoring into the renewal quote over last year. Passenger and landing totals down, revenue down, industry rates have increased.
- Increased limit options:
  - \$35M Limit is \$31,592 including TRIA and War
  - \$50M Limit is \$39,713 including TRIA and War.
  - Excess limits would remain at \$25M with either option.

# **Property and Inland Marine**

- Exposure Overview
  - Property Expiring Building TIV \$32,314,847 to Renewal TIV \$43,770,000
  - Contractor Equipment Expiring TIV \$2,815,141 to Renewal \$2,601,780
  - Scheduled Property Expiring \$610,000 to Renewal \$600,000
  - Business Income Expiring \$5,197,000 to Renewal \$6,171,100
- Travelers factors in the property and inland marine rating: 19% rate increase on property taken by Travelers, 35% increased values on building, 18% increased business income limit, flat business personal property limit, and 7% decreased total TIV on fine arts and scheduled/unlisted equipment items.
  - No subjectivities to bind.
- Chubb alternative property and inland marine quotes are very competitive, due to their rates being much better over Travelers.
  - Fine Arts, Gas, and Tanks are included on the Chubb property form within Business Personal Property versus the Inland Marine as it is currently.
  - Cannot insure the Fire Trucks on their policy for off-premises coverage.
  - Inland Marine is Replacement Cost on items 5 years or newer.
  - Alternate deductible options outlined on following pages.
  - No subjectivities to bind.
- Hanover can insure the Fire Trucks to achieve on and off premises physical damage coverage, as Chubb is not able to include off-premises coverage.
  - No subjectivities to bind.



# **Public Officials Liability Coverage**

- No subjectivities to bind.
- Increased limit options:
  - \$3MM Limit is \$31,560.23
  - \$4MM Limit is \$33,129.95
- Alternate Quotes:
  - See Secondary Proposal outlining comparison of incumbent carrier to Chubb

# **Business Auto Liability Coverage**

- Receipt of signed state forms for Travelers to bind renewal.
- Chubb option outlined within proposal. No forms needing signature to bind.

# **Crime Coverage**

• No subjectivities to bind.

# **Additional Optional Quotes**

• Active Shooter – outlined within proposal. Reviewed, Completed, and Signed Application needed for binding.

# **Policy Cancellation Terms for Consideration**

- If certain policy coverages were to move into another program mid-term such as CIRSA, some of those policy considerations are:
  - Travelers and Chubb Property/Inland Marine have no minimum premiums and can be cancelled pro-rata. Hanover has \$5,000 minimum premium.
  - Auto has no minimum premium and can be cancelled pro-rata
  - Public Officials Liability cannot be cancelled flat and has a 25% minimum earned premium
  - Crime policy cannot be cancelled flat and carries a short rate penalty as found within the policy terms

# **Grand Junction Regional Airport Authority** Agenda Item Summary

TOPIC:	City Annexation of Ai	rport Property Received from	m BLM
PURPOSE:	Information $\Box$	Guidance 🗆	Decision 🛛
RECOMMENDATION:	Board Authorize the E BOUNDARY ANNE	xecutive Director to sign the KATION PETITION	e AIRPORT NORTH
SUMMARY:	transferred by BLM fo is within City limits. If the Airport Board an approved by the City of	r the Runway Replacement proves the annexation petit of Grand Junction Planning 1	port via Land Patent. The land was Project. All other Airport property ion, the annexation will need to be Department and City Council. The our planning counterparts at the
	City.		1 0 1
<b>REVIEWED BY:</b>	Executive Director and	l Legal Counsel	
FISCAL IMPACT:	N/A		
ATTACHMENTS:	AIRPORT NORTH B	OUNDARY ANNEXATIO	N PETITION
STAFF CONTACT:	Eric Trinklein etrinklein@gjairport.co 970-248-8597	om	

### STATE OF COLORADO

### COUNTY OF MESA

### AFFIDAVIT

, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the forgoing petition:

SS

That each signature on the said petition is the signature of the person whose name it purports to be.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

Witness my hand and official seal.

Notary Public

Address

My commission expires:

### AIRPORT NORTH BOUNDARY ANNEXATION PETITION FOR ANNEXATION

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described parcels to the said City:

**GENERAL LOCATION:** Northern edge of Grand Junction Regional Airport property, most recently deed to the airport from the BLM

Tax ID # 2701-113-00-002

Tax ID #2701-113-00-002 and #2705-154-00-003





### **PROPERTY DESCRIPTION**

Ute Principal Meridian, Colorado T. 1 N., R. 1 E., Sec 19, lot 6; Sec 30, lots 6,8,9 and 11 T. 1 N., R. 1 W., Sec 23, S1/2NE1/4; Sec 24, lots 2 and 3. Containing 188.04 acres.

This foregoing description describes the parcel; the perimeter boundary description, for purposes of the Annexation Act, is shown on the attached "Perimeter Boundary Legal Description, Airport North Boundary Annexation."

As grounds therefore, the petitioner respectfully state that annexation to the City of Grand Junction, Colorado is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of more than fifty percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of the signer and the date of signature are set forth hereafter opposite the name of the signer, and that the legal description of the property owned by the signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance. These petitioners by his/her/their signature(s) acknowledge, understand and agree that if any development application concerning the property which is the subject hereof is denied, discontinued or disapproved, in whole or in part, that the annexation of the property to the City of Grand Junction shall proceed. Grand Junction Regional Airport NAME

### 2828 Walker Field Drive, GJ, CO 81506 ADDRESS

### SIGNATURE

DATE

Name and Title of person signing

(Airport North Boundary Annexation Petition)

# **Grand Junction Regional Airport Authority**

Agenda Item Summary:

TOPIC:	Draft Senate Bill 5.4.2	0 (PFAS Enterprise) F	ormal Opposition
PURPOSE:	Information $\Box$	Guidance 🗆	Decision 🖂
RECOMMENDATION:	Approval for Chairmen Senate Bill 5.4.20.	n to sign joint commun	ity opposition of proposed
DISCUSSION:	foams that contain pe foams with PFAS are come under increasin regulators over conce public health impacts. FAA to stop mandating	rfluoroalkyl and poly highly effective at exti g scrutiny from the rns about groundwate The FAA Reauthoriz g the use of PFAS in fi	ort operators to use firefighting fluoroalkyl (PFAS). Although inguishing fires, they also have EPA and state environmental er contamination and risks to zation Act of 2018 requires the irefighting foams by October 4, qually effective substitute.
	1	e Requirement of Sect	ng the Creation of an Enterprise ion 20 of Article X of the State S Contamination"
	PFAS mitigation, inclu Airports, Airport Hang	ding collecting fees, no ars and the Petroleum	reaucracy to oversee and fund ot to exceed \$8M per year, from Industry. In addition, it creates ent environmental entity in the
	fund PFAS mitigation Aviation, Grand Junct Oil and Gas, Grand Operators Association are all are working tog	and remediation. GJR ion Area Chamber of Junction Economic (CAOA), industry trac ether as well as independent an additional financial	on tax added to aviation fuel to AA partners such as West Star Commerce, Western Colorado Partnership, Colorado Airport de groups, airports, and airlines endently to oppose this bill. It is burden on the Aviation Industry VID-19.
REVIEWED BY:	Executive Director and	l Legal Counsel	
FISCAL IMPACT:	N/A		
ATTACHMENTS:	Draft Senate Bill 5.4.2	0 (PFAS Enterprise)	
STAFF CONTACT:	Joe Burtard 970-248-5814 jburtard@gjairport.com		

### Second Regular Session Seventy-second General Assembly STATE OF COLORADO

DRAFT REDRAFT 5.4.20 <u>Double underlining</u> denotes changes from prior draft

LLS NO. 20-1147.01 Pierce Lively x2059

**SENATE BILL** 

SENATE SPONSORSHIP

Fenberg and Lee,

(None),

HOUSE SPONSORSHIP

BILL TOPIC: "PFAS Contamination Response Enterprise"

### A BILL FOR AN ACT

101	<b>CONCERNING THE CREATION OF AN ENTERPRISE THAT IS EXEMPT FROM</b>
102	THE REQUIREMENTS OF SECTION $20$ of article <b>X</b> of the state
103	CONSTITUTION TO FINANCE THE RESPONSE TO
104	PERFLUOROALKYL AND POLYFLUOROALKYL CONTAMINATION.

### **Bill Summary**

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <u>http://leg.colorado.gov</u>.)

**Section 1** of the bill creates the perfluoroalkyl and polyfluoroalkyl substances enterprise (enterprise). The enterprise is a government-owned business that has <u>the following primary purposes</u>:

Capital letters or bold & italic numbers indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.

- Administering a grant program that provides funding for the sampling, assessment, and investigation of perfluoroalkyl and polyfluoroalkyl substances in ground water; water system infrastructure used for the treatment of identified perfluoroalkyl and polyfluoroalkyl substances; and emergency assistance to communities and water systems affected by perfluoroalkyl and polyfluoroalkyl substances;
- Administering a takeback program that purchases and disposes of eligible materials that contain perfluoroalkyl and polyfluoroalkyl substances; and
- <u>Providing techincal assistance in locating and studying</u> <u>perfluoroalkyl and polyfluoroalkyl substances to</u> <u>communities, stakeholders, and regulatory boards or</u> <u>commissions.</u>

<u>The enterprise will also establish and collect a fee reasonably</u> related to the business services provided by the enterprise to each airport hangar used for aeronautical uses equipped with aqueous film forming foam for fire suppression. This fee is used solely to fund the enterprise.

Section 2 requires the executive director of the department of revenue to collect a fee equal to the environmental response surcharge from every first purchaser of odorized liquefied petroleum gas, every manufacturer of fuel products who manufactures such products for sale within Colorado or who ships such products from any point outside of Colorado to a distributor within Colorado, and every distributor who ships such products from any point outside of Colorado to a point within Colorado. This fee is used solely to fund the enterprise. The executive director of the department of revenue stops collecting the fee for a fiscal year once the executive director has collected \$8 million in fees for that fiscal year.

Be it enacted by the General Assembly of the State of Colorado: 1 2 **SECTION 1.** In Colorado Revised Statutes, add 25-5-1309 as 3 follows: 4 25-5-1309. Perfluoroalkyl and polyfluoroalkyl substances 5 enterprise - fund - goals - grant program - gifts, grants, or donations 6 - report - legislative declaration - definitions. (1) Legislative 7 declaration. The GENERAL ASSEMBLY HEREBY FINDS, <u>DETERMINES</u>, AND 8 **DECLARES THAT:** 

1	(a) Perfluoroalkyl and polyfluoroalkyl substances pose	de pr
2	A RISK TO PUBLIC HEALTH AND THE ENVIRONMENT;	
3	(b) <u>Airports and</u> petroleum refining, production,	
4	DISTRIBUTION, AND USE CREATE A KNOWN FIRE HAZARD REQUIRING THE	
5	USE OFCLASS B FIREFIGHTING FOAMS CONTAINING PERFLUOROALKYL	
6	AND POLYFLUOROALKYL SUBSTANCES:	
7	$(\underline{I})$ Class B firefighting foams containing perfluoroalkyl	
8	AND POLYFLUOROALKYL SUBSTANCES ARE NOT GENERALLY USED FOR	
9	PURPOSES OTHER THAN THE SUPPRESSION OF PETROLEUM-BASED FIRES AT	
10	AIRPORTS, AIRPORT HANGARS, GAS STATIONS, OIL AND GAS PRODUCTION	
11	AND STORAGE FACILITIES, AND REFINERIES OR TO COMPLY WITH FEDERAL	
12	<u>REGULATIONS; AND</u>	
13	(II) AIRPORTS, AIRPORT HANGARS, GAS STATIONS, OIL AND GAS	
14	PRODUCTION AND STORAGE FACILITIES, AND REFINERIES BENEFIT FROM	
15	FIRE SERVICE ACCESS TO FLUORINE-FREE CLASS B FIREFIGHTING FOAMS	
16	AND MANAGEMENT OF RISKS ASSOCIATED WITH THE STORAGE AND USE OF	
17	<u>FLUORINE-FREE CLASS B FIREFIGHTING FOAMS;</u> <{	
18		
19		
20		
21		
22	(c) Fire training facilities must simulate real world	
23	ENVIRONMENTS, WHICH INCLUDES THE USE OF CLASS B FIREFIGHTING	
24	FOAMS CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL	
25	<u>SUBSTANCES;</u>	
26	(d) High levels of perfluoroalkyl and polyfluoroalkyl	
27	SUBSTANCES FOUND IN WATER SUPPLIES IN COLORADO HAVE BEEN TIED TO	
	-3- DRAFT	

THE USE OF \_\_\_\_\_CLASS B FIREFIGHTING FOAMS CONTAINING
 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AT OR NEAR
 <u>AIRPORTS, AIRPORT HANGARS, GAS STATIONS, OIL AND GAS PRODUCTION</u>
 <u>AND STORAGE FACILITIES, AND REFINERIES, MILITARY BASES, \_\_\_\_FIRE</u>
 TRAINING FACILITIES, AND FIRE STATIONS; \_\_\_\_\_

6 (e) ESTABLISHING THE PERFLUOROALKYL AND POLYFLUOROALKYL 7 SUBSTANCES ENTERPRISE PROVIDES USEFUL BUSINESS SERVICES TO 8 AIRPORTS, AIRPORT HANGARS, AND COLORADO MANUFACTURERS, 9 DISTRIBUTORS, AND FIRST PURCHASERS OF FUEL WHEN, IN EXCHANGE FOR 10 PAYMENT OF FEES, THE ENTERPRISE ISSUES GRANTS, PURCHASES AND 11 DISPOSES OF MATERIALS CONTAINING PERFLUOROALKYL AND 12 POLYFLUOROALKYL SUBSTANCES, AND PROVIDES TECHNICAL ASSISTANCE 13 IN LOCATING AND STUDYING PERFLUOROALKYL AND POLYFLUOROALKYL 14 SUBSTANCES TO COMMUNITIES, STAKEHOLDERS, AND REGULATORY 15 BOARDS OR COMMISSIONS;

16 (f) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
17 THE STATE TO ACKNOWLEDGE THAT, BY PROVIDING <u>BUSINESS SERVICES</u>
18 <u>SPECIFIED IN SUBSECTION (1)(e) OF THIS SECTION</u>, THE ENTERPRISE
19 ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN,
20 OR LIVELIHOOD AND THEREFORE OPERATES AS A BUSINESS;

(g) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
SUPREME COURT IN *NICHOLL V. E-470 Public Highway Authority*, 896
P.2d 859 (Colo. 1995), THAT THE POWER TO IMPOSE TAXES IS
INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
ASSEMBLY THAT THE <u>FEES</u> COLLECTED BY THE ENTERPRISE <u>ARE FEES</u>, NOT
<u>TAXES</u>, BECAUSE THE <u>FEES ARE</u> IMPOSED FOR THE SPECIFIC PURPOSE OF

-4-

1 ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE 2 BUSINESS SERVICES SPECIFIED IN SUBSECTION (1)(e) OF THIS SECTION TO 3 FEE PAYERS AND THE FEES ARE COLLECTED AT RATES THAT ARE 4 REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY THOSE 5 FEE PAYERS; AND 6 (h) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR 7 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. THE 8 REVENUE FROM THE FEES COLLECTED BY THE ENTERPRISE IS NOT STATE 9 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE 10 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT 11 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED 12 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS 13 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(B). 14 15 (2) **Definitions.** As used in this section, unless the context 16 **OTHERWISE REQUIRES:** 17 (a) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE 18 ENTERPRISE. 19 (b) "CLASS B FIREFIGHTING FOAM" MEANS FOAM DESIGNED FOR 20 FLAMMABLE LIQUID FIRES. 21 (c) "Eligible entity" means an entity identified by the 22 BOARD AS AN ENTITY THAT MAY QUALIFY FOR THE GRANT PROGRAM. 23 (d) "ELIGIBLE MATERIAL" MEANS A MATERIAL CONTAINING 24 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES THAT IS 25 IDENTIFIED BY THE BOARD AS ELIGIBLE FOR PURCHASE UNDER THE 26 TAKEBACK PROGRAM. 27 "ENTERPRISE" MEANS THE PERFLUOROALKYL AND (e)

-5-

2 OF THIS SECTION.

3 (f) <u>"Fees" MEANS THE FEES IMPOSED BY SUBSECTION (7) OF THIS</u>
4 <u>SECTION AND SECTION 8-20-206.5 (6).</u>

5 (g) "FUND" MEANS THE PERFLUOROALKYL AND
6 POLYFLUOROALKYL SUBSTANCES CASH FUND CREATED IN SUBSECTION (4)
7 OF THIS SECTION.

8 (<u>h</u>) "GRANT PROGRAM" MEANS THE PERFLUOROALKYL AND 9 POLYFLUOROALKYL SUBSTANCES GRANT PROGRAM CREATED IN 10 SUBSECTION (5) OF THIS SECTION.

(i) <u>"Perfluoroalkyl and polyfluoroalkyl substances" or</u>
 <u>"PFAS chemicals"</u> <u>MEANS A CLASS OF Fluorinated organic</u>
 <u>CHEMICALS CONTAINING AT LEAST ONE FULLY FLUORINATED CARBON</u>
 ATOM. <>

(j) "TAKEBACK PROGRAM" MEANS THE PROGRAM CREATED IN
SUBSECTION (6) OF THIS SECTION THAT ALLOWS THE ENTERPRISE TO
PURCHASE AND DISPOSE OF MATERIALS THAT CONTAIN PERFLUOROALKYL
AND POLYFLUOROALKYL SUBSTANCES.

19

20 (3)**Enterprise.** (a) THERE IS HEREBY CREATED IN THE 21 DEPARTMENT THE PERFLUOROALKYL AND POLYFLUOROALKYL 22 SUBSTANCES ENTERPRISE. THE ENTERPRISE IS AND OPERATES AS A 23 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT FOR THE 24 PURPOSE OF USING THE FEES CHARGED TO AIRPORTS, AIRPORT HANGARS, 25 AND COLORADO MANUFACTURERS, DISTRIBUTORS, AND FIRST PURCHASERS 26 OF FUEL TO ACCOMPLISH THE PRIMARY PURPOSES AND DUTIES LISTED IN 27 SUBSECTION (3)(c) OF THIS SECTION.

-6-

1	(b) The enterprise constitutes an enterprise for purposes
2	OF SECTION $20$ of article X of the state constitution so long as it
3	RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
4	THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL
5	Colorado state and local governments combined. So long as it
6	CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION $(3)(b)$ , THE
7	ENTERPRISE IS NOT SUBJECT TO SECTION $20$ of article X of the state
8	CONSTITUTION.
9	(c) The enterprise's primary powers and duties are to:
10	(I) Administer the grant program and awarding grants in
11	ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION;
12	(II) Administer the takeback program and <u>purchase and</u>
13	<u>DISPOSE</u> OF ELIGIBLE MATERIALS UNDER THE TAKEBACK PROGRAM IN
14	ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION;
15	(III) <u>Provide technical assistance in locating and studying</u>
16	PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TO
17	COMMUNITIES, STAKEHOLDERS, AND REGULATORY BOARDS OR
18	COMMISSIONS FOR THE FOLLOWING PURPOSES:
19	
20	
21	
22	
23	
24	(A) Addressing the risks associated with identified, or yet
25	TO BE IDENTIFIED, PERFLUOROALKYL AND POLYFLUOROALKYL
26	SUBSTANCES IN GROUNDWATER, SURFACE WATER, AND DRINKING WATER;
27	(B) Identifying safe disposal methods of materials

2	(C) Identifying means of controlling the further
3	CONTAMINATION OF WATER SUPPLIES BY PERFLUOROALKYL AND
4	POLYFLUOROALKYL SUBSTANCES; AND
5	(D) SIMILAR ACTIVITIES CONSISTENT WITH THE ENTERPRISE'S
6	PRIMARY PURPOSES AND DUTIES;
7	(IV) By resolution, authorize and issue revenue bonds
8	THAT ARE PAYABLE ONLY FROM THE MONEY IN THE FUND, AND THAT MAY
9	BE ISSUED ONLY AFTER APPROVAL BY BOTH HOUSES OF THE GENERAL
10	ASSEMBLY EITHER BY BILL OR JOINT RESOLUTION AND AFTER APPROVAL
11	By the governor in accordance with section 39 of article V of
12	THE STATE CONSTITUTION;
13	$(\underline{V})$ Adopt, amend, or repeal policies for the regulation of
14	ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS
17	
15	SECTION <u>: AND</u>
15	SECTION <u>: AND</u>
15 16	SECTION <u>: AND</u> (VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND
15 16 17	SECTION <u>: AND</u> (VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY
15 16 17 18	SECTION <u>; AND</u> (VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND
15 16 17 18 19	SECTION <u>: AND</u> <u>(VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND</u> <u>LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY</u> <u>GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND</u> <u>ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF</u>
15 16 17 18 19 20	SECTION <u>; AND</u> <u>(VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND</u> <u>LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY</u> <u>GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND</u> <u>ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF</u> <u>THE AFFAIRS OF THE ENTERPRISE, WITHOUT REGARD TO THE</u>
15 16 17 18 19 20 21	SECTION <u>; AND</u> <u>(VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND</u> <u>LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY</u> <u>GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND</u> <u>ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF</u> <u>THE AFFAIRS OF THE ENTERPRISE, WITHOUT REGARD TO THE</u> <u>"PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE BOARD</u>
15 16 17 18 19 20 21 22	SECTION <u>: AND</u> <u>(VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND</u> <u>LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY</u> <u>GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND</u> <u>ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF</u> <u>THE AFFAIRS OF THE ENTERPRISE, WITHOUT REGARD TO THE</u> <u>"PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE BOARD</u> <u>SHALLENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS AND SHALL</u>
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	SECTION <u>; AND</u> <u>(VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND</u> <u>LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY</u> <u>GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND</u> <u>ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF</u> <u>THE AFFAIRS OF THE ENTERPRISE, WITHOUT REGARD TO THE</u> <u>"PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE BOARD</u> <u>SHALL ENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS AND SHALL</u> <u>GENERALLY AVOID USING SINGLE-SOURCE BIDS. THE DEPARTMENT SHALL</u>
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	SECTION <u>: AND</u> <u>(VI) ENGAGE THE SERVICES OF CONTRACTORS, CONSULTANTS, AND</u> LEGAL COUNSEL, INCLUDING THE DEPARTMENT AND THE ATTORNEY GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE BOARD SHALLENCOURAGE DIVERSITY IN APPLICANTS FOR CONTRACTS AND SHALL GENERALLY AVOID USING SINGLE-SOURCE BIDS. THE DEPARTMENT SHALL PROVIDE OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE ENTERPRISE

CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES;

1

1	
2	
3	(d) The enterprise exercises its powers and performs its
4	DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF TRANSFERRED TO
5	<u>THE DEPARTMENT BY A <b>TYPE 1</b> TRANSFER, AS DEFINED IN THE</u>
6	"Administrative Organization Act of 1968", article 1 of title 24.
7	$(\underline{e})$ The enterprise is governed by a board of directors. The
8	BOARD CONSISTS OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR
9	THE EXECUTIVE DIRECTOR'S DESIGNEE AND THE FOLLOWING <u>OTHER EIGHT</u>
10	MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR:
11	(I) Two members of the water quality control commission,
12	CREATED IN PART 2 OF ARTICLE 8 OF TITLE 25;
13	(II) Two members of the solid and hazardous waste
14	COMMISSION, CREATED IN PART 3 OF ARTICLE 15 OF TITLE 25;
15	(III) ONE MEMBER WHO IS A REPRESENTATIVE OF A COUNTY OR
16	DISTRICT PUBLIC HEALTH AGENCY ESTABLISHED UNDER SECTION 25-1-506;
17	(IV) ONE MEMBER WHO IS A REPRESENTATIVE FROM A FIRE
18	DEPARTMENT OR OTHER ENTITY THAT PROVIDES FIRE SUPPRESSSION
19	<u>SERVICES;</u>
20	(V) ONE MEMBER WHO IS A FIRST PURCHASER OF ODORIZED
21	LIQUEFIED PETROLEUM GAS, A MANUFACTURER OF FUEL PRODUCTS WHO
22	MANUFACTURES SUCH PRODUCTS FOR SALE WITHIN COLORADO OR WHO
23	SHIPS SUCH PRODUCTS FROM ANY POINT OUTSIDE OF COLORADO TO A
24	DISTRIBUTOR WITHIN COLORADO, OR A DISTRIBUTOR WHO SHIPS SUCH
25	PRODUCTS FROM ANY POINT OUTSIDE OF COLORADO TO A POINT WITHIN
26	COLORADO; AND
27	(VI) One member who is a representative of a public water

-9-

1 SYSTEM.

2 (f) THE INITIAL BOARD MEMBERS SHALL HAVE TERMS BEGINNING 3 ON JANUARY 1, 2021, AND THE BOARD SHALL HAVE ITS FIRST MEETING BY 4 MARCH 1, 2021. 5 (g) THE TERMS OF OFFICE OF THE BOARD MEMBERS ARE THREE 6 YEARS; EXCEPT THAT THE TERMS OF OFFICE OF THE INITIAL BOARD 7 MEMBERS ARE TWO YEARS. THE BOARD SHALL ELECT A CHAIR FROM 8 AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS. 9 (h) A VACANCY ON THE BOARD IS FILLED IN THE SAME MANNER AS 10 THE ORIGINAL APPOINTMENT WAS MADE. A PERSON APPOINTED TO FILL A 11 VACANCY SERVES FOR THE REMAINDER OF THE UNEXPIRED TERM. 12 13 14 15 16 17 18 (i) THE BOARD SHALL MEET AT LEAST QUARTERLY AND THE CHAIR 19 MAY CALL ADDITIONAL MEETINGS AS NECESSARY FOR THE BOARD TO 20 COMPLETE ITS DUTIES. 21 (i) EACH MEMBER OF THE BOARD IS ENTITLED TO RECEIVE FROM 22 MONEY IN THE FUND A PER DIEM ALLOWANCE OF FIFTY DOLLARS FOR EACH 23 DAY SPENT ATTENDING OFFICIAL BOARD MEETINGS. 24 (4) **Fund.** (a) THERE IS HEREBY CREATED IN THE STATE TREASURY 25 THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES CASH FUND. 26 THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO 27 SUBSECTION (7) OF THIS SECTION AND SECTION 8-20-206.5 (6).

-10-

(b) THE MONEY IN THE FUND SHALL NOT BE DEPOSITED IN OR
 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE
 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
 UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND SHALL REMAIN
 IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
 GENERAL FUND OR ANY OTHER FUND.

8 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
9 ENTERPRISE FOR THE PURPOSE OF:

(I) ADMINISTERING THE GRANT PROGRAM AND AWARDING GRANTS
IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION;

(II) ADMINISTERING THE TAKEBACK PROGRAM AND PURCHASING
AND DISPOSING OF ELIGIBLE MATERIALS UNDER THE TAKEBACK PROGRAM
IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION; AND

(III) Assisting the state board of health, the water
Quality control commission, the air quality control commission,
The solid and hazardous waste commission, and the oil and gas
Conservation commission in locating and studying
Perfluoroalkyl and polyfluoroalkyl substances.

20 (d) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
21 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
22 THIS SECTION, SO LONG AS THE COMBINATION OF GRANTS FROM THE STATE
23 AND LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE
24 ENTERPRISE'S TOTAL ANNUAL REVENUE.

(5) Grant program. (a) THE ENTERPRISE SHALL ADMINISTER THE
 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES GRANT PROGRAM
 AND SHALL AWARD GRANTS FROM THE FUND AS PROVIDED IN THIS

-11-

1 SUBSECTION (5).

2	(b) The purpose of the grant program is to <u>provide</u> funding
3	FOR:
4	(I) SAMPLING, ASSESSMENT, AND INVESTIGATION OF
5	PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES IN GROUND
6	WATER;
7	(II) WATER SYSTEM INFRASTRUCTURE USED FOR THE TREATMENT
8	OF IDENTIFIED PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES;
9	
10	(III) Controlling further contamination of water supplies
11	BY PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES;
12	(IV) Replacing safely disposed of aqueous film forming
13	FOAM WITH FLOURINE-FREE AQUEOUS FILM FORMING FOAM;
14	
11	
15	
15	
15 16	<u>(V) Fire suppression training, equipment, and</u> <u>INFRASTRUCTURE RESOURCES THAT ASSIST IN THE TRANSITION AWAY</u>
15 16 17	
15 16 17 18	INFRASTRUCTURE RESOURCES THAT ASSIST IN THE TRANSITION AWAY
15 16 17 18 19	INFRASTRUCTURE RESOURCES THAT ASSIST IN THE TRANSITION AWAY FROM FIREFIGHTING THAT CONTAINS PERFLUOROALKYL AND
15 16 17 18 19 20	INFRASTRUCTURE RESOURCES THAT ASSIST IN THE TRANSITION AWAY FROM FIREFIGHTING THAT CONTAINS PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES;
15 16 17 18 19 20 21	INFRASTRUCTURE RESOURCES THAT ASSIST IN THE TRANSITION AWAY FROM FIREFIGHTING THAT CONTAINS PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES: ( <u>VI</u> ) EMERGENCY ASSISTANCE TO COMMUNITIES AND WATER
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	INFRASTRUCTURE RESOURCES THAT ASSIST IN THE TRANSITION AWAY FROM FIREFIGHTING THAT CONTAINS PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES; ( <u>VI</u> ) EMERGENCY ASSISTANCE TO COMMUNITIES AND WATER SYSTEMS AFFECTED BY PERFLUOROALKYL AND POLYFLUOROALKYL
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	INFRASTRUCTURE RESOURCES THAT ASSIST IN THE TRANSITION AWAY FROM FIREFIGHTING THAT CONTAINS PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES; ( <u>VI</u> ) EMERGENCY ASSISTANCE TO COMMUNITIES AND WATER SYSTEMS AFFECTED BY PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES <u>; AND</u>
<ol> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	INFRASTRUCTURE RESOURCES THAT ASSIST IN THE TRANSITION AWAY FROM FIREFIGHTING THAT CONTAINS PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES; ( <u>VI</u> ) EMERGENCY ASSISTANCE TO COMMUNITIES AND WATER SYSTEMS AFFECTED BY PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES <u>; AND</u> ( <u>VII</u> ) OTHER SERVICES DETERMINED BY THE BOARD TO BE

2 POLICIES AND PROCEDURES MUST SPECIFY:

3

7

(I) WHO MAY QUALIFY AS AN ELIGIBLE ENTITY;

4 (II) THE TIME FRAMES FOR APPLYING FOR GRANTS;

5 (III) THE CRITERIA USED TO EVALUATE AND PRIORITIZE
6 APPLICATIONS FOR GRANTS;

(IV) THE FORM OF THE GRANT PROGRAM APPLICATION; AND

8 (V) THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

9 (d) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN
10 APPLICATION TO THE ENTERPRISE IN ACCORDANCE WITH THE POLICIES AND
11 PROCEDURES SPECIFIED BY THE BOARD.

12 (e) A GRANTEE SHALL USE THE MONEY RECEIVED THROUGH THE
13 GRANT PROGRAM ONLY FOR ACHIEVING <u>GOALS APPROVED BY THE BOARD</u>.
14 (f) A GRANTEE SHALL REPORT ANNUALLY TO THE ENTERPRISE ON

15 THE PROGRESS OF ANY PROJECT FINANCED BY THE GRANT PURSUANT TO
16 TERMS SPECIFIED IN THE GRANT AWARD AGREEMENT.

17 (g) THE BOARD SHALL DEVELOP A POLICY REGARDING A GRANTEE'S
18 NONCOMPLIANCE WITH THE GRANT AWARD AGREEMENT ENTERED INTO BY
19 THE GRANTEE AND THE BOARD. THIS POLICY MAY INCLUDE A MECHANISM
20 FOR THE BOARD TO CONVERT THE GRANT TO A LOAN WITH INTEREST.

(6) Takeback program. (a) THE ENTERPRISE SHALL ADMINISTER
THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TAKEBACK
PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS AND REVENUES
FROM THE FUND, SHALL PURCHASE AND DISPOSE OF ELIGIBLE MATERIALS.
(b) THE PURPOSE OF THE TAKEBACK PROGRAM IS TO CREATE AN

26 INCENTIVE FOR THE PROPER DISPOSAL OF MATERIALS CONTAINING
 27 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES BY ALLOWING

-13-

THE ENTERPRISE TO PURCHASE AND PROPERLY DISPOSE OF SUCH
 MATERIALS.

3 (c) THE BOARD SHALL DEVELOP POLICIES AND PROCEDURES AS
4 NECESSARY TO IMPLEMENT THE TAKEBACK PROGRAM. AT A MINIMUM
5 THESE POLICIES AND PROCEDURES MUST DESCRIBE:

(I) WHAT MATERIALS QUALIFY AS ELIGIBLE MATERIALS;

(II) THE PURCHASE PRICE FOR EACH ELIGIBLE MATERIAL;

8 (III) THE PROPER METHOD OF DISPOSAL FOR EACH ELIGIBLE9 MATERIAL;

10 (IV) THE TIME FRAME FOR APPLYING FOR THE PURCHASE OF 11 ELIGIBLE MATERIALS;

12 (V) THE FORM OF THE ELIGIBLE MATERIAL PURCHASE13 APPLICATION; AND

14 (VI) THE TIME FRAME FOR PURCHASING ELIGIBLE MATERIALS.

15 (d) TO HAVE THE ENTERPRISE PURCHASE AN ELIGIBLE MATERIAL,
16 A PERSON OR ENTITY MUST SUBMIT AN ELIGIBLE MATERIAL PURCHASE
17 APPLICATION TO THE ENTERPRISE IN ACCORDANCE WITH THE POLICIES AND
18 PROCEDURES ADOPTED BY THE BOARD.

19 (e) THE BOARD SHALL PUBLISH THE PURCHASE PRICE FOR EACH20 ELIGIBLE MATERIAL.

21 (7) Airport fees. (a) The BOARD SHALL ESTABLISH BY RULE A FEE
 22 REASONABLY RELATED TO THE BUSINESS SERVICES PROVIDED BY THE
 23 ENTERPRISE TO EACH AIRPORT HANGAR USED FOR AERONAUTICAL USES.
 24 AS DEFINED IN 14 CFR CHAPTER 1 "POLICY ON THE NON-AERONAUTICAL

25 <u>Use of Airport Hangars", and equipped with aqueous film forming</u>

26 <u>FOAM FOR FIRE SUPPRESSION.</u>

6

7

27 (b) THE BOARD SHALL ESTABLISH BY RULE A FEE NOT TO EXCEED

1	FIVE CENTS FOR EACH GALLON OF AVIATION FUEL USED AT ANY AIRPORT
2	IN COLORADO. THE FEE SHALL BE REASONABLY RELATED TO THE BUSINESS
3	SERVICES PROVIDED TO THE AIRPORT AND AVIATION INDUSTRIES BY THE
4	ENTERPRISE.
5	
6	
7	(c) The executive director of the department of revenue
8	SHALL TRANSMIT ANY FEE COLLECTED IN ACCORDANCE WITH THIS
9	SUBSECTION (7) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
10	TO THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES CASH
11	FUND CREATED IN SECTION 25-5-1309 (4). ANY FEE TRANSMITTED TO THE
12	STATE TREASURER THAT IS COLLECTED ON BEHALF OF THE
13	PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES ENTERPRISE IS
14	EXCLUDED FROM STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
15	<u>24-77-102 (17).</u>
16	(8) <b>Reporting.</b> NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),
17	
18	
19	
20	The board shall submit a report by January 1 of each year to the
21	COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY WITH
22	JURISDICTION OVER PUBLIC HEALTH REGARDING:
23	(a) ANY AMOUNTS CREDITED TO THE FUND IN THE PREVIOUS YEAR
24	AND THE UNOBLIGATED BALANCE OF THE FUND;
25	(b) The number of grant applicants and the number and
26	VALUE OF GRANTS AWARDED;
27	(c) The eligible entities that have applied for a grant, the

REDRAFT 5.4.20 Double underlining denotes changes from prior draft

ACTIONS TAKEN BY EACH GRANTEE, OTHER MEASUREMENTS OF SUCCESS,
 AND THE AMOUNT OF GRANT MONEY DISTRIBUTED TO EACH GRANTEE;

3 (d) THE AMOUNT OF ELIGIBLE MATERIALS PURCHASED AND
4 PROPERLY DISPOSED OF BY THE ENTERPRISE UNDER THE TAKEBACK
5 PROGRAM DESCRIBED IN SUBSECTION (6) OF THIS SECTION;

6 (e) ANY NEWLY-LOCATED PERFLUOROALKYL AND
7 POLYFLUOROALKYL SUBSTANCES; <u>AND</u>

8 (<u>f</u>) ANY SUGGESTED LEGISLATION OR POLICY CHANGES.

9 SECTION 2. In Colorado Revised Statutes, 8-20-206.5, add (6)
10 as follows:

8-20-206.5. Environmental response surcharge - liquefied
petroleum gas and natural gas inspection fund - definitions. (6) (a) IN
Addition to the payment collected under subsection (1)(a) of this
section, the executive director of the department of revenue, on
Behalf of the perfluoroalkyl and polyfluoroalkyl substances
enterprise created in section 25-5-1309 (3), shall also collect a
fee to fund the enterprise.

18 THE FEE IS EQUAL TO THE AMOUNT THAT EVERY FIRST (b)19 PURCHASER OF ODORIZED LIQUEFIED PETROLEUM GAS, EVERY 20 MANUFACTURER OF FUEL PRODUCTS WHO MANUFACTURES SUCH 21 PRODUCTS FOR SALE WITHIN COLORADO OR WHO SHIPS SUCH PRODUCTS 22 FROM ANY POINT OUTSIDE OF COLORADO TO A DISTRIBUTOR WITHIN 23 COLORADO, AND EVERY DISTRIBUTOR WHO SHIPS SUCH PRODUCTS FROM 24 ANY POINT OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO MUST 25 PAY UNDER SUBSECTION (1)(a) OF THIS SECTION.

26 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
27 SHALL TRANSMIT ANY FEE COLLECTED IN ACCORDANCE WITH THIS

-16-

REDRAFT 5.4.20 Double underlining denotes changes from prior draft

SUBSECTION (6) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
 TO THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES CASH
 FUND CREATED IN SECTION 25-5-1309 (4). ANY FEE TRANSMITTED TO THE
 STATE TREASURER THAT IS COLLECTED ON BEHALF OF THE
 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES ENTERPRISE IS
 EXCLUDED FROM STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
 24-77-102 (17).

8 (d) EVERY FIRST PURCHASER OF ODORIZED LIQUEFIED PETROLEUM 9 GAS, EVERY MANUFACTURER OF FUEL PRODUCTS WHO MANUFACTURES 10 SUCH PRODUCTS FOR SALE WITHIN COLORADO OR WHO SHIPS SUCH 11 PRODUCTS FROM ANY POINT OUTSIDE OF COLORADO TO A DISTRIBUTOR 12 WITHIN COLORADO, AND EVERY DISTRIBUTOR WHO SHIPS SUCH PRODUCTS 13 FROM ANY POINT OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO 14 SUBJECT TO THIS SUBSECTION (6) SHALL TRANSMIT THE FEE PRESCRIBED 15 IN THIS SUBSECTION (6) AT THE SAME TIME THAT THEY TRANSMIT THE 16 PAYMENT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

17 (e) NOTWITHSTANDING SUBSECTIONS (6)(a) TO (6)(d) OF THIS 18 SECTION, IF THE AVAILABLE FUND BALANCE IN THE PETROLEUM STORAGE 19 TANK FUND IS GREATER THAN EIGHT MILLION DOLLARS, THE EXECUTIVE 20 DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL NOT COLLECT A FEE, 21 BUT IF THE AVAILABLE FUND BALANCE IN THE FUND IS LESS THAN EIGHT 22 MILLION DOLLARS WITHIN A FISCAL YEAR, THE EXECUTIVE DIRECTOR OF 23 THE DEPARTMENT OF REVENUE SHALL IMPOSE A FEE IN ACCORDANCE WITH 24 SUBSECTIONS (6)(a) TO (6)(d) OF THIS SECTION.

25 <u>SECTION 3. Safety clause.</u> The general assembly hereby finds,
 26 determines, and declares that this act is necessary for the immediate
 27 preservation of the public peace, health, or safety.

-17-

## Grand Junction Regional Airport Authority Statements of Changes in Net Position

Unaudited - subject to change

As of Date:

03/31/2020

		Мо	onth		
		03/31/2020	03/31/2019	Prior Year	Variance
		Actual	PY Actual	PY \$ Var	PY % Var
	Operating revenue				
	Aeronautical revenue				
	Passenger airline revenue				
1	Passenger airline landing fees	52,003	56,087	(4,084)	(7.28) %
2	Terminal rent	103,979	98,487	5,492	5.58 %
3	Other (boarding bridge)	2,299	9,523	(7,224)	(75.86) %
	Total Passenger airline revenue	158,281	164,097	(5,816)	(3.54) %
	Non-passenger airline revenue				
4	Non-passenger landing fees	8,494	7,741	753	9.73 %
5	Cargo and hangar rentals	4,483	4,373	110	2.52 %
6	Fuel tax & flowage fees	43,923	66,192	(22,269)	(33.64) %
7	Other (ramp parking, rapid refuel)	570	570	-	0.00 %
	Total Non-passenger airline revenue	57,470	78,876	(21,406)	(27.14) %
	Total Aeronautical revenue	215,751	242,973	(27,222)	(11.20) %
	Non-aeronautical revenue				
8	Land and building leases	52,565	48,710	3,855	7.91 %
9	Terminal - restaurant & retail	9,594	17,738	(8,144)	(45.91) %
10	Terminal - other	15,295	15,041	254	1.69 %
11	Rental cars	86,956	108,100	(21,144)	(19.56) %
12	Parking	91,667	139,234	(47,567)	(34.16) %
13	Ground Transportation	2,783	7,420	(4,637)	(62.49) %
14	Other (advertising, security fee, vending, etc	2,579	7,636	(5,057)	(66.23) %
	Total Non-aeronautical revenue	261,439	343,879	(82,440)	(23.97) %
	Total Operating revenues	477,190	586,852	(109,662)	(18.69) %

## Variance Explanations - March 2020 compared to Budget and March 2019 Preliminary Financial Statements

Note that the March "forecast" and comparison to actual was not presented because we used March actual numbers in our forecast, therefore the variance would be zero. Additionally, expenses have not been presented and compared on a monthly basis, because almost all variance in expenses are timing related at this point. Variance explanations and account explanations have been provided for most revenue accounts below to help describe the revenue source and how the changes in assumptions and activity impacted it in March 2020.

### **Operating Revenues:**

- 1 Passenger airline landing fees Passenger airline landing fees decreased only \$4,100 compared to March 2019. Although passenger numbers declined quickly in March following the declaration of a state emergency, the airlines did not cancel many scheduled flights in March. We had 39 fewer scheduled landings in March 2020 than March 2019, led by United cancelling 19 flights and Denver Air cancelling 15 flights. The remainder of the decrease was in diversions as we received 54 fewer diversion landings in March 2020 compared to March 2019.
- 2 <u>Terminal Rent</u> Terminal rent is a fixed charge to the airlines that covers their individual ticket counters and office space, as well as the ticket queuing area, baggage claim, and secure hold room. The increase from prior year was based on the calculated increase in rates from the formula based rates and charges model that was adopted in the December 2019 board meeting.
- 3 Other (Boarding Bridge) Although the total dollar amount is small, I wanted to note that the decrease in Boarding bridge fees is not tied directly to usage because the "per turn" fee charged for using the boarding bridge was decreased from \$25/use to \$8.50/use from 2019 to 2020 with the new rate model.
- 4 <u>Non-passenger landing fees</u> Landing fees from non-passenger traffic (primarily cargo) was within \$1,000 of the prior year amount and on-track with budget and they had 22 landings in March 2020 compared to 23 landings in March 2019. The increase is related to the increase in landing fees that was enacted and effective January 1, 2020.
- 5 **Cargo and hangar rentals** FedEx leases a hangar and "exclusive" space on the commercial apron. This fixed rent charge is based on their lease.
- 6 <u>Fuel tax & flowage fees</u> Based on discussions with CDOT, fuel tax is typically collected by the State and remitted to the airports about two months after the activity occurred. Due to the delay in fuel tax collection and remittance, we actually had an increase in state fuel tax disbursements in March 2020 of approximately \$6,148 (12.4%) over March 2019. However, fuel flowage fees that are largely driven by military fuel sales decreased over \$28k (26%) from March 2019 to March 2020 which accounts for the decrease in this category.

<u>Non-aeronautical revenues</u> – Aside from Land and building leases and terminal - other accounts that represent fixed rent charges, the non-aeronautical categories are tied directly to passenger traffic. In March 2020, the airport had 10,000 fewer passengers than March 2019, a decline of 45%. With the decline in passengers, we also saw a sharp reduction in passenger related revenues.

- 9 *Terminal restaurant & retail* The decline in restaurant and retail revenue completely aligned with the 45% passenger reduction.
- 11 **<u>Rental Cars</u>** Rental car revenue only had a 20% decline from prior year. Part of the reason that rental car revenue declined by less than passenger traffic is because of the minimum annual guarantee (MAG) amount that was still in place in March 2020. However, due to the decline in passengers and according to the contract language with the companies, the MAG will not be effective in later months and the decline is expected to be larger.
- 12 *Parking* Parking declined approximately 34% from 2019 to 2020 in March which could be an indicator that more of the passenger declines are in the incoming visitor traffic than the outgoing local traffic in March, however, we expect the decline to match the passenger decline in April.

## Grand Junction Regional Airport Authority Statements of Changes in Net Position

Unaudited - subject to change

			Y	ear to Date						
		12/31/2020	0	3/31/2020	0	3/31/2019	Forecast	/ariance	Prior Year	Variance
		Forecast		Actual		PY Actual	Forecast \$ Var	Forecast % Var	PY \$ Var	PY % Var
	Operating revenue									
	Aeronautical revenue									
	Passenger airline revenue									
1	Passenger airline landing fees	\$ 445,600	\$	170,740	\$	145,903	\$ (274,860)	(61.68) %	\$ 24,837	17.02 %
2	Terminal rent	1,260,000		314,333		295,462	(945,667)	(75.05) %	18,871	6.39 %
3	Other (boarding bridge)	20,200		7,952		34,772	(12,248)	(60.63) %	(26,820)	(77.13) %
	Total Passenger airline revenue	1,725,800		493,025		476,137	(1,232,775)	(71.43) %	16,888	3.55 %
	Non-passenger airline revenue									
4	Non-passenger landing fees	100,400		24,680		22,216	(75,720)	(75.42) %	2,464	11.09 %
5	Cargo and hangar rentals	53,800		13,450		13,117	(40,350)	(75.00) %	333	2.54 %
6	Fuel tax & flowage fees	356,000		148,511		168,664	(207,489)	(58.28) %	(20,153)	(11.95) %
7	Other (ramp parking, rapid refuel)	3,900		1,680		1,320	(2,220)	(56.92) %	360	27.27 %
	Total Non-passenger airline revenue	514,100		188,321		205,317	(325,779)	(63.37) %	(16,996)	(8.28) %
	Total Aeronautical revenue	2,239,900		681,346		681,454	(1,558,554)	(69.58) %	(108)	(0.02) %
	Non-aeronautical revenue									
8	Land and building leases	587,800		160,711		146,131	(427,089)	(72.66) %	14,580	9.98 %
9	Terminal - restaurant & retail	80,000		46,328		44,224	(33,672)	(42.09) %	2,104	4.76 %
10	Terminal - other	180,400		45,236		45,315	(135,164)	(74.92) %	(79)	(0.17) %
11	Rental cars	637,600		275,569		281,529	(362,031)	(56.78) %	(5,960)	(2.12) %
12	Parking	747,800		386,213		368,011	(361,587)	(48.35) %	18,202	4.95 %
13	Ground Transportation	29,400		12,993		16,676	(16,407)	(55.81) %	(3,683)	(22.09) %
14	Other (advertising, security fee, etc.)	40,000		8,652		20,348	(31,348)	(78.37) %	(11,696)	(57.48) %
	Total Non-aeronautical revenue	2,303,000		935,702		922,234	(1,367,298)	(59.37) %	13,468	1.46 %
	Total Operating Revenues	\$ 4,542,900	\$	1,617,048	\$	1,603,688	\$ (2,925,852)	(64.40) %	\$ 13,360	0.83 %

# Grand Junction Regional Airport Authority Statements of Changes in Net Position

Unaudited - subject to change

			Year to Date					
		12/31/2020	03/31/2020	03/31/2019	Forecast	Variance	Prior Year \	/ariance
		Forecast	Actual	PY Actual	Forecast \$ Var	Forecast % Var	PY \$ Var	PY % Var
	Operating expenses							
14	Personnel compensation and benefits	\$ 2,554,400	\$ 603,372	\$ 604,424	\$ (1,951,028)	(76.38) %	\$ (1,052)	(0.17) %
15	Communications and utilities	322,500	78,538	86,445	(243,962)	(75.65) %	(7,907)	(9.15) %
16	Supplies and materials	417,200	122,559	124,918	(294,641)	(70.62) %	(2,359)	(1.89) %
17	Contract services	663,300	135,852	120,338	(527,448)	(79.52) %	15,514	12.89 %
18	Repairs & maintenance	382,900	59,153	56,564	(323,747)	(84.55) %	2,589	4.58 %
19	Insurance	120,700	26,033	22,811	(94,667)	(78.43) %	3,222	14.12 %
20	Training, Travel, & Air Service Development	86,800	27,559	62,991	(59,241)	(68.25) %	(35,432)	(56.25) %
21	Other Expense (marketing, professional dues, $\epsilon$	186,700	22,258	12,324	(164,442)	(88.08) %	9,934	80.61 %
22	Contingency Expense	25,000	-	-	(25,000)	(100.00) %	-	#DIV/0!
	Total Operating expenses	4,759,500	1,075,324	1,090,815	(3,684,176)	(77.41) %	(15,491)	(1.42) %
	Non-operating revenue (expenses)							
23	Passenger facility charges	518,400	271,072	264,060	(247,328)	(47.71) %	7,012	2.66 %
24	Interest income	34,200	30,081	63,986	(4,119)	(12.04) %	(33,905)	(52.99) %
25	Interest expense	(791,000)	(197,594)	(203,969)	593,406	(75.02) %	6,375	(3.13) %
26	Customer facility charges	216,800	130,664	135,083	(86,136)	(39.73) %	(4,419)	(3.27) %
27	Capital contributions	14,163,500	2,525,662	997,907	(11,637,838)	(82.17) %	1,527,755	153.10 %
27	Capital expenditures	(17,167,200)	(4,145,369)	(1,588,504)	13,021,831	(75.85) %	(2,556,865)	160.96 %
28	Debt principal payments	(715,000)	-	-	715,000	(100.00) %	-	#DIV/0!
29	Other	1,505,400	-	-	(1,505,400)	(100.00) %		0.00 %
	Total Non-operating revenue (expenses)	(2,234,900)	(1,385,484)	(331,437)	2,354,816	(105.37) %	(1,054,047)	318.02 %
	Excess of revenue over (under) expense	\$ (2,451,500)	\$ (843,760)	\$ 181,436	\$ 3,113,140	(126.99) %	\$ (1,025,196)	(565.05) %

### Variance Explanations - 3/31/2020 Year to Date Preliminary Financial Statements

Variance explanations below are focused on those categories that had variances to prior year actual of greater than \$15,000 YTD through March 2020. The \$15,000 threshold represents approximately 1% of prior year actual revenue through March 2019.

Please note that the Forecast column that replaced the budget column represents the forecast for the entire year, not just YTD through March. By presenting the full year, the variance columns now represent what we expect to earn or spend for the remainder of the year, and what percentage of revenue or expense remains. Since many variances in expenses are due to timing, we thought this presentation would be more meaningful than estimating a monthly spend amount.

### **Operating Revenues:**

- <sup>1</sup> Passenger Landing Fees Passenger landing fees were almost \$25,000 higher than YTD landing fees through March 2019. As noted in the monthly variances, we did not have a significant decline in landings in March like we saw in passenger traffic, so we are still 17% ahead of prior year revenues in landing fees. We estimated that we have collected about 40% of our revenue in the first quarter, and will collect about \$275k for the remainder of the year.
- <sup>2</sup> <u>Terminal Rent</u> The increase in terminal rent revenue from prior year is a reflection of the increased rates calculated using the new formula based rate setting methodology and adopted in December by resolution in anticipation of adopting the new lease and use agreements in 2020. We have not made any changes in our assumptions for terminal rent at this time, therefore, we expect that we have collected 1/4 of our revenue for the year.
- <sup>3</sup> **Boarding Bridge Revenue** The decrease in boarding bridge revenue was budgeted for and expected. With the change in rates mentioned in the terminal rent explanation above, we also adjusted the boarding bridge per turn charge which decreased from the 2019 rates. We do expect though that with the decrease in activity that we have already collected 40% of the expected revenue for the year through the first quarter.
- <sup>6</sup> Fuel Tax and Flowage Fees As noted in the monthly revenue variance explanation, we had a \$28k decrease in fuel flowage fees in March 2020 compared to March 2019, which accounts for the entire year-to-date decrease through March 2020. With the delay in collecting state fuel tax revenues, we think the decline will be less severe than the decreases in traffic through April, but this decline will continue. We expect that we have collected
- <sup>8</sup> Non-aeronautical revenues Although passenger traffic in March 2020 was down 45% compared to March 2019, year-to-date, the Airport is only down about 2% or
- 1,200 passenger enplanements. The strong numbers in January and February offset the decline in March which resulted in year-to-date restaurant and parking
- <sup>1</sup> revenue that is still ahead of YTD March 2019 revenues. However, based on our forecast, we estimate that we have already received over half of our revenue from
- <sup>4</sup> restaurant and parking revenue, and about 45% of rental car revenue in the first quarter. Including the fixed rents in non-aeronautical revenue, we anticipate that we have already received about 41% of total non-aeronautical revenue in the first quarter.

## **Operating Expenses:**

- <sup>17</sup> Contract Services Contract services are \$15,500 higher year-to-date through March 2020 compared to March 2019. The type of contract expenses incurred in the first quarter of 2020 are different than 2019, but the primary increase is related to professional IT services which increased about \$14,000 year over year. We made some improvements to our IT system that were already budgeted for and deemed important. We are reviewing through our planned IT purchases in 2020 from our budget to identify possible savings, but this increase was planned for and is incorporated in the forecast.
- <sup>20</sup> <u>Training, Travel, & Air Service Development</u> Costs for training, travel and air service development are \$35,000 below the prior year actual year-to-date expenses through March. We have implemented a "freeze" on travel and are looking to take advantage of on-line and local training opportunities to save costs.

### Non-Operating Revenues and Expenses:

- 23 Interest Income Interest income is less than half of the amount received in 2019 YTD through March. The second half of the bond funds were drawn down in March 2020 and therefore we expect the monthly income to reduce substantially from the prior year.
- 27 <u>Capital Contributions & Expenditures</u> The timing of capital contributions (grant revenue) and capital expenditures is somewhat unpredictable, therefore the YTD budget amount reflects the entire budget for the year, rather than an estimated monthly amount. Capital expenditures in January and February were primarily related to the demolition of the administration building and the flooring replacement project. In March, the airfield fencing project had restarted and the Airport incurred \$2.7M in costs related to this project which also resulted in an increase in grant revenue of approximately \$2.4M.

## Grand Junction Regional Airport Authority Statement of Financial Position - Unaudited, subject to change

	Month Ending 03/31/2020	Month Ending 02/29/2020	Variance
Assets			
Current Assets			
Cash and Cash Equivalents - Unrestricted	\$ 9,380,894	\$ 6,166,984	\$ 3,213,910
Cash and Cash Equivalents - Restricted	3,924,543	3,738,615	185,928
1 Total Cash and Cash Equivalents	13,305,437	9,905,599	3,399,837
Accounts Receivable			
Accounts Receivable - Ops, net of allowance of \$24,000	599,117	858,865	(259,748
Accounts Receivable - Capital	4,387,032	1,909,399	2,477,633
2 Total Accounts Receivable, Net	4,986,150	2,768,265	2,217,885
3 Prepaid Expenses	34,951	53,030	(18,079
Total Current Assets	18,326,538	12,726,893	5,599,644
Non-Current Assets			
Capital Assets			
Capital Assets not subject to depreciation	9,764,782	9,764,782	-
Capital Assets subject to depreciation, net	61,174,450	61,592,108	(417,657
4 Total Capital Assets, Net	70,939,232	71,356,890	(417,657
5 Bond Project Fund	412,715	4,908,060	(4,495,346
Total Non-Current Assets	71,351,947	76,264,950	(4,913,003
Total Assets	89,678,485	88,991,843	686,641
6 Deferred Outflows of Resources - Pension Plan	719,284	719,284	
Liabilities			
Current Liabilities			
7 Accounts Payable - Ops	95,227	135,392	(40,165
7 Accounts Payable - Capital	3,427,430	2,114,785	1,312,645
8 Accrued Expenses	244,907	203,905	41,001
9 Lease Deposits	164,469	164,469	-
0 Deferred Revenue	25,067	25,067	-
1 Current portion of capital lease and bonds payable	1,181,836	1,115,972	65,865
Total Current Liabilities	5,138,936	3,759,590	1,379,346
Long Term Liabilities			
Bond and capital lease payable	18,190,023	18,190,023	-
Deferred Revenue	413,110	415,199	(2,089
Net Pension and OPEB Liability	3,011,861	3,011,861	-
2 Total Long Term Liabilities	21,614,994	21,617,083	(2,089
Total Liabilities	26,753,929	25,376,672	1,377,257
<sup>3</sup> Deferred Inflows of Resources - Pension Plan	64,024	64,024	-

## Variance Explanations - 03/31/2020 Statement of Financial Position

Assets: Total Assets increased by approximately \$624k From February 2020 to March 2020. The remaining project funds were transferred from the restricted bond fund to our operating cash account. Additionally, capital receivables increased \$2.48M as airfield projects started up in March.

- 1 <u>Cash</u> Cash increased by \$3.4M, primarily as a result of the funds transfer from the bond project fund.
- 2 <u>Accounts Receivable</u> Accounts receivable includes both operating receivables and capital receivables from grants. Operating receivables decreased approximately \$260k. This decrease is a reflection of the lower billings in March for non-aeronautical revenues. Capital receivables increased \$2.48M as we started up construction on the fence project again in the beginning of March.
- 3 <u>Prepaid Expenses</u> Prepaid expenses are primarily related to insurance contracts and software subscriptions that we pay annually, or in advance, that we will receive benefit for over a period of time. As we use these services over the policy or contract period, the amount is recognized as an expense, rather than expensing the entire annual cost in the month that it is paid. The decrease in this balance represents the portion of the expenses used in March.
- 4 *Capital Assets, Net* Historically, the airport has not capitalized equipment throughout the year as it is purchased, but instead, expenses all purchases as part of capital expenditures and then capitalizes assets at year end. This allows us to track spending for budget purposes. Therefore, the only change in the fixed assets accounts that will be seen on a monthly basis is the regular monthly depreciation based on assets placed in service as of December 31, 2019.
- 5 **Bond Project Fund** The bond project fund balance represents unused bond funds and interest earnings thereon. The change in balance from February to March represents the draw down of the remaining project funds of approximately \$4.5M. The remaining balance of \$400,000 represents interest that was earned on the project funds since the refinancing in 2016. The interest is still restricted in purpose, but is available to cover debt service, or to fund additional projects related to the runway.

## Deferred Outflows of Resources:

6 Deferred Outflows of Resources - Pension Plan – The deferred outflows of resources represent a timing difference for recognizing changes in the estimated pension liability for our PERA pension and health plans offered to employees. The pension liability is only re-valued annually so there is no change from month to month. The change in these accounts all represent accounting estimates and non-cash transactions. These amounts will only change once per year when the calculation is updated.

## Liabilities: Total Liabilities increased \$1.38M from February 2020 to March 2020 due to the increase in capital payables for projects.

- 7 <u>Accounts Payable</u> Similar to accounts receivable, the majority of the balance and the variance from month to month is caused by the capital expenses payable to contractors and engineers associated with our capital projects. Capital accounts payable and receivable should have a positive correlation in periods when we are working primarily on AIP projects where the majority of the cost is funded by the FAA which was the case in March.
- 8 <u>Accrued Expenses</u> This category is primarily made up of liabilities for un-used PTO (approximately 154,000) and payroll accruals to properly recognize payroll expenses in the periods that the employees have worked. Changes in this account month to month are almost entirely related to changes in the payroll accruals.
- 9 Lease Deposits Lease deposits are primarily made up of General Aviation Lease deposits that were required in the standard ground lease based on a number of month's rent. We also hold deposits for parking passes held by airport tenant employees. These amounts are payable back to tenants at the end of the lease, or as parking passes are returned. The balance of deposits typically does not change materially from period to period as activity is limited.
- 10 *Deferred Revenue* This liability represents rent received in advance and is primarily made up of a pre-payment received by the BLM in 2017. Prepaid rent is a liability because we have not provided our tenant with the space for the period of time that they paid us for.
- 11 *Current Portion of capital lease and bonds payable* This balance represents principal and interest due on the outstanding revenue bond and Yukon capital lease in the current calendar year. We have semi-annual payments due June 1 and December 1 for the bond and one annual payment on the vehicle lease in June. The increase this month represents the accrual for interest expense incurred this period for the bond.
- 12 Long-Term Liabilities The long-term bond payable and capital payable balance is updated annually in December to reflect the remaining portion due beyond one year, therefore there is no change from the prior month. The net Pension liability is also only calculated annually, so there will be no change in this amount. This is the actuarial estimate of the airports portion of the unfunded Pension liability for PERA. Long-term deferred revenue represents pre-paid revenues for years after 2020.

#### **Deferred Inflows of Resources:**

13 Deferred Inflows of Resources - Pension Plan – Similar to deferred outflows described above, the deferred inflows of resources represent a timing difference for recognizing changes in the estimated pension liability for our PERA pension and health plans offered to employees. Deferred Inflows of resources actually represent increases to the pension liability that will be recognized in future years, primarily related to changes in actuarial assumptions. These will only be calculated annually, and therefore no changes will be seen month to month.