

**Southwest Colorado Council of Governments  
July Board Meeting Minutes  
Thursday Sept.29, 2022 FLC Innovation Center Main Ave. Durango**

**Board Members**

Andrea Phillips - Town of Pagosa Springs (remote)  
Willy Tookey - San Juan County  
Gloria Kaasch-Buerger, Town of Silverton (remote)  
Olivier Bosmans, City of Durango  
Katie Sickles -Town of Bayfield  
Ashleigh Tarkington, Town of Bayfield  
Matt Salka, La Plata County

**Staff**

Laura Marchino - Region 9 EDD  
Brian Rose, Region 9 EDD  
Shak Powers, Region 9 EDD  
Shirley Jones, Region 9 EDD  
David Liberman, Attorney

**The meeting was called to order at 1:30 pm.**

**A. Board Introductions**

**B. Public Comment**

There was no public comment.

**C. Approval of Agenda**

**Commissioner Salka made the motion and Willy Tookey seconded the motion to approve the agenda. The motion passed with all in favor.**

**D. Consent Agenda**

- 1. July 29, 2022 Board Minutes**
- 2. August 11, 2022 Executive Committee Minutes**
- 3. Financial Statements**
- 4. CIRSA Liability Insurance**
- 5. SW Center for Independence Letter of Support for 5310 Funds**

**Willy Tookey made a motion to approve the consent agenda items as presented. Matt Salka seconded. Laura Lewis Marchino asked whether Vice Chair, Willy Tookey could sign the CIRSA agreement as he was present at the meeting. Chair Andrea Phillips agreed, and the motion passed unanimously.**

**E. Discussion Items**

**1. Draft 2023 Budget**

The draft budget was distributed and reviewed. Income was reduced to just grant income that will remain under the SWCCOG as either a DOLA grant or an open grant. All staff has transitioned under Region 9 and a few programs will also move under Region 9.

Andrea Phillips asked if the budget needed to be approved. Laura Lewis Marchino asked for additional time to make sure nothing was missed and to have a better estimate of expenses. Shirley Jones explained that they were aligning the SWCCOG and Region 9 chart of accounts and are using QuickBooks for the COG budget until they can transition. The SWCCOG funds will be shown in the Region 9 budget as a Fund with additional links to the details.

## **2. Integration with Region 9**

Jessica Laitsch's leaving has been really tough in terms of losing our historical knowledge of all things COG and placed a huge burden on Shirley Jones in trying to learn their financial systems and make sure bills are paid and items invoiced. Laura Lewis Marchino has taken on the current grant reporting and board administration duties. To keep you updated, we have received no pushback on the new dues from area governments though more outreach by the Executive Director is needed. We have confirmed our current auditor to do a partial year audit if needed for under \$7,000 but the changing of the fiscal year will need to be delayed into 2023. Staff continues to work on making the SWCCOG as simple an organization as possible and only administer DOLA grants. All open grants will remain under the SWCCOG until closed. We will need an updated services agreement between the COG and Region 9 and David Liberman is working on a draft to bring to both boards by the end of 2022.

## **3. Transfer of SWCCOG fiscal agency programs to Region 9**

There are at least five grants and four open programs (SWIMT, All Hazards, CARO, SJRCD) that are in various stages of transitioning under Region 9. CARO and SJRCD are moving under Region 9 and new All Hazard and SWIMT grants will be under Region 9, if possible, but old grants remain under the SWCCOG until closed. The SWCCOG is also administering the SWTPR, Transit and RHA. The SWTPR and Transit are moving under Region 9, but the RHA will likely find another administrator by the end of the year (that was their intent). Laura Lewis Marchino wanted to make sure the Board was ok with the proposed movement of programs under Region 9 as much as possible. CARO and SJRCD are in the process of moving. There was no objection from the Board.

## **F. Decision Items**

### **1. Broadband Dark Fiber Maintenance Fund**

The Board was made aware at the last meeting that there is a separate COG bank account with about \$19K that is for SCAN fiber maintenance. The SWCCOG also receives funds from dark fiber leases and is not putting those funds into the broadband account but has been utilizing them for operations. Staff believes that there is about \$65K received annually and recommends putting in all broadband funds into the separate account to be used for broadband purposes only. **Ashleigh Tarkington made the motion to put all dark fiber lease income in the broadband account for broadband specific**

**purposes beginning in the last quarter of 2022. Willy Tookey seconded the motion which passed with all in favor.**

**2. Contract with 2210 to manage SCAN fiber**

The SWCCOG owns 144 strands of fiber between a carrier neutral location (CNL) at CR G and Hwy 491 into the 2210CortezData Center in Cortez (about six miles). 2210Cortez a fiber data center is interested in managing that fiber and sharing any revenue leases. There was discussion of the contract which included edits from David Liberman, attorney. Laura Lewis Marchino asked for approval to work towards a contract and whether the SWCCOG should keep any strands in reserve. There was additional discussion that the SWCCOG might need to do a fiber audit as we are unsure what fibers are the SWCCOGS and even how much is available to lease and in what location. The intent would be that any income goes into the Broadband fund. **Oliver Bosmans made the motion and Ashleigh Tarkington seconded working towards a contract with 2210 and keeping 4 strands of fiber in reserve for the SWCCOG. The motion passed with all in favor. Andrea Phillips asked for the final copy to be distributed to the group.**

**3. SCAN network asset towards letter of credit for NTIA regional broadband grant\***

Laura Lewis Marchino provided an update regarding the application and a required letter of credit for 25% of the grant amount. No bonding was allowed. Region 9's Board approved moving forward to pursue a letter of credit. Brian Rose provided an update as well. Region 9 staff is requested, that if needed, and if legal, would the SWCCOG be willing to transfer ownership of the SCAN Network if needed to Region 9 as collateral for the project. There were several questions and some discussion, but the group understood that there was no other possible applicant for this grant. **Oliver Bosmans made the motion that the SWCCOG explore the potential of transferring SCAN broadband asset to Region 9 if needed for the required letter of credit. Matt Salka seconded, and the motion passed with all in favor.**

**4. Revised SWCCOG Bylaws**

The revised SWCCOG Bylaws were distributed along with a memo identifying all the Colorado Statutes and duties that the SWCCOG as a government entity will need to provide. Andrea Phillips thanked David Liberman for all the provided information. Though there are no changes to the fiscal year, the SWCCOG Board responsibilities were reduced and the representatives and alternates for each government entity would be on both the Region 9 and SWCCOG boards. This will allow for one meeting though business will be divided into SWCCOG and Region 9 business. Oliver Bosmans asked about the mix of elected and staff representatives. Laura Lewis Marchino responded that it was up to each government, but many appoint one elected and one staff member. **Ashleigh Tarkington made the motion to approve the revised Bylaws. Willy Tookey seconded the motion. The motion passed with all in favor.**

## 5. **50/50 Revenue Split**

The SWCCOG Board has requested exploration of the current 75/25 revenue sharing. The split was based on that the governments matched 25% of the SCAN build and the 75% would go to the SWCCOG. Laura Lewis Marchino reported that the COG is bringing in about \$65K a year in dark fiber leases. She spoke with Region 10, and they recommended a 50% split which was similar to other areas in the state. With several of the group who were interested in this discussion not in attendance, **the group decided to table this item until the next meeting, as there were unanswered questions regarding the income potential of the SCAN and what was owned by the governments.**

## 6. **December 2022 and 20223 meeting dates**

Staff proposed quarterly meeting dates for 2023 that aligned with the Region 9 Board of Directors, plus an additional meeting in late November or early December to approve the budget. Those dates are the fourth Thursdays of the month (January 26, April 27<sup>th</sup>, July 27<sup>th</sup>, and September 28<sup>th</sup>). Executive Committee meetings will be held quarterly. **Willy Tookey made the motion to approve the proposed meeting dates. and Ashleigh Tarkington seconded, and the motion passed with all in favor.**

## G. **Reports**

1. **Grant Updates** – A memo was provided in the Board packet.

### 2. **Project Manager Report (Transportation/transit, Broadband and Housing)**

Shak Powers provided an update on his broadband activities and housing activities via PowerPoint. He discussed housing strategies such as identifying “orphaned” subdivisions and getting utilities, looking at recruitment of a housing manufacturer. There will also be pursuit of IJA infrastructure funding to try to solve some of our funding needs with housing. Oliver Bosmans discussed some of high concern and Matt Salka asked about looking to coordinate south to New Mexico companies. There was a lot of discussion.

## H. **Member Updates**

**Silverton** – Gloria Kaasch-Buerger reported on the new adopted Master Plan. They had around 350 people participate in the 2-year process and are excited about the results. The Town purchased 1.25 acres of land for housing and will annex it to the Town. They received funding for the land purchase and to hire a Housing Coordinator. Fall colors are in full swing.

**San Juan** – Willy Tookey discussed that sales tax down from last year, but still up from previous years. There is a Ballot issue to amend the lodging tax to allow for funding of affordable housing and healthcare. Forty percent of the lodging tax will still be used for tourism marketing. The budget season is underway.

**Bayfield-** Ashleigh Tarkington reported that the Town has annexed a ton of property and is looking at both new affordable housing and commercial developments. They need to get a new traffic light for commercial development. That project is being engineered and will eventually be a two light stop town.

**Durango** – Olivier Bosmans said the Council accepted the audited financial reports and is starting on the budget process. They are working with the County on Purple Cliffs and seeing a lot of emails and engagement regarding the homeless situation. He mentioned a presentation on nationwide connectivity and discussed opportunities to use bike trails to also include fiber. He mentioned the old rail lines from that could be used for trails between Durango and Mancos, extended to Cortez and even up north. The Trails to Mesa Verde Project plans to connect Mancos to Mesa Verde and Cortez was mentioned. Mary Monroe is a good source of information, and we don't want to continue to miss opportunities to connect communities.

**La Plata** – Matt Salka talked about the Commissioners work on reviewing the Land use code and working with the S. Ute Tribe, Archuleta County and LPEA on the Hwy 151 broadband grant. They have hired Ken Fellman, an attorney, to help them draft an IRU agreement. The regional weather station project has received 3 bids so looks promising to move forward. Purple cliffs closes tomorrow, and he agreed with Councilor Bosmans that there is a lot of feedback. He also said the County is receiving a lot of input regarding San Juan Basin Public Health leaving Archuleta County.

**Pagosa Springs** – Andrea Phillips said that they are working to build a 98-unit workforce housing project as a public-private partnership with a developer. The initial site received a lot of pushback so forced them to look at another site costing \$500K. They are also looking to address problems with their sanitation collection system. The Town contracts with a Sanitation District and collects and transports waste 7 miles by pipe to the treatment facility where it is processed, and the town is charged a fee. The Town definitely need infrastructure money as the system experienced near failure last summer. The Town's Sales tax shared equally with Archuleta. They are currently at 4% and asking for a 1.5% increase with 50percent of the increase to go towards roads. The Pagosa Springs CDC group is working on marketing for the sales tax initiative. Archuleta County is also looking to stand-up its own Health Department.

#### **I. Adjourn**

The meeting adjourned at 2:39 pm.

Minutes submitted by Laura Lewis Marchino