

Elise Jones, Chair
Bob Roth, Vice Chair
Herb Atchison, Secretary
Bob Fifer, Treasurer
Jackie Millet, Immediate Past Chair
Jennifer Schaufele, Executive Director

AGENDA
BOARD OF DIRECTORS
WEDNESDAY, FEBRUARY 15, 2017
6:30-9:15 p.m.
1290 Broadway
First Floor Independence Pass Conference Room

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. 6:35 Report of the Chair
 - Report on Regional Transportation Committee Meeting
6. 6:40 Report of the Executive Director
7. 6:50 Public Comment

Up to 45 minutes is allocated at this time 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. 7:05 *Move to Approve Consent Agenda
 - Minutes of January 18, 2017
(Attachment A)
 - Approval of amendments to the Executive Policies
(Attachment B)

***Motion requested**

**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.



ACTION AGENDA

9. 7:15 ***Election of Officers**
(Attachment C) Nominating Committee Members
Pursuant to the *Articles of Association*, the election of officers occurs at the February meeting. The Nominating Committee report is attached. Nominations can be made from the floor provided the consent of the nominee is obtained in advance. If nominations are made from the floor, voting will be done by secret ballot.
10. 7:25 ***Discussion of Rules of Conduct**
(Attachment D) Douglas W. Rex, Director, Transportation Planning & Operations
11. 7:40 ***Discussion of amendments to the *Articles of Association***
(Attachment E) Douglas W. Rex, Director, Transportation Planning & Operations
This action requires an affirmative majority (29) of the total participating membership
12. 7:50 ***Discussion of revisions to *Transportation Planning in the Denver Region* document**
(Attachment F) Douglas W. Rex, Director, Transportation Planning & Operations
13. 8:05 ***Discussion of Transportation Improvement Program Work Group Recommendations**
(Attachment G) Douglas W. Rex, Director, Transportation Planning & Operations
14. 8:20 ***Discussion of amendment of the *2016-2021 Transportation Improvement Program***
(Attachment H) Todd Cottrell, Senior Transportation Planner, Transportation Planning & Operations
15. 8:25 ***Discussion of 2017 Federal Legislative Policy**
(Attachment I) Rich Mauro, Senior Policy and Legislative Analyst

***Motion requested**

ACTION AGENDA (cont.)

16. 8:30 ***Discussion of State Legislative Issues**
- A. **Bills on Which Positions Have Previously Been Taken**
(Attachment J) Presentation by Rich Mauro, Senior Policy and Legislative Analyst
Rich Mauro will respond to questions and current status, if requested. These bills require no additional action by the Board unless individual bills are pulled from the package for reconsideration of the Board-adopted position. **To change the Board's position on specific legislative bills requires affirmative action by 2/3 of those present and voting.**
- B. **New Bills for Consideration and Action**
(Attachment K) Presentation by Rich Mauro, Senior Policy and Legislative Analyst (if necessary)
Rich Mauro will present a recommended position on any new bills based on the Board's legislative policies. If a bill requires additional discussion it may be pulled from the package and action will be taken separately. **Positions on specific legislative bills require affirmative action by 2/3 of those present and voting.**

INFORMATIONAL BRIEFINGS

17. 8:40 **Presentation on Regional Macroeconomic Forecast,**
(Attachment L) Daniel Jerrett, Chief Economist, Regional Planning and Development
18. 8:55 **Committee Reports**
The Chair requests these reports be brief, reflect decisions made and information germane to the business of DRCOG
- A. **Report on State Transportation Advisory Committee** – Elise Jones
B. **Report from Metro Mayors Caucus** – Herb Atchison
C. **Report from Metro Area County Commissioners**– Don Rosier
D. **Report from Advisory Committee on Aging** – Phil Cernanec
E. **Report from Regional Air Quality Council** – Shakti
F. **Report on E-470 Authority** – Ron Rakowsky
G. **Report on FasTracks** – Bill Van Meter

INFORMATIONAL ITEMS

19. **Relevant clippings and other communications of interest**
(Attachment M)
Included in this section of the agenda packet are news clippings which specifically mention DRCOG. Also included are selected communications that have been received about DRCOG staff members.

ADMINISTRATIVE ITEMS

20. **Next Meeting – March 15, 2017**
21. **Other Matters by Members**
22. 9:15 **Adjourn**

SPECIAL DATES TO NOTE

DRCOG Awards Event

April 26, 2017

For additional information please contact Connie Garcia at 303-480-6701 or
cgarcia@drcog.org

CALENDAR OF FUTURE MEETINGS

February 2017

14	Regional Transportation Committee	8:30 a.m.
15	Finance and Budget Committee	5:30 p.m.
15	Board of Directors	6:30 p.m.
17	Advisory Committee on Aging	Noon – 3 p.m.
27	Transportation Advisory Committee	1:30 p.m.

March 2017

1	Board Work Session	4:00 p.m.
1	Performance and Engagement Committee	6:00 p.m.
14	Regional Transportation Committee	8:30 a.m.
15	Finance and Budget Committee	5:30 p.m.
15	Board of Directors	6:30 p.m.
17	Advisory Committee on Aging	Noon – 3 p.m.
27	Transportation Advisory Committee	1:30 p.m.

April 2017

5	Board Work Session	4:00 p.m.
5	Performance and Engagement Committee	6:00 p.m.
18	Regional Transportation Committee	8:30 a.m.
19	Finance and Budget Committee	5:30 p.m.
19	Board of Directors	6:30 p.m.
21	Advisory Committee on Aging	Noon – 3 p.m.
24	Transportation Advisory Committee	1:30 p.m.

ATTACH A

MINUTES
BOARD OF DIRECTORS
WEDNESDAY, JANUARY 18, 2017

Members/Alternates Present

Elise Jones, Chair	Boulder County
Steve O'Dorisio (Alternate)	Adams County
Jeff Baker	Arapahoe County
David Beacom	City and County of Broomfield
Randy Wheelock	Clear Creek County
Robin Kniech	City and County of Denver
Crissy Fanganello	City and County of Denver
Roger Partridge	Douglas County
Casey Tighe (Alternate)	Jefferson County
Bob Fifer	City of Arvada
Bob Roth	City of Aurora
Larry Vittum	Town of Bennett
Aaron Brockett	City of Boulder
Anne Justen	Town of Bow Mar
George Teal	Town of Castle Rock
Doris Truhlar	City of Centennial
Laura Christman	City of Cherry Hills Village
Rick Teter	City of Commerce City
Steve Conklin	City of Edgewater
Joe Jefferson	City of Englewood
Geoff Deakin	Town of Erie
Daniel Dick	City of Federal Heights
Lynette Kelsey	Town of Georgetown
Scott Norquist	City of Glendale
Casey Brown (Alternate)	City of Golden
Brad Wiesley	City of Lafayette
Shakti	City of Lakewood
Gerry Been	Town of Larkspur
Phil Cernanec	City of Littleton
Jackie Millet	City of Lone Tree
Joan Peck	City of Longmont
Ashley Stolzmann	City of Louisville
Connie Sullivan	Town of Lyons
Colleen Whitlow	Town of Mead
Kris Larsen	Town of Nederland
Kyle Mullica	City of Northglenn
John Diak	Town of Parker
Sally Daigle	City of Sheridan
Rita Dozal	Town of Superior
Eric Montoya (Alternate)	City of Thornton

Board of Directors Minutes

January 18, 2017

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Herb Atchison
Joyce Jay
Adam Zarrin
Debra Perkins Smith
Bill Van Meter

City of Westminster
City of Wheat Ridge
Governor's Office
Colorado Department of Transportation
Regional Transportation District

Others Present: Douglas W. Rex, Director, Transportation Planning & Operations, Connie Garcia, Executive Assistant/Board Coordinator, DRCOG; Jeanne Shreve, Adams County; Julio Iturreria, Arapahoe County; Mac Callison, Aurora; Greg Stokes, Broomfield; Carrie Penaloza, Andrew Firestine, Centennial; Gretchen Armijo, Denver; David Weaver, Lora Thomas, Jamie Hartig, Douglas County; Wynne Shaw, Lone Tree; Kent Moorman, Thornton; Sheila Lynch, Tri-County Health; Jeff Sudmeier, CDOT; Ed Bowditch, Jenn Cassell, Bowditch and Cassel Public Affairs; and DRCOG staff.

Chair Elise Jones called the meeting to order at 6:30 p.m. Roll was called and a quorum was present.

New members and alternates were recognized: Steve O'Dorisio, new alternate for Adams County; Jeff Baker, new member for Arapahoe County; Randy Wheelock and Sean Ford, new member and alternate for Clear Creek County; Libby Szabo and Casey Tighe, new member and alternate for Jefferson County; and Earl Hoellen, new alternate for Cherry Hills Village.

Move to Approve Agenda

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

Report of the Chair

- Chair Jones reported the Regional Transportation Committee unanimously approved the proposed action by staff on project delays for TIP projects, proposed updates to *Transportation Planning in the Denver Region* document, and releasing the *2040 Metro Vision Regional Transportation Plan* for public review and comment. The Committee also approved amendments to the *2016-2021 Transportation Improvement Program*, with the exception of the C-470 project amendment, which was postponed a month.
- Chair Jones presented Wheat Ridge Mayor Joyce Jay with a five-year service award.

Report of the Executive Director

- Doug Rex reported he attended the Denver Business Journal's State of the Cities Mayor's Roundtable event. Many member jurisdictions were represented at the meeting.
- Mr. Rex noted fliers at the member's seats--the annual Awards Event, Board Open House, Board orientation, data updates, and a Colorado Smart Cities forum, hosted by Denver South EDP.

Public comment

No public comment was received.

Move to approve consent agenda

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

Items on the consent agenda included:

- Minutes of December 7, 2016 meeting
- Designate location for posting notices of meetings

Discussion of adoption of the Metro Vision Plan

Brad Calvert provided a brief presentation on the Plan, and an overview of the process thus far.

Director Partridge **moved** to amend the Metro Vision Plan as follows:

On page 2, last paragraph, third sentence: remove the sentence "Local governments will determine how and when to apply the tenets of metro Vision based on local conditions and aspirations." And remove the sentence "The DRCOG Board will decide how to use this document for those process decisions." Add at the end of the paragraph: "Any implementation of Metro Vision through future project or funding criteria will be applied in a holistic manner by considering the diversity of community values and the unique ways jurisdictions contribute to the vibrancy of the region. The DRCOG Board will determine in the future TIP process which individual outcomes, objectives, or initiatives may be included as part of project evaluation criteria."

The motion to amend was **seconded**. Members discussed support for or opposition to the proposed amendment. The question was called. The motion to stop debate was **seconded** and **passed** unanimously

The motion to amend **passed** unanimously.

Director Roth **moved** to adopt the Metro Vision Plan as amended. The motion was **seconded** and **passed** unanimously.

Discussion of release of the draft 2040 Metro Vision Regional Transportation Plan for public review and comment

Jacob Riger, Long Range Transportation Planning Manager, provided information on the draft *2040 Metro Vision Regional Transportation Plan*.

Director Fifer **moved** to release the draft *2040 Metro Vision Regional Transportation Plan* for public review and comment. The motion was **seconded** and **passed** unanimously.

Chair Jones scheduled a public hearing for March 15, 2017 to receive comments on the *2040 Metro Vision Regional Transportation Plan*, the *2018-2021 Transportation Improvement Program*, and the air quality conformity determinations associated with both documents.

Discussion of amendments to the 2016-2021 Transportation Improvement Program
Todd Cottrell, Senior Transportation Planner, provided an overview of the proposed amendments.

Director Millet **moved** to table action on the C-470 Transportation Improvement Program amendment. The motion to table was seconded and passed unanimously.

Director Atchison moved to adopt the remaining amendments to the *2016-2021 Transportation Improvement Program*. The motion was **seconded** and **passed** unanimously.

Discussion of actions proposed by DRCOG staff regarding implementation delays of Transportation Improvement Program projects
Todd Cottrell, Senior Transportation Planner, outlined the actions proposed by staff regarding Transportation Improvement Program project delays.

Director Fifer **moved** to approve actions proposed by DRCOG staff regarding implementation delays of Transportation Improvement Program projects. The motion was **seconded** and **passed** unanimously.

Discussion of Regional Transportation Operations Project Selection Criteria
Steve Cook, MPO Planning Program Manager, provided an overview of the project selection criteria for transportation operations. A question was asked if benefits of the projects are tracked, staff noted they are, and members receive traffic signal system briefs outlining the benefits.

Director Millet **moved** to approve the Regional Transportation Operations project selection process. The motion **seconded** and **passed** unanimously.

Discussion of State Legislative Issues
Rich Mauro, Senior Policy and Legislative Analyst, provided background on the bills sent to members yesterday. Members noted they did not feel comfortable providing a position on bills they hadn't seen previously.

Director Teal **moved** to monitor all the new bills. The motion was **seconded** and **passed** unanimously.

Ed Bowditch and Jennifer Cassell, DRCOG lobbyists, provided a brief overview of activities at the state legislature thus far.

Committee Reports

State Transportation Advisory Committee – No report was provided.

Metro Mayors Caucus – Mayor Atchison noted the MMC held their annual retreat and received a legislative update.

Metro Area County Commissioners – Commissioner Jones noted the MACC did not meet.

Advisory Committee on Aging – No report was provided.

Regional Air Quality Council – Director Shakti reported the SIP is moving through the state legislature. Subcommittees are meeting

E-470 Authority – Director Partridge reported there is a new toll rate/structure study. Toll plazas no longer in use are being considered for repurposing.

Report on FasTracks – No report was provided.

Next meeting – **February 15, 2017**

Other matters by members

Director Teal asked staff for assistance with the I-25 PEL Study. Specifically, to provide information and to collaborate with the Pikes Peak Area Council of Governments. Mr. Rex noted staff is in contact with our partner organizations on this issue, and will provide whatever assistance we can.

Adjournment

The meeting adjourned at 8:26 p.m.

Elise Jones, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

ATTACH B

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning & Operations
(303) 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Consent	8

SUBJECT

This action is related to revisions to Executive Policies.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approval of revisions to Executive Policies.

ACTION BY OTHERS

May 21, 2014 – Board Directors approved Executive Policies.

SUMMARY

Staff is proposing administrative revisions to the Executive Policies to reflect DRCOG's new committee structure and to remove references to the defunct Administrative Committee.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to approve revisions to the Executive Policies.

ATTACHMENT

Attachment: Executive Policies red line

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Director, Transportation Planning & Operations at 303-480-6747 or drex@drcog.org; or Jerry Stigall at 303-480-6780 or jstigall@drcog.org.

Executive Policies

The following Executive Policies are contained in this document:

1. GENERAL EXECUTIVE DIRECTOR CONSTRAINT
2. TREATMENT OF CITIZENS, TAXPAYERS, STAFF AND VOLUNTEERS
3. COMPENSATION, BENEFITS, EMPLOYMENT
4. FINANCIAL PLANNING AND BUDGET
5. FISCAL MANAGEMENT AND CONTROLS
6. PROTECTION OF ASSETS
7. IMMEDIATE SUCCESSION
8. COMMUNICATIONS WITH AND SUPPORT OF THE BOARD

Executive Policies

Executive policies provide the necessary guidance for the Executive Director to effectively lead the organization toward progressing the goals and priorities of DRCOG. Executive Policies state conditions that must exist in order to achieve organizational strategic initiatives. Executive Policies prevent the goals from being achieved through means that create liabilities for the organization. For purposes of this document, the term “Board” refers to the entire DRCOG Board of Directors and their alternates acting as such.

1. GENERAL EXECUTIVE DIRECTOR CONSTRAINT

- 1.1 Within the scope of authority delegated to him/her by the Board, the Executive Director shall ensure that any practice, activity, decision or organizational circumstance is lawful and prudent and adheres to commonly accepted business and professional ethics. The Executive Director shall ensure that conditions are safe, fair, honest, respectful and dignified.

2. TREATMENT OF CITIZENS, TAXPAYERS, STAFF, INTERNS, AND VOLUNTEERS

The success of DRCOG depends upon the partnership between the Board, agencies, jurisdictions, citizens, taxpayers, elected officials and DRCOG employees.

The Executive Director shall ensure:

- 2.1 Community opinion/input on relevant issues is obtained when decisions materially affect a community.
- 2.2 Communities are informed on a timely basis about relevant decision-making processes and decisions.
- 2.3 Interactions with the community are organized and clear.
- 2.4 Relevant problems raised by the community are addressed in a timely manner.
- 2.5 Staff is competent, respectful and effective in interactions with the Board, public, etc.
- 2.6 Confidential information is protected from unauthorized disclosure.

Accordingly, pertaining to paid staff, interns and volunteers within the scope of his/her authority, the Executive Director shall ensure:

- 2.7 Written personnel policies and/or procedures, approved by legal counsel, which clarify personnel rules for staff, provide for effective handling of grievances, and protect against wrongful conditions are in effect.
- 2.8 Staff, interns and volunteers are acquainted with their rights upon entering and during their work/time with DRCOG.
- 2.9 Avenues are available for non-disruptive internal expressions of dissent, and protected activities are not subject to retaliation.
- 2.10 Established grievance procedures are readily available and accessible to staff. The Board is appropriately apprised of violations of Board policies and of matters affecting the Board.

3. COMPENSATION, BENEFITS, EMPLOYMENT

With respect to employment, compensation, and benefits to employees, consultants, contract workers and volunteers, the Executive Director shall ensure:

3.1 The fiscal integrity of DRCOG is maintained.

Accordingly, the Executive Director shall ensure:

- 3.2 His/her own compensation is approved by the ~~Administrative Committee~~Performance and Engagement Committee according to adopted procedures.
- 3.3 Compensation and benefits are consistent with wage data compiled in DRCOG's regular independent salary survey and approved in the annual budget.
- 3.4 Adherence to appropriate employment law practices.
- 3.5 Deferred or long-term compensation and benefits are not established.

4. FINANCIAL PLANNING AND BUDGET

With respect to strategic planning for projects, services and activities with a fiscal impact, the Executive Director shall ensure:

4.1 The programmatic and fiscal integrity of DRCOG is maintained.

Accordingly, the Executive Director shall ensure:

- 4.2 Budgets and financial planning are aligned to Board-adopted strategic initiatives.
- 4.3 Financial solvency is maintained by projecting in two- to five-year increments, in addition to annual budgeting.
- 4.4 Financial practices are consistent with any applicable constitutional and statutory requirements.
- 4.5 Adherence to Board-adopted strategic initiatives in its allocation among competing budgetary needs.
- 4.6 Adequate information is available to enable: Credible projections of revenues and expenses; separation of capital and operational items; cash flow projections; audit trails; identification of reserves, designations and undesignated fund balances; and disclosure of planning assumptions.
- 4.7 During any fiscal year, plans for expenditures match plans for revenues.
- 4.8 Maintain at a minimum 3 months of operating expenses, excluding amounts for in-kind and ~~p~~Pass-through expense or as recommended by the independent auditor.
- 4.9 A budget Contingency Plan is capable of responding to significant shortfalls with the DRCOG budget.
- 4.10 No risks are present based on situations described in the Fiscal Management Control Policy.
- 4.11 Board activities during the year have been adequately funded.

- 4.12 Reserves and designations are available according to applicable constitutional and statutory requirements and “Generally Accepted Accounting Principles” consistently applied.

5. FISCAL MANAGEMENT AND CONTROLS

With respect to the actual, ongoing financial condition of DRCOG, the Executive Director shall ensure:

- 5.1 Board-adopted strategic initiatives are adhered to and financial controls prevent fiscal jeopardy.
- 5.2 Funds for expenditures are available during each fiscal year.
- 5.3 DRCOG obligations are paid in a timely manner and within the ordinary course of business.
- 5.4 Prudent protection is given against conflicts of interest in purchasing and other financial practices, consistent with the law and established in DRCOG Fiscal Management Control Policy.
- 5.5 Funds are used for their intended purpose.
- 5.6 Competitive purchasing policies and procedures are in effect to ensure openness and accessibility to contract opportunities.
- 5.7 Purchases, contracts and obligations which may be authorized by the Executive Director do not exceed the financial authority approved by the Administrative Finance and Budget Committee. Purchases, contracts and obligations exceeding the Executive Director’s authority are approved by the Administrative Committee Finance and Budget Committee.
- 5.8 In the absence of the Executive Director, the Director of Transportation Planning and Operations signs on behalf of the Executive Director. If the Executive Director and Director of Transportation Planning and Operations are unavailable for a signature, the Administrative Officer provides authorizing signatures.
- 5.9 Adequate internal controls over receipts and disbursements prevent the material dissipation of assets.
- 5.10 DRCOG’s audit is independent and external monitoring or advice is readily accepted and available.
- 5.11 Revenue sources are consistent with the Board-adopted strategic initiatives and operations are financed without incurring debt that exceeds the Executive Director’s authority unless approved by the Administrative Committee Finance and Budget Committee.
- 5.12 Reserved, designated and undesignated fund balances are at adequate levels to mitigate the risk of current and future revenue shortfalls or unanticipated expenditures.
- 5.13 Creditworthiness and financial position are maintained from unforeseen emergencies.

6. PROTECTION OF ASSETS

Within the scope of his/her authority in the Executive Director and given available resources, the Executive Director shall ensure:

- 6.1** Assets are protected and adequately maintained against unnecessary risk.
- 6.2** An insurance program exists to protect DRCOG in the event of a property and/or liability loss, including coverage insuring the Board, officers, employees, authorized volunteers and DRCOG against liabilities relating to the performance of their duties and DRCOG's activities in an amount equal to or greater than the average for comparable organizations and, for tort liabilities, in an amount equal to or greater than statutory limits on amounts DRCOG may be legally obligated to pay.
- 6.3** A policy exists to insure against employee dishonesty and theft.
- 6.4** Facilities and/or equipment are used properly and maintained (except normal deterioration and financial conditions beyond the Executive Director's control.)
- 6.5** Practices and policies are in place for DRCOG, Board and staff to minimize or prevent liability claims.
- 6.6** A policy exists to ensure protection from loss or significant damage of intellectual property (including intellectual property developed using DRCOG resources), information, files.
- 6.7** Internal control standards for the receipt, processing and disbursements of funds are at adequate levels to satisfy generally accepted accounting/auditing standards and costs for internal controls shall be consistent with the benefits expected.
- 6.8** DRCOG's public image, credibility, and its ability to accomplish Board-adopted strategic initiatives goals are upheld.
- 6.9** Adequate planning is done for short and long-term capital or facility needs.
- 6.10** Board auditors or other external monitors or advisors are independent from internal influence.

7. IMMEDIATE SUCCESSION

- 7.1** To protect the Board from sudden loss of Executive Director services, the Executive Director shall have at least one other member of the management team familiar with Board and DRCOG issues and processes.

8. COMMUNICATIONS WITH AND SUPPORT OF THE BOARD

The Executive Director shall ensure:

- 8.1** The Board is informed and supported in its work.
- 8.2** The Board is provided complete, clear information for the accomplishment of its job.
- 8.3** The Board is informed in a timely manner about relevant events and issues regardless of reporting/monitoring schedule.
- 8.4** Required reports to the Board are submitted in a timely, accurate, and understandable fashion.
- 8.5** The Board is aware of actual or anticipated non-compliance with Board-adopted strategic initiatives or Executive Policies.
- 8.6** The Board is provided decision information it requests, information on relevant trends, or other points of view, issues and options for well-informed Board decisions.
- 8.7** The Board is aware of incidental information it requires, including anticipated adverse media coverage or material external and internal/organizational changes. Notification of planned, non-personnel-related internal changes is provided in advance when feasible.
- 8.8** In consultation with legal counsel, Board is appropriately apprised of pending or threatened litigation.
- 8.9** The Board is informed when the Board is not in compliance with its own policies, particularly in the case of the Board behavior that is detrimental to the work relationship between the Board and the Executive Director.
- 8.10** Information provided to the Board is not overly complex or lengthy.

Revision History

12.16.2015 - General housekeeping edits to align language with the Balanced Scorecard, reference interns as appropriate; use consistent language throughout the document; clarify location of other adopted policies/procedures.

, 2017 – Deleted reference to Administrative Committee and changed to Performance and Engagement Committee and Finance and Budget Committee, as appropriate.

ATTACH C

To: Chair and Members of the Board of Directors

From: Members of the Nominating Committee

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	9

SUBJECT

This item is related to the Nominating Committee's recommendations for election of DRCOG Board officers for 2017.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends the Board of Directors elect officers for 2017.

ACTION BY OTHERS

N/A

SUMMARY

The Nominating Committee – comprised of Robin Kniech, Denver; Roger Partridge, Douglas County; George Teal, Castle Rock; Ron Rakowsky, Greenwood Village; Shakti, Lakewood; and Jackie Millet, Lone Tree – considered all individuals who submitted their names to serve as officers. The committee wishes to thank those who expressed interest in serving. After discussion and consideration, the candidates proposed below are recommended unanimously by the Nominating Committee members:

Chair – Bob Roth, Council Member, Aurora

Vice Chair – Herb Atchison, Mayor, Westminster

Secretary – Bob Fifer, Council Member, Arvada

Treasurer – John Diak, Council Member, Parker

Elise Jones will serve as Immediate Past Chair for the coming year.

Nominees have all been contacted and have indicated their willingness and enthusiasm to serve. In accordance with the *Articles of Association*, nominations may be made from the floor, provided the consent of the nominee is obtained in advance.

Election of Officers occurs at the February meeting of the Board of Directors.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to elect Board officers for 2017.

ATTACHMENTS

N/A

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Director, Transportation Planning & Operations at 303-480-6747 or drex@drcog.org; or Connie Garcia, Executive Assistant/Board Coordinator at 303-480-6701 or cgarcia@drcog.org.

ATTACH D

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning & Operations
303-480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	10

SUBJECT

This item is related to the creation of rules of conduct for Board directors.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends adoption of the rules of conduct for Board directors.

ACTION BY OTHERS

January 4, 2017 – Performance and Engagement Committee recommended approval

SUMMARY

The DRCOG Board of Directors expect a standard of civility in words and actions whereby all board members, staff, visitors and the general public interact in a courteous, respectful manner.

Following the October Board in-service training on Organizational Safety and Liability, the Performance and Engagement Committee was tasked to create and recommend to the Board a rules of conduct policy that formally establishes expectations of board members, reflective of the values of the organization as a whole. The policy also addresses possible disciplinary steps in the event of a breach of the conduct rules.

The Performance and Engagement Committee recommends adoption of the Policy. Attachment 1 reflects the draft Rules of Conduct.

PREVIOUS DISCUSSIONS/ACTIONS

February 1, 2017 – DRCOG Board Work Session

PROPOSED MOTION

Move to adopt a resolution establishing rules of conduct for DRCOG.

ATTACHMENT

1. Draft Board Rules of Conduct
2. Draft resolution

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Director, Transportation Planning & Operations at 303-480-6747 or drex@drcog.org.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

BOARD OF DIRECTORS RULES OF CONDUCT (Adopted _____, 2017)

These Denver Regional Council of Governments ("DRCOG") Board of Directors Rules of Conduct ("Rules") are designed to establish reasonable expectations for member representative conduct and describe the manner in which member representatives should treat one another, DRCOG staff, constituents, and others they come into contact with while representing DRCOG. *For ease of reference the term "member" is used in these Rules to refer to any member representative or designated alternate.*

RULES OF CONDUCT

Members' Ethical Conduct

Members are expected to comply with applicable laws governing ethical conduct, including those requiring avoidance of conflicts of interest, prohibiting receipt of unauthorized gifts, and prohibiting unauthorized use or disclosure of confidential information belonging to DRCOG. Members shall not engage in any activities constituting malfeasance in appointed office.

Members' Conduct with Each Other in Public Meetings

Members are individuals who, with their member jurisdictions, hold a wide variety of values, positions, and goals. Despite this diversity, all have been appointed as DRCOG member representatives to serve their respective jurisdictions' interests in furthering mutual, regional cooperation. In all cases, this common goal should be acknowledged even though individuals and member jurisdictions may not agree on every issue.

(a) Honor the role of the chair in maintaining order

It is the role of the chairs of the DRCOG Board and committees to keep the comments of members on track during meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following DRCOG's parliamentary procedures.

(b) Practice civility and decorum in discussions and debate

Difficult questions, rigorous challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate. However, free debate does not require or justify, and members are expected to avoid making, any intentionally intimidating, slanderous, threatening, abusive, or disparaging comments or attacks.

(c) Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair controls the discussion.

Members' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the public meeting process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

(a) Be welcoming to speakers

While questions of clarification may be asked, the member's primary role during public comments is to listen.

(b) Respect for speaker's testimony

Members should be conscious of their activity while others are speaking and avoid facial expressions, comments or other actions that could be interpreted as smirking, disbelief, anger or boredom.

(c) Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask to be recognized to pose questions of clarification and can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

Members' Conduct with DRCOG Staff

Governance of DRCOG relies on the cooperative efforts of members, who set policy, and DRCOG staff, who advise the Board and DRCOG committees and implement and administer DRCOG's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual.

(a) Treat all DRCOG staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Unprofessional behavior towards DRCOG staff is not acceptable.

(b) Never publicly criticize an individual DRCOG staff member

Members should never express concerns about the performance of an individual DRCOG staff member in public, to the staff member directly, or to the staff member's manager. Comments about DRCOG staff performance should only be made to the Executive Director through private correspondence or conversation. If the concern regards the Executive Director, it should be expressed within and through the established Executive Director performance evaluation meetings and procedures, within appropriate Board or committee discussions, to the Board Chair, or to the chair of the Performance & Engagement Committee.

(c) Avoid individual involvement in administrative functions

Members acting in their individual capacity must not attempt to unduly influence DRCOG staff on the making of appointments, awarding of contracts, hiring of employees, selecting of consultants, processing of applications, or granting of DRCOG approvals or authorizations.

(d) Do not solicit political support from DRCOG staff

Members should not solicit any type of political support from DRCOG staff. DRCOG staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Non-discrimination and Workplace Safety

DRCOG is committed to providing a workplace free from discrimination, harassment and retaliation. It is also DRCOG's policy and practice to assure equal employment opportunity in all personnel transactions, without regard to age (40 and over), race, sex, color, religion, creed, veteran status, national origin, ancestry, disability, genetic information, sexual orientation, gender identity, or any other status protected by applicable federal, state or local law, and to promote a safe working environment free from workplace violence. All DRCOG officials and staff, including members, are responsible for and expected to conduct themselves in accordance with DRCOG's policies prohibiting discrimination, harassment, retaliation and workplace violence. Members shall not engage in harassing, hostile or threatening behavior that violates such policies. Member violations of these policies are subject to compliance actions under these Rules.

COMPLIANCE

(a) Behavior and Conduct

These Rules express standards of appropriate conduct expected for members, and members themselves have the primary responsibility to assure that expectations for appropriate conduct are understood and met. The chairs of the Board and committees have the additional role of intervening when actions of members that appear to be in violation of the Rules are brought to their attention.

Members who intentionally and repeatedly disregard the Rules, or who commit a serious infraction of the Rules, may be reprimanded, censured, have the matter reported to the designating governing body or elected official that designated the member to the DRCOG Board, with or without a request that the member be replaced, or subject to other sanctions.

Individual members should point out to the offending member perceived infractions of the Rules. If the offenses continue or if an offense constitutes a serious infraction, then the matter should be referred to the vice chair of the Performance & Engagement Committee in private, except that if such vice chair is unavailable or is the individual whose actions are being questioned, then the matter should be referred to the chair of the Performance & Engagement Committee.

(b) Review of Complaints

It is the responsibility of the vice chair of the Performance & Engagement Committee, upon his or her receipt of a written complaint of violation, to promptly notify the chair of the Executive Committee of the filing of the complaint, and to initiate the process for review of such complaint. In accordance with the Articles of Association of the Denver Regional Council of Governments, the vice chair of the Performance & Engagement Committee, along with two members of such Committee selected by the vice chair, shall comprise a review panel to review the complaint. Members of the Committee shall be selected for the review panel on an ad hoc basis for each complaint, and may serve on more than one panel. However, if the complaint concerns the vice chair or the vice chair is unavailable, the chair of the Committee shall initiate the process for review of such complaint and shall select three members of the Committee, excluding the vice chair, who shall comprise the review panel for such complaint.

The panel shall promptly review the complaint and upon completion of its review, the panel shall provide a recommendation to the Executive Committee of the Council for its review and action, which recommendations and actions may include, without limitation, issuing a letter of reprimand, reporting the matter to the designating governing body or elected official, with or without a request that the member be replaced, or adopting a finding of no violation. All actions taken will require a majority vote of the entire membership of the Executive Committee. Anonymous complaints will not be considered, but the review panel and Executive Committee shall have the power to maintain information relating to a complaint as confidential to the extent possible and to the extent appropriate under applicable laws.

(c) Investigation, Voting & Other Reporting

When deemed warranted, the Board Chair or the vice chair (or chair) of the Performance & Engagement Committee may call for an investigation of member conduct, and may obtain the assistance of the DRCOG Executive Director or the DRCOG attorney, or with the consent of the Board Chair or DRCOG Executive Director, the assistance of third parties, to investigate the allegations and report the findings.

No member representative may exercise a vote or grant or withhold any consent pursuant to these Rules for any matter concerning the member representative's own conduct.

The compliance provisions herein are not a substitute for any remedies for violations of state or federal law, and nothing herein prohibits the reporting of violations of state or federal law to the appropriate governmental authorities.

IMPLEMENTATION

The Rules are intended to be self-enforcing and an expression of the standards of conduct for members expected by DRCOG. It therefore becomes most effective when members are thoroughly familiar with these Rules and embrace their provisions.

For this reason, the Rules are distributed to members at orientation and other training opportunities, and are included in the regular member resource materials. By accepting appointment as a member, members are expected to adhere to the Rules. In addition, the Rules shall be periodically reviewed and updated by DRCOG Board, after review by the Performance & Engagement Committee.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. _____, 2017

A RESOLUTION ADOPTING RULES OF CONDUCT

WHEREAS, the DRCOG Board of Directors expects a standard of civility in words and actions whereby all Board members, staff, visitors and the general public interact in a courteous, respectful manner; and

WHEREAS, following Board in-service training, the Performance and Engagement Committee was tasked to create and recommend to the Board of Directors a rules of conduct policy that formally establishes expectations of Board members, reflecting the values of the organization as a whole; and

WHEREAS, the Performance and Engagement Committee has recommended to the Board the adoption of the proposed DRCOG Board of Directors Rules of Conduct that accompany this Resolution; and

WHEREAS, the Board has reviewed the recommended Rules of Conduct and finds the same establish reasonable expectations for conduct and include other appropriate provisions and procedures; and

WHEREAS, the Board by this Resolution desires to adopt such Rules of Conduct.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby adopts the Denver Regional Council of Governments Board of Directors Rules of Conduct that are attached to this Resolution and made a part hereof.

RESOLVED, PASSED AND ADOPTED this ____ day of _____, 2017 at Denver, Colorado.

Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

ATTACHE

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning & Operations
(303) 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	11

SUBJECT

This action relates to amending the *Articles of Association* to address Board adoption of rules of conduct.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approving the proposed amendments to the *Articles of Association*.

ACTION BY OTHERS

N/A

SUMMARY

The Performance and Engagement Committee proposed changes to the *Articles of Association* to reflect addition of language related to the adoption of rules of conduct for the Board.

Draft language is attached for the Board's consideration.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to amend the *Articles of Association* as proposed.

ATTACHMENTS

Draft amendments to the *Articles of Association*

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Director, Transportation Planning & Operations, at 303-480-6747 or drex@drcog.org.

ARTICLES OF ASSOCIATION

OF

THE DENVER REGIONAL COUNCIL OF GOVERNMENTS

As Amended September 24, 2017

ARTICLE I. Organization.

These Articles of Association, hereinafter referred to as the "Articles," shall constitute the bylaws of the Denver Regional Council of Governments and shall regulate and govern the affairs of the nonprofit corporation organized pursuant to the Colorado revised Nonprofit Corporation Act, Articles 121-137 of Title 7, C.R.S., as amended, as a regional planning commission pursuant to Section 30-28-105, C.R.S., as amended, and an association of political subdivisions subject to Section 29-1-401 et seq., C.R.S., as amended, with the authority granted pursuant to intergovernmental contracting statutes at Section 29-1-201 et seq., C.R.S., as amended, known as the Denver Regional Council of Governments, hereinafter referred to as the "Council."

ARTICLE II. Purpose of the Council.

The Council shall promote regional cooperation and coordination among local governments and between levels of governments, and shall perform regional activities, services and functions for the Region as authorized by statute. The Council shall serve as a forum where local officials work together to address the Region's challenges. The Council shall serve as an advisory coordinating agency for investigations and studies for improvement of government and services in the Region, shall disseminate information regarding comprehensive plans and proposals for the improvement of the Region, and shall promote general public support for such plans and programs as the Council may endorse.

ARTICLE III. Definitions.

- A. "Chair" means the incumbent holding the position of president of the Council.
"Vice Chair" means the incumbent holding the position as vice president of the Council.
- B. "Council" means the nonprofit corporation of the Denver Regional Council of Governments, with the duties and responsibilities specified by statute, which are to be carried out by the Board of Directors in accordance with the statutory authority.
- C. "Board of Directors" hereinafter referred to as "Board," means the body of designated individual member representatives of municipalities, counties and city and counties maintaining membership in the Council.
- D. "Member" means a participating county, municipality, or city and county that meets the requirements for membership in the Council as specified in Article VI.

- 1 E. "Member Representative" means the local elected official, or local elected
2 official alternate, designated in writing by the chief elected official or the
3 governing body of a member county, municipality, or city and county to
4 represent that member on the Board as a voting representative.
5
6 F. "Plan" means a regional plan or a comprehensive master plan for the Region as
7 defined by statute, which Plan is currently denoted as Metro Vision.
8
9 G. "Region" means the geographic area composed of the City & County of Denver,
10 City & County of Broomfield, and the counties of Adams, Arapahoe, Boulder,
11 Clear Creek, Douglas, Gilpin and Jefferson, and portions of Weld County, and
12 other counties as may be necessary in the State of Colorado.
13

14 ARTICLE IV. Declaration of Policy.
15

- 16 A. The Board finds and declares that the need for a Council of Governments is
17 based on the recognition that, wherever people live in a metropolitan area, they
18 form a single community and are bound together physically, economically and
19 socially. It is the policy of this Council of Governments, through its members,
20 staff, and programs, to provide local public officials with the means of reacting
21 more effectively to the local and regional challenges of this regional community.
22
23 B. The Board finds and declares that the need for a Council of Governments is
24 based on the recognition that:
25
26 1. Plans and decisions made by each local government with respect to land
27 use, circulation patterns, capital improvements, and so forth, affect the
28 welfare of neighboring jurisdictions and therefore should be coordinated
29 on a voluntary basis; and
30
31 2. It is imperative for the regional planning process to be directly related to
32 the elected local government decision and policymakers, the locally
33 elected public officials.
34
35 C. The Board further finds and declares that the people within the Region have a
36 fundamental interest in the orderly development of the Region.
37
38 D. The Board further finds and declares:
39
40 1. That the members have a positive interest in the preparation and
41 maintenance of a Plan for the benefit of the Region and to serve as a
42 guide to the political subdivisions and other entities within the Region;
43
44 2. That the continuing growth of the Region presents challenges that are
45 not confined to the boundaries of any single governmental jurisdiction;
46
47 3. That the Region, by reason of its numerous governmental jurisdictions,
48 presents special challenges of development that can be dealt with best
49 by a regional council of governments that acts as an association of its

1 members and as a regional planning commission created under Section
2 30-28-105, C.R.S., as amended;

- 3
4 4. That the Region is well adapted to unified and coordinated consideration,
5 and;
6
7 5. That in order to assure, insofar as possible, the orderly and harmonious
8 development of the Region, and to provide for the needs of future
9 generations, it is necessary for the people of the Region to perform
10 regional activities and functions as defined by statute, and for the Council
11 to serve as an advisory coordinating agency to harmonize the activities
12 of federal, state, county and municipal agencies and special purpose
13 governments/districts concerned with the Region, and to render
14 assistance and service and create public interest and participation for the
15 benefit of the Region.
16

17 ARTICLE V. Functions.
18

- 19 A. The Council shall promote regional coordination and cooperation through
20 activities designed to:
21
22 1. Strengthen local governments and their individual capacities to deal with
23 local challenges;
24
25 2. Serve as a forum to identify, study, and resolve areawide challenges;
26
27 3. Develop and formalize regional policies involving areawide challenges;
28
29 4. Promote intergovernmental cooperation through such activities as
30 reciprocal furnishing of services, mutual aid, and parallel action as a
31 means to resolve local as well as regional challenges;
32
33 5. Provide the organizational framework to foster effective communication
34 and coordination among governmental bodies in the provision of
35 functions, services, and facilities serving the Region's local governments
36 or their residents;
37
38 6. Serve as a vehicle for the collection and exchange of information of
39 areawide interest;
40
41 7. Develop regional or master plans for the Region;
42
43 8. Serve as spokesperson for local governments on matters of regional and
44 mutual concern;
45
46 9. Encourage action and implementation of regional plans and policies by
47 local, state and federal agencies;
48

10. Provide, if requested, mediation in resolving conflicts between members and between members and other parties; and
11. Provide technical and general assistance to members within its staff and financial capabilities. These services are inclusive of, but not limited to, assistance designed to:
 - a. Identify issues and needs that are regional and beyond the realistic scope of any one local government;
 - b. Compile and prepare, through staff and from members, necessary information concerning the issues and needs for Board discussion and decision;
 - c. Debate and concur in a cooperative and coordinated regional action to meet the need or issue;
 - d. Implement the details of the cooperative action among affected member governments, using such devices as intergovernmental contracts and agreements, parallel ordinances or codes, joint performance of services, transfers or consolidations of functions, or special operating agencies;
 - e. And, in general –
 - (1) arrange contracts among members on an intergovernmental basis;
 - (2) publish reports and current information of regional interest;
 - (3) provide advice and assistance on physical land use planning and other programs;
 - (4) sponsor regional training programs;
 - (5) sponsor, support, or oppose legislation on behalf of the Region and its members.

B. The Council shall maintain a regional planning program and process. In conducting such activities and functions, the Council shall:

1. Formulate goals and establish policies to guide regional planning;
2. Be responsible for developing, approving, and implementing a regional Plan through member governments;
3. Be the approving and contracting agent for all federal and state regional planning grants, as required;

4. Prepare and adopt a Plan and recommend policy for the development of the Region and the provision of services in the region. The Plan shall be based on careful and comprehensive surveys and studies of existing conditions and probable future growth and service needs of the Region. The Plan shall be made with the general purpose of guiding coordinated and harmonious development that, considering present and future needs and resources, will best promote the health, safety, and general welfare of the inhabitants of the Region.
5. Perform all planning functions incident to the exercise of the powers and duties set forth in Article XII; all plans adopted by the Board in connection therewith shall constitute portions of the Plan.
6. Exercise such other planning powers and functions as are authorized by statutes and the members.

ARTICLE VI. Membership.

- A. Members. Each municipality, county, and city and county in the Region shall be eligible to be a member of the Denver Regional Council of Governments. Membership shall be contingent upon the adoption of these Articles of Association by the governing body of any such municipality, county, or city and county, and upon the payment of an annual assessment as agreed upon by the Board.
- B. Member Assessment. Each member's annual assessment is determined by the Board when adopting the annual budget.
 1. Assessments will be billed as follows, and are due within ninety days of billing date:
 - a. Minimum assessment – billed annually.
 - b. 10% or more of the Council's total assessment – billed quarterly.
 - c. All others – billed semi-annually.
 2. Failure by any member to remit payment of an assessment within ninety days following billing date shall be grounds for termination of membership and such member shall be denied voting privileges and any other rights and privileges granted to members.
 - a. Not less than fifteen days prior to the termination of membership, written notice shall be sent by registered mail informing the member of the pending termination and loss of privileges and requesting payment by a date certain to avoid termination.
 - b. A member whose membership has been terminated pursuant to Section 2 shall be reinstated at any time during the calendar year

1 in which their membership was terminated, by payment of all
2 assessments then currently due and owing.

- 3
4 C. Member Representatives. Except as provided herein, only a local elected
5 official of a member may be designated a member representative, and each
6 member representative may have a designated elected alternate, as follows:
7
- 8 1. One county commissioner and an alternate commissioner from each
9 county, designated by the board of county commissioners.
 - 10
11 2. The mayor or one member of the governing body, and a similarly elected
12 alternate, of each municipality and of the City and County of Broomfield,
13 designated by said mayor or governing body, and
14
 - 15 3. Two representatives of Denver:
16
17 a. The mayor or, as the mayor's designee, any officer, elected or
18 appointed, of the City & County of Denver and an alternate
19 similarly designated, and
20
21 b. One city council member of the City and County of Denver and an
22 alternate council member designated by said council or its
23 president.
24
- 25 D. Term of Office. Member representatives shall serve until replaced, but shall
26 hold such office and have Board privileges only during their terms as local
27 elected officials, or an appointed official, if applicable, in the case of the
28 alternate for the mayor of the City and County of Denver.
29
- 30 E. Non-voting Membership. The State of Colorado shall have three (3) non-voting
31 members on the Board, appointed by the Governor, one of which shall be a
32 representative of the Colorado Department of Transportation (either the
33 Executive Director or a member of senior management). The Regional
34 Transportation District shall have one non-voting member on the Board, to be
35 appointed by the General Manager of the organization. The General Manager
36 may appoint themselves to the Board, or they may designate a member of their
37 senior staff.
38
- 39 F. Vacancies. Any vacancy shall be filled in the same manner as is provided for
40 the original designation.
41
- 42 G. Receipt of Documents. Each member representative shall receive notice and
43 minutes of meetings, a copy of each report and any other information or
44 material issued by the Council.
45
- 46 H. Other Membership Categories. The Council may establish other categories of
47 membership appropriate to carrying out the provisions of this Article.
48

1 I. Conduct. By accepting appointment, each member representative is subject to
2 such rules of conduct as the Board may adopt from time to time. For any
3 violation of the rules of conduct, the Executive Committee of the Council may
4 take such action as it deems appropriate, including without limitation, issuing a
5 letter of reprimand, reporting the matter to the designating governing body or
6 elected official, with or without a request that the member representative be
7 replaced, or adopting a finding of no violation.
8

9 ARTICLE VII. Board Officers.
10

11 A. Number and Title of Board Officers. The officers shall be Chair, Vice Chair,
12 Secretary, Treasurer, and Immediate Past Chair, all of whom shall be member
13 representatives, and the Executive Director.
14

15 B. Duties of Board Officers.
16

- 17 1. Chair. The Chair shall preside at all meetings of the Board and shall be
18 the chief officer of the Council in all matters acting as president. The
19 Chair shall serve as presiding officer of the Board of Directors meetings
20 and shall serve as a member of either the Finance & Budget Committee
21 or the Performance & Engagement Committee.
22
- 23 2. Vice Chair. The Vice Chair shall exercise the functions of the Chair in the
24 Chair's absence or incapacity acting in the capacity as vice president.
25 The Vice Chair shall serve as the presiding officer of all Board work
26 sessions and shall serve as a member of either the Finance & Budget
27 Committee or the Performance & Engagement Committee. If there is no
28 Immediate Past Chair, the Vice Chair shall serve on the Nominating
29 Committee.
30
- 31 3. Secretary. The Secretary shall exercise the functions of the Vice Chair in
32 the absence or incapacity of the Vice Chair and shall perform such other
33 duties as may be consistent with this office or as may be required by the
34 Chair. The Secretary shall serve as the chair of the Performance &
35 Engagement Committee.
36
- 37 4. Treasurer. The Treasurer shall exercise the functions of the Secretary in
38 the absence or incapacity of the Secretary and shall perform such other
39 duties as may be consistent with this office or as may be required by the
40 Chair. The Treasurer shall serve as the chair of the Finance & Budget
41 Committee.
42
- 43 5. Immediate Past Chair. The Immediate Past Chair, who shall be the most
44 recent past chair serving on the Board, shall exercise the duties of the
45 Chair in the absence or incapacity of the Chair, Vice Chair, Secretary,
46 and Treasurer. The Immediate Past Chair shall serve on the Nominating
47 Committee.
48

- 1 6. Executive Director. The Executive Director shall exercise the functions of
2 the Chief Administrative Officer of the Council and shall be empowered
3 to execute official instruments of the Council as authorized by the
4 Finance & Budget Committee or Board.
5

6 C. Election of Board Officers.
7

- 8 1. Officer and Terms. The Vice Chair, Secretary, and Treasurer shall be
9 elected by the Board at the February meeting of each year. Except as
10 provided in Article VII D.4, the incumbent holding the position of Vice
11 Chair shall automatically assume the position of Chair. However, if the
12 Vice Chair is unable to assume the position of Chair, the Board shall
13 elect a Chair at the applicable February meeting. A notice of election of
14 officers shall appear on the agenda. Each officer shall serve a one-year
15 term, or until the next election of officers and his/her successor is
16 elected, so long as the jurisdiction he/she represents is a member of the
17 Council, and he/she remains that member's official member
18 representative on the Board.
19

20 2. Nominating Committee for Board Officers.
21

- 22 a. At the January meeting of each year, the Nominating Committee
23 shall present to the Board nominations for Board officers to be
24 elected at the February meeting.
25 b. Board officer nominations may be made from the floor, provided
26 that the consent of each nominee is obtained in advance.
27
28

29 D. Board Officer Vacancies. If the Chair, Vice Chair, Secretary or Treasurer
30 resigns or ceases to be a member representative, a vacancy shall exist and
31 shall be filled for the remainder of the term by:
32

- 33 1. Appointment by a majority of the remaining Board officers of a member
34 representative to fill the vacancy; or
35 2. Referral of the vacancy to the Nominating Committee to present to the
36 Board at least one nominee to fill the vacancy if called for by a majority of
37 the remaining Board officers. No later than the meeting held on the
38 month following the month in which the Nominating Committee was
39 referred the vacancy, the Nominating Committee shall present to the
40 Board at least one nominee for an officer to be elected by the Board at
41 that meeting to fill such vacancy.
42 3. Nominations may be made from the floor, provided that the consent of
43 each nominee is obtained in advance.
44 4. In the event the remaining Board officers appoint the incumbent Vice
45 Chair to fill a vacancy in the position of Chair pursuant to D.1 of this
46 Article VII, the Vice Chair so appointed shall serve the remainder of the
47 term.
48
49

term for such vacancy and shall thereafter automatically retain the position of Chair for an additional one-year term, subject to other requirements for holding such position.

- E. Executive Committee. The incumbent Board officers shall constitute the Executive Committee of the Council. The Executive Committee shall be the primary executive leadership of the Council, providing leadership to the Board and guidance to the Executive Director. The Executive Committee has no policy making authority. The Executive Committee helps set Board meeting agendas; provides guidance on resolution of conflicts; provides process guidance, and receives updates from and assures the progress of committees of the Council, and takes action on complaints of violations of the rules of conduct for member representatives as adopted by the Board from time to time.

ARTICLE VIII. Finance & Budget Committee.

- A. Membership on the Finance & Budget Committee. The administrative business of the Council concerning finances, contracts and related matters shall be managed by a Finance & Budget Committee. The Committee membership shall not exceed more than one-quarter of the total membership of the Board. Members of the Finance & Budget Committee shall be appointed by the Board upon recommendation of the Nominating Committee.
- B. Finance & Budget Committee Officers. The incumbent Treasurer of the Council shall serve as chair of the Finance & Budget Committee. The vice chair of the Committee shall be elected by the Committee at its first meeting following election of Board officers and to serve until the next election of officers.
- C. Powers and Duties. The following powers and duties are vested in the Finance & Budget Committee:
1. To review contracts, grants and expenditures and authorize the expenditure of funds and the entering into contracts, within the parameters of the Council budget.
 2. To execute official instruments of the Council.
 3. To review and recommend to the Board the budget as provided in Article XV.
 4. To review the Council's audited financial statements with the Council's auditor, and to undertake, oversee and/or review other organization audits.
 5. To receive and review other financial reports and provide regular updates to the Board.

6. To compensate member representatives for expenses incurred in attending to the proper business of the Council.

7. To exercise such other powers, duties, and functions as may be authorized by the Board.

D. Meetings of the Finance & Budget Committee. The Finance & Budget Committee shall meet every month and may hold special meetings at the call of its chair or by request of at least three member representatives on the Finance & Budget Committee. The Committee chair, in consultation with the Executive Director, may cancel a meeting if there are no action items for the Committee's consideration. Members of the Finance & Budget Committee may attend meetings of the Committee by telephone in accordance with written policies adopted by the Committee, which policies shall define the circumstances under which attendance by telephone shall be permitted.

E. Quorum. A quorum for the transaction of Finance & Budget Committee business shall be one-third (1/3) of its members, plus one.

F. Voting. A majority of those present and voting shall decide any question brought before the meeting. The ~~Budget & Finance~~ & Budget Committee chair shall vote as a member of the Committee. A Committee member's designated alternate on the Board may attend meetings of the Committee and participate in deliberations, at the discretion of the chair, but may only vote in the absence of the member.

ARTICLE IX. Performance & Engagement Committee.

A. Membership on the Performance & Engagement Committee. The administrative business of the Council concerning the performance and evaluation of the Executive Director, the oversight of onboarding of new Board members and related matters shall be managed by a Performance & Engagement Committee. The Committee membership shall not exceed more than one-quarter of the total membership of the Board, plus the Board Chair who shall be an ex officio, voting member of the Committee. The Board Chair's attendance at meetings is at the Chair's discretion. Members of the Performance & Engagement Committee shall be appointed by the Board upon recommendation of the Nominating Committee.

B. Performance & Engagement Committee Officers. The incumbent Secretary of the Council shall serve as chair of the Performance & Engagement Committee. The vice chair of the Committee shall be elected by the Committee at its first meeting following election of Board officers and to serve until the next election of officers.

C. Powers and Duties. The following powers and duties are vested in the Performance & Engagement Committee:

1. To develop the process for recruitment of the Executive Director.
2. To recommend appointment of the Executive Director to the Board.
3. To execute an employment contract with the Executive Director, within the parameters of the Council budget.
4. To develop the process for, and execute and document the annual performance evaluation for the Executive Director, including approval and execution of amendments to the Executive Director employment contract in connection therewith, within the parameters of the Council budget.
5. To hold quarterly meetings with the Executive Director to provide performance feedback to the Executive Director.
6. To recommend to the Board, as needed, policies and procedures for the effective administration of the Executive Director.
7. To provide oversight of onboarding programs for new Board appointees.
8. To implement and review Board structure and governance decisions.
9. To plan the annual Board workshop.
10. Review results of any Board Assessments and recommend improvements.
11. To receive and review reports related to the business of the Committee and provide regular updates to the Board.
12. To review and make recommendations to the Board regarding the rules of conduct for member representatives.
13. Through a panel of the Committee, to review and make recommendations to the Executive Committee of the Council regarding complaints of violations of the rules of conduct for member representatives as adopted by the Board from time to time, in accordance with the following:
 - a. The vice chair of the Committee, along with two members of the Committee selected by the vice chair, shall comprise a review panel to review any written complaint of a violation. If the complaint concerns the vice chair, the chair of the Committee shall select three members of Committee,

1 excluding the vice chair, who shall comprise the review
2 panel. Upon completion of its review, the panel shall
3 provide a recommendation to the Executive Committee for
4 its review and action, which recommendation may include,
5 without limitation, issuing a letter of reprimand, reporting
6 the matter to the designating governing body or elected
7 official, with or without a request that the member
8 representative be replaced, or adopting a finding of no
9 violation.

10
11 b. The panel's review shall be in accordance with rules and
12 procedures adopted by the Board from time to time.

13
14 14. To exercise such other powers, duties, and functions as may be
15 authorized by the Board.

16
17 D. Meetings of the Performance & Engagement Committee. The
18 Performance & Engagement Committee shall meet every month and
19 may hold special meetings at the call of its chair or by request of at least
20 three member representatives on the Performance & Engagement
21 Committee. The Committee chair, in consultation with the Executive
22 Director, may cancel a meeting if there are no action items for the
23 Committee's consideration. Members of the Performance & Engagement
24 Committee may attend meetings of the Committee by telephone in
25 accordance with written policies adopted by the Committee, which
26 policies shall define the circumstances under which attendance by
27 telephone shall be permitted.

28
29 E. Quorum. A quorum for the transaction of Performance & Engagement
30 Committee business shall be one-third (1/3) of its members, plus one,
31 not including the ex-officio Board chair.

32
33 F. Voting. A majority of those present and voting shall decide any question
34 brought before the meeting. The Performance & Engagement Committee
35 chair shall vote as a member of the Committee. A Committee member's
36 designated alternate on the Board may attend meetings of the
37 Committee and participate in deliberations, at the discretion of the chair,
38 but may only vote in the absence of the member.

39
40 ARTICLE X. Nominating Committee.

41
42 A. Membership on the Nominating Committee. The Nominating Committee
43 shall be appointed in November of each year and consist of member
44 representatives herein designated:

- 45
46 1. The Immediate Past Chair of the Board (or the Vice Chair if there
47 is no Immediate Past Chair);
48
49 2. One Board member representing the City and County of Denver;

3. One member selected by the Performance & Engagement Committee, except that in the initial establishment of the Nominating Committee, such member shall be selected by the Board;
4. One member selected by the Finance & Budget Committee, except that in the initial establishment of the Nominating Committee, such member shall be selected by the Board;
5. One member selected by the Board; and
6. One member selected by the Board Chair.

B. Member Qualifications.

1. Members of the Nominating Committee shall have served not less than one year on the Board before being eligible to serve on the Nominating Committee.
2. No more than one Board officer and no more than one member from the City and County of Denver may serve on the Nominating Committee.
3. A designated alternate may not serve on the Nominating Committee.
4. In the appointment of the Nominating Committee, consideration shall be given to providing representation of a broad cross-section of the Board, taking into account community size, geographic location, the rate of growth, county and municipality, rural and suburban and other factors.
5. If a vacancy arises on the Nominating Committee, the person or entity that selected the departing member shall select a replacement.

C. Nominating Committee Officers. At its first meeting upon annual appointment of its members, the Nominating Committee shall elect its chair and vice chair.

D. Powers and Duties. The following powers and duties are vested in the Nominating Committee:

1. To make recommendations regarding nominations for Board officers and Board officer vacancies as provided in these Articles. A Nominating Committee member may not be a nominee for Board officer.

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2. To recommend member representatives for appointment by the Board to the Finance & Budget Committee and the Performance & Engagement Committee. Such appointments shall be made in accordance with the following procedures and requirements:
- a. The combined membership of the two Committees shall include the following:
- (1) One member representative who is designated as the member representative to the Board of each elected board of county commissioners and each city council, provided each such county and city contains a population of 120,000 or more as estimated by the U.S. Census, the Council, or the State Demographer;
 - (2) The Mayor or, as the Mayor's designee, any elected or appointed officer of the City and County of Denver who is designated as the member representative to the Board;
 - (3) One Denver City Council member who is designated as the member representative to the Board;
 - (4) The Immediate Past Chair of the Board; and
 - (5) Other member representatives to the Board not included in (1), (2), (3) or (4) of this section, up to the maximum permitted membership.
- b. The Nominating Committee shall recommend to the Board candidates for appointment to the Finance & Budget Committee and candidates for appointment to the Performance & Engagement Committee. In addition to the recommendations of the Nominating Committee, nominations for membership to the Committees may be made from the floor, provided that the consent of each nominee is obtained in advance. No individual shall be a member of the two Committees at the same time, except the Board Chair, who may serve on both committees at the same time.
- c. Consideration shall be given to member representatives' requests to be appointed to a particular Committee, and to providing representation of a broad cross-section of the Board, taking into account community size, geographic location, the rate of growth, county and municipality, rural and suburban and other factors.

- 1 d. The City and County of Denver shall have one
2 representative on each Committee.
3
4 e. Committee members shall be appointed to two-year terms,
5 except that in the initial establishment of the Committees
6 the Board shall appoint one half of the members of each
7 Committee to an initial one-year term so as to achieve
8 staggered terms. Terms extend until Board appointment of
9 successors, provided no term is thereby shortened by more
10 than 30 days. A Committee member may seek re-
11 appointment at the expiration of his or her term, but the
12 Board shall have no obligation to re-appoint any member to
13 successive terms.
14
15 f. Committee members are eligible to serve so long as the
16 jurisdiction he/she represents is a member of the Council,
17 and he/she remains that member's official member
18 representative on the Board.
19
20 g. Membership on the Finance & Budget Committee and the
21 Performance & Engagement Committee shall be
22 designated to the member's jurisdiction. Therefore, if a
23 member appointed to a Committee is no longer able to
24 serve, membership on the Committee shall transfer to the
25 succeeding member representative of that jurisdiction on
26 the Board, for the remainder of the term of the Committee
27 appointment.
28
29 3. To make recommendations to the Board for appointment to fill any
30 vacancy on the Finance & Budget Committee and the
31 Performance & Engagement Committee, which vacancy shall be
32 filled in accordance with the requirements herein.
33
34 E. Meetings of the Nominating Committee. The Nominating Committee shall
35 meet as needed to exercise the powers and duties vested herein in the
36 Committee. The Nominating Committee may hold meetings at the call of
37 its chair or by request of at least two of its members.
38
39 F. Quorum. A quorum for the transaction of Nominating Committee
40 business shall be all six (6) of its members.
41
42 G. Voting. A majority of those present and voting shall decide any question
43 brought before the meeting.
44

45 ARTICLE XI. Meetings of the Board.

- 46
47 A. Frequency. The Board shall meet at least quarterly and may hold special
48 meetings at the call of the Chair, or by request of at least three member
49 representatives.

- 1
- 2 B. Notice. Notice of meetings shall be given by E-mail, fax or telephone,
- 3 made at least two days in advance of the meeting, or by first class mail,
- 4 post-marked at least five days in advance of the meeting.
- 5
- 6 C. Agenda. Any member representative shall have the right to request of
- 7 the officers the addition of any matter to the agenda of any Board
- 8 meeting fifteen days in advance of the meeting, or by consent of a
- 9 majority of the member representatives at the meeting.
- 10
- 11 D. Record of Meetings. The Board shall keep records of all its meetings.
- 12 The meeting records shall be public records available for inspection by
- 13 any interested person at reasonable times during regular office hours.
- 14
- 15 E. Open Meetings. All meetings of the Board and committees of the Council
- 16 shall be open to the public, except as provided otherwise by state
- 17 statutes.
- 18
- 19 F. General Board of Directors Procedural Provision.
- 20
- 21 1. Quorum. A quorum for the transaction of Board business shall be
- 22 one-third (1/3) of the member representatives.
- 23
- 24 2. Voting.
- 25
- 26 a. Regular. Only member representatives or alternates shall
- 27 have voting privileges. Such privileges shall be exercised
- 28 personally and voting by proxy is not permitted. The vote of
- 29 a majority of the member representatives present and
- 30 voting shall decide any question except as otherwise
- 31 provided in these Articles. The Chair shall vote as a
- 32 member representative.
- 33
- 34 b. Weighted.
- 35
- 36 (1) Upon the specific request of any member
- 37 representative, whether seconded or not, a weighted
- 38 vote must be taken in compliance with the weighted
- 39 vote resolution in effect at the time of the request.
- 40
- 41 (2) Denver Allotment. In any weighted vote, the Mayor
- 42 of the City and County of Denver, or the Mayor's
- 43 alternate, is authorized to cast two-thirds (2/3) of the
- 44 total vote allotted to the City and County of Denver
- 45 and the member representative designated by the
- 46 City Council of the City and County of Denver or its
- 47 President is authorized to cast one-third (1/3) of the
- 48 total vote allotted to the City and County of Denver.
- 49

(3) Plans and Articles of Association. Adoption and amendment of plans pursuant to statute and amending the Articles of Association shall be accomplished without the use of the weighted voting system.

c. Plan Adoption and Amendment. An affirmative vote of a majority of member representatives shall be required for the adoption or amendment of the Plan, or portion thereof, in accordance with Article XII.

d. Amendment of Articles of Association. An affirmative vote of a majority of member representatives shall be required for the amendment of these Articles, in accordance with Article XVI.

e. Positions Taken on Ballot Measures and Legislative Issues.

(1) An affirmative vote of a majority of member representatives shall be required to adopt a resolution taking a position on any ballot measure.

(2) An affirmative vote of two-thirds (2/3) of members present and voting shall be required to take a position on any legislative issue.

f. Mail Vote. The Chair shall, on the Chair's own initiative, or when so directed by the Board, declare that action on any motion or resolution, including plan adoption or amendment and amendment of the Articles of Association, shall be taken by certified mail vote of member representatives or their alternates, or if neither has been appointed by a member, its chief elected official may vote instead. Certified mail votes shall be returned by the next regular Board meeting, and any action becomes effective on the date the Chair certifies the results to the Board.

3. Rules of Order. Except as otherwise required by these Articles, the rules of order of the Council shall be in accordance with the latest edition of Robert's Rules of Order, Revised.

ARTICLE XII. Powers and Duties.

A. Regional Plan. The Council shall prepare, maintain and regularly review and revise a Plan for the Region. In preparing, maintaining, reviewing and revising the Plan, the Council shall seek to harmonize the master or general comprehensive plans of municipalities, counties, cities and counties, and other public and private agencies within or adjacent to the Region. The Council shall seek the cooperation and advice of

1 municipalities, counties, cities and counties, state and federal agencies,
2 organizations and individuals interested in the functions of the Council.
3 The Plan may consist of such plans, elements and provisions as required
4 or authorized by statute or the members.

- 5
- 6 B. Plan Adoption. The Board may adopt the Plan or portions thereof, or
7 amendments or additions thereto, by a majority vote of member
8 representatives. Adoption of the Plan or portions thereof shall be
9 preceded by notice and public hearing as required by statute. Action by
10 the Board on the Plan or any amendments thereof shall be recorded in
11 the minutes of the Board meeting and as otherwise required by statute.
12
- 13 C. Certification of Plan. To the extent required by statute, the Council shall
14 certify copies of the adopted Plan, or portion thereof, or amendment or
15 addition thereto, to the board of county commissioners and planning
16 commission of each county and the governing body and planning
17 commission of each municipality lying wholly or partly within the Region.
18
- 19 D. Review of Local Plan Referrals. The Council shall review all matters
20 referred to it in accordance with law. The Council may review local laws,
21 procedures, policies, and developments, including any new or changed
22 land use plans, zoning codes, sign codes, urban renewal projects,
23 proposed public facilities, or other planning functions that clearly affect
24 two or more local governmental units, or that affect the Region as a
25 whole, or that are subjects of primary responsibility for the Council.
26 Within thirty days after receipt of any referred case, the Council shall
27 report to the concerned commission or body. An extension of time may
28 be mutually agreed upon.
29
- 30 E. Metropolitan Planning Organization. As may be authorized or required by
31 federal and state law, the Council shall serve as the metropolitan
32 planning agency (MPO) for the area and shall exercise such powers and
33 perform such functions as are required or authorized by statute in
34 connection therewith.
35
- 36 F. Area Agency on Aging. As may be authorized or required by federal and
37 state law, the Council shall serve as the Area Agency on Aging (AAA) for
38 such planning and service areas as are designated to it, and shall
39 exercise such powers and perform such functions as are required or
40 authorized by statute in connection therewith. The Council shall be the
41 approving and contracting agent for distribution of Older Americans Act
42 funds and other aging services federal and state funds and grants, as
43 authorized.
44
- 45 G. Other Activities, Services and Functions. The Council shall undertake
46 and perform such other activities, services or functions as are authorized
47 to it by its members or as are designated to it by federal or state law,
48 consistent with its purposes and in service and support of its member
49 governments.

- 1
2 H. Committees. The standing committees of the Council shall consist of the
3 Executive Committee, the Nominating Committee, the Finance & Budget
4 Committee and the Performance & Engagement Committee, as
5 established in these Articles. The Board may establish other committees
6 of the Board and advisory committees to the Board as necessary, and
7 the Chair of the Board, except as otherwise provided by the Board, shall
8 appoint the membership of these committees.
9
- 10 I. Cooperation with Others. The Council may promote and encourage
11 regional understanding and cooperation through sponsorship and
12 participation in public or private meetings, through publications, or
13 through any other medium. The Council may offer its facilities and
14 services to assist in the solution and mediation of issues involving two or
15 more political jurisdictions.
16
- 17 J. Functional Review. The Council may study and review the nature, scope,
18 and organization under which the functions of the Council may best be
19 carried on, and report to federal, state, and local jurisdictions, and
20 agencies thereof, on ways to improve proposals concerning legislation,
21 regulations, and other actions taken for the effectuation of the provisions
22 of these Articles.
23
- 24 K. Coordination of Research. The Council may make recommendations to
25 legislative bodies, planning commissions, and other organizations and
26 agencies within the Region for the coordination of research, collection of
27 data, improvement of standards, or any other matter related to the
28 activities of the Council.
29
- 30 L. Contracts. The Council may contract for any service necessary or
31 convenient for carrying out the purposes of the Council.
32
- 33 M. Real Property. As provided in the Council's Articles of Incorporation, the
34 Council shall have all the powers granted to nonprofit corporations by
35 Articles 121 through 137 of Title 7, C.R.S., as amended, but the Board
36 reserves final approval of the acquisition and disposition of real property.
37

38 ARTICLE XIII. Council Executive Director.
39

- 40 A. The Board after receiving a recommendation of the Performance &
41 Engagement Committee and by the affirmative vote of a majority of member
42 representatives shall appoint an Executive Director hereinafter referred to
43 as the "Director," who shall serve at the pleasure of the Board. The
44 Performance & Engagement Committee shall develop the process for, and
45 execute and document an annual performance evaluation for the Executive
46 Director.
47
- 48 B. The Director shall be the Chief Administrative Officer and authorized
49 recording officer of the Council. The Director shall administer and

1 execute all other functions and duties determined by the Board, including
2 but not limited to the following:

- 3
4 1. Appointment, removal, compensation and establishment of the
5 number and duties of the Council staff;
6
- 7 2. Establish and implement policies and procedures for the efficient
8 administration of personnel matters;
9
- 10 3. Serve, or designate personnel to serve, as recording secretary of
11 the Council and be responsible for preparing and maintaining all
12 records and information required by law to be kept by nonprofit
13 corporations, including those records required to be kept by
14 Section 7-136-101, C.R.S., and for authenticating the records of
15 the Council;
16
- 17 4. Designate personnel to provide staff services to committees; and
18
- 19 5. Serve as registered agent for the Council and register as such
20 with the Colorado Secretary of State.
21

22 ARTICLE XIV. Filing of Local Reports. 23

24 To facilitate planning and development of the Region, all legislative bodies, planning
25 agencies, and others within the Region are requested to file with the Council all public plans,
26 maps, reports, regulations and other documents, as well as amendments and revisions
27 thereto, that clearly affect two or more local government units, or that affect the Region as a
28 whole, or that are subjects or primary responsibility for the Council.
29

30 ARTICLE XV. Financial Provisions. 31

- 32 A. Budget Submission to the Finance & Budget Committee. Each year, no later
33 than the regular October meeting of the Finance & Budget Committee, the
34 Director shall submit an estimate of the budget required for the operation of the
35 Council during the ensuing calendar year.
36
- 37 B. Budget Approval by the Board. Each year, no later than the regular November
38 meeting of the Board, the budget recommended by the Finance & Budget
39 Committee shall be presented for approval by the Board. The funds required
40 from each member in the Region shall be apportioned as determined by the
41 Board in the approved budget.
42
- 43 C. Contract and Other Funds. The Council is specifically empowered to contract or
44 otherwise participate in and to accept grants, funds, gifts, or services from any
45 federal, state, or local government or its agencies or instrumentality thereof, and
46 from private and civic sources, and to expend funds received therefrom, under
47 provisions as may be required of and agreed on by the Council, in connection
48 with any program or purpose for which the Council exists.
49

- 1 D. Records and Audit. The Council shall arrange for a systematic and continuous
2 recordation of its financial affairs and transactions and shall obtain an annual
3 audit of its financial transactions and expenditures.
4

5
6 ARTICLE XVI. Adoption and Amendment of Articles of Association.
7

- 8 A. The Articles shall become effective upon their adoption by the boards of county
9 commissioners, and the governing body of any municipality or city and county
10 within or adjacent to the Region desiring to participate in the Council activities.
11
12 B. These Articles may be amended at any regular meeting of the Board by an
13 affirmative vote of a majority of the member representatives, provided that at
14 least one week's notice in writing be given to all member representatives setting
15 forth such amendment. These Articles may also be amended by an affirmative
16 vote of a majority of member representatives obtained through a certified mail
17 vote in accordance with Article XI, F.2.f when so directed by the Board or on the
18 initiative of the Board Chair.

AMENDMENT HISTORY

- AMENDED July 19, 1966. Provided for local elected official representation.
- AMENDED April 18, 1967. General assembly representation added. Policy Advisory Committee created.
- AMENDED July 18, 1967. Quorum changed from 1/2 to 1/3.
- AMENDED April 15, 1968. (Effective July 1, 1968) Name changed to "Denver Regional Council of Governments"
- AMENDED December 17, 1968. Changed election date to first meeting in year. Added municipal representation of Executive Committee.
- AMENDED March 25, 1970. Provided for membership on Executive Committee by either the mayor of the City and County of Denver or the deputy mayor.
- EXTENSIVELY AMENDED February 16, 1972. Incorporated the changes of the Committee on Structure and Organization. See S & O Report.
- AMENDED November 15, 1972. (effective January 1, 1973) Provided for a weighted voting formula for the participating membership.
- AMENDED May 16, 1973. Incorporated a section regarding members which are delinquent in payment of annual assessments.
- AMENDED January 16, 1974. Included the Counties of Clear Creek, Douglas and Gilpin on the Executive Committee, provided each such county contained a population of 120,000 or more.
- AMENDED June 18, 1974. Clarified the section on officers and their election, and provided for a nominating committee for election of officers each year.
- AMENDED January 19, 1977. Added three non-voting members, to be named by the Governor, to the full Board as outlined in the Metropolitan Planning Organization Memorandum of Agreement.
- AMENDED August 3, 1977. (through mail ballot) Increase the membership on the DRCOG Executive Committee from 6 to 8 by adding the Vice Chairman and Secretary-Treasurer of the Board to the Executive Committee membership.
- AMENDED December 19, 1979. Made the Immediate Past Chairman of the Board an officer of the Board, and by virtue of being a Board officer, the Immediate Past

Chairman would also be a member of the Executive Committee. This increased the Board officers from 4 to 5 and the Executive Committee from 8 to 9.

- AMENDED December 16, 1981. Changed the name of the policymaking body from "Council" to "Board of Directors"; Provided definitions of Council, Board of Directors, member, and member representative; Provided for Executive Committee alternates; Provided clarification and modification of certain agency procedures; and made extensive editorial changes.
- AMENDED June 22, 1983. Changed the structure of DRCOG from an unincorporated association to a nonprofit corporation, designated officers of the corporation, and provided for Board approval of real property transactions.
- AMENDED March 19, 1986. Changed to provide for election of Executive Committee officers at the first meeting following election of Board officers.
- AMENDED February 15, 1989. Expanded Executive Committee membership from 9 to 12 members with the three new members elected by the Board; provided for Board designation of a member representative of a county or a municipality to the Executive Committee in instances where the officers of the Board are already included as members of that Committee.
- AMENDED July 17, 1991. Provided the Mayor of Denver with a designee and an alternate to the Board; added a process for filling Executive Committee vacancies; changed the Mayor of Denver's alternate on the Executive Committee from the Deputy Mayor to the Mayor's designated representative to the Board; clarified the powers and duties of the Executive Committee regarding personnel matters and the Executive Director; revised the process for certification of adopted plans; and made extensive editorial changes to conform to statutory language.
- AMENDED June 17, 1998. Made technical changes in accordance with the newly adopted Colorado Revised Nonprofit Corporation Act regarding notice of meetings, termination of membership, and responsibilities for record keeping.
- AMENDED July 21, 1999. Revised to provide membership on the Executive Committee for counties with 120,000 or more estimated by either the U.S. Census, the Council or the state demographer.
- AMENDED April 18, 2001. Revised to change the Executive Committee name to Administrative Committee and provide membership on the Administrative Committee for each county and city containing a population of 120,000 or more.
- AMENDED January 15, 2003. Revised to split the Board Officer position of Secretary-Treasurer, creating the positions of Secretary and Treasurer, thus expanding the Administrative Committee membership, and to recognize the City and County of Broomfield.

- AMENDED February 19, 2003. Revised Board and Administrative Committee officer terms and revised Administrative Committee quorum.
- AMENDED November 19, 2008. Added voting requirements for taking positions on ballot measures and legislative issues.
- AMENDED May 20, 2009. Editorial revisions addressing superfluous and/or outdated items, items requiring clarification and/or elaboration, and items requiring updating as a result of the inclusion of Southwest Weld County communities.
- AMENDED July 21, 2010. Amended Section VII.C.1., to revise the procedure for election of Chair, and VII.C.2, to revise the number of members of the nominating committee.
- AMENDED April 20, 2011. Amended Section X, to remove reference to Water Quality Planning and reorder following lettered sections. Amended Section XIII, to revise the month that the budget will be provided to the Administrative Committee and Board for approval.
- AMENDED January 18, 2012. Amended Article VIII D to add language related to telephonic participation at Administrative Committee meetings.
- AMENDED May 15, 2013. Amended Article VI.E, to stipulate that the State of Colorado shall have three (3) non-voting members on the Board, appointed by the Governor, one of which shall be a representative of the Colorado Department of Transportation (either the Executive Director or a member of senior management), and the Regional Transportation District shall have one non-voting member on the Board, to be appointed by the General Manager of the organization. The General Manager may appoint themselves to the Board, or they may designate a member of their senior staff.
- AMENDED July 16, 2014. Amended Article VII C.1 and add VII D.3 to address a vacancy at Chair created when a Chair resigns mid-term. The amendment allows the incumbent Vice Chair to be appointed to serve the remainder of the term vacated, as well as serving their own full-year term.
- AMENDED March 16, 2016. Amended to reflect committee structure changes as recommended by the Structure and Governance group. Formalize the Board Officers as an Executive Committee; split the Administrative Committee into two new committees: Finance and Budget and Performance and Engagement; and revising the membership of the Nominating Committee to add two permanent members: Board Immediate Past Chair and a representative of the City and County of Denver, and defines how the remaining members of the Nominating Committee will be selected.
- AMENDED September 21, 2016. Amended to reflect additional modifications/clarifications to membership and duties of the Finance and Budget Committee and Performance and Engagement Committee. Adding the Board Chair as

an ex-officio voting member of the Performance and Engagement Committee, and clarifying responsibilities of the Performance and Engagement Committee regarding performance evaluation and contract amendments for the Executive Director.

- AMENDED, 2017. Amended to reflect addition of language related to establishing a conduct policy for Board Directors and a process for receiving and processing complaints related to the policy.

ATTACH F

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning and Operations
303 480-6747 or drex@drcoq.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	12

SUBJECT

Updates to *Transportation Planning in the Denver Region* document.

PROPOSED ACTION/RECOMMENDATIONS

Recommend the update of the *Transportation Planning in the Denver Region* document.

ACTION BY OTHERS

[January 17, 2017](#) – RTC recommended approval.

[December 19, 2016](#) – TAC recommended approval.

SUMMARY

DRCOG staff have been working with RTD and CDOT to update the *Transportation Planning in the Denver Region* document to respond to the FAST Act and incorporate other updates since RTC last approved it in 2011. The document's purpose is to describe and de-mystify the Denver region's transportation planning process. Specifically, the document:

- describes the policies and procedures of the process;
- details how the three partners (DRCOG, CDOT, RTD) cooperate in carrying out the process;
- identifies the key regional transportation planning products required by federal law and explains how the participants work to produce those products; and
- shows how the regional process dovetails with individual processes of the three partners, and interacts with local governments, air quality planning agencies, and other participants to accomplish transportation planning in the Denver region.

Draft changes are shown in the linked track-changes and clean versions of the document (Attachments 1 and 2, respectively). Draft changes address the topics listed above; the draft document has also been reviewed by the Agency Coordination Team, a staff working group of DRCOG, CDOT, RTD, RAQC, FHWA, and other transportation planning stakeholders.

Staff will provide an overview of the proposed changes at the Board meeting.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to approve the update of the *Transportation Planning in the Denver Region* document.

ATTACHMENTS

Draft *Transportation Planning in the Denver Region* document:

1. Link - [Track changes version](#)
2. Link - [Final draft version](#)

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Director, Transportation Planning and Operations, at 303-480-6747 or drex@drcog.org.

ATTACH G

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning and Operations
303-480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	13

SUBJECT

TIP Review Work Group report to the Board regarding possible funding and project selection framework for the next TIP call for projects.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends acceptance of the Work Group's report and direct the TIP Review Work Group to continue and develop the draft 2020-2023 TIP Policy document based on the Regional/Subregional dual model framework.

ACTION BY OTHERS

N/A

SUMMARY

Background

In August 2015, the DRCOG Board of Directors established the formation of a work group, comprised of DRCOG staff and Transportation Advisory Committee (TAC) members, to develop a white paper addressing issues associated with the development of the 2016-2021 Transportation Improvement Program (TIP). Topics directed for discussion included: TIP process, funding targets and criteria, and a comparative look at other MPO practices. The purpose of the white paper was to assist a future Board to address identified issues/concerns in the development of the next DRCOG TIP Call for Projects in 2018.

On February 17, 2016, DRCOG staff presented the [2016-2021 TIP Review White Paper](#) to the DRCOG Board highlighting discussions and recommendations of the Work Group from its October 16, 2015 to February 3, 2016 deliberations. Following discussion, the Board acted to accept the document and directed the Work Group to continue investigating the white paper's five recommendations:

1. Develop a project selection process purpose statement for the TIP.
2. Further explore the Regional/Subregional dual project selection model.
3. Create a project selection process that places more emphasis on project benefits, overall value, and return on investment.
4. Explore opportunities to exchange CDOT state funds with DRCOG federal funds.
5. Evaluate off-the-top programs and projects.

The Work Group's Latest Efforts

The Work Group reconvened in April 2016 and focused primarily on further exploration of the Regional/Subregional dual model (Dual Model). In its initial white paper evaluation, the Work Group indicated the Dual Model contained no known fatal flaws and appeared to offer the desired local flexibility to implement projects with the most benefit to their communities while being consistent with the policy direction within the adopted Metro Vision Plan, Regional Transportation Plan, and federal legislation. The additional analysis of the Dual Model was necessary to determine model's "goodness of fit" for the DRCOG region.

Following this examination, the Work Group recommends the Board commit to establishing a Dual Model approach for the next two TIP call for project cycles. Furthermore, the Work Group recommends the Board allow the TIP Review Work Group to continue as the taskforce responsible for the development of the 2020-2023 TIP Policy document that will recommend the final framework for the next call for projects, scheduled for 2018.

The Work Group's report entitled: *Recommended Funding and Project Selection Framework for the 2020-2023 Transportation Improvement Program*, is available for the Board's review as Attachment 1. The report highlights the Work Group's discussions, recommendations on a variety of topics related to the Dual Model, as well as a timeline for the successful completion of the 2020-2023 TIP. A summary of the recommendations is shown as Attachment 2.

The Board was provided a briefing of the Work Group's report at its February Board Work Session.

PREVIOUS BOARD DISCUSSIONS/ACTIONS

[August 19, 2015](#) – Board directed staff to create a work group and develop the TIP white paper.

[February 17, 2016](#) – Board accepted the 2016-2021 TIP Review White Paper and directed the Work Group to continue investigating its recommendations.

PROPOSED MOTION

Move to accept the Work Group's report and direct the TIP Review Work Group to continue and develop the draft 2020-2023 TIP Policy document based on the Regional/Subregional dual model framework for the Board's consideration.

ATTACHMENTS

1. *Recommended Funding and Project Selection Framework for the 2020-2023 Transportation Improvement Program* Report
2. Summary of Work Group Recommendations
3. February 1, 2017 Board Work Session staff presentation

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Director, Transportation Planning and Operations, at 303-480-6747 or drex@drcog.org.

Denver Regional Council of Governments

Recommended Funding and Project Selection Framework for the 2020-2023 Transportation Improvement Program

Presented by TIP Review Work Group

February 1, 2017



TIP Review Work Group

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February 1, 2017

Recommended Funding and Project Selection Framework for the 2020-2023 Transportation Improvement Program

Introduction and Purpose

In August 2015, the DRCOG Board of Directors established the formation of a work group, comprised of DRCOG staff and Transportation Advisory Committee (TAC) members, to develop a white paper addressing issues associated with the development of the 2016-2021 Transportation Improvement Program (TIP). Topics directed for discussion included: TIP process, funding targets and criteria, and a comparative look at other MPO practices. The purpose of the white paper was to assist a future Board to address identified issues/concerns in the development of the next DRCOG TIP Call for Projects.

On February 17, 2016, DRCOG staff presented the [2016-2021 TIP Review White Paper](#) to the DRCOG Board highlighting discussions and recommendations of the Work Group from its October 16, 2015 to February 3, 2016 deliberations. Following discussion, the Board acted to accept the document and directed the Work Group to continue investigating the white paper's five recommendations:

1. Develop a project selection process purpose statement for the TIP.
2. Further explore the Regional/Subregional dual project selection model.
3. Create a project selection process that places more emphasis on project benefits, overall value, and return on investment.
4. Explore opportunities to exchange CDOT state funds with DRCOG federal funds.
5. Evaluate off-the-top programs and projects.

The purpose of this report is to provide an update to the Board on the Work Group's progress. While an update is provided on all of the recommendations (Appendix A), the report focuses on **Recommendation #2 - Further explore the Regional/Subregional dual project selection model (i.e., Dual Model)**. In its initial white paper evaluation, the Work Group indicated the Dual Model contained no known fatal flaws and appeared to offer the desired local flexibility to implement projects with the most benefit to their communities while being consistent with the policy direction within the adopted Metro Vision Plan, Regional Transportation Plan, and federal legislation. The additional evaluation was necessary to determine the model's "goodness of fit" for the DRCOG region.

Following its evaluation, **the Work Group recommends the Board utilize the regional/subregional dual project selection model for the next two TIP calls for projects.** The Work Group believes the model will provide the desired flexibility for member governments to apply local values to the TIP process and still maintain DRCOG's strong commitment to implementing a TIP process consistent with Metro Vision and the Regional Transportation Plan. The remainder of this report highlights discussion topics and procedural recommendations for the implementation of the Dual Model.

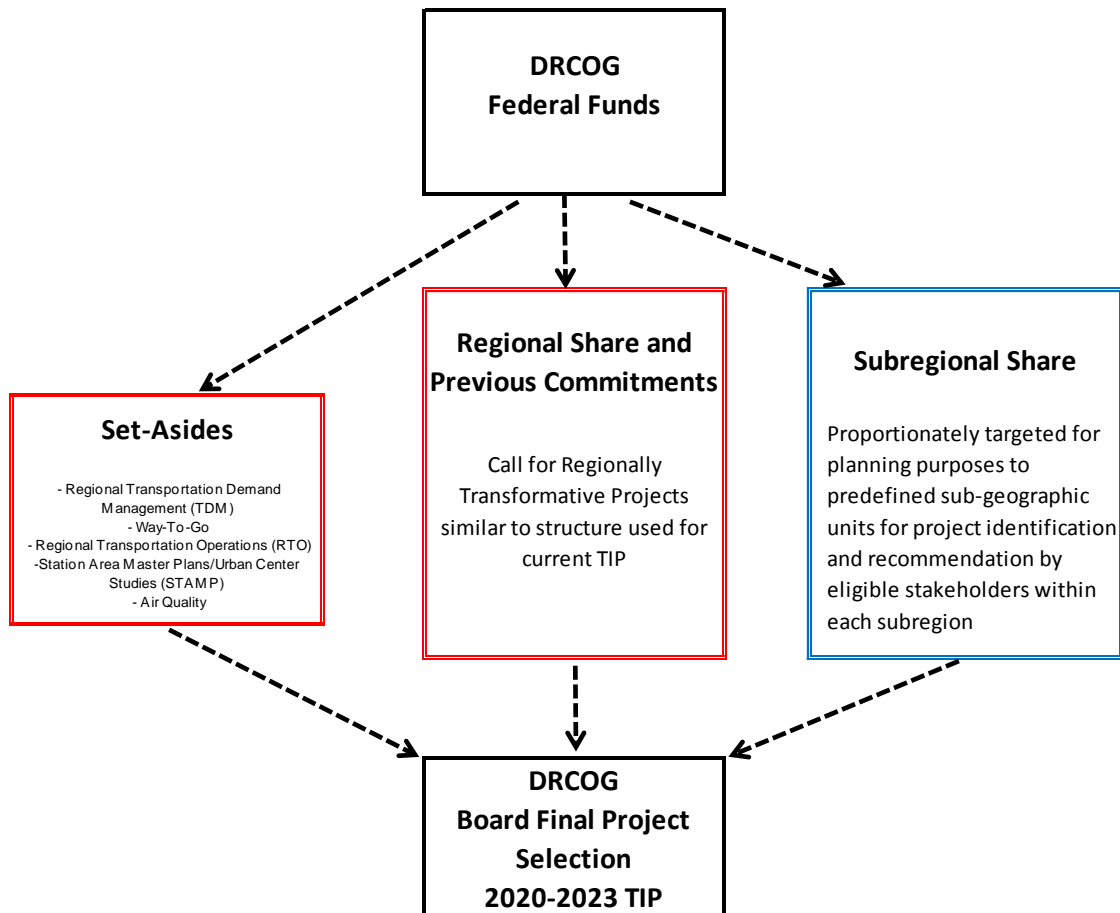
Dual Model Evaluation – A comprehensive review

The premise of the dual project selection model is that it has two TIP project selection elements, regional and subregional. A dual selection process is currently being used by Puget Sound Regional Council (PSRC) and more information about their process can be found [here](#). DRCOG currently utilizes a more centralized call for project process where all applications are submitted to the MPO and are collectively scored and ranked.

Figure 1 illustrates what the Dual Model may look like in the DRCOG area if implemented. Like PSRC, the TIP process would have two defined selection elements: a regional share and a subregional share. In the regional share, projects would fund larger infrastructure projects/programs that have a mutually agreed regional benefit. Within the subregional share, funds would be proportionately targeted for planning purposes to predefined sub-geographic units for project identification and recommendation to the DRCOG Board.

Additionally, **the Work Group envisions a separate share be maintained for regional set-aside programs.** DRCOG has historically taken funds “off the top” (before the TIP Call for Projects) to fund established regional programs. In the 2016-2021 TIP, funds were allocated to the following set-aside programs: Regional Transportation Demand Management, DRCOG Way to Go Program, Regional Transportation Operations, Station Area Master Plans/Urban Center Planning Studies, and Air Quality Improvements. **The Work Group recognizes the importance of these regional programs and while it recommends an evaluation of all set-aside programs and the flexibility to add or remove set-asides prior to the next TIP call for projects, it remains committed to this concept.**

Figure 1
Example Dual Model Concept



Over the course of many months, the TIP Review Work Group systematically evaluated Dual Model topics falling into three general categories:

- the Regional Funding process,
- the Subregional Funding process, and
- the overall Dual Model process.

Project/Program Selection Process

The Work Group discussed many subjects related to regional/subregional funding and its associated call for projects. Policies regarding procedures, eligibility, evaluation, and project selection will need to be established. An overarching theme of the Work Group's discussion was the establishment of TIP Focus Area(s).

Consistent with its white paper recommendation, the **Work Group encourages the Board to develop specific goals or focus areas that are consistent with Metro Vision and the Regional Transportation Plan** for what it hopes to accomplish in the next TIP call for projects.

The Work Group believes establishing focus areas is essential to develop appropriate overarching project/program scoring criteria for both the regional and subregional shares and suggests the Board consider devoting time at this summer's Board workshop to address this issue.

Specific questions/topics discussed by the Work Group and positions taken about the dual selection process are highlighted below:

Regional Funding Share Topics

1. What is a "regional" project?

The Work Group felt it was important to develop a regional project/program definition. A clear definition of eligible projects/programs would hopefully reduce the number of regional applications to a reasonable amount and would assure scarce funding goes to the highest priority projects/programs with the greatest benefit to the region.

The Work Group believes regional project/program applications should be limited to regionally "transformative" projects/programs that play a crucial role in shaping and sustaining the future of individuals, cities, and counties within the DRCOG region.

The Work Group submits the following **purpose statement** for regional projects/programs:

Selected Regional Share TIP projects/programs should directly address established TIP Focus Area(s) through a systems-approach focused on enhancing regional connections, regardless of travel mode. Regional projects/programs should connect communities; improve mobility and access, while providing a high return on investment to the region consistent with Metro Vision and the Regional Transportation Plan.

2. What types of projects/programs should be eligible for selection through the Regional Funding Share?

Regional projects/programs fall into two categories: larger transportation projects and set-aside programs. As discussed previously, large transportation projects are transformative with potentially higher price tags. Set-aside programs such as DRCOG's Regional Transportation

Operations and Way to Go programs are more regionally focused and the Work Group believes they should not compete against the larger transportation projects during a call for projects. As a result, set-asides have their own share of the total funds. Additionally, most set-aside programs maintain their own call for projects benefiting communities throughout the region.

The Work Group recommends DRCOG Regional Share funds be used primarily to supplement larger projects submitted by our regional partners (e.g., CDOT, RTD, public authorities and other entities that qualify for federal funds). In other words, DRCOG's share should be considered the "last funds in" to complete these transportation projects. Additionally, the criteria used for final selection must adhere to the Board established TIP Focus Area(s), thereby ensuring the selected projects are providing the most benefit and greatest return on investment.

3. What type of evaluation criteria should be used for the selection process?

As stated above, the Work Group believes evaluation criteria should be established once the Board determines its TIP Focus Area(s).

Once Focus Areas are determined, **the Work Group recommends a simplified application process that requires sponsors to describe how a proposed project/program aligns to the Board's TIP Focus Area(s), Metro Vision, and the Regional Transportation Plan, and what are its quantifiable benefits to the region.**

The formal evaluation process and criteria will be developed in 2017 as part of the TIP Policy document if the Board acts to pursue the Dual Model concept.

Subregional Funding Share Topics

1. How should the subregional geographic areas be defined?

The Work Group recommends using counties as the subregional geographic unit for funding recommendations. Though other sub-geographical concepts were discussed, such as dividing the region into quadrants for example, counties are recommended for the following reasons:

- Counties already exist and a comfortable working relationship is present among its jurisdictions.
- Counties are used for CDOT's hearing process, which may aid in better coordination on project applications.
- It would encourage cooperation and collaboration with neighboring counties on important cross-jurisdictional projects.

However, unlike PSRC for instance, the DRCOG region contains two counties where there is only one governmental unit: City/County of Denver and the City/County of Broomfield. This is an important distinction as federal regulations prohibit the distribution of MPO federal funds to individual jurisdictions unless “...it can be clearly shown to be based on considerations required to be addressed as part of the metropolitan transportation planning process”.

DRCOG staff met with FHWA and FTA staff to discuss this provision. Ultimately, FHWA agreed that counties could be used in DRCOG’s subregional application since (1) a subregional committee process will only be making project recommendations to the DRCOG Board for its determination, and (2) DRCOG will ensure the process is transparent and vetted at the Board level prior to implementation. Furthermore, FHWA emphasized the importance that any model concept under consideration must maintain its regional perspective.

2. How should funding targets for subregions be calculated?

Understanding there is no perfect funding formula, **the Work Group recommends funding targets for subregions be based on some combination of population, employment, vehicle miles traveled (VMT), or person miles traveled (PMT).** The Work Group is not recommending a funding target formula at this time since it believes the discussion is better placed during the development of the TIP Policy document later in 2017.

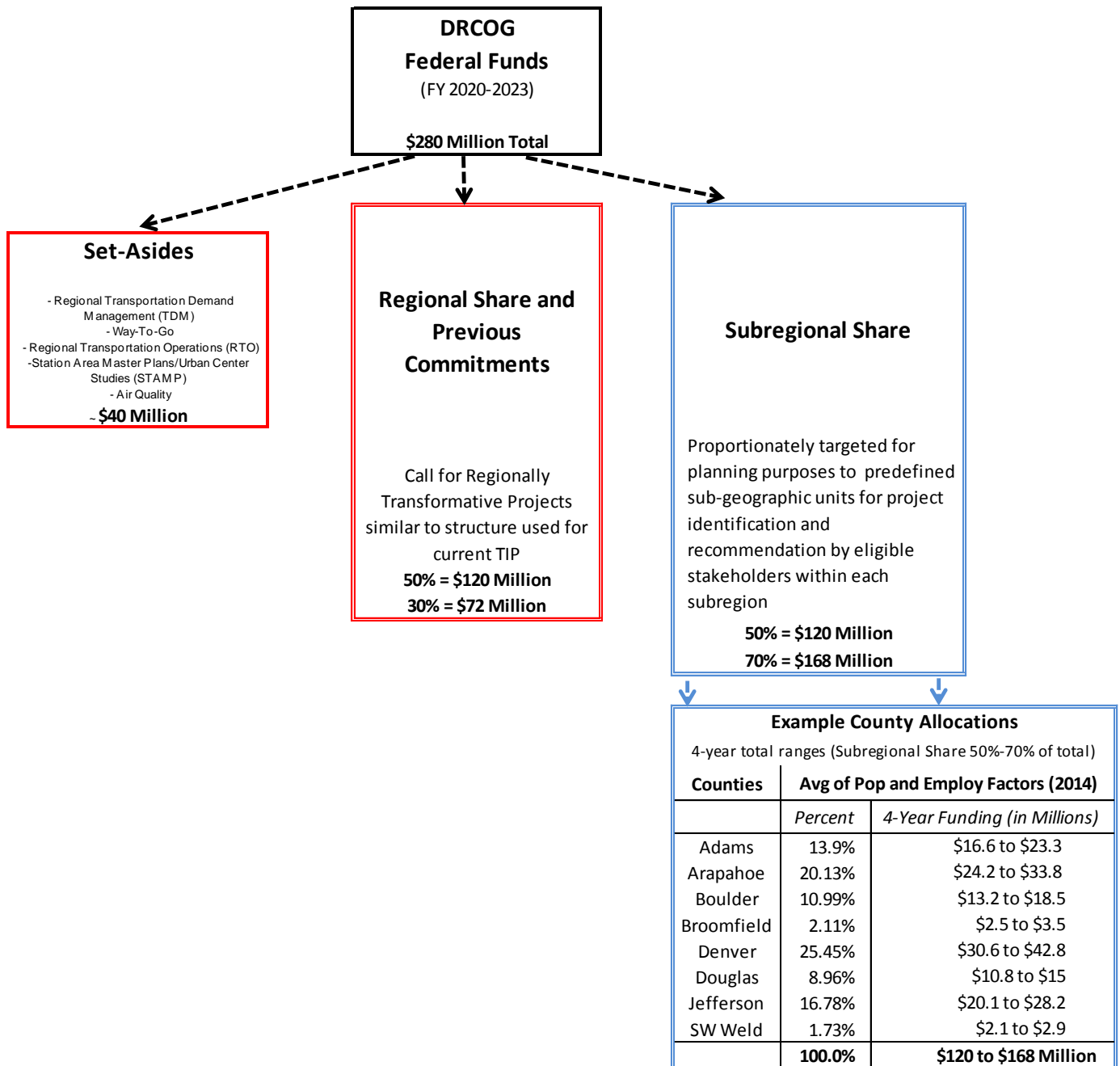
The Work Group has developed two recommendations related to subregional funding targets:

- i. **The Work Group believes the funding split between the regional share and the subregional share needs to be determined early in the process to ensure adequate time is allowed for the subregional call for projects and to develop the subregional forum process.**
- ii. **The amount of funds in the subregional share needs to be “meaningful” to justify establishing a separate project selection process.**

For illustrative purposes only, Figure 2 reveals the funding range each county would receive for project recommendations assuming the subregional share contained 50-70 percent of total federal funds allocated to DRCOG. For this example, population and employment are used to proportionately target subregional share funds to each county.

Figure 2

Example Estimates of 4-Year Funding for Subregional Share and Counties



3. How should the subregional process be governed?

The intent of the subregional process is to provide an opportunity to fund local priority projects in all sizes and types of communities, while maintaining a focus on Metro Vision and the Regional Transportation Plan. To aid in this venture, **the Work Group recommends the formation of subregional “forums” as the committee responsible for coordinating a project prioritization process to recommend projects to the DRCOG Board.** To ensure a strong countywide collaboration, the **Work Group further recommends that every local governmental unit within a county be invited to participate on the subregional forum.** CDOT and RTD may participate as non-voting members. Other members/stakeholders may be invited at the discretion of each subregional forum.

4. What project types should be eligible and should project targets be incorporated into the subregional process?

One of the major reasons for the consideration of the Dual Model is to allow as much flexibility as possible for local levels of governments to determine the best way to address transportation issues within their collective communities.

The Work Group recommends keeping project eligibility as flexible as possible, while ensuring projects meet federal requirements, address Metro Vision, and are consistent with the Regional Transportation Plan. As a result, project type targets are not recommended at the subregional level.

5. What evaluation criteria should be used?

Keeping with the theme of maintaining flexibility, **the Work Group recommends a hybrid approach to developing project selection criteria.** The approach would require each subregional forum to use:

- certain overarching criteria to address federal requirements (i.e., safety, congestion, environmental justice, and ADA); and
- criteria that ensures proposed projects address Board-defined TIP Focus Area(s) and are consistent with Metro Vision and the Regional Transportation Plan.

Subregional forums will also have the flexibility to include additional criteria to address local values in the process.

Overall Dual Model process – What might it look like?

If the Board decides to move forward with the Dual Model approach, it is imperative that the selection process and overall TIP policy be approved by the Board no later than December 2017 if DRCOG is to have a new TIP approved by March 2019.

The following schedule assumes that critical decisions on the regional/subregional structure have been vetted by a TIP Policy Work Group (which will be established by the Board in early 2017).

Proposed Dual Model Process Schedule	OVERALL TIP Policy and Regional Project/Program	Subregional Project/Program
Feb-March 2017	Board establishes TIP Policy Work Group to develop the 2020-2023 TIP Policy document. <ul style="list-style-type: none"> Among its tasks, the TIP Policy Work Group will finalize the regional/ subregional dual selection process. The TIP Review Work Group recommends the Board allow the TIP Review Work Group to continue and become the basis for the TIP Policy Work Group. The TIP Policy Work Group will utilize Board Work Sessions to update the Board and receive policy direction. 	
Summer 2017	Summer 2017 Board Workshop. <ul style="list-style-type: none"> Board participants establish TIP Focus Area(s) for next call for projects, discuss/approve at next scheduled Board meeting. 	
Fall 2017	TIP Policy Work Group will: <ul style="list-style-type: none"> Finalize TIP criteria based on Board-approved TIP Focus Area(s). Recommend the funding levels for the Regional Funding Share, Subregional Funding Share, and individual subregions. Define funding levels for set-aside programs. 	Initiate process for formation of county subregional forums ¹ and prepare forum guidelines. <ul style="list-style-type: none"> Membership shall be offered to an elected official (or their designee) from the county and all local governments within the county. CDOT and RTD are invited to be non-voting members. Other members at the discretion of each subregional forum.
By December 2017	Board and committees recommend and take action on the TIP Policy document.	
By January 2018		Finalize establishment of county subregional forums and forum guidelines. <ul style="list-style-type: none"> Forums are encouraged to be established earlier than January 2018 if possible.
February 2018	Regional Project/Program Call for Projects. <ul style="list-style-type: none"> Eight-week call for projects. 	Forum meetings and discussions begin. <ul style="list-style-type: none"> Types or examples of projects.

¹ Two counties within the DRCOG area are only one governmental unit; Denver and Broomfield. This situation will be further explored within the TIP Policy.

Proposed Dual Model Process Schedule	OVERALL TIP Policy and Regional Project/Program	Subregional Project/Program
	<ul style="list-style-type: none"> Project applications for regionally transformative projects/programs must answer the following types of questions (final questions to be contained within the adopted TIP Policy, as approved by the Board): <ul style="list-style-type: none"> What is the existing problem the project/program is attempting to solve? How does this project/ program address the Board-defined TIP Focus Area(s)? Explain how this project/program relates to and addresses Metro Vision. How will this project/program benefit environmental justice persons or communities? 	<ul style="list-style-type: none"> Unique types of partnerships, situations, or funding arrangements. Guidelines and rules (e.g., evaluation criteria and scoring) for the call for projects.
April 2018	Evaluation of project/program applications by Board-led taskforce (subset of Board). <ul style="list-style-type: none"> Process may involve oral presentations from applicants (at the discretion of the Taskforce). 	Further forum meetings and discussions. <ul style="list-style-type: none"> Project evaluation criteria. Joint project definition and discussion Other matters.
May 2018	Taskforce recommendations to the full DRCOG Board for discussion.	
June 2018	DRCOG's transportation committees will recommend and the Board will take action on Regional Projects/Programs and set-asides.	
By July 2018		Subregional Call for Projects. <ul style="list-style-type: none"> Length of call for projects at the discretion of individual subregional forums, but no less than four weeks. The following criteria (contained within the Board-adopted TIP Policy) must be considered by each subregional forum, at a minimum: <ul style="list-style-type: none"> Qualitative-related criteria: <ul style="list-style-type: none"> What is the existing problem that this project/program is attempting to solve? How does this project/program align, relate to, solve, or assist to implement the Board-defined TIP Focus Area? Explain how this project/program relates to and addresses Metro Vision. How will this project/program benefit the environmental justice communities located near your project? How will this project/program prohibit discrimination against individuals with disabilities?

Proposed Dual Model Process Schedule	OVERALL TIP Policy and Regional Project/Program	Subregional Project/Program
		<ul style="list-style-type: none"> ○ If applicable, does this project advance the sponsor's ADA Transitional Plan? ▪ Quantitative-related criteria: <ul style="list-style-type: none"> ▪ What are the existing conditions? For example, congestion, pavement condition, crashes, volume, usage, ridership, service gaps, barriers ▪ What are the likely benefits? For example, crash/delay reduction, new users or ridership/service, connectivity ▪ What are other related beneficial elements? For example, multimodal elements, connectivity to other modes, safety <p>All criteria must be reviewed by DRCOG staff for consistency with appropriate state and federal rules and TIP Policy guidelines (the Board-approved TIP Policy document will define what information minimally needs to be provided).</p>
By September 2018		Project evaluations completed and project prioritization discussions underway.
By October 2018		<p>Subregional forum project recommendations to DRCOG Board for consideration.</p> <ul style="list-style-type: none"> • A representative of each subregional forum (presumably the forum chairperson) presents the subregional forum's recommendations to the DRCOG Board. The presentation will include a summary of how the recommended project/programs will benefit the region and advance the Board-adopted TIP Focus Area(s). <p>Individual project sponsor representatives should also attend the applicable Board meeting, to respond to questions.</p>
November 2018	<p>DRCOG's transportation committees will recommend and the Board will take action on the entire set of TIP projects, including:</p> <ul style="list-style-type: none"> • Regional Funding Share projects/programs • DRCOG Set-aside programs • Subregional Funding Share projects/programs • CDOT- and RTD-selected projects/programs 	
January 2019	<p>Announce public hearing on the 2020-2023 TIP</p> <p>Draft 2020-2023 TIP completed</p>	
February 2019	Public hearing on the 2020-2023 TIP	
March-April 2019	DRCOG Board approval of the 2020-2023 TIP	
July 2019	Evaluate Dual Project Selection Model	

February 1, 2017

Appendix A

Update on 2016-2021 TIP Review White Paper Recommendations

Appendix A. Update on [2016-2021 TIP Review White Paper Recommendations](#)

1. Develop a project selection process purpose statement for the TIP.

The original recommendation discussed the necessity for the Board to develop a purpose and needs statement. The Work Group offered the following general purpose statement as a starting point for discussion:

The purpose of the DRCOG TIP project selection process is to allocate transportation funds to implement transportation priorities consistent with Metro Vision and the Regional Transportation Plan.

Additionally, the Work Group encouraged the Board to develop specific goals that are consistent with Metro Vision and the Regional Transportation Plan for what it hopes to accomplish with the next round of TIP funding and project applications should be used to help meet those goals.

Update: As stated earlier in this document, **the Work Group has further refined this recommendation to suggest the Board consider using this upcoming summer's Board Workshop to deliberate and establish Focus Area(s) for what they hope to accomplish with the next TIP call for projects.**

2. Further explore the Regional/Subregional dual project selection model.

Update: Further exploration was the primary purpose of this follow-up report. **The Work Group recommends the Board utilize the regional/subregional dual project selection model for the next two TIP calls for projects.** The Work Group believes the model will provide the desired flexibility for member governments to apply local values to the TIP process and still maintain DRCOG's strong commitment to implementing a TIP process consistent with Metro Vision and the Regional Transportation Plan.

3. Create a project selection process that places more emphasis on project benefits, overall value, and return on investment.

Establish a project selection process that applies investment decisions based on quantifiable performance metrics directly linked to Metro Vision and regional plan goals and objectives, while allowing flexibility to implement projects providing the most benefit to meet today's needs and advance the region's multimodal transportation system.

Update: While the Work Group reiterates the necessity of having criteria with quantifiable performance metrics, **the discussion about these specific criteria is better placed during the TIP Policy document development in 2017.**

4. Explore opportunities to exchange CDOT state funds with DRCOG federal funds.

Update: CDOT has implemented a pilot program involving four projects in the DRCOG area. **DRCOG staff will continue to monitor the program's process** with the hope that it will provide the desired outcome of accelerating and streamlining project delivery, as well as to reduce overall project costs.

5. Evaluate off-the-top programs and projects.

Thoroughly review all set-aside programs to ensure they contribute towards meeting the associated Metro Vision and Regional Transportation Plan goals. Additionally, the Work Group recommends developing a clear evaluation process by which large off-the-top project funding requests for regionally significant projects can be thoroughly vetted before decisions are reached.

Update: **The Work Group recommends the evaluation of off-the-top (e.g., set-aside) programs occur during the development of the TIP Policy document in 2017.**

ATTACHMENT 2

Summary of Work Group Recommendations

Introduction and Purpose

1. The Work Group recommends the Board utilize the regional/subregional dual project selection model for the next two TIP calls for projects. (pg. 2)

Dual Model Evaluation – A comprehensive review

2. The Work Group envisions a separate share be maintained for regional set-aside programs. The Work Group recognizes the importance of these regional programs and while it recommends an evaluation of all set-aside programs and the flexibility to add or remove set-asides prior to the next TIP call for projects, it remains committed to this concept. (pg. 2)

Project/Program Selection Process

3. The Work Group encourages the Board to develop specific goals or focus areas that are consistent with Metro Vision and the Regional Transportation Plan for what it hopes to accomplish in the next TIP call for projects. (pg. 4)

Regional Funding Share Topics

4. The Work Group recommends DRCOG Regional Share funds be used primarily to supplement larger projects submitted by our regional partners (e.g., CDOT, RTD, public authorities and other entities that qualify for federal funds). (pg. 5)
5. Once Focus Areas are determined, the Work Group recommends a simplified application process that requires sponsors to describe how a proposed project/program aligns to the Board's TIP Focus Area(s), Metro Vision, and the Regional Transportation Plan, and what are its quantifiable benefits to the region. (pg. 5)

Subregional Funding Share Topics

6. The Work Group recommends using counties as the subregional geographic unit for funding recommendations. (pg. 5)
7. The Work Group recommends funding targets for subregions be based on some combination of population, employment, vehicle miles traveled (VMT), or person miles traveled (PMT). (pg. 6)

ATTACHMENT 2


Summary of Work Group Recommendations

8. The Work Group has developed two recommendations related to subregional funding targets:
 - i. **The Work Group believes the funding split between the regional share and the subregional share needs to be determined early in the process to ensure adequate time is allowed for the subregional call for projects and to develop the subregional forum process. (pg. 6)**
 - ii. **The amount of funds in the subregional share needs to be “meaningful” to justify establishing a separate project selection process. (pg. 6)**
9. **The Work Group recommends the formation of subregional “forums” as the committee responsible for coordinating a project prioritization process to recommend projects to the DRCOG Board. (pg. 8)**
10. To ensure a strong countywide collaboration, the **Work Group further recommends that every local governmental unit within a county be invited to participate on the subregional forum. (pg. 8)**
11. **The Work Group recommends keeping project eligibility as flexible as possible, while ensuring projects meet federal requirements, address Metro Vision, and are consistent with the Regional Transportation Plan. (pg. 8)**
12. **The Work Group recommends a hybrid approach to developing project selection criteria.** The approach would require each subregional forum to use:
 - certain overarching criteria to address federal requirements (i.e., safety, congestion, environmental justice, and ADA); and
 - criteria that ensures proposed projects address Board-defined TIP Focus Area(s) and are consistent with Metro Vision and the Regional Transportation Plan.

Subregional forums will also have the flexibility to include additional criteria to address local values in the process. **(pg. 8)**

Proposed Dual Model Process Schedule


13. **The TIP Review Work Group recommends the Board allow the TIP Review Work Group to continue and become the basis for the TIP Policy Work Group. (pg. 9)**



Recommended Funding and Project Selection Framework for the 2020-2023 TIP


Board Work Session

Presented by:
Douglas W. Rex
February 1, 2017



Background

- 2016-2021 TIP Postmortem (August 2015)
- Board directed the formation of a TIP Review Work Group
 - DRCOG staff and TAC members
- Presented White Paper to Board in February 2016
 - Recommendations:
 - Develop a project selection process purpose statement for the TIP.
 - Further explore the Regional/Subregional dual project selection model.
 - Create a project selection process that places more emphasis on project benefits, overall value, and return on investment.
 - Explore opportunities to exchange CDOT state funds with DRCOG federal funds.
 - Evaluate off-the-top programs and projects.





Background

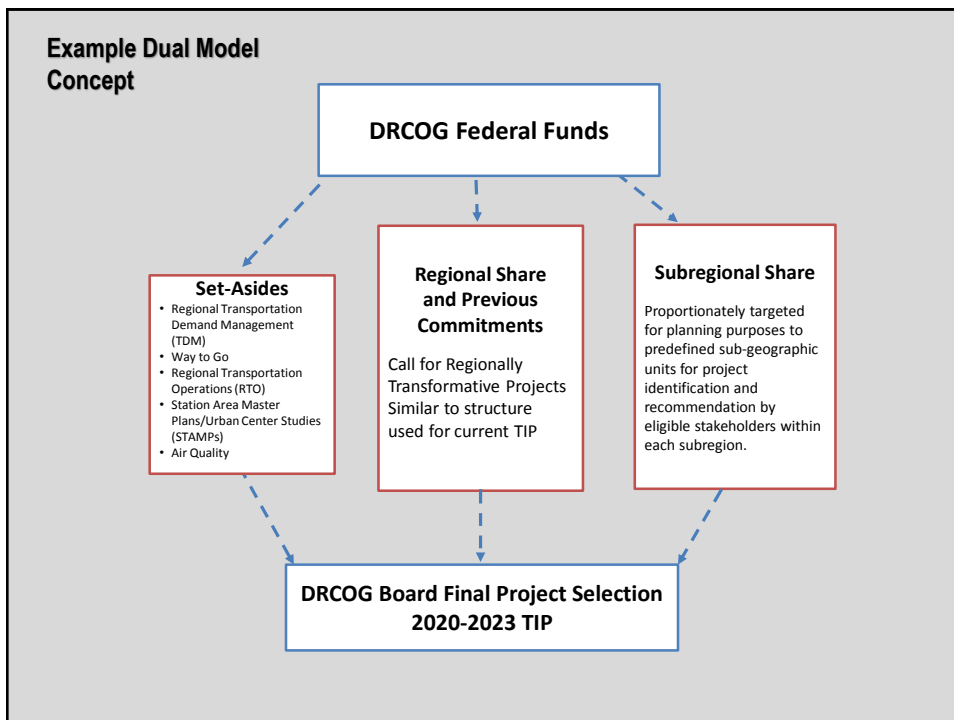
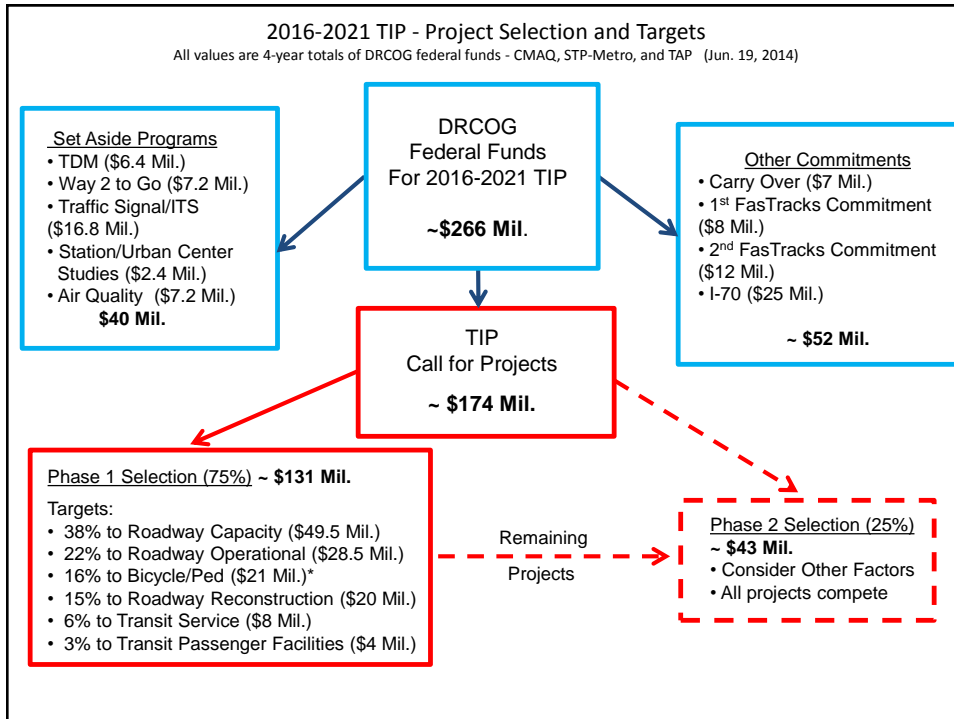
- 2016-2021 TIP Postmortem (August 2015)
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- Presented White Paper to Board in February 2016
 - Recommendations:
 - Develop a project selection process purpose statement for the TIP.
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 - Create a project selection process that places more emphasis on project benefits, overall value, and return on investment.
 - Explore opportunities to exchange CDOT state funds with DRCOG federal funds.
 - Evaluate off-the-top programs and projects.



Back together again!

- Board direction: continue investigating the recommendations
- Work Group reconvened in April 2016
- TIP Review Work Group Report for February 2017 Board Work Session
- Purpose of report:
 - Further explore Regional/Subregional Dual Model concept: Goodness of fit
 - Updates on the white paper recommendations are also included







Dual Model – A comprehensive review

Establish TIP Focus Areas

- Responsibility of the Board
- Regional priorities: What would the Board like to do with DRCOG funding to make life better?
- Consistent with Metro Vision and the RTP
- Discuss TIP Focus Areas at this summer's Board workshop

Set-aside Share

- Regional programs: Regional Traffic Operations, Way-To-Go, TDM, STAMP, AQ
- Evaluation of existing programs



Dual Model – A comprehensive review (cont.)

Regional Share

- “Transformative” projects
 - Must adhere to Board TIP Focus Areas
- Funds primarily used to supplement larger regional projects submitted by regional partners (e.g. CDOT, RTD, public authorities and other entities that qualify for federal funds)
- Simplified application process
 - Must be able to quantify the benefits to the region
- Projects reviewed by a subcommittee of the Board
 - Make recommendations to the full Board





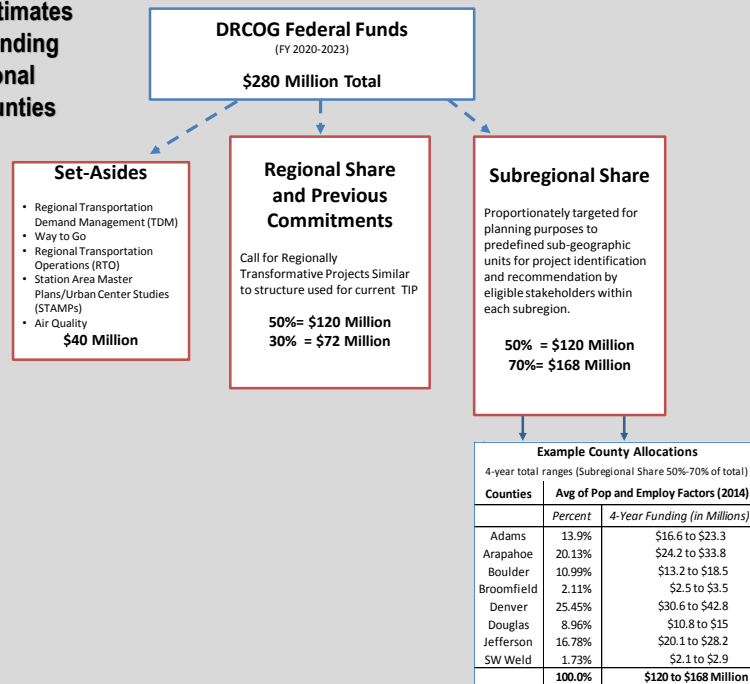
Dual Model – A comprehensive review (cont.)

Subregional Share

- Funds proportionately targeted to predefined sub-geographic units for project identification and recommendation
 - Counties recommended
 - Comfortable relationship among jurisdictions
 - CDOT public hearing process: better coordination of project applications
 - Encourage cooperation and collaboration with neighboring counties on cross-jurisdictional projects
 - Subregional share needs to be “meaningful”
- How should funds be proportionately targeted?
 - Some combination of population, employment, VMT, PMT?



Example Estimates of 4-Year Funding for Subregional Share & Counties





Dual Model – A comprehensive review (cont.)

Subregional Share

- Governance:
 - Establishment of subregional “forums” to coordinate a project prioritization process
 - Every local governmental unit within the county is invited to participate
 - CDOT and RTD non-voting
 - Other stakeholders at the discretion of subregional forums
- Project eligibility:
 - Keep flexible: allow local jurisdictions to determine best way to address transportation issues
 - Projects must be federally eligible
 - Must be consistent with Metro Vision and the RTP



Dual Model – A comprehensive review (cont.)

Subregional Share

- Evaluation Criteria
 - Hybrid approach
 - Universal criteria to address federal planning requirements (safety, congestion, environmental justice and ADA)
 - Criteria addressing Board TIP Focus Areas
 - Subregional criteria: forums can include additional criteria to address local values





2020-2023 TIP Schedule

- Develop TIP Policy document
 - Rules governing TIP development
 - Needs to be approved by Board no later than December 2017
 - Establish TIP Policy Work Group ASAP
 - Recommendation: use the TIP Review Work Group
- 2020-2023 TIP needs to be approved by March 2019



Update of White Paper Recommendations

Develop a project selection process purpose statement for the TIP.

- Establish TIP Focus Areas at this summer's Board workshop

Further explore the Regional/Subregional dual project selection model.

- Recommend Dual Model for the next two TIP Call for Project TIP cycles

Create a project selection process that places more emphasis on project benefits, overall value, and return on investment.

- To be discussed during development of TIP Policy document

Explore opportunities to exchange CDOT state funds with DRCOG federal funds.

- CDOT's defederalization pilot

Evaluate off-the-top programs and projects.

- To be discussed during development of TIP Policy document





DISCUSSION

ATTACH H

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning and Operations
303-480-6737 or tcottrell@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	14

SUBJECT

DRCOG's transportation planning process allows for Board-approved amendments to the current Transportation Improvement Program (TIP), taking place on an as-needed basis. Typically, these amendments involve the addition or deletion of projects, or adjustments to existing projects, and do not impact funding for other projects in the TIP.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approval of the proposed amendment because it complies with the Board-adopted [TIP Amendment Procedures](#).

ACTION BY OTHERS

February 14, 2017 – RTC will act on a recommendation.

[January 17, 2017](#) – RTC recommended postponing action for one month on the C-470 Managed Toll Lanes amendment.

[December 19, 2016](#) – TAC recommended approval subject to a meeting between C-470 Coalition Policy Committee representatives and CDOT to allow flexibility to modify a ~\$53 million reduction in RAMP funding.¹

SUMMARY

The TIP project to be amended is shown below and listed in Attachment 1. The proposed policy amendment to the [2016-2021 Transportation Improvement Program](#) has been found to conform with the State Implementation Plan for Air Quality.

The proposed amendment separates TIFIA loan funding from the State Bond/Loans funding category and reflects an increase to those funding sources by \$52.3 million. Though the project has not seen a significant increase in scope or cost, the RAMP funds will remain at the same funding level temporarily while CDOT and the C-470 Coalition collaborate on how to utilize the excess project funds. At some time in the future after TIFIA closes, another TIP amendment may be necessary.

- **2016-059 C-470 Managed Toll Express Lanes: Wadsworth to I-25**
Separate out State Bond/Loans to add a TIFIA funding category.
Redistribute RAMP funding by year.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

¹ On January 12, CDOT met with the C-470 Coalition Policy Committee to further discuss the proposed amendment. The outcome of that meeting as well as subsequent discussion with the Transportation Commission enabled CDOT to proceed with this revised amendment. TAC was briefed regarding the revised amendment at its January 23 meeting.

PROPOSED MOTION

Move to approve the attached amendment to the *2016-2021 Transportation Improvement Program* (TIP).

ATTACHMENT

1. Proposed TIP amendment
2. Draft resolution

ADDITIONAL INFORMATION

If you need additional information Douglas W. Rex, Director, Transportation Planning and Operations at 303 480-6747 or drex@drcog.org; or Todd Cottrell, Senior Transportation Planner, Transportation Planning and Operations at 303 480-6737 or tcottrell@drcog.org.

2016-059: Separate out State Bond/Loans to add TIFIA funding category and reflect an increase to those funding categories by \$52.3 million. Redistribute RAMP funding by year. Total project funding increases temporarily while CDOT and C-470 Coalition collaborate on how to utilize the excess project funds.

Existing

Title: **C-470 Managed Toll Express Lanes: Wadsworth to I-25**

Project Type: **Roadway Capacity**

TIP-ID: **2016-059**

STIP-ID:

Open to Public:

Sponsor: **CDOT Region 1**

Project Scope

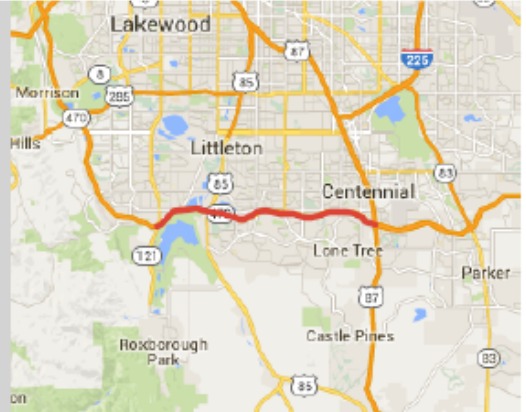
One tolled express lane in each direction on C-470. WB between I-25 and approximately Wadsworth and EB between approximately Platte Canyon and I-25, with auxiliary lanes in required locations. Safety and operational improvements between I-25 and Quebec St. Improvements to ramps including direct-connect ramps at I-25 and C-470.

Affected County(ies)

Arapahoe

Douglas

Jefferson



Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal		\$0	\$0	\$0	\$0	\$0		
State (Bond/Loans)		\$0	\$44,000	\$90,000	\$104,700	\$0		
State (Faster-S)		\$0	\$2,000	\$0	\$0	\$0		
State (RMP)		\$0	\$32,630	\$60,000	\$0	\$0		
State (Safety)		\$0	\$6,300	\$0	\$0	\$0		
Local		\$0	\$10,000	\$0	\$0	\$0		
Total	\$7,370	\$0	\$94,930	\$150,000	\$104,700	\$0	\$0	\$357,000

Revised Funding Table

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal		\$0	\$0	\$0	\$0	\$0		
Federal (TIFIA)		\$0	\$0	\$60,000	\$46,000	\$0		
State		\$0	\$0	\$0	\$0	\$0		
State (Bond/Loans)		\$0	\$85,000	\$100,000	\$0	\$0		
State (Faster-S)		\$0	\$2,000	\$0	\$0	\$0		
State (RMP)		\$0	\$25,330	\$15,000	\$52,300	\$0		
State (Safety)		\$0	\$6,300	\$0	\$0	\$0		
Local		\$0	\$10,000	\$0	\$0	\$0		
Total	\$7,370	\$0	\$128,630	\$175,000	\$98,300	\$0	\$0	\$409,300

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. _____, 2017

A RESOLUTION AMENDING THE 2016-2021 TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Denver Regional Council of Governments, as the Metropolitan Planning Organization, is responsible for carrying out and maintaining the continuing comprehensive transportation planning process designed to prepare and adopt regional transportation plans and programs; and

WHEREAS, the urban transportation planning process in the Denver region is carried out through cooperative agreement between the Denver Regional Council of Governments, the Regional Transportation District, and the Colorado Department of Transportation; and

WHEREAS, a Transportation Improvement Program containing highway and transit improvements expected to be carried out in the period 2016-2021 was adopted by the Board of Directors on April 15, 2015; and

WHEREAS, it is necessary to amend the 2016-2021 Transportation Improvement Program; and

WHEREAS, the Regional Transportation Committee has recommended approval of the amendment.

NOW, THEREFORE, BE IT RESOLVED that the Denver Regional Council of Governments hereby amends the 2016-2021 Transportation Improvement Program.

BE IT FURTHER RESOLVED that the Denver Regional Council of Governments hereby determines that this amendment to the 2016-2021 Transportation Improvement Program conforms to the State Implementation Plan for Air Quality.

RESOLVED, PASSED AND ADOPTED this ____ day of _____, 2017 at Denver, Colorado.

Bob Roth, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

ATTACH I

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning & Operations
(303) 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	15

SUBJECT

This item concerns the *2017 Policy Statement on Federal Legislative Issues*.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approval of the policy as presented.

ACTION BY OTHERS

N/A

SUMMARY

Each year, the Board adopts a policy statement on a range of federal legislative issues. This document provides the DRCOG Board, staff and lobbyists with policy direction on federal legislative issues during the coming year.

This year, revisions to the federal legislative policy statement were proposed to clarify the intent of a particular policy, use more precise language or otherwise update a statement to better reflect current practice.

The Draft *2017 Policy Statement on Federal Legislative Issues* was forwarded to the Board for comment on January 18, 2017. Staff received two comments with suggested edits to the document. Staff responses to these comments are reflected in the draft (markup) policy statement on page 4 (at the end of the Regional Planning section), on page 12 (at the end of the Older Adults section) and on page 16 (Transportation Section).

PREVIOUS DISCUSSIONS/ACTIONS

The Board received the draft policy statement at its January Board meeting.

PROPOSED MOTION

Move to adopt the *2017 Policy Statement on Federal Legislative Issues*

ATTACHMENTS

Draft 2017 Policy Statement on Federal Legislative Issues (with markup)
Draft 2017 Policy Statement on Federal Legislative Issues (clean version)

ADDITIONAL INFORMATION

Should you have any questions regarding the policy statement, please contact Douglas W. Rex, Director, Transportation Planning & Operations at 304-480-6747 or drex@drcog.org, or Rich Mauro, Senior Policy and Legislative Analyst at 303-480-6778 or rmauro@drcog.org.

Denver Regional Council of Governments

POLICY STATEMENT ON FEDERAL LEGISLATIVE ISSUES FOR 2017

INTRODUCTION

This paper outlines the key federal policy issues of the Denver Regional Council of Governments (DRCOG) ~~and its local government members~~. It identifies policy positions intended to inform the Colorado congressional delegation, Congress, federal and state executive branch officials and others as they develop and implement national policy on these issues. This policy statement guides DRCOG's federal legislative positions and actions during the coming year.

DRCOG is a membership organization of ~~nearly 60~~ over 50 cities, towns and counties in the Denver metropolitan region. Under federal law, it serves as the Area Agency on Aging for eight counties to aid the 60+ population and the Metropolitan Planning Organization (MPO) coordinating transportation planning with air quality goals. Under state statutes, DRCOG is a regional planning commission, responsible for preparing a regional plan for the development of the metro area.

REGIONAL PLANNING

Comprehensive Planning and Land Use. Although comprehensive planning and land use are primarily matters for local determination and regional coordination, the federal government can play a supportive role in encouraging local and regional efforts through funding, technical assistance and other incentives. DRCOG's Metro Vision plan represents a shared regional vision for creating sustainable, livable communities that ~~accommodate~~ allow people of all ages, incomes and abilities to succeed. Metro Vision further recognizes that the success of the region's visionary plan requires the coordinated efforts of local, state and federal governments; the business community; and other planning partners, including philanthropic and not-for-profit organizations.

Metro Vision guides DRCOG's work and establishes shared expectations with our region's many and various planning partners. The plan outlines broad outcomes, objectives and initiatives established by the DRCOG Board to make life better for the region's residents. Metro Vision is the policy basis for all of DRCOG's programs and serves as the framework and context in which the regional council collaborates with other organizations on issues of mutual interest. Achieving Metro Vision goals requires coordinated investment in a wide range of planning and implementation activities that transcend traditional funding categories. **DRCOG supports those efforts that ~~implement~~ help the region achieve the shared outcomes described in Metro Vision and encourages federal entities to align their policies and investment decisions ~~with Metro Vision and other regional agreements~~ to advance regionally-determined ~~common~~ objectives.**

~~DRCOG supports the Federal Partnership for Sustainable Communities (Partnership), which is a partnership among the Department of Housing and Urban Development (HUD), Department of Transportation (DOT), and Environmental Protection Agency (EPA). The DRCOG Board has incorporated the Partnership's six Livability Principles into Metro Vision and supported legislation in 2009 and 2011 that would have provided funds to help communities develop and implement comprehensive regional plans that incorporate economic development, transportation, and housing options, while addressing environmental concerns. A sustainable region balances economic vitality, prosperity, and social wellbeing as expressed by a high standard of living for the region's residents.~~

~~DRCOG's Metro Vision plan emerged from a collaborative process that spanned more than four years. During this time, DRCOG's policy committees, member governments, partner agencies, regional stakeholders, and the community at large worked together to create a shared vision for action for shaping the future of the Denver metro area. The plan's shared vision of the future is captured in 14 inter-related aspirational outcomes, which describe a future that DRCOG, local governments and partners will work toward together. DRCOG may support or oppose legislative proposals that impact the ability of the region to achieve these outcomes. Metro Vision establishes several regional goals, as summarized here, and DRCOG may support or oppose legislative proposals based on consistency with these goals.~~

Outcomes – Efficient and Predictable Development Pattern

- The region is comprised of diverse, livable communities.
- Through a coordinated effort between DRCOG and local communities, new urban development occurs in an orderly and compact pattern within regionally designated areas
- Connected urban centers and multimodal corridors accommodate a growing share of the region's housing and employment.

Outcomes – A Connected Multimodal Region

- The regional transportation system is well-connected and serves all modes of travel.
- The transportation system is safe, reliable and well-maintained.

Outcomes – A Safe and Resilient Built and Natural Environment

- The region has clean water and air, and lower greenhouse gas emissions.
- The region values, protects and connects people to its diverse natural resource areas, open space, parks and trails.
- The region's working agricultural lands and activities contribute to a strong regional food system.
- The risk and effects of natural and human-created hazards is reduced.

Outcomes – Healthy, Inclusive and Livable Communities

- The built and natural environment supports healthy and active choices.
- The region's residents have expanded connections to health services.
- Diverse housing options meet the needs of residents of all ages, incomes and abilities

Outcomes – A Vibrant Regional Economy

- All residents have access to a range of transportation, employment, commerce, housing, educational, cultural and recreational opportunities.
- Investments in infrastructure and amenities allow people and businesses to thrive and prosper.

Growth and Development Goals

- ~~Ensure urban development occurs within an urban growth boundary/area to promote a more orderly, compact and efficient future development pattern.~~
- ~~Achieve at least a 10 percent increase in overall regional density between 2000 and 2035.~~
- ~~Locate 50 percent of new housing and 75 percent of new employment between 2005 and 2035 in designated urban centers throughout the region. While each urban center will be unique, all urban centers will:~~
 - ~~Be active, pedestrian-, bicycle- and transit-friendly places that are more dense and mixed in use than surrounding areas;~~
 - ~~Allow people of all ages, incomes and abilities to access a range of housing, employment and service;~~
 - ~~Promote regional sustainability by reducing per capita vehicle miles traveled, air and water pollution, greenhouse gas emissions and water consumption; and respect and support existing neighborhoods.~~
- ~~Promote development patterns and community design features to meet the needs of people of all ages, incomes and abilities. Pay particular attention to the needs of older adults, which represent the fastest growing segment of the population.~~
- ~~Maintain Boulder, Brighton, Castle Rock and Longmont as distinct and self-sufficient freestanding communities, and more clearly define and support the regional role of rural town centers.~~
- ~~Minimize the extent of low density, large lot (semi urban) development.~~
- ~~Limit the total amount of semi urban development in 2035 to a proportion that does not exceed the current proportion of all households in the region, estimated to be approximately 3 percent.~~

Transportation Goals

- ~~Provide safe, environmentally sensitive, efficient and sustainable mobility choices for people and goods, integrated with land use, while supporting the following goals:~~

- ~~• Increase the rate of construction of alternative transportation facilities;~~
- ~~• Reduce the percent of trips to work by single-occupant vehicles (SOV) to 65 percent by 2035;~~
- ~~• Reduce regional per capita vehicle miles traveled (VMT) 10 percent by 2035; and~~
- ~~• Reduce annual per capita greenhouse gas emissions from the transportation sector by 60 percent by 2035.~~

Environmental Goals

- ~~• Establish an integrated, linked, permanent parks and open space system that is accessible to all of the region's residents.~~
- ~~• Protect additional parks and open space as the population grows to maintain the current amount per capita with a goal to protect a minimum of 880 total square miles of parks and open space by 2035;~~
- ~~• Reduce regional per capita municipal and industrial water use;~~
- ~~• Achieve and maintain ambient air quality standards and ensure clean water to protect human health and environmental quality; and~~
- ~~• Minimize exposure to excessive noise levels associated with land use and transportation services.~~

DRCOG further urges Congress to consider the following in support of local and regional planning:

- DRCOG supports improving the coordination of housing, community development, transportation, energy, and environmental policy in the United States; coordinating federal policies and investments to promote sustainable development; and, encouraging comprehensive regional planning for livable communities ~~and the implementation of sustainable development.~~
- DRCOG supports federal policies and investments that help local governments and the private sector develop successful urban centers, including transit station areas. ~~contribute to the successful development of urban centers and transit station areas throughout metropolitan areas.~~
- DRCOG supports federal funding, regulatory support and other incentives to bolster local and regional efforts to increase the supply of affordable housing, including housing suitable for fixed-income older adults. Additionally, DRCOG supports effective means to create and maintain supportive services for residents in affordable housing communities.
- DRCOG supports efforts to promote affordable housing options by:
 - promoting policies and programs that support the creation and maintenance of an adequate supply of affordable rental and ownership options integrated with the community to meet the needs of people of all ages, incomes, and abilities. This should include expansion of the Low-Income Housing Tax Credit, a critical

Commented [RM1]: This policy was edited and moved from the Older Adults section (page 12).

tool for supporting private investment in the production and preservation of affordable housing in the State of Colorado and throughout the country, and efforts to strengthen communities through investments in transportation, economic opportunities, education, health services and other amenities that promote opportunity.

- Ensuring that renters and homeowners (including manufactured homeowners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.
- Ensuring that policies, programs and other actions that affect land-use and housing support the private and public sectors in providing a variety of housing sizes and types, while ensuring that people of all ages, incomes and abilities have choice in the type of housing arrangement and location that best fits their needs.

- ~~DRCOG respects private property rights within a legal context that protects local land use authority. It is also important to emphasize that governmental actions often add value to private property. While acknowledging concerns over potential inappropriate uses of that authority, DRCOG believes the U.S. Supreme Court decisions defining constitutional restrictions on local government regulation of private property and the use of eminent domain are adequate to protect both public and private rights. When these restrictions are coupled with established precedents of the Colorado Supreme Court, protections accorded to landowners are reasonable, appropriate and balanced. DRCOG opposes further restrictions on the ability of governmental entities to regulate private property for the benefit of the public and opposes takings and eminent domain legislation that goes beyond the existing rulings of the U.S. Supreme Court and the Colorado Supreme Court as an attempt to unconstitutionally restrict local land use authority.~~

- Federal agencies and elected officials must respect and support local and regional plans and land use authority. This includes ensuring funding decisions and the siting of federal and other facilities are consistent with those plans and respect local and regional land use authority. Federal agencies and elected officials also must ensure maximum local and regional participation in those decisions.
- The federal government must protect open space, including natural habitats, by fully funding the land conservation, preservation and infrastructure improvement trust fund programs and providing new incentives for land conservation and outdoor recreation opportunities.
- Federal investments in local and regional data and information programs help DRCOG deliver improved information, tools and services for local and regional planning and decision-making. DRCOG supports continued funding for these programs and legislation that requires local, regional and state governments to proactively share digital data with the public.

OLDER ADULTS

Older Americans Act Reauthorization. DRCOG has been the designated Area Agency on Aging (AAA) for the metro area under the auspices of the federal Older Americans Act since 1973. In this capacity, DRCOG is responsible for planning and advocating for the needs of the region's older residents, as well as for providing a broad array of services and programs.

~~While Congress last reauthorized the Older Americans Act (OAA) in 2016, 2006. The act is set next reauthorization is currently on the federal legislative agenda to expire in 2018. The 2006 legislation included new programs requiring states and local governments to address challenges brought by the aging of the baby boom generation. Unfortunately, the reauthorization did not include any additional funding, other than a small increase for the National Family Caregiver Program. The reauthorization also included provisions encouraging better federal, state and local coordination of services provided to persons in both in-home and community-based settings, but did not specify how these provisions would be implemented.~~

Since the last "full" reauthorization (2006), the challenges to communities, states and the nation presented by the aging of the baby boomers population have continued to accelerate across the nation but particularly in Colorado, are better understood. This critical national issue has continued to put pressure on services, especially the need for more tailored in-home and community-based services, more focused prevention programs, need for consumer advocacy in long term care facilities, and increased support for family caregivers. These issues were not addressed in any substantive way in the 2016 reauthorization. The 2016 reauthorization also only partially addressed the funding imbalances in the existing OAA funding formula. The coming reauthorization offers a prime opportunity to modernize and reshape aging services in the U.S. and rebalance the allocation of OAA funds to the states. Accordingly, DRCOG adopts the following principles for reauthorization of the Older Americans Act.

~~Elimination of~~ **Eliminate** Obsolete Funding Provisions in the Older Americans Act

DRCOG has expressed concerns that the current funding formula for the Older Americans Act (OAA) is outdated and unfair, particularly to states with fast growing older adult populations. The OAA funding formula generally allocates federal funds to states based on the proportion of older adults in each state. However, the last full reauthorization in 2006 included a modified "hold harmless" provision that to prevents slow growing states from falling below their FY06 funding levels. Moreover, the The 2006 formula, also used population numbers from the 2000 Census, which quickly became outdated after the 2010 Census. While the data was updated in the full reauthorization that passed in 2016, it will need to be updated again after the 2020 census. Allocating funds based on old data (when a Census was conducted in 2010) penalizes states like Colorado which have fast-growing senior populations. This combination of obsolete data and the hold harmless provision caused ds Colorado to lose

more funding than any other state, during both the annual appropriations as well as in the sequestration cuts in 2012.

DRCOG opposes ~~both the use of old data to determine the number of seniors in each state and the inclusion of the Hold Harmless Provision when allocating OAA funds. In 2015, the Senate passed its~~

The full reauthorization bill ~~(S.192) with~~ only included a small change to the funding formula in the direction of fairness. ~~This included a change to the 2010 Census as the base but retained 99 percent of the "hold harmless" provision. All House bill may be introduced later this year. In response, all seven~~ nine members of the Colorado House Congressional delegation in a bipartisan manner have signed a letter to the Chairman and Ranking Member of the House Education and the Workforce Committee (responsible for Older Americans Act reauthorization) sent multiple communications to House and Senate leadership and the Administration urging them to ensure any the next reauthorization of the Older Americans Act treats all seniors fairly by eliminating the "hold harmless" provision. DRCOG appreciates the continued support of the Colorado Delegation for this issue.

Encourage meaningful coordination with other systems and programs

The Administration on Aging should adopt rules and regulations incorporating the following specific concerns:

- Require states, AAAs, Medicaid long-term care agencies, and other relevant entities to continue efforts to better coordinate regional and statewide planning of services and programs for seniors.
- Coordinate all federal programs and planning processes that serve older adults, such as Older Americans Act, Medicaid, Fixing America's Surface Transportation (FAST) Act ~~SAFETEA-LU~~ and Section 202 housing programs.
- Establish new policy and program guidelines to improve coordination and optimize all public and private benefits, services, and resources aimed at promoting elder economic security.
- Remove institutional barriers to the coordination of elderly and disabled transportation services by providing the flexibility to allow trips for elderly and non-elderly disabled persons and for meal, medical and personal services to be served by the same provider using a combination of U.S. Department of Health and Human Services and U.S. Department of Transportation funding.
- Avoid shifting the cost burden from cash-strapped programs such as Medicaid to the Older Americans Act programs, simply to bail out those programs.
- Strengthen the collaboration between the AAAs and federal, state and local governments with community-based organizations and national organizations that work with diverse older adults by providing resources, including funding research, programs and training to more effectively respond to changing demographics and target services to those most in need.

Maximize Flexibility in Use of Older Americans Act Funds

The majority of federal funding provided to state and local entities under the federal Older Americans Act is specifically earmarked to particular services. While all of the OAA-funded services, such as meals and transportation, are critically important, the AAAs, local governments and service providers are in the best position to assess the specific needs in the local areas. **Increased flexibility in the use of program funds would allow area agencies on aging to better meet the needs of older adults.**

- Simplify rules and regulations to allow better coordination of senior services thus enabling AAAs and service providers to more efficiently and effectively use federal funds to address local priorities. This could include the consolidation of certain funding categories to improve administration of the affected programs. For example, the Title III C-1 congregate meal and Title ~~3-III~~ C-2 home-delivered meal programs could be merged.
- Create flexibility in state- and federally-specified allotments of Older Americans Act funds allowing AAAs to utilize regional priorities to determine funding distributions at the local level, consistent with the goals of the Act.
- Set required local match at 10 percent and required state match at 5 percent across all programs of the Older Americans Act. Currently, required local and state funding match percentages vary widely. For example, state/local match for the National Family Caregiver Support Program is 25 percent, while the Nutrition and Supportive Services Programs require a 15 percent state/local match. In some cases, states can completely opt out of providing a state match, as with the National Family Caregiver Support Program.

Fund Aging-Related Planning for Local Communities

The 2006 reauthorization established new requirements for AAAs to broaden their planning efforts beyond service needs to include senior-friendly community planning to promote livable communities for all ages but did not include funds for this new mandate. **To assure these requirements are met, Congress must appropriate funds for state, regional and local collaboration, planning, community capacity-building and technical assistance. This should include funds for conducting analyses of the strengths and needs of seniors in a given area.**

Increase Federal Funding for Older Americans Act Programs

The funding provided through the Older Americans Act has proven critical in maintaining a quality standard of living for many of the nation's older adults. For years, however, OAA funding has not kept pace with inflation or the growing population of individuals eligible for services. Yet, demand by at-risk older adults in need of supportive services has risen and will continue to rise with the growth of the aging population. This long-term gap in funding translates to greater numbers of older adults and family caregivers

with unmet needs and increasing pressures on state and local agencies, service providers and families. Meanwhile, waiting lists for Older Americans Act-funded services, such as Meals on Wheels, rides to medical appointments, and in-home care, have burgeoned throughout the country.

Compounding these problems, financial pressures on other programs that provide services to seniors, such as Medicare and Medicaid, have led to reductions in the services provided by those programs, and a related increase in demands on Older Americans Act programs. At the same time, there are proposals for addressing the nation's long-term debt that actually would result in significant cuts in funding for these programs. Funding cuts, such as those in the Budget Control Act of 2011 under "sequestration," ~~would have~~ **has had** devastating consequences on vulnerable older adults in the metro area and across Colorado. **Congress needs to fund the Older Americans Act adequately now and into the future – in preparation for the aging of the baby boomers. DRCOG specifically supports:**

- A balanced approach to addressing the nation's budget deficits and long-term debt. Any approach must protect those older adults in greatest social and economic need by fairly balancing increased revenues and targeted spending reductions and taking no actions that increase economic vulnerability or poverty.
- Significant annual increases in the overall funding for the Older Americans Act Programs, which are necessary to catch up with the lag in historical funding. DRCOG supports the position of the National Association of Area Agencies on Aging, which is advocating total funding for OAA be increased to at least FY 2010 levels to restore the capacity of OAA programs, with special attention to Title III B Supportive Services, Title III E National Family Caregiver Support Program and Title VII State Long-Term Care Ombudsman Program, as these programs have had no relief from the sequester.
- Future authorized appropriations at levels adequate to fund identified needs but at least commensurate with the rates of growth in inflation and the economically needy older population.
- Priority for funding given to those Older Americans Act programs and services, especially nutrition services that emphasize assisting clients to live in their homes as long and as independently as possible.
- Increases in the funding for family caregiver support services (including training, respite care, counseling, and information and assistance) and the continued distribution of these monies through AAAs, which are important to address the growing needs of families who provide extensive care to their loved ones.
- Increases in funding for Long-Term Care Ombudsman programs, which are necessary to improve the ability to respond to complaints and safeguard residents' rights.
- Congress also should change budget rules to allow credit for discretionary programs that save money in mandatory programs.

Long-Term Care Facility Quality of Care

Older adults living in long-term care communities (i.e., nursing homes and assisted living) are some of the most vulnerable members of society. As the Long-Term Care Ombudsman for the region, DRCOG is an advocate for the rights of residents in long-term care communities and for improvement in the quality of care in such facilities. The quality of care provided by long-term care facilities is an ongoing concern to facility residents, their families, local governments and resident advocates. **DRCOG supports increases in consumer protections for older adults and their caregivers and, in particular, strengthening the role of the Long-Term Care Ombudsman as a resident/consumer advocate and reimbursement for long-term care communities structured to enhance the quality of care for residents. DRCOG believes the following issues require particular attention by Congress and federal agencies.**

- Federal regulations designed to ensure the quality of care in long-term care facilities are not fully enforced, largely due to inadequate staffing levels in state enforcement agencies. There also are several actions that could be added to the regulations to improve enforcement. These include increased inspections and penalties on long-term care facilities failing to comply with regulations. **DRCOG supports such improved enforcement of long-term care regulations and an increase in funding for enforcement actions.**
- Most complaints investigated by DRCOG ombudsmen are traceable to staffing issues in the long-term care facilities. The inability to maintain adequate staffing is a critical concern that negatively impacts long-term care facility quality of service. **DRCOG supports federal legislation, policies and programs to improve the quality of service in long-term care facilities, including setting minimum staffing levels and providing financial and technical assistance for the recruitment, training and retention of long-term care facility employees.**
- "Nursing home transparency" is an ongoing issue in advocacy for the rights of residents. legislation currently is under consideration in Congress. The nursing home transparency provisions will Occasionally legislation has been proposed to enhance families' access to information about the quality of care in nursing homes and will improve the government's ability to ensure quality care and a better-trained staff in those facilities. **DRCOG supports legislation that includes stronger disclosure of ownership and control of facilities, better oversight of quality of care indicators, improved consumer information, and an enhanced complaint and penalty process.**

Fund the Elder Justice Act

This legislation provides critical protection for residents living in nursing homes and assisted living; provides needed resources and coordination to address the problem of elder abuse; and includes increased funding for the Long-Term Care Ombudsman program. The Elder Justice Act sets out a comprehensive approach to preventing and combating elder abuse, neglect, exploitation and self-neglect. **DRCOG supports full funding and implementation of the Elder Justice Act, consistent with the following principles:**

- Provide a stronger and more coordinated federal response to promote elder justice.
- Increase federal support to states and communities for elder justice activities.
- Provide funding and training support to adult protection programs.
- Improve consumer protection by requiring the reporting of crimes by nursing facilities or employees and communication of consumer rights information.
- Provide new funding to improve ombudsman capacity and training, and for training of health department surveyors investigating allegations of abuse.

Other Health and Community Services. There are numerous other health and home care issues not covered under the Older Americans Act. In general, the following policies address concerns regarding consumer protection, access to treatment, and access to services that increase independence. **DRCOG believes it is appropriate for federal legislation, regulations and policies to promote access to health care coverage and the integration of long-term care into a continuum of medical and non-medical services, including health promotion and disease prevention.**

4. Enhancing Health and Security of Older Adults. The Affordable Care Act (ACA) contains several provisions regarding older adults and their ability to stay healthy and age in the community. These include provisions for Aging and Disability Resource Centers, prevention and wellness programs, care transitions and coordination, and efforts to rebalance the long-term care system relative to institutional and community care. The AAAs are positioned to play a key role in implementing these provisions. **DRCOG urges Congress and federal agencies to recognize the full potential of the Aging Network and utilize AAAs in implementing these ACA provisions.**

- **Avoid Institutional Care.** Home- and community-based services are critical components in the continuum of care for the elderly and disabled and are more cost efficient than services in institutions, particularly with regard to rural areas and for minority populations. Adequate reimbursements to providers are necessary to offset the costs of providing these important services. **DRCOG supports increased funding of home- and community-based care programs and higher Medicare and Medicaid reimbursements.**
- **Prescription Medication.** Older adults typically require more medication than younger people. Even with the adoption of a prescription drug benefit under Medicare, the high cost of prescription medication will continue to be a financial hardship for many older adults. **DRCOG supports revisions to the Medicare Part D prescription drug benefit to simplify the application process and coverage offered, as well as address the gaps in coverage to provide a more comprehensive prescription medication benefit for all beneficiaries. DRCOG also encourages the federal government to provide additional funding for AAAs to provide public education, counseling and enrollment assistance for citizens about the Medicare drug program.**

- **Patients' Rights.** Enforceable federal protections, in areas including access to care, quality assurance, patient information, grievances and appeals, doctor-patient relationship, and physician treatment decisions, are necessary to ensure that quality health care and other services are available to all. **DRCOG supports legislation to protect consumers in managed care plans and other health coverage.**
- **Housing.** The ability to afford to live in a residence independently is a concern of older adults, especially those on fixed incomes. As the Denver metro area has grown and developed, the shortage of affordable housing has become an even more important concern. **DRCOG supports policies and programs designed to support older adults, especially those of low- and moderate-income, and persons with disabilities to live independently in the residence of their choice. This includes policies and programs to:**

- 4. ➤ Encourage the delivery of home- and community-based supportive services to assist older people and persons with disabilities in maintaining independence and actively engaging in their community.
- Improve home design to promote independence and aging in place, including home modification and repair, appropriate design features in new and rehabilitated housing (through principles such as universal design, visitability, inclusive home design, and energy efficiency), and the use of innovative home products.
- Ensure that policies and funding for housing assistance and preservation programs continue to support residents who choose to remain in their homes as they age and that low- and moderate-income households have access to well-designed, safe, decent, affordable, and accessible housing integrated throughout well-designed communities.
- 2. ➤ Promote financial security of housing assets to support the availability of affordable homeownership options, safeguard home equity, and promote the innovative use of housing assets to maintain and improve the independence and quality of life of older people.
- 3. Promote affordable housing options by:
 - 1. ensuring that policies, programs and other actions that affect land-use and housing support the private and public sectors in providing a variety of housing sizes and types, while ensuring older adults and persons with disabilities have choice in the type of housing arrangement that fits their needs best. Renters and homeowners (including manufactured homeowners) should have appropriate protections. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.
 - 2. promoting policies and programs that support the creation and maintenance of an adequate supply of affordable rental and ownership options integrated

Commented [RM2]: This language has been edited. Some of it has been moved above and some to the Regional Planning section on page 4

with the community to meet the needs of people of all ages, incomes, and abilities. This should include strengthening housing programs to ensure that policies and funding for housing assistance and preservation programs continue to support residents who choose to remain in their homes as they age and that low- and moderate-income households have access to well-designed, safe, decent, affordable, and accessible housing integrated throughout well-designed communities.

3. reauthorizing or creating programs and policies that increase the capacity for public-private partnerships to increase the range of housing choices available to older people and persons with disabilities.
4. promoting financial security of housing assets to support the availability of affordable homeownership options, safeguard home equity, and promote the innovative use of housing assets to maintain and improve the independence and quality of life of older people.

TRANSPORTATION

Transportation is an essential component of multidimensional efforts to advance economic development, industry growth and competitiveness; reduce the nation's carbon footprint dependency on fossil fuels; increase job access and mobility; and create communities having a high quality of life for people of all ages, incomes and abilities. This remains DRCOG's vision for federal metro partnerships for prosperity.

DRCOG supported the Fixing America's Surface Transportation (FAST) Act. However, while the FAST Act provided funding stability and delivery of long-term capital projects, the reauthorization still falls short of needed investment in the nation's infrastructure and did not address a number of other important issues. **As Congress and the U.S. DOT consider additional transportation issues and rulemaking for FAST Act, including and proposals for infrastructure investment that may come from the new Administration, DRCOG will evaluate each related proposals for consistency with the following policies.**

1. DRCOG supports an energy-efficient, environmentally sustainable, multimodal transportation system that ensures America's economic competitiveness and provides supports livable communities for its residents.
2. DRCOG supports providing additional transportation revenues to accomplish this vision.
3. DRCOG urges Congress to adopt consider the remaining elements of the Board's adopted policy framework as outlined below.

Additional Investment in the Nation's Infrastructure. DRCOG supports both short- and long-term federal funding policies:

Short-term

4. Boost the federal gas tax (at minimum, to restore the purchasing power of the Highway Trust Fund) and other existing Highway Trust Fund revenue,
2. Index the federal gas tax to inflation,
3. Create a National Strategic Freight Trust Fund (supported by a dedicated funding mechanism from all users of the freight system that is predictable, dedicated and sustainable),
4. Reduce federal obstacles to options available to states and localities such as tolling, congestion pricing and public/private partnerships, and
5. Further expand current federal credit programs.

Long-term

1. Carbon tax or trading programs (if Congress implements such a program) should ensure transportation activities that reduce greenhouse gas emissions receive a proportionate share of any new revenue generated by such programs.
2. Transition to a new, more direct user charge system such as ~~the Vehicle Miles Traveled~~ a road usage based fee (also referred to as the mileage-based user fee). This includes:
 1. An aggressive research, development and demonstration program to address issues such as privacy rights, program administration, costs, revenues, partnerships with states and localities, and interplay with national policy objectives such as reducing VMT and congestion,
 2. A national public education program, and
 3. A national pilot program.

Support Multimodal Solutions

Addressing the nation's transportation challenges requires investment in a comprehensive, multi-faceted approach. The nation will need to provide multimodal alternatives to achieve congestion relief, better air quality, reduced household transportation costs, and increased independence for people unable to drive because of age, income or ability. ~~In the DRCOG's region, the Metro Vision plan includes goals targets for increasing the rate of construction of alternative modes,~~ reducing VMT, and greenhouse gas emissions per capita, traffic fatalities, traffic congestion, and ~~reducing~~ SOV mode share. **DRCOG supports adding multimodal transportation capacity appropriate to meet national and regional objectives.**

1. Funding pPrograms that allow states and planning regions to develop, fund and implement integrated ~~investment transportation~~ solutions should be maintained and ~~financially enhanced~~ expanded. In addition, transportation funding must allow flexibility to address the multimodal, energy and environmental needs of individual urban areas.
- ~~Beyond MAP-21's identification of "traffic congestion," national~~ **National** performance objectives and measures for increasing access and mobility for people of all ages, incomes and abilities ~~are needed~~ should be established in addition to those for traffic congestion, as well as

2. Flexibility must be permitted to allow each state and region to decide how to best make investments to show progress toward national safety, mobility and accessibility goals.
3. ~~Equalize federal funding match requirements across all modes of transportation.~~
4. Create a national strategy for interregional person mobility.
5. Expand the National Freight Strategic Plan to include all major modes of freight transport including rail, water, and air, to better enable informed decision-making about efficient, long-distance freight movement.

Support Metropolitan America

Metropolitan areas account for 84 percent of the U.S. population and more than 85 percent of employment, income and production of goods and services. (Source: U.S. Conference of Mayors, July 2012) Growing congestion, poor system-travel reliability, along with deteriorating infrastructure, threaten the ability of these regions, and the nation, to compete globally. Metropolitan regions must play a stronger role in the nation's transportation programs, both in the authority to direct investment and demonstrate accountability for the system's performance. **DRCOG supports transportation legislation that addresses metropolitan mobility and accessibility issues, specifically with consideration for the following:**

- Enable major metropolitan areas to establish and implement overarching plans for intraregional mobility and accessibility with focus on:
 1. Increased Easy accessibility, modal choices and seamless transfers
 2. Elimination of traffic chokepoints and reduction of severe traffic congestion
 3. Strategies that manage transportation demand, and provide transit service and implement non-motorized methods of travel
 4. Strategies for accommodating interregional movement of people and goods within and through the metropolitan areas
 5. Fostering livable communities for people of all ages, incomes and abilities
 6. Promoting the urban infrastructure necessary to support high-density development around transit
 7. Performance metrics that extend beyond existing traffic congestion and motor vehicle emissions measures and consider Vehicle Miles Traveled (VMT) reduction, economic development, environmental sustainability, global competitiveness, accessibility, etc.
- Fold "Complete Streets" policies into the metropolitan planning process so that transportation agencies routinely consider designing and operating the entire right of way to enable safe access for drivers, transit users and vehicles, pedestrians, and bicyclists, as well as for older people, children, and people with disabilities.

Improve Energy Efficiency and Environmental Sustainability

Transportation plays a key role in achieving energy independence and addressing some of the nation's environmental concerns. More than 60 percent of every barrel of oil used in the United States today is used by the transportation sector, and transportation

sources accounted for ~~27~~26 percent of total U.S. greenhouse gas (GHG) emissions in ~~2013-2016~~ (Source: U.S. EPA website). The competitiveness of our economy, the health of our citizens and the strength of our national security depend on reducing our reliance on and consumption of fossil fuels. **DRCOG supports strategies to reduce fossil fuel use and greenhouse gas emissions by the transportation sector.**

1. Expand investment in research and development for alternative fuels, new clean fuel technologies, more efficient vehicles, and new ideas and technologies for transporting people and goods.
2. Incentivize rapid conversion to more fuel efficient and lower-emission vehicles or retrofits.
3. Increase incentives for environmentally-friendly replacement transportation fuels.
4. Incentivize regions to more closely link land use and transportation infrastructure to reduce transportation energy consumption, increase non-vehicle transportation options, and reduce VMT, through techniques including scenario planning and investments in projects that improve accessibility.
5. Add public transit projects that enhance ~~capacity~~mobility, convenience and/or reliability to the exempt project list for Clean Air Act purposes; these types of improvements increase in importance in situations where conformity cannot be attained.

Commented [RM3]: This policy was inadvertently deleted in the first Board draft. It is being restored here.

Provide Responsible and Efficient Investment

The SAFETEA-LU-authorized National Surface Transportation Policy and Revenue Study Commission, which released a congressionally mandated report in January of 2008, called for interim investments of at least \$225 billion annually over the next 50 years at all levels of government. The February 2009 report of the National Surface Transportation Infrastructure Financing Commission set up under SAFETEA-LU estimated we need to invest at least \$200 billion per year at all levels of government to maintain and improve our highways and transit systems. The FAST Act did not meaningfully increase transportation revenues nor provide anywhere near these levels of investment. **DRCOG continues to support the funding principles adopted by the National Surface Transportation Infrastructure Financing Commission, which includes developing a funding and financing framework that:**

1. Supports a goal of enhancing mobility and accessibility for users of the transportation system,
2. Generates sufficient resources to meet national investment needs on a sustainable basis with the aim of closing the funding gap,
3. Causes users and all ~~*(Note: This is a change from the Commission's original language, which refers to "direct beneficiaries.")~~ beneficiaries to bear the full cost of using the transportation system to the greatest extent possible, *
4. Encourages efficient investment in the transportation system,
5. Incorporates equity considerations, including but not limited to geography, equity across income groups, population growth, and revenue generation, and

- Synchronizes with other broad public policy objectives (and may include energy independence, environmental protection, and workforce housing).

***Note: This is a change from the Commission's original language, which refers to "direct beneficiaries."**

Project Delivery and Planning

DRCOG supports the following policies funding, project delivery and planning policies that promote efficiency, stability and reliability of funding, project delivery and planning:

1. Maintain transportation program's use of contract authority, allowing states to advance money for multiyear construction projects.
2. While supporting a shift to national performance standards and goals, consideration must be given to equity issues (geographical/return on dollar).
3. Reform any If the 115th Congress brings back earmarking processes and or modifies any discretionary programs, a number of safeguards should be included: remaining or reappearing to reduce the number of earmarks and ensure transparency of the earmarking process, simplicity and accountability; fully fund each phase of an earmarked project any funds so awarded should honor the full request (no "partial grants") partial funding earmarks should be approved); do not reduce formula funds that would affect projects already in an approved TIP and earmarks should not reduce transportation program formula funds.
4. Provide full-year appropriations at the start of the federal fiscal year to the level of the authorization. Limit the use of short-term continuing resolutions and rescissions. These tactics reduce the flow of or cut into formula funds and negatively impact fiscal constraint, responsible planning, implementation of federal requirements, and project continuity.
5. While FAST Act made progress in this regard, continue to streamline project delivery and National Environmental Policy Act processes without compromising environmental or public participation values.
6. Enhance and strengthen the cooperative, collaborative partnerships required under current legislation with all the transportation planning partners.
7. Support publication and dissemination of performance measurement results and analyses and widespread distribution of, and education about, the conditions of the transportation system.

Other Transportation Issues

DRCOG expresses the following about policies on other federal transportation issues:

- **Clarify and Enhance the Role of the Metropolitan Planning Organization.** The metropolitan planning process establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions in

metropolitan areas. In many cases, MPOs provide the only regional, multimodal transportation plans that link transportation to land use, growth and air quality. Through the MPO process, local governments, in cooperation and collaboration with the state and local transit operators, determine the best mix of transportation investments ~~needed~~ to meet long-term transportation needs of a metropolitan area. This important role must be strengthened to make metropolitan transportation planning successful.

- e➤ FAST Act requires adequate regional financial forecasts be developed through with the cooperation and collaboration of the state, MPO and public transit agency for use in to develop preparing transportation plans. However, “collaboration, cooperation, and consultation” are poorly defined in the context of developing such financial forecasts. States are given, giving states wide discretion in how and when those estimates of revenues are to be provided and allowing for various interpretations of the regulations. **DRCOG supports:**
 - 1- Expanding regulations to require all three entities to agree upon procedures governing the projection of future revenue estimates.
 - 2- Requiring all three agencies (DRCOG, RTD, and CDOT) to agree upon distribution of estimated revenues.
 - 3- Establishing an external appeals process to USDOT if there is disagreement among the parties regarding estimate procedures and revenues.

- 4➤ FAST Act similarly requires cooperative project selection and prioritization for the Transportation Improvement Program (TIP). **DRCOG supports:**
 - 1- Expanding current regulations to require all three entities to agree upon procedures governing project selection and prioritization for transportation planning and there should be consequences for not following these procedures.
 - 2- As part of the normal Memorandum of Agreement between an MPO, state DOT and local transit agency, requiring the three entities to cooperatively establish a process for addressing project cost overruns.
 - 3- Requiring revenue suballocation to Transportation Management Areas (MPOs representing populations greater than 200,000) to be based on the total population within the MPO boundary. Currently, the suballocation formula for Surface Transportation Program (STP) funds and Transportation Alternatives Program (TAP) funds is based solely on the U.S. Census definition of “urbanized area” population discounting any population falling outside the urbanized area but still within the MPO-adopted boundary.
 - 4- Establishing a population-based/air quality severity formula for suballocating CMAQ funds within a state and requiring suballocation of CMAQ to non-attainment MPOs representing populations greater than 200,000 on the basis of the total populations within the MPO boundary.

- **Transit.** Transit is an essential part of the metropolitan transportation system. Implementation of the Denver region's transit system is a high priority for DRCOG, ~~although~~ Unfortunately, cost increases and revenue decreases ~~have~~ forced RTD

and DRCOG to remove some corridors from the fiscally constrained 2040 Regional Transportation Plan. DRCOG ~~also~~ recognizes the importance of making transit-supportive improvements to ~~these corridors along with the transit improvements~~ bus and rail corridors throughout the region. With the metro area having made a significant commitment of local resources for the regional transit system, **DRCOG urges Congress and the administration to take the following actions in support of transit in the Denver region:**

1. ➤ Continue the federal investment for transit and multimodal projects in the Denver region.
2. ➤ Provide dedicated sources of revenue and increased funding for bus rapid transit and rail new starts programs.
3. ➤ Continue to provide federal funding for the FasTracks corridors (over time this could include corridors that have had to be removed from the fiscally constrained RTP).
4. ➤ Clarify with regard to transit-oriented developments (TOD) that up to a half-mile from an existing or proposed transit station, parking and transportation infrastructure, TOD planning, land acquisition, and a project or program that supports compact, mixed-use, mixed-income, bicycle/pedestrian friendly development are eligible for federal transportation funding and require that this clarification be incorporated in funding program decisions, and work to identify additional sources of funding.
5. ➤ Incorporate the Partnership for Sustainable Communities' Livability Principles into federal policy and investment decisions.
6. ➤ Improve transportation services for older adults and individuals with disabilities by giving states added flexibility in utilizing their federal funds; enhancing the planning and coordination process; providing technical assistance; and promoting innovative community programs.
7. ➤ Designate the "Rocky Mountain Corridor" (from Cheyenne, Wyoming, through Colorado to Albuquerque, New Mexico, and the I-70 corridor from DIA to the Utah border) and the Western Regional Alliance high-speed rail network (to provide high-speed rail connections between Denver, Salt Lake City, Reno, Las Vegas, and Phoenix) as High-Speed Rail Corridors. This action would identify them as having potential for high-speed rail activity and enable these corridors to receive federal funds that might become available for corridor studies of high-speed rail options, development of plans for high-speed rail infrastructure, construction of high-speed rail facilities and highway/rail grade crossing safety improvements.

- **Air Quality Conformity.** The air quality conformity process ~~is a success in the Denver region. It~~ has increased support for multimodal planning and for integrated land use and transportation planning. It has also increased interagency coordination between the air quality and transportation planning agencies. **DRCOG supports maximum flexibility so that comparatively minor changes to the planned or programmed highway and transit network do not require a full conformity**

analysis at taxpayer expense. DRCOG supports continued funding for transportation projects that improve air quality.

- **Transportation Demand Management (TDM).** DRCOG views TDM principles and practices as increasingly important elements of the region's long-range transportation planning strategy. **DRCOG supports actions that minimize the barriers to the use of alternatives to the single-occupant vehicle and encourage changes to normal work patterns to avoid peak traffic conditions. DRCOG also supports efforts to provide incentives to employers, schools, rideshare agencies, and individuals to encourage alternative transportation use.**

ENVIRONMENT

Water Conservation. Water is a particularly scarce resource in the Denver region and western United States, and a key consideration in planning for future growth and development. Recognizing this fact, the DRCOG Board of Directors added a new water conservation element to Metro Vision, the Denver region's long-range plan for growth. The element calls on the region to maximize the wise use of limited water resources through efficient land development and other strategies, and establishes a goal of reducing regional per capita water consumption. **DRCOG therefore supports federal policies and investments that contribute to local and regional water conservation efforts.**

Water Quality. Local governments in the Denver region face increasingly complex water quality challenges in an environment unique to the arid West but without the resources to respond to them appropriately. Reauthorization of the Clean Water Act could provide local governments and regional water quality planning agencies the additional planning, financing and regulatory tools needed to address our growing water quality challenges. **As the legislative process proceeds in these areas, there are a number of issues of concern to DRCOG that Congress can address.**

- 4. • **Integrated Planning.** DRCOG supports an integrated approach to water quality, **tying together the management of point sources, nonpoint sources and stormwater through the involvement of the various stakeholders.**
- 2. • **Regional Planning.** The Clean Water Act recognizes the importance of planning to address the challenges associated with both point and nonpoint source pollution. The regional planning provided for in the act is even more critical, given the growing emphasis on watershed approaches. **Congress should maintain and strengthen the regional planning process as the key component of the watershed approach. The planning funds provided under section 604(b) need be increased to assist responsible parties in meeting the expanding responsibilities that accompany implementation of a watershed planning and management approach.**

3. **Infrastructure Funding.** Colorado and the nation are at a critical juncture regarding water and wastewater infrastructure. There are significant needs for new treatment plants and upgrades to existing plants. Local governments already shoulder a significant portion of water and wastewater capital investment. **Increased funding for infrastructure investment as well as the provision of greater flexibility of these funds will allow states and local governments to determine the best use, according to local prioritization of needs.**

4. **Good Samaritan Protection.** Abandoned and inactive mines present a serious risk to the quality of nearby water supplies. Lack of adequate funding for reclamation and the potential liability for “Good Samaritans” are serious obstacles that have prevented cleanup of many of these sites. **DRCOG supports federal funding for reclamation activities. DRCOG also supports legislation encouraging federal, state, tribal and local governments, as well as mining companies and nonprofit groups that have no prior ownership or responsibility for an abandoned mine, to clean up an abandoned or inactive mining site by granting them liability protections under several environmental statutes, including the Clean Water Act.**

Superfund. DRCOG is concerned that a number of Superfund issues have become serious problems in recent years while the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) has been awaiting reauthorization. **DRCOG urges Congress to address the following issues individually or as part of a comprehensive reauthorization.**

1. **Liability Protection.** Under current law and regulation, parties interested in cleaning up a Superfund site may decide not to pursue remediation efforts for fear of being held liable for preexisting problems. Lengthy clean up delays have occurred in our region and elsewhere while parties litigate over responsibility. DRCOG supports federal funding for cleanup activities. **DRCOG supports legislation and regulations encouraging parties that have had no prior ownership or responsibility for a site to clean up the site by granting them liability protections under several environmental statutes, including the Superfund law. DRCOG also supports limiting liability when a party has complied with applicable environmental laws at the time of disposal to further the goal of timely and cost-effective clean-up of Superfund sites.**

2. **Community Participation.** Local governments often face significant community and neighborhood concerns regarding contaminated sites. Public involvement in the assessment, planning and clean-up for such sites is an important aspect of efforts to bring these sites to a safe condition. **Provisions that assist local governments in establishing and funding formal mechanisms for citizens to participate in the clean-up and land-use decision-making process are appropriate and necessary.**

3. **Funding for Clean-up.** DRCOG is concerned that the federal government not reduce its commitment to assist with clean-up and redevelopment of these sites. **DRCOG supports the creation of new mechanisms to fund clean up to the extent they are sufficient to make significant progress toward the Act's goals. Allocation of clean-up costs among responsible parties should be according to the proportion of contamination caused by each.**

4. **Health Risk Criteria.** The safety and health of populations exposed to pollution associated with Superfund sites is a primary concern related to potential redevelopment. Health risk-based criteria are necessary to guide these efforts. **These criteria must reflect the intended reuse of a site and the risks to special populations, including children, the elderly and those already disproportionately exposed to pollution. Risk-based standards specific to Superfund clean-up are needed to promote redevelopment of contaminated sites while protecting human health and the environment.**

Brownfields. Redevelopment of brownfields is important for economic development and environmental and public health and safety in many areas within the Denver region. This is a specific issue related to CERCLA that is of particular significance and should be pursued separately, if inaction on the Superfund reauthorization continues. There are approximately 250 brownfields, former industrial and commercial sites, in both urban and rural areas throughout the Denver region. The redevelopment of brownfields is consistent with DRCOG's Metro Vision, which supports infill and redevelopment within the region. **DRCOG supports federal actions, including increased funding, to encourage the redevelopment of brownfields. DRCOG urges Congress to prioritize funding for projects that go beyond remediation and redevelopment of individual sites to focus on broader planning and economic development efforts, such as projects that incorporate brownfield remediation and redevelopment into larger infill development efforts.**

INTERGOVERNMENTAL RELATIONS

Intergovernmental Cooperation. All levels of government – federal, state, local and regional – play an important role in providing critical services and implementing programs for the benefit of their residents. Legislative bodies and executive agencies at the federal and state levels should respect the roles and responsibilities of local governments and regional entities. **DRCOG supports cooperation among federal, state, local and regional entities in developing and implementing new programs and improved approaches to service provision.**

Federal/Regional Relations. The region is the nexus of local, state and federal issues and economic activities. DRCOG convenes parties of interest on intergovernmental issues, providing the necessary forum for their resolution, and facilitating a negotiated outcome. **DRCOG urges Congress, when new legislation is proposed and existing legislation is reauthorized, to identify and use regional agencies as critical**

partners in the implementation of such legislation, including the planning for and delivery of services.

Regional Service Delivery. The federal government plays an important role in setting standards and priorities for the funding of public services and programs administered at the state, regional and local levels. **When making such funding and programmatic decisions, it is essential to consider the most appropriate level of government for delivery of such public services.**

State administration of federal programs can be problematic for local governments, as state agencies tend to be more removed from clients and less responsive to their needs. On the other hand, individual local governments may lack the resources to achieve the desired efficiencies and cost-effectiveness. Further, some programs, such as transportation, air quality and water quality, that address issues crossing local political boundaries, are most appropriately and effectively addressed at the regional level. Regional programs also often benefit from economies of scale. The collaborative partnerships of regional approaches can provide more cost-effective services and programs for users and clients. **DRCOG urges Congress to use existing regional service delivery systems.**

Principles for Implementation. New programs or changes to existing programs must at least maintain the existing level of services and provide adequate administrative funds for implementation. Otherwise, there is a shift in responsibility without adequate funds for the services to be provided or programs administered. As such, it is important to treat the continuity of service delivery as a key principle guiding any actions to create new programs or revise existing programs. **A consultative process among the federal, state, local, and regional agencies must be in place before any changes are made to services currently being delivered at local or regional levels.**

Denver Regional Council of Governments

POLICY STATEMENT ON FEDERAL LEGISLATIVE ISSUES FOR 2017

INTRODUCTION

This paper outlines the key federal policy issues of the Denver Regional Council of Governments (DRCOG). It identifies policy positions intended to inform the Colorado congressional delegation, Congress, federal and state executive branch officials and others as they develop and implement national policy on these issues. This policy statement guides DRCOG's federal legislative positions and actions during the coming year.

DRCOG is a membership organization of over 50 cities, towns and counties in the Denver metropolitan region. Under federal law, it serves as the Area Agency on Aging for eight counties to aid the 60+ population and the Metropolitan Planning Organization (MPO) coordinating transportation planning with air quality goals. Under state statutes, DRCOG is a regional planning commission, responsible for preparing a regional plan for the development of the metro area.

REGIONAL PLANNING

Comprehensive Planning and Land Use. Although comprehensive planning and land use are primarily matters for local determination and regional coordination, the federal government can play a supportive role in encouraging local and regional efforts through funding, technical assistance and other incentives. DRCOG's Metro Vision plan represents a shared regional vision for creating sustainable, livable communities that allow people of all ages, incomes and abilities to succeed. Metro Vision further recognizes that the success of the region's visionary plan requires the coordinated efforts of local, state and federal governments; the business community; and other planning partners, including philanthropic and not-for-profit organizations.

Metro Vision guides DRCOG's work and establishes shared expectations with our region's many and various planning partners. The plan outlines broad outcomes, objectives and initiatives established by the DRCOG Board to make life better for the region's residents. Achieving Metro Vision goals requires coordinated investment in a wide range of planning and implementation activities that transcend traditional funding categories. **DRCOG supports those efforts that help the region achieve the shared outcomes described in Metro Vision and encourages federal entities to align their policies and investment decisions to advance regionally-determined objectives.**

DRCOG's Metro Vision plan emerged from a collaborative process that spanned more than four years. During this time, DRCOG's policy committees, member governments, partner agencies, regional stakeholders, and the community at large worked together to create a shared vision for action for shaping the future of the Denver metro area. The plan's shared vision of the future is captured in 14

inter-related aspirational outcomes, which describe a future that DRCOG, local governments and partners will work toward together. DRCOG may support or oppose legislative proposals that impact the ability of the region to achieve these outcomes.

Outcomes – Efficient and Predictable Development Pattern

- The region is comprised of diverse, livable communities.
- Through a coordinated effort between DRCOG and local communities, new urban development occurs in an orderly and compact pattern within regionally designated areas
- Connected urban centers and multimodal corridors accommodate a growing share of the region's housing and employment.

Outcomes – A Connected Multimodal Region

- The regional transportation system is well-connected and serves all modes of travel.
- The transportation system is safe, reliable and well-maintained.

Outcomes – A Safe and Resilient Built and Natural Environment

- The region has clean water and air, and lower greenhouse gas emissions.
- The region values, protects and connects people to its diverse natural resource areas, open space, parks and trails.
- The region's working agricultural lands and activities contribute to a strong regional food system.
- The risk and effects of natural and human-created hazards is reduced.

Outcomes – Healthy, Inclusive and Livable Communities

- The built and natural environment supports healthy and active choices.
- The region's residents have expanded connections to health services.
- Diverse housing options meet the needs of residents of all ages, incomes and abilities

Outcomes – A Vibrant Regional Economy

- All residents have access to a range of transportation, employment, commerce, housing, educational, cultural and recreational opportunities.
- Investments in infrastructure and amenities allow people and businesses to thrive and prosper.

DRCOG further urges Congress to consider the following in support of local and regional planning:

- DRCOG supports improving the coordination of housing, community development, transportation, energy, and environmental policy in the United States; coordinating federal policies and investments to promote sustainable development; and, encouraging comprehensive regional planning for livable communities.
- DRCOG supports federal policies and investments that help local governments and the private sector develop successful urban centers, including transit station areas.
- DRCOG supports federal funding, regulatory support and other incentives to bolster local and regional efforts to increase the supply of affordable housing, including housing suitable for fixed-income older adults. Additionally, DRCOG supports effective means to create and maintain supportive services for residents in affordable housing communities.
- DRCOG supports efforts to promote affordable housing options by:
 - promoting policies and programs that support the creation and maintenance of an adequate supply of affordable rental and ownership options integrated with the community to meet the needs of people of all ages, incomes, and abilities. This should include expansion of the Low-Income Housing Tax Credit, a critical tool for supporting private investment in the production and preservation of affordable housing in the State of Colorado and throughout the country, and efforts to strengthen communities through investments in transportation, economic opportunities, education, health services and other amenities that promote opportunity.
 - Ensuring that renters and homeowners (including manufactured homeowners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.
 - Ensuring that policies, programs and other actions that affect land-use and housing support the private and public sectors in providing a variety of housing sizes and types, while ensuring that people of all ages, incomes and abilities have choice in the type of housing arrangement and location that best fits their needs.
- Federal agencies and elected officials must respect and support local and regional plans and land use authority. This includes ensuring funding decisions and the siting of federal and other facilities are consistent with those plans and respect local and regional land use authority. Federal agencies and elected officials also must ensure maximum local and regional participation in those decisions.
- The federal government must protect open space, including natural habitats, by fully funding the land conservation, preservation and infrastructure improvement trust

fund programs and providing new incentives for land conservation and outdoor recreation opportunities.

- Federal investments in local and regional data and information programs help DRCOG deliver improved information, tools and services for local and regional planning and decision-making. DRCOG supports continued funding for these programs and legislation that requires local, regional and state governments to proactively share digital data with the public.

OLDER ADULTS

Older Americans Act Reauthorization. DRCOG has been the designated Area Agency on Aging (AAA) for the metro area under the auspices of the federal Older Americans Act since 1973. In this capacity, DRCOG is responsible for planning and advocating for the needs of the region's older residents, as well as for providing a broad array of services and programs.

While Congress reauthorized the Older Americans Act (OAA) in 2016, the act is set to expire in 2018

Since the last "full" reauthorization (2006), the challenges to communities, states and the nation presented by the aging of the population have continued to accelerate across the nation but particularly in Colorado. This critical national issue has continued to put pressure on services, especially the need for more tailored in-home and community-based services, more focused prevention programs, need for consumer advocacy in long term care facilities, and increased support for family caregivers. These issues were not addressed in any substantive way in the 2016 reauthorization. The 2016 reauthorization also only partially addressed the funding imbalances in the existing OAA funding formula. The coming reauthorization offers a prime opportunity to modernize and reshape aging services in the U.S. and rebalance the allocation of OAA funds to the states. **Accordingly, DRCOG adopts the following principles for reauthorization of the Older Americans Act.**

Eliminate Obsolete Funding Provisions in the Older Americans Act

DRCOG has expressed concerns that the current funding formula for the Older Americans Act (OAA) is outdated and unfair, particularly to states with fast growing older adult populations. The OAA funding formula generally allocates federal funds to states based on the proportion of older adults in each state. However, the full reauthorization in 2006 included a modified "hold harmless" provision to prevent slow growing states from falling below their FY06 funding levels. The 2006 formula, also used population numbers from the 2000 Census, which quickly became outdated after the 2010 Census. While the data was updated in the full reauthorization that passed in 2016, it will need to be updated again after the 2020 census. This combination of obsolete data and the hold harmless provision caused Colorado to lose more funding

than any other state, during both the annual appropriations as well as in the sequestration cuts in 2012.

DRCOG opposes the inclusion of the Hold Harmless Provision when allocating OAA funds.

The full reauthorization only included a small change to the funding formula in the direction of fairness. All nine members of the Colorado Congressional delegation in a bipartisan manner have sent multiple communications to House and Senate leadership and the Administration urging them to ensure the next reauthorization of the Older Americans Act treats all seniors fairly by eliminating the "hold harmless" provision. DRCOG appreciates the continued support of the Colorado Delegation for this issue.

Encourage meaningful coordination with other systems and programs

The Administration on Aging should adopt rules and regulations incorporating the following specific concerns:

- Require states, AAAs, Medicaid long-term care agencies, and other relevant entities to continue efforts to better coordinate regional and statewide planning of services and programs for seniors.
- Coordinate all federal programs and planning processes that serve older adults, such as Older Americans Act, Medicaid, Fixing America's Surface Transportation (FAST) Act and Section 202 housing programs.
- Establish new policy and program guidelines to improve coordination and optimize all public and private benefits, services, and resources aimed at promoting elder economic security.
- Remove institutional barriers to the coordination of elderly and disabled transportation services by providing the flexibility to allow trips for elderly and non-elderly disabled persons and for meal, medical and personal services to be served by the same provider using a combination of U.S. Department of Health and Human Services and U.S. Department of Transportation funding.
- Avoid shifting the cost burden from cash-strapped programs such as Medicaid to the Older Americans Act programs, simply to bail out those programs.
- Strengthen the collaboration between the AAAs and federal, state and local governments with community-based organizations and national organizations that work with diverse older adults by providing resources, including funding research, programs and training to more effectively respond to changing demographics and target services to those most in need.

Maximize Flexibility in Use of Older Americans Act Funds

The majority of federal funding provided to state and local entities under the federal Older Americans Act is specifically earmarked to particular services. While all of the OAA-funded services, such as meals and transportation, are critically important, the AAAs, local governments and service providers are in the best position to assess the

specific needs in the local areas. **Increased flexibility in the use of program funds would allow area agencies on aging to better meet the needs of older adults.**

- Simplify rules and regulations to allow better coordination of senior services thus enabling AAAs and service providers to more efficiently and effectively use federal funds to address local priorities. This could include the consolidation of certain funding categories to improve administration of the affected programs. For example, the Title III C-1 congregate meal and Title III C-2 home-delivered meal programs could be merged.
- Create flexibility in state- and federally-specified allotments of Older Americans Act funds allowing AAAs to utilize regional priorities to determine funding distributions at the local level, consistent with the goals of the Act.
- Set required local match at 10 percent and required state match at 5 percent across all programs of the Older Americans Act. Currently, required local and state funding match percentages vary widely. For example, state/local match for the National Family Caregiver Support Program is 25 percent, while the Nutrition and Supportive Services Programs require a 15 percent state/local match. In some cases, states can completely opt out of providing a state match, as with the National Family Caregiver Support Program.

Fund Aging-Related Planning for Local Communities

The 2006 reauthorization established new requirements for AAAs to broaden their planning efforts beyond service needs to include senior-friendly community planning to promote livable communities for all ages but did not include funds for this new mandate. **To assure these requirements are met, Congress must appropriate funds for state, regional and local collaboration, planning, community capacity-building and technical assistance. This should include funds for conducting analyses of the strengths and needs of seniors in a given area.**

Increase Federal Funding for Older Americans Act Programs

The funding provided through the Older Americans Act has proven critical in maintaining a quality standard of living for many of the nation's older adults. For years, however, OAA funding has not kept pace with inflation or the growing population of individuals eligible for services. Yet, demand by at-risk older adults in need of supportive services has risen and will continue to rise with the growth of the aging population. This long-term gap in funding translates to greater numbers of older adults and family caregivers with unmet needs and increasing pressures on state and local agencies, service providers and families. Meanwhile, waiting lists for Older Americans Act-funded services, such as Meals on Wheels, rides to medical appointments, and in-home care, have burgeoned throughout the country.

Compounding these problems, financial pressures on other programs that provide services to seniors, such as Medicare and Medicaid, have led to reductions in the services provided by those programs, and a related increase in demands on Older Americans Act programs. At the same time, there are proposals for addressing the nation's long-term debt that actually would result in significant cuts in funding for these programs. Funding cuts, such as those in the Budget Control Act of 2011 under "sequestration," has had devastating consequences on vulnerable older adults in the metro area and across Colorado. **Congress needs to fund the Older Americans Act adequately now and into the future – in preparation for the aging of the baby boomers. DRCOG specifically supports:**

- A balanced approach to addressing the nation's budget deficits and long-term debt. Any approach must protect those older adults in greatest social and economic need by fairly balancing increased revenues and targeted spending reductions and taking no actions that increase economic vulnerability or poverty.
- Significant annual increases in the overall funding for the Older Americans Act Programs, which are necessary to catch up with the lag in historical funding. DRCOG supports the position of the National Association of Area Agencies on Aging, which is advocating total funding for OAA be increased to at least FY 2010 levels to restore the capacity of OAA programs, with special attention to Title III B Supportive Services, Title III E National Family Caregiver Support Program and Title VII State Long-Term Care Ombudsman Program, as these programs have had no relief from the sequester.
- Future authorized appropriations at levels adequate to fund identified needs but at least commensurate with the rates of growth in inflation and the economically needy older population.
- Priority for funding given to those Older Americans Act programs and services, especially nutrition services that emphasize assisting clients to live in their homes as long and as independently as possible.
- Increases in the funding for family caregiver support services (including training, respite care, counseling, and information and assistance) and the continued distribution of these monies through AAAs, which are important to address the growing needs of families who provide extensive care to their loved ones.
- Increases in funding for Long-Term Care Ombudsman programs, which are necessary to improve the ability to respond to complaints and safeguard residents' rights.
- Congress also should change budget rules to allow credit for discretionary programs that save money in mandatory programs.

Long-Term Care Facility Quality of Care

Older adults living in long-term care communities (i.e., nursing homes and assisted living) are some of the most vulnerable members of society. As the Long-Term Care Ombudsman for the region, DRCOG is an advocate for the rights of residents in long-term care communities and for improvement in the quality of care in such facilities. The quality of care provided by long-term care facilities is an ongoing concern to facility

residents, their families, local governments and resident advocates. **DRCOG supports increases in consumer protections for older adults and their caregivers and, in particular, strengthening the role of the Long-Term Care Ombudsman as a resident/consumer advocate and reimbursement for long-term care communities structured to enhance the quality of care for residents. DRCOG believes the following issues require particular attention by Congress and federal agencies.**

- Federal regulations designed to ensure the quality of care in long-term care facilities are not fully enforced, largely due to inadequate staffing levels in state enforcement agencies. There also are several actions that could be added to the regulations to improve enforcement. These include increased inspections and penalties on long-term care facilities failing to comply with regulations. **DRCOG supports such improved enforcement of long-term care regulations and an increase in funding for enforcement actions.**
- Most complaints investigated by DRCOG ombudsmen are traceable to staffing issues in the long-term care facilities. The inability to maintain adequate staffing is a critical concern that negatively impacts long-term care facility quality of service. **DRCOG supports federal legislation, policies and programs to improve the quality of service in long-term care facilities, including setting minimum staffing levels and providing financial and technical assistance for the recruitment, training and retention of long-term care facility employees.**
- “Nursing home transparency” is an ongoing issue in advocacy for the rights of residents. Occasionally legislation has been proposed to enhance families’ access to information about the quality of care in nursing homes and improve the government’s ability to ensure quality care and a better-trained staff in those facilities. **DRCOG supports legislation that includes stronger disclosure of ownership and control of facilities, better oversight of quality of care indicators, improved consumer information, and an enhanced complaint and penalty process.**

Fund the Elder Justice Act

This legislation provides critical protection for residents living in nursing homes and assisted living; provides needed resources and coordination to address the problem of elder abuse; and includes increased funding for the Long-Term Care Ombudsman program. The Elder Justice Act sets out a comprehensive approach to preventing and combating elder abuse, neglect, exploitation and self-neglect. **DRCOG supports full funding and implementation of the Elder Justice Act, consistent with the following principles:**

- Provide a stronger and more coordinated federal response to promote elder justice.
- Increase federal support to states and communities for elder justice activities.
- Provide funding and training support to adult protection programs.
- Improve consumer protection by requiring the reporting of crimes by nursing facilities or employees and communication of consumer rights information.

- Provide new funding to improve ombudsman capacity and training, and for training of health department surveyors investigating allegations of abuse.

Other Health and Community Services. There are numerous other health and home care issues not covered under the Older Americans Act. In general, the following policies address concerns regarding consumer protection, access to treatment, and access to services that increase independence. **DRCOG believes it is appropriate for federal legislation, regulations and policies to promote access to health care coverage and the integration of long-term care into a continuum of medical and non-medical services, including health promotion and disease prevention.**

- **Enhancing Health and Security of Older Adults.** The Affordable Care Act (ACA) contains several provisions regarding older adults and their ability to stay healthy and age in the community. These include provisions for Aging and Disability Resource Centers, prevention and wellness programs, care transitions and coordination, and efforts to rebalance the long-term care system relative to institutional and community care. The AAAs are positioned to play a key role in implementing these provisions. **DRCOG urges Congress and federal agencies to recognize the full potential of the Aging Network and utilize AAAs in implementing these ACA provisions.**
- **Avoid Institutional Care.** Home- and community-based services are critical components in the continuum of care for the elderly and disabled and are more cost efficient than services in institutions, particularly with regard to rural areas and for minority populations. Adequate reimbursements to providers are necessary to offset the costs of providing these important services. **DRCOG supports increased funding of home- and community-based care programs and higher Medicare and Medicaid reimbursements.**
- **Prescription Medication.** Older adults typically require more medication than younger people. Even with the adoption of a prescription drug benefit under Medicare, the high cost of prescription medication will continue to be a financial hardship for many older adults. **DRCOG supports revisions to the Medicare Part D prescription drug benefit to simplify the application process and coverage offered, as well as address the gaps in coverage to provide a more comprehensive prescription medication benefit for all beneficiaries. DRCOG also encourages the federal government to provide additional funding for AAAs to provide public education, counseling and enrollment assistance for citizens about the Medicare drug program.**
- **Patients' Rights.** Enforceable federal protections, in areas including access to care, quality assurance, patient information, grievances and appeals, doctor-patient relationship, and physician treatment decisions, are necessary to ensure that quality health care and other services are available to all. **DRCOG supports legislation to protect consumers in managed care plans and other health coverage.**

- **Housing.** The ability to afford to live in a residence independently is a concern of older adults, especially those on fixed incomes. As the Denver metro area has grown and developed, the shortage of affordable housing has become an even more important concern. **DRCOG supports policies and programs designed to support older adults, especially those of low- and moderate-income, and persons with disabilities to live independently in the residence of their choice. This includes policies and programs to:**
 - Encourage the delivery of home- and community-based supportive services to assist older people and persons with disabilities in maintaining independence and actively engaging in their community.
 - Improve home design to promote independence and aging in place, including home modification and repair, appropriate design features in new and rehabilitated housing (through principles such as universal design, visitability, inclusive home design, and energy efficiency), and the use of innovative home products.
 - Ensure that policies and funding for housing assistance and preservation programs continue to support residents who choose to remain in their homes as they age and that low- and moderate-income households have access to well-designed, safe, decent, affordable, and accessible housing integrated throughout well-designed communities.
 - Promote financial security of housing assets to support the availability of affordable homeownership options, safeguard home equity, and promote the innovative use of housing assets to maintain and improve the independence and quality of life of older people.

TRANSPORTATION

Transportation is an essential component of multidimensional efforts to advance economic development, industry growth and competitiveness; reduce the nation's dependency on fossil fuels; increase job access and mobility; and create communities having a high quality of life for people of all ages, incomes and abilities.

DRCOG supported the Fixing America's Surface Transportation (FAST) Act. However, while the FAST Act provided funding stability and delivery of long-term capital projects, the reauthorization falls short of needed investment in the nation's infrastructure and did not address a number of other important issues. **As Congress and the U.S. DOT consider additional transportation issues and rulemaking for FAST Act, and proposals for infrastructure investment that may come from the new Administration, DRCOG will evaluate each for consistency with the following policies.**

- DRCOG supports an energy-efficient, environmentally sustainable, multimodal transportation system that ensures America's economic competitiveness and supports livable communities for its residents.

- DRCOG supports providing additional transportation revenues to accomplish this vision.
- DRCOG urges Congress to consider the remaining elements of the Board's adopted policy framework as outlined below.

Additional Investment in the Nation's Infrastructure. DRCOG supports both short- and long-term federal funding policies:

Short-term

- Boost the federal gas tax (at minimum, to restore the purchasing power of the Highway Trust Fund) and other existing Highway Trust Fund revenue,
- Index the federal gas tax to inflation,
- Create a National Strategic Freight Trust Fund (supported by a dedicated funding mechanism from all users of the freight system that is predictable, dedicated and sustainable),
- Reduce federal obstacles to options available to states and localities such as tolling, congestion pricing and public/private partnerships, and
- Further expand current federal credit programs.

Long-term

- Carbon tax or trading programs (if Congress implements such a program) should ensure transportation activities that reduce greenhouse gas emissions receive a proportionate share of any new revenue generated by such programs.
- Transition to a new, more direct user charge system such as a road usage based fee (also referred to as the mileage-based user fee). This includes:
 - An aggressive research, development and demonstration program to address issues such as privacy rights, program administration, costs, revenues, partnerships with states and localities, and interplay with national policy objectives such as reducing VMT and congestion,
 - A national public education program, and
 - A national pilot program.

Support Multimodal Solutions

Addressing the nation's transportation challenges requires investment in a comprehensive, multi-faceted approach. The nation will need to provide multimodal alternatives to achieve congestion relief, better air quality, reduced household transportation costs, and increased independence for people unable to drive because of age, income or ability. DRCOG's Metro Vision plan includes targets for reducing VMT, and greenhouse gas emissions per capita, traffic fatalities, traffic congestion, and SOV mode share. **DRCOG supports adding multimodal transportation capacity appropriate to meet national and regional objectives.**

- Funding programs that allow states and planning regions to develop, fund and implement integrated transportation solutions should be maintained and expanded.

In addition, transportation funding must allow flexibility to address the multimodal, energy and environmental needs of individual urban areas.

- National performance objectives and measures for increasing access and mobility for people of all ages, incomes and abilities should be established in addition to those for traffic congestion
- Flexibility must be permitted to allow each state and region to decide how to best make investments to show progress toward national safety, mobility and accessibility goals.
- Create a national strategy for interregional person mobility.
- Expand the National Freight Strategic Plan to include all major modes of freight transport including rail, water, and air, to better enable informed decision-making about efficient, long-distance freight movement.

Support Metropolitan America

Metropolitan areas account for 84 percent of the U.S. population and more than 85 percent of employment, income and production of goods and services. (Source: U.S. Conference of Mayors, July 2012) Growing congestion, poor travel reliability, along with deteriorating infrastructure threaten the ability of regions and the nation to compete globally. Metropolitan regions must play a stronger role in the nation's transportation programs, both in the authority to direct investment and demonstrate accountability for the system's performance. **DRCOG supports transportation legislation that addresses metropolitan mobility and accessibility issues, specifically with consideration for the following:**

- Enable major metropolitan areas to establish and implement overarching plans for mobility and accessibility with focus on:
 - Increased accessibility, modal choices and seamless transfers
 - Elimination of traffic chokepoints and reduction of severe traffic congestion
 - Strategies that manage transportation demand, provide transit service and implement non-motorized methods of travel
 - Strategies for accommodating interregional movement of people and goods within and through the metropolitan areas
 - Fostering livable communities for people of all ages, incomes and abilities
 - Promoting the urban infrastructure necessary to support high-density development around transit
 - Performance metrics that extend beyond existing traffic congestion and motor vehicle emissions measures and consider Vehicle Miles Traveled (VMT) reduction, economic development, environmental sustainability, global competitiveness, accessibility, etc.
- Fold "Complete Streets" policies into the metropolitan planning process so that transportation agencies routinely consider designing and operating the entire right of way to enable safe access for drivers, transit users and vehicles, pedestrians, and bicyclists, as well as for older people, children, and people with disabilities.

Improve Energy Efficiency and Environmental Sustainability

Transportation plays a key role in achieving energy independence and addressing some of the nation's environmental concerns. More than 60 percent of every barrel of oil used in the United States today is used by the transportation sector, and transportation sources accounted for 26 percent of total U.S. greenhouse gas (GHG) emissions in 2016 (Source: U.S. EPA website). The competitiveness of our economy, the health of our citizens and the strength of our national security depend on reducing our reliance on and consumption of fossil fuels. **DRCOG supports strategies to reduce fossil fuel use and greenhouse gas emissions by the transportation sector.**

- Expand investment in research and development for alternative fuels, new clean fuel technologies, more efficient vehicles, and new ideas and technologies for transporting people and goods.
- Incentivize rapid conversion to more fuel efficient and lower-emission vehicles or retrofits.
- Increase incentives for environmentally-friendly replacement transportation fuels.
- Incentivize regions to more closely link land use and transportation infrastructure to reduce transportation energy consumption, increase non-vehicle transportation options, and reduce VMT, through techniques including scenario planning and investments in projects that improve accessibility.
- Add public transit projects that enhance mobility, convenience and/or reliability to the exempt project list for Clean Air Act purposes; these types of improvements increase in importance in situations where conformity cannot be attained.

Provide Responsible and Efficient Investment

The SAFETEA-LU-authorized National Surface Transportation Policy and Revenue Study Commission, which released a congressionally mandated report in January of 2008, called for interim investments of at least \$225 billion annually over the next 50 years at all levels of government. The February 2009 report of the National Surface Transportation Infrastructure Financing Commission set up under SAFETEA-LU estimated we need to invest at least \$200 billion per year at all levels of government to maintain and improve our highways and transit systems. The FAST Act did not meaningfully increase transportation revenues nor provide anywhere near these levels of investment. **DRCOG continues to support the funding principles adopted by the National Surface Transportation Infrastructure Financing Commission, which includes developing a funding and financing framework that:**

- Supports a goal of enhancing mobility and accessibility for users of the transportation system,
- Generates sufficient resources to meet national investment needs on a sustainable basis with the aim of closing the funding gap,
- Causes users and all beneficiaries to bear the full cost of using the transportation system to the greatest extent possible, *
- Encourages efficient investment in the transportation system,

- Incorporates equity considerations, including but not limited to geography, equity across income groups, population growth, and revenue generation, and
- Synchronizes with other broad public policy objectives (and may include energy independence, environmental protection, and workforce housing).

***Note: This is a change from the Commission’s original language, which refers to “direct beneficiaries.”**

Project Delivery and Planning

DRCOG supports the following policies that promote efficiency, stability and reliability of funding, project delivery and planning:

- Maintain transportation program’s use of contract authority, allowing states to advance money for multiyear construction projects.
- While supporting a shift to national performance standards and goals, consideration must be given to equity issues (geographical/return on dollar).
- If the 115th Congress brings back earmarking or modifies any discretionary programs, a number of safeguards should be included: ensure transparency of the earmarking process; fully fund each phase of an earmarked project (no partial funding earmarks should be approved); do not reduce formula funds that would affect projects already in an approved TIP.
- Provide full-year appropriations at the start of the federal fiscal year to the level of the authorization. Limit the use of short-term continuing resolutions and rescissions. These tactics reduce the flow of or cut into formula funds and negatively impact fiscal constraint, responsible planning, implementation of federal requirements, and project continuity.
- While FAST Act made progress in this regard, continue to streamline project delivery and National Environmental Policy Act processes without compromising environmental or public participation values.
- Enhance and strengthen the cooperative, collaborative partnerships required under current legislation with all the transportation planning partners.
- Support publication and dissemination of performance measurement results and analyses and widespread distribution of, and education about, the conditions of the transportation system.

Other Transportation Issues

DRCOG expresses the following about policies on other federal transportation issues:

- **Clarify and Enhance the Role of the Metropolitan Planning Organization.** The metropolitan planning process establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions in metropolitan areas. In many cases, MPOs provide the only regional, multimodal transportation plans that link transportation to land use, growth and air quality. Through the MPO process, local governments, in cooperation and collaboration with

the state and local transit operators, determine the best mix of transportation investments to meet long-term transportation needs of a metropolitan area. This important role must be strengthened to make metropolitan transportation planning successful.

- FAST Act requires adequate regional financial forecasts be developed with the cooperation and collaboration of the state, MPO and public transit agency for use in preparing transportation plans. However, “collaboration, cooperation, and consultation” are poorly defined in the context of developing such financial forecasts. States are given wide discretion in how and when those estimates of revenues are to be provided and allowing for various interpretations of the regulations. **DRCOG supports:**
 - Expanding regulations to require all three entities to agree upon procedures governing the projection of future revenue estimates.
 - Requiring all three agencies (DRCOG, RTD, and CDOT) to agree upon distribution of estimated revenues.
 - Establishing an external appeals process to USDOT if there is disagreement among the parties regarding estimate procedures and revenues.
- FAST Act similarly requires cooperative project selection and prioritization for the Transportation Improvement Program (TIP). **DRCOG supports:**
 - Expanding current regulations to require all three entities to agree upon procedures governing project selection and prioritization for transportation planning and there should be consequences for not following these procedures.
 - As part of the normal Memorandum of Agreement between an MPO, state DOT and local transit agency, requiring the three entities to cooperatively establish a process for addressing project cost overruns.
 - Requiring revenue suballocation to Transportation Management Areas (MPOs representing populations greater than 200,000) to be based on the total population within the MPO boundary.
 - Establishing a population-based/air quality severity formula for suballocating CMAQ funds within a state and requiring suballocation of CMAQ to non-attainment MPOs representing populations greater than 200,000 on the basis of the total populations within the MPO boundary.
- **Transit.** Transit is an essential part of the metropolitan transportation system. Implementation of the Denver region’s transit system is a high priority for DRCOG. Unfortunately, cost increases and revenue decreases forced RTD and DRCOG to remove some corridors from the fiscally constrained 2040 Regional Transportation Plan. DRCOG recognizes the importance of making transit-supportive improvements to bus and rail corridors throughout the region. With the metro area having made a significant commitment of local resources for the regional transit system, **DRCOG urges Congress and the administration to take the following actions in support of transit in the Denver region:**

- Continue the federal investment for transit and multimodal projects in the Denver region.
 - Provide dedicated sources of revenue and increased funding for bus rapid transit and rail new starts programs.
 - Continue to provide federal funding for the FasTracks corridors (over time this could include corridors that have had to be removed from the fiscally constrained RTP).
 - Clarify with regard to transit-oriented developments (TOD) that up to a half-mile from an existing or proposed transit station, parking and transportation infrastructure, TOD planning, land acquisition, and a project or program that supports compact, mixed-use, mixed-income, bicycle/pedestrian friendly development are eligible for federal transportation funding and require that this clarification be incorporated in funding program decisions, and work to identify additional sources of funding.
 - Incorporate the Partnership for Sustainable Communities' Livability Principles into federal policy and investment decisions.
 - Improve transportation services for older adults and individuals with disabilities by giving states added flexibility in utilizing their federal funds; enhancing the planning and coordination process; providing technical assistance; and promoting innovative community programs.
 - Designate the "Rocky Mountain Corridor" (from Cheyenne, Wyoming, through Colorado to Albuquerque, New Mexico, and the I-70 corridor from DIA to the Utah border) and the Western Regional Alliance high-speed rail network (to provide high-speed rail connections between Denver, Salt Lake City, Reno, Las Vegas, and Phoenix) as High-Speed Rail Corridors. This action would identify them as having potential for high-speed rail activity and enable these corridors to receive federal funds that might become available for corridor studies of high-speed rail options, development of plans for high-speed rail infrastructure, construction of high-speed rail facilities and highway/rail grade crossing safety improvements.
- **Air Quality Conformity.** The air quality conformity process has increased support for multimodal planning and for integrated land use and transportation planning. It has also increased interagency coordination between the air quality and transportation planning agencies. **DRCOG supports maximum flexibility so that comparatively minor changes to the planned or programmed highway and transit network do not require a full conformity analysis at taxpayer expense. DRCOG supports continued funding for transportation projects that improve air quality.**
 - **Transportation Demand Management (TDM).** DRCOG views TDM principles and practices as increasingly important elements of the region's long-range transportation planning strategy. **DRCOG supports actions that minimize the barriers to the use of alternatives to the single-occupant vehicle and encourage changes to normal work patterns to avoid peak traffic conditions. DRCOG also supports efforts to provide incentives to employers, schools,**

rideshare agencies, and individuals to encourage alternative transportation use.

ENVIRONMENT

Water Conservation. Water is a particularly scarce resource in the Denver region and western United States, and a key consideration in planning for future growth and development. Recognizing this fact, the DRCOG Board of Directors added a new water conservation element to Metro Vision, the Denver region's long-range plan for growth. The element calls on the region to maximize the wise use of limited water resources through efficient land development and other strategies, and establishes a goal of reducing regional per capita water consumption. **DRCOG therefore supports federal policies and investments that contribute to local and regional water conservation efforts.**

Water Quality. Local governments in the Denver region face increasingly complex water quality challenges in an environment unique to the arid West but without the resources to respond to them appropriately. Reauthorization of the Clean Water Act could provide local governments and regional water quality planning agencies the additional planning, financing and regulatory tools needed to address our growing water quality challenges. **As the legislative process proceeds in these areas, there are a number of issues of concern to DRCOG that Congress can address.**

- **Integrated Planning.** DRCOG supports an integrated approach to water quality, tying together the management of point sources, nonpoint sources and stormwater through the involvement of the various stakeholders.
- **Regional Planning.** The Clean Water Act recognizes the importance of planning to address the challenges associated with both point and nonpoint source pollution. The regional planning provided for in the act is even more critical, given the growing emphasis on watershed approaches. **Congress should maintain and strengthen the regional planning process as the key component of the watershed approach. The planning funds provided under section 604(b) need be increased to assist responsible parties in meeting the expanding responsibilities that accompany implementation of a watershed planning and management approach.**
- **Infrastructure Funding.** Colorado and the nation are at a critical juncture regarding water and wastewater infrastructure. There are significant needs for new treatment plants and upgrades to existing plants. Local governments already shoulder a significant portion of water and wastewater capital investment. **Increased funding for infrastructure investment as well as the provision of greater flexibility of these funds will allow states and local governments to determine the best use, according to local prioritization of needs.**

- **Good Samaritan Protection.** Abandoned and inactive mines present a serious risk to the quality of nearby water supplies. Lack of adequate funding for reclamation and the potential liability for “Good Samaritans” are serious obstacles that have prevented cleanup of many of these sites. **DRCOG supports federal funding for reclamation activities. DRCOG also supports legislation encouraging federal, state, tribal and local governments, as well as mining companies and nonprofit groups that have no prior ownership or responsibility for an abandoned mine, to clean up an abandoned or inactive mining site by granting them liability protections under several environmental statutes, including the Clean Water Act.**

Superfund. DRCOG is concerned that a number of Superfund issues have become serious problems in recent years while the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) has been awaiting reauthorization. **DRCOG urges Congress to address the following issues individually or as part of a comprehensive reauthorization.**

- **Liability Protection.** Under current law and regulation, parties interested in cleaning up a Superfund site may decide not to pursue remediation efforts for fear of being held liable for preexisting problems. Lengthy clean up delays have occurred in our region and elsewhere while parties litigate over responsibility. DRCOG supports federal funding for cleanup activities. **DRCOG supports legislation and regulations encouraging parties that have had no prior ownership or responsibility for a site to clean up the site by granting them liability protections under several environmental statutes, including the Superfund law. DRCOG also supports limiting liability when a party has complied with applicable environmental laws at the time of disposal to further the goal of timely and cost-effective clean-up of Superfund sites.**
- **Community Participation.** Local governments often face significant community and neighbor-hood concerns regarding contaminated sites. Public involvement in the assessment, planning and clean-up for such sites is an important aspect of efforts to bring these sites to a safe condition. **Provisions that assist local governments in establishing and funding formal mechanisms for citizens to participate in the clean-up and land-use decision-making process are appropriate and necessary.**
- **Funding for Clean-up.** DRCOG is concerned that the federal government not reduce its commitment to assist with clean-up and redevelopment of these sites. **DRCOG supports the creation of new mechanisms to fund clean up to the extent they are sufficient to make significant progress toward the Act’s goals. Allocation of clean-up costs among responsible parties should be according to the proportion of contamination caused by each.**
- **Health Risk Criteria.** The safety and health of populations exposed to pollution associated with Superfund sites is a primary concern related to potential

redevelopment. Health risk-based criteria are necessary to guide these efforts. **These criteria must reflect the intended reuse of a site and the risks to special populations, including children, the elderly and those already disproportionately exposed to pollution. Risk-based standards specific to Superfund clean-up are needed to promote redevelopment of contaminated sites while protecting human health and the environment.**

Brownfields. Redevelopment of brownfields is important for economic development and environmental and public health and safety in many areas within the Denver region. This is a specific issue related to CERCLA that is of particular significance and should be pursued separately, if inaction on the Superfund reauthorization continues. There are approximately 250 brownfields, former industrial and commercial sites, in both urban and rural areas throughout the Denver region. The redevelopment of brownfields is consistent with DRCOG's Metro Vision, which supports infill and redevelopment within the region. **DRCOG supports federal actions, including increased funding, to encourage the redevelopment of brownfields. DRCOG urges Congress to prioritize funding for projects that go beyond remediation and redevelopment of individual sites to focus on broader planning and economic development efforts, such as projects that incorporate brownfield remediation and redevelopment into larger infill development efforts.**

INTERGOVERNMENTAL RELATIONS

Intergovernmental Cooperation. All levels of government – federal, state, local and regional – play an important role in providing critical services and implementing programs for the benefit of their residents. Legislative bodies and executive agencies at the federal and state levels should respect the roles and responsibilities of local governments and regional entities. **DRCOG supports cooperation among federal, state, local and regional entities in developing and implementing new programs and improved approaches to service provision.**

Federal/Regional Relations. The region is the nexus of local, state and federal issues and economic activities. DRCOG convenes parties of interest on intergovernmental issues, providing the necessary forum for their resolution, and facilitating a negotiated outcome. **DRCOG urges Congress, when new legislation is proposed and existing legislation is reauthorized, to identify and use regional agencies as critical partners in the implementation of such legislation, including the planning for and delivery of services.**

Regional Service Delivery. The federal government plays an important role in setting standards and priorities for the funding of public services and programs administered at the state, regional and local levels. **When making such funding and programmatic decisions, it is essential to consider the most appropriate level of government for delivery of such public services.**

State administration of federal programs can be problematic for local governments, as state agencies tend to be more removed from clients and less responsive to their needs. On the other hand, individual local governments may lack the resources to achieve the desired efficiencies and cost-effectiveness. Further, some programs, such as transportation, air quality and water quality, that address issues crossing local political boundaries, are most appropriately and effectively addressed at the regional level. Regional programs also often benefit from economies of scale. The collaborative partnerships of regional approaches can provide more cost-effective services and programs for users and clients. **DRCOG urges Congress to use existing regional service delivery systems.**

Principles for Implementation. New programs or changes to existing programs must at least maintain the existing level of services and provide adequate administrative funds for implementation. Otherwise, there is a shift in responsibility without adequate funds for the services to be provided or programs administered. As such, it is important to treat the continuity of service delivery as a key principle guiding any actions to create new programs or revise existing programs. **A consultative process among the federal, state, local, and regional agencies must be in place before any changes are made to services currently being delivered at local or regional levels.**

ATTACH J

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning & Operations
(303) 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	16

SUBJECT

This item concerns updates to the status of bills previously acted on by the Board at its January meeting.

PROPOSED ACTION/RECOMMENDATIONS

No action requested. However, since the Board did not take official positions on these bills in January (as noted below), Board members may wish to consider taking positions at the February meeting.

ACTION BY OTHERS

N/A

SUMMARY

The attached matrix updates the status of all bills previously acted upon by the Board as of February 8.

Staff can provide more detailed updates on the bills as requested by the Board.

PREVIOUS DISCUSSIONS/ACTIONS

At the January Board meeting, the Board voted to “Monitor” all of the bills as they had been introduced after the Board agenda had been posted.

PROPOSED MOTION

N/A

ATTACHMENT

Status of Bills—2017 Session

ADDITIONAL INFORMATION

Should you have any questions regarding the bills, please contact Douglas W. Rex, Director, Transportation Planning & Operations, at 303-480-6747 or drex@drcog.org; or Rich Mauro, Senior Policy & Legislative Analyst, at 303-480-6778 or rmauro@drcog.org.

Denver Regional Council of Governments

Status of Bills - 2017 Session

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
AGING BILLS						
SB17-011	Study Transportation Access For People With Disabilities - The bill creates a technical demonstration forum to study and document how advanced technologies can improve transportation access for people with disabilities.	Lambert/ Lawrence	Senate Health & Human Services	Monitor	To demonstrate the transportation access needs of people with disabilities in both urban and rural areas of the state, the forum is directed to study the transportation access needs of people with disabilities in El Paso and Teller counties and explore technological and transportation business solutions that could increase transportation access for people with disabilities in those areas.	DRCOG supports the following: A system that effectively and efficiently coordinates the resources and delivery of transportation services between providers, the federal government, counties, RTD, and the state; increased funding for transportation services for older adults and persons with disabilities; and increased state funding for Medicaid transportation services for older adults and persons with disabilities.
TRANSPORTATION BILLS						
HB17-1018	Extend Voter Approval Window For RTA Regional Transportation Authority Mill Levy - Current law authorizes a regional transportation authority to seek voter approval for a uniform mill levy of up to 5 mills on all taxable property within its territory, but the authorization is scheduled to repeal on January 1, 2019. The bill extends the authorization until January 1, 2029.	Mitsch Bush and Liston/ Gardner	House Transportation & Energy	Monitor	This bill was introduced last session but failed to pass. DRCOG supported the bill.	DRCOG supports legislation that promotes efforts to create and fund a multimodal transportation system. DRCOG supports funding for programs that provide transportation for “access to jobs” for low-income workers who cannot afford to live near where they work, and for safe routes to schools.

Denver Regional Council of Governments

Status of Bills - 2017 Session

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
HB17-1031	<p>Hearings On Transportation Commission Districts - Transportation Legislation Review Committee. The bill requires the TLRC to meet 5 times before November 15, 2017, once in each geographic quadrant of the state and once in the Denver metropolitan area, to:</p> <p>Make available to meeting attendees the 2016 Legislative Council Staff research study of changes to the state transportation commission districts since the boundaries of the districts were last redrawn in 1991; and</p> <p>Offer opportunities to members of the public to express their opinions regarding the districts or the research study and offer comments and suggestions regarding whether the districts should be modified.</p>	Carver & Mitsch-Bush/Todd	House Appropriations	Monitor	The 2016 report was prepared with the cooperation of CDOT as required by House Bill 16-103. This bill is the response of the TLRC to get public input. DRCOG had a position of "Actively Monitor" a similar bill last year.	DRCOG supports legislation that reinforces collaboration between state and regional transportation agencies and recognizes their respective roles, responsibilities and interests.

Denver Regional Council of Governments

Status of Bills - 2017 Session

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
OTHER BILLS						
SB17-045	Construction Defect Claim Allocation Of Defense Costs - In a construction defect action in which more than one insurer has a duty to defend a party, the bill requires the court to apportion the costs of defense, including reasonable attorney fees, among all insurers with a duty to defend. An initial order apportioning costs must be made within 90 days after an insurer files its claim for contribution, and the court must make a final apportionment of costs after entry of a final judgment resolving all of the underlying claims against the insured. An insurer seeking contribution may also make a claim against an insured or additional insured who chose not to procure liability insurance for a period of time relevant to the underlying action. A claim for contribution may be assigned and does not affect any insurer's duty to defend.	Grantham & Williams A./ Duran & Wist	Senate Business, Labor, & Technology	Monitor	This bill (sponsored by the President of the Senate and the Speaker of the House) is an attempt to reduce the insurance costs associated with owner-occupied affordable housing projects. The Metro Caucus had a discussion about the bill with the Speaker at its annual retreat where it was noted the bill does not address concerns with litigation issues.	DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.
SB17-057	Colorado Healthcare Affordability & Sustainability Enterprise - The bill creates the Colorado Healthcare Affordability and Sustainability Enterprise (enterprise) as a replacement for the current Hospital Provider Fee.	Guzman/	Senate Finance	Monitor	The new enterprise would be exempt from TABOR and so long as it qualifies as a TABOR-exempt enterprise, fee revenue does not count against either the TABOR state fiscal year spending limit or the referendum C cap, the higher statutory state fiscal year spending limit established after the voters of the state approved referendum C in 2005. This would make additional revenues available for the state budget.	No specific Board policy on the Hospital Provider Fee issue but there are Board policies in support of increased funding for transportation and aging services.

ATTACH K

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning & Operations
(303) 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Action	16

SUBJECT

This item concerns adoption of positions on state legislative bills as presented by staff.

PROPOSED ACTION/RECOMMENDATIONS

Motions to adopt positions on bills presented.

ACTION BY OTHERS

N/A

SUMMARY

The attachment summarizes the bills introduced since the January Board meeting relative to the Board adopted Policy Statement on State Legislative Issues.

The bills are presented with staff comments and staff recommended positions.

Any bills of interest introduced after February 8 will be emailed to Board members by the Monday before the meeting with staff recommendations for review at the meeting (per current Board policy).

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

New Bills—2017 Session

ADDITIONAL INFORMATION

Should you have any questions regarding the bills, please contact Douglas W. Rex, Director, Transportation Planning & Operations, at 303-480-6747 or drex@drcog.org; or Rich Mauro, Senior Policy & Legislative Analyst, at 303-480-6778 or rmauro@drcog.org.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

NEW BILLS--2017 SESSION

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Staff Comments	Legislative Policy
AGING BILLS						
<u>HB 17-1087</u>	Public Guardianship Pilot Program - The bill creates the office of public guardianship as a pilot program within the Judicial Department to provide legal guardianship services to indigent and incapacitated adults who have no responsible family members or friends who are available and appropriate to serve as a guardian; and lack adequate resources to compensate a private guardian and pay the costs and fees associated with an appointment proceeding.	Young/ Lundberg	House Judiciary (2-23)	Support	This bill addresses a need in the care industry that has been a concern for a long time. It is the result of a stakeholder process that has been working since a report on the issues in 2014. The pilot program will operate in three judicial districts - Ninth (Denver), Seventh (Montrose) and Sixteenth (Otero).	DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers.
TRANSPORTATION BILLS						
<u>SB 17-153</u>	Southwest Chief And Front Range Passenger Rail Commission - The bill replaces the existing Southwest Chief rail line, the statutory authorization for which expires on 7-1-17, with an expanded Southwest Chief and Front Range Passenger Rail Commission (new commission).	Crowder & Garcia/ Esgar	Senate Local Government & Senate Finance	Board Direction Requested	The new commission must: assume the old commission's powers, duties and mission of preserving existing Amtrak rail line service in the state, extending such service to Pueblo, and exploring the benefits of extending such service to Walsenburg; and facilitate the future of front range passenger rail and specifically present to the legislature by 12-1-17, draft legislation to facilitate the development of a front range passenger rail system that provides passenger rail service in and along the interstate 25 corridor. MPOs, including DRCOG, have representation on the commission.	DRCOG supports legislation that reinforces collaboration between state and regional transportation agencies and recognizes their respective roles, responsibilities and interests.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

NEW BILLS--2017 SESSION

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Staff Comments	Legislative Policy
HB 17-1153	Highway Congestion Mitigation - The bill clarifies that HOV lanes are lanes on which a vehicle carrying 2 or more individuals, including the driver, may travel and that HOV lanes are lanes on which a vehicle carrying fewer than 2 individuals, including the driver, must pay a toll. The bill also raises the priority of currently unfunded projects to expand the capacity of I-25 between Castle Rock and Monument and between SH-14 and SH-66 by requiring: • CDOT to put the high priority projects above all other unfunded projects on its priority list; • all federal money received by CDOT that the federal government does not require to be allocated for other projects and that CDOT has not previously allocated for other projects to be used to fund the high priority projects before being used to fund other projects; and • any environmental or other studies required to be completed before the projects may begin to be completed no later than 6 months following the effective date of the bill .	Williams & McKean/ Gardner	House Transportation	Board Direction Requested		DRCOG supports regional and statewide efforts at consensus-building and will work to pursue multimodal transportation solutions. DRCOG supports using the regional and statewide transportation planning processes to explore and identify transportation solutions and will evaluate state legislative and administrative actions for consistency with this policy.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

NEW BILLS--2017 SESSION

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Staff Comments	Legislative Policy
HB 17-1171	Authorize New Transportation Revenue Anticipation Notes - Requires the Transportation Commission to submit a ballot question to the voters at the November 2017 election which, if approved, would authorize the state to issue additional transportation revenue anticipation notes for the purpose of addressing critical priority transportation needs in the state; and dedicating ten percent of state sales and use tax net revenue for state transportation purposes and one percent of such revenue less ten million dollars for other capital construction purposes.	Buck & Carver/	Hose State Affairs/ House Finance/ House Appropriations	Board Direction Requested	This bill is essentially the reinstatement of a statutory appropriation of General Fund revenues (sales tax) similar to Senate Bill 97-001. Ever since the SB-001 mechanism was repealed in 2009, DRCOG has expressed concerns about transportation funding bills, such as the TRANS bills of the last two years, that did not include new sources of revenue. Especially when the state is in TABOR rebate situation, removal of such a significant amount from the General Fund would mean major cuts in other programs, such as education, health care and possibly services for seniors.	DRCOG supports legislation that promotes efforts to create and fund a multimodal transportation system.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

NEW BILLS--2017 SESSION

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Staff Comments	Legislative Policy
HOUSING BILLS						
SB 17-085	Increase Documentary Fee & Fund Attainable Housing - Currently, each county clerk and recorder collects a surcharge of one dollar for each document received for recording or filing in his or her office. The bill raises that to \$5 for documents received for recording or filing on or after 1-1-18. The clerk is to retain \$1 to be used to defray the costs of an electronic or core filing system in accordance with existing law and the other \$4 is to be credited to the Statewide Attainable Housing Investment Fund created in the Colorado Housing and Finance Authority. Not less than 25% of such amount must be expended to support new or existing programs providing financial assistance to persons in households with an income of up to 80% of the area median income to allow such persons to finance, purchase, or rehabilitate single family residential homes and to provide financial assistance to any nonprofit entity and political subdivision that makes loans to persons in such households to enable such persons for such purposes.	Zenzinger/	Senate State Affairs (2-13)	Support	Beginning in FY 2017-18, CHFA is estimated to receive new revenue of approximately \$3.8 million from the new \$4 surcharge, to be deposited into the Statewide Attainable Housing Investment Fund. This estimate is based on the amount collected by county clerks in 2015 from the \$1 technology surcharge. CHFA must use at least 25 percent of the funds to support programs that assist households earning an income of up to 80 percent of the area median income with financing, purchasing, or rehabilitating single-family homes.	DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

NEW BILLS--2017 SESSION

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Staff Comments	Legislative Policy
SB 17-098	Mobile Home Parks - The bill makes various changes to statutes regarding mobile home parks, including notice of sale of a mobile home park, terms of written rental agreement, alternative dispute resolution, subtraction of gain from sale of park from calculation of federal taxable income for state income tax purposes, and encouragement of the preservation and development of mobile and manufactured home parks through county and municipal master plans.	Kefalas/ Ginal	Senate State Affairs (2-13)	Monitor	This bill represents the fourth year in row the sponsor has tried to address concerns over how to preserve mobile home parks as a viable affordable housing option. CML has a position of "oppose unless amended" in reference to the bill provisions requiring master plans to encourage preservation of such parks. CCI does not yet have an official position.	DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.
SB 17-155	Statutory Definition Of Construction Defect - The bill separately defines and clarifies the term "construction defect" in the "Construction Defect Action Reform Act".	Tate/ Saine	Senate Business, Labor and Technology	Board Direction Requested		DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.
SB 17-156	Homeowners' Association Construction Defect Lawsuit Approval Timelines - The bill states that when the governing documents of a HOA require mediation or arbitration of a construction defect claim and the requirement is later amended or removed, mediation or arbitration is still required for a construction defect claim. The bill also adds to the disclosures required prior to the purchase and sale of property in a HOA, a notice that the community's governing documents may require binding arbitration of certain disputes.	Hill/ Saine & Wist	Senate Business, Labor, & Technology	Board Direction Requested	Before a construction defect claim is filed on behalf of the association: the parties must submit the matter to mediation before a neutral third party; and the board must give advance notice to all unit owners, together with a disclosure of the projected costs, duration, and financial impact of the construction defect claim, and must obtain the written consent of the owners of units to which at least a majority of the votes in the association are allocated.	DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

NEW BILLS--2017 SESSION

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Staff Comments	Legislative Policy
HB 17-1169	Construction Defect Litigation Builder's Right To Repair - The bill clarifies that a construction professional has the right to receive notice from a prospective claimant concerning an alleged construction defect; to inspect the property; and then to elect to either repair the defect or tender an offer of settlement before the claimant can file a lawsuit seeking damages.	Leonard/ Tate	Senate State Affairs	Board Direction requested		DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

NEW BILLS--2017 SESSION

As of 2-8-17

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Staff Comments	Legislative Policy
OTHER BILLS						
SB 17-040	Public Access To Government Files - The bill modifies the Colorado Open Records Act (CORA) with respect to digital or electronic records. It requires custodians of public records to provide records in a structured data format, when requested. Structured data means digital data capable of being automatically read, processed, or manipulated by a computer, and it includes data in relational databases and spreadsheets. If digital records are searchable, custodians must provide them in that format, when requested. Nothing in the bill requires custodians to provide digital records in their native format, meaning the format in which they were created or are stored on the custodian's computer or server. The bill does provide certain exceptions.	Kefalas/ Pabon	Senate State Affairs	Board Direction Requested	From DRCOG's attorney: Our main concern with this bill is the additional administrative burden it places on the custodian to provide structured data to requestors, or provide a declaration why the custodian is not able to provide the records in the requested format. The bill also authorizes a requestor to legally challenge an alleged failure to provide documents as structured data, and this is another type of claim for which there is a "one-way" attorney fee shifting provision against the public entity. Also, while the custodian is not required to convert a record into structured data or searchable format, the custodian must make inquiries within the agency to determine if this can be done. In a larger organization, this means the custodian may end up spending considerable time trying to track down whether a record exists in, or can be readily converted to, the requested form. DRCOG would have a right to charge a fee for "programming, coding, or custom search queries so as to convert a record into a structured data or searchable format," but the administrative burden in responding to structured data CORA requests may be significant.	No specific Board adopted policy. But DRCOG, as a public entity, is subject to CORA.

ATTACH L

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Director, Transportation Planning & Operations
303-480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
February 15, 2017	Informational Briefing	17

SUBJECT

Presentation on updates to the DRCOG regional macroeconomic forecast.

PROPOSED ACTION/RECOMMENDATIONS

No action requested, this item is for information only.

ACTION BY OTHERS

N/A

SUMMARY

Regional economic forecasts are used to inform DRCOG's land use and transportation planning and modeling efforts. In early 2017 DRCOG staff, in consultation with other economists in the region, will develop a new set of 2040 regional control forecasts.

A summary and timeline of the process will be presented. Staff will also use DRCOG's [Land Use Explorer](#) to illustrate spatial allocation results and describe how this new tool aids in local review.

PROPOSED MOTION

N/A


ATTACHMENTS

Staff Presentation


ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Transportation Planning and Operations Director, at 303-480-6747 or drex@drcog.org; or Daniel Jerrett, Chief Economist at 303-480-5644 or djerrett@drcog.org.



DRCOG regional control forecast

- Economic-driven forecast for population, households, and employment at the regional level
- Current forecast horizon: 2010-2040
- Updated forecast horizon: 2015-2040
- Development and completion: Spring 2017





What is the forecast used for?

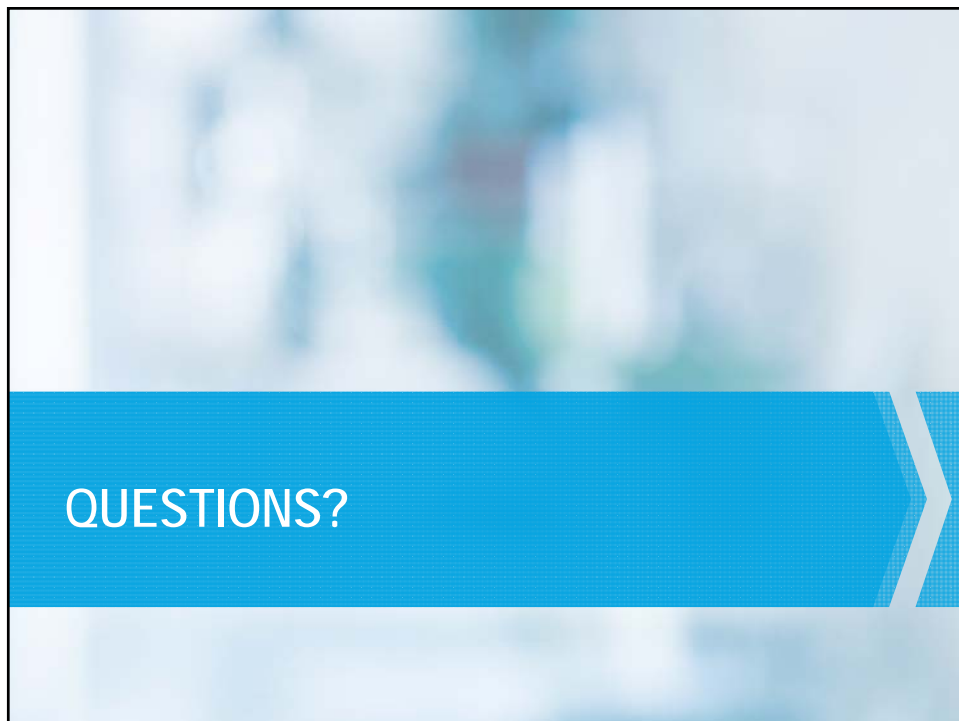
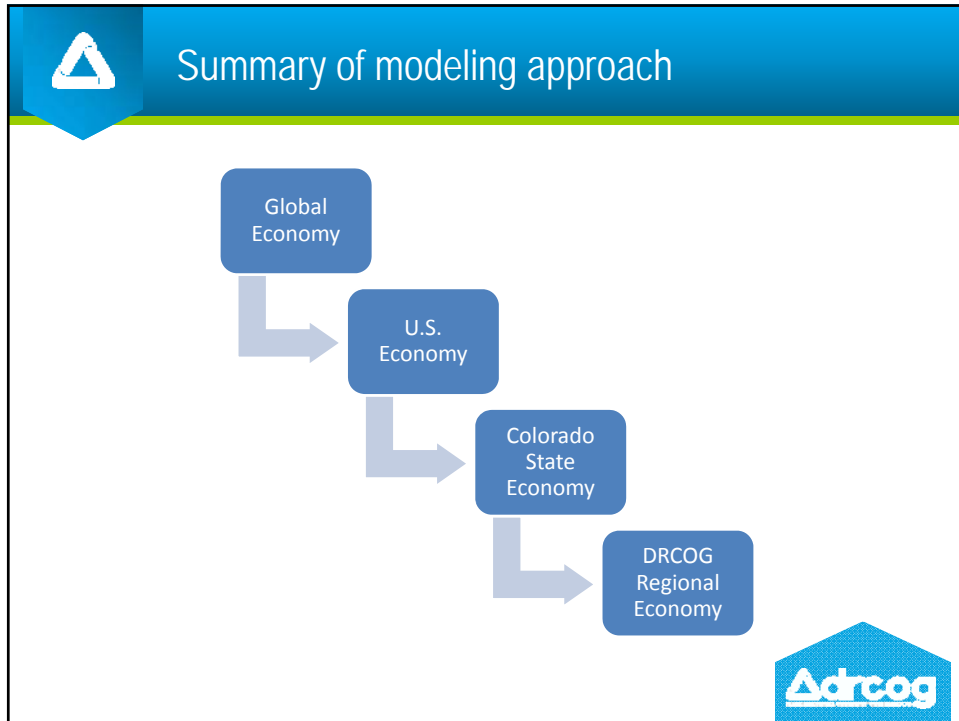
- UrbanSim land use forecasts
 - Spatial allocation of households, employment, and future development
- Focus travel model forecasts
 - VMT, mode share, transit ridership
- Metro Vision 2040 support and analysis
 - MV 2040 goals
- Scenario planning
 - Testing alternative growth/development scenarios



Update process

- Discussions with state demographer on demographic projections for the region
 - Internal development of an econometric model to produce a forecast
- ↓ ↑
- Meeting with a panel of both private and public sector economists to discuss the forecast results
 - Board "acceptance" of the new forecast





ATTACH M

Senior Homeshare Program Needs More Applicants, Volunteers, Funds

By J. Patrick O'Leary

A program that matches senior homeowners needing help to stay in their homes with adults needing housing – the first of its kind in Colorado – is off to a healthy start, with strong interest from Jefferson County residents.

Sunshine Home Share Colorado launched operations in September with the goal of pairing 10 homeowners with housing seekers in its first 12 months; as of December two matches were made, two are in a “trial” arrangement, and another two are in the process, according to Alison Joucovsky, executive director. Twenty home-seekers have been screened, and 157 seniors and families have received information or referrals to other senior resources.

Joucovsky served the seniors of Wheat Ridge and Edgewater through Jewish Family Services' Colorado Senior Connections until last spring, when she set up Sunshine as a separate nonprofit. More than 2,500 hours of volunteer time and \$100,000 in in-kind services have been invested in the project so far, including social work, accounting, marketing and the nuts-and-bolts busywork of any service organization. Sunshine's 501(c)(3) status was received five weeks after application – an astoundingly short period of time, thanks to a mentor who dogged Joucovsky into getting a great deal of necessary data into the first and only draft of the application.

Sunshine's model aims to provide seniors with affordable support services that will allow them to stay in their homes. That's done by matching them with people seeking affordable housing who are willing to provide those services (and pay rent) as part of a mutually beneficial home-sharing agreement. When a successful match is made, senior homeowners can minimize social isolation and improve their economic stability, and the home-seeker gains affordable housing.

Although Sunshine is the first nonprofit to use this model in Colorado, there are 64 similar programs throughout the country, according to Joucovsky. A group in Summit County has launched a similar program, but she knows of no others in the state.

While there is an incredible demand for affordable housing and senior services in the metro area, Joucovsky said Sunshine's goal is to carefully match and place people in long-term arrangements. That is neither quick nor easy, she has learned.

“Our senior home providers are looking for real specific things, like ‘I need someone to walk my dog, drive me to grocery store, and who does not drink’.... In order to hit all those buckets and make a match that lasts, we need a lot more people to apply as home seekers.

“And home seekers have their buckets, too – ‘I want to live on west side, I have a dog, it's my husband and I...,’ and so on.

“So we have a lot more people going through process than will be placed; by all means we need more seekers and providers.”

She said one homeowner in Denver had been through four match meetings already, and the reality is that some need to meet multiple people.

"I tell homeowners if it doesn't feel right, don't do it. I'd rather you take the time and get the right fit. Our goal is longevity."

"The first few months have been a learning experience, working out the kinks in the program," said Joucovsky. "The average age we serve is 78, and we're still figuring out who are 'right' clients are, and who aren't."

Some applicants have been relatively young (early 60s) and in good health, and didn't really need Sunshine's support – the person could put an ad on Craigslist and interview house- and help-mates. Others were suffering from dementia, and unable to choose and consent to an arrangement. Some are in crisis.

"We are not emergency placement housing – we get a lot of those calls," said Joucovsky. "You won't believe how many seniors are living in cars, calling us for housing."

That doesn't mean callers are turned away without help. The program has referred 157 seniors or their family members to other resources since September.

"It might be a daughter calling for mom who has mild dementia, so maybe we need to connect them with a home care agency. They might have only x, y and z income, so they may actually qualify for government assistance...."

She said Sunshine works with Brothers Redevelopment and their Housing Connect Line. Brothers receives funding from the Denver Regional Council of Governments to act as a "clearinghouse for housing issues" – tracking housing waiting lists, which apartments have vacancies, and maintaining a database of community housing resources.

First, homeowners and home-seekers are screened, then match interviews take place. If a match is found, the people typically enter into a two-week "trial" living arrangement. Only if that succeeds do they draft and sign an agreement, and the home-seeker leaves their previous housing. Sunshine makes quarterly follow-up home visits and is available to help with issues during the first year. There is a sliding-scale fee for the service.

"We're not anticipating making more than 10 matches this year," she said. "If we're able to make more, we will."

Sunshine is seeking both more senior homeowners and more home-seekers for the program as a larger pool of participants will result in a greater chance of making matches.

As for volunteers, Joucovsky said her dream is to enlist seniors who have clinical experience – retired teachers and social workers – who can step into the matching process.

"I really love using seniors with skills. We get around the table and see this collective energy of making the process work."

And then there's funding. Joucovsky has succeeded in starting the program on a shoestring, but resources are needed in the long run, and Joucovsky has discovered that private foundations and

government programs only provide dollars for either building buildings or providing services, and are wary of start-ups.

“They say it’s too new, come back when you have more data, more time under your belt,” she said of her funding quest. “It’s ‘what comes first? the chicken or the egg?’ No one wants to give money to a startup; we...are actively looking for donors willing to take a chance on this.”

At a recent seminar, Joucovsky said she heard a developer say it costs \$30,000 to create one unit of affordable housing.

“But for less than \$1,400, we can do a match, and keep someone in their home,” and find affordable housing for another, she said.

Boulder County to install 'real-time' bus info signs at some RTD stops

By John Fryar, *Staff Writer*

Boulder County's Transportation Department is inviting residents to suggest locations for "real-time" bus schedule signs to be installed at several sites under a \$300,000 Denver Regional Council of Governments grant.

The signs will display bus arrival and departure information and other bus-related news at major Regional Transportation District stations and Park-n-Ride locations, according to a county news release. That will allow riders to see an estimate of when the next bus will arrive.

The county Transportation Department is seeking public input regarding the best possible locations for public information display signs and about the impact the signs may have on the community's willingness to ride the bus.

"This project will help to improve the customer experience by giving real-time information so riders know when the bus will arrive," said Boulder County transit planner Jared Hall. "We are hoping that PIDs at major stops, being used with other tools like real-time transit apps, will create a network of options that make riding the bus more convenient."

For more information, and to take the county survey, visit bit.ly/2k4qxyN.

The \$300,000 in funding from the Denver Regional Council of Governments is being matched with \$62,362 from the county's voter-approved Transportation Sales Tax.

Cold weather companions needed for seniors

Concerns about seniors staying warm, safe

Jaclyn Allen

DENVER -- Recent frigid temperatures are hard on everyone, but the cold weather can be even more dangerous for seniors, which is why advocates are calling for everyone to be a "cold weather companion."

"Snow and ice cause a lot of problems and make us worry," said Jayla Sanchez-Warren, the director of the Area [Agency of Aging with the Denver Regional Council of Governments](#). "Isolation is a big worry. Many seniors just don't go out. They won't go places they need to go like the grocery store or the doctor."

Home care providers see how dangerous the weather can be for seniors, especially those with Alzheimer's or dementia.

"Oftentimes, elders don't realize that their bodies are gradually getting cooler and cooler," said Kim Paul, with Synergy Home Care. "We had a client and we showed up to her house probably around 10 in the morning. She had already been out in her shorts, she told us, shoveling. She didn't realize how cold it was."

Snow shoveling sends thousands of people nationwide to the hospital each year, with injuries from falling, hypothermia and heart attacks, and [people over the age of 65 are at higher risk](#).

Paul said anyone can be a "Cold Weather Companion," checking to make sure seniors' homes have heat, the fridge is stocked, their transportation needs are met and their sidewalks are shoveled during cold or snowy weather.

"A cold weather companion is all of us really that need to keep an eye out, for especially the seniors in our neighborhoods," said Paul.

There is help out there for seniors struggling with the impact of the cold, financial and physical.

"Some seniors are concerned about having to choose between paying for heat or for medication. We have a lot of low-cost and free resources," said Sanchez-Warren. "We partner with churches and volunteer groups across the city."

Call the Area Agency on Aging at 303-480-6700.