



Regular Board Meeting Agenda

Thursday, 13 Feb 2020
1:30 – 4:00 pm
295 Girard Street, Durango, CO 81303

- I. Introductions
- II. Public Comment – 5 minutes per person
- III. Presentation: Arcadian Infracom Broadband Development in 4 Corners
- IV. Consent Agenda
 - a. December 2019 SWCCOG Meeting Minutes
 - b. December 2019 Financials
- V. Discussion Items
 - a. Member Representation for Small Jurisdictions
- VI. Decision Items
 - a. Census Grant for Aging Population
 - b. DOLA Grant for Shared Services
 - c. Executive Committee Treasurer Selection
 - d. Civil Rights Act, Title VI Policy
 - e. Letter of Support CDOT INFRA Grant
 - f. Letter of Support Table to Farm Compost RREO Grant
- VII. Reports (Staff will be available for questions on the written reports)
 - a. Director's Report
 - b. Broadband Report
 - c. Grant Updates
 - d. Legislative Report
 - e. Transportation/Transit Report
- VIII. Community Updates (time permitting)

Introductions

Public Comment

Please limit comments to 5 minutes per person

Office of Information Technology

Arcadian Infracom Regional Broadband Build

Consent Agenda

**Southwest Colorado Council of Governments
December Board Meeting
Thursday, 12 December, 2019, 1:30 p.m.
295 Girard Street, Durango, CO 81303**

In Attendance:

Karen Sheek – City of Cortez
David Black – Town of Bayfield
Gwen Lachelt – La Plata County
Chris Tookey – Town of Silverton
Willy Tookey – San Juan County
Andrea Phillips – Town of Pagosa Springs (by phone)
Mark Garcia – Town of Ignacio (by phone)
Steve Garchar – Dolores County (by phone)

Staff in Attendance:

Miriam Gillow-Wiles – Southwest Colorado Council of Governments
Jessica Laitsch – Southwest Colorado Council of Governments

Guests in Attendance:

John Dougherty – City of Cortez
Gini Pingenot – Colorado Counties Inc.
Warren Unsicker – City of Farmington
Carrie Padgett – San Juan Resource Conservation and Development Council (SJRC&D)
Chuck Wanner – San Juan Resource Conservation and Development Council (SJRC&D)

Introductions

The meeting was called to order at 1:33 p.m.

Public Comment

None.

CCI and CML about what to expect regarding TABOR and Gallagher in 2020:

Gini gave an overview of the current status of discussions related to the concept of a potential repeal and replace of TABOR and Gallagher. There was discussion about what jurisdictions have “de-Gallaghered” and “de-Bruced.”

Consent Agenda

October 2019 SWCCOG Meeting Minutes and November 2019 Financials

David Black motioned to approve the consent agenda, Gwen Lachelt seconded, unanimously approved.

Discussion Items

Retreat Follow-Up: SmartSheets:

Miriam provided a demonstration of the SmartSheets system. Gwen asked if the system is included in the budget. Miriam replied yes, and described the options for paying for the system.

Calendar for education series in 2020:

Karen and Miriam summarized the idea and possible topics for the proposed education sessions for the board throughout 2020. Gwen asked about the status of the Census grant.

Miriam described the status of the grant and the reasons why the award was less than the request. Willy suggested an update from CDOT after their meetings with the counties.

Public Hearing

2020 Budget

The public hearing was opened at 2:33 p.m. There being no citizens present who wished to speak, the public hearing was closed at 2:33 p.m.

Decision Items

2020 Budget:

Miriam explained that the final budget included some changes from the draft budget, the major change was that grant funding for two grants was received in 2019 when it was expected in 2020, and the expenditures would largely happen in 2020. She added that there is cost for a part time position included in the budget. She explained that dues for the City of Durango are not included in the budgeted revenue, but the Towns of Dolores and Silverton are included. She explained that the unknown grants, such as the FCC broadband funding, are not included and could be added with an amendment if awarded.

Willy Tookey motioned to approve the 2020 budget as presented, David Black seconded, unanimously approved.

Fiscal Administration Policies:

Miriam explained that the purpose for this request is to help manage details related to fiscal management for various organizations.

Gwen Lachelt motioned to approve the SWCCOG Fiscal Management Policies, David Black seconded, unanimously approved.

Mobility for All Grant Application:

Jessica summarized the proposed request for this funding. Willy asked where the match would come from. Miriam and Jessica replied that they had some possible ideas, but had not identified a source yet.

Willy Tookey motioned to authorize staff to apply for the Mobility for All Grant for an amount not to exceed \$80,000, David Black seconded, unanimously approved.

Management of San Juan RC&D and Appointment of SWCCOG Member to SJRC&D Board:

Miriam explained that the Board may wish to identify a representative to serve on their board. Gwen asked when the SJRC&D board meets. Miriam replied that they have historically met every month, but that frequency may not be necessary moving forward. Carrie explained that there are currently 15 projects, she estimated that staff time requirements should be approximately 20-25 hours per month. Gwen asked what the scope of work typically includes. Carrie described some of the existing projects. Miriam asked how often the board meets. Carrie replied that have historically met monthly, but that may be possible to change. Carrie and Chuck suggested that periodic updates by email along with quarterly meetings should be sufficient.

Willy Tookey motioned to approve the agreement between the SJRC&D and the SWCCOG, David Black seconded, unanimously approved.

There was discussion about appointing a representative to the SJRC&D board. David offered to serve in this capacity.

Willy Tookey motioned to nominate David Black to serve on the SJRC&D Board, Andrea Phillips seconded, unanimously approved.

Executive Committee Selection:

Karen explained that the Board needs to identify a Treasurer for 2020. There was discussion about requesting Ronnie Maez or Steve Garchar to serve as Treasurer. There was discussion about Gwen serving as Chair, Willy serving as Vice-Chair, and identifying a Treasurer at a later time. Willy pointed out that historically the Board has tried to rotate who is serving on the Board. **David Black motioned to appoint the Executive Committee as proposed with the Treasurer being decided at the next meeting in February, Andrea Phillips seconded, unanimously approved.**

Reports

Director's Report:

Miriam summarized the written report.

Broadband Report:

Miriam reported that Dove Creek will be first community in the region with a full fiber to the premises build. Also, funding was awarded through the Broadband Fund to serve Pagosa Springs and surrounding areas. She summarized several FCC rulemakings and the concerns related to local control.

Grant Updates:

Miriam summarized the written report.

Transportation Report:

Jessica summarized the discussion from the SW Regional Transportation Planning Region meeting held earlier in the day. She stated that there will be a follow-up meeting on Friday, December 13 to finalize decisions on the SW regional transportation plan.

Community Updates:

Andrea reported that Pagosa Springs is making progress on the Town's maintenance facility, they hope to start construction in the spring. They have decided to create an urban renewal authority, and are working on education related to this effort.

Steve reported that Dolores County is looking forward to working with Emory Telecommunications. He added that snowpack is at 100%.

Chris reported that the Anvil Mountain development has rented most its units. She reported that the Town of Silverton has a new administrator. The Town's budget is completed. The water treatment plant is completed and they have new equipment. There are three open positions on the board, and she is term limited.

Willy reported that San Juan County has closed roads for the season. They received a grant for technology update for the courts with match from DOLA to complete restoration work at the courthouse. They have finished the budget, revenues are concerning, fortunately they had passed taxes for emergency services.

David reported that the Town of Bayfield received a grant to upgrade the water system. The budget went well, outside agencies were asked to show up to justify their funding requests.

Karen reported that the City of Cortez passed the budget. The land use code second reading was postponed. A council member recently resigned. The annual parade of lights went well.

Mark reported that the Town of Ignacio is looking at their land use code. They had a commissioner resign last week. The budget is up for consideration next week.

The meeting ended at 4:01 p.m.

December 2019 Financials

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 7 February, 2020

Comments: The following reports are attached:

- Balance Sheet as of 31 December, 2019
- January-December 2019 Profit and Loss

Items to note:

While the net income looks good, this is due to the receipt of an upfront payment for the DOLA 2020 Census grant. It should be noted that expenditures for this grant will be spent almost exclusively in 2020.

The prepaid expense is for the Zoom software, the contract goes to June 2020.

Fiscal Impact: High, overall financial status of the organization

Legal Review: Not applicable

Staff Recommendation: Approve the December 2019 Financials

Southwest Colorado Council of Governments

BALANCE SHEET

As of December 31, 2019

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Alpine Bank	0.00
Alpine Bank Account (UR)	172,507.63
Fiber Equip Fund - Restricted	0.00
Total Alpine Bank	172,507.63
Petty Cash	22.97
AmeriCorps VISTA	110.54
Jessica Laitsch	0.00
Total Petty Cash	133.51
Total Bank Accounts	\$172,641.14
Accounts Receivable	
Accounts Receivable	11,354.45
Total Accounts Receivable	\$11,354.45
Other Current Assets	
Prepaid Expense	1,999.00
Undeposited Funds	0.00
Total Other Current Assets	\$1,999.00
Total Current Assets	\$185,994.59
TOTAL ASSETS	\$185,994.59
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	3,989.37
Total Accounts Payable	\$3,989.37
Credit Cards	
Credit Cards	0.00
Jessica	0.00
Miriam	4,300.81
Sara	0.00
Total Credit Cards	4,300.81
Total Credit Cards	\$4,300.81

	TOTAL
Other Current Liabilities	
Accrued Wages	6,841.57
Deferred Revenue	0.00
Payroll Liabilities	
457 Retirement Due	522.37
CEBT Health Insurance Due	83.75
Total Payroll Liabilities	606.12
Total Other Current Liabilities	\$7,447.69
Total Current Liabilities	\$15,737.87
Total Liabilities	\$15,737.87
Equity	
Opening Balance Equity	0.00
Retained Earnings	32,243.47
Net Income	138,013.25
Total Equity	\$170,256.72
TOTAL LIABILITIES AND EQUITY	\$185,994.59

Southwest Colorado Council of Governments

PROFIT AND LOSS

January - December 2019

	TOTAL
Income	
Dues Revenue	
COG Dues	111,929.00
SWTPR Contributions	5,926.00
Total Dues Revenue	117,855.00
Grant Match	
COG Member Match	14,317.00
Non-COG Member Match	15,000.00
Total Grant Match	29,317.00
Grant Project Income	
All Hazards	
2016 SHSP	20,341.34
2017 SHSP	49,178.84
2018 SHSP	48,912.60
Total All Hazards	118,432.78
CDOT Grants	
SWTPR Grant	12,797.03
Transit 5304	0.00
Total CDOT Grants	12,797.03
Colorado Health Foundation	84,427.00
DoLA Grants	
Census 19-079	73,607.00
DoLA 8330	0.00
DoLA 8573	83,321.93
REDI 19-165	18,000.00
Total DoLA Grants	174,928.93
SWIMT	26,280.00
Total Grant Project Income	416,865.74
Misc. Income	2,166.11
Project Administration	
RHA	10,024.00
Total Project Administration	10,024.00
SCAN Services	
Aggregation of Connectivity	13,871.00
Dark Fiber Leasing	40,263.00
e-TICS	0.00
Forethought	7,080.00
Total SCAN Services	61,214.00
Total Income	\$637,441.85
GROSS PROFIT	\$637,441.85

	TOTAL
Expenses	
Administrative Costs	
Operating Expenses	
Advertising and Promotion	10.53
Bank Service Charge	310.05
Conference Fee	527.70
Consulting	110,343.98
Information Technology (IT)	16.17
Software	15,185.43
Total Information Technology (IT)	15,201.60
Internet Connectivity	
Internet Connection (AT&T)	303.90
Total Internet Connectivity	303.90
Meetings	398.83
Memberships	5,098.00
Office Equipment	256.46
Office Supplies	336.64
Postage and Delivery	39.06
Professional Development	500.40
Professional Fees	
Accounting Software	210.00
Audit	6,100.00
Legal	2,667.60
Misc.	68.08
Total Professional Fees	9,045.68
Rent	7,700.00
Travel	4,466.68
Total Operating Expenses	154,539.51
Personnel Expense	
Insurance Expense	
General Liability	3,295.23
Health	14,651.00
Worker's Compensation	-17.00
Total Insurance Expense	17,929.23
Salary and Wages	119,922.41
457 Retirement	5,551.17
Car Allowance	3,900.00
Cell Phone Allowance	1,150.00
Payroll Processing Fee	1,880.72
Payroll Tax	9,485.24
Total Salary and Wages	141,889.54
Total Personnel Expense	159,818.77
Total Administrative Costs	314,358.28

	TOTAL
Project Costs	
All Hazards Projects	
All Hazards 2016 SHSP	
Grant 2016 Project 1	186.28
Grant 2016 Project 7	20,843.40
Total All Hazards 2016 SHSP	21,029.68
All Hazards 2017 SHSP	
Grant 2017 Project 1	9,994.52
Grant 2017 Project 4	23,694.91
Grant 2017 Project 7	12,994.50
Total All Hazards 2017 SHSP	46,683.93
All Hazards 2018 SHSP	
Grant 2018 Project 3	50,828.20
Total All Hazards 2018 SHSP	50,828.20
Total All Hazards Projects	118,541.81
Census Project	4,134.34
Shared Services Expenses	
Fast Track	8,648.49
Forethought.	12,100.00
SCAN Dark Fiber Lease	10,708.50
Total Shared Services Expenses	31,456.99
SWIMT	
SWIMT 2018-2019	22,783.67
SWIMT 2019-2020	8,153.51
Total SWIMT	30,937.18
Total Project Costs	185,070.32
Total Expenses	\$499,428.60
NET OPERATING INCOME	\$138,013.25
NET INCOME	\$138,013.25

January 2020 Financials

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 10 February, 2020

Comments: The following reports are attached:

- Balance Sheet as of 31 January, 2020
- January 2020 Profit and Loss
- Budget vs. Actuals as of 31 January, 2020

Items to note:

The prepaid expense is for the Zoom software, the contract goes to June 2020.

The Budget to Actual report is being presented as additional information for analyzing the financial status of the organization. If this is useful information for the Board, this can be included with future monthly financials.

Fiscal Impact: High, overall financial status of the organization

Legal Review: Not applicable

Staff Recommendation: Approve the January 2020 Financials

Southwest Colorado Council of Governments

BALANCE SHEET As of January 31, 2020

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Alpine Bank	0.00
Alpine Bank Account (UR)	166,336.59
Fiber Equip Fund - Restricted	0.00
Total Alpine Bank	166,336.59
Petty Cash	22.97
AmeriCorps VISTA	110.54
Jessica Laitsch	0.00
Total Petty Cash	133.51
Total Bank Accounts	\$166,470.10
Accounts Receivable	
Accounts Receivable	115,641.45
Total Accounts Receivable	\$115,641.45
Other Current Assets	
Prepaid Expense	0.00
Undeposited Funds	0.00
Total Other Current Assets	\$0.00
Total Current Assets	\$282,111.55
TOTAL ASSETS	\$282,111.55
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	13,320.81
Total Accounts Payable	\$13,320.81
Credit Cards	
Credit Cards	0.00
Jessica	1,035.00
Miriam	5,611.07
Sara	0.00
Total Credit Cards	6,646.07
Total Credit Cards	\$6,646.07

	TOTAL
Other Current Liabilities	
Accrued Wages	6,159.07
Deferred Revenue	0.00
Payroll Liabilities	
457 Retirement Due	2,444.12
CEBT Health Insurance Due	83.75
Total Payroll Liabilities	2,527.87
Total Other Current Liabilities	\$8,686.94
Total Current Liabilities	\$28,653.82
Total Liabilities	\$28,653.82
Equity	
Opening Balance Equity	0.00
Retained Earnings	170,256.72
Net Income	83,201.01
Total Equity	\$253,457.73
TOTAL LIABILITIES AND EQUITY	\$282,111.55

Southwest Colorado Council of Governments

PROFIT AND LOSS

January 2020

	TOTAL
Income	
Dues Revenue	
COG Dues	117,851.00
SWTPR Contributions	6,691.00
Total Dues Revenue	124,542.00
Project Administration	
RHA	5,000.00
Total Project Administration	5,000.00
Total Income	\$129,542.00
GROSS PROFIT	\$129,542.00
Expenses	
Administrative Costs	
Operating Expenses	
Consulting	0.00
Information Technology (IT)	
Hardware	552.43
Software	2,004.00
Total Information Technology (IT)	2,556.43
Memberships	3,300.00
Office Supplies	14.89
Professional Fees	
Legal	0.00
Total Professional Fees	0.00
Rent	700.00
Travel	543.30
Total Operating Expenses	7,114.62
Personnel Expense	
Insurance Expense	
General Liability	1,863.67
Health	1,593.87
Worker's Compensation	1,401.00
Total Insurance Expense	4,858.54
Salary and Wages	8,407.16
457 Retirement	355.58
Payroll Processing Fee	133.33
Payroll Tax	739.70
Total Salary and Wages	9,635.77
Total Personnel Expense	14,494.31
Total Administrative Costs	21,608.93

	TOTAL
Project Costs	
Census Project	12,182.35
Grant Funded Consulting	9,750.00
Local Foods	744.67
Shared Services Expenses	
Fast Track	550.00
Forethought.	1,035.00
Total Shared Services Expenses	1,585.00
SWIMT	
SWIMT 2019-2020	470.04
Total SWIMT	470.04
Total Project Costs	24,732.06
Total Expenses	\$46,340.99
NET OPERATING INCOME	\$83,201.01
NET INCOME	\$83,201.01

Southwest Colorado Council of Governments
Budget vs. Actuals: 2020 Budget - FY20 P&L
January 2020

	Total			
	Actual	Budget	Remaining	% Remaining
Income				
Dues Revenue				
COG Dues	9,755.00	121,547.00	111,792.00	91.97%
SWTPR Contributions	969.00	6,842.00	5,873.00	85.84%
Total Dues Revenue	\$ 10,724.00	\$ 128,389.00	\$ 117,665.00	91.65%
Grant Match				
COG Member Match		25,000.00	25,000.00	100.00%
Non-COG Member Match		15,000.00	15,000.00	100.00%
Total Grant Match	\$ 0.00	\$ 40,000.00	\$ 40,000.00	100.00%
Grant Project Income				
All Hazards		157,500.00	157,500.00	100.00%
CDOT Grants				
SWTPR Grant		21,050.00	21,050.00	100.00%
Total CDOT Grants	\$ 0.00	\$ 21,050.00	\$ 21,050.00	100.00%
DoLA Grants				
DOLA 19-189		48,000.00	48,000.00	100.00%
DOLA 9149 - 2020 TA		125,000.00	125,000.00	100.00%
Total DoLA Grants	\$ 0.00	\$ 173,000.00	\$ 173,000.00	100.00%
RREO Grant		19,878.00	19,878.00	100.00%
SWIMT		9,000.00	9,000.00	100.00%
Total Grant Project Income	\$ 0.00	\$ 380,428.00	\$ 380,428.00	100.00%
Project Administration				
All Hazards M&A		2,500.00	2,500.00	100.00%
Recycling		22,717.00	22,717.00	100.00%
RHA	5,000.00	10,000.00	5,000.00	50.00%
SJRC&D		10,000.00	10,000.00	100.00%
SWIMT		1,000.00	1,000.00	100.00%
SWTPR		11,050.00	11,050.00	100.00%
Transit Coordination Grant		28,832.00	28,832.00	100.00%
Total Project Administration	\$ 5,000.00	\$ 86,099.00	\$ 81,099.00	94.19%
SCAN Services				
Aggregation of Connectivity		15,084.00	15,084.00	100.00%
Contract Sharing		1,500.00	1,500.00	100.00%
Dark Fiber Leasing		46,902.00	46,902.00	100.00%
Telecom Services		1,200.00	1,200.00	100.00%
Total SCAN Services	\$ 0.00	\$ 64,686.00	\$ 64,686.00	100.00%
Total Income	\$ 15,724.00	\$ 699,602.00	\$ 683,878.00	97.75%
Gross Profit	\$ 15,724.00	\$ 699,602.00	\$ 683,878.00	97.75%

	Actual	Budget	Remaining	% Remaining
Expenses				
Administrative Costs				
Operating Expenses				
Advertising and Promotion		240.00	240.00	100.00%
Bank Service Charge		200.00	200.00	100.00%
Conference Fee		1,500.00	1,500.00	100.00%
Consulting		7,500.00	7,500.00	100.00%
Employee/Board Appreciation		100.00	100.00	100.00%
Information Technology (IT)				
Hardware	552.43	1,400.00	847.57	60.54%
Software	2,004.00	1,804.00	-200.00	-11.09%
Total Information Technology (IT)	\$ 2,556.43	\$ 3,204.00	\$ 647.57	20.21%
Meetings		1,000.00	1,000.00	100.00%
Memberships	3,300.00	5,698.00	2,398.00	42.08%
Office Supplies	14.89	850.00	835.11	98.25%
Office Telephone		564.00	564.00	100.00%
Postage and Delivery		80.00	80.00	100.00%
Professional Development		2,000.00	2,000.00	100.00%
Professional Fees				
Audit		6,100.00	6,100.00	100.00%
Legal	0.00	7,000.00	7,000.00	100.00%
Misc.		250.00	250.00	100.00%
Total Professional Fees	\$ 0.00	\$ 13,350.00	\$ 13,350.00	100.00%
Rent	700.00	8,400.00	7,700.00	91.67%
Travel	543.30	12,500.00	11,956.70	95.65%
Total Operating Expenses	\$ 7,114.62	\$ 57,186.00	\$ 50,071.38	87.56%
Personnel Expense				
Insurance Expense				
General Liability	1,863.67	1,873.67	10.00	0.53%
Health	1,593.87	15,141.00	13,547.13	89.47%
Worker's Compensation	1,401.00	1,355.00	-46.00	-3.39%
Total Insurance Expense	\$ 4,858.54	\$ 18,369.67	\$ 13,511.13	73.55%
Salary and Wages	8,407.16	135,262.40	126,855.24	93.78%
457 Retirement	355.58	5,077.70	4,722.12	93.00%
Car Allowance		3,600.00	3,600.00	100.00%
Payroll Processing Fee	133.33	1,850.00	1,716.67	92.79%
Payroll Tax	739.70	11,564.94	10,825.24	93.60%
Total Salary and Wages	\$ 9,635.77	\$ 157,355.04	\$ 147,719.27	93.88%
Total Personnel Expense	\$ 14,494.31	\$ 175,724.71	\$ 161,230.40	91.75%
Total Administrative Costs	\$ 21,608.93	\$ 232,910.71	\$ 211,301.78	90.72%
Project Costs				
All Hazards Projects		156,000.00	156,000.00	100.00%
Census Project	12,182.35	66,915.00	54,732.65	81.79%
Grant Funded Consulting	9,750.00	187,878.00	178,128.00	94.81%
Local Foods	744.67	80,602.00	79,857.33	99.08%

	Actual	Budget	Remaining	% Remaining
Shared Services Expenses				
Fast Track	550.00	3,900.00	3,350.00	85.90%
Forethought.	1,035.00	12,300.00	11,265.00	91.59%
SCAN Dark Fiber Lease		8,456.00	8,456.00	100.00%
Software Maintenance		8,550.00	8,550.00	100.00%
Total Shared Services Expenses	\$ 1,585.00	\$ 33,206.00	\$ 31,621.00	95.23%
SWIMT				
SWIMT 2019-2020	470.04	9,000.00	8,529.96	94.78%
Total SWIMT	\$ 470.04	\$ 9,000.00	\$ 8,529.96	94.78%
SWTPR Travel		22,500.00	22,500.00	100.00%
Total Project Costs	\$ 24,732.06	\$ 556,101.00	\$ 531,368.94	95.55%
Total Expenses	\$ 46,340.99	\$ 789,011.71	\$ 742,670.72	94.13%
Net Operating Income	-\$ 30,616.99	-\$ 89,409.71	-\$ 58,792.72	65.76%
Net Income	-\$ 30,616.99	-\$ 89,409.71	-\$ 58,792.72	65.76%

Discussion Items

Small Jurisdiction Representation

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 13 February 2020

Comments: Many of the smaller jurisdictions, especially municipalities, struggle with ensuring there is representation at the SWCCOG. The elected officials are essentially volunteers and frequently have jobs and other requirements on their time during business hours. As a result, the Town Managers are expected to represent the community at a large number of meetings. This is causing challenges for at least one municipality due to a standing conflict.

The SWCCOG Bylaws state an “elected or appointed official” to represent the jurisdiction at the SWCCOG. Given the challenges the small jurisdictions face with limited staff and unavailable elected officials, it may be beneficial to look at what, if any, other options there are for representation at the SWCCOG.

Legal Opinion: Depends on Board Action(s)

Fiscal Impact: None

Staff Recommendation: This is a discussion item.

Decision Items

Census Grant for Ageing Population

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 13 February 2020

The organization NextFifty Initiative has created a grant program to help provide funding to help count the ageing population. This funding is designed to help ensure a complete count of the hard to count 50+ population. From the grant information:

“NextFifty Initiative’s focus is on hard-to-count older populations, such as those in rural communities, non-English speakers, refugees, or those experiencing homelessness.”

Given the rural area, the large number of seniors, and challenges of homelessness in the region, Staff thinks this may be a good fit to fill the gaps left by the DOLA grant limited funding.

NextFifty Initiative has made \$750,000 available with grants up to \$25,000. The funding opened up in late January, and the funding window runs through mid-March. The organization is taking applications on an ongoing basis during this time. The grant also provides up to 20% administration.

SWCCOG Staff propose to work with the Senior Centers and the Complete Count Committees to find out the needs for each community/county and apply for up to \$25,000. Staff also want to apply for the 20% administration, allowing 10% for the SWCCOG M&A, while providing the other 10% to be distributed across the region to help the various jurisdictions recoup some of the overhead and time to spent on the Census.

Grant Request: \$25,000

Management & Administration 20%: \$5,000

SWCCOG M&A: \$2,5000

M&A to each Complete Count Committee: \$500

Grant Funds for Hard to Count 50+ population: \$20,000

SWCCOG would work with the CCC to create an equitable distribution formula based on needs and population.

Legal Review: Not applicable at this time.

Fiscal Impact: High

Staff Recommendation: Allow staff to apply for the NextFifty Initiative Census Grant for up to \$25,000

DOLA Shared Services Grant

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 13 February 2020

The DOLA 2020 Technical Assistance Grant was awarded in December, with contracting in January. DOLA awarded \$35,000 for the housing study portion of the grant. Staff requested an additional \$60,000 for a variety of shared services. These are items and needs that come directly from the Strategic Plan. These include:

- Grant Database Subscription
- Video Conferencing Software
- Contract Grant Writing to help support the COG membership (and the COG)
- Legal Fees to cover developing shared building inspection contract(s)
- NATOA: National Association of Telecommunications Officers and Advisors, more federal engagement on broadband and FCC issues
- Recycle Colorado Membership – Recycling advocacy organization in the state.
- Office365 Licenses and support – designed to start rolling out 365 in the different jurisdictions as a pilot project to determine how to do so in each community.
- Contract Outreach and Communications – newsletters, press releases, etc.

Grant Budget

SWCCOG DoLA Shared Services Grant Detailed Budget					
Budget Line Item(s)	Grant Funds	Matching Funds	In-Kind	Total Cost	Matching/In-Kind Funds Source
<i>Consultant Services Costs</i>					
Shared Services: Grant Writing, Inspection Services, Shared Software, Communications and Engagement, Shared Membership	\$ 39,200	\$ 5,000	\$ -	\$ 44,200	Grantee Cash
Subtotal Consultant	\$ 39,200	\$ 5,000	\$ -	\$ 44,200	
<i>Personnel Services Costs</i>					
Existing SWCCOG staff coordinating and engaging with aspects of the grant, including RFP writing, response analysis, and negotiation with contractors			\$ 5,000		Grantee Cash
Subtotal Personnel	\$ -	\$ -	\$ 5,000	\$ -	
Total	\$ 39,200	\$ 5,000	\$ 5,000	\$ 44,200	
DOLA Funds		\$ 39,200			
SWCCOG Funds (In-Kind/Cash)		\$ 10,000			
Percentage of Match			26%		

DOLA Shared Services Grant

Please note these budgets are just guidelines, and my change based on grant match/in-kind services available.

Additional Information:

- DOLA has been wanting the SWCCOG members provide actual cash match, to ensure they are engaged in the grant locally and not just in-kind or matching with other (grant) funds.
 - o This will require the SWCCOG membership to provide at least \$5000 in cash from the Grant Match funds.

- Reduction of overhead for Member Jurisdictions through a variety of shared services
 - o Shared Software, including grant databases and video conferencing
 - o Shared Memberships: NATOA and Recycle Colorado
 - o Shared Services: grant writing, communications, and development of shared Building Inspection services

Legal Review: Not applicable at this time

Fiscal Impact: High

Staff Recommendation: Allow staff to apply for the DOLA EIAF April cycle with any changes communicated with the ExCom and reported at the next Board Meeting

Executive Committee Treasurer Selection

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 13 February 2020

The Discussion at the December 2019 Meeting left off the selection of a Treasurer for 2020 Executive Committee. The Board delayed selection until the February 2020 Board Meeting. This role is vital to helping support the SWCCOG, as the ExCom plays an active part in the support and decision making in between COG meetings, especially with an every-other-month meeting schedule for 2020.

Current Members are:

Chair: Gwen Lachelt, Commissioner, La Plata County

Vice Chair: Willy Tookey, Administrator, San Juan CO County

Treasurer/Secretary:

Legal Review: Not applicable at this time

Fiscal Impact: None

Staff Recommendation: Approve 2020 Treasurer for Executive Committee

Title VI Policy

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: 7 February, 2020

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance. The CDOT Division of Transit and Rail requires subrecipients of federal funds to submit an updated Title VI Plan every three years that documents procedures used for complying with FTA's Title VI requirements to ensure non-discrimination in the recipient's services, programs, and activities.

The SWCCOG currently receives funding for management of the Regional Transit Coordinating Council (RTCC) from the CDOT Division of Transit and Rail. The attached policy was developed using a template provided by CDOT.

Fiscal Impact: None

Staff Recommendation: Approve the Title VI Policy

Southwest Colorado Council of Governments

Title VI Program



DRAFT

Planned Adoption February 13, 2020

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TITLE VI PROGRAM

PART I.

General Title VI Requirements for All Grant Partners

BACKGROUND

The Southwest Colorado Council of Governments is responsible for the oversight of the Regional Transit Coordinating Council, which encompasses the Southwest Colorado region that includes Archuleta, Dolores, La Plata, Montezuma and San Juan Counties. The Regional Transit Coordinating Council works with regional transit and human services providers to guarantee that each organization has the resources and information needed to operate efficiently and effectively, this includes coordination for regional transportation planning and policy development.

NOTICE TO THE PUBLIC

SWCCOG's notice to the public is attached as Appendix A.

COMPLAINT INSTRUCTIONS AND FORM

SWCCOG's complaint procedures are attached as Appendix C. A copy of SWCCOG's complaint form is attached as Appendix D. The complaint procedures and form are available at www.swccog.org.

TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS

Not applicable.

PUBLIC PARTICIPATION ELEMENT

The SWCCOG encourages public input and involvement from all residents or their representatives. The SWCCOG posts agendas for all meetings, which are open to the public, at the SWCCOG offices and on the SWCCOG website at www.swccog.org. Generally, SWCCOG meetings are held in downtown Durango, Colorado, which is centrally located in the SWCCOG's region. Occasionally meetings will be held in other locations throughout the region. Care is taken to ensure all meeting locations are accessible. Video and/or phone conferencing is also available for all SWCCOG meetings.

The SWCCOG, through the Regional Transit Coordinating Council, has actively sought to coordinate with health and human service providers, and educational and community organizations to maximize diversity of representation. SWCCOG staff is available to address community organizations as requested. SWCCOG staff fields inquiries from the public regarding transportation projects and other planning activities. SWCCOG frequently updates its website to allow residents to learn about and follow SWCCOG activities. While LEP persons are encouraged to participate directly in SWCCOG's regional activities, they are often more engaged at the local level with SWCCOG member governments or in association with local projects. This type of engagement is critical, as the feedback received at the local level can then be communicated to SWCCOG's regional programs.

LIMITED ENGLISH PROFICIENCY (LEP) ELEMENT

It is and shall be the policy of the Southwest Colorado Council of Governments to provide timely meaningful access for limited English Proficiency persons to SWCCOG programs and activities. The SWCCOG will take reasonable steps to ensure that persons with limited English Proficiency (LEP) have meaningful access and opportunity to participate in our services, activities, and programs. A summary of the number and percentage of population that “speaks English less than very well” in the Southwest Colorado 5-County region is presented below:

Data Category	Archuleta			Dolores			La Plata			Montezuma			San Juan			5-County Region		
	Total #	% of Population	% of LEP Population	Total #	% of Population	% of LEP Population	Total #	% of Population	% of LEP Population	Total #	% of Population	% of LEP Population	Total #	% of Population	% of LEP population			
Total Population (5 years old & older)	11,972	100.0%		1,673	100.0%		51,684	100.0%		24,200	100.0%		539	100.0%		90,068		
Population Speaking English "Well" "Not Well" or "Not at All"	289	2.4%		8	0.0%		786	1.5%		491	2.1%		9	1.7%		1583		
Population Speaking English "Well" "Not Well" or "Not at All"																		
Spanish	254	2.1%	88%	0	0.0%	0%	648	1.3%	82%	288	1.2%	59%	9	1.7%	100%	1199	1.3%	76%
Other Indo-European	19	0.2%	7%	8	0.5%	100%	34	0.1%	4%	48	0.2%	10%	0	0.0%	0%	109	0.1%	7%
Asian and Pacific Islander	16	0.1%	6%	0	0.0%	0%	17	0.0%	2%	59	0.2%	12%	0	0.0%	0%	92	0.1%	6%
Other	0	0.0%	0%	0	0.0%	0%	87	0.2%	11%	96	0.4%	20%	0	0.0%	0%	183	0.2%	12%
Total	289	2.4%	100%	8	0.5%	100%	786	1.5%	100%	491	2.0%	100%	9	1.7%	100%	1583	1.8%	100%

Source: U.S. Census American Community Survey 2013-2017 estimates, population 5 years old and older, speaking another language in the home, who speak English "Well" "Not well" or "Not at All."

If information is needed in another language, contact info@swccog.org
 Si se necesita información en otro idioma, contacto info@swccog.org

PLANNING AND ADVISORY BOARDS

The SWCCOG is responsible for the oversight of the Regional Transit Coordinating Council. Membership on the Regional Transit Coordinating Council is voluntary and not specifically designated. Information relative to racial makeup of the Transit Council will be updated if/when the membership of the committee is formalized. The SWCCOG, through the Regional Transit Coordinating Council, has actively sought to coordinate with health and human service providers, and educational and community organizations to maximize diversity of representation.

FACILITY LOCATION EQUITY ANALYSIS

The SWCCOG has not constructed any facilities in the past three years.

PART II.

REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS ONLY

Not applicable.

PART III.

METROPOLITAN PLANNING ORGANIZATIONS (MPOs) ONLY

Not applicable.

APPENDICES

Appendix A: Notice to The Public (English and Spanish versions)

Appendix B: Complaint/Investigations Table

Appendix C: Americans with Disabilities Act (ADA) and Title VI Complaint Procedure

Appendix D: ADA and Title VI Complaint Form

Appendix E: Sample Service Standards for Fixed Route Provider

Appendix F: Sample Policies for Fixed Route Provider

Appendix G: Staff LEP survey

APPENDIX A

Notice to Beneficiaries (English)

Notifying the Public of Rights under Title VI

Southwest Colorado Council of Governments

The Southwest Colorado Council of Governments operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Southwest Colorado Council of Governments.

For more information on the Southwest Colorado Council of Government's civil rights program and the procedures to file a complaint, contact 970-779-4592; email info@swccog.org; or visit www.swccog.org.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC 20590

If information is needed in another language, contact info@swccog.org
Si se necesita información en otro idioma, contacto info@swccog.org

APPENDIX B

INVESTIGATIONS/COMPLAINTS CHART

Type	Date	Summary (basis)	Status	Action(s) taken
Complaints and Investigations Naming the recipient				
Lawsuits				

APPENDIX C

AMERICANS WITH DISABILITIES ACT (ADA) AND TITLE VI COMPLAINT PROCEDURE

In accordance with the American Disabilities Act of 1990 and the Civil Rights Act of 1964, any person who believes she or he has been discriminated against on the basis of disability, race, color, or national origin by the Southwest Colorado Council of Governments (hereinafter referred to as "SWCCOG") may file an ADA or a Title VI complaint by completing and submitting the SWCCOG's ADA and Title VI Complaint Form. The SWCCOG investigates complaints received no more than 180 days after the alleged incident. The SWCCOG will process complaints that are complete.

Once the complaint is received, the SWCCOG will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

Most complaints will be investigated within 60 days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not an ADA or Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 2059

If information is needed in another language, contact info@swccog.org
Si se necesita información en otro idioma, contacto info@swccog.org

APPENDIX D

ADA AND TITLE VI COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
Name of agency complaint is against:				
Contact person:				
Title:				
Telephone number:				
I believe the discrimination I experienced was based on (check all that apply): <input type="checkbox"/> Disability <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. _____ _____				

Section IV		
Have you previously filed an ADA or Title VI complaint with SWCCOG?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency: _____		
<input type="checkbox"/> Federal Court _____		<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____		<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature

Date

Please submit this form by mail to the address below:

Southwest Colorado Council of Governments
295 Girard Street, Ste B
Durango, CO 81303

APPENDIX E

SERVICE STANDARDS (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)

Not applicable

APPENDIX F

SERVICE POLICIES (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)

Not applicable

APPENDIX G
STAFF LEP SURVEY

The Southwest Colorado Council of Governments is studying the language assistance needs of its clients so that we can better serve, communicate, and increase access with Limited English Proficient persons. Please complete the following survey and return it to Miriam Gillow-Wiles, Executive Director by _____, 2020.

How often do you come into contact with persons who do not speak English or have trouble understanding you when you speak English to them? (Circle one)

Daily

Weekly

Monthly

Less frequently than monthly

What languages are spoken? Please list.

What languages other than English do you understand or speak?

Would you be willing to serve as a translator when needed?

CDOT Letter of Support – US 160 4-Corners Mobility and Safety Improvement Project

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 11 February, 2020

Comments: The Colorado Department of Transportation has requested letters of support for the US 160 Four Corners Mobility and Safety Improvement Partnership Project. This is a collaborative project between CDOT, NMDOT and the Ute Mountain Ute Tribe, which consists of 9 miles in SW Colorado and NW New Mexico, including 8 miles within the UMU Tribal boundary (see attached map). The project will include the following:

Safety Improvements

- Widen shoulders to 4 feet
- Guardrail replacement/upgrades
- Geometric and operational deficiencies of the roadway

Mobility Improvements

- Northbound and southbound passing lanes
- Culvert extensions/repairs
- Intelligent Transportation System- overhead solar variable message sign

Asset Management

- Full depth reclamation of asphalt mat with 5-inch asphalt overlay
- Culvert extensions/repairs
- San Juan Bridge scour protection with bend way weirs and riprap

This letter of support partially fits in the SWCCOG's letter of support policy:

- 1) The request is from the Colorado Department of Transportation, not from a member of the SWCCOG
- 2) The request does have regional impact
- 3) This proposal supports the SWCCOG's goals related to transportation

Legal Review: None

Fiscal Impact: None

Staff Recommendation: Approve a letter of support for CDOT's US 160 Four Corners Mobility and Safety Improvement Partnership Project.



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

13 February, 2020

Attn: Honorable Elaine Chao
Office of the Secretary
US Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

RE: Support for the US Highway 160 Four Corners Mobility and Safety Improvement Partnership Project in Southwest Colorado.

Dear Honorable Elaine Chao,

The Southwest Colorado Council of Governments (SWCCOG) is located in the southwest corner of the state of Colorado. Of particular concern to the region is the strength of the transportation network due to the considerable distances between communities, remote location, and mountainous topography.

The SWCCOG strongly supports the US Highway 160 (US 160) Four Corners Mobility and Safety Improvement Partnership Project. This portion of US 160 is located in rural southwestern Colorado and 8-miles of the project are within the Ute Mountain Ute Indian Tribe (UMUT) boundary. The UMUT have developed a partnership with Colorado Department of Transportation (CDOT) and the New Mexico Department of Transportation (NMDOT) to construct this mobility and safety improvement project. CDOT and NMDOT prioritized this project for funding, although full funding is difficult to obtain due to program funding restrictions and the overall limited resources. This project is a priority for the UMUT and other local residents, along with state and federal agencies, who are concerned with freight mobility and highway safety.

The nine-mile project improves the safety for commercial and passenger traffic between Colorado and New Mexico; maintains the state of good repair and resiliency of aging infrastructure; improves the quality of life for the traveling public and the residents of UMUT lands; supports the economic development of the regional agriculture and tourism industries; and supports the UMUT, CDOT, and NMDOT transportation goals. This project stems from a deeply collaborative process between the three partners who are committed to the improvement of the transportation network in the Four Corners Region.

In light of the anticipated improvements to the Tribal and regional economy, mobility, safety, and overall community in southwest Colorado, the SWCCOG fully supports this project.

Sincerely,

Miriam Gillow-Wiles
Executive Director
Southwest Colorado Council of Governments



22193 US 160 MP 0-8 Scope Options for Grant



Legend

- MILEPOINTS
- Passing Lanes
- Project Limits MP 0- 8

Existing Width Surface Treatment with 4 foot shoulders (5 inch HMA, 6-inch CL 6, 14-inch CL 2) and 2 mile alternating passing lane, to also include NM widening and rail, ITS device and Bridge scour repairs. 8- 12 inch Full Depth Reclamation (FDR) of existing mat; 5 inch HMA overlay; Upgrade existing guardrail.

End Project Limits

NB Passing Lane MP 5.5-6.5

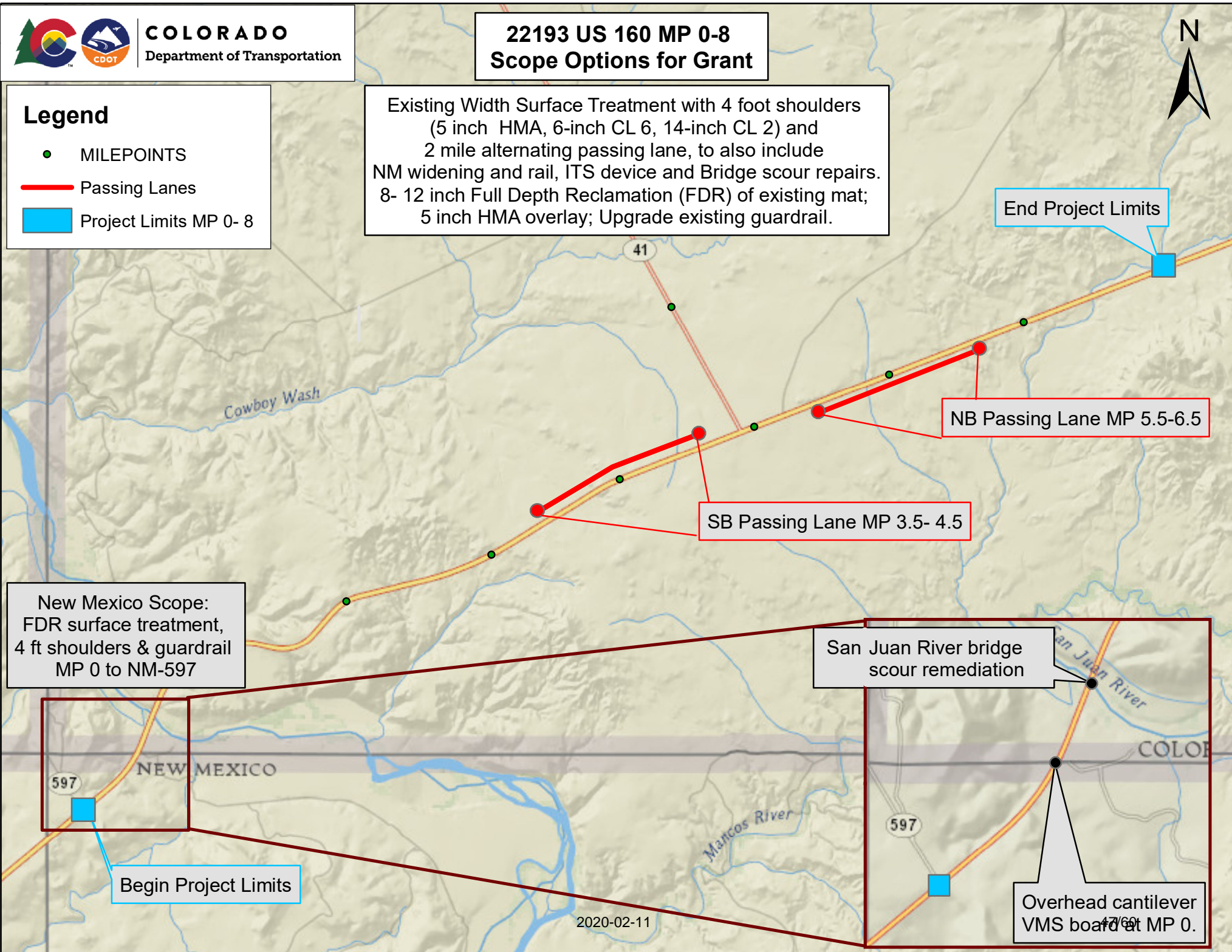
SB Passing Lane MP 3.5- 4.5

New Mexico Scope:
FDR surface treatment,
4 ft shoulders & guardrail
MP 0 to NM-597

San Juan River bridge
scour remediation

Begin Project Limits

Overhead cantilever
VMS board at MP 0.



Letter of Support Memo – Table to Farm Compost RREO Grant Application

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 13 Feb 2020

Comments: Table to Farm Compost is a local business in La Plata County trying to divert compostable food waste from the landfills. They are applying for a CDPHE recycling grant through the RREO program. They have reached out to the SWCCOG for a letter of support to help the grant application.

The SWCCOG has provided a letter of support for a previous grant in 2017. The SWCCOG did provide a letter at that time, which the grant was unsuccessful. However Table to Farm Compost was successful later that year with a CDPHE mini grant to help develop the business.

SWCCOG staff were approached Tuesday so a draft letter was not possible before the Board Packet needed to be sent. In addition, the Board needs to approve a letter of support in this case, as Table to Farm Compost is not regional, and the letter of support guidelines require Board approval for non-regional requests.

Staff will provide a draft copy of the letter at the Board Meeting for review.

Legal Review: Not applicable at this time

Fiscal Impact: None.

Staff Recommendation: Provide a letter of support for Table to Farm Compost for a RREO grant application.

Reports

Director Report

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 13 February 2020

Comments: 2020 is upon us! Staff is working on streamlining some aspects of operations such as invoicing and reimbursements for the various programs we manage as fiscal agents. In addition, we are trying to find ways to engage with the legislative process this session with less staff to focus on the upcoming legislation. There are several pieces of legislation that if passed will have impact on the counties and communities of the SWCCOG.

I was invited and attended the State of the State at the beginning of January, which was interesting and enlightening to hear the Governor's goals and to see how the various sides of the isle reacted. At the beginning of the speech there were several protests by an environmental movement regarding the end of extraction. Much of the public in the gallery were protestors and those that protested, were removed by Capitol Police.

The SWCCOG DOLA Technical Assistance grant was disappointing this year, as DOLA only funded the match for a regional housing study in partnership with Housing Solutions. This means the ~\$40,000 of shared services, including funding for building inspector contracts and shared grant writing were not funded. Staff will address this more in the Decision Items section of the agenda. This has an impact on the COG's budget as shares software and grant writing were expected to come from the DOLA TA grant rather than COG budget.

Board Support and Engagement – Implementation of Board Goals from Retreat

Member Engagement

This is from the December 2019 Board Packet, but as no Board Member has engaged with these communities, that I am aware of, I am leaving this section here. This is highly important and was one of the major points of discussion for the COG Retreat. I am concerned about the lack of engagement with this goal.

- As one of the SWCCOG Retreat goals and discussions centered around the need to have all the members at the table, staff needs the Board to outreach and engage with their counterparts at other organizations. Staff is willing and able to help provide talking points and organization specific information for various jurisdictions.
 - o Durango
 - o Mancos
 - o Dolores (Town)
 - o Montezuma County

Director Report

San Juan RC&D

SWCCOG has been working with Carrie Paget, one of the Board Members for SJRC&D for year end financials and to take on the responsibility and communication for the organization. We have finished up 1099s and started to look for ways to streamline some operations and management to make us and the non-profit more efficient. SJRC&D will have a meeting in March, specific date to be determined.

Community Engagement

December tends to be a quiet month, as many people take time off around the various holidays and January tends to be busy with everybody coming back from holidays to loads of work to catch up on. However, I have had a lot of very positive engagement with large companies to the small communities in the region.

- Arcadian Infracom
- Arcteris Impact Investors
- Region 9 EDD
- Housing Solutions of the Southwest
- USDA
- Southwest Center for Independence
- Town of Pagosa Springs/Archuleta County Broadband Coordinators
- CDOT
- Region 10
- NWCCOG
- OIT
- CCI
- City of Farmington
- Town of Rico
- City of Cortez
- Dolores County
- San Juan County
- Town of Silverton
- Southern Ute Indian Tribe
- Ute Mountain Ute Indian Tribe

Follow Up on Action Items from the Board

- Update on Board Bylaws and Structure – More analysis on associate membership and COGs at the Feb meeting.
 - o This will be moved to the April Meeting based on a discussion item in the agenda.

Upcoming Meeting Dates:

April 9, 2020

- 12:30-1:30 Lunch and Education Session
 - Regular Board Meeting 1:30-4
-

Director Report

Executive Director Time Out of the Office

I will be taking a few days off here and there, for some mental health days and vacation to find some warmer weather. This will also help with ensuring I do not carry too many PTO hours, currently I am carrying over 32 days of PTO.

Broadband Report

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 13 February 2020

Comments Lots of updates, and lots of goings on that are FCC and not FCC related. I am a little fatigued with the number of items coming from the FCC, so a few updates that are not related to the FCC are welcome.

USDA Reconnect Funds - Fiber to the Premise in Dove Creek

Emory Telecom, based in Price Utah, was awarded \$2.7 million funding to build fiber from Monticello Utah to Dove Creek to build fiber to the premise (FTTP). SWCCOG is helping both Emory and Dolores County navigate this process, and COG is helping with information about state statutes regarding broadband development as they are quite different than Utah state statutes.

Southern Route Engineering

Work on this project will start January 2020. Like most things the holidays have delayed the beginning of the project. It will take 2-3 months to complete.

Regional Broadband Development

Arcadian and Arcteris Impact Investors

FCC Notice by Cable Operators Proposed Rule Making – NEW

The FCC is considering rule making to change how cable companies provide notice of service and rate changes to both the customer and the local franchise authority. Much of the proposed rule making relates to what kind of notices cable companies need to provide to consumers when they make programming changes. There is a section that pertains to local franchise authority, stating that the cable operator is only required to notify the local agency with franchise authority if the franchise authority requires it (in the cable franchise agreement or by adopted customer service standards). This is a change from the existing requirement of a 30 notice to both subscribers and local franchising authorities with a precise amount and explanation of the rate change.

It is advised that COG members update their cable franchise agreements to incorporate the forthcoming federal language. Please see Miriam for model agreements.

FCC Radio Frequency (RF) Rule Making - NEW

The FCC has taken four actions on radio frequency. Two pertain to the regulation of RF emissions that have started to become more of a public concern, especially with the push towards 5G cellular service. There will be a standard window for appeals after the order is published, and there is an expectation that public interest groups will appeal the decision not to update standards.

Broadband Report

There are three parts of these RF regulations that may be of interest or impact local governments:

1) *Radio frequency Rule Related to Cellular Handsets*

The FCC analyzed arguments and looked at FDA findings and ultimately concluded there was no need to change exposure rules. However, the FDA has called for additional research, the FCC ruling does not take this into account. As expected, the industry wanted to loosen regulations, while others asked for the FCC to change testing standards (closeness and location in relation to the body)

2) *Compliance and Exemption for Technology that emits RF*

The FCC did make changes to how compliance and exemption of RF emissions work. The FCC evaluates levels of exposure as a function of the power and frequency of the RF signal. Exemptions are based on exposure situations (signal strength and distance from the person, and/or a duration). The FCC created three new classes of exemptions:

- Extremely low power devices – no more than 1 milliwatt (mW)
- Somewhat higher power devices – with transmitting antennas within 40cm (15.75 inches) of the body.
- All others – exemptions determined based on a set of formulas that determine maximum permissible whole-body exposure limits.

3) *FCC References to Local Government Authority*

- The Order affirmed local government authority over wireless siting, but also maintained the pre-emptions of local authority of wireless siting in the Telecommunications Act based on RF concerns.
- Other statements by the FCC acknowledged it might be appropriate to examine wireless sites that are deployed close to where people live/work/play. The FCC explicitly mentioned that structures located in the ROW can pose RF concerns.
- In addition to the above, the FCC discussed post-deployment measures and acknowledged that base stations located near the human population may need additional measures to “ensure excess exposure does not occur”.
- And of course, the FCC included information describing limits on local regulations of RF emissions, including local warning signs or barriers. There is no change to the current authority (or lack thereof) of local governments over radio frequency.

FCC 6409 Powers Rule Making (Wireless Facility Siting)

The Wireless Infrastructure Association (WIA) and CTIA, a trade organization representing the wireless industry, have asked the FCC for a declaratory ruling about

Broadband Report

wireless facility siting. This is likely happening due to the FCC Small Cell Ruling that is currently in the Ninth Circuit Court (see below). The industry filings have named various local governments across the country as bad actors that unreasonably delay wireless development. The filings also rely on anecdotal information on unnamed jurisdictions to base vague accusations.

CCUA is also sending a letter to CTIA and WIA requesting specifics about the issues referenced in the filings. CCUA submitted reply comments to the industry filings in late November. Many of these comments came from local governments across the country and the total filing document was 74 pages. Comments involved concealment, tower height, base station height, equipment cabinets, site expansions, legal non-conforming issues (health and safety), and fees.

FCC Cable Franchise Fees Rule Making - UPDATES

In late October, the FCC moved to transfer the petition to the Ninth Circuit where the rest of the petitions for review are currently docketed, and it is expected the Ninth Circuit Court they will be consolidated into one appeal. In October, The national organizations, spear-headed by NATOA, filed a petition for stay at the FCC on October. This is a prerequisite for filing any stay motion with the court. The FCC denied the motion to delay in early November.

After the FCC denial and later in November the local government groups asked the Ninth Circuit Court for a stay, but the case was transferred to the Sixth Circuit Court. The motion for a stay was refiled in the Sixth in early December.

The Sixth Circuit Court will hear oral arguments on Wednesday, March 11th, 8am EST in Cincinnati, Ohio. This is hopefully a good sign as the court thinks this an important matter.

FCC Over the Air Reception Devices (OTARD) Ruling

The FCC has not yet made a decision on this proposed rulemaking. Staff will up update when more information is available.

FCC 5G-Small Cell Ruling Update

The Ninth Circuit Court will herd the appeal to the FCC Small Cell Ruling on February 10, 2020 at 9am, PST in Pasadena California. Each side had 40 minutes for the oral arguments, with Ken Fellman and other similarly esteemed broadband attorneys arguing for local governments. Staff will update the Board with any information or outcomes of the hearing when they are published.

Broadband Report

Grant Updates

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 12 December 2019

Comments: Starting this month, staff will provide updates up on the various grants in one location instead of spreading them across other reports. This will help track the various projects/goals and the funding related to them. Feedback is welcomed if this is helpful and if it could use some tweaking.

Existing Grants:

CDOT TPR FY19-20 Funding – Ends 6/30/2020

The TPR is funded through a Purchase Order, for typically \$22,100. This state fiscal year, the SWTPR will have an additional \$10,000, for a total of \$32,100, to attend meetings and coordination for SB19-239.

- This funding will cover staff time related to TPR goals and administration of the TPR

DOLA 8824 – 2019 Technical Assistance – Ends 8/31/2020

- \$20,000 - CDL Program Development and Cost Reduction for COG Members (*Shared Services/Community Support*)
- \$30,000 - Development of end markets for hard to recycle items (*Environment*)
 - o Match from CDPHE Regional Waste Studies in early 2020
- No funding for staff

DOLA REDI Grant 19-189 – Ends 6/30/2020

- \$48,000 for Broadband Engineering (*telecommunications*)
 - o Southern Loop through NM: Cortez-Shiprock-Kirtland-Farmington-Aztec-La Plata County
 - o FTTP support to help LPEA post SB19-107 through Eastern La Plata to Pagosa Springs
- \$30,000 Match from Farmington and San Juan County
- Expected funding from ISPs
- Project will start in January

USDA REDI Technical Assistance – Ends 9/30/2020

- No funding attached with this, technical assistance only
 - Support post extraction industry with new economic drivers
 - Plan will create road map and additional funding, likely from USDA sources
 - Expected completion late Q32020
-

Grant Updates

CDOT Mobility Manager – Ends 12/31/2020

- Awarded \$28,500
- All funding towards staff
- Part time position to help coordinate transit agencies, health care providers, health and human service providers, and others
- Will begin January 2020

DOLA Census Grant – Ends 6/30/2020

- \$73,706 Awarded
 - o Includes \$6,692
- Support regional Complete Count Committees to bring in funding

DOLA 9149 – Technical Assistance Grant 2020 – Ends 12/31/2020

- \$35,000
- Match for Housing Solutions Regional Housing Data Collection
- Identify and better understand regional housing including quantity and quality of housing types across the 5 counties.

Grant Requests:

FCC USAC Rural Healthcare 2019 Broadband – Funding Request 5/2019

The SWCCOG applied for a total of \$13,368,611.49 in USAC funding in May. Notice of funding is expected sometime between November 2019 and February 2020.

DOLA EIAF Shared Services – PENDING BOARD APPROVAL in April 2020

- Funding request included:
 - o Shared Software (video conferencing, grant database)
 - o Shared Memberships (CCUA, NATOA)
 - o Development of shared Building Inspection
 - o Shared Grant Writing
- Request (upon Board Approval): ~\$40,000

DOLA Broadband Grant – Funding Request 12/2/2019

- Administrative and Consulting costs for USAC Rural Healthcare
- Out of DOLA \$5 Million set aside for Broadband
- Requested \$520,000

Future Grants

CDPHE Recycling Funding

- Expected Early 2020
-

Grant Updates

- Proposal only, not competitive grant cycle
- \$30,000 from DOLA 2019 funding
- Will look at quantity and local reuse of 'hard to recycle materials', such as glass, tires, electronics.

EDA Funds (potential)

- Help develop some of the outcomes of USDA REDI TA grant

OEDIT Funding (potential)

- Co-working spaces technical assistance, both industrial and office
- Outdoor recreation development

USDA Funding

- Post USDA REDI Technical Assistance work
- Will focus on targeting outcomes and recommendations of USDA REDI TA
- Likely various co-working spaces, outdoor recreation economy development, programs with San Juan College and PCC

Broadband Funding

- USDA funding in 2020
- FCC Rural Opportunity
- Public Private Partnerships

Transportation Report

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 7 February, 2020

Comments: Transportation:

The last SWTPR meetings were held on 12 and 13 December, 2019. The primary topic at these meetings was continued discussion and decision-making for the Southwest Regional Transportation Plan.

The next SWTPR meeting will be held at 9:00 a.m. Thursday, 12 March, 2020 at 1101 East Second Ave, Durango. The meeting will include continued discussion on the Southwest Regional Transportation Plan. This meeting will also likely include funding decisions for projects through the Multi Modal Options Fund.

Transit:

The last Transit Council meeting was held on 17 January, 2020. The topics included a discussion of specific priorities and goals for the Transit Council in 2020, including discussion of hosting an informational transportation/healthcare forum.

The Transit Council will meet on 28 February, 2020 at 9:00 a.m. to discuss details for a planned Transportation/Healthcare Forum. The next regularly scheduled meeting will be held at 9:00 a.m. Friday, 20 March, 2020 at 295 Girard Street, Durango.