



Date: March 19, 2020

Location: Colorado Department of Labor and Employment
 Remote via webinar

Present:

	Chris Kampmann	✓	Jim Moody	✓	Mark Williams	✓	Ted Jensen
✓	Eric Kirkpatrick	✓*	Julie Mileham	✓	Mark Jurgemeyer	✓**	Ray Swedfeger
	Jeannette Jones	✓	Kat Duitsman	✓	Mark Frasier	✓	Tom Sturmer
✓	Rob Ellis	✓	Lori Warner	✓	Patrick Fitzgerald		

* Appeared on the webinar attendee list; unable to confirm during roll call

** Able to join after roll call

Note: The meeting was recorded and started at 10:05 am. These notes 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:

A Motion was made to approve the minutes from the March 17, 2020, meeting: motion carried and discussion was entered. There was no further discussion, a vote was taken to approve the minutes. It was approved by a unanimous vote.

COVID-19: Impact on utility locates

The Safety Commission discussed

- Whether or not to send a letter to address the situation.
- Contents and length of the letter were discussed.
- Suggestion that the letter address the fact that some facility owners are not performing locates & the law still stands. Similarly the law still stands for excavators should locates not be performed on how to proceed. Essentially the communication has to be more than just a restating of the law - otherwise it may not accomplish the intent.
- Suggestion that it may be too early to offer guidance, while things are changing so rapidly, and even if people read it they may not have the capacity to address it presently. Consider waiting until things stabilize. Based on the CDC and state reports, it appears that we are on the edge of a long term issue. Companies are looking at both short and long-term to ensure critical services remain available.
- Discussion that if 1 facility owner/county closes it may prompt others to follow: desire to prevent this and give some guidance. While it is agreed that changes or additional guidance may be required, a letter now would address the need to have locates continue as part of a plan.

- Commissioner noted that emergency services may include locates, and there may be aspects of the situation that are not known as to why they are not performing other locates.
- Suggestion that perhaps send a letter to the counties (that are stating they are closed) now. Later send a letter to the industry.
- Commissioner discussed that at minimum there should be a clarification as to whether excavators can proceed (in response to what CO 811 has sent) - that may come from CO 811 or the Commission. Secondly, now that a county has made the choice to close, will that lead to others opting out.
- Might it be more effective to have the Chair reach out to Adams County to gather more information and at a minimum request they respond to emergency locates. And CO 811 should clarify on their website what the law allows for excavators.
- CO 811 advised that Adams County will reopen its offices 3/23/20 based on a recorded message on their Public Works phone line.
- Point made that if multiple owners do not perform locates, even digging with care puts excavators at an unnecessary risk.
- Suggest a vote regarding the draft letter being sent or not.

A Motion was made that the Commission will issue a letter under the letterhead of this commission providing guidance (vs remaining silent at this time): Motion carried. A vote was taken. Motion passed with 1 Nay.

A Motion was made that the communication will include guidance as to what excavators can do when facilities are not marked: Motion carried. Discussion was entered. 1 Commissioner thought the draft letter was close to ready. Another felt the letter is too long and perhaps have it posted on both the SC and CO 811 websites. An email from CO 811 can direct them to it. Another Commissioner felt the letter is still too long & took time to boil it down into 2 points [contents shared with group]. **Motion withdrawn to allow open discussion of the new (shorter) draft.**

- Suggestion to use shorter letter and then have it link to longer letter, perhaps on SC Best Practice website
- Suggestion that since part of the issue being discussed revolves around information from CO 811, that CO 811 works on clarifying that
- Discussion around the tone and content of the letter (some edits made)
- Suggest that SC provide guidance to CO 811 that if a facility owner plans to deviate from the law that they advise CO 811 (is that possible or existing already)
 - CO 811 staff joined the discussion and advised that they do not have jurisdiction under the law other than to try to work with facility owners around their ability to stay open for at least emergency services.
 - CO 811 does try to track facility owners' operation status & they are advising through a COVID-19 code (currently only used with Adams County). They did not poll members regarding operation (status) due to the amount of correspondence already occurring during this time.
- Question asked as to whether or not the shorter letter would link to the longer letter; suggested that there be a vote on the shorter letter first and then make a decision on the longer one.

A Motion was made to adopt and publish the letter (shorter one) as drafted, on letterhead: Motion carried. Discussion entered. Suggested spelling out at least the first abbreviated CRS reference. Suggestion implemented. A few grammatical edits were noted and made. A vote was taken. Motion passed.

A Motion was made to adopt (with staff making grammatical changes) and publish the letter (longer one) as drafted (vs having another meeting to finish editing): Motion carried. Discussion entered. Commissioner suggested allowing staff and the AG's office to finish the draft. Wondering if procedurally there is a way to vote without another meeting. Staff advised that once comments on the draft are resolved they can work on it.

Commissioner suggested holding off on the letter at this point after seeing how the first letter is received. Several Commissioners agreed with holding off on. A vote was taken. 1 Yay, majority Nay. Motion did not pass.

OTHER BUSINESS:

- Staff were tasked with scheduling another meeting for a 1 hour time period.

The next meeting's date & time are tbd.

Meeting adjourned at 12:00 pm.