

ECONOMIC DEVELOPMENT COMMISSION

MEETING MINUTES

November 21, 2019

8:00 a.m. – 1:30 p.m.

MEETING DATE

November 21, 2019

Royal Gorge Bridge and Park

4218 Co Rd 3A

Cañon City, CO 81212

MEETING PARTICIPANTS

A. Commission Members

Carrie Schiff, Rob Brown, Wendell Pryor, Chris Franz, Benita Duran, Becky Takeda-Tinker, Blake Jones, Gretchen Wahl, Jay Seaton, and David Dragoo.

B. Guests

Trey Rogers, Bob Cope, Marc Bellantoni, Matt Gray, Jariah Walker, Carlos Cruz- Gonzalez, Dan Schnepf, David Neville, Stephanie Copeland, Justin Vause, Terry Burton, Sara Lobato, Trae Miller, HJ Greenwood, Lisa Anderson, Cara Hambrick, Mike Petrak, Emily Maguire, Allie Card, Margaret Peterson, Dani Paulk, Rachel Lyons, and Marisa Stoller.

C. Staff

Betsy Markey, Jeff Kraft, Sean Gould, Sonya Guram, Andrew Wallace, Ken Jensen, Che Sheehan, LeeAnn Morrill, Rama Haris, Tad Johnson, Jill McGranahan, Jana Persky, Nikki Maloney, and Virginia Davis.

DESCISION/ACTION ITEMS

1. The Economic Development Commission approved the Minutes from the October 9 and October 15, 2019 EDC meetings.
2. The Economic Development Commission approved the following projects/items:

JGITC:	Project Gemini, Project Garfield, and Project Flywheel.
EZ:	JEF – Colfax Marathon Partnership; REG10 – Colorado Flights Alliance; PP – Colorado Springs Fine Arts Center; DEN – CrossPurpose Career Development; DEN – Family Promise of Greater Denver; JEF – Family Tree Homelessness Program; DEN – Father Woody’s Haven of Hope; CC – Heart of Rockies Regional Medical Center; PP – Marian House-Family Connections Campuses; NE – Logan County Economic Development; PP – Mary’s Home Capital Campaign-Phase 3; CC – Park County Housing; DEN – Providence Network; JEF – RMCHF Acquisition & Capacity Building; DEN – Senior Support Services; DEN – Still Waters Housing; PP – Youth Exiting Homelessness; SW – Cortez Cultural Center; REG10 – HopeWest; and REG10 – Colorado Flights Alliance
AI:	AI Competitive Proposals: Artimus Robotics; Barn Owl Tech; Brava Diagnostics; Career Allies; Colorado School of Mines – Wolden; Copper Labs – Transition Request; Earable, In.; Emery, LLC; First Ascent Coffee Roasters; Impact CBS; LongPath Technologies; New Iridium; Quorum Prosthetics; RCAM Technologies; Skyland Analytics; SmartForce Technologies; University of Denver – Kumosa; Unmanned Experts, Inc.; Bioscience Fast Track Applications; BioLoomics; National Jewish Health – Fingerlin; STAQ Pharma; Transverse Medical; University of Colorado – Han; Watchmaker Genomics; AI FY20 Allocations; National Jewish Hospital Allocations; and Colorado State University Allocations
RJS:	Extension of Benefits.
RTA:	Waiver and Release Agreement; and Amended Motion.

A. Meeting Called to Order

Schiff called the meeting to order.

Meeting Minutes

Duran moved approval of the October 9, and October 17, 2019 EDC meeting Minutes. Brown seconded the motion. Motion passed unanimously.

M/S/P – Seaton, Duran – October 9, and October 17, 2019 EDC Minutes approved as presented by staff.

B. Job Growth Incentive Tax Credit (JGITC): Sean Gould

Project Gemini

Gould presented Project Gemini. Project Gemini is a wholly-owned American-based subsidiary of a Japanese pharmaceutical manufacturer considering establishing a presence in Colorado. The company behind Project Gemini specializes in the development of new chemical entities and biopharmaceutical therapies. The company has leveraged advances in antibody therapeutics to make tremendous strides across key scientific fields, including oncology, immunology and nephrology. The company behind Project Gemini is seeking to build a major manufacturing facility to expand its pharmaceutical production capacity, which includes two flagship FDA-approved drugs. The company launched these two antibody products in the US and EU in 2018. The company is now looking for a location to manufacture the two products outside of Japan to ensure stable supply for its global customer base.

Project Gemini is being considered between the United States and Ireland. Within the United States, Colorado is competing with Virginia, North Carolina, Delaware, Ohio, Arizona, and Maryland for Project Gemini. The company does not have current operations in any of the locations being considered in the United States. The jobs created by the project are expected to include technical engineering and quality control functions, as well as human resources, procurement, accounting, IT, and management roles. The project is expected to include \$50-100 million in capital expenditure for facility retrofitting and upgrading. The company estimates that Project Gemini will lead to the creation of up to 175 net new full time jobs.

Staff is requesting \$3,676,990 in performance-based JGITC over an 8-year period, 96 months. This incentive is contingent upon: the creation of up to 92 net new full-time jobs at a minimum average annual wage (AAW) equal to or greater than the average annual wage of the following counties or any other county in Colorado in which the project chooses to locate; the maintenance of net-new jobs in Colorado for one full year before any credits become vested; before any credits are issued, the company must create and maintain at least 20 net new full-time jobs.

M/S/P – Pryor, Franz – Project Gemini was approved as presented and recommended by staff.

Project Garfield

Gould presented Project Garfield. Project Garfield is a company in the commercial aviation industry that is considering expanding its presence in Colorado. This project represents a selective, major expansion of the company's operations and will be defined and structured by OEDIT, as explained below, so that the incentive will not be paid for organic growth resulting from short-term fluctuations in the commercial aviation industry, from population growth in Colorado, nor be tied to any specific flights. The company behind Project Garfield already has operations in each of the locations being considered. Colorado is the first market that the company is applying for incentives in. The project would be entirely based at Denver International Airport (DEN).

The company estimates that Project Garfield will lead to the creation of up to 1,013 net new full time jobs directly related to this project. Apart from the hub growth which comprises the project, the company is

also forecasting additional growth associated with organic origin and destination passenger traffic (i.e. retail traffic) in the Denver regional market. The company's projected average annual wage of the jobs to be created by this project is \$128,115. This is equivalent to 187% of the Denver County average annual wage. This project is also estimated to result in \$75 million in capital expenditure at DEN.

Staff is requesting \$12,490,580 in performance-based Job Growth Incentive Tax Credits over an 8-year period, 96 months. This incentive is contingent upon: the creation of up to 1,013 net new full-time jobs at a minimum average annual wage (AAW) equal to or greater than the average annual wage of the county in Colorado in which the project chooses to locate; the maintenance of net-new jobs in Colorado for one full year before any credits become vested; and before any credits are issued, the company must create and maintain at least 20 net new full-time jobs.

Brown moved approval of the project. Pryor seconded the motion.

After some initial discussion, staff recommended entering into executive session to discuss the documents provided that contain trade secrets and/or confidential commercial or financial information.

Duran said, Pursuant to Colorado Revised Statutes Section 24-6-402(3)(a)(III), I move that we go into executive session for the purpose of discussing documents that contain trade secrets and/or confidential commercial or financial information about Project Garfield, which are required to be kept confidential by Colorado Revised Statutes Section 24-72-204(3)(a)(IV). Franz seconded the motion. Motion passed unanimously.

The EDC is now in Executive Session to discuss Project Garfield.

Duran moved the EDC exit Executive Session to enter Open Session. Franz seconded the motion. Motion passed unanimously.

The EDC is now in Open Session.

M/S/P – Brown, Pryor – Project Garfield approved as presented and recommended by staff.

Project Flywheel

Gould presented Project Flywheel. Project Flywheel is a leading company in the outdoor recreation industry that is considering expanding its presence in Colorado. The company behind Project Flywheel manages a range of brands, businesses, and locations across the United States. The company behind Project Flywheel already has operations in each of the locations being considered. The new positions are expected to include marketing, IT, HR, finance, legal, and other business and product support activities. The positions are not dependent on locating at or near specific operations in the company's broader portfolio. The company estimates that Project Flywheel will lead to the creation of up to 92 net new full time jobs. The company's projected average annual wage of the jobs to be created by this project is \$114,141.

Staff is requesting \$2,788,554 in performance-based JGITC over an 8-year period, 96 months. This incentive is contingent upon: the creation of up to 92 net new full-time jobs at a minimum average annual wage (AAW) equal to or greater than the average annual wage of county in Colorado in which the project chooses to locate; the maintenance of net-new jobs in Colorado for one full year before any credits become vested; before any credits are issued, the company must create and maintain at least 20 net new full-time jobs.

M/S/P – Pryor, Duran – Project Flywheel was approved as presented and recommended by staff.

Update of Approved Projects

Gould there are currently no project updates.

C. Enterprise Zone: Sonya Guram

Contribution Project Proposals

Guram presented the following Contribution Projects for approval.

Enterprise Zone	Project Name	Project Type	Project Category	Completion Date	Project Budget	1 yr. Projected Credits
Jefferson	Colfax Marathon Partnership	Operations	Visitor Event/Attraction	12/31/2024	\$1,700,000	\$137,500
Region 10	Colorado Flights Alliance	Operations	Economic Development Organization	12/31/2024	\$3,500,000	\$68,750
Pikes Peak	Colorado Springs Fine Arts Center at Colorado College	Operations	Visitor Event/Attraction	12/31/2024	\$350,000	\$50,000
Denver	CrossPurpose: Career Development Programs	Operations	Job Training	12/31/2024	\$2,363,500	\$587,500
Denver	Family Promise of Greater Denver: Employment Services for Shelter Guests	Operations	Homeless Support	12/31/2024	\$3,300,000	\$8,125
Jefferson	Family Tree Homelessness Program & Residential Programs	Operations	Homeless Support	12/31/2024	\$4,764,631	\$15,500
Denver	Father Woody's Haven of Hope- Homeless Support Services	Operations	Homeless Support	12/31/2024	\$825,000	\$128,125
Central Colorado	Heart of Rockies Regional Medical Center	Operations	Healthcare	12/31/2024	\$5,600,000	\$6,250
Pikes Peak	Homeless Support: Marian House and Family Connections Campuses	Operations	Homeless Support	12/31/2024	\$2,423,787	\$243,750
Northeast	Logan County Economic Development	Operations	Economic Development Organization	12/31/2024	\$50,000	\$3,125
Pikes Peak	Mary's Home Capital Campaign: Phase 3 - Independent Living	Capital Campaign	Community Facility	12/31/2024	\$735,105	\$129,375
Central Colorado	Park County Housing - Summit Habitat for Humanity	Operations	Workforce Housing	12/31/2024	\$1,508,060	\$50,000
Denver	Providence Network: Homeless Support Services	Operations	Homeless Support	12/31/2024	\$1,397,368	\$226,875
Jefferson	RMCHF Acquisition & Capacity Building Capital Campaign	Capital Campaign	Community Facility	12/31/2024	\$1,475,000	\$190,950
Denver	Senior Support Services_ Homeless Support	Operations	Homeless Support	12/31/2024	\$150,000	\$10,625
Denver	Still Waters Housing (Open Door Ministries)	Operations	Homeless Support	12/31/2024	\$278,300	\$37,500
Pikes Peak	The Place: Youth Exiting Homelessness to Live Self-Determined, Fulfilled Lives	Operations	Homeless Support	12/31/2024	\$200,000	\$28,250
Southwest	Cortez Cultural Center	Operations	Visitor Event/Attraction	12/31/2024	\$175,000	\$9,375
Region 10	HopeWest	Operations	Healthcare	12/31/2024	\$7,781,434	\$82,500
TOTAL					\$38,577,185	\$2,014,075

M/S/P – Duran, Pryor – EZ Contribution Projects approved as presented and recommended by staff.

EZ Annual Project Recertification's

Guram presented the Annual Recertification's for approval.

Staff requests that the EDC re-certify or approve 352 currently active or approved EZ Contribution projects for eligible status in 2020. The statutes governing Enterprise Zone Contribution Projects require annual review and approval, also known as re-certification.

This group of projects for re-certification includes 100 projects that began in 2019, 53 that were presented to and approved by the EDC in 2019 and 47 that were approved in 2018 with a January 1st 2019 start date.

Contribution projects that were active prior to 2019, and that did not have a fixed end-date of 12/31/2019 were reviewed by the 19 zone administrators – zone administrators recommend 252 of these for re-certification in 2020. An annual review was conducted for each of these projects to evaluate their performance against approved project activities and achievement of economic development objectives. One-hundred and twenty-nine projects will close at year-end either because they reached their project end-date, or the zone administrator did not recommend their continuation.

We have compiled the list of projects for your information (provided as an Excel file in separate Google document). Per statutory requirement, the list of projects includes a description of each project, its accomplishments toward the economic development goals of the enterprise zone, and an estimate of the amount of potential contributions to the project in the next calendar year. Per Commission direction, and as outlined in the policies, all projects have an end-date, and will conclude on that date if not before – the project start and end dates are provided for your information.

To conclude, 352 projects are recommended for re-certification, or to be active in 2020. In 2019, 391 projects were re-certified, and in 2018 440 projects. Limited project terms force projects to conclude and new proposed projects to be more targeted. Additionally OEDIT staff and EZ Administrators have been working to identify achievable objectives for new projects that will positively impact economic conditions within the Enterprise Zones.

One project in the packet that staff is not recommending for approval is NCC Larimer Economic Development Project. There have been some issues around the in-kind contributions that were made. We have talked to DoR and received legal counsel to make sure we are treating this appropriately. We need them to work out the types of donations that are appropriate.

Franz asked what the process is for NCC to get re-approved.

Guram said, they will need to come back and apply as a new project.

M/S/P – Franz, Brown – EZ Annual Recertification's approved as presented and recommended by staff with the exception of NCC Larimer County. NOTE: Duran recused herself from the Latino Cultural Arts Center Project vote. Pryor recused himself from the Chaffee County EDC Project vote.

SF Balance Forecast

Gould provided the SF Balance Forecast which shows a current balance of \$5,889,304.

EZ Administrative Request

Guram made the Annual EZ Administrative request. There are 16 State Enterprise Zones and 19 local Enterprise Zone (EZ) Administrators that are formally associated with regional economic development organizations, counties, and cities around the state. These local economic development professionals

utilize the EZ program to promote economic development in areas that are economically distressed. They work with local stakeholders to develop plans that represent the needs of the community in revitalizing the 16 designated Enterprise Zones. These local administrators are the face of the program and the primary source of information for local businesses. They nominate areas for Enterprise Zone status, work with businesses to grow and expand, evaluate and nominate Contribution Projects that support the local economic development goals, and certify business' eligibility to claim Enterprise Zone tax credits, while working closely with OEDIT to administer the EZ program.

We are requesting total Strategic Funds of \$376,500 for Enterprise Zone administration for calendar year 2019. This amount is \$10,000 higher than funds granted by the EDC in 2016, 17, and 18. The \$376,500 will provide grants for local zone administration and funds to cover travel and costs associated with meetings and trainings for local zone administrators organized by OEDIT. We wish to allocate \$358,500 for administrative grants and \$18,000 for meeting and travel costs. Any funds not utilized will revert back to the Strategic Fund.

M/S/P – Brown, Franz – EZ Annual Administration approved as presented and recommended by staff.

D. Advanced Industries: Rama Haris

AI Project Proposals

Haris presented the following AI projects for final approval.

AI Competitive Proposals

- Artimus Robotics \$250,000
- Barn Owl Tech \$240,000
- Brava Diagnostics \$240,000
- Career Allies \$53,750
- Colorado School of Mines – Wolden \$109,540
- Copper Labs – Transition Request \$100,000
- Earable, In. \$250,000
- Emergy, LLC \$250,000
- First Ascent Coffee Roasters \$250,000
- Impact CBS \$250,000
- LongPath Technologies \$250,000
- New Iridium \$250,000
- Quorum Prosthetics \$248,000
- RCAM Technologies \$250,000
- Skyland Analytics \$250,000
- SmartForce Technologies \$175,000
- University of Denver – Kumosa \$60,000
- Unmanned Experts, Inc. \$120,000

Bioscience Fast Track Applications

- BioLoomics \$240,000
- National Jewish Health – Fingerlin \$150,000
- STAQ Pharma \$250,000
- Transverse Medical \$250,000
- University of Colorado – Han \$150,000
- Watchmaker Genomics \$250,000

AI FY20 Allocations

- National Jewish Hospital Allocations \$19,758
- Colorado State University Allocations \$126,345

M/S/P – Franz, Pryor – AI Projects approved as presented and recommended by staff. NOTE: Takeda-Tinker recused herself from the CSU projects vote.

AI Budget

Haris presented the AI Budget which shows a current total of \$15,690,900 in remaining funds.

E. Colorado Credit Reserve

Maloney and Vause presented additional information for the CCR and CCS programs as requested by the EDC. The additional information includes a list of Lenders, a list of Loans by County, a list of Distribution of CCR Loans, a list of Front Range Borrowers, a list of State Borrowers, a list of lending done by Business Type, data on the amount of loans that are Minority Owned, Women Owned, and Rural Lending.

Kraft said, staff will be bringing forward next month a plan to utilize the CCS Program specifically to fund, on a trial basis, some loans to employee-owned businesses to transition.

Action on the OEDIT/ CHFA agreement was tabled until next month's proposal.

F. Opportunity Zone Program Update: Jana Persky, Stephanie Copeland

Persky provided an update of the OZ program touching on the education of the program that has been completed in 2019, the community workshops, community support grants, published community prospectuses, the investment facilitation, a budget update, and update of current projects and the 2019-20 strategic plan.

Copeland provided an update of the program noting the national overview, the Colorado activity, and foundations activity surrounding the program.

The EDC thanked Persky and Copeland for their update and all the work and positive activity being done in the program.

G. Rural Jump-Start: Ken Jensen

Jensen provided the RJS program request. The Rural Jump-Start Program statute allows a participating company to apply for an extension of benefits of up to four years. OEDIT proposes creating an application for this extension, and adding a related section to the program manual. OEDIT proposes publishing the attached application in Salesforce. Only companies currently active and in good standing in the program would be allowed to submit this application.

In addition to publishing the Salesforce application, OEDIT also proposes adding the following language to the program manual:

Extension of Benefits

A company that is currently active and in its initial benefit period may apply to the Commission for an extension of its benefit period of up to four years. Companies that apply for the extension of the benefit period must submit their application to the same Rural Jump-Start zone that they were initially approved to. If the zone the company was approved to no longer exists because the county it is located in is no longer designated as economically distressed, then the company is not eligible to apply for an extension of the benefit period.

The benefits that can be extended are

- The tax exemption for a taxable company
- The tax exemption for the owners of a pass-through entity

- The refund of sales and use tax
- The tax exemption for New Hires

The extension of the benefit period by the Commission does not mandate or prohibit an extension of the local business personal property tax benefit. This is a local matter which must be resolved by the business and the local taxing entity(s).

The extension of the benefit period must be endorsed by an Institute of Higher Education (IHE). If the IHE endorsing the extension of benefits is not the same IHE that originally endorsed the Rural Jump-Start program application, a new memo of understanding must be signed by the IHE and the New Business.

The Application for Extension of Benefits must also include a letter from a local governmental agency or local non-profit economic developer endorsing the extension of benefits.

If the application for extension of benefits is submitted before the initial benefits period has expired, the period of tax exemption will continue uninterrupted until the expiration of the extension of benefits. If the application for extension of benefits is submitted after the initial benefits period has expired but less than one year from the expiration of the original benefits period, the Commission has the option of backdating the start date of the extension of benefits to the expiration date of the original benefit period. No application for extension of benefits may be submitted after one year from the expiration of the original benefit period.

OEDIT requests an EDC motion of approval to do two things: 1) publish the application for extension of benefits in Salesforce, and 2) make this related addition to the program manual.

This motion does NOT approve any benefits for any specific company. If this motion is approved, OEDIT expects to bring applications for extension of benefits to the EDC in early 2020. Prostar GeoCorp reaches the end of its initial 4 year benefit period in February of 2020, and has expressed interest in extending their benefit period. And Kaart Group reaches the end of its initial 4 year benefit period in June of 2020.

Schiff requested that staff add to the list provided, an analysis of the capacity within that community of new hires and the pipeline. This is an important factor.

Staff will add that to list that will be published to the site upon approval.

M/S/P – Duran, Brown – Amendment to program manual approved as presented with the addition of the analysis of capacity of new hires and pipeline.

H. Regional Tourism Act: Ken Jensen, Jeff Kraft, Che Sheehan
Jensen provided a program update.

Project/Element	Key Next Steps	Immediate Items for EDC
Pueblo-PBR University	Pending Pueblo request to modify settlement agreement and resolution.	
UCCS Sports Performance Center	OEDIT received certification from Carolyn Fox that the design of the building has not changed (see board book)	Review certification of construction spending for 10/31/19 deadline
USAFA Welcome Center	The executed master lease was released to the State.	
Go NoCO	OEDIT staff expecting feedback from NCRTA on next steps and project change requests	

Stanley Film Center	OEDIT staff provided written resolution to NCRTA/SFC. OEDIT staff awaiting additional feedback.	
National Western Center	OEDIT staff working with project on proposal for Commencement of Substantial work which will be presented after the January EDC Meeting.	

Colorado Springs/City For Champions

Walker provided a brief semi-annual update.

NCRTA/Go NoCO

Rogers provided an update from the recent meeting of the NCRTA board where they discussed some of the internal logistics and the financing entity process would work.

We are continuing to work with OEDIT staff to get on track with our reporting obligations. We have made substantial progress and we appreciate your patience in getting these done.

In regards to the request made by John Cullen to amend the draft Resolution to permit us to designate a separate financing entity for the SFC element of the project. At the time Cullen made the request to the EDC, the NCRTA had not seen the request. Since then, the NCRTA has meet with Cullen and Gray, legal counsel for SFC, and we discussed this. After some research and analysis, the board approved a motion authorizing the support of the request of the SFC proposal to designate a separate financing entity for the SFC element with a few conditions.

First, when the NCRTA was formed, each of the four local governments agreed to contribute some seed money to the effort. Estes Park has not yet made it's agreed upon contribution and we would like to see that contribution made to satisfy that outstanding obligation before it takes formal action on that request. The board understands that Cullen has agreed to cover that obligation so that condition should be easily addressed.

Second, the board would like language in the amended Resolution that would make it clear that the NCRTA will have no liability or obligation to the state related to the SFC element nor the actions of the new financing entity once it's designated. We understand that Gray is amenable to this on behalf of the SFC and I'm sure that in discussion with Morrill we can quickly and easily get to some acceptable language.

We are working together and we expect to be able to act in a timeline acceptable to SFC.

NCRTA staff continue to have meetings with financing partners for some of the elements and we hope to have more to report in the future.

Gray said timeline wise, if it is the case that the SFC project is ready to proceed, and had a successful introduction to the media in respect to the Dr. Sleep film. One of the reasons that the folks at the Stanley have elected to wait a while is that we are coming up on the deadline for any of the other projects to proceed and we may have one of two conversations. One is to separate the financing entity and the other is if other projects are not going to move forward, changing the amount of the increment which is dedicated to each project and dedicating all revenue to the projects that are moving forward. This is attractive enough financially to the SFC, they are willing to wait a few months to see whether anything comes to pass with respect to the other planned projects and give them their space to try and figure things out.

**Colorado Springs/City For Champions
USAFA Visitor Center**

Kraft said he wants to proceed through a conversation regarding this project and then see if the EDC would like to adjourn to executive session to obtain legal advice regarding the proposed motion and the waiver agreement that clarifies that COS stakeholders are comfortable with the EDCs conditions of approval for this document. We want to get this one done first. Second we would then also have you formally approve a motion that will confirm that the AFA has Commenced Substantial Work and provide some additional conditions to the EDCs Resolution No. 3 for future process workflow.

Kraft noted that the master site development lease document has been signed and received. This is a huge milestone.

I want to direct your attention to Section 8 of the lease page 20 of 171. A key thing that the developer and the bid, who is a sub-developer is, they will need to get a guaranteed maximum price contract in place for the AFA and they need to issue bonds. If they don't do that by December of 2020, this lease could go away. So one of the things conditions that we put in our Resolution modification is, we have been assured by the COS stakeholders that they can get that GMP contract and the bonding done by March 31, 2020, so we did put that as one of our requirements.

Kraft directed the board to page 34 of the lease the Completion of Visitor Center. It does state the following:

The Completion Deadline may not be extended beyond December 16, 2024. It shall be the exclusive obligation of the Government to construct or install any furniture, fixtures, exhibits, equipment, or other tenant improvements in the Visitor Center (collectively, the **"Government Improvements"**), and completion of the construction and installation of the Government Improvements shall not be required as a condition for Substantial Completion. **"Substantially Complete"** or **"Substantial Completion"** means the issuance of a certificate of occupancy for the Visitor Center.

We have had previous discussion regarding this. We now have letters from several organizations saying that if there is not funding in the AFA budget for the FFEE they would entertain applications to fulfill that process. We also know the Mayor has said that he would be involved in facilitating finding this funding should it be required.

Kraft directed the board to the Draft Motion. We have seen this before I don't want to walk you through this document but the Draft Motion has background from staff perspective on USAFA project element.

Cope added that a significant amount of money has been expended for the project to date. This definitely demonstrates intention to proceed with the project. Also a Greenfield URA was approved on this site, which was a heavy political lift. In addition the City, County and School District have pledged millions of dollars in sales and property tax.

Kraft directed to board to the Comparison of Indicia of Commencement document which maps some of the milestones to the EDC approved policies and procedures for the indicia of Commencement of Substantial Work.

Kraft did note that Cope brought to the meeting, signed Release Agreements that are ready for us to counter-sign.

Kraft went over the Bonding information and asked the Board if they had any questions. Hearing none, to board moved to enter executive session to receive legal counsel on the provided documents.

Brown said, pursuant to Colorado Revised Statutes Section 24-6-402(3)(a)(II), I move that we go into executive session with our attorney for the purpose of receiving legal advice about the Colorado Springs RTA Project. Duran seconded the motion. Motion passed unanimously.

The EDC is now in Executive Session.

Franz moved the Commission exit Executive Session. Pryor seconded the motion. Motion passed unanimously.

The EDC is now in Open Session.

Schiff asked for a motion to approve the Waiver and Release Agreement.

Franz moved approval of the Waiver and Release Agreement. Pryor seconded the motion. Motion passed unanimously.

M/SP – Franz, Pryor – Waiver and Release Agreement approved as presented and recommended by staff.

Schiff called for a motion on the amended motion provided.

Franz moved, as stated in the board book on Section 8 page 293 of 334, beginning with the November 1, 2019 motion for consideration by the EDC, to amend that motion to reduce the amount in paragraph 4 B from at least \$60M in net proceeds to at least \$50M in net proceeds and to amend the motion to add a final paragraph that says this motion supersedes and replaces the previous motion we made at our August EDC meeting. Duran seconded the motion. Motion passed unanimously.

M/S/P – Franz, Duran – Amended motion approved as read and recommended by staff.

Kraft said, I want to thank Morrill, who has turned over dozens of legal documents overnight. Also, Sheehan and Jensen who spent evenings and weekends to get this done. Obviously we had really great partnership with Colorado Springs. It was a tremendous lift and effort.

Schiff said, fellow Commissioners, we owe a big round of applause to Kraft and his team. To Cope and his team. To Cruz-Gonzalez and his team. Thank you all.

Kraft also wanted to thank the Commission for their time and effort on this and all the early meetings to get this done.

Sheehan noted the provided quarterly RTA project reports as an FYI. The annual reports will be available in the next board book.

I. Other: Ken Jensen, Sean Gould Transferrable Tax Credits

Jensen provided an update of the TTC program. In this fiscal year, the EDC has the authority to issue the final \$10 million in precertifications. If the projects for Evraz and VF Corporation proceed as planned, Evraz will receive a precertification of \$6.9 million this fiscal year (for a total of \$17 million), and VF Corporation will receive a precertification of \$3.1 million this fiscal year (for a total of \$13 million). These two precertifications total \$30 million, which is the statutory maximum.

OEDIT is currently working with VF Corporation to establish that the requirement to make a Strategic Capital Investment of \$100 million has been met. When OEDIT has this documentation, it will be brought to the EDC for confirmation.

Project 5000 (Evraz) needs to complete an engineering study before they can make a determination as to whether to commit to their project. Their goal is to finish this engineering study by December of 2019, then present the study to their board for the "Go/No Go" decision, which is expected in. On Aug 22, Ken talked to Evraz. They confirmed that they expect to be able to announce the go/no-go decision in early 2020.

EDC Budget

Gould provided a budget update which a balance of \$5,889,304 in remaining funds for future projects.

Next EDC Meeting

December 19, 2019.

Kraft thanked Brown for hosting and welcoming the Commission to Fremont County and for organizing the tours and events.

With all items discussed, the meeting was adjourned.