

MEETING 1 MINUTES
COMMISSION ON LOW INCOME ENERGY & WATER ASSISTANCE
AUGUST 8, 2022
10:30 AM – 12:00 PM
Zoom Meeting

Commission Members in Attendance:

- Luke Ilderton, Energy Outreach Colorado
- Andrew Hawkins, Xcel Energy
- Michelle Butler, Colorado Energy Office
- Theresa Kullen, Department of Human Services
- Regina Bosma, Arapahoe County Weatherization Division
- Laura Getts, San Isabel Electric Association

CEO Staff Members:

- Barbara (Babi) Pazos
- Ryan Harry
- Elizabeth (EJ) Jaenicke

Attorney General's Office Representatives:

- David Banas, Senior Assistant Attorney General
- Cynthia Vitale, Assistant Attorney General
- Barbara Dory, Paralegal

Quorum Met: Yes

Action items

- Bylaws adopted unanimously
- Luke Ilderton to serve as chair
- Andrew Hawkins to serve as vice-chair

Introductions

- All members introduced themselves and their favorite summer activity.
- Elizabeth Glillitzer-Gallardo, Aurora Water, not in attendance.

Open Meetings Law Presentation by David Banas

- C.R.S. 24-6-402
 - All work done by a state entity on behalf of the public needs to be open for inspection.
- Policy goals:
 - Public has access to board meetings at which public business is considered.
 - This gives citizens an expanded opportunity to become fully informed on issues of public importance.

- o This allows citizens to participate in the legislative decision-making process that affects their personal interests.
- Meetings are considered two or more members of a state body at which any public business is discussed.
 - o Public meetings cannot occur without proper public notice.
 - Must give no less than 24 hours prior to the meeting.
 - Notice must include the date, time, location, and agenda of the meeting.
- If four of the seven members are present the meeting is considered a quorum.
- Executive session – is recorded but no minutes are taken during this session.
 - o Cannot take formal action in an executive session.
 - o Limited scope of topics can be discussed during executive session.
 - o The public can review the recording of this session.
 - o Privileged communications can take place during an executive session.
 - Privileged communications might be required to be electronically recorded.
- Questions:
- Can we discuss any of this information with internal representatives of Xcel Energy or do we have to wait until this comes out?
 - o No, you can discuss things with your internal representatives. Unless it is attorney-client privilege. You will need to be aware and sensitive to providing that information to the internal representatives. If there are any questions about this, discuss this with your attorneys.
- When do the minutes need to be completed?
 - o Circulate a draft of the minutes before the next meeting. This will allow the board members to review the draft and make sure it is an accurate representation of the meeting.
 - o If there are questions regarding the meeting or minutes, contact Babi who will be the middle person between the board and the Attorney General's Office.

Colorado Open Records Act (CORA) Presentation by David Banas

- CORA applies to your work product.
- CEO will manage your CORA requests.
- CORA requires that most public records be available to the public.
 - o Public record includes most writings made, maintained, or kept by the State, including any State agency or institution.
- If you receive a CORA request, send it to the CEO Records Manager ASAP.
 - o The agency only has three business days to respond.
 - o You do not need to create new documents but to provide the documents in native format.
 - o Do not include:
 - Non-responsive records.
 - Reasons responsive records can be withheld:
 - Deliberative process;
 - Attorney-client; and

- Attorney work product.
 - The board does not need to worry about privilege; the attorneys will manage the review.
- The board members are the only ones who can waive attorney client privilege.
- Questions:
 - Are board members allowed to talk to each other?
 - Yes, you can speak to other board members. You can also talk to your support staff and Babi. You can talk about the work of the commission. Be careful though no more than two board members can speak to Babi or each other without giving public notice, as this is considered a meeting.
 - Meeting virtually, do you need to have your cameras on, or can we turn them off?
 - You can turn your camera off for a quick moment but best practice is to leave your camera on to show you are engaged.
 - Executive session recordings should be maintained for 90 days and afterward can be destroyed.
 - Anything said in these meeting will be posted online, and it needs to be assumed these meetings are not subject to attorney-client privilege. Just because there are no members of the public present does not mean attorney-client communications can occur.

Bylaws Discussion lead by Cynthia Vitale

- Go over in details of the Bylaws that were prepared by Cynthia Vitale and David Banas.
- Barbara Dory will be preparing the minutes for each meeting.
 - The minutes for the previous meeting will be approved at the beginning of each meeting.
- Move to adopt to Bylaws
 - Motion to adopt: Theresa Kullen
 - Second: Luke Ilderton
 - All members of the board voted to adopt the Bylaws with no objections.
- Questions:
 - Is there a conflict of interest regarding funding to utility or water organizations? How would we clarify these duties that we will have as commissioners?
 - Will add some clarification there regarding professional conflict and personal conflict.
 - If there is a conflict of interest disclose it and we can talk about it.
 - We will be addressing the conflict of interests as they come up and not add more detail to bylaws. The bylaws provide a road map on how to address conflicts as they occur.
 - How are we going to public report on the expenditures of these funds?
 - Bylaws are not the best place to have this in. This should be in a policy document once the internal operation is organized.
 - Is it the boards responsibility to report to the legislature or CEO?

- Bylaws are not the best place to have this in. This should be in a policy document once the internal operation is organized.

Selection of officers lead by Babi Pazos Almada

- Luke Ilderton, volunteered to be the chair.
 - Motion: Theresa Kullen
 - Second: Regina Bosma
 - All members of the board voted for Luke to serve as chair.
 - Luke is now appointed as chair unanimously.
- Andrew Hawkins, volunteered to be vice-chair.
 - Motion: Theresa Kullen
 - Second: Luke Ilderton
 - All members of the board voted for Andrew to serve as vice-chair.
 - Andrew is now appointed as vice-chair unanimously.

Scheduling Future Meetings and Topics lead by Babi Pazos Almada

- Funding projections and what type of funding will be available in November
 - Distributions of those funds.
 - How should the energy office receive their funds – quarter one or quarter four.
 - Try to be aware of the demand season approaching.
 - Be ready for the beginning of October.

Role of the Commission in reviewing WAP State Plans lead by Elizabeth (EJ) Jaenicke

- This Commission serves as a policy advisory counsel for the WAP.
- The Commission needs to conduct a review of the WAP's State Plan before August 31st.
- Stipulations:
 - The Commission needs to provide written feedback on all state plans for the department of energy they write.
 - The State Plan needs the name, contact information, organization they represent, duties/job title, and minutes from meeting submitted in the state plan.
 - The Commission does not need to meet about the State Plan but if it is discussed we must include the portion of the minutes discussing it. This will be attached to the submitted State Plan.
 - Anyone on the commission who is on the grantee level of the pack must recuse themselves from the discussion.
- The Commission will be invited to attend the Public Hearing.
 - Comments from the Commission will be done by the chair.

Feedback/Comments

- Next meeting set for August 29th at 10:30 a.m. to 12:00 p.m.
- Luke will create an agenda to circulate to the board prior to the next meeting.

Meeting Adjourned 12:00 p.m.