

AGENDA
BOARD OF DIRECTORS
WEDNESDAY, December 21, 2022
6:30 p.m. – 7:30 p.m.
VIDEO/WEB CONFERENCE
Denver, CO

1. 6:30 Call to Order
2. Pledge of Allegiance
3. Roll Call and Introduction of New Members and Alternates
4. Move to Approve Agenda
5. 6:40 Report of the Chair
6. 6:45 Report of the Executive Director
7. 6:50 Public Comment
Up to 45 minutes is allocated now for public comment and each speaker will be limited to 3 minutes. If there are additional requests from the public to address the Board, time will be allocated at the end of the meeting to complete public comment. The chair requests that there be no public comment on issues for which a prior public hearing has been held before this Board. Consent and action items will begin immediately after the last speaker.

CONSENT AGENDA

8. 7:00 Move to Approve Consent Agenda
 - i. Summary of November 16, 2022
(Attachment A)

ACTION ITEM

9. 7:05 Discussion on the Family and Medical Leave Insurance (FAMLI) Program
(Attachment B) Douglas W. Rex, Executive Director

TIMES LISTED WITH EACH AGENDA ITEM ARE APPROXIMATE. IT IS REQUESTED THAT ALL CELL PHONES BE SILENCED DURING THE BOARD OF DIRECTORS MEETING. THANK YOU!

Persons in need of auxiliary aids or services, such as interpretation services or assisted listening devices, are asked to contact DRCOG at least 48 hours in advance of the meeting by calling (303) 480-6701.



10. 7:20 Committee Reports

The Chair requests these reports be brief, reflect decisions made and information germane to the business of DRCOG

A. Report from State Transportation Advisory Committee – Nicholas Williams

B. Report from Metro Mayors Caucus – Bud Starker

C. Report from Metro Area County Commissioners – Jeff Baker

D. Report from Advisory Committee on Aging – Jayla Sanchez-Warren

E. Report from Regional Air Quality Council – Doug Rex

F. Report from E-470 Authority – Deborah Mulvey

G. Report from CDOT – Rebecca White

H. Report from FasTracks – Brian Welch

ADMINISTRATIVE ITEMS

11. **Next Meeting – January 18, 2023**

12. Other Matters by Members

13. 7:30 Adjourn

CALENDAR OF FUTURE MEETINGS

December 2022

7	Board Work Session	4:00 p.m.
19	Transportation Advisory Committee	1:30 p.m.
20	Regional Transportation Committee	Canceled
21	Performance and Engagement Committee	Canceled
21	Finance and Budget Committee	Canceled
21	Board of Directors	6:30 p.m.
23	Advisory Committee on Aging	Canceled

January 2023

4	Board Work Session	4:00 p.m.
17	Regional Transportation Committee	8:30 a.m.
18	Performance and Engagement Committee	5:00 p.m.
18	Finance and Budget Committee	5:30 p.m.
18	Board of Directors	6:30 p.m.
23	Transportation Advisory Committee	1:30 p.m.
27	Advisory Committee on Aging	11:00 a.m.

February 2023

1	Board Work Session	4:00 p.m.
14	Regional Transportation Committee	8:30 a.m.
15	Performance and Engagement Committee	5:00 p.m.
15	Finance and Budget Committee	5:30 p.m.
15	Board of Directors	6:30 p.m.
17	Advisory Committee on Aging	11:00 a.m.
27	Transportation Advisory Committee	1:30 p.m.

ATTACH A

SUMMARY
BOARD OF DIRECTORS MEETING
WEDNESDAY, November 16, 2022

Members/Alternates Present

Kevin Flynn, Chair	City and County of Denver
Steve O'Dorisio	Adams County
Jeff Baker	Arapahoe County
Claire Levy	Boulder County
William Lindstedt	City and County of Broomfield
Nicholas Williams	City and County of Denver
Lisa Smith	City of Arvada
Nicole Speer	City of Boulder
Margo Ramsden	Town of Bow Mar
Jan Pawlowski	City of Brighton
Deborah Mulvey	City of Castle Pines
Randy Weil	City of Cherry Hills Village
Craig Hurst	City of Commerce City
Steve Conklin	City of Edgewater
Othniel Sierra	City of Englewood
Lynette Kelsey	Town of Georgetown
Rachel Binkley	City of Glendale
Paul Haseman	City of Golden
Jeslin Shahrezaei	City of Lakewood
Stephen Barr	City of Littleton
Wynne Shaw	City of Lone Tree
Ashley Stolzmann	City of Louisville
Paul Sutton	Town of Morrison
Richard Kondo (Alternate)	City of Northglenn
John Diak	Town of Parker
Sally Daigle	City of Sheridan
Sarah Nurmela	City of Westminster
Bud Starker	City of Wheat Ridge
Rebecca White	Colorado Department of Transportation
Brian Welch	Regional Transportation District

Others Present: Douglas W. Rex, Executive Director, Melinda Stevens, Executive Assistant, DRCOG; Chris Chovan, Adams County; Mac Callison, Aurora; Art Griffith, Douglas County; Kent Moorman, Thornton; Debra Baskett, Westminster; Ed Bowditch, Jennifer Cassell, Bowditch & Cassell; Jan Rowe, Danny Herrmann, Jordan Rudel, CDOT; Nancy York, Rachel Hultin, Jenny Young, Citizens; and DRCOG staff.

Chair Kevin Flynn called the meeting to order at 6:30 p.m. with a quorum present.

Move to approve agenda

Director Daigle **moved** to approve the agenda. The motion was **seconded** and **passed** unanimously.

Report of the Chair

- Director Shaw reported that the Performance and Engagement Committee met earlier in the evening and discussed/took action on Executive Director Rex's Performance Evaluation.
- Director Baker reported the Finance and Budget Committee and Regional Response Inc. (RRI) met earlier that evening and discussed the 2021/2022 audits for DRCOG and RRI. Additionally, the committee discussed updates to DRCOG's Investment Policy and approved two resolutions authorizing the Executive Director to:
 - allocate additional federal and state funds to AAA contractors totaling approximately \$2,700,000 for the state fiscal year ending June 30, 2023.
 - accept state funds of \$529,670 from Senate Bill 21-290 and to allocate them to projects as approved by the State Unit on Aging.

Report of the Executive Director

- DRCOG will be applying for a couple federal discretionary grants: the Smart (strengthening mobility and revolutionizing transportation) Grant and the Thriving Communities technical assistance program from USDOT.
- COG Cares: DRCOG has a voluntary internal program where employees try to give back to the community. Upcoming events include making and delivering holiday cards for veterans, sponsoring the Spearly Center to deliver gifts to residents in the assisted living facility, participating in the Bienvenidos Food Bank Drive, and serving multiple shifts in January at Café 180.
- ED Rex wanted to thank Jenny Dock and her staff for all their great work resulting in clean audits for DRCOG and RRI.

With the recent election taking place, ED Rex wanted to congratulate the following members who are either moving to new positions or won their re-elections.

Public Comment

There was no public comment.

Move to approve consent agenda

Director Shaw **moved** to approve the consent agenda. The motion was **seconded** and **passed** unanimously.

Items on the consent agenda included:

- Summary of the September 21, 2022 meeting
- Non-MPO Multimodal Transportation Options Funds (MMOF) Call for Projects
- *FY 2022 – 2025 Transportation Improvement Program (TIP) Policy Amendments*

Select representatives to the Nominating Committee

Chair Flynn presented this item to the directors. The Nominating Committee consists of member representatives from the Performance & Engagement Committee,

the Finance & Budget Committee, the Board, a member selected by the Board Chair, the Immediate Past Chair of the Board, and a Board member representing the City and County of Denver. At the January meeting each year, the Nominating Committee shall present to the Board nominations for Executive Committee members to be elected at the February meeting.

Director Haseman **moved** to select Deborah Mulvey of the Board of Directors to the Nominating Committee. The motion was **seconded** and **passed** unanimously.

Discussion of the FY 2022-2027 *Transportation Improvement Program* (TIP) Call #3 Recommendations (FY 2024-2027 TIP Regional Share)

Todd Cottrell provided an overview of the recommendations to the members. On August 22, DRCOG issued the third of four Calls for Projects to ultimately program \$466,423,000 in available funds from federal fiscal year 2022 through 2027. Call #3 was a Regional Share call for a new TIP being developed covering FY 2024-2027. Nineteen applications requesting \$156,027,000 in DRCOG funding were received from subregional forums, CDOT, and RTD. This call utilized two tracks; one for Air Quality and Multimodal projects using four funding sources and another track specifically using Surface Transportation Block Grant funding. The AQ/MM Track received six applications, while the STBG Track, received thirteen applications. From October 12-26, DRCOG conducted a public comment period for the submittals and received over 1,250 comments. DRCOG staff evaluated and scored each application question on a scale of 1-5 and an average weighted score was calculated for each project and turned over to a Regional Share TIP Project Review Panel. The panel met virtually on October 31 and November 2 to review the scores and comments and to recommend a suite of projects for the AQ/MM Track, the STBG Track, and a Regional Share wait list to TAC, RTC, and the Board. The panel recommended funding four projects within each track. The panel also recommended a draft wait list in score order, specifically stating the panel will revisit the list once TIP call #4 is complete.

Director O'Dorisio **moved** to allocate Regional Share funds to eight projects to be included in the new FY 2024-2027 Transportation Improvement Program. The motion was **seconded** and **passed** unanimously.

Corridor Planning Program & Community Based Transportation Plans (CBPTs)

Jacob Riger presented an overview of the planning programs to the board members. DRCOG's FY 2022-2023 Unified Planning Work Program identifies the development of two new planning programs to help advance the 2050 Metro Vision Regional Transportation Plan's project and program investment priorities:

- **Corridor Planning:** This program will focus on corridors that touch multiple jurisdictions, or for which regional coordination is needed. The purpose of this program is to support regional coordination to achieve a shared vision for the corridors and to help identify multimodal investments that can be advanced towards implementation. DRCOG has conducted a call for letters of interest from jurisdictions who are interested in participating. DRCOG anticipates identifying two corridors to study initially in 2023 and developing a list of additional corridors.

- **Community Based Transportation Planning:** The goal of this program is to work to improve mobility options by developing community-based transportation plans with communities that face transportation inequities, barriers, and challenges. These plans will identify the specific transportation needs of historically marginalized communities, develop community-informed solutions, and map out a path to fund and implement recommendations.

DRCOG has released a Call for Nominations for the Community Based Transportation Planning program. Nominations are due on December 16, 2022. Details about the Nomination process can be found on the [DRCOG website](#).

2021 Annual Report on Traffic Congestion in the Denver Region

Robert Spotts provided a detailed overview of the report to the directors. DRCOG maintains a federally-required congestion management process (CMP). One component of the process is the calculation of congestion measurements for roadways in the DRCOG region, and presentation within an annual report on traffic congestion. The annual reports have been prepared since 2006. Mr. Spotts presented the latest findings on vehicle miles traveled in the region, the continued impacts of the COVID-19 pandemic on travel and congestion, travel projections for 2050, and highlights of recently completed congestion mitigation projects. Directors were given an opportunity to discuss and review the [2021 Annual Report on Roadway Traffic Congestion in the Denver Region](#) at the meeting.

Committee Reports

State Transportation Advisory Committee – Director Williams stated the committee met in November and had one action item regarding the Federal Land Access program. They received two informational briefings on the 2022 update from the Colorado Association of Transit Agencies and an overview of the non-RTD transit service performance for 2022. They also had a report on the Ozone Season Transit Grant Program and received a budget update from CDOT for the 2023-2024 annual budget allocation plan.

Metro Mayors Caucus – Director Starker stated the MMC met on October 5 and received a presentation from the American Red Cross on active threat preparedness training opportunities for our communities and public safety officials. The caucus had two informational briefings and discussions on Denver's Social Impact Bonds and Public Safety in a Retail Setting.

Metro Area County Commissioners – Director Baker stated the commissioners met on October 21st and had another in depth conversation regarding homelessness.

Advisory Committee on Aging – Jayla Sanchez-Warren reported the committee met and received an informational briefing on the Regional Summit for County Councils on Aging. The committee received an update on the AAA Transportation Choice Services program. They made some changes to their policies and procedures to try and keep up with the growing demand for services.

Regional Air Quality Council – ED Rex stated the council met and reviewed the 2023 budget and work program that will be voted on at their next meeting. The council received an update on the state's consideration of the Ozone State Implementations Plan. They also received a presentation on Denver's Climate Protection Fund.

E-470 Authority – Director Mulvey stated that there were a number of RFPs for different financial items that will go to traffic and service studies to analyze trends, including usage before and after the pandemic. E-470's toll rate schedule was a large discussion topic at this meeting, including usage analysis and a continued commitment to lower tolls.

Report from CDOT –Director White reported that CDOT is currently increasing their efforts to retain and attract workers with a multitude on incentives.

Report on FasTracks – Director Welch stated that RTD is officially allowing e-bikes on all trains and buses that are able to accommodate them. In December, RTD will begin preparing a report of the results from the Zero Fare for Better Air study. Early next year, RTD will be providing an initial look at a recommendation on that study and an equity analysis of it.

Next meeting – **December 21, 2022**

Other matters by members

Director Levy wanted to know if there would be an opportunity to provide comments on the legislative priorities listed in the agenda packet. ED Rex informed her that staff requests to have any comments or suggested changes by December 23. Staff will request action of the documents at the January 18, 2023 meeting.

Director Stolzmann wanted to recognize Director Shaw and her community's efforts on the Lone Tree Rail Tour.

Director Lindstedt wanted to inform the Board that this would be his final meeting with DRCOG and wanted to thank everyone for their collaboration, friendship, and professionalism.

Adjournment

The meeting adjourned at 8:16 p.m.

Kevin Flynn, Chair

Board of Directors

Denver Regional Council of Governments

ATTEST:

Douglas W. Rex, Executive Director

ATTACH B

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
(303) 480-6701 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
December 21, 2022	Action	9

SUBJECT

Family and Medical Leave Insurance (FAMLI) Program

PROPOSED ACTION/RECOMMENDATIONS

DRCOG staff recommends the Board of Directors adopt a resolution declining employer participation in the FAMLI program.

ACTION BY OTHERS

N/A

SUMMARY

In November 2020, Colorado voters approved Proposition 118, also known as the Family and Medical Leave Insurance (FAMLI) program. FAMLI provides all Colorado workers access to paid leave to take care of themselves or their families during life circumstances that pull them away from their jobs. FAMLI will be available starting January 1, 2024 and contributions to the program are paid by the employee and the employer beginning January 1, 2023.

The statute provides three options for local governments: Fully participate in FAMLI coverage, decline all participation, or decline employer participation.

Local government is defined in the FAMLI statute as a county, city and county, city, or town, whether home rule or statutory, or any school district, special district, authority, or other political subdivision of the state. DRCOG is a local government due to its status as an association of local political subdivisions (C.R.S. § 29-1-401) and as a regional planning commission (C.R.S. § 30-28-105). Many of our peer councils of governments throughout the state have already declined participation.

Staff has conducted an analysis of DRCOG's existing benefits (Attachment 1) and has concluded that the coverage for employees compares favorably to FAMLI. FAMLI does provide paid caregiver leave, which is not currently offered in our short-term disability plan.

The course of action staff is recommending (i.e., declining employer participation) affords DRCOG employees the opportunity to determine if they would benefit from the additional caregiver leave offered by FAMLI and the option of electing or declining the coverage based on their own individual circumstances. DRCOG plans to assist employees who want to individually participate in FAMLI by voluntarily deducting and remitting the employee share of the premium (0.45% of wages) and corresponding wage data to the FAMLI Division every quarter.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to adopt a resolution declaring DRCOG's decision to decline employer participation in the Colorado paid Family and Medical Leave Insurance (FAMLI) Program.

ATTACHMENT

1. Summary comparison of FAMLI and DRCOG Benefits
2. Draft Resolution

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Executive Director, at (303) 480-6701 or drex@drcog.org; or Randy Arnold, Director of Human Resources at 303-480-6709 or rarnold@drcog.org.

Summary comparison of FAMLI and DRCOG Benefits		
	FAMLI	DRCOG
General Description	The Colorado Family Care Act provides Colorado employees with up to 12 weeks of partial pay and job security for various family and medical related absences from work, plus an additional four weeks of paid leave if workers have serious health conditions related to pregnancy or childbirth complications.	Short-Term Disability (STD) provides employees with up to 24 weeks of partial pay for various medical related absences from work.
Eligibility	Employees who've earned at least \$2,500 in wages within the last four calendar quarters.	Employees working more than 30 hours per week are eligible on the first of the month following hire.
Weekly Benefit	90% of the state average weekly wage (\$1,484 in 2022) for the portion of the wages equal to or less than 50% of the average weekly wage -and- 50% of the portion of the wages that exceeds the state average weekly wage to a maximum cap of \$1,100.	60% of before tax weekly earnings to a maximum of \$1200 per week for up to 24 weeks.
Duration	Depending on the reason and need for leave, the benefit period may be up to 12 weeks. For people experiencing pregnancy and childbirth complications, this may be extended an additional four weeks for a total of 16 weeks.	Depending on the reason and the need for leave, the STD benefit period may be up to 24 weeks following a 2 week elimination period. After the combined 26 weeks, if medically necessary, Long Term Disability benefits would begin.
Cost	Premium shared evenly between the employer and the employee. For 2023, the combined rate is .9% of wages which would be .45% each.	No cost to employee. Premium paid by DRCOG.
Notes	Premiums are paid begin January, 2023, but benefits would not be available until January, 2024.	
	If DRCOG opts out, employees would still have the option to enroll for same coverage in January, 2024 at the employee tax rate portion, saving them one year of premiums.	

DENVER REGIONAL COUNCIL OF GOVERNMENTS
STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. __, 2022

A RESOLUTION DECLARING DRCOG'S DECISION TO DECLINE EMPLOYER
PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE
INSURANCE (FAMLI) PROGRAM

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which paved the way for creation of a state-run Paid Family Medical Leave Insurance (FAMLI) program; and

WHEREAS, FAMLI is codified at C.R.S. §§ 8-13.3-501 to -524, and is administered through the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance; and

WHEREAS, a local government may choose to decline responsibility to pay the employer share of the FAMLI premium pursuant to C.R.S. § 8-13.3-522 but may still assist its employees who want to individually participate in FAMLI by deducting and remitting the employee share of the premium (0.45% of wages) and corresponding wage data to the FAMLI Division every quarter; and

WHEREAS, DRCOG is a local government due to its status as an association of political subdivisions pursuant to C.R.S. § 29-1-401, a regional planning commission pursuant to C.R.S. § 30-28-105, with the authority granted pursuant to the intergovernmental contracting statutes at C.R.S. § 29-1-201; and

WHEREAS, DRCOG currently provides its employees paid leave in the form of General Leave, Sick Leave, and short-term disability benefits; and

WHEREAS, notice was provided to DRCOG employees of the opportunity to submit comments to the Board of Directors regarding the FAMLI program; and

WHEREAS, the Board of Directors has determined to decline employer participation in the FAMLI program but will assist employees who want to individually participate in FAMLI by facilitating deductions.

NOW, THEREFORE, BE IT RESOLVED that the Denver Regional Council of Governments:

Section 1. The Denver Regional Council of Governments (DRCOG) hereby declines employer participation in the Colorado Paid Family Medical Leave Insurance (FAMLI) program pursuant to C.R.S. § 8-13.3-522. DRCOG will assist employees who want to individually participate in FAMLI by deducting and remitting the employee share of the premium (0.45% of wages) and corresponding wage data to the FAMLI Division every quarter.

A RESOLUTION DECLARING DRCOG'S DECISION TO DECLINE EMPLOYER
PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE
INSURANCE (FAMLI) PROGRAM

Resolution No.____, 2022

Page 2

Section 2. The Executive Director and DRCOG staff are hereby granted the authority to take all actions necessary to implement the provisions of Section 1 above including providing formal notice to the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance regarding the DRCOG's decision to decline all participation in the FAMLI program.

RESOLVED, PASSED AND ADOPTED this ____ day of _____,
2022 at Denver, Colorado.

Kevin Flynn, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Douglas W. Rex, Executive Director