



## Colorado Opioid Abatement Council (COAC)

### Meeting #22

May 14<sup>th</sup>, 2025  
10:00am – 12:00pm

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**Appointees:** Aaron Miltenberger, David Frank, KC Hume, Nancy Rodgers, Racquel Garcia, Terry Hofmeister, Terrence Gordon, Miles Lucero, Brandi Freeman, Andy Kerr, Josh Blum

**DOL Staff:** Jamie Feld, Jack Patterson, Natalie Sandoval, Christian Dykson, Mindy Baumgardner

**Guests:** Jose Esquibel, Cathy Hoover, Shawn Parker, Bill Fritz

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#### Welcome and Introductions

Attorney General Phil Weiser and ORU staff welcomed members and initiated introductions, welcoming new COAC members Dr. Brandi Freeman and Pueblo County Commissioner Miles Lucero.

Following introductions, ORU staff presented the minutes from the April 2025 and September 2024 COAC meetings for review and approval.

*Dave Frank moved to approve both sets of minutes as presented*

*Aaron Miltenberger seconded*

*Unanimously approved*

#### Infrastructure Share Awards - Round 3

ORU staff presented a comprehensive overview of the Round 3 Infrastructure Share evaluations. The team explained the evaluation process in detail, including the scoring rubric, selection criteria, and areas of emphasis such as community need, sustainability, and programmatic impact. Applications that demonstrated strong regional collaboration, innovative service models, or commitments to equity were noted as especially compelling.

Council members discussed the proposed award recommendations, raising questions about geographic distribution, applicant readiness, and how proposed activities aligned with abatement goals. ORU staff responded with thorough explanations of scoring rationales and evaluation methodologies, emphasizing consistency, fairness, and responsiveness to council guidance.

Following the discussion, the council voted to approve the funding recommendations individually.

*Dave Frank moved to approve application 1012 for Southeast Colorado Opioid Response Region 19*

*KC Hume seconded*

*Unanimously approved with Miles Lucero abstaining*

Dave Frank noted that Colorado Charter School Institute's application's intent to provide peer support and peer recovery for adolescents and teens was particularly innovative and a great use of funds, and that the proposal demonstrated significant community support.

Racquel Garcia agreed that recovery high schools are a great use of funding and are desperately needed across the state, noting the success that has come from 5280 High School in Denver. Racquel also noted that there's a deficit of recovery support services when it comes to substance use for adolescents, and this approach creates a lifestyle of recovery.

*Dave Frank moved to approve application 1041 for Colorado Charter School Institute*

*Raquel Garcia seconded*

*Unanimously approved*

ORU Staff shared that Attorney General Phil Weiser wanted to recognize that some underserved parts of the State may have challenges in assembling a strong application and continue to need funding and that the COAC should consider how to reinforce the component of serving rural and underserved populations.

*Dave Frank moved to approve application 1034 for Boulder County Regional Opioid Council*

*KC Hume seconded*

*Unanimously approved with Nancy Rodgers abstaining*

*Terry Hofmeister moved to approve application 1043 for Colorado School of Public Health Center for Health, Work, and Environment*

*KC Hume seconded*

*Unanimously approved with Brandi Freeman abstaining*

*Dave Frank moved to approve application 1011 for Gateway to the Rockies Opioid Council*

*Josh Blum seconded*

*Unanimously approved with Andy Kerr abstaining*

*Josh Blum moved to approve application 1011 for Gunnison County*

*Andy Kerr seconded*

*Unanimously approved with Dave Frank abstaining*

*Racquel Garcia moved to approve application 1007 for the Regents of the University of Colorado, DBA Addiction Research and Treatment Services (ARTS)*

*Dave Frank seconded*

*Unanimously approved with Brandi Freeman abstaining*

*Terrence Gordon moved to approve application 1009 for Southeast Colorado Opioid Response Region 19*

*Terry Hofmeister seconded*

*Unanimously approved with Miles Lucero abstaining*

*Dave Frank moved to approve application 1010 for Region 4 Opioid Abatement Council*

*KC Hume seconded*

*Unanimously approved with Terry Hofmeister and Josh Blum abstaining*

Racquel Garcia emphasized appreciation for Maggie and her team with High Rockies Harm Reduction and their work in their Region and that funds would support infrastructure for their work in Region 5, noting great responses from clients who have been helped in getting access to care.

*Terrence Gordon moved to approve application 1016 for Eagle County/Region 5 Opioid Abatement Council*

*Brandi Freeman seconded*

*Unanimously approved*

*Dave Frank moved to approve application 1021 for Region 18 Opioid Settlement Governance Council*

*Josh Blum seconded*

*Unanimously approved (Aaron Miltenberger was absent for the vote)*

Dave Frank shared that the Evaluation Committee viewed the application from Region 12 as a fantastic program and that the recommendation for partial funding was not based on any kind of lack of merit of the proposal. The partial funding was purely based on the remaining funds after evaluating all applications, and that the Committee thought it would be great to request that Region 12 fund the remainder of the proposal.

*Dave Frank moved to approve partial funding for application 1026 for Region 12 Opioid Abatement Council*

*Terry Hofmeister seconded*

*Unanimously approved with Racquel Garcia abstaining*

Josh Blum shared that the evaluation process was extremely difficult and that there were a lot of very worthy applications and balancing regions, regionalism, collaboration, the continuum of care, brick and mortar versus personnel, all played into the challenging evaluation. Josh thanked all submitters and the Evaluation Committee and staff for their work.

In total, the COAC voted to award \$5 million in funds to 12 entities. ORU staff shared that they will communicate the determination of the COAC to the applications and will work on facilitating the release of funds. The Attorney General's Office will also release a press release detailing the awards.

ORU staff asked COAC members to review the COAC's funding priorities for the Infrastructure Share ahead of the June COAC meeting while the process was still fresh in minds.

ORU staff noted that the award letters include language that requires any capital asset financed with opioid settlement funds to be used for Approved Purposes for a minimum of 7 years and requires annual status updates which addresses some of the concerns previously raised regarding funding of capital assets. If a capital asset is sold or otherwise no longer used for Approved Purposes within the 7-year window, the COAC may take remedial action as per the remedial action procedures. The COAC indicated support for the additional language regarding capital assets.

### **Expenditure Reporting Summary**

ORU staff delivered a summary of expenditure reports submitted by local and regional entities across the state. The summary highlighted key findings, including frequently funded abatement strategies, patterns in regional spending, and areas where jurisdictions requested additional support.

Ninety-three separate expenditure reports were submitted with a total of \$29.8 million in actual expenditures in calendar year 2024. Five expenditures out of 650 were identified as potentially outside the allowable uses set forth in Exhibit E. ORU staff noted that there may be some confusion from Regions and local governments around the allowability of expenditures for law enforcement as Exhibit A of the Colorado MOU includes an Approved Use for "Law enforcement expenditures relating to the opioid epidemic" which is not included in Exhibit E of the national settlements. For expenditures categorized as Outside Exhibit E, the COAC will refer discussion of further action to the COAC Review Committee. The COAC has previously discussed providing grace for the first two years due to the potential confusion. ORU staff noted that the COAC has different oversight authority for different shares of Opioid Settlement Funds, so there may need to be different approaches.

Cathy Hoover, Weld County Program Manager who supports Region 3, shared that Region 3 has had 100% turnover in staff and council leadership in the previous year which led to some confusion about what was an allowable expenditure, noting that some documents referred to Exhibit A of the Colorado MOU instead of the national settlements. Cathy shared that Region 3 has taken steps to ensure that future expenditures better align with the Approved Purposes in Exhibit E.

Council members engaged in discussion around the data's implications and asked about efforts to ensure consistency and accuracy in reporting. ORU staff shared that while most submissions met

expectations, there remained a need for targeted technical assistance and clarification on certain expenditure categories. They also acknowledged the varying capacity levels among reporting entities and described steps being taken to support them more effectively.

ORU staff emphasized the importance of transparency and requested approval from the Council to approve the publication of the Year 2 data. The Council indicated support for the publication of the data and ORU staff committed to designing a user-friendly dashboard to display the information.

*Dave Frank moved to approve the publication of Year 2 expenditure data*

*Nancy Rodgers seconded*

*Unanimously approved*

ORU staff shared that the dashboard would be updated within 24 hours with the Year 2 expenditures.

### **Supplantation Guide**

ORU staff shared that there is guidance document in development regarding supplantation to clarify expectations for the appropriate use of opioid settlement funds. They reiterated that settlement dollars are intended to supplement existing public funds—not replace or displace them—and emphasized that this distinction is critical to maintaining the integrity of the statewide abatement strategy.

The guidance aimed to help local governments and regional collaboratives understand how to avoid supplanting existing budgets or programs with abatement funding. ORU staff will continue to work with COAC Committees to develop the document and bring it back to the full COAC in June.

### **Conflict of Interest Policy**

Nancy Rodgers presented the updated Conflict of Interest policy for review.

Some of the changes to the policy include:

- Addition of language in executive summary to explain general intent of policy that members should not vote on funding decisions that impact their regions, governments, or organizations.
- Inclusion of “partner” in addition to “spouse” in definition of “family”
- Clarifying that family member’s interests is considered a financial interest of a COAC member
- Clarifying that policy is solely applicable to COAC members
- Requiring disclosures to be made to all other COAC members and the COAC administrator (i.e. the ORU)
- Removing requirement to leave room when there is a conflict of interest (members are still expected to recuse and not influence the discussion, but not required to leave the room). Since our meetings are virtual, it’s a bit tricky to leave and rejoin the meeting without disrupting the meeting.

These enhancements were designed to reinforce public trust and support consistent standards for council members involved in reviewing, recommending, or voting on funding matters.

Council members expressed support for the proposed changes, emphasizing that maintaining the highest ethical standards was essential to the credibility of the opioid abatement funding process. There were no objections or suggested revisions to the policy.

*Nancy Rodgers moved to approve the revised Conflict of Interest Policy as presented.*

*Aaron Miltenberger seconded.*

*Unanimously approved*

### **Local Government Allocation Policy**

Nancy Rodgers introduced the new proposed Local Government Allocation Policy.

This is a new Policy that provides guidance to the Colorado Opioid Abatement Council (COAC), Participating Local Governments (PLGs), and Regions regarding the steps that PLGs can take to manage their allocations of Opioid Funds from the Local Government Share (or LG Share) so as to be exempted from expenditure reporting requirements.

In short, this policy codifies a couple of different practices that the COAC and the ORU have taken to date to manage the distribution and oversight of the local government share. Local governments are given discretion to manage their funds as they see fit so long as funds are used for Approved Purposes and reported on accordingly.

The main components of this policy are:

- PLGs must communicate decisions to change to retain or redirect funds in writing by an annual deadline set by the COAC
- Clarifies that decisions to retain or redirect funds are forward-looking (i.e. local governments can not claim unexpended funds that have been previously directed to a region)
- Requires the COAC to notify Regions of changes of local government decisions in their region
- Requires local governments that adopt IGAs that change their default allocations must be submitted to the COAC Administrator (i.e. the ORU)
- Local governments can transfer funds to Regions or other local governments so long as the recipient accepts the reporting obligation
- Allows local governments to be exempted from expenditure reporting if they are no longer receiving Opioid Funds because they have either transferred all of their allocated Opioid Funds to their Region or to another PLG in their County Area, or because they reported a zero balance of Opioid Funds in their most recently submitted expenditure report.

Aaron Miltenberger added that this policy aligns with the COAC's intent to remove impediments to local control of opioid settlement funds.

*Nancy Rodgers introduced a motion to approve the updated Local Government Allocation Policy as presented.*

*KC Hume seconded*

*Unanimously approved*

### **Opioid Response Unit Updates**

ORU staff shared updates on their continued support for local and regional partners implementing opioid abatement strategies. They reported expanding technical assistance through office hours, individual consultations, and updated resources such as FAQs, guidance documents, and training tools.

They also noted improvements in coordination and data-sharing to ease administrative burdens and promote consistency. Council members expressed appreciation for the ORU's responsiveness and support, especially for jurisdictions with limited capacity.

ORU staff closed by reaffirming their commitment to accessible, equitable support and invited ongoing feedback to guide future assistance.

### **Public Comment**

José Esquibel shared that some national groups are monitoring states to ensure appropriate usage of funds, noting the issue of supplantation has drawn a lot of interest. José noted that with expected changes in budgets due to constraints at both the federal and state level that there will be more pressure on the opioid settlement funds. José asked if there has been any action related to interest earned on opioid settlement funds.

ORU staff responded that the COAC has determined that earned interest is considered opioid settlement funds and must be used for Approved Purposes, and that a memo would be going out to all Regions and local governments soon to provide guidance.

### **Adjourn**