

**Southwest Colorado Council of Governments
April Board Meeting
Thursday, 11 April, 1:30pm
295 Girard Street, Durango, CO 81303**

In Attendance:

Karen Sheek – City of Cortez
Steve Garchar – Dolores County (by phone)
Mark Garcia – Town of Ignacio
Andrea Phillips – Town of Pagosa Springs
David Black – Town of Bayfield
Gwen Lachelt – La Plata County
Ronnie Maez – Archuleta County (by phone)
Scott Wall – Archuleta County (by phone)
Kari Distefano – Town of Rico

Staff in Attendance:

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

Guests in Attendance:

John Dougherty – City of Cortez
Peyton Heitzman – City of Cortez
Janet Wolf – Senator Bennet’s Office
John Whitney – Senator Bennet’s Office
Meredith Greene – Nelson Nygaard Consulting Associates
Tom Taylor – Four Corners Economic Development, Farmington
Brian Meinhart – U.S. Census Bureau (Denver Region)
David Liberman – SWCCOG Legal Council

I. Introductions

The meeting was called to order at 1:33 pm, everyone introduced themselves.

II. Presentations

Four Corners Coordinated Transit Plan

Meredith Greene of Nelson/Nygaard Consulting presented the final report of the Four Corners Coordinated Transit Plan. Mark asked about next steps. Jessica responded that ideally, the next step is to find funding for a project manager to implement the identified steps. Kari Distefano asked if the report focused on healthcare-related transit. Meredith responded that it did not, the project focused on general transportation. David Black asked about healthcare funding for transportation. There was general discussion about funding for healthcare-related transportation versus general transportation. Meredith said that funding is spread thin, but the area has a leg up because of the coordinated plan. Gwen asked if Roadrunner Transit was part of the Bustang network. Jessica responded that it was a CDOT bus operated by Roadrunner on the Grand Junction to Durango route. There was general discussion regarding the effectiveness of Bustang routes for commuters across the region. Steve added

that Dolores County has a highly successful service through the Pioneer Center funded by AAA that is healthcare-specific and allows seniors and the general public to travel to Durango or Moab.

2020 Census

Brian Meinhart gave a presentation regarding the upcoming census, which is important to determine per capita allocations and Congressional representation. The 2020 Census will be the first in history to be available by phone, mail, or online. Kari asked about how the census would count citizens who live in Rico part-time. Brian responded that the general rule-of-thumb is that those who live in a specific community for the majority of the year—half a year and a day— can be counted as residents, although such residents may not be living in Rico at the time of the Census count. He said that it will be the responsibility of local governments to help spread information about the questionnaires. Karen asked about the citizenship question that has been challenged in court. Brian said that the questionnaire goes to print in June and hearings are scheduled this month. If the citizenship question does remain on it will be required, but individual information is confidential and therefore will not be shared with other Government organizations such as ICE. Brian closed by emphasizing the importance of local partners in ensuring accurate data.

III. Consent Agenda

- a. March 2019 SWCCOG Meeting Minutes
- b. February 2019 Financials

Andrea Phillips motioned to approve the consent items. Steve Garchar seconded and the motion was approved unanimously.

Reports

Director's Report:

Miriam reported that there is information in the packet regarding DOLA contracts. She said that the SWCCOG applied for DOLA REDI Grant funding to expand a broadband last mile route from Durango to Pagosa Springs and to engineer a route from Durango through Cortez, Shiprock, Farmington, and Aztec to complete a redundant regional loop. If completed, Dove Creek to Monticello would be the only route that has not been engineered. She reported that the SWCCOG also applied for DOLA technical assistance funding with 4CEDs in Farmington for an economic development plan focused on diversifying the workforce. Overall the SWCCOG has been working more closely with San Juan County, New Mexico on potential projects and planning and noted that they are very interested in the broadband work that the SWCCOG is doing. She noted the menu of SWCCOG services included in the board packet to offer to San Juan County, New Mexico. Andrea asked if we are assuming that San Juan County, New Mexico will join the SWCCOG as a member in order to participate in broadband planning. Miriam responded that right now they are forming a relationship, and that southern redundancy is beneficial to the Southwest Colorado region. Currently San Juan County, New Mexico is a member of the Northwest New Mexico Council of Governments based in Gallup. Depending on New Mexico State Statues, San Juan County may be able to be a member of multiple COG agencies. Miriam said that currently the SWCCOG is exploring a partnership as a first step, but that they could explore membership options in the future. Andrea said that in the past the board discussed "a la carte" participation in COG services from agencies that are not members. Miriam said that past situations all involved Colorado agencies, but that Andrea's point was taken. Tom Taylor asked if he may add to the discussion, summarizing that Farmington has little relationship or economic ties with the surrounding counties that are part of the NWNMCOG, making for a bit of political awkwardness in the region. Tom said that if he was mayor today, he would join the SWCCOG in a heartbeat. He gave an overview of unsuccessful broadband redundancy efforts in the

1990s and early 2000s and reported that San Juan County is still very interested in creating a broadband backbone. Ensuring communication redundancy through a loop would be beneficial for the Navajo reservation as well, which has extremely limited connection. He agreed that it is a good idea to explore northwestern New Mexico's relationship to the SWCCOG because the areas are so closely linked economically. Miriam said that a COG membership across state borders would not break Colorado statute, assuming that the SWCCOG board is interested. Tom reiterated that San Juan County is very interested in exploring fiber options. Gwen said that although there is nothing on the agenda regarding exploring the partnership, she is curious about next steps. Miriam responded that she is meeting with San Juan County next week to discuss grant funding. She reiterated that the project is not necessarily an a la carte service, but rather a collaborative effort, along with the Southern Utes, that will be beneficial for the region.

Broadband Report:

Miriam reported frustration with the delay in DOLA paperwork—the 2019 technical assistance documentation has not yet arrived. She reported that the FCC closing date for USAC funding requests will be May 6, and the COG will hold a meeting for contract approvals in mid-May. Miriam is working with the Colorado Communications Utility Alliance (CCUA) on 5G small cell siting model code to share with COG members so they will not have to hire lawyers or code-writers. Miriam also gave an update on Senator Donovan's Easement Legislation bill, which has been rewritten, and said that she expects to see more amendments over the weekend. She will send out an updated draft once it is available. Also included in the board packet is an FCC Franchise Fee Update.

Legislative Report:

Miriam reported that some extremely politically-charged legislation is moving very quickly. She reported that HB19-1261 regarding reduction of emissions may impact southwest Colorado's economies. Gwen said that the oil and gas reform bill clarifies that local governments have the authority to regulate the land use impacts of oil and gas and it is not an unfunded mandate because it will address costs of regulation and levy fees. Mark asked about changes with the Oil and Gas Commission and if the SWCCOG should be involved. Miriam said that the SWCCOG cannot do much more than support candidates, but that she will look into it. Miriam also gave an update regarding the plumbing bill, which passed with significant amendments. She said that legislation is being moved through the channels quickly after being introduced during this year's session. Karen and Gwen agreed, and Karen suggested that the COG write a letter to State Representatives regarding concern about the speed of legislation introductions. Karen said that there is no time to give input, write letters of support, or travel to Denver. Steve agreed. There was general discussion regarding proposed fixes to the Gallagher Amendment, TABOR, and Amendment 23. Mark said that there was overwhelming public support to address those measures. Gwen said that she would forward information to the SWCCOG Board regarding the Building a Better Colorado initiative. Miriam added that she will send the final residential assessment rate estimates study to board members.

Legislative Update from Bennet's Office

John Whitney from Senator Bennet's office gave an update on a House Bill regarding 5G data. He thanked the SWCCOG for their thoughtful letter regarding FCC deployment of 5G and concerns with state and local control/authority. The SWCCOG asked for support of HR530, which was a House Bill that would repeal FCC power on 5G issues. The NWCOG and CCUA also sent similar letters in support of the bill. After working with other senators in DC, Bennet has committed to co-sponsor HR530—the "Accelerating Broadband Development by Empowering Local Communities Act of 2019." Miriam gave

additional background in the legislation, which usurped local control over where small cell infrastructure could go and had the potential to violate land use codes. John said that he expects the bill to pass through the house but the senate may be tougher. John then talked about Senator Bennet's Rural Infrastructure Proposal that was developed to address policy challenges rather than funding challenges by consolidating federal resources into 'one-stop shops' and dedicating personnel to work on rural infrastructure. John invited feedback or suggestions on the bill before it is introduced in the next month or two. Finally, John discussed the American Family Act, a tax credit expansion bill for families with children considering that one-third of families don't qualify for the current tax credit. This bill would dramatically expand the credit, increase the amount, and make it payable monthly. He asked that the SWCCOG review and consider supporting the legislation, which was introduced in March. Karen asked how taxpayers would sign up for the program. John responded that the program eligibility process would be akin to social security. He added that people spend less of their income on so-called sin items if it is given monthly rather than annually. If passed, the bill is expected to make a dramatic dent in childhood poverty. There was general discussion regarding the feasibility of tax credit bills.

Transportation Report:

Jessica announced that the final report for technical assistance for a fixed route between Cortez and Durango is in the board packet. She reported that the Four Corners Coordinated Transit report was presented at the TPR meeting this morning. The CDOT director will try to be in the region for the next TPR meeting, which will take place in June. Andrea asked if there were any updates with the priority of the McCabe Creek project. Jessica responded that the project was discussed during the meeting, although no formal action was on the TPR agenda. Jessica said that there is no established priority list, but CDOT reported that they are in the process of identifying funding for that project. Jessica explained that there is a CDOT development list that had been a topic of discussion at the February TPR meeting. Miriam announced CDOT's multi-year fiber and traffic management plan for Wolf Creek Pass. The completed broadband route will help serve Archuleta and Pagosa and will be good for redundancy throughout the entire region. Depending on finances, the route may extend to Pagosa. Mark said he heard from Patrick that there are expanded DOLA funds around \$6 million and asked Miriam if she knew anything about that. Gwen added that she also saw a notice. Miriam said that she had not yet heard about that and would contact Patrick for more information. Mark and Miriam discussed middle mile broadband plans and the impact of planning on funding. Mark asked Jessica about the transit data demographic information in her report and asked how recent the census data was. Miriam said that it is likely the most recent available information and confirmed that it is the same data used by DOLA.

VISTA Report:

Martina reported that this month she helped apply for the USDA REDI technical assistance grant for economic development that focused on workforce. She also wrapped up the online grant-writing and resource development class she was taking through VISTA.

VIII. Decision Items

CDOT Mobility Management Grant:

Miriam reminded the group of previous conversations regarding the need for a four-state transportation coordination plan and explained the request to apply for funding for a Mobility Manager through CDOT's Division of Transit and Rail (DTR). The SWCCOG has applied for the position before unsuccessfully, but Miriam hopes that DTR will be more amenable now that several plans are in place.

The part-time position would exist to get transit implementation off the ground and help coordinate various agencies in the four states. The position could also help acquire funding for capital purchases or other equipment. Kari commented that operation is usually more difficult than acquiring equipment and asked about drivers who can comply with CDL requirements. Miriam explained that Kari is alluding to the fact that those who obtain a CDL license must pass a drug test since the licensing is federal. Because marijuana is legal in Colorado, it creates challenges. Miriam responded that she hopes new programs will help with the CDL need, and that the SWCCOG is working with Pueblo Community College on establishing a driver training course. Karen suggested advertising the programs to the general public. Andrea asked about a local match, and Miriam responded the funding will be through TPR dues and verified that the money is within the budget as-is.

Andrea Phillips motioned to approve that the SWCCOG apply for the CDOT DTR Mobility Management Grant. Kari Distefano seconded. The motion was approved unanimously.

FastTrack Contract:

Miriam said that as part of the SCAN project, the COG leases IP addresses to various jurisdictions across the region. The contract needs to be renegotiated because it is costing a lot of money. FastTrack requires a connectivity plan along with IP addresses, and the new downsized contract includes 50 Mbps of connectivity at \$4.50/Mbps—which is less than the existing FastTrack cost but is nonetheless not budgeted for. The proposed FastTrack contract is for three years. Andrea asked if Miriam would recommend approving the FastTrack contract and if service would be interrupted if IP addresses were changed. Miriam responded that there would not be interruption, but it would take some staff or contract work on IT services because website and servers would be impacted. Miriam said that the expense of connectivity is not budgeted and could have implications with TABOR, so she recommended that staff try to reach agreement with FastTrack—if not, she suggested direction to seek competitive pricing from other vendors. Mark asked why SCAN included IP addresses, and Miriam responded that it is much less expensive than separate contracts. There is general discussion regarding free market IP addresses. Miriam asked for direction to look at address costs.

Andrea Phillips motioned to direct staff to investigate options including other providers as well as negotiating with FastTrack, and Steve Garchar seconded. The motion was approved unanimously.

IX. Executive Session

Gwen Lachelt moved to enter into executive session to meet with the SWCCOG Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) on April 11, 2019 at 4:06 p.m. David Black seconded, and the motion was approved unanimously.

X. Decision Regarding SWCCOG Attorney Advice – Regular session is resumed at 4:22 p.m. Mark Garcia moved to enter into the proposed mutual settlement agreement with Place Dynamics based on the legal advice discussed during executive session. Kari Distefano seconded, and the motion was approved unanimously.

The meeting was adjourned at 4:25 p.m.