



Date: May 9, 2019

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

Present: Jim Moody, Jeannette Jones, Patrick Fitzgerald, Katherine Duitsman, Eric Kirkpatrick, Mark Jurgemeyer, Raymond Swedfeger, Mark Frasier, Julie Mileham, Mike Mills, Tom Sturmer, Jeff Rumer. Chris Kampmann arrived right after roll call.

Absent: Lori Warner, Randy Wheelock.

Note: The meeting was recorded and started at 12:00pm. 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 April 11, 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.

SELECTING A CHAIR & VICE CHAIR

A Nomination was made to have Eric Kirkpatrick act as Chair: motion carried and discussion was entered. There was no discussion; a vote was taken. It was approved by a unanimous vote.

A Nomination was made to have Jeanette Jones act as Vice Chair: motion carried and discussion was entered. There was no discussion; a vote was taken. It was approved by a unanimous vote.

HOME RULE ENTITIES

A discussion was held regarding what the relationship and path forward was with Home Rule Entities; including OPS administrative logistics and Home Rule's scope. Representation from the Colorado Municipal League and Colorado Association of Municipal Utilities (Morgan Cullen and Dan Hodges) were involved in the discussion. The statute was reviewed and perspectives were shared regarding the intent of the language. It was determined that an Executive Session shall be held at the next Safety Commission meeting to gain legal counsel on the statute's scope.

COMPLAINT HEARINGS:

- The Review Committee's Findings of Fact form (complaint 2019-001) from the April 24, 2019, hearing was reviewed with the Safety Commission. The Review Committee explained their rationale on determining the violation to be a Minor (versus Moderate) Violation and the reason they selected the remedial action. **A Motion was made to adopt the Review Committee's recommended remedial**

action as noted in the Findings of Fact form: Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.

- May Hearing Dates and Review Committee members were selected. Some complaints were scheduled for specific dates to account for potential conflicts of interest. Two dates were selected to manage the volume of complaints.
- The OPS staff were asked to coordinate dates for potential June-December hearing dates to keep those days available in Safety Commission member's schedules.
- The AG's office (John Lizza) advised that based on the Statute, when a locator is listed as the party alleged to be in violation, the Owner/Operator of the utility being located shall be included in the Complaint and Hearing notices.
- Sharing Final Determinations was discussed; the goal being to be transparent with information as well as allowing interested stakeholders to learn from the hearing results. OPS staff will have a draft website page available at the next Safety Commission meeting for the members to review.

BEST PRACTICES:

As a continuation from April meeting, Tom Sturmer brought a question from CO 811's policy committee regarding Road Grading to the Safety Commission. The Commission will walk a fine line between legal advice and defining best practices. Do not want to provide legal advice. The Commission discussed options on how to proceed forward. Next steps included having stakeholders bring questions and suggested solutions to the Safety Commission for review and potentially hosting larger stakeholder meetings to create Best Practices or Policies. This topic will continue in future agendas. Various stakeholder groups (beyond road grading) are asking for help in understanding how to proceed based on how the Safety Commission reads the laws.

ADMINISTRATIVE ITEMS/OPS UPDATE:

- Senate confirmation hearings: completed on April 15 & 22 for 14 of the SC members
- State Damage Prevention Grant status: submitted on 5/1/19.
- ACEC Colorado ASCE 38 Training Opportunity with Jim Anspach: now scheduled for one hour at 6/13 meeting.
- OPS Outreach events: covered for Arvada, Loveland and Pueblo; CO811 will have a booth in Arvada, Loveland and Grand Junction.
- Database status: initial meeting this morning to discuss needs for all parties; will loop in interested members at key milestones.
- Regulations status: Rule filing (step 3/3) completed. Rules submitted to the SOS and Legislative Legal Services. Still on track to become effective on June 14, 2019.
- OPS has developed "Next Steps" reminders and provides them as a handout to all parties in hearings
- **Hearing Notification letter:** added a statement of "we will be collecting data from CO 811 in regards to the ticket & such information will be available at the OPS office prior to the hearing to review" to give access to both parties to such material (for review).
- **Complaint Form:** Revised form to include Facility Owner/Operator when locator is the person alleged against.
- For the first Final Determination (completed during the 4/11/19 SC meeting), OPS developed the drafts and sent them to all SC members for approval. Do you want us to continue in that vein or only have them reviewed by the Chair or Chair & VC or other?

It was determined in discussion that besides the AG's review, the Chair & Vice Chair will be responsible for approving the form prior to it being sent to the involved parties.

- Per OPS' request to advise of any upcoming legislation, SB-181 & the potential impact to the Safety Commission were discussed. More information will be shared with the Commission and further discussion will be considered at a future meeting.

CO 811 UPDATE:

JD Maniscalco (CEO) and Jose Espino (Director of Operations) were present.

- Software updates were discussed:
 - Two Web TMS systems for redundancy/backup
 - Web ticket entry is undergoing software enhancements
 - Avaya Communications (phone) platform being updated
 - Dig811 will replace ticket express for single address tickets
- Procedures Committee is working on Road Grading and SUE topics; also working with counties to get info for County Road Grading list
- UDPSC Referrals: CO 811 staff working to determine a process to help resolve issues and ensure complaints get to the Commission.
- Abandoned facilities were discussed.
- New website (look) and features coming soon.
- 811Run on August 10th in Arvada.

CO 811 to reach out to Safety Commission members directly to determine interest in participating in events.

OTHER BUSINESS:

- Agenda for the next meeting was discussed.

The next meeting is scheduled for June 13, 2019.

Meeting adjourned at 3:37pm