



Underground Damage Prevention Safety Commission Bylaws

Pursuant to the Excavation Requirements Statute
Title 9, Article 1.5, Sections 104.2, 104.4, 104.7 and 104.8
Effective 1/29/2019; Updated May 12, 2022
Scheduled for Repeal September 1, 2028

Article I. Name

This Safety Commission shall be known as the **Colorado Underground Damage Prevention Safety Commission** (Safety Commission). The Safety Commission shall be created in the Colorado Department of Labor and Employment, in the Division of Oil and Public Safety (OPS).

Article II. Purpose

The purpose of the Safety Commission, as established in section 9-1.5-104.2 of the Colorado Revised Statutes (CRS), is to:

- A. Make recommendations regarding:
- Best practices and training
 - Policies to enhance public safety
 - Policies to improve efficiency and cost savings to the Colorado 811 program (Utility Notification Center of Colorado [UNCC])
- B. Review complaints of alleged violations and order appropriate remedial action or penalties

Article III. Commission Membership

The Safety Commission shall consist of 15 voting Members representing the following entities (Member):

Nomination Category	Nominated By	# of Representatives on the Safety Commission
County	Colorado Counties, Inc.	1
Municipality	Colorado Municipal League	1
Special District	Special District Association of Colorado	1
Energy Producer	Colorado's Energy Industry	1
Contractor	Colorado Contractors Association	1

Excavator	Excavator Members of the Notification Association	2 (only one Member has an initial term of 2 years)
Engineer	American Council of Engineering Companies of Colorado	1
Investor-Owned Utility	Investor-Owned Utilities	1
Rural Electric Cooperative	Colorado Rural Electric Association	1
Pipeline Company	Colorado Pipeline Association	1
Telecommunications and Broadband Company	Colorado Telecommunications and Broadband Industry	1
Water Utility	Colorado Water Utility Council	1
Transportation	Colorado Department of Transportation	1
Farming/Ranching	Colorado Commissioner of Agriculture	1

A. Qualification to Serve

Safety Commission Members are appointed by the Governor of the State of Colorado in accordance with Colorado law.

B. Term of Appointment

An appointed Member shall serve for a term of three years except for the initial appointment terms noted in the Excavation Requirements Statute. An appointed Member continues to serve until the Member's successor is duly appointed. A partial term counts toward the term limit only if the partial term was more than half the length of a standard term.

C. Duties of Safety Commission Members

Each Safety Commission Member shall have an ongoing duty and responsibility during the term of such Member's service to:

- Actively participate in the work of the Safety Commission (including, without limitation, as part of any sub-commission to which the Member is assigned).
- Act at all times in the best interests of the Safety Commission and the parties in the Member's nomination category.
- Show due care and attention to the work of the Safety Commission.
- Read and comply with the Code of Conduct.

Without limiting the generality of the foregoing, each Member will comply with all training, participation and other requirements set forth in any applicable policy or procedure adopted by the Safety Commission relating to participation by Members on the Safety Commission.

D. Officers and Duties

There shall be three elected positions on the Safety Commission consisting of a Chair, a Vice Chair, and a Review Committee Coordinator. The positions shall be elected by the Members annually in January or as needed. Their duties are as follows:

- Chair: shall ensure that the orders of the Safety Commission are carried out, convene regularly scheduled meetings, and preside or arrange for other Members to preside at each meeting in the following order: Vice Chair or other Members. With the support of OPS staff, the Chair acts as the spokesperson for the Safety Commission for media or related events. Alternatively, the Chair may assign this spokesperson task to other Members of the Safety Commission who volunteer.
- Vice Chair: shall perform the duties of the Chair at the Chair's request, in the Chair's absence, or during the Chair's disability. The Vice Chair shall have the power and duties as may be designated by the Safety Commission.
- Review Committee Coordinator: shall coordinate the activities of the Review Committee as well as associated staff activities.

E. Review Committee and Duties

Whenever the Safety Commission receives a complaint, the Safety Commission will create a Review Committee made up of 3-5 Members of the Safety Commission to review the complaint.

- The Review Committee must include the same number of Members representing excavators and owners or operators and at least one Member who does not represent excavators or owners or operators.
- The duties shall be as described in section 9-1.5-104.2, CRS.

F. Identifying and Resolving Conflicts of Interest

Safety Commission Members will disclose actual or potential conflicts of interest. A Member who has a conflict of interest with regard to a particular matter shall recuse himself/herself from performing any official act related to that matter.

Article IV. Removal

The Governor appoints and removes Members. Any Member may resign at any time by giving written notice to the Chair or Vice Chair and sending a letter to the Governor's Office. The resignation of any Member shall take effect upon receipt of notice thereof or at such later time as specified in such notice; and, unless otherwise specified herein, the acceptance of such resignation shall not be necessary to make it effective. The Governor's office may request that the Member remain in their role until a replacement has been nominated. On the written recommendation of two-thirds of the full Safety Commission, a Member may be removed by the Governor.

Article V. Vacancies

When vacancies on the Safety Commission exist they shall be promptly filled pursuant to section 9-1.5-104.2, CRS.

Article VI. Compensation

Members of the Safety Commission may be compensated for reasonable travel expenses such as mileage and parking. Each Member may be paid only his/her expenses, if any, of attendance at each meeting of the Safety Commission. In no event may any Member be paid a stated salary for serving as a Member or a fixed sum for attendance at any meeting of the Safety Commission. Further, a Member may not be paid any compensation for performing services for the Safety Commission as an employee or independent contractor.

Article VII. Meetings

The Safety Commission customarily meets at regularly scheduled intervals as appropriate, but at least quarterly, to carry out Safety Commission business. Other meetings may be called by the Chair or upon request of the majority of the Members of the Safety Commission.

A. Executive (Closed) Meetings

The Safety Commission shall announce the specific citation of the statutes or rules that are the basis for the executive session before holding the executive session.

The Safety Commission may hold an executive session at a meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, may take place in an executive session, except the review, approval, and amendment of the minutes of an executive session:

- Conferences with an attorney for the Safety Commission for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the Safety Commission is not sufficient to satisfy the requirements of this subsection.
- Matters required to be kept confidential by federal or state law or rules and regulations.
- Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- Determination of positions relative to matters that may be subject to negotiations; development of strategy for negotiations; and instruction of negotiators.
- Other reasons permitted by law.

B. Training Meetings

The Safety Commission shall, at the direction of the Chair, schedule and hold an annual training meeting either separate from or in conjunction with one of the regular meetings of

the Safety Commission. The training meetings may include, without limitation, required annual training and continuing education training for Safety Commission Members.

C. Notice to All Parties

The Safety Commission shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the Safety Commission's boundaries no less than 24 hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the Safety Commission's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

D. Attendance

Remote attendance by conference communication equipment is permitted if a Member is unable to attend the meeting in person. Participation by such means shall constitute presence in person at the meeting, including for the purposes of establishing a quorum.

F. Minutes

Minutes shall be kept of each Safety Commission meeting and provided to all Safety Commission Members. Remote participation by a Member must be recorded in the meeting minutes. The minutes will be posted on the Safety Commission's website page within seven business days after they are approved by the Safety Commission Members at the following Safety Commission meeting.

Article VIII. Amendments

These Bylaws may be altered or repealed, or new Bylaws may be adopted by a two-thirds vote of the full Safety Commission at any meeting of the Safety Commission duly convened after proper notice to the Members setting out the purpose of the meeting.

Article IX. Quorum

A majority of the total number of Safety Commission Members shall constitute a quorum for the transaction of business at any meeting of the Safety Commission.

Members may participate in voting when present at Safety Commission meetings either in person or remotely through conference communication equipment. Voting shall be fairly conducted and methods used shall permit verification of the results in Safety Commission minutes.

All acts and resolutions of Members shall be deemed adopted upon a favorable vote of a quorum of Members, unless the Colorado statute or Bylaws require a greater percentage.