



COLORADO
**Department of
Labor and Employment**
Division of Oil and Public Safety

Underground Damage Prevention Safety Commission
633 17th Street, Suite 500
Denver, CO 80202-3610
303-318-8525 | www.colorado.gov/ops

Date: December 14, 2018

Location: Colorado Department of Labor and Employment
633 17th Street, Suite 500
Denver, CO 80202

Present: Jim Moody, Randy Wheelock, Jeannette Jones, Chris Kampmann, Patrick Fitzgerald, Katherine Duitsman, Eric Kirkpatrick, Lori Warner, Mark Jurgemeyer, Raymond Swedfeger, Mark Frasier, Julie Mileham, Mike Mills.

Absent: Jeff Rumer, and a To Be Determined (TBD) representative from the Telecommunications & Broadband Member Category

Note: The meeting was recorded and started at 8:17 am. These minutes represent a summary of this meeting and are not intended to be a verbatim document. Audio recordings of the meetings can be obtained by contacting cdle_safetycommission@state.co.us.

MINUTES APPROVAL:

This was the first working meeting of the Safety Commission, so there were no prior minutes to approve. The meeting was started by the Division of Oil and Public Safety staff until an Interim Chair could be chosen.

INTERIM CHAIRPERSON SELECTED:

Four members of the Safety Commission had noted a willingness to serve in a doodle poll administered by OPS staff: Eric Kirkpatrick, Lori Warner, Jeanette Jones and Jeff Rumer. The Safety Commission determined that it would be beneficial to additionally have a Vice Chair. Eric Kirkpatrick was voted by the majority to be the Interim Chair. Jeanette Jones, with the second most votes, became the Interim Vice Chair.

EXECUTIVE SESSION:

Item: Boards and Commissions Training (provided by the Attorney General's office)

The committee motioned for executive session, motion carried and executive session was entered.

MEETING SCHEDULE PLANNING:

A general discussion was had around having two meetings in January to allow time to complete the task of developing Bylaws. Based on a doodle poll administered by OPS staff, discussion was held around dates on which the majority of the Safety Commission members were available.

Motions were made for January 3, from 12-4 pm & January 29, from 8 am-12pm to be the next two meetings: motion carried and discussion was entered.

A discussion was had around member availability. After discussion, a vote was taken to have the noted dates and times be the next meetings. It was approved by a majority vote.

Motion to discuss remaining dates for 2019: motion carried and discussion was entered.

The discussion included the requirements of the Statute - to meet at least once every three months. A question was asked about the logistics of posting and cancelling meetings. It was discussed that meetings could be posted for the entire year and cancelled if needed. Alternatively the meeting dates could be posted individually by OPS staff closer to a confirmed timeline. It was noted that eventually the Safety Commission will need to establish meeting schedules for both the larger Safety Commission as well as the smaller Review Committee (yet to be developed in Bylaws). After discussion, a vote was taken to have OPS staff develop a doodle poll for the larger Safety Commission's schedule. It was approved by a majority vote. The results of the poll will be discussed in the next meeting.

Motion to discuss the Review Committee: motion carried and discussion was entered.

The discussion centered around the legislation and the responsibilities of the Review Committee. During the discussion it was noted that establishing the Bylaws should take precedent, before having people volunteer for the Review Committee. Discussion was had regarding the fact that a couple of complaints had already been submitted, and the Statute requires a hearing within 90 days - which would be by January for the first complaint. It was discussed that the Safety Commission has a deadline of January 1, 2019, to have its 15 members in place and has to first establish Bylaws and other administrative processes before it can process complaints. Based on this, OPS staff had already contacted the person who submitted the first complaint. The Safety Commission will prioritize processing complaints once procedures are in place. An observation was made that, similar to Washington State, it may be best to select Review Committee members for each complaint only after learning the names of the interested parties to allow for flexibility and ensuring 3-5 members are available that can avoid conflicts of interest. It was mentioned that the alleged violator and complainant can come to an Alternative Resolution, and that at any time the person that filed the complaint can revoke their complaint. After discussion it was noted by the Vice Chair that the Safety Commission might turn their attention to the Bylaws. The Chair directed the group towards a discussion of the Bylaws.

BYLAWS AND CODE OF CONDUCT DEVELOPMENT:

Discussion was held around the content of the Bylaws. Most of the time was spent on Article III: Committee Membership; Section C: Duties of Committee Members; Section D: Officers and Duties; and Section E: Review Committee and Duties. Some initial discussion was had on Article IX: Quorum and on Article XI: Staffing, Funding and Reporting Requirements. As administrative support, OPS staff advised that feedback and draft content can be sent to said staff to allow an updated draft Bylaws document to be developed in preparation for the next Safety Commission meeting. All discussion and final decisions regarding the Bylaws would occur in the next meeting(s). The Code of Conduct will also be reviewed and discussed at a future meeting, as it falls within Bylaws.

OTHER BUSINESS:

- A request has come from a media outlet for a potential story to be done on the Safety Commission. The Safety Commission discussed utilizing OPS staff and their public relations and legal resources whenever communicating with the media.
- Additional training resources and opportunities were mentioned throughout the meeting for Safety Commission members. This included a training session with the AG's office on Rulemaking and resources within OPS regarding strategies for interviewing, communication and crisis management.

The next meeting is scheduled for January 3, 2019.

Meeting adjourned at 11:59am