

Subject: ROA Feedback Meeting

Date: July 24th, 2019

Domenic Martinelli provided a brief introduction. He welcomed the group and outlined the scope of the meeting. Domenic then gave a brief statement on the intent of the ROA, what it accomplishes, and what it does not accomplish. Special counsel Matthew Sura then gave a brief overview of the ROA key terms, then opened up the discussion, and welcomed feedback from the focus group on the Regional Operator Agreement.

Comments to Staff on the Regional Operator Agreement:

- Feedback was provided that the specific language in Section 14.1 was not clear, as to whether or not the city had the ability to enforce the terms of the ROA. Recommendation made to strengthen the language to make it fully clear that the city has the authority to enforce the terms of the ROA and BMP's
- Discussion was had regarding section 7.2 and availability of new technologies. Recommendation that language be strengthened to require operator to implement newest available technologies as available, and leave little room for debate.
- Section 14.7 should have the terms "economic hardship" and "reasonable cost" removed as it applies to the determination of maximum extent practicable. Economic hardship should not be a factor in determining feasibility of a BMP.
- There was a desire to see additional analysis and elaboration on the fee amounts noted in sections 13.3 and 13.4. What are the fees for, how specifically will they be used, and are they high enough to cover the services and impacts they are intended to account for?
- The group sought clarification on the performance bond and insurance requirements required under article XII. What would the bonding be utilized for?
- There was a higher level discussion and conversation regarding why the city is allowing drilling at all – what is the financial gain in terms of tax revenues, would the revenue reduce property taxes, would the city have a loss of residents and growth from the use, and what sort of impacts would additional truck traffic have on the city?
- Some members of the focus group felt the city should be getting a higher percentage of the tax revenue from Oil and Gas operations (which would require an amendment to the tax code), and/or higher development review fees

MINUTES CONTINUED

- There were general questions regarding why the city is negotiating “Exhibit A” as part of the agreement, when sites are not currently set or approved, and the operator would be required to submit form 2a’s to the COGCC for multiple sites.
- Some members felt there has not been enough transparency with the development of the ROA, during City Council meetings.
- Some members of the group felt it was more appropriate to include Best Management Practices into a Land Development Code update, rather than as part of a Regional Operator Agreement
- Some members of the focus group felt that cumulative impacts had not been analyzed or addressed within the ROA.
- The focus group also wanted to ensure the Regional Operator Agreement should be updated to reflect the new powers provided to local governments through Senate Bill 181.
- Comments were also made regarding direct focus and outreach to the Latino population.
- Additional comments were made from some focus group members that the ROA contained a good foundation and framework for Oil and Gas development within Commerce City, and that the document was impressive in terms of what protections were able to be negotiated.

