



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

Regular Meeting Agenda

Thursday, 07 February 2019

1:30 - 4 pm

SWCCOG Offices

295 Girard Street, Durango, CO 81302

- I. Introductions
- II. Consent Agenda
 - a. December 2018 SWCCOG Meeting Minutes
 - b. December 2018 Financials
- III. Reports (Staff will be available for questions on the written reports)
 - a. Director's Report
 - b. Broadband Report
 - c. Legislative Report
 - d. Transportation Report
 - e. VISTA Report
- IV. Discussion Items
 - a. Consideration of Board Code of Ethics Policies
- V. Decision Items
 - a. Appointment of 2019 COG Treasurer
 - b. Auditor Engagement Letter
 - c. FCC Rulemaking: Cable Franchise Fees Letter to Federal Delegation
 - d. Letter of Support: HR530 Repeal FCC 5G Rulemaking
 - e. Letter of Opposition: HB19-1086 Plumbing Inspections
 - f. REDI Grant Application
 - g. RREO Grant Application
 - h. Robert Wood Johnson Foundation Grant Application
 - i. REDI Grant Broadband Funding
- VI. Community Updates (if time permits)

PO Box 963, Durango, CO 81301

970.779.4592

www.swccog.org

2019-02-05

Consent Agenda

**Southwest Colorado Council of Governments
December Board Meeting
Thursday, 6 December, 1:30pm
1101 E. 2nd Ave., La Plata County Training Room, Durango, CO 81301**

In Attendance:

Chris La May – Town of Bayfield
Ron LeBlanc – City of Durango
Gwen Lachelt – La Plata County
Joanne Spina – La Plata County
Karen Sheek – City of Cortez
John Dougherty – City of Cortez
Michael Whiting – Archuleta County
Steve Garchar – Dolores County
Andrea Phillips – Town of Pagosa Springs

Staff in Attendance:

Miriam Gillow-Wiles – Southwest Colorado Council of Governments
Sara Trujillo – Southwest Colorado Council of Governments
Jessica Laitsch – Southwest Colorado Council of Governments
Martina Pansze – Southwest Colorado Council of Governments

Guests in Attendance:

Mindy Nelson

I. Introductions

The meeting was called to order at 1:34 pm, everyone introduced themselves.

II. Consent Agenda

October 2018 SWCCOG Meeting Minutes

October 2018 Financials

Gwen Lachelt motioned to approve the consent agenda, Karen Sheek seconded, unanimously approved.

Reports

Director's Report:

Miriam reported that COG staff have officially moved out of the Carnegie Building and will work remotely until able to move into the new office space in Bodo Park in January 2019.

Miriam said the initial contractor for the Region 9-SWCCOG Facilitation Project, Place Dynamics, was terminated due to lack of communication and work product. In an attempt to settle as the grant funding will only run through June 2019, staff offered \$8,276.08 for work provided and some travel costs. This offer was sent October 22 with no response. Legal recommended sending a check with language printed on the back stating that by cashing the check full payment is accepted in accordance with the contract. Miriam is assuming the check will be cashed.

Miriam reported that staff submitted an application for a Housing as Health in Southwest Colorado project in partnership with Housing Solutions for the Southwest, Region 9 Economic Development District, and Axis Health System with the aim to establish systems to directly increase affordable housing stock in southwest Colorado.

Miriam stated that she was approached by New Mexico's San Juan County and City of Farmington interested in becoming members of the SWCCOG. Although currently members of the NW New Mexico COG located in Gallup, they feel their economies and goals are more in alignment with the SWCCOG. The board discussed what an IGA might look like and how dues could be calculated. Initially, the board suggested inviting those interested NM jurisdictions to a meeting with the COG board so all can better understand the wants and needs. Miriam will arrange a date and meeting space.

Miriam said she will be taking PTO at the end of December.

Broadband Report:

Miriam reported that on September 25, 2018 the FCC released new rules that, if adopted, would likely have a significant impact on cable franchise fees, PEG channels and other common cable-related obligations in cable franchise agreements. The proposed rules also would preempt local regulations of non-cable services provided by certain incumbent cable operators, potentially creating disparities between cable operators and non-cable operators in the applicability of these regulations.

Transportation Report:

Jessica reported that the SWTPR met earlier that morning. CDOT provided some updates. The 4-Corners Transportation Plan is wrapping up; the consultant team will have a draft plan soon that will be rolled out to stakeholders early 2019.

VISTA Report:

Martina said she has been researching potential grants and writing an article on broadband in Cortez.

III. Discussion Items

Strategic Planning:

Chris said there had been discussion about using remaining DoLA 8573 funding for long-term strategic planning. Miriam said she talked to Patrick, DoLA Regional Manager, who said he would support this idea. Chris asked what remaining funds are in grant. Miriam said this depends if Place Dynamics cashes the check staff will send. Andrea asked if the agreement had already been terminated. Miriam confirmed, yes, in August. Sara said there is approximately \$30,000 left in grant funds.

Andrea Phillips motioned to move this item from discussion to decision, Karen Sheek seconded, unanimously approved.

IV. Decision Items

Executive Committee Meeting Minutes from November 15, 2018:

Karen Sheek motioned to approve the Executive Committee meeting minutes from November 15, 2018, Chris La May seconded, unanimously approved.

Adoption of 2019 Budget:

Chris said the 2019 budget includes the assumption that FCC funding will be awarded. The exact amount is not certain. Miriam said the budget also includes the assumption that a DoLA grant will be awarded to help support the FCC project. Andrea asked if member dues would be increasing with some members not participating in 2019. Miriam said no. Dues for Durango, Mancos, and Silverton were left out of the budget although Mancos and Silverton have not confirmed non-participation in 2019 as of yet. Miriam said reduction in 2019 expenditures

include reduction in salary as Sara will be decreasing in hours from 40 to 32, reduction in COG retirement match from 5% to 4%, and reduction in cell phone allowance from \$65 to \$50 per month until a VOIP system can be obtained. However, the rent expense will be increasing as a new space had to be acquired. There was no other discussion; Chris closed the regular meeting and opened the public hearing for the 2019 budget. Hearing no comments, Chris closed the public hearing and returned to the regular COG session.

Michael Whiting motioned to approve the 2019 budget, Andrea Phillips seconded, unanimously approved.

Final 2019 Executive Committee Selection:

Chris said he spoke with the nominating committee and current Executive Committee; it was agreed that to create continuity, the Treasurer, Karen Sheek, would move into the Chair position and Gwen Lachelt would stay in the her current Vice Chair position for 2019. Chris asked Steve Garchar if he would be willing to accept the role of 2019 Treasurer. Steve requested further discussion post meeting.

Andrea Phillips motioned to approve Karen Sheek as the 2019 Board Chair and reappoint Gwen Lachelt as the 2019 Vice Chair, Michael Whiting seconded, unanimously approved.

Approval of 2019 Meeting Schedule:

Chris said the 2019 meeting schedule includes two combination meeting dates suggesting June 20 and October 24 for those meetings. The 2019 meeting dates will be:

Thursday, January 3

Thursday, February 7

Thursday, March 7

Thursday, April 4

Thursday, May 2

Thursday, June 20

Thursday, August 1

Thursday, September 5

Thursday, October 24

Thursday, December 5

Gwen Lachelt motioned to approve the 2019 meeting schedule with June 20 and October 24 as the combination meeting dates, Andrea Phillips seconded, unanimously approved.

2019 Agenda Posting Location(s):

Chris said with the COG office relocating, the board needs to reestablish the agenda posting location. He recommended moving the posting location to 295 Girard St., Durango. Miriam said the Transit and TPR posting location would be the same.

Andrea Phillips motioned to approve moving the agenda posting location to the new office location at 295 Girard St., Gwen Lachelt seconded, unanimously approved.

Animas Crossing Project Letter of Support:

Chris said this is the same letter of support the TPR approved. Andrea asked if there is a local match request. Jessica said no, just support.

Gwen Lachelt motioned to approve the Animas Crossing Project Letter of Support, Andrea Phillips seconded, unanimously approved.

Aggregation of Services Pricing Schedule Update:

Miriam said at the June board meeting the board approved a contract for services so staff has been working on a pricing schedule with ForeThought. The board discussed the fiber project,

fiber routes, SCANS fiber, and reviewed the pricing schedule included in the board packet. Andrea asked when this would take effect. Miriam said January 1 quarterly billing will start. **Andrea Phillips motioned to approve pricing schedule 1 to include pricing for COG as presented and merge the other 2 columns into 1 non-COG member pricing column at \$2.63, Gwen Lachelt seconded, unanimously approved.**

2019 SWCCOG Rental Lease:

Miriam said the new office space provides approximately 300 square feet of office space (2 offices), a kitchen, and 2 conference spaces for \$700/month. Legal has reviewed the lease agreement. Chris asked if staff would need furniture. Miriam said no, all current furniture is owned by the COG. The board thanked Durango for the Carnegie space provided for the last 5 years.

Andrea Phillips motioned to approve the 2019 SWCCOG Rental Lease, Steve Garchar seconded, unanimously approved.

Strategic Planning:

Chris reminded the board that this item was moved from discussion to decision and involves changing the scope of DoLA Grant 8573 from the Region 9 – SWCCOG Facilitation to long-term strategic planning with a final check being sent to Place Dynamics.

Andrea Phillips motioned to direct staff to send a check to Place Dynamics to settle a final payment in the amount of \$8,276.08 and to direct staff to write a letter to DoLA requesting to use the remaining grant funds for long-term strategic planning, Karen Sheek seconded, unanimously approved.

Executive Session:

Andrea Phillips motioned to move into Executive Session at 2:47 p.m., Gwen Lachelt seconded, unanimously approved.

The Executive Session was concluded and the board returned to the regular board meeting at 3:19pm.

V. Community Updates

Andrea Phillips, Town of Pagosa Springs:

- Pagosa is closing year-end projects.

Gwen Lachelt, La Plata County:

- The budget will be adopted on Tuesday next week.
- The county is in the process of developing a new land use code.
- The county is looking forward to legislative session and hoping for bills that will address issues with the Gallagher Amendment that is hurting their revenue stream.
- Joanne Spina will be retiring January 2, 2019; the county will begin recruitment to hire a new county manager with the application closing February 8, 2019.

Ron LaBlanc, City of Durango:

- The city adopted the budgeted and is looking for a police chief.

Michael Whiting, Archuleta County:

- The county is looking for a county administrator.
- Being Michael's last meeting he thanked the COG and is grateful for the working relationships and friendships developed.
- Votes were passed on 12/12/2018 for a \$35 million budget that will include \$10 million for a jail facility.

Steve Garchar, Dolores County:

- The county will pass the budget on 12/17/2018. The budget will be used to upgrade their transfer station as they have no landfill. There will also be an initiative to offer recycling.
- Through a Farm Bill, the county will receive 3 acres of land from the Forest Service to build a fire station.

Karen Sheek, City of Cortez:

- The city will approve the budget on Tuesday.
- The annual parade of lights was on Saturday.

Chris La May, Town of Bayfield:

- The town adopted the budget.
- A 10% increase in water and sewer rates is coming.

Adjourned at 3:34 p.m.

December 2018 Financials

To: SWCCOG Board of Directors
From: Sara Trujillo
Date: 7 February 2019

Comments: The following attachments include:

- Balance Sheet as of December 31, 2018
- January 1- December 31, 2018 Profit & Loss

Items to Note:

Balance Sheet: The prepaid expense is for the Zoom software as the contract goes to 2020.

Large amount in accounts receivables. I hope payments will come in soon.

P&L vs Budget: Information Technology is high as this includes the Zoom prepaid expense.

The 2018 budget amendment was slated to be presented at the February board meeting; however, there are 2 large items in the 2018 budget that I have not received enough information on just yet to confirm the QuickBooks entries. After speaking with the Executive Committee and auditors, I will present the 2018 final budget amendment just prior to the audit presentation at the June board meeting same as we did in 2018 for the 2017 budget amendment. This will not put the COG in non-compliance with the state because the state does not recognize our organization or track our budget.

Fiscal Impact: High, Budget changes throughout the year

Staff Recommendation: Approve the December 2018 Financials allowing staff to move forward with the 2018 budget.

Legal Review: Not Applicable

Southwest Colorado Council of Governments

Balance Sheet

02/04/19

As of December 31, 2018

Accrual Basis

	Dec 31, 18
ASSETS	
Current Assets	
Checking/Savings	
Alpine Bank	
Alpine Bank Account (UR)	9,132.92
Total Alpine Bank	9,132.92
Petty Cash	
AmeriCorps VISTA	224.49
Petty Cash - Other	22.97
Total Petty Cash	247.46
Total Checking/Savings	9,380.38
Accounts Receivable	
Accounts Receivable	39,262.51
Total Accounts Receivable	39,262.51
Other Current Assets	
Prepaid Expense	5,997.00
Total Other Current Assets	5,997.00
Total Current Assets	54,639.89
TOTAL ASSETS	54,639.89
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	3,916.56
Total Accounts Payable	3,916.56
Credit Cards	
Credit Cards	
Miriam	553.78
Sara	175.92
Total Credit Cards	729.70
Total Credit Cards	729.70
Other Current Liabilities	
Accrued Wages	6,689.00
Payroll Liabilities	
CEBT Health Insurance Due	135.00
Total Payroll Liabilities	135.00
Total Other Current Liabilities	6,824.00
Total Current Liabilities	11,470.26
Total Liabilities	11,470.26
Equity	
Retained Earnings	67,835.72
Net Income	-24,666.09
Total Equity	43,169.63
TOTAL LIABILITIES & EQUITY	54,639.89

Southwest Colorado Council of Governments

Profit & Loss

02/04/19

January through December 2018

Accrual Basis

	Jan - Dec 18
Ordinary Income/Expense	
Income	
All Hazards	
2015 SHSP	516.60
2016 SHSP	13,940.82
2017 SHSP	77,173.24
Total All Hazards	91,630.66
CDOT Grants	
SWTPR Grant	21,389.62
Transit 5304	39,981.00
Total CDOT Grants	61,370.62
DoLA Grants	
DoLA 8330	29,768.49
DoLA 8573	12,107.44
Total DoLA Grants	41,875.93
Dues Revenue	
COG Dues	150,970.00
SWTPR Contributions	6,842.00
Total Dues Revenue	157,812.00
Forethought	2,460.00
Grant Match	
COG Member Match	14,923.00
Non-COG Member Match	8,000.00
Total Grant Match	22,923.00
Misc. Income	9,498.80
RHA	10,000.00
SCAN Services	
Dark Fiber Leasing	33,822.00
Internet & Transport	8,280.00
Total SCAN Services	42,102.00
SWIMT	30,089.95
Total Income	469,762.96
Gross Profit	469,762.96
Expense	
Advertising and Promotion	3,201.84
All Hazards Projects	
All Hazards 2015 SHSP	
Grant 2015 Project 2	485.45
Grant 2015 Project 5	31.98
Total All Hazards 2015 SHSP	517.43
All Hazards 2016 SHSP	
Grant 2016 Project 1	6,677.92
Grant 2016 Project 6	3,865.00
Total All Hazards 2016 SHSP	10,542.92

Southwest Colorado Council of Governments

Profit & Loss

02/04/19

January through December 2018

Accrual Basis

	Jan - Dec 18
All Hazards 2017 SHSP	
Grant 2017 Project 1	3,748.36
Grant 2017 Project 2	14,060.00
Grant 2017 Project 3	9,408.70
Grant 2017 Project 5	42,519.49
Grant 2017 Project 6	7,851.25
	<hr/>
Total All Hazards 2017 SHSP	77,587.80
	<hr/>
Total All Hazards Projects	88,648.15
AmeriCorp VISTA	3,250.00
Bank Service Charge	158.16
Broadband Expenses	
SCAN Dark Fiber Lease	8,455.50
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Total Broadband Expenses	8,455.50
Conference Fee	1,550.40
Consulting	99,260.25
Employee/Board Appreciation	195.85
Forethought.	2,000.00
Information Technology (IT)	
Software	5,273.74
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Total Information Technology (IT)	5,273.74
Insurance Expense	
General Liability	3,644.75
Health	23,427.00
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Total Insurance Expense	27,071.75
Internet Connectivity	
Fast Track	10,800.00
Internet Connection (AT&T)	364.60
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Total Internet Connectivity	11,164.60
Meetings	815.85
Memberships	6,423.00
Misc. Expense	522.00
Office Equipment	1,536.73
Office Supplies	805.37
Postage and Delivery	57.87
Professional Fees	
Audit	5,900.00
Legal	11,381.56
Misc.	24.43
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Total Professional Fees	17,305.99
Rent	271.00
Salary and Wages	
457 Retirement	6,890.52
Car Allowance	3,000.00
Cell Phone Allowance	1,950.00
Payroll Processing Fee	1,639.92
Payroll Tax	11,714.22
Salary and Wages - Other	149,994.15
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Total Salary and Wages	175,188.81

Southwest Colorado Council of Governments

Profit & Loss

January through December 2018

	<u>Jan - Dec 18</u>
SWIMT 2017-2018	27,284.91
SWIMT 2018-2019	18.95
Travel	<u>13,968.33</u>
Total Expense	<u>494,429.05</u>
Net Ordinary Income	<u>-24,666.09</u>
Net Income	<u><u>-24,666.09</u></u>

Reports

Director Report

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 3 February 2019

Comments: December felt like a very short month with travel, holidays, and PTO, as a result, my report and the Broadband report will be rather short, conversely, January has felt quite long, with an office move in the snow, lots of action at the state Capitol, and illness.

SWCCOG Office Update

The SWCCOG office move is complete, and staff are settled in (except my office is still covered in a stacks, as it has been challenging trying to keep up with the legislation, meetings, emails, and putting my office together). Housing Solutions has been great and very accommodating to us, including us on decorating decisions even!

SWCCOG Strategic Planning

SWCCOG is working with DOLA to get funding in the 2018 Technical Assistance grant earmarked for the SWCCOG-Region 9 Collaboration project moved into strategic planning. I also met with Karen and Paul so we could discuss in more detail about needs/goals/and outcomes.

SWCCOG DOLA 2019 Technical Assistance Grant

The SWCCOG had requested \$91,000 from DOLA in October for the annual COG DOLA grant cycle. We were awarded \$50,000 for CDL program development and recycling, specifically hard to recycle items. Staff reviewed the contract, made some changes to the budget as DOLA had developed it in the grant, and are awaiting a contract.

Future Grants

As you'll see in the packet, there are several grants we are requesting approval for their applications. These include DOLA REDI for Economic Development in the region, CDPHE RREO for recycling of challenging materials such as tires, glass, electronics, household hazardous waste, and Robert Wood Johnson Foundation to look at the link between affordable housing, health, and climate change.

NARC Conference on Transportation

I'll be attending the conference in DC Feb 10-14th. We have been engaging in working on developing more federal funding for all varieties of transportation, as the FHWA is all but broke, and the revenue from gas tax has not kept up with the need for transportation funding. I will be meeting with various groups also engaged with transportation, the Senators, and ensuring that rural areas and communities are not forgotten.

Broadband Report

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 5 February 2019

Comments Staff will provide an oral update on Broadband funding, USAC Funding, and FCC rule making due to illness.

Pew Charitable Trust

My visit to the Pew Charitable Trust was overall good, and highly beneficial for the development of rural broadband. I was the sole representative of broadband development in rural areas in a room of USDA, Telecom Lobbyists, FCC, and other federal departments. Hopefully hearing from people who are in the literal and proverbial trenches will help federal policy makers.

DOLA Broadband Grant Overview

A verbal update will be provided for more information on DOLA funding.

Way back in January 2018 the Board Approved the SWCCOG to apply for up to \$1,000,000 from DOLA for broadband funding to help with the management and administration of the FCC Funding. We initially applied in April, but DOLA requested we wait until closer to the FCC announcement date and have a smaller request, with the understanding that there will be an additional request. The SWCCOG applied for \$500,000 at the December grant cycle. SWCCOG Staff and DOLA Staff are meeting in early January to start working through the process of the application, as broadband funding is treated slightly differently than other EIAF funding requests.

Broadband Report

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 31 December 2018

Comments There is currently no news on FCC funding, it is just a waiting game at this point, the FCC has no set date for funding notification, they get to make up the rules as they go. The FCC continues to create challenges for local governments to develop broadband and the technology on our terms. There is little news about the previously discussed rule making (see December 2018 Broadband Report), however, expect more information as we move into the new year. Additionally, there will likely be some state broadband legislation pertaining to easements in the 2019 Legislative session, staff will keep the Board updated on those happenings.

Pew Charitable Trust

My visit to the Pew Charitable Trust was overall good, and highly beneficial for the development of rural broadband. I was the sole representative of broadband development in rural areas in a room of USDA, Telecom Lobbyists, FCC, and other federal departments. Hopefully hearing from people who are in the literal and proverbial trenches will help federal policy makers.

DOLA Broadband Grant

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Legislative Update

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 1 February, 2019

Comments: Attached is a summary of bills that have been introduced in the Colorado General Assembly.

Bill Number	Subject	Bill Title	Sponsors	Comments	SWCCOG Position	Who else Supports/Oppose/Monitor	Status	Link
HB19-1037	Creation of Bonds backed by EIAF money for Closing Powerplants	Colorado Energy Impact Assistance Act	C. Hansen	Seems specific to NWCO, and not beneficial to state overall			February 4, House Energy and Environment	https://leg.colorado.gov/bills/hb19-1037
SB19-020	Concerning development of a system to patrol the airspace above wildland fires. Gallagher Amendment	Wildland Fire Airspace Patrol System	Coram, McLachlan, R Fields			Club20 - Support CML - Support Club 20 - Support	Senate Appropriations	https://leg.colorado.gov/bills/sb19-020
SB19-036	Program to remind criminal defendants to appear in court as scheduled	State Court Administrator Reminder Program	Lee, Cooke, Benevides, Carver	Reduce costs for jailing defendants in county facilities			February 6, Senate Judiciary	https://leg.colorado.gov/bills/sb19-036
SB19-027	Allow Counties to cremate unclaimed bodies	County Authority Unclaimed Body Final Disposition	Crowder, Valdez	Reduce costs for counties, as this is an unfunded mandate		CCI - Support	February 5, House Judiciary, Passed Senate	https://leg.colorado.gov/bills/sb19-027
SB19-051	Concerning the dedication of additional general fund money to fund transportation needs	Increase General Fund Funding For Transportation	Scott, Cooke	Increase transfers required by SB18-001 to the state highway fund and HUTF, multimodal fund transfer remains unchanged		Club 20 - Support CCI - Support CML - Support	Introduced	https://leg.colorado.gov/bills/sb19-051
SB19-012	Prohibiting the use of mobile electronic devices for drivers of all ages with the exception of while using hands-free accessory	Use Of Mobile Electronic Devices While Driving	Court, Melton	Substantially similar bill introduced and failed in 2018		CML - Support	Laid over, Senate Transportation & Energy	http://leg.colorado.gov/bills/sb19-012
HB19-1018	Concerning the elimination of a local government's authority to opt out of the "Unclaimed Property Act".	End Local Government Opt Out Of Unclaimed Property Act	Bockenfeld			CML - Oppose	February 5, House Transportation & Local Government	http://leg.colorado.gov/bills/hb19-1018
SB19-019	Concerning the power of a county to restrict the use of fireworks during the period between May 31 and July 5 of any year.	County Fireworks Restrictions July 4th	Fields, Gray	Appears to allow counties to have a fireworks ban ordinance in effect between the dates May 31-July 5 if specified by resolution		CCI - Support	February 5, Senate Local Government	http://leg.colorado.gov/bills/sb19-019

2019 SWCCOG Legislative Tracker

Bill Number	Subject	Bill Title	Sponsors	Comments	SWCCOG Position	Who else Supports/Oppose/Monitor	Status	Link
SB19-078	Disqualifying an internet service provider from receiving high cost support mechanism money or other finance broadband deployment if the provider engages in certain practices that interfere with the open internet	Open Internet Customer Protections In Colorado	Donovan, Hansen, Herod				February 11, Senate State, Veterans, & Military Affairs	http://leg.colorado.gov/bills/sb19-078
HB19-1096	Creates "Colorado Right to Rest Act", which establishes basic rights for people experiencing homelessness, including the right to rest in public spaces, to shelter themselves from the elements, to eat or accept food in any public space where food is not prohibited, and to occupy a legally parked vehicle	Colorado Right To Rest	Melton			CML - Oppose	February 27, House Transportation and Local Government	http://leg.colorado.gov/bills/hb19-1096
HB 19-1086	Requires plumbing inspectors employed by an incorporated town or city, county, or city and county to possess the same qualifications required of state plumbing inspectors.	Plumbing Inspections Ensure Compliance	Duran	Unfunded mandate	Oppose, Letter on 29 Jan	CML - Oppose CCI - Oppose	Laid over, House Business Affairs and Labor	http://leg.colorado.gov/bills/hb19-1086
SB19-107	Authorizes an electricity supplier to install and maintain above-ground broadband internet service infrastructure	Broadband Infrastructure Installation	Donovan			CCI - Support	Introduced	http://leg.colorado.gov/bills/sb19-107

2019 SWCCOG Legislative Tracker

Bill Number	Subject	Bill Title	Sponsors	Comments	SWCCOG Position	Who else Supports/Oppose/Monitor	Status	Link
HB19-1157	Modification of specific ownership tax rates, and requiring additional SOT revenue generated to be credited to the highway users tax fund and allocated to the state highway fund, counties, and municipalities in accordance with an existing statutory formula.	Modify Specific Ownership Tax Rates	Liston			CML - Oppose	February 13, House Transportation and Local Government	http://leg.colorado.gov/bills/hb19-1157
SB19-038	Exception for agricultural commodity vehicles at port of entry Concerning the publication of fiscal information by a county.	Agricultural Trailers Port Of Entry Clearance Publish County Financial Reports Online Annually	Sonnenberg, Pelton	Potential disease and contamination issues?			Postpone Indefinitely	https://leg.colorado.gov/bills/sb19-038
HB19-1057	Measures to mitigate wildfires: permitting county personnel to enter land owned by the federal or state government to remove wildfire fuel sources and appropriate money for the use of the forest restoration and wildfire risk mitigation grant program.	Wildfire Mitigation	Ron Pelton	From CCI: "Commissioners expressed concerns about the constitutionality of allowing counties to do fuels reduction projects on federal lands. These activities are governed by federal laws and regulations and many communities have developed partnership agreements with their federal land neighbors to collaborate on mitigation projects...will visit with the sponsor about removing the provision that grants counties authority to remove wildfire fuel materials on public lands."		CCI - Support	Postpone Indefinitely	https://leg.colorado.gov/bills/hb19-1057
SB19-037			Woodward			CCI - Support with amendments	Postpone Indefinitely	http://leg.colorado.gov/bills/sb19-037

Transportation Report

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 1 February, 2019

Comments: Transportation:

The last SWTPR meeting was held on 6 December, 2018. The topics included:

- A discussion regarding the US 550 intersection in Silverton
- An update on CDOT's central 70 project
- A presentation regarding the transportation planning process specific to project implementation

The next SWTPR meeting will be held at 9:00 a.m. Thursday, 7 February, 2019 at 295 Girard Street, Durango.

Transit:

5304 Four Corners Coordinated Transit Plan - The consultant team is finalizing the completed plan. The final recommendations will be presented in the first quarter of 2019.

NADO Technical Assistance Cortez/Durango fixed route bus – The consultant is finalizing the report and recommendations, including a proposed route schedule.

On 28 January, 2019 the Regional Transit Council hosted an informational transportation forum with providers in La Plata County. If other communities would like additional information or to hold a similar event, please contact Jessica. The last Regional Transit Council meeting was held on 18 January, 2019. The next Transit Council meeting will be held at 9:00 a.m. Friday, 15 March, 2019 at 295 Girard Street, Durango.

VISTA's Report

To: SWCCOG Board of Directors
From: Martina Pansze
Date: 28 January 2019

Comments: This month I've been working on a few different projects. Two weeks ago I began an online Resource Development course through AmeriCorps, which has proved to be informative in covering the basics of fundraising and grant writing. This month I also helped write the SIPA micro-grant for the Town of Silverton to update their website and have helped them to update and develop an app that is a guide for tourists and works with the chamber of commerce to give information about shopping, food, recreation, and lodging options.

Discussion Items

Board of Directors Policies

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 1 February, 2019

Comments: **Board of Directors Policies**

In 2013 the Board adopted policies related to personnel matters, these policies did not explicitly address issues specific to Board Members. The attached draft policies pertain specifically to Board Members regarding such matters as standards of conduct, conflicts of interest, nepotism, and SWCCOG related travel. These policies were drafted in part based upon similar policies used by other regional organizations.

Legal Review: N/A

Fiscal Impact: None

Staff Recommendation: Review and provide feedback for approval at March 2019 Board Meeting

SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

BOARD OF DIRECTORS' POLICIES

SWCCOG Board of Directors

The SWCCOG Board of Directors is the ultimate policy making authority for the SWCCOG and has the prime responsibility, at will, for changing these Policies with or without notice.

These Policies are in addition to, and shall not be construed to operate in contravention of any provision policies outlined in the Second Amended Bylaws of the Southwest Colorado Council of Governments. Any provision herein determined to be contrary to or in violation of said bylaws shall be null, void, and of no effect.

STANDARDS OF CONDUCT

General

The conduct of a member of the SWCCOG Board of Directors shall be in the public interest—not in the individual's best interest. Board members should demonstrate the highest standards of personal integrity, truthfulness, honesty, and responsibility in the performance of their duties, assignments and tasks in order to inspire public confidence and trust in the SWCCOG and local government. Board members should seek to improve the quality of regional services. High standards of conduct are essential to good governmental services and are expected of Board members, who each hold positions of public trust and should approach their work with dedication and strive to understand and promote the purpose, role and responsibilities of the SWCCOG.

While respecting fully the laws and regulations relating to the public's right to know and public access to matters of public policy, public business and public record, Board members should respect and protect privileged information to which, in the course of their official duties, they may have access or be exposed to; and Board members should not use privileged information acquired in the course of their official duties to further their personal interests.

Board members should not engage in a manner that willfully obstructs or hinders another member from participating. Personal problems between Board members shall not be pursued at SWCCOG meetings or events.

CONFLICTS OF INTEREST

Board members should avoid any interest or activity which is in conflict with the conduct of official duties and should avoid the appearance of conflict of interest, seeking or accepting no favor,

personal benefit or profit, individually or for family members or friends, secured by privileged information or by misuse of position, public time or public resources.

Board members should not directly or indirectly solicit or accept or receive any payments or gifts of material value-whether it be in the form of objects, money, services, loans, travel, entertainment, hospitality, or favors-that may be intended, perceived, inferred, expected or construed to influence them in the performance of their official duties or reward any official action on their part.

Board members should not engage in, solicit, negotiate for or promise to accept private employment nor should they render services for private interests or conduct a private business, when such employment, service, or business creates a conflict with, impairs or detracts from the proper and faithful discharge of their duties or has the potential for a conflict with their duties or responsibilities.

Board members should never conduct themselves in a manner that gives the impression that they can be improperly influenced in the performance of their professional duties and responsibilities; and Board members in the proper and faithful exercise of those duties and responsibilities should maintain complete impartiality, giving no preferential treatment and showing no favoritism in any manner in conduct of work, performance of services, actions, or attitude.

Board members should refrain from the personal use of any SWCCOG property, equipment or personnel unless such use has been specifically authorized by the governing body.

NEPOTISM

No Board member should advocate the employment of a family member to a position of employment affiliated with the SWCCOG. Should an applicant turn out to be a family member of a Board member, that member should immediately notify the Board of the relationship and refrain from any influence in the personnel process.

Disclosure Policy

Board members and members of their *immediate families* should not be excluded from participation in the programs/services offered by the SWCCOG. However, their intent to apply and/or participate in any agency program should be disclosed. SWCCOG Board members who are approached by employee(s) or board/committee member(s) regarding programs/services for themselves or their family member(s) should disclose this request.

The term "immediate family" is here defined as wife, husband, son, daughter, grandchildren, mother, father, brother, sister, (includes half-brother or sister), brother/sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent and step-child.

Thus, the following disclosure procedures will be applied:

Before proceeding with an application or request, the Board member should report, in writing, the intent to make or process an application to the Board.

Any Board member or member of their immediate family (as described above) that will benefit financially from a project recommended and/or developed by the SWCCOG shall be subject to this disclosure policy.

VIOLATIONS

The Code of Ethics committee of the SWCCOG shall serve as the administrator of the Code of Ethical Conduct. This body should be the custodian of all records regarding this Code of Ethics and may hold hearings and take appropriate action on issues that come before it.

TRAVEL POLICY AND PROCEDURES

Members of the SWCCOG Board of Directors will be eligible to receive reimbursement for travel at the direction and for the purpose of representing the interests of the SWCCOG. Board members will be eligible for reimbursement only if they have participated in at least two-thirds of the Board meetings for the previous 12 months or two-thirds of the meetings since the effective date of their appointment to the Board, if they have been members of the Board less than one year. Exceptions to this policy may be granted upon approval of the majority of Board members when determined to be in the best interest of the SWCCOG. Transportation to and from the destination may be arranged through the SWCCOG by the most efficient and economical means available.

General

A. Applicability

These Policies and Procedures apply to members of the Board of Directors who travel on behalf of the SWCCOG.

B. Responsibility

It is the responsibility of both the traveler and the Executive Director to ensure compliance with the SWCCOG's travel policies and procedures.

Policy

A. Travel on SWCCOG Business

It is the responsibility of both the traveler and the Executive Director to ensure that all travel charged to the SWCCOG, regardless of the source of funds, is necessary and accomplished for the benefit of the SWCCOG and that such travel is accomplished at the most economical and reasonable cost. All travel must have prior approval by the Board of Directors for payment or reimbursement of travel costs.

B. Transportation

The most economical available transportation will be used to satisfactorily accomplish the purpose(s) of the trip.

1. Vehicle Transportation

Whenever possible only one vehicle will be used when more than one person is traveling to the same location.

2. A SWCCOG owned vehicle, if available, will be used for all authorized regional travel unless circumstances and conditions make the use of other types of transportation more advantageous to the SWCCOG. Receipt for gas purchases should be saved and given to the Finance Office upon the completion of travel.
3. The U.S. General Services Administration lists two rates for the use of privately-owned vehicles; a higher rate when a government owned vehicle is not available, and a lower rate when a government owned vehicle is available and the employee elects to use their privately owned vehicle. The SWCCOG will reimburse mileage by utilizing this criterion.
4. Rental or lease cars may be utilized when authorized. Every effort should be made to rent from those agencies offering discounts for governmental employees.

C. Lodging and Meal Allowances

Rates will be based on the current year's rates set by the U.S. General Services Administration. To view the current rates for meals and lodging go to www.gsa.gov.

1. Special Circumstances

When, in the judgment of the approving authority, the above restrictions provide an undue hardship on the employee, extra compensation may be provided, with approval of the SWCCOG Director.

2. Reimbursement Exclusions

When overnight accommodations are furnished at no cost to the traveler, no reimbursement may be claimed for lodging. When meals are included in a conference or workshop registration fee, transportation fare, or are otherwise furnished at no additional cost to the traveler.

D. Other Travel Expenses

In addition to the expenses referred to above, the following actual necessary and reasonable costs incurred in approved travel may be claimed on the Travel Expense Request for reimbursement:

- Registration fees (receipt required)
- Official telephone calls (receipt required)

- Commercial transportation costs actually paid by traveler (may include reasonable tip for taxi, not to exceed 15%). Receipt required if over \$20.00 for each individual ride in commercial vehicle.
- Parking fees (receipt required if over \$10.00)
- Rental car costs (receipt required)
- Road toll charges
- Baggage handling

The following expenditures by the traveler are NOT AUTHORIZED for reimbursement:

- Entertainment expense
- Personal expense, such as laundry, valet services, etc.
- Cost of travel insurance
- Cost of alcoholic beverages

Document Control

Issue Control			
Issue	Original	Date	
Classification	Policy	Author	Miriam Gillow-Wiles
Document Title	Board of Director's Policies		
Approved by	SWCCOG Board of Directors		
Released by	SWCCOG		

Owner Details	
Name/Title	SWCCOG
Contact Number	970 779 4592
E-mail Address	director@swccog.org

Revision History			
Issue/Section	Date	Author	Comments
New policy issue	1/3/2019	MGW	New policy issue presented to SWCCOG Board.

Decision Items

2019 Treasurer Selection

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 1 February, 2019

Comments: In December, the Board selected Karen Sheek as Chair and Gwen Lachelt as Vice Chair for 2019. The decision on the Treasurer/Secretary position was tabled to the January meeting.

Historically, the Chair position cycles off, and the Board moves the existing Executive Committee members into the ascending positions and select another Treasurer/Secretary. However, there is no requirement to do so in the bylaws. Additionally, the Board tries to maintain regional representation in the Executive Committee.

Legal Review: Not Applicable.

Fiscal Impact: Not Applicable.

Staff Recommendation: Select the 2019 Treasurer/Secretary.

Auditor Engagement Letter

To: SWCCOG Board of Directors
From: Sara Trujillo
Date: 3 January 2019

Comments: Attached is the auditor engagement letter for the 2018 audit from Haynie and Company.

Legal Review: Not Applicable at this time

Fiscal Impact: Audit fee in budget.

Staff Recommendation: Approve the auditor engagement letter from Haynie and Company with signature authority to the Executive Director.



**Haynie &
Company**

Certified Public Accountants (a professional corporation)

1221 West Mineral Ave, Ste. 202 Littleton, Colorado 80120-4544 (303) 734-4800 Fax (303) 795-3356

December 5, 2018

Southwest Colorado Council of Governments

Attn: Miriam Gillow-Wiles

P.O. Box 963

Durango, Colorado 81302

To the Board of Directors:

We are pleased to confirm our understanding of the services we are to provide for Southwest Colorado Council of Governments (the Council) for the year ended December 31, 2018.

We will audit the financial statements of the governmental activities and the major funds, including the related notes to the financial statements, which collectively comprise the basic financial statements of Southwest Colorado Council of Governments as of and for the year ended December 31, 2018.

Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A) and the Statement of Revenue, Expenditures and Changes in Fund Balance—Actual and Budget—General Fund, to supplement the Council's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Council's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) General Fund—Schedule of Revenues, Expenditures and Changes in Fund Balance Budget to Actual
- 2) Management's Discussion and Analysis.



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We will also prepare the Council's financial statements and footnotes for the year ended December 31, 2018.

Audit Objective

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the sixth paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the Council's financial statements. Our report will be addressed to the Board of Directors of Southwest Colorado Council of Governments. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or withdraw from this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS. In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Council's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Our audit will be in conformity with the Colorado Local Government Audit Law (C.R.S. 29-1-601, et seq.). The scope of the audit will include the books and records of all the funds of the Council. Colorado law requires the following illegal alien provisions:

We certify that we will comply with the provisions of CRS 8-17.5-101 et seq. We shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to Haynie & Company, that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. We represent, warrant, and agree that we (i) have verified that we do not employ any illegal aliens, through participation in the E-Verify Program administered by the Social Security Administration and the Department of Homeland Security, or (ii) otherwise will comply with the requirements of CRS 8-17.5-102(2)(b)(I). We will comply with all reasonable requests made in the course of an investigation by the Colorado Department of Labor and Employment. If Haynie & Company fails to comply with any requirement of this provision or CRS 8-17.5-101, et seq., the the Council may terminate this contract for breach of contract, and Haynie & Company shall be liable for actual and consequential damages to the Council and the Council shall report such violation to the Colorado Secretary of State, as required by law.

If Haynie & Company obtains actual knowledge that a subcontractor performing work under this contract knowingly employs or contracts with an illegal alien, we will:

- a. Notify the subcontractor and the Council within three days that we have actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
- b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to sub-paragraph (a) above, the subcontractor does not stop employing or contracting with the illegal alien, unless the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Other Services

We will also prepare the financial statements of Southwest Colorado Council of Governments in conformity with U.S. generally accepted accounting principles based on information provided by you. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them. You will be required to acknowledge in the management representation letter the financial statement services provided and our assistance with preparation of the financial statements, supplementary information, and related notes, and that you have reviewed and approved the financial statements, supplementary information, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.


The audit documentation for this engagement is the property of Haynie & Company and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the State of Colorado or its designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Haynie & Company personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the State of Colorado or its designee. The State of Colorado or its designee may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

Our fee will not exceed \$6,100 and includes expenses. You will be billed at our standard rates based on the number of hours worked. Our fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses and are payable upon presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and will not be resumed until your account is paid in full. Accounts in excess of 30 days will accrue finance charges at 1.5% per month. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

Nick Warnick is the engagement partner and is responsible for supervising the engagement and signing the report.

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,



Accepted and agreed to:
Southwest Colorado Council of Governments

Executive Director signature

Title

Date

H.R. 530 Letter of Support, Opposition to FCC Cable Proceeding

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 1 February, 2019

Comments: In August and September of 2018, the FCC issued two orders that preempt local control over the siting of wireless facilities in public rights-of-way and on other property within our communities. H.R. 530 would reject these actions through legislation.

In September of 2018 the FCC opened a proceeding proposing rules that threaten to eliminate the ability of Local Franchising Authorities (“LFAs”) to provide public, educational, and governmental (“PEG”) programming and negotiate for in-kind franchising requirements from cable operators which has been permitted since the passage of the Cable Act in 1984. The proposed rules would allow a cable operator to offset the cost of providing these PEG channels and other benefits against franchise fees, severely reducing or even outright eliminating the cable franchise fees received by a LFA.

The attached letter would be sent to Senators Bennet and Gardner and Representative Tipton urging them to support H.R. 530 and to oppose the Commission’s current cable proceeding.

Legal Review: Not applicable at this time

Fiscal Impact: None.

Staff Recommendation: Approve letters to Senator Bennet, Senator Gardner and Representative Tipton in support of H.R. 530 and opposition to the FCC’s current cable proceeding.



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

7 February, 2019

Senator/Congressman
United States Senate
ADDRESS
Washington, DC 20510
Phone: XXX-XXX-XXXX

RE: FCC Cable Franchise Proceeding

Dear XXX,

The Southwest Colorado Council of Governments (SWCCOG) is located in the southwest corner of the State of Colorado. The mission of the SWCCOG is to provide regional leadership on behalf of governments throughout Southwest Colorado by defining regional issues, advocating for mutual goals, and administering regional programs. The SWCCOG would like to express our serious concerns about the Federal Communications Commission (the "Commission") taking actions which jeopardize local governments and our citizens both in Colorado and across the United States. This letter is to urge you to oppose the Commission's current cable franchise fee proceeding.

In September of 2018 the Commission opened a proceeding in its cable docket which has proposed rules that threaten to eliminate the ability of Local Franchising Authorities ("LFAs") to provide public, educational, and governmental ("PEG") programming to our citizens and negotiate for in-kind franchising requirements from cable operators which has been permitted since the passage of the Cable Act in 1984. The proposed rules would allow a cable operator to offset the cost of providing these PEG channels and other benefits against franchise fees, severely reducing or even outright eliminating the cable franchise fees received by a LFA. Many local jurisdictions rely upon franchise fees revenues as part of their general fund budget, and these proposed rules could foreseeably lead to the elimination of PEG channels and PEG programming in favor of retaining franchise fees.

The Commission's proposed rules would allow an offset against franchise fees for in-kind requirements, such as providing broadband service to public schools, again creating the difficult choice of damaging local revenues or taking these services away from our schools. These cable franchise benefits are provided to LFAs and our citizens in consideration for the cable operator's use of the public rights-of-way. The proposed rules are another example of this Commission undermining the principle of local control over public rights-of-way held in trust for our citizens.

The role of PEG in our communities is a vital one. PEG channels show local government meetings, fostering civic engagement and government transparency. They provide news and content of local concern, in a time when media consolidation is threatening the ability of people to access local news more than ever.

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www.swccog.org

970-779-4592

PO Box 963, Durango, CO 81301

2019-02-05

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And it provides a way for communities to deliver educational programming, on issues that matter to their residents. The importance of PEG channels is demonstrated by their unique position in southwest Colorado. La Plata and Montezuma Counties are considered “orphan” counties, located in a market area not covered by Colorado television stations. Accordingly, local PEG channels are vitally important, as demonstrated during the 416 Fire in the summer of 2018. The City of Durango’s PEG channel aired constant information to the public both during and after the fire, providing critical safety updates not covered by news from New Mexico.

The Commission’s proposals are an unprecedented reworking of a system that has been place since the advent of cable technology, and have been opposed by local governments and citizens across the nation as shown by the multitude of filings made in the proceeding last fall. However, this Commission has demonstrated that it has no issue with promulgating rules that are contrary to the wishes of the majority of the citizens of this nation. Now, as the Commission considers its next steps in the proceeding, is a critical time to take action opposing these rules.

Congress has a vital role to play in exercising its oversight on these intrusions into areas of traditional local control by the Federal Communications Commission. The SWCCOG urges you to take action to support the local governments of Colorado regarding the FCC’s egregious disregard of local control regarding cable franchise fees.

Sincerely,

Karen Sheek, Chair
Southwest Colorado Council of Governments

cc: Colorado State Senator Don Coram
Colorado House District 58 Representative Marc Catlin
Colorado House District 59 Representative Barbara McLachlan
National Association of Development Organizations
National Association of Regional Councils
National Association of Telecommunications Officers and Advisors
Colorado Communications and Utility Alliance

H.R. 530 Letter of Support

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 1 February, 2019

Comments: In August and September of 2018, the FCC issued two orders that preempt local control over the siting of wireless facilities in public rights-of-way and on other property within our communities. H.R. 530 would repeal these actions through legislation.

The attached letter would be sent to Senators Bennet and Gardner and Representative Tipton urging them to support H.R. 530.

Legal Review: Not applicable at this time

Fiscal Impact: None.

Staff Recommendation: Approve letters to Senator Bennet, Senator Gardner and Representative Tipton in support of H.R. 530



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

7 February, 2019

Senator/Congressman
United States Senate

Washington, DC 20510
Phone: XXX-XXX-XXXX

RE: Support for H.R. 530 – Accelerating Broadband Development by Empowering Local Communities Act of 2019

Dear Senator Bennet,

The Southwest Colorado Council of Governments (SWCCOG) is located in the southwest corner of the State of Colorado. The mission of the SWCCOG is to provide regional leadership on behalf of governments throughout Southwest Colorado by defining regional issues, advocating for mutual goals, and administering regional programs. The SWCCOG would like to express our serious concerns about the Federal Communications Commission (the “Commission”) taking actions which jeopardize local governments and our citizens both in Colorado and across the United States. This letter is to urge you to support H.R. 530.

As you may be aware, in August and September of 2018, the Commission issued two orders that preempt local control over the siting of wireless facilities in public rights-of-way and on other property within our communities. As a result, our ability to protect the public health and safety has been compromised in the interest of publicly subsidizing private entities’ use of public property.

These orders are a blatant overreach of federal regulatory authority into an area of traditional local control. The orders exceed the authority that Congress has granted to the Commission by statute to regulate wireless communications because the Communications Act expressly recognizes that localities retain their police powers to regulate where and how these facilities are placed in their communities. Contrary to the Commission’s order, federal law allows local governments to recover a fair and reasonable fee for the use of public rights of way by private communications companies. State law restricts our ability to recover any more than the actual costs incurred by local governments, but the Commission order goes even further and purports to limit us to an amount that is less than the actual costs we incur as a result of deployment. Localities from all over the United States have joined in a judicial challenge of these orders, including many Colorado jurisdictions. Nevertheless, H.R. 530 would provide immediate relief without the cost and delay of a prolonged battle in the courts, by rejecting the Commission’s actions through legislation.

In our region, we know firsthand what the Commission's orders put at risk. The Commission has tried to characterize local governments as barriers to the deployment of 5G technology, but that couldn't be further from the truth. We recognize the vital role that broadband connectivity plays in the 21st century and are committed to ensuring that all of our residents are afforded the opportunities it provides. The Colorado General Assembly passed a law in 2017 addressing the deployment of small wireless facilities, and localities across the state have taken the time and incurred the expense to ensure that local codes and practices comply with our new state law. Now the Commission has imposed new rules, many of which conflict with our state statute, and local jurisdictions will likely be forced again to change their ordinances.

The hubris of the Commission in telling localities that it has more expertise to determine what is best for our citizens than we do would be laughable if it weren't so dangerous. We are local government officials, but we are also members of this community, and the principle of local control embraced by this nation since its beginnings recognizes that the people who live, work, and play in southwest Colorado are the best positioned to make local decisions about our own communities.

We therefore urge you to support H.R. 530 by signing on as a sponsor of the bill and taking an important step in restoring local control over the siting of wireless facilities.

The Commission's proposals are an unprecedented reworking of a system that has been in place since the advent of cable technology, and have been opposed by local governments and citizens across the nation as shown by the multitude of filings made in the proceeding last fall. However, this Commission has demonstrated that it has no issue with promulgating rules that are contrary to the wishes of the majority of the citizens of this nation. Now, as the Commission considers its next steps in the proceeding, is a critical time to take action opposing these rules.

Congress has a vital role to play in exercising its oversight on these intrusions into areas of local control by the Federal Communications Commission. We therefore urge you to reject these overreaches in wireless siting by supporting H.R. 530.

Sincerely,

Karen Sheek, Chair
Southwest Colorado Council of Governments

cc: Colorado State Senator Don Coram
Colorado House District 58 Representative Marc Catlin
Colorado House District 59 Representative Barbara McLachlan
National Association of Development Organizations
National Association of Regional Councils
National Association of Telecommunications Officers and Advisors
Colorado Communications and Utility Alliance

Letter of Opposition HB19-1086 Plumbing Inspections

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 1 February, 2019

Comments: HB19-1086 would require plumbing inspectors employed by an incorporated town or city, county, or city and county to possess the same qualifications required of state plumbing inspectors. This is expected to increase the cost to local jurisdictions to maintain staff with the required licensing, or in the event the jurisdiction is unable to keep an inspector on staff, would increase the time for inspections to be completed.

A letter of opposition was sent to the House Business Affairs and Labor Committee on 29 January, 2019. The bill was laid over in committee while possible amendments are being considered.

Legal Review: Not applicable at this time

Fiscal Impact: None.

Staff Recommendation: Ratify the letter of opposition to the House Business Affairs and Labor Committee regarding HB19-1086.



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

29 January, 2019

Representative Tracy Kraft-Tharp
House Business Affairs and Labor Committee Chair
200 East Colfax Avenue
Denver, CO 80203

RE: HB19-1086 - Plumbing Inspections Ensure Compliance

Dear Representative Kraft-Tharp,

The Southwest Colorado Council of Governments (SWCCOG) would like to express concerns regarding HB19-1086, Plumbing Inspections Ensure Compliance. The southwest Colorado region consists of the counties of Archuleta, Dolores, La Plata, Montezuma and San Juan, including the municipalities of Town of Bayfield, City of Cortez, Town of Dolores, Town of Dove Creek, City of Durango, Town of Ignacio, Town of Mancos, Town of Pagosa Springs, Town of Rico, and Town of Silverton.

The well intentioned attempt of HB19-1086 to ensure compliance with plumbing law would prove excessively burdensome for Colorado's smaller jurisdictions. Many of the jurisdictions in southwest Colorado have extremely limited staff, some with only a few employees each "wearing many hats." The time and cost required to hire and train individuals to meet the additional standards outlined in this bill would be prohibitive for many of these jurisdictions, while others would be forced to increase the cost of inspections.

Considering the challenges meeting the proposed requirements, it is likely that many jurisdictions would have to discontinue performing plumbing inspections and instead allow the State of Colorado to inspect. Considering the remote location and challenging access to the southwest region - the region is separated from the rest of the State by several dangerous mountain passes and has few scheduled flights available - we expect unreasonably lengthy delays for completing inspections. This creates burdens both to the jurisdictions and to the builders and citizens that would be directly impacted.

We urge you to consider the needs of rural Colorado and oppose HB19-1086.

Sincerely,

Miriam C. Gillow-Wiles
Executive Director
Southwest Colorado Council of Governments
970-779-4592
director@swccog.org

cc: House Business Affairs and Labor Committee
Senator Don Coram
Representative Marc Catlin
Representative Barbara McLachlan

Rural Economic Development Initiative (REDI) Grant Program

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 1 February, 2019

Comments: The Colorado Department of Local Affairs Rural Economic Development Initiative (REDI) program is designed to help rural communities comprehensively diversify their local economy and create a more resilient Colorado. The three types of projects that are eligible for funding are:

- Local Government Economic Planning Grants
- Infrastructure grants that support economic diversification
- Grants that support the growth and development of rural entrepreneurial eco-systems

Some potential projects that may be of interest include:

- Community broadband plans
- Promotion of recreational tourism
- Local food industry support/promotion

If more than one community is interested in applying for these funds, staff recommends a joint application with the COG to avoid competing with one another.

Overview

- Grant request recommended maximum:
 - o \$100,000 for Economic Planning Grants
 - o \$500,000 for economic diversification infrastructure
- Average award in the last cycle was \$34,000, with a range from \$8000 - \$115,000,
- No minimum match is required; however, based on financial data in-kind and/or a cash match may increase the success of the application.
- Application deadline: March 15, 2019.

Legal Review: Not applicable at this time

Fiscal Impact: To be determined based on projects that are included

Staff Recommendation: Direct staff to work with interested communities to apply for the Colorado DOLA Rural Economic Development Initiative (REDI) grant.

Recycling Resources Economic Opportunity Grant Program

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: February 1, 2019

Comments: The Colorado Department of Public Health and Environment is calling for proposals for the Recycling Resources Economic Opportunity (RREO) Grant Program. The program aims to build opportunities to maximize waste diversion and create jobs statewide.

Staff proposes that the SWCCOG apply to the RREO Grant Program to leverage funds matched by DOLA that were intended to be used to double through match approximately \$33,000 of leftover funds from the recently-reactivated San Juan Basin Recycling Association. While the SJBRA ultimately decided not to use the money for the uses specified in the SWCCOG's application to DOLA, the funding can be used as match with an RREO grant.

The application will propose an event for hard-recycle items in each county of the SWCCOG's jurisdiction. This project supports the SWCCOG's environmental and recycling goals by diverting waste from landfills, and the SWCCOG has completed similar events successfully in the past.

Overview

- Grant request threshold: \$25,000 (minimum) for 1 year
- Proposal Due Date: March 1, 2019.

Legal Review: Not applicable at this time

Fiscal Impact: The funding threshold is \$25,000 minimum. DOLA funding will be used as a match.

Staff Recommendation: Direct staff to apply for the Colorado Department of Public Health and Environment's RREO grant.

Robert Wood Johnson Foundation Grant

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: February 1, 2019

Comments: The Robert Wood Johnson Foundation (RWJF) is calling for proposals for the Health and Climate Solutions funding opportunity. The RWJF is a national organization based in New Jersey that focuses on healthcare action. The Health and Climate Solutions Grant aims to address the health impacts of climate change and reduce health inequities. The program overview asserts that “Our rapidly warming planet and the related ecosystem changes are causing a myriad of harms to ecological and human health. These health impacts disproportionately impact the most vulnerable, including pregnant women, children, the elderly, those with chronic conditions, and those belonging to low-income communities or communities of color; and will continue to worsen dramatically in the future.”

Staff proposes a SWCCOG partnership with Housing Solutions for the Southwest to fund an updated study for solutions and tracking of water reduction, focusing specifically on water access in low-income housing, and funding to address conservation classes and equipment and incentives to track, as well as/or potential funding to continue Housing Solutions for the Southwest’s solar project.

This project supports the SWCCOG’s environmental and housing goals. During the SWCCOG’s 2015 Exploratory Scenario Planning, water availability and storage was selected as a highly uncertain and highly important driving force of change in the region, highly impacted by drought.

Overview

- Maximum grant request for a 24-month project: \$350,000
- Brief Proposal Due Date: February 8, 2019.

Legal Review: Not applicable at this time

Fiscal Impact: The minimum funding request for two fiscal years (24 months) is \$350,000. This will include staff time and direct costs. There is no match required for this project.

Staff Recommendation: Direct staff to apply for the Health and Climate Solutions Grant through the RWJF.

Rural Economic Development Initiative (REDI) Broadband Funding

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 5 February 2019

Comments: The Colorado Department of Local Affairs Rural Economic Development Initiative (REDI) program is designed to help rural communities comprehensively diversify their local economy and create a more resilient Colorado. In light of the challenges with the USAC and therefore DOLA funding, as well as the need to continue the application process for USAC funding, Patrick can help up with up to \$18,000 in immediate funding to be used to for consulting to reapply for the USAC funding.

Staff will provide more information orally at the Board Meeting.

Legal Review: Not applicable at this time

Fiscal Impact: High

Staff Recommendation: Direct Staff to work with DOLA and provide signature authority to the Executive Director to apply for immediate assistance for broadband funding application via the REDI program.
