



Date: May 12, 2022

Location: Hybrid via Webinar & at 633 17th Street

Present:

I	Chris Kampmann	R	Jeannette Jones	I	Mark Williams	R	Rob Martindale
	Dale Kishbaugh	I	Jim Moody	R	Patrick Fitzgerald	R	Ted Jensen
R	Dana Bijold	R-	Julie McCaleb	R	Raymond Swerdfeger		Terri King
R	Esther Williams	R-	Lori Warner	R	Rob Ellis		

I indicates in-person attendance R indicates remote attendance
 * Indicates arrival after roll call - indicates technical difficulties during roll call

Note: The meeting was recorded and started at 1:00 pm. 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 March 10, 2022 meeting: motion carried. A vote was taken to approve the minutes. It was approved.

CURRENT BUSINESS

CO 811 Update:

JD Maniscalco, Jose Espino, Whitney Nichols and Carla Sanchez presented:

- **CEO Update:** CO 811 July Social Mixer on July 26, 2022 (4-6pm); Annual meeting is in September; Board retreat is in November. After 30 years of service, David DiGiacomo is retiring from the industry and is no longer the lawyer for CO 811. The new lawyer is Michelle Berger from Spencer/Fane. Forecast for 2023: initial report is positive with single-digit growth. 2021 Financial and operational audit kick off has not yet occurred but is on track to happen. Excavation buffer reduction: Board requires additional analysis for approval from the Procedures Committee. 2022 Goals are being worked on by the Executive Committee and CEO.
- **Operations Update:** 2022 Center Stats shared. Meeting forecast numbers. Encouraging web ticket entry to help them overcome staffing shortages at the call center. Currently down 7 full- time employees.
- **Damage Prevention Update:** Shared some outreach and presentation efforts.
- **Marketing and Communications Update:** Shared marketing strategies, including targeted YouTube pre-roll for CO viewers and other traditional advertising. NASCAR Call Before you Dig 250 race. Also participated in an interview in April.
- **Member Relations Update:** Automatic Positive Response Re-notifications (APPR): 5% increased over 2021's volume. In April, 6 new owners/operators joined; 4 new accounts (member codes) created for

existing members. There were 5 Terminated members: 3 are part of an acquisition/merger and 2 are management company-registered HOAs (there was confusion between the management and HOA Board, and communication continues with the HOA Board to get them re-registered; they were incorrectly registered with types of facilities). The upcoming CO 811 Board meeting will include a discussion of terminated members and what actions to take.

During discussion: when asked about positive response codes, CO 811 stated they are still awaiting CO 811 Board approval. The Commission is also eager to hear what the CO 811 Board decides about terminated members.

COMPLAINT HEARINGS:

- The Review Committee's Findings of Fact form from the May 3, 2022, hearing was reviewed with the Safety Commission.
 - Complaint # 2022-001: **A Motion was made to approve the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried and discussion was entered. There was no further discussion. A vote was taken to approve the motion. It was approved.
- Review Committee members were selected for the upcoming July 12 hearings, with AM & PM groups because of various potential conflicts of interest.
- The Commission will now allow Hybrid hearings to occur; OPS staff will advise if any parties wish to attend in person so that Review Committee members can decide to join in person or remotely. May need to prepare for printed exhibits and need to scan them; will still ask for digital exhibits to be submitted in advance.
- 2 complaints were forwarded to Colorado Springs.
- 2021-038 remedial action: not received by May 9 due date, so the respondent now has a 2-week extension to May 23, 2022.

BEST PRACTICES:

- Update shared on Large/Complex projects. Currently inviting stakeholders; thus far, owners/operators and excavators have shared their thoughts. CO 811 will be invited to share their process and how they distinguish between regular and large/complex projects.
- Still in a learning position.

ADMINISTRATIVE ITEMS/OPS UPDATE:

- Stat dashboard shared.
- The budget was approved, so the Commission was granted ongoing authority for use of up to \$20,000 of the Damage Prevention Fund per fiscal year.
 - Shared information from the procurement office on how to use funds (what the process options are).
 - Can use funds starting July 1, 2022.
- Bills that impact the Excavation Act & the Commission were touched on; some may require adjusting the Bylaws.
- PHMSA report for 2021: Staff is compiling data for that report and is collaborating with Colorado Springs for one joint report. One question on the report asks about the process improvements have been used to ensure enforcement decisions adapt over time based on reviewing the options that parties typically choose to complete; training with reduced fines has improved the number that choose training vs when a fine or training was offered with no reduction option. Data has not been analyzed to reflect on what percentage of the fine is reduced with training. Discussed gathering additional data through a survey/questionnaire, or reviewing the data that CO 811 already has. Looking at whether respondents are repeat respondents, including after training is taken is also a good data point.
- Bylaws were reviewed to update and match current Boards and Commissions Statutes.

- Question about what takes precedent: filling the Commission seat or term limits?
- **A Motion was made to approve the revised Bylaws:** Motion carried and discussion was entered. There was no further discussion. A vote was taken to approve the motion. It was approved.
- Final (5th) stakeholder meeting regarding HB21-1095 is on May 16, 2022.

OTHER BUSINESS:

- Discussed when the next Safety Commission meeting will be.

The next meeting is scheduled for July 14, 2022. *The Best Practice group will meet remotely in June.*

Meeting adjourned at 3:03 pm.