



**Front Range Passenger Rail District
Government Affairs/Communications Committee**

Special Meeting: TLRC Clean-Up Bill

AGENDA

Monday, August 14, 2023

2 – 3 p.m.

Zoom Link: <https://us06web.zoom.us/j/87321879448>

(Virtual Only)

Committee Membership

Deborah Mulvey (Chair)

Daneya Esgar

John Graham

Will Karspeck

Claire Levy

Julie Duran Mullica

Sal Pace

Joan Peck

Jim Souby

Jose Soto

District Staff: Chrissy Breit, Andy Karsian

- 1) Call to Order; Roll Call
- 2) Approve Agenda
- 3) Public Comment
- 4) Approval of Minutes August 7, 2023 (p. 2-4)
- 5) Reports
- 6) Business: TLRC Clean-Up Bill Items (p.5)
- 7) New Business
- 8) Informational Items and Announcements
- 9) Adjournment

**FRONT RANGE PASSENGER RAIL DISTRICT
GOVERNMENT AFFAIRS/COMMUNICATIONS COMMITTEE**

Monday, August 7, 2023; 10 a.m. (Virtual)

Attendance:

- FRPRD Directors: Deborah Mulvey (Chair), Will Karspeck (Vice Chair), John Graham, Julie Duran Mullica, Sal Pace, Jim Souby
- FRPRD Staff: Andy Karsian, Chrissy Breit

Approval of Minutes July 5, 2023 Regular Meeting

Director Karspeck motioned to accept the July 5, 2023 minutes and Director Graham seconded. No objections were raised, and the motion passed unanimously.

Identifying Committee Vice Chair

Chair Mulvey raised the importance of the committee having a Vice Chair for instances when the Chair is unavailable to perform committee duties. Director Karspeck expressed willingness to take on this role to advance the work of the committee. He specifically noted his appreciation of committee members' openness to expressing and respecting differing points of views. Chair Mulvey moved to name Will Karspeck as Government Affairs/Communications Committee Vice Chair. Director Graham seconded. The motion passed unanimously.

TLRC and District Legislative Affairs Update

FRPRD General Manager provided an update on the two-pronged engagement with the Transportation Legislation Review Committee (TLRC). First, at either the August 21 or October 3 (most likely October 3) meeting, FRPRD will provide its annual update to TLRC. This will be a 15-minute update to the committee with the opportunity for committee members to ask questions to FRPRD.

Second, as noted in previous Government Affairs/Communications Committee meetings, FRPRD is looking to advance a non-controversial administrative clean-up bill through TLRC. TLRC members meet with stakeholders and agree to draft some bills on behalf of the committee. In October, the committee votes on which bills be formally drafted and introduced at the Colorado Legislature's general session. There are advantages to advancing bills through TLRC; notably, these bills have bipartisan support and they're introduced at the beginning of the general session, which advances their likelihood of success.

General Manager Karsian met with Representative Andrew Boesenecker and Representative Ty Winter to see if they will recommend to the full TLRC membership that the committee draft a FRPRD clean-up bill. Through this process, Representative Boesenecker and Winter would introduce the FRPRD clean-up bill at the August 21 meeting, with TLRC voting whether to draft said bill at the October 3 meeting.

FRPRD Clean-Up Bill Items

General Manager Karisan shared the items proposed for the clean-up bill.

1. Election Flexibility

This would enable FRPRD to hold elections for subareas of the District. An example of this is Station Improvement Districts (SID). If a municipality wanted to partner with FRPRD to raise funding for a local SID, it's important that the measure not be on the ballot for every county in the 13-county district. Additionally, there may be value in adding flexibility so that taxing levels and timing can vary throughout the district.

Committee Discussion:

Director Pace noted that the SIDs have a defined radius and that the local jurisdictions place them on the ballot, not necessarily FRPRD. He interprets election flexibility to suggest that if a county does not get service in the first phase of implementation, funding or taxation would be different for them. He continued that this raises a complex consideration of how FRPRD Directors who live in specific areas get to vote on what happens to the District as a whole, and vice versa. Director Graham affirmed the need for more specific definition in the election flexibility proposal.

Chair Mulvey expressed that election flexibility is a substantive item and not necessarily non-controversial administrative clean-up. FRA has loans and grants available for constructing the system and developing stations. She raised her concern about the interplays between funding and the phasing of service.

General Manager Karisan responded that he'll remove this item from this year's TLRC FRPRD clean-up bill. As a next step, FRPRD staff in collaboration with legal counsel will develop a memo about election flexibility that can be shared with the committee and then brought to the Board.

2. Collaboration Requirements

Section 32-22-103(2)(e) requires FRPRD to annually hold joint meetings with the FRPRD Board of Directors, and the Board of Directors of RTD, I-70 Mountain Corridor Coalition, and the CDOT Transportation Commission. The bill would change "joint meeting" to "presentation," enabling continued engagement with partners, while allowing more efficiencies for staff to present instead of organizing official board meetings with the directors of both organizations.

3. Senate Confirmation of MPO Appointees

Section 32-22-104(1)(a)(III)(b)(I) states that the ten directors appointed by the MPOs and TPRs must be sworn in by the state Senate. To date, FRPR District MPO and TPR directors have not been confirmed by the Senate; only the Governor-appointees have been. Would like clarification on whether this can be removed or if Senate confirmation is truly required.

Committee Discussion:

Director Pace expressed that it makes sense for appointees to serve as they wait for their appointments. The logic behind the appointment and confirmation was to promote a District-wide ethos to Board leadership, rather than Directors being solely focused on advocating for the community where they live/represent.

4. Clarify Quorum Provisions

Section 32-22-105 (1) (a) states that “The Board, acting by a majority vote of a quorum of its total membership...shall exercise and perform all powers, privileges, and duties vested in or imposed upon the District.” Need clarification if quorum is majority of all members or just voting members.

Committee Discussion:

General Manager Karsian noted this language is tricky because as the law is written, it seems that there could be a quorum to hold a meeting, but not a quorum for a Board action item.

Director Karspeck noted this was discussed in the FRPRD by-laws and expressed his wonderment why non-voting members would be included in a quorum. FRPRD legal counsel will review this before it's finalized for TLRC. Directors Karspeck and Mulvey noted FRPRD by-laws may need to be revisited in the future to clean up the language and to ensure its consistent with changes to FRPRD statutes.

5. Contract Oversight

32-22-105 (1)(a)(VIII) states ‘the Board shall not delegate the power to enter into contracts on behalf of the District.’ Recommend continuing for the Board to approve most contracts for the District but allow for certain contracts to be approved by the General Manager in adherence with the District’s Procurement and Purchasing Policy (adopted April 2023).

Rescheduling September Meeting

FRPRD staff is looking to reschedule the September Committee meeting as it aligns with Labor Day. Ms. Breit requested Committee members complete the Doodle poll by the end of week.

Next Steps

Committee members expressed their desire to approve the clean-up bill text before TLRC representatives introduces these items to TLRC. The committee recommended holding a follow-up meeting to conduct a vote.

Chair Mulvey continued that it would aid this committee to have a running list of issues discussed so that the Board has a sense of the prior conversations and considerations when things are brought to the Board. Additionally, Director Karspeck raised that he would like the Board to look at the possibility of expanding the radius of a Station Improvement District. Director Graham added it will be important to clarify what decisions are being made, and what decisions can be made locally. He recommended clarifying this upfront in the process and noted there may be things locals can advance more proactively if given clearer direction.

**Front Range Passenger Rail District
TLRC Legislative Proposal: FRPRD Clean-Up Bill
August 2023**

Purpose: Since the passage of SB21-238 and the creation of the Front Range Passenger Rail District (District), language in the implementing statutes warrant revision to advance District efficiency and operating clarity. These changes are considered non-substantial modifications to the administration of the District. These items will be shared with the Transportation Legislation Review Committee to pursue as a legislative item in the 2023 legislative session.

Action: District Government Affairs/Communications Committee to review by Monday, August 14 for the Committee to approve submitting to TLRC.

Clean-Up Bill Items:

1) Collaboration requirements:

- 32-22-103(2)(e) requires a joint meeting with stakeholders.
- Joint meeting sounds like a formal meeting with the Boards of both FRPRD and RTD, CDOT Transportation Commission, and I-70 Mountain Corridor Coalition.
 - Instead, FRPR District proposes changing 'joint meeting' to 'presentation.'
 - This maintains the requirement of informing and participating with partners, however, allows more efficiencies for staff to present instead of organizing an official Board meeting with the directors of both organizations.

2) Senate confirmation of MPO appointees:

- 32-22-104(1)(a)(III)(b)(I) states 'ten directors appointed subject to senate confirmation' by MPOs and TPRs.
 - To date, FRPR District MPO and TPR appointees have not been confirmed by the Senate; only the Governor appointees have been.
 - Bill to strike this language or more clearly require Senate confirmation.

3) Clarify quorum provisions:

- 32-22-105 (1)(a) states 'acting by a majority vote of a quorum of its total membership...shall exercise and perform all powers, privileges, and duties vested in or imposed upon the District.'
 - Bill to clarify if quorum is a majority of entire Board or just of voting members.

4) Contract oversight:

- 32-22-105 (1)(a)(VIII) states 'the Board shall not delegate the power to enter into contracts on behalf of the District.'
 - Recommend continuing for the Board to approve most contracts for the District but allow for certain contracts to be approved by the General Manager in adherence with the District's Procurement and Purchasing Policy (adopted April 2023).
 - This includes items like administration (zoom.com, indeed.com, bookkeeping services...) and small consultant contracts.
 - Recommendation to amend the current legislation to say..."the power to enter into contacts on behalf of the district, including IGAs and P3s; "however, the Board may delegate authority for the general manager to enter into certain contracts necessary for the health and daily wellbeing of the district."