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BOARD OF DIRECTORS MEETING

Date and Time: 2:00 PM on Wednesday, June 12, 2019

Location: Home Loan Building, 205 N. 4th Street, Grand Junction, CO 81501, in the Community Room on the Basement level

In attendance:

Quint Shear
Craig Springer
John Justman
Dusti Reimer
Autumn Schultz
Nancy Harward
Benita Phillips
Patrick Coleman

Meeting Minutes:

- I. Call to Order at 2:00 pm by Craig Springer.
- II. General Public Comment.
 - a. None.
- III. Adoption of the May Meeting Minutes.
 - a. Q. Shear made a motion to approve. J. Justman second. Voted. Approved.
- IV. Consent Agenda:
 - a. Dufford, Waldeck, Milburn, & Krohn Invoice
 - b. Dusti Reimer Invoice
 - c. 2018-FM-02 East Orchard Mesa Fire Protection District Safety Equipment Progress Payment Grant Request
 - d. J. Justman made motion to approve Consent Agenda. Q. Shear second. Voted. Approved.
- V. Staff Report.
 - a. D. Reimer said our social media for June we posted- Meeting Minutes Posted, Change in meeting time Posted, Meeting Agenda Posted and Media Links for News Coverage on Fruita Grant.
 - b. D. Reimer said there is a shortage of employees in the media at this time and the stories they did on the Fruita project didn't make it onto their websites, however, they were

reported. However, there was coverage on the Jail Expansion grant with KREX, KKCO, KJCT, The Daily Sentinel, and The Business Times all did media coverage on the Fruita grant project.

- c. D. Reimer said grants requesting payment are Grants Requesting Payments: 2018-FM-02 East Orchard Mesa Fire Protection District Progress Payment Request for \$20,000.16
- d. D. Reimer said invoices for payment that were approved at this time were for Dufford, Waldeck, Milburn, & Krohn Invoice #15060 for \$886.00 and Dusti Reimer Invoice #135 for services and supplies for \$3,774.98.
- e. D. Reimer said our upcoming events that are scheduled are July 17th- Board Meeting and the August 21st – Board Meeting with Dr. Nathan Perry Presentation. D. Reimer asked if there were any scheduling problems with the July 17th Board meeting, because we have Matt scheduled to be here to go over and review the Investment Policy and permanent account. Dr. Nathan Perry did the reverse DOLA funding and the impacts of oil and gas study that just came out. If there are no issues, we will keep these as scheduled.
- f. C. Springer said he did not have a problem with the schedule.
- g. D. Reimer asked if the Board wanted to have a summer workshop to review the grant process.
- h. C. Springer said to the Board that we review the methodology and get input from the grant applicants to improve the process.
- i. Q. Shear asked how often we have done it in the past.
- j. D. Reimer said we've done it about every other year. The last one was maybe last year and the biggest change was to allow the grant applicants to email in the application, which has significantly streamlined the process.
- k. C. Springer said the other tweak we made was the live presentations.
- l. D. Reimer said yes. She said she hasn't heard a lot of complaints so far, other than mini grants having the limit of 15 pages. I reject the applications that go over the 15-page limit. So they end up having to take off a few pictures. I told them they can always save those for the live presentations. That's the only other feed back I've gotten. I can ask the other grant applicants to see if they have any feedback to offer.
- m. Q. Shear asked if it takes a lot of time to prepare and do.
- n. D. Reimer said no, but we typically don't get a lot of participation from people to attend.
- o. C. Springer asked if we do that before the regular meeting or after?
- p. D. Reimer said we usually do these the same day as a regular meeting, either right before or after. I think the last time we did one, Lance Stewart was the only one that showed up for it and two others emailed in and said they'd like to be able to submit electronically.
- q. C. Springer said he isn't opposed to doing a 30-minute work shop before the regular meeting.

- r. D. Reimer said she will see if she can get it scheduled before the next two meetings. She'll check with the grant applicants and if they don't give us any feedback, then we will leave it.
- s. The Board agreed.

VI. Review of Financials.

- a. N. Harward said the bank statement is at \$2,251,533, the permanent fund balance is at \$1,414,510 and outstanding grants has a remaining balance of \$532,743 at this time. We did have some forfeited grant money last month of \$51,151 and we had unrealized loss/gains of -\$45,767 in the permanent fund, but year to date we're still at unrealized gain. All the checks cleared.
- b. Q. Shear moved to approve. J. Justman second. Voted. Approved.

VII. Review of Investment Account.

- a. Autumn Schultz said Matt is not here and that she is just here to take notes and give them to Matt to report back, in case you had any.
- b. C. Springer asked if there were any questions from the Board.
- c. The Board did not have any questions on the Investment Account report.

VIII. Consideration or possible approval of a grant agreement with Mesa County pertaining to a portion of the Anvil Points fund.

- a. C. McAnany said the Board will recall direction given to him at the last meeting May. The Board was interested in an agreement with Mesa County provided for payment of the \$1.5 million for the Anvil Points fund with release language that said the County waived any further claims to any of the balance of the anvil points fund. We actually tendered an agreement with that content to the County. I was told the County rejected that agreement. In the ensuing weeks I've had some communication with the county attorney. I've proposed some alternative language that expressly waiving claims that the county commissioners would agree not to pursue any claims. I was told that language was rejected. I received yesterday afternoon and provided to you a revised agreement that was signed and approved by the county commissioners that does not contain the release language and essentially said they will not pursue any requests for additional or remainder of anvil points fund, until after the district receives its 2019 DOLA distribution. IT continues to contain language that says both parties is without prejudices of claims and prejudices that pertain to the anvil points funds. What I would say is the parties are talking past one another. I Tried to come up with some middle ground that was not acceptable to the commissioners. You have a choice. You can accept the county's tendered draft, you can reject that draft and tell us to keep working on it, you can give me instructions to do something else, you can do nothing. You are bound by nothing. I've given you a memo that's outlined some options that tells you what you can do here. In practical terms, I think the county has made it clear they want all the Anvil Points money. The district is under no obligation to give them any money. You have agreed to give them \$1.5 million. They want to reserve the right to ask for the remainder, which would be committed to your discretion. You're not bound to give that to them. You can reject that request. By that token, they want to reserve the right to legal remedies if you don't. That's the dilemma. I don't think legal remedies are strong here and I Think both parties would look poorly in the public eye, if we end up in a

dispute over this. Which is why we've been trying to work out an agreement that settles this once and for all, but we are where we are. The commissioners have their feelings about that. That's the range of options that are open for us. I'm glad to answer questions. I wish I could have come here with news that everything was settled and everything's good.

- b. Q. Shear asked if they rejected you showing up at the county?
- c.
- d. C. McAnany said they didn't really have a meeting, or I guess they had a meeting what was it Monday?
- e. P. Coleman said it was Tuesday.

- f. C. McAnany said I didn't attend a meeting with them. I proposed some draft language to Pat and the County and they approved this alternative draft and language. Is that fair?

- g. P. Coleman said yes. As a practical matter I was out of town at a conference starting last Wednesday and I was not able to get anything on the commissioners regular agenda for their Monday meeting, but they wanted to address this and approve an agreement prior to today's meeting at the Mineral Lease District. So they called a special meeting of the Board yesterday where they considered and approve this. In hindsight I wish I would have given Chris other than the published posted notice. It was kind of a rush deal. This is the language they advised me they are pretty insistent on, and Chris well explained where we are. Essentially the commissioners are agreeing are not obligated to come after the balance of the money, but they want to reserve that right. Who know what will be going on 5 or 6 months from now. They would like to see this agreement as written adopted by the mineral lease district.

- h. Q. Shear was appointed to the Board by the County Commissioners with responsibilities to the Federal Mineral Leasing District. Giving someone a check, without some sort of protection, makes no sense for the purpose we were given. If this end up in a legal battle-either in court or we had to sit down and negotiate, I don't see how they could contend. They approved \$9 million of this to go to the permanent fund. Chris-please answer me this. You approved this money in the permanent fund, and maybe I'm looking at this wrong.

- i. C. McAnany said it wasn't \$9 million, it was \$800,000.

- j. Q. Shear said sorry-I've been working with other numbers.

- k. C. McAnany said I don't think there is any viable claim the district has don't anything improperly in handling the funding of the Anvil Points money. We've gone over that at nauseum. Its crystal clear, the money came into the districts hands legally. In some degree I view this dispute the county wishing to hedge its bets to preserve the option to take some action in the future, but I don't pretend to know the thinking on that. But I agree with you-the District did not undertake anything, in respect to the Anvil Points money, either carefully deliberated or legal. The Board acted properly.

- l. J. Justman said I obviously went over this agreement yesterday. I am in agreement with this, I had some other thoughts, but nonetheless Chris has told us this money is the same as the other monies. I personally don't agree with that. It may come from the same sources or however you want to say it, but it was set aside years before the District was ever created. Personally, I think it makes it different money that what we normally get. I would like to see this. I can't guarantee what the county would or wouldn't do. I certainly couldn't advise him to sue or not sue, and I don't know why we'd get there. We're trying to reserve the right. I have another solution, but I think I'd like to listen to Craig talk.
- m. C. Springer said this is, by my math, the 7th meeting where we are essentially discussion the same fact pattern. We're over this impasse over relatively boiler plate language. That one entity would ask for, in exchange for giving the other entity \$1.5 million dollars where there has been a disagreement where we received the money correctly and handled the money correctly. We've plowed that field probably 5-6 times, for 6-7 meetings. We've plowed that field. It's amazing to me that we are not getting anywhere. I will be very clear-I do not understand the position the county is taking here, but I am not an elected official. I'm not a county commissioner I don't know there thought process, we could have moved on from this 4-5-6 months ago, spending out time more constructively. I'll be blunt. I'm on the fence here. There is part of me that want to put this in the rear view mirror, even though I know based on the verbiage of this it's not going in the review mirror, it's just going in the passenger seat until we get those additional funds in for 2019 in which time the County will demand that \$324,00 and probably earning or whatever on that. It's part of a bigger discussion that's not going away. Like I said-there is part of me that want to put this behind me and a part of me like Quint says that I was appointed to take care of the Federal Mineral Lease District and that's what I'm trying to do in this job and they aren't making it easy.
- n. C. McAnany said John, without revealing confidences, do you have any sense of your counter parts at the county-do they feel strongly that they should request the balance of the Anvil Points fund-the additional \$324,000?
- o. J. Justman said yes. And I'm just as tired of talking about this as much as you are Craig, but none the less, I Think the County is entitled to the \$1.5 million and I don't think anyone thinks the money came to the district illegally. That's never been talked about. Secondly, we're here to protect the FML, but this is not an illegal move to give the county what they are asking to give them back the \$1.8 million that came from Anvil Points. I don't see how we can say we're not protecting the district
- p. C. Springer said but a simple acknowledgement that the parties acknowledge the parties have resolved their difference between the Anvil Points money, is that hard?
- q. J. Justman said evidently.
- r. Q. Shear said we haven't said anything -during all these meetings all along, for the county to apply for these funds in the future, but we just can't commit that money now, because we don't have it in our hands yet.

- s. J. Justman said if you want to know what's in my heart, here it is. The County is entitled to the money. I have another idea, but I want to talk some more and I have a proposal and I'm thinking that would we be having this discussion if we hadn't put that money in the permanent fund.
- t. C. Springer said we talked about that in the last meeting.
- u. P. Coleman said can I make a comment?
- v. C. Springer said sure.
- w. P. Coleman said I won't speak for the other commissioners, but I know one thing that potentially influences their thoughts process on this, and you're not bound by what the Garfield Mineral Lease District does but we're the only ones that are similarly situated, but they have paid over 100% of what they received to the county. Obviously, each county has a separate board and they make their own decisions. I would point that out and certainly the three county commissioners are aware of what Garfield County did.
- x. C. Springer said sure, but there is a difference, Patrick, between the Mesa County FML and the Garfield FML. Mesa County has been under the impression we had to grant out the money we received within the following 12 months of receiving it. Garfield county has never done that. There have been years they have done very little grants, even thought they had the money coming. My point being they had this big bucket of money sitting there, they could give to the county and it didn't impact the structure of their permanent fund or anything like that. This FML district, in my opinion, and it's human nature to think you're right, we're the ones that sat down and figured out how we could sit down and solve this problem. We're the ones that figured out that if we didn't do a grant cycle this year, we could give over \$1.5 million. We could do that. We're trying over here to solve this problem. If we had \$3-4 million dollars in a checking account across the street, and they would have asked us for this \$1.8 million, we probably would have taken it to a vote and it would have been more than likely be the same thing that happened in Garfield County. We didn't have that additional money. We're trying to get from point A to point B. In my mind.
- y. Q. Shear and we cannot commit to 2020.
- z. C. Springer said we don't seem to be able to get the language that says everyone is putting this behind us now. So, what if, for discussion, I'm not necessarily a proponent of this, but just to get this behind us-What if we say we will give them \$1.8 million, but right now all we have is this \$1.5 million, and we will give you the \$324,000 in a future agreement and then say we're done with this whole thing. Otherwise we'll be having the same argument in October.
- aa. J. Justman said he has another suggestion-give the \$1.5 million and take the \$325,000 out of the permanent fund and pay them. Then, what do we get in the fall-\$700,000?
- bb. D. Reimer said last year we received \$737,000.

- cc. J. Justman said that's about what we would have taken out of it, and if you put the 50% back in the permanent fund that's where we would be. Then the county would be out of their hair and we'd be done. The permanent fund was set up for extra ordinary expenses and this is extra ordinary. Our counter parts don't want to agree to get a long and that's one way to resolve it. And then next week the county would get paid and then in a few months the permanent fund would get paid.
- dd. C. Springer said I understand your argument John, but.
- ee. B. Phillips said the People have a question.
- ff. C. Springer said just a minute. I understand you didn't vote for it, but this Board has decided that we don't want that precedent out there that this is a piggy bank that's convenient reach into when we want to. You said this is an extraordinary circumstance, and it does feel like an extraordinary circumstance, but I don't see the need to violate the permanency of the permanent fund to solve this additional \$324,000 problem, especially, well, I'll stand with that.
- gg. Q. Shear said additionally, and Nancy can show us, that right now we have a \$42,000 loss in the permanent fund. Right now that's unrealized loss. If we take money out of the permanent fund we then realize that loss. That turns from a paper loss to a real loss. We also take money out of that and we lose earnings on it.
- hh. J. Justman said I'm not a banker like you-that we realize the loss. If it's \$42,000 today how do we know it won't be \$52,000-I don't know. I guess it's gone today and it changes daily. Let's wait till it's positive to take it out.
- ii. C. Springer said we have three options: Accept the agreement the county has executed and sent over, we can say no to that, which puts us, I don't know where, or we can try to do something different, like I was saying.
- jj. Q. Shear said Craig for a template for the agreement, you were talking about, maybe Patrick can talk about this, can we agree in 2020 that we will make up the other \$324,000 in each grant cycle up to half of what we have in that grant cycle until that money is met?
- kk. C. McAnany said you cannot incur future budgets. You cannot make a multi-year fiscal commitment. You have to operate on a year to year basis. To be fair the agreement the county has proposed says you'll give the county \$1.5 million and that they may ask for the remainder, and you're going to evaluate what to do with that. IT doesn't obligate you to pay the remainder nor does it foreclose the possibility that you'll try to enforce some remedy if you didn't give them what they wanted. The risk doesn't, is truly kicking the can down the road, in the sense that if there is a right it would be down the road, which is less than ideal. But you're not giving anything up either.
- ll. J. Justman said on the other hand -when does the money come in?
- mm. D. Reimer said end of September first of October.

- nn. J. Justman said if we didn't put half of that or any percentage into the permanent fund, if the count got half you'd still have half of that or about \$350,000 for grants for the community.
- oo. C. Springer said if we committed to give a portion of the funding we receive in August or September in 2019 all we would have to do is file an amended budget.
- pp. C. McAnany said all I would say about that is I am always very reluctant. You can't appropriate for specific purpose or obligate money we have not received yet. We expect to receive that money in the fall.
- qq. D. Reimer asked if we have to go through the full budget proposal process too, before any money could be awarded. We get the check and get public approval notice for what the budget will be the following year and send it in December.
- rr. C. McAnany said no. We budget on a year to year basis. If this money comes in the fall, you could spend it the next year. Or not spend it until 2020 if you choose, it's up to you. The statute gives you that discretion.
- ss. J. Justman asked Dusti if we get money once a year?
- tt. D. Reimer said we get it once a year.
- uu. C. Springer asked Benita Phillips if she had a question she'd like to ask now.
- vv. B. Phillips said she just had a couple of questions for John. Why is the, if this was a necessary building expansion, then why is the county so desperate to get the other half? The county already has the rich man's half of the Anvil Points money. The rest of it is a moot point. Since you got more than enough to start the work on, what you explained here is that you needed it for the contracting and the architects and the preliminary work and the \$1.5 million should be more than enough for that. I don't know why the county needs the rest of that \$32,000 right now? Why can't that just be set aside, and know that might be money that can be requested a year from now when it's needed? That's money in the pot that you know you have down the road. If you take it out of the pot now you're going to spend it. It's like a poor man with a quarter in his pocket.
- ww. J. Justman said that's now how it is.
- xx. B. Phillips said it is.
- yy. J. Justman said I don't know where you come up with those numbers. I don't have the exact numbers.
- zz. B. Phillips said I can't come up with any numbers because you don't publish them on the website. So when I go in to try and find information on the building of this thing, that

you have to give \$1.5 million to the county right now, without any kind of real looking at how the regulations are for the FML district works for this to make an informed decision and then you turn around and demand the money has to be given right now. I don't understand that. This FMLD has been more than fair to the county, and I can't say the same for the county. If Rose and Scott don't like the money that you've been able to acquire then they need to come here and talk to all three of you and explain the motivation for absolutely having all of that \$324,000. Don't you think?

aaa. J. Justman said no.

bbb. B. Phillips said well the people think so, because I've been talking to them.

ccc. J. Justman said that's fine. You don't even have your facts correct, Benita.

ddd. B. Phillips said I know how much money the district is getting and I know how much you've taken from the District, so what facts do I not have correct?

eee. J. Justman said we haven't given any money from the District.

fff. B. Phillips said not yet. But the district has already promised you \$1.5 million.

ggg. J. Justman said that won't cover the design cost.

hhh. B. Phillips said who the hell is designing this. There aren't any boiler plate designs already that are a lot cheaper for the taxpayers to pay for.

iii. J. Justman said I didn't know you where an engineering firm that you could design it for us.

jjj. B. Phillips said I designed my own home. Don't make fun of me.

kkk. C. Springer said Benita, thank you for your comments, but we need to move on.

lll. B. Phillips said she is going to the Monday meeting and she is going to ask Scott and Rose why they need that money.

mmm. C. Springer said Chris' advice from us is sound that we really shouldn't dedicate money we don't have. So we are back to either accepting or rejecting this contract. And in a rejection, I don't even know where that puts us, because I Don't.

nnn. P. Coleman said if you reject what the commissioners have provided to you then I Think we are back to no agreement and no money changing hands. Sit back down at the drawing board. I would say that the county frequently enters into contracts, multi-year fiscal contracts and we include the annual appropriation clause. Theoretically, the

county can always refuse to appropriate, and the contracts are terminated. IF we did that too many times, people would stop contracting with the county. We often do contracts contingent on grant funding as well. We'll hire a design consultant and we'll complete phase one with grant funding and complete phase two contingent on COGO funding or something. Sometimes we get into situations where the contractor is bidding on grant funding coming in before they do the work. If it doesn't come in, the contract is null and void. I think I can probably speak for the board that to the extent you would come up with some proposal to agree to pay the \$324,000 at a future date, contingent upon receipt the funds form DOLA or that amount being at least 50% of the amount you receive from DOLA this fall, or something to that affect. I mean, John you can speak for yourself, that's better than where we are now with what we're proposing. The board has already approved saying we'll take the \$1.5 million now with no agreement on the balance other than you agree to allow the board to come back and make a claim for it and the Board agrees they are not obligated to come back if they choose not to. Certainly, I think, from the County's perspective, it might take another couple of weeks to get new versions of the agreement, that you're pointed in the right direction. It appears there is no release.

ooo. Q. Shear said there is no release.

ppp. P. Coleman said both parties are saying they are not waiving claims or defenses and the County is saying they aren't even obligated to come back and ask for it. Economics of the area could change, and politics can change. Maybe you only get \$400,000 from DOLA, for some reason. I would suspect there would be pressure on the board to not come and take 80% of your money. They'd wait for total amount or ask for half. Certainly, they aren't committing that the absolutely the day after you cash the check from DOLA they'll be in here banging on the door. That's not the commitment I've heard from any of the three commissioners.

qqq. Q. Shear said it kind of sets that precedent. You came in here banging on the door wanting to pull money from the permanent fund saying they wanted to be made whole for that \$1.8 million right away right now. They did set that precedent.

rrr. B. Phillips said the \$1.5 million covers phase 1 and phase 2. Totally. According to what is published. I don't understand why you're in such a hurry for the rest of it.

sss. P. Coleman said I don't think that's the relevant to the conversation. The commissioners believe they are entitled to the full amount and they are agreeing to committing it to a specific purpose, where they need it now or next month or next year is another part of a discussion. They have already contracted with a design firm, and I don't know the exact amount, but it's well over \$1 million dollars.

ttt. B. Phillips said it's right here. Phase 1 and 2 totally covered by the \$1.5 million. Totally.

uuu. P. Coleman said yeah, but as we know there are often times overages, and other things other than the architects cost in designing a jail. I don't think they are tying the numbers exactly.

vvv. C. Springer asked for further discussion.

www. J. Justman asked if he was ready for a motion.

xxx.C. Springer said unless there is further discussion, I am.

yyy. Q. Shear asked Patrick if there was another option for the same kind of release.

zzz.P. Coleman said they were very adamant that they had the same type of discussion you did. Give them our final offer and let's get this thing put to bed. This is what they came up with.

aaaa. J. Justman asked if they were ready now.

bbbb. C. Springer said yes, I am.

cccc.J. Justman made a motion to approve the contract that the county sent over regarding the federal mineral leasing dollars.

dddd. C. Springer said your motion is the approval of this contract?

eeee. C. McAnany said I think it's dated June 11, 2019 and signed by Commissioner Pugliese.

ffff. C. Springer asked if there was a second.

gggg. C. Springer repeated the question of -is there a second for this motion?

hhhh. C. Springer said that motion dies for lack of a second. So, that puts us right back to where we were.

iiii. C. McAnany said maybe we need to have a face to face meeting. Maybe that will break the log jam.

jjjj. B. Phillips said you can't have a face to face meeting with all three of the commissioners unless it's public.

kkkk. C. Springer said we're not going to discuss this matter unless it's in a public forum, you have my word on that.

llll. B. Phillips said thank you very much.

m m m m. D. Reimer asked if there was a possibility of tabling this until we get the DOLA disbursement and handling everything all in one shot in the fall?

n n n n. B. Phillips said they are already contracted out for phase 2.

o o o o. Q. Shear asked if there was a rush for the money?

p p p p. J. Justman said we always need the money. I don't know how that would work. And if that's the case, why can't we approve this today?

q q q q. Q. Shear said we can't approve money we don't have.

r r r r. J. Justman said if that's the case, why not approve the \$1.5 million today and settle the second part of this when we get the money. It's going to be agreeable to give all the money, let's say in October, there is no new money that's going to come in. Let's approve this today and wait till October and take care of it.

s s s s. C. Springer said the difference there in my mind John, is, and I could be wrong, but the difference in my mind is that we have advice from our counsel that I'm interpreting to mean that it's some what irresponsible for this Board, knowing there was a dispute of this money, that it's somewhat irresponsible for this Board to simply give the money or a portion of the money away, without getting an acknowledgement that we are not in disagreement anymore about this money. Have I interpreted your advice correctly?

t t t t. C. McAnany no, that's my advice, we have been told there was a disagreement and we have been endeavoring to settle that.

u u u u. C. Springer said he is not putting the burden of running the FMLD on Chris McAnany, but what I am saying is that we have counsel. We've got to pay attention to his advice to us. The reason I didn't go forward with a second with that motion, is that we didn't get that simple "we're not in dispute anymore," release language. For some reason, I don't know, maybe Patrick is advising his client that they don't want that. I don't have a problem, we've already decided to give the county the money, it's just the precedent of the way that we're doing in contravention to the way our counsel is telling us.

v v v v. J. Justman said but there is no contentions if you come against the balance.

w w w w. C. Springer said none that we know of. You can turn that around and say if there isn't anything in contention, why not put that release language in there.

x x x x. P. Coleman said I would suggest that if this board would agree to pay \$1.5 now and the balance within 30 days after receipt of the DOLA funding, that the county commissioners would sign the release language-or an agreement with the release language.

yyyy. Q. Shear said the problem with that is we can't commit future budgets.

zzzz. P. Coleman said you say pending receipt of DOLA funds.

aaaa. C. McAnany said the cynic in me would say how very generous that the county commissioners would give us a release when they are getting exactly what they want. To me, I think part of what we have is a test of will between two bodies. One that wants what it wants, and this body which is not prepared to give 100% of what it wants. What I can think is a joint meeting that would involve the two bodies, or I'm happy to play Pat's role between the commissioners to articulate for them why we think this is important. I'm willing to do that Pat. Now it may not help if they think that I'm just being difficult.

bbbb. P. Coleman said my assumption we will still be spending our wheels if you're just listening to the other Boards lawyers. Not to diminish in our value to the process, but I think we've run that course. I tend to agree all 5 of you in the same room would be the way to skin the cat.

cccc. J. Justman asked the Chairman if he would like another motion.

dddd. C. Springer said sure.

eeee. J. Justman made a motion to approve the \$1.5 million for payment within the next 30 days and the balance of the money, if it's available in October, within 30 days after it comes in and the money is there, to pay the County \$324,000.

ffff. C. Springer said that actually obligates us to more than this agreement does, but it solves the whole thing.

gggg. Q. Shear said we're going to be obligating money.

hhhh. J. Justman said I said if adequate money comes in.

iiii. C. McAnany said what I interpret you to be saying John is authorizing payment of \$1.5 million now, the balance of \$324,000 conditioned on that being received in the fall. That's your motion. As Craig just pointed out that goes beyond the agreement that was just rejected by the board.

jjjj. P. Coleman said he would add that we could include release language so the commissioners couldn't come back and say they want interest, penalties and others.

kkkk. J. Justman said he was hoping we could come to some kind of an agreement today. Obviously it takes another Board, too.

lllll. C. McAnany said it states that for a contract to happen we need to have a meeting of the minds and we don't have a meeting of the minds yet.

mmmmm. Q. Shear made a motion that we ask for an official meeting with the county commissioners. C. Springer second. Voted. All approved.

nnnnn. C. McAnany asked Pat if he had the calendar.

ooooo. P. Coleman said he didn't. We'll get Linda over at the county to contact you Dusti?

ppppp. D. Reimer said yes, she has my email.

qqqqq. P. Coleman said they meet every Monday. We could try to add it at the end of their meeting on Monday.

rrrrr. C. Springer said he's there on Monday anyway.

sssss. Q. Shear said is that when you go to DC?

ttttt. J. Justman said no.

uuuuu. Q. Shear said he's available the 17th and the 24th.

vvvvv. P. Coleman said we're still developing the agenda for the 17th. We could add it as long as we know.

wwwww. Q. Shear said does it cause any problems? We still have to follow all the procedures.

xxxxx. P. Coleman said we'd have to look at the agenda to see how long. The start at 9 and are usually done by 10-10:30. But sometimes goes till 11:30 or so. Rarely do they go past the noon hour. I suspect for your purposes you'd want something time certain. If we set it for 11 am on Monday I could have Linda confirm with all of you and the other commissioners would that work?

yyyyy. Q. Shear, C. Springer and C. McAnany said that works for them. 11 am on Monday.

zzzzz. C. Springer said are we tabling this? I guess we are not tabling this. It was on the agenda and we dealt with it as best we could.

aaaaa. C. McAnany said it was on the agenda. You considered it. There was a motion made and it died for lack of second.

bbbbbb. P. Coleman said I don't think it does any side any good to draft another agreement, until you all have met. So whatever you come up with on Monday, each of you will have to set it for an agenda for your meeting, for whenever you next meetings are to approve.

cccccc. C. McAnany said either that or we run up stairs and pound something out on your computer and print it out and have everyone sign it before everyone leaves the building.

dddddd. P. Coleman said I guess we could have it say this version could go back on the agenda for both entities to consider and they can negotiate changes and vote on it as long as it's done in the public meeting. If you all and the commissioners can consider it and adjourn. Technically both meetings would be opened at the same time to jointly discuss them and whatever procedures you need to vote, you could do it over there.

eeeeee. C. Springer said is that possible?

ffffff. C. McAnany said yes, Dusti you'll need to notice the meeting as taking place at the County Commissioners at 11 am.

gggggg. C. Springer said Dusti do you need to be there as well.

hhhhhh. D. Reimer said I'll be there.

iiiiii. N. Harward asked if she needed to be there.

jjjjjj. C. Springer said he didn't think so, but she's welcome to come if she wants to.

kkkkkk. D. Reimer asked if it would be in the public hearing room?

llllll. P. Coleman said we could have the it in a conference room.

mmmmmm. D. Reimer said for noting purposes just let me know.

IX. Unscheduled Business.

- a. D. Reimer asked if next months' meeting is still good for everyone-July 17th.
- b. The Board said the date was good.
- c. Q. Shear made motion to adjourn. J. Justman second. Voted. Approved.

Meeting adjourned at 4:10 pm.