

**Southwest Colorado Council of Governments
February Board Meeting
Thursday, 2 February 2017, 1:30pm
1188 E. 2nd Ave., Carnegie Building, Durango, CO 81301**

In Attendance:

John Egan – Town of Pagosa Springs
Fred Brooks – Town of Mancos
Mark Garcia – Town of Ignacio
Dick White – City of Durango
Shane Hale – City of Cortez
Karen Sheek – City of Cortez
Lana Hancock – Town of Dolores
Joe Kerby – La Plata County
Jim Ostrem – Town of Rico (via phone)
Chis La May – Town of Bayfield (via phone)

Staff in Attendance:

Miriam Gillow-Wiles – Southwest Colorado Council of Governments
Jessica Laitsch – Southwest Colorado Council of Governments
Dennis Wegienek – Southwest Colorado Council of Governments
Sara Trujillo – Southwest Colorado Council of Governments

Guests in Attendance:

Floyd Cook – Dolores County
Steve Garchar – Dolores County
John Whitney – Senator Bennet's Office

I. Introductions

The meeting was called to order by John Egan, Vice Chair, at 1:34 pm who announced he would be filling in for Chair Julie Westendorff. Everyone introduced themselves.

II. Consent Agenda

- a. 5 January 2017 SWCCOG Meeting Minutes
- b. December 2016 Financials

John asked for questions or updates to the consent agenda items. Dick White commented that Julie Westendorff's last name was misspelled on page 6 of the meeting minutes. Miriam said this will be corrected.

Dick White motioned to approve the consent agenda, Karen Sheek seconded, unanimously approved.

III. Reports

Director's Report

Miriam reported that there is a lot of legislation happening with both the state and federal governments. Staff has been working with the COG Legislative Committee, Ron LeBlanc, Shane Hale, and Michael Whiting. The COG has joined Club 20 specifically for broadband. The COG annual board retreat is scheduled for April 6 and will be an all-day event. John encouraged all to make retreat attendance as the meeting will present an opportunity to outline what will happen in 2017 and provide a time for members to voice their concerns and what direction the COG should be taking.

Broadband Report

Miriam reported that the broadband plan is complete. There is a bill out to repeal the SB152 in legislation. This may not affect those who have opted out but will affect special districts. There will be a hearing February 13, 2017, 2pm, at Fort Lewis College where anyone can testify for or against this piece of legislation. Dick asked Miriam to clarify exactly what this legislation would do. Miriam said a large benefit for our region and the deployment of broadband is to put in infrastructure and lease it out. A repeal of SB152 would allow this to be possible. Karen asked if it would be beneficial for individual cities to write a letter on their stance. Miriam said yes and that she will send out the link for the remote testimony for those who would like to participate.

Miriam said one of the challenges facing the development of middle mile infrastructure is easement perfection. This occurs when existing broadband infrastructure is used for utility use (such as TriState or Empire Electric fiber), and there is a desire to allow the existing infrastructure to be used for commercial use. To change from utility to commercial use, the ISP/government/other agency must renegotiate with the land owners to allow for commercial data to be carried across existing infrastructure. This can be costly, time consuming, and create obstacles to broadband deployment. Senator Bennet's office asked for a letter from the SWCCOG regarding ways to solve easement perfection issues. John Whitney said a federal tax credit as an incentive has been considered; however, making the tax code more simple and standardized would be a more feasible plan.

John Egan asked John Whitney if he could provide an update from Senator Bennet's office. Mr. Whitney said there would be a vote to repeal the methane rule that requires methane be captured to prevent compromise of the ozone and climate change. There is a national rule in place now, but if Congress were to overturn the methane rule that would mean the Executive Branch could not do a similar rule on the same topic according to statute. If Colorado were to keep this law at the state level but Utah does not, emissions blowing in from Utah could put Colorado into non-attainment/compliance. This would be the same with New Mexico, if there is no national rule that applies, emission from New Mexico could make Colorado non-compliant. Mr. Whitney said the methane rule is a good rule and there is a new industry being created to capture leaking methane. Another issue Mr. Whitney commented on was the public lands bill that will sell off public land in most counties on the western slope. Shane asked if there were any updates to healthcare. Mr. Whitney said the concern with healthcare is that if the ACA is repealed, there is no replacement plan at this time. They are waiting to see if a replacement plan is put on the table.

Legislation Report

Miriam said a legislation summary was provided in the board packet. There is a lot happening at the federal level. HR621 has been withdrawn. Shane asked if a weekly meeting for the Legislative Committee would be appropriate, perhaps just a 30-60 minute conference call. Miriam said yes and that she will work on a day of the week for these meetings. Joe said with La Plata County's financial situation, they have cancelled their CCI (Colorado Counties Inc.) membership that communicated updates in legislation. Joe requested that the COG track and communicate legislation information to La Plata County by sending information to Joe and carbon copy Sarah Jacobson. Miriam said she will ensure legislation information is passed along and asked if it would be beneficial for someone at La Plata County to sit on the COG Legislative Committee. Joe said Susan Hakanson may be available to sit on the committee but Joe will confirm with Miriam at a later time.

Transportation Report

Jessica said the next meeting of the SWTPR will be February 3, 2017. COG staff is working with transit providers and the marketing consultant to finish up the DoLA grant. Fixed route information has been added to Google Transit, which will roll out soon. Staff is also working on the transit 5304 funding that was awarded to do a Four Corners Regional transit plan. The scope of work should be complete shortly.

VISTA Report

Dennis said he is wrapping up recycling website changes as new information is consistently coming in. Staff is working with marketing to design and create downloadable brochures and pamphlets. Dennis is currently crafting a curriculum for the school education program.

Community Updates

Karen Sheek, City of Cortez:

- Cortez will be taking possession of the new city hall on February 17 across from the recreation center.
- Median plans and pedestrian improvements are in the works.
- There is a street and water project lining up for the year.
- The land use code is almost complete
- A meeting was held to talk about a walk/bike/hike path to Mesa Verde. The trail will be 16-26 miles long and connect the fairgrounds, community college, Phil's World, the state park, national park, and head into Mancos.
- The old high school will be demolished.

Fred Brooks, Town of Mancos:

- There has been much pushback from local horse people regarding the trail to Mesa Verde. An over build or share of the trail to accommodate equestrians is being considered.
- Mancos received a DoLA grant to construct a pedestrian crossing on highway 160; construction is to begin in 2018.

Dick White, City of Durango:

- Durango completed a land use development code 2 years ago, but this item is back on the table and may require some adjustment as it pertain to marijuana regulations.
- There was a recent public hearing about the adoption of an ordinance or ballot measure to prohibit fluoride being added to the water supply.
- City Council elections will be held April 2017 and will result in at least 2 new council members.

Joe Kerby, La Plata County:

- Joe reported that the county's financial situation has grown more dire over the last 6 months largely due to natural gas reduction in production and lower prices. The county does have the 2017 budget in place and are beginning the 2018 budget process. There is a \$7.2 million gap between revenues and expenses. To fill this gap open positions will remain open, the county will be taking voluntary furloughs, voluntary early retirement, and reduce services. A downsize of the budget by 10% will be felt by the community and employees. If the gap were resolved in layoffs, that would mean 90 positions and 25% of the workforce would be eliminated, which is not what the county wants to do. Sara asked what reduction in services the community would see. Joe said a reduction in sheriff deputies on the road, reduction in law enforcement response time, longer wait times at the motor vehicle office for tags, and a general reduction in services across the board.
- There is a retreat on February 23.

- The county has been working with Durango on the homelessness issues and making progress.
- The land use code update has been launched.
- The county is meeting with Durango February 14, 2017 to continue discussion about what to do with the airport terminal expansion process and governance.
- There is currently no excise tax on marijuana; this is a revenue source the county is looking into that will go to the voters.

Chris La May, Town of Bayfield:

- There was a bid opening for the bridge replacement project. The town had 7 bidders and bids came in \$350,000 less than anticipated. This project will move forward.
- The town has adopted fire and building codes.

IV. Discussion Items

a. Privatization of Federal Lands

Miriam reported that HR621 to sell federal lands previously identified as suitable for disposal and for other purposes has been pulled. HR622 would terminate law enforcement function in the BLM. Grants would pass through to local law enforcement to patrol those areas and could impact communities that may already be at law enforcement staff capacity. Miriam asked what the board would like to do with this federal legislation in regards to contacting local legislators or simply watching where this legislation goes and keeping COG members aware. John said COG members would need to leave political opinions on the wayside and consider what is best for the region and all COG members. Shane said if the COG sees federal legislation that impacts the region, the COG should be proactive and get involved. Members need to ensure their elected officials understand the COG's position. Joe asked Miriam how other COGs address federal legislation. Miriam said most other COGs do not get involved with legislation and those that do typically do only in the realm of transit or aging. A COG cannot lobby without a C6 or C4 tax designation. Mark said if this item becomes contentious with division on the board, the legislation stance should be done away with and the COG take a neutral stance; if all members are in agreement to a specific stance, a letter should be warranted. Miriam asked if the board would like to take a position or have staff monitor the bill's movement. Joe asked what the pros and cons are of this legislation. Miriam said the benefit would be local control and the con would be lack of funding. John said monitoring and receiving reports seem to be enough at this point until more is known. Chris commented that he would like to know the county sheriff's position on this issue as they are the ones who would be providing the service. Joe said he would talk to the county sheriff. Miriam said another issue is local law enforcement enforcing federal laws.

V. Decision Items

a. Executive Committee Members

Miriam reported that Julie Westendorff was appointed to the state human services board that holds meetings the same day as the COG; therefore, Julie is unable to chair the COG in 2017 unless the COG changes the monthly meeting dates. If the board chooses to keep the meeting dates the same, La Plata County Commissioner, Gwen Lachelt, is willing to step in for Julie. Miriam asked for suggestions on an Executive Committee shift for 2017. Shane suggested current vice chair and treasurer move up a position and the COG ask Gwen if she would be interested in the treasurer position. Joe said Gwen would be attending the March board meeting. Dick suggested that the nominating committee talk to Gwen in the meantime.

Shane Hale motioned to appoint John Egan as Chairman and Chris La May as Vice Chair with the treasurer position to remain vacant until the March board meeting to solicit input, Mark Garcia seconded, unanimously approved.

b. Executive Committee Meeting Minutes

Chris La May motioned to approve the December 29, 2016 Executive Committee meeting minutes, John Egan seconded, unanimously approved.

c. 2016 Final Budget Amendment

Miriam said the 2016 budget deficit ranged from \$5,000 - \$17,000 dependent upon DoLA grant funding for existing staff. DoLA recently informed Miriam of the approval for existing staff funds, which resulted in the deficit being -\$4,700. This amount will come out of the fund balance. Some of the deficit is due to the AAA contract being shorted \$1,800 and other reasons notated in the budget amendment packet. Mark asked what the fund balance is. Sara said the audited fund balance going into 2016 was \$90,500 and the unaudited fund balance closing out the 2016 budget year with the deficit is \$85,643. Shane asked how different the amendment might be from the audited financial statements. Sara said she worked diligently to ensure all journal entries were complete for year 2016 but there is always a chance that the auditor may find an adjusting entry. Sara said if the auditor gives any adjusting entries, she anticipates the change to be minimal on the 2016 budget.

Mark Garcia motioned to approve the 2016 budget amendment, Dick White seconded, unanimously approved.

Dick said he is not concerned about clearing up the 2016 budget deficit as the hit on the fund balance is quite minimal; however, Dick said he is concerned about moving forward in the 2017 budget and asked how much grant spill over in 2016 will affect 2017 grant backfill. Miriam said the COG is funded like a non-profit but operates like a government. This is not sustainable and a solution needs to be found going forward. The fiscal management of the COG will be a large topic at the upcoming retreat and how to make the COG a self-sustaining organization. Dick said the broadband grant consumed a lot more staff time than anticipated in 2016. Looking forward, Dick asked if staff is at capacity for 2017. Miriam said staff is at capacity with 2.5 FTE and as the board wants to do bigger things with broadband, it will become more challenging with current staff. John said broadband presents a possibility to make the COG financially sustainable. Shane asked if the board could have a meeting about next steps with broadband separate from the retreat. Miriam will work on scheduling.

End 3:08 pm