



Date: January 29, 2019

Location: Colorado Department of Labor and Employment
633 17th Street, Suite 500
Denver, CO 80202

Present: Jim Moody, Randy Wheelock, Jeannette Jones, Patrick Fitzgerald, Katherine Duitsman, Eric Kirkpatrick, Lori Warner, Mark Jurgemeyer, Raymond Swedfeger, Julie Mileham, Mike Mills and Tom Sturmer were present for the start of the meeting.

Jeff Rumer and Mark Frasier were recorded as present at 8:30 am.

Chris Kampmann attended the meeting remotely via webinar and conference line; he was noted as present during the adoption of the Bylaws.

Absent: N/A

Note: The meeting was recorded and started at 8:02 am. These minutes represent a summary of this meeting and are not intended to be a verbatim document. Audio recordings of the meetings can be obtained by contacting cdle_safetycommission@state.co.us.

MINUTES APPROVAL:

A Motion was made to approve the minutes from the January 3, 2019, meeting: motion carried and discussion was entered. There was no discussion; a vote was taken to approve the minutes.

It was approved by a unanimous vote.

OPS STAFF UPDATE:

- Welcome to Tom Sturmer
- Remote feedback from January 3, 2019, meeting received; lead to development of more formal call to order including member introductions
- Greg Johnson (from OPS) and Chris attended Legislation Roundtable for Denver Metro area city/county water/sewer officials on January 10, 2019, to discuss how to comply with the updated Excavation Requirements statute
- Complaints received thus far: **6**; an additional one received for an incident (involving damage) that occurred May 25, 2018, prior to the effective date of the updated Excavation Requirements statute
- If any news on Safety Commission-related legislation, please let us know.
- Please advise what you'd like to focus on for the February 13 meeting agenda.

Questions from the Safety Commission Members focused on deadline for processing complaints and whether involved parties had been notified.

CO811 UPDATE:

JD Maniscalco (CEO) and Jose Espino (Director of Operations) noted the work their team has been doing to meet the mandates under the statute, as well as meeting with stakeholders. They shared a presentation that

addressed their software enhancements, new ticket types, the Procedures Committee role (Tom Stumer is on that committee) and Tier 2 to Tier 1 conversion process. Discussion was had regarding fielding questions from stakeholders on the statute and ensuring everyone is on the same page; this was noted as a potential future agenda item. CO811 noted that they have an FAQ section on their website.

BYLAWS:

Motion to adopt the Bylaws: motion carried and discussion was entered. Final spelling and grammar edits were noted, as well as the appreciation for the legal review conducted by the Attorney General (AG)'s office. Suggestions made by the AG's office between the last meeting (1/3/19) and this meeting were reviewed and discussed by the Safety Commission and final changes were made. Discussion and clarification was had regarding quorum. **An Amended Motion was made to adopt the Bylaws as written:** motion carried.

A vote was taken; the Bylaws were approved by a unanimous vote.

CODE OF CONDUCT:

The Safety Commission reviewed the document, including suggestions made by the AG's office. **A Motion was made to adopt the Code of Conduct in conjunction with the Bylaws:** motion carried.

A vote was taken; the Code of Conduct was approved by a unanimous vote.

MOU:

Discussion was had as to what suggested edits were made by the AG's office. The edition of the word 'specific' to location was noted due to CORA; CORA includes the sharing of general locations, not specific locations.

Motion made to approve the Memorandum of Understanding (MOU) between the Safety Commission and CO811 (Notification Association): motion carried and discussion was entered. The question was asked as to whether Members of the Safety Commission that are also on the Board of CO811 have a conflict of interest and whether they should recuse themselves from the vote. The response from the AG's office was that since this document is an agreement, it is not necessary to recuse those Members. Clarification was also sought to ensure that specific location information would not be subject to CORA. A question was also raised regarding the ability to work with more organizations in regards to educational opportunities; it was agreed that this MOU does not restrict that possibility.

A vote was taken; the MOU was approved by a unanimous vote. The MOU was executed and signed by the Interim Safety Commission Chair and CO811's CEO.

OVERVIEW - WASHINGTON STATE SAFETY COMMISSION:

As an example of a Safety Commission model, a summary of the Washington state process was provided by Jon (the program coordinator). In addition to explaining their process, Jon described a mock hearing tool they use to help educate excavators and locators. Jon noted that Washington's program remains available to support the Members of the Safety Commission in Colorado to be successful and appreciates that Colorado is considering Washington's work to establish their own program.

EXECUTIVE SESSION

Item: Rules and Hearing Training (provided by the AG's office)

The committee motioned for executive session; the motion carried and executive session was entered.

DRAFT COMPLAINT/HEARING DOCUMENTS:

Draft documents developed by OPS staff were shared and some discussion was held by the Safety Commission for the following:

- Notification Form (letter): Discussion was had regarding when to notify the persons alleged to be in violation and wanting to give them as much notice as possible. It was discussed that Washington state does a script, a notice of complaint received and a notice of hearing scheduled (all separate items). The Safety Commission noted that OPS staff might execute a Notice of Complaint received and separately send a Notice of Hearing scheduled.

- Complaint Form(s): both a Google Form and PDF versions were created. It was discussed that the complaint form will be shared with both parties mentioned in the complaint. Feedback from the Safety Commission Members included adding the ticket number to the complaint form (instead of just including it on the damage form) and other minor changes be made to the layout.
- Due to time, copies of other draft documents (e.g., Data Request Form) were shared with the Safety Commission and were not discussed in this meeting.

OTHER BUSINESS:

- Agenda for the next meeting was discussed.

The next meeting is scheduled for February 13, 2019.

Meeting adjourned at 12:05pm.