

**Southwest Colorado Council of Governments
August Board Meeting
Friday, 5 August 2016, 1:30pm
1188 E. 2nd Ave., Carnegie Building, Durango, CO 81301**

In Attendance:

Ron LeBlanc – City of Durango
Chris La May – Town of Bayfield
Michelle Nelson – Town of Bayfield
John Egan – Town of Pagosa Springs
Andrea Phillips – Town of Mancos
Lana Hancock – Town of Dolores
Shane Hale – City of Cortez
Rick Smith – City of Cortez
Julie Westendorff – La Plata County
Joe Kerby – La Plata County

Staff in Attendance:

Miriam Gillow-Wiles – Southwest Colorado Council of Governments
Jessica Laitsch – Southwest Colorado Council of Governments
Shannon Cramer – Southwest Colorado Council of Governments
Sara Trujillo – Southwest Colorado Council of Governments

Guests in Attendance:

Ken Charles – Colorado Department of Local Affairs
Kevin Capp - Centric

I. Introductions

The meeting was called to order at 2:02 p.m.

II. Consent Agenda

- a. 3 June 2016 SWCCOG Meeting Minutes

Shane Hale has previously requested the June minutes be amended to better reflect his commentary during the meeting. He said the amended minutes looks good.

- b. 8 July 2016 SWCCOG Meeting Minutes

- c. June 2016 Financials

Julie Westendorff asked where the funds come from for accounts that are over budget. Sara Trujillo explained that at the end-of-year amendment account balances that are under budget get transferred to the over budget accounts. Ron LeBlanc stated that COG budgeting works a bit different than county or city budgeting. There were no other questions.

John Egan motioned to approve the consent agenda items, Shane Hale seconded, unanimously approved.

III. Reports

- a. Director's Report

Miriam Gillow-Wiles reported that the Ute Mountain Ute Tribe wants to partner with the SWCCOG on the broadband planning process, so there will be an addendum to the current broadband plan with UMU's plan inputted as an appendix. The Tribe is also interested in transit

and recycling. Montezuma County may be participating in the broadband infrastructure project that will be discussed in detail later in the meeting.

Shannon Cramer's time with the SWCCOG is coming to an end in August 2016. Dennis Wegienek will take her place as the new AmeriCorps VISTA to continue work on recycling and has a degree in sustainability. Shannon Cramer reported that she will be employed by the Conservation Legacy that supports work with AmeriCorps members and thanked the board for their support and respect over the last year.

Miriam reported that the September board meeting will be moved to September 2nd versus the 9th due to a personal leave of absence during the 9th. Michelle Nelson asked if the meeting date change needed to be approved by the board or publically noticed. Miriam responded that the meeting date was not a board approved item, and therefore does not require an amended decision. In addition, all board meeting dates are noticed on the SWCCOG website as well as the front door as this location is the official notice site. Andrea Phillips asked if members were okay with the September meeting date change. All agreed.

b. 4CORE Report

Miriam reported that she had a meeting with 4CORE on July 20 and the summarization of the meeting is that 4CORE wants to maintain complete autonomy under the COG, which does not meet the COG's objectives of absorbing the 4CORE organization. Julie said she met with Laurie Dickson with 4CORE and received a similar message. La Plata County is not prepared to absorb 4CORE as an independent organization, and as a principale funder alongside the City of Durango, Julie would like to have a conversation with the City to discuss their position and opinion. As of now, Julie does not feel there is anything to act on with the COG/4CORE merger. Shane asked if COG staff gave 4CORE the terms, would this be helpful. Miriam stated that she has had the same conversation with 4CORE multiple times regarding the list of "to-dos" and a fee for service model to get the merger in process; however, there seems to be vacillation on 4CORE's part. Joe Kerby said the possibility of 4CORE coming under the COG has been encouraging and he was surprised with the turn of events at a prior meeting but still feels 4CORE coming under the COG would be beneficial. Julie agreed that 4CORE provides valuable service to the whole region and 4CORE grants have regional components. Shane mentioned the NWCOG implementing a weatherization program. He sees the fit with 4CORE but not with 4CORE as an independent organization under the COG. Andrea said the conversation between La Plata County and Durango needs to happen then the outcome of that discussion can be brought back to the COG. Joe mentioned a 4CORE board meeting will be happening later in August and asked if this topic was on their agenda. Miriam was not sure as she has not received an invite to attend or been notified that the COG would be on the agenda.

c. Broadband Report

Miriam reported that a lot of work has been done on the broadband plan and reviewing the RFI. A meeting was held with the Montezuma County Planning Group to discuss details of the COG's plan and how it meets up with Montezuma's Fiber to the Premise Project regarding middle mile and redundancy.

d. Transportation Report

Jessica Laitsch did not have anything to add to the report provided in the board packet. There were no questions.

e. VISTA Report (Includes Shared Services and Recycling)

Shannon reported that work continues with the community college for CDL training. Training cost does include test price. The college is flexible with how often the training will be provided and is willing to travel to administer the training. Shannon also reported that with the success of the Snapple Grant, the Town of Rico and City of Durango will be receiving new recycle bins in September.

f. Community Updates

Due to the meeting's late start, Shane suggested moving this item to the end of the meeting if time permits. All agreed.

IV. Discussion Items

a. DOLA Infrastructure Funding and Montezuma County

Andrea said that the UMU Tribe is planning to participate in the broadband planning process but will not be a COG member and asked if the Tribe would be assessed a 10% administration fee. Miriam said yes, Diane Kruse with NEO Connect estimated the UMU Tribe plan cost would be \$7,500; therefore, their fee would be \$750 for administration, DoLA will cover 65% and the Tribe the remainder. Andrea asked how the board members feel about UMU Tribe and Montezuma County participating in the broadband project without being COG members. Shane said a 10% administration fee seems largely undercharging and asked if the UMU Tribe coming onboard is official. Miriam said no and that the partnership is just for the planning process. She had asked Montezuma if they wanted to partner on the planning process as well and the County had said no. Miriam said that for a Tribe to become a COG member is quite different and more complex than a County. Andrea asked how. Ron said a tribe, as a sovereign nation, would be similar to an organization in Canada becoming a COG member. Joe said if the COG allows other entities to participate in projects and services of their choosing that they should be required to pay a premium and agreed with Shane that 10% is not nearly enough. Julie said the UMU Tribe has expressed interested in joining the COG and if trying, should not be penalized. Shane said with his community being a part of Montezuma County allowing the County's participation would be beneficial; however, not being a COG member but receiving benefit is not acceptable. Shane said he will need to abstain from a vote on this item due to these circumstances. Ron said that he is not interested in partnering with Montezuma County due to past relations. John Egan said he is in favor of a premium and would like to see Montezuma County participate on some level. He recommended that staff discuss an appropriate premium and present at the next board meeting for a vote. Ken Charles stated DoLA's position is that everyone should be included and COG members should consider the benefits of including Montezuma. Rick Smith said including Montezuma will make the infrastructure design more all-encompassing and connecting the 3 hubs, which also plays into CDOT's plans. This will bring much capacity, shared design and cost. Andrea had concern for charging a premium to the County for work that has already been done. Miriam said there will be some similarities and overlap but have to ensure both plans will

merge smoothly if working together on infrastructure. Chris La May said he did not recall Montezuma County being included in Diane Kruse's presentation just prior to the COG board meeting and that he was expecting an operational plan. Miriam said the capital infrastructure planning and direction were needed prior to putting an entire operational plan in place and that an operational plan will be part of the deliverable. Miriam will connect Diane and Chris for specific questions Chris may have. Andrea asked Ken how it would affect the COG members if Montezuma County was not part of the infrastructure project. Ken said he was not sure but recommended the board make a decision now as time is at a critical point. Joe asked for a reconfirmation that the COG would not be penalized for not accepting Montezuma County into the project. Ken said no, that the state understands the argument. Andrea suggested charging a minimum of 6 months annual dues with the year being half over; they must join the COG as a member.

John Egan motioned to allow Montezuma County to participate in the COG's future broadband infrastructure grant only if they become a member of the COG, Ron LeBlanc seconded, all in favor with the exception of the abstained votes: Shane Hale, Andrea Phillips, and Lana Hancock.

V. Decision Items

a. 20 June 2016 SWCCOG Executive Committee Minutes

John Egan motioned to approve the 20 June 2016 SWCCOG Executive Committee Minutes, Julie Westendorff seconded, unanimously approved.

b. 2017 Final Budget

Andrea asked what changes were made between the 2017 preliminary budget previously presented versus the 2017 final budget presented now. Sara said the dark fiber leasing revenues and expenses were previously presented with all community participation for the entire year of 2017 were reduced to all community participation for just ¼ of 2017 under the assumption that all communities would not be participating immediately beginning January 1, 2017, 4CORE revenues and expenses were removed from the 2017 final budget, and a team building account was added. Julie asked where the additional funds for the team building account came from. Sara said the funds come from member dues. Profit in the preliminary budget was approximately \$13,000; however, with the changes, profit in the final budget is approximately \$1300. Andrea asked about member cash match and what grants those funds would be used for. Sara replied \$25,000 for member match will be broken down per member and be held in member budgets the same as 2016. Although no cash match was invoiced in 2016, Sara does anticipate invoicing for at least \$10,000 of the match in 2017 for grants. Miriam said with the size of an infrastructure grant, additional match would be required for that specific grant. Michelle Nelson inquired as to the large increase in the retirement benefit expense. Sara said that currently Miriam is the only employee taking advantage of the retirement benefit. However, in 2017, Sara and Jessica may participate; therefore, the additional participation of 2 employees had to be budgeted for. Sara will send out letters to all members with a breakdown and explanation of all requested funds.

Shane Hale motioned to approve the presented 2017 final budget, Michelle Nelson seconded, unanimously approved.

c. MOU for Broadband Planning for Ute Mountain Ute Tribe

Andrea said this MOU is a draft resolution between the COG and Ute Mountain Ute Tribe to participate in the regional broadband process. The Ute Mountain Ute Tribe is to come up with \$2,063 (10% admin fee included) and DoLA will be picking up the rest and including an addendum.

Shane Hale motioned to approve the contract and added addendum for the DoLA broadband planning with signature authority to the chair, John Egan seconded, unanimously approved.

d. SCAN Revenue Share Decision

Andrea asked that a final decision be made on this item. With the collection of the previous straw poll information, a draft contract was written and presented. Miriam added that there is approximately \$27,000 in the 2017 COG budget from dark fiber leasing revenues. This is minimal funds but is not the only planned revenue source for broadband infrastructure support and development. The COG needs to ensure SCAN is stable and funded now. Julie recapped the last meeting that included a change in the agreement to say any jurisdiction may opt to do in-house billing but that the 75/25 COG/member split would remain. Julie pointed out an error in the spelling of "SWCCOG". Andrea commented on Exhibit A, the 3rd bullet point, requesting clarification regarding the verbiage indicating that a community could exclude some links that were part of the SCAN. Shane explained that bullet point indicates excluding what they bill for. Miriam said she will update the language to make the meaning more clear. Shane mentioned a section of the lease that states any community with non-SCAN fiber needs to lease that fiber at the same rate to be non-competitive. This provision is a bit problematic and overreaching because it removes the home-rule authority for communities to create their own tier structure and negotiate dark fiber leases. Shane asked that the contract make sure policy and rates not paid for by the state are not addressed by the COG because it is not COG fiber and the COG does not have authority to create rules around that fiber or pricing. Ron said the contract pertains to just SCAN infrastructure. Miriam confirmed that the contract does only apply to SCAN fiber and she will make appropriate changes to ensure direction for non-SCAN fiber is not being given in the contract. Andrea asked if the contract is updated to read, "SCAN fiber" throughout versus fiber, if that would take out the perception that the contract is dictating what communities can do with non-SCAN fiber. Shane said yes. Andrea said under Exhibit A, 3rd bold bullet point, states \$110/mile but should read \$110/strand/mile. Also, in the last sentence on the same bullet point, Andrea asked what is meant by the verbiage, "This amount may change by mutual agreement of SWCCOG and Local Government." Miriam said she will update the verbiage to say "by action of the SWCCOG" versus "Local Government". Michelle asked that bullet point #4 better define what is being "excluded". Julie asked if the contract had been reviewed by legal. Miriam confirmed yes. After the requested updates, Miriam will send it back to legal for review. Julie asked for the bullet points to be numbered for ease of reading and discussing. In addition, Julie asked that the amended contract be sent to COG members for approval with a deadline for responses.

Julie Westendorff motioned to approve the Memorandum of Agreement Between the Southwest Colorado Council of Governments and _____ (blank) Regarding Leasing for SCAN Infrastructure as it was presented here today with a couple of modifications in that SWCCOG be spelled correctly and with some minor adjustments consistent with the

conversation related to Exhibit A bullet points 3 and 4, pending review by legal, with signature authority to the Chair, Ron LeBlanc seconded, unanimously approved.

e. Civil Rights Act, Title VI Policy – CDOT Transit Requirement

Jessica reported that having a Title VI Policy is a requirement for receiving transit money from the state. The policy is to ensure non-discrimination. The policy was drafted on a template provided by CDOT. Julie asked how Jessica adopted CDOT's template to COG needs. Jessica said she did not change any verbiage as the CDOT template was a fill-in-the-blank; examples from different Title VI plans were used. Julie asked if the template was reviewed by legal. Jessica said no. Andrea said because the CDOT template was used, she is okay with this document not going through legal. John said Pagosa Springs just went through the same process and template.

John Egan motioned to approve the Title VI Policy, Ron LeBlanc seconded, unanimously approved.

VI. Other Items

Ron said he was asked by Region 9 to announce a training coming to Durango for a Brownfields Program and passed around handouts regarding the training.

Julie said the La Plata County Commissioners voted for a November ballot measure regarding the \$40 million airport project and property tax increase to pay for it.

End 3:30pm