



Jim Souby, Chair (Appointee)
Jill Gaebler, Vice Chair (Co. Spr.)
Julie Mullica, Secretary (DRCOG)
Chris Nevitt, Treasurer (DRCOG)
Amber Blake (CDOT)
Daneya Esgar (Appointee)
Dennis Flores (PACOG)
John Graham (PPACG)
Will Karspeck (NFRMPO)

Josh Laipply (Appointee)
Claire Levy (Appointee)
Luis Lopez (SCCOG)
Deborah Mulvey (DRCOG)
Johnny Olson (NFRMPO)
Sal Pace (Appointee)
Joan Peck (DRCOG)
Jose Soto (Appointee)

Jim Tylick (BNSF)*
Nathan Anderson (UP)*
Alex Khalfin (Amtrak)*
Debra Johnson (RTD)*
Randy Wheelock (I-70 Corridor)*
David Harris (New Mexico)*
Dale Steenbergen (Wyoming)*
(*non-voting members)

**Front Range Passenger Rail District
REGULAR BOARD MEETING AGENDA
(Virtual Only)
Friday, February 24, 2023, 9:00am MST**

- 1) Call to Order; Roll Call**
- 2) Approval of Minutes from January 27, 2023, Regular Meeting**
- 3) Treasurer's Report**
- 4) Old Business**
- 5) Fiscal Year 2023 Budget**
 - A. Public Hearing on the Proposed 2023 Budget
 - B. Discussion and Consideration of Resolution #23-01 Approving the 2023 Budget
- 6) Board Action Items**
 - A. Discussion and Consideration of Resolution #23-02 Ratifying Contracts for the Administration of District Start-up Business
 - B. Discussion and Consideration of Resolution #23-03 Authorizing Director and Employee Reimbursements
 - C. Discussion and Consideration of Resolution #23-04 Amending the District Notice Policies
 - D. Discussion and Consideration of Resolution #23-05 Adopting a Colorado Open Records Act (CORA) Public Records Policy
- 7) Discussion Items**
 - A. Discussion Concerning PERA Affiliation (PERA Affiliation Guide Attached)
 - B. Discussion of Framework for a District Procurement and Purchasing Policy
- 8) Committee Reports (Committee Membership Overview Included)**
 - A. Executive Committee
 - B. Government Affairs/Communications Committee
 - C. Finance Committee
 - D. Planning Committee
- 9) General Manager's Report**
- 10) Presentation by the City of Colorado Springs on Downtown Station Planning Efforts**
- 11) Other Business**
- 12) Adjourn**

Agenda Item: **MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS
FRONT RANGE PASSENGER RAIL DISTRICT (THE “FRPRD”)**
Held: Friday, January 27, 2023; 9:00 am
(Virtual)

Attendance: The regular meeting of the Board of Directors of the FRPRD was convened in accordance with applicable statutes of the State of Colorado, with the following Directors present:

Deborah Mulvey, Julie Duran Mullica, Jill Gaebler, Chris Nevitt, John Graham, Will Karspeck, Johnny Olson, Dennis Flores, Jim Tylick, Nathan Anderson, Debra Johnson, , Randy Wheelock, Amber Blake, Daneya Esgar, Jim Souby, Sal Pace, Josh Laipply, Jose Soto, Claire Levy, Dale Steenbergen, David Harris, Joan Peck, and Rob Eaton, Brent Butzin.

Not Present: Luis Lopez, Alex Khalfin

Chair Souby called the meeting to order @ 9:00 am: Chair Souby welcomed everyone and added an item to the agenda under old business – election of Board Officers. Director Mulvey took role.

Old Business: Director Olson motioned to accept the prior meeting minute and Director Graham seconded. Motion passed unanimously.

Public Comment: There were no public comments. Director Levy asked how the public would notify the District if they wanted to comment, and Chair Souby and GM Karsian mentioned the public could raise their hands in the zoom meeting or contact staff through the District website.

Treasurer’s Report: Treasurer Nevitt provided the Board with Actual Expenses for 2022 and a revised 2023 budget. Director Flores asked about the expenditures for the retreat for the hotel bill and whether it was reimbursed. GM Karsian answered that policies will be put in place describing any mileage reimbursement/per diem. He also said the district paid for the hotel room the Directors. Director Pace suggested the Executive Committee take up the policies and come back to the full Board with their recommendations. Director Mulvey suggested the line item “marketing” be renamed “communications” instead to better reflect the intent of the funds. Director Flores moved to accept the Treasurer’s Report, Director Levy seconded. The motion passed unanimously.

Old Business:
Election of Board Officers Chair Souby let the board know the current slate of board officers wished to continue their positions for the next year. The current board members’ term will begin in Jan 2023, with their prior time as officers viewed internally as time spent helping the Executive Committee stand up the district, but not part of their official term. Director Mulvey moved to accept the current slate of board officers to continue for two year terms. The motion was amended to reflect the district bylaw’s one year term for officers. The amended motion was accepted unanimously, and the board accepted the current board officer slate for another year’s term. The board is as follows:

Chair: Jim Souby
Vice Chair: Jill Gaebler
Secretary: Julie Mullica
Treasurer: Chris Nevitt

Old Business: SDP
Scope and Timeline

GM Karsian reported on the motion from the board retreat to examine expanding the scope of the service development plan to include Greeley and Trinidad, and to examine opportunities to expedite the service development plan moving into the future. Conversations with the consultants resulted in several options: (1) there could be an extension of the current service development plan to include the new municipalities, (2) there could be parallel service development plans for them, (3) or the board could do nothing with the current service development plan and still include the outlier municipalities in the report with appendices detailing how those areas are still part of the larger transit picture within the district, even though there may not be a direct passenger rail line present in the near future.

Director Pace mentioned the confusion around the costs associated with what it would cost to get things done before the 2024 election. He also mentioned that studying routes to Greeley and Trinidad must have some hard data and research to inform decision making. He suggested that the board formalize the conversations in a letter to the Governor asking for funds to get additional work accomplished.

Director Lopez agreed with Director Pace. He questioned whether there was any additional funding for the extra service development plan work, and he commented the rail needs to be from state line to state line. He thought the ballot measure could be on the 2024 election, but the ballot measure should be for the entire district and not just in the metro areas. He believes phasing makes sense in the future and needs to include everything from border to border.

Director Levy asked what the goals are in expediting the service development plan. If the purpose is to get to the ballot in 2024, he does not believe the district is close to getting on to the ballot. He would rather develop a thorough service development plan before putting together a campaign. Expanding the SDP makes sense, but not speeding up the timeline to meet a ballot deadline.

Director Mulvey worried that rushing the service development plan is not the right idea, stating we should follow the statute on what we're focusing on and why.

Director Laipply agreed about extending the service development plan border to border. He noted that rushing it has a negative connotation, but there must be a sense of urgency.

Director Blake echoed Director Laipply's comments. He noted political winds may change and there are federal dollars available, and hopefully at the state level for matching dollars.

Director Gaebler stated the Rail Commission completed the alternative analysis and that is what the District is working off of. The 'state line to state line' represents the district, but the service development plan studies what is the alternatives that were handed to the district. He would like to hear from the consultants on why staying the course would be better.

Director Esgar mentioned her intent in passing the bill in the legislature was to include border to border service. That is the purpose.

Director Johnson provided comments on the RTD experience in the past and recommended doing due diligence prior to going to the ballot to avoid the negative impacts of rushing a project this large. Speaking to the elephant in the room, the NW Rail issue may be confused by the public to be FRPR and it would be an albatross around this district's neck as it is around RTDs. Strong outreach and communication to the communities in the district is the

best way to educate and provide insights on the vision and goals to avoid negative impacts of not doing enough.

Director Peck asked whether the consultants could estimate funding levels generated in the various regions/cities within the district. Also, he asked whether the district applied for FRA funds to pay for this study, and if there are funds coming from the federal government. GM Karsian answered that there were federal dollars via the state for the service development plan, as well as FRPR contributed funds from the district budget.

David Singer, CDOT Assistant Director of Transit and Rail, provided key context. He noted that the Rai Commission recommended the first step should be from Pueblo to Fort Collins. CDOT, RTD, host railroads, the state, and the Commission all agreed with that recommendation. There could be studies that are outside of the service development plans to include other cities, but it would involve getting buy in from the various stakeholders again for the new scopes. There could also be rail studies that are not paid for/governed by the FRA, but that data would not be able to be included in CIDP applications or other grants as the federal government did not oversee the grant for the study. The District is in good standing and the future looks good with the FRA for funding because of the work the Commission did in the past working with stakeholders and the FRA. Going back to them at this time would confuse the service development plan or message, as there would be no solid reason to pursue additional service development plans since the new plans would be beyond what the Commission and the FRA approved in the past.

Director Pace mentioned that there are existing tracks in Trinidad that goes from Chicago to LA, so the question should be what the state gets by connecting to LA, instead of what Trinidad gets out of the district. Also, the Rail commission never looked directly at a route going to Trinidad, nor a route from Fort Collins to Greeley as part of the process. He mentioned the district should figure out how much it would cost to study additional rail lines, bring that number to the Governor, and ask him to help the district find money from the state legislature.

Chair Souby mentioned that the Rail Commission envisioned the district spanning border to border, and the proposed service development plan proposes the most effective first steps of the district for a passenger rail line. The district should operate on the best information available and agree with Director Laipply on facilitating the urgent nature of the work.

Director Mulvey added the directors are having many conversations about the ends of the lines and the importance of them. But the district needs to keep in mind the middle jurisdictions are paying for north and south, and that is the way the district is – everyone is paying and needs to support. He stated the board should focus on what the legislation states. Finally, there's nothing wrong with the district looking at spurs in the future, but not necessarily studying all the spurs currently.

Director Levy stated the board does not have enough information to make a motion or continue discussion on this topic. There is so much more to the conversation around why the district should look at a ballot measure in 2024. If there is a benefit to doing so that results in additional funding, that would be a compelling reason, however, that doesn't seem to be the case. She reminded the board about the FasTracks vote where information from the private railroad came back to the group after voters approved and now there is no service. We don't know the specifics yet on what we would speak to the voters on costs, routes, and other.

Director Olson agreed with Director Levy. He mentioned that sometimes you must go slow to go fast, and that strong preparation for a massive infrastructure project is not a bad thing. It is necessary to balance the politics and the realities to build a successful project. The district needs a plan that informs the board on the path forward to follow. He asked for a risk matrix and political map on where the district stands. He mentioned that Weld County is not against the FRPR, but they are against paying taxes on something that doesn't meet the constituents' needs.

Director Tylick mentioned that BNSF needs an accurate service development plan. He's seen inaccurate information come into grants before and doomed the efforts from the beginning. The service development plan takes time and is reviewed very carefully. He cautioned that working through the modelling and ridership/fiscal models is all important.

GM Karsian wrapped up the conversations and proposed he and the new staffer will focus on putting in writing the variety of timelines, funding efforts, federal guidelines, and outreach efforts that comprise the FRPR service plan for the next four years leading to a ballot measure.

Old Business:
Committee
Appointments

Chair Souby listed the following committees and members:

Executive Committee

- Jim Souby
- Jill Gaebler
- Julie Mullica
- Chris Nevitt
- Joan Peck
- Amber Blake
- Debbie Mulvey

Planning Committee

- Debbie Mulvey
- Joan Peck
- Johnny Olson
- Jim Souby
- Randy Wheelock
- Josh Laipply
- Julie Mullica

Finance Committee

- Chris Nevitt – Chair
- Dennis Flores
- Josh Laipply
- Luis Lopez

Government Affairs/Communications Committee

- Deborah Mulvey
- Will Karspeck
- Joan Peck
- Claire Levy
- Daneya Esgar
- Julia Mullica

Old Business:
Update from GM

GM Karsian informed the board the district hired a new Program Coordinator staffer, Chrissy Breit, that will be joining the district in February. She will bring strong administrative and research skills to the district and will be staffing the Planning and Government Affairs/Communications committees. Director Mulvey stated that he appreciates efforts to keep the hiring process open and transparent.

GM Karsian also updated the Board on several other ongoing issues, including participating in RTD's peak period study and outreach efforts, travelling to Washington DC with NW Commuting Solutions to advocate for passenger rail, and various meeting with stakeholders that can further the vision of the district.

New Business:
Federal Grant
Update

GM Karsian provided a high-level overview of the federal funds coming to the district. Federal funds are critical to the district, and they are mostly focused on the corridor identification development program (CIDP). FRPR will apply for the CIDP in March and hear back from the FRA in late fall, early winter. If accepted into the program, and GM Karsian believes there is no reason to think the district will not be accepted, the FRPR will be eligible for competitive grants dedicated to rail through the IJJA. As described to the district, the CIDP program does not have millions of dollars associated with it, but when accepted into the CIDP, the district will not have to reapply for a variety of grant opportunities in the future (RAISE, CRISI, FSP...). If the district is part of the CIDP, then the FRA will not require as stringent grant applications for future funding under these funding streams. GM Karsian will develop an infographic for the board detailing the various funding opportunities through CDIP and elsewhere that the district could be eligible for in the future.

Directors had conversations about matching fund availability and the need to update the website to communicate these funding opportunities to the public.

Adjourn:

Director Soto and seconded by Director Lopez to adjourn the meeting. Motion passed unanimously.

The Board adjourned at 2:20 pm.

Fiscal Year 2023 Budget

RESOLUTION NO. 2023-01

OF THE FRONT RANGE PASSENGER RAIL DISTRICT

ADOPTING A BUDGET AND SUMMARIZING EXPENDITURES AND REVENUES FOR THE FRONT RANGE PASSENGER RAIL DISTRICT FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2023 AND ENDING ON THE LAST DAY OF DECEMBER 2023

WHEREAS, pursuant to § 32-22-101, *et. seq.*, Colorado Revised Statutes (the “Act”), the Front Range Passenger Rail District (“District”) was established as a body politic and corporate and a political subdivision of the state to research, develop, construct, operate, and maintain an interconnected passenger rail system within the front range that is competitive in terms of travel time for comparable trips with other modes of surface transportation; and

WHEREAS, the Board has appointed the General Manager of the District to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, has submitted a proposed budget to this governing body for its consideration and;

WHEREAS, except as otherwise specifically provided, the Board exercises and performs all powers, privileges, and duties vested in or imposed upon the District in the Act; and

WHEREAS, Section 29-1-103, C.R.S. of the Local Government Budget Law of Colorado requires the District to adopt an annual budget; and

WHEREAS, the District published the proposed budget for Fiscal Year 2023 on its website and provided advanced notice in the Denver Post for the hearing at which the Board would consider the proposed budget; and

WHEREAS, the Board held a public hearing on the proposed budget for Fiscal Year 2023 on February 24, 2023, at which time it considered objections of District electors; and

WHEREAS, Section 29-1-108, C.R.S. allows the Board to revise, alter, increase, or decrease the items in the proposed budget at a public hearing as it deems necessary; and

WHEREAS, Section 29-1-113, C.R.S. requires the Board to cause a certified copy of its adopted budget for fiscal year 2023 to be filed with the Division of Local Government in the Department of Local Affairs no later than thirty days following the beginning of the fiscal year; and

WHEREAS, Section 29-1-108(5), C.R.S. states that the adoption of the budget and the appropriation of funds shall be effective upon Board of Directors’ adoption of the budget for Fiscal Year 2023;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Front Range Passenger Rail District:

Section 1: That the budget as submitted and amended, is hereby approves and adopted as the budget of the Front Range Passenger Rail District for Fiscal Year 2023, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

Section 2: That the budget hereby approved and adopted shall be signed by the Chair and Secretary and that a copy of such budget shall be maintained in the District's files.

Section 3: That a certified copy of such budget will be filed with the Division of Local Government in the Department of Local Affairs.

Section 4: That the District be authorized to expend funds consistent with the appropriations described in the budget for Fiscal Year 2023.

[Signatures and record of votes continue on following page]

APPROVED this 24th day of February 2023.

Chair

ATTEST:

Secretary

**EXHIBIT A
FISCAL YEAR 2023 BUDGET**

Acct. No.	General Fund Description	Front Range Passenger Rail District		
		Actual (Prior Year) 2022	Estimated (Current Year) 2023	Final Budget 2023
	ESTIMATED EXPENDITURES:			
	General Government:			
	Board of Directors	\$ 3,233	\$ -	\$ 6,650
	Virtual Meetings	\$ 1,674	\$ 560	\$ 3,360
	District Memberships	\$ 1,015	\$ -	\$ 590
	Administration			
	Payroll		\$ 92	\$ 552
	Accounting	\$ -	\$ -	\$ 3,795
	Audit	\$ -	\$ -	\$ -
	Legal	\$ 14,878	\$ -	\$ 96,000
	Salaries and Wages	\$ 14,738	\$ -	\$ 185,710
	Benefits	\$ 1,506	\$ 2,050	\$ 15,525
	PERA	\$ -	\$ -	\$ -
	Insurance			
	P&L	\$ 5,344	\$ -	\$ 5,344
	Workers Comp	\$ 507	\$ 994	\$ 5,964
	Supplies	\$ 3,969	\$ -	\$ 4,410
	Travel and Entertainment	\$ 1,609	\$ 946	\$ 4,415
	Communications			
	Website	\$ 456	\$ 118	\$ 10,398
	Events		\$ -	\$ 1,650
	Miscellaneous	\$ 81	\$ 326	\$ 3,600
	Total General Government Expense:	\$ 49,010	\$ 5,086	\$ 347,963
	Operating Expenditures:			
	Consultants	\$1,460,000		
	Grant Writing	\$ -	\$ -	\$137,500.00
	Other		\$ -	\$9,500.00
	Total Operating Expenditures:	\$ 1,460,000	\$ -	\$147,000.00
	Emergency Reserve	\$ 45,270	\$ 153	\$ 14,849
	TOTAL USES OF RESOURCES:	\$ 1,554,280	\$ -	\$ 509,812

Acct. No.	General Fund Description	Front Range Passenger Rail District		
		Actual (Prior Year) 2021	Estimated (Current Year) 2022	Final Budget 2023
	ESTIMATED RESOURCES:			
	Beginning Balance: Jan. 1, 2023	\$ -	\$ 16,353,749	\$ 16,353,749
	Estimated Fund Revenue:	\$ -	\$ -	\$ -
	FUND BALANCES:	\$ -	\$ 16,353,749	\$ 16,353,749
	Operating Revenue:			
	Sales and Services	\$ -	\$ -	\$ -
	Fines	\$ -	\$ -	\$ -
	Fees	\$ -	\$ -	\$ -
	Miscellaneous	\$ -	\$ -	\$ -
	Other: (Specify)	\$ -	\$ -	\$ -
	TOTAL OPERATING REVENUES:	\$ -	\$ -	\$ -
	Non-Operating Revenue:			
	Intergovernmental: (specify)			
	Federal:	\$ 14,500,000		\$ -
	State:	\$ 2,000,000		\$ -
	Other:	\$ -		\$ -
	Interest Income			
	Other: (Specify)			
	Contributions	\$ -	\$ -	\$ -
	Transfer In from other Funds	\$ 1,460,000	\$ -	\$ -
	TOTAL NON-OPERATING REVENUES:	\$ 17,960,000	\$ -	\$ -
	Designated Reserves - Emergency	\$ -	\$ -	\$ -
	TOTAL AVAILABLE RESOURCES:	\$ 17,960,000	\$ 16,353,749	\$ 16,353,749

BUDGET MESSAGE

(Pursuant to 29-1-103(1)(e), C.R.S.)

Front Range Passenger Rail District

Pursuant to Section 29-1-103(1)(e), C.R.S., the budget must include the budget message..

The attached Budget for the Front Range Passenger Rail District (the “District”) for Fiscal Year 2023 includes these *important features*:

The District will continue to focus this year on start-up efforts, in particular focusing its expenditures on establishing procedures for compliance with applicable law. The District’s largest non-salary expenditure for the year will be for grant writing consultants, as the District seeks federal funds to suppose future years’ efforts toward planning for Front Range Passenger Rail service development and an ballot issue.

* *“important features”* are not defined in statute; however, important features of the budget would include starting/ending a service; increases or decreases in levels of services, increases/decreases to revenues (taxes/rates) and/or expenditures; acquisition of new equipment; start or end of capital project; etc.

The budgetary basis of accounting timing measurement method used is:

Cash basis

Modified accrual basis

Encumbrance basis

Accrual

The services to be provided/delivered during the budget year are the following:

The District will continue, pursuant to an agreement with the Colorado Department of Transportation (“CDOT”) to advance the Service Development Plan (“SDP”) for Front Range Passenger Rail. The SDP efforts are funded by the District and CDOT. The District will apply for additional federal funding through various grants created under the federal infrastructure bill passed a few years ago.

Budget Action Items

RESOLUTION NO. 2023-02 OF THE FRONT RANGE PASSENGER RAIL DISTRICT

RATIFYING CONTRACTS FOR THE ADMINISTRATION OF DISTRICT START-UP BUSINESS

WHEREAS, pursuant to Section 32-22-101, *et. seq.*, C.R.S. (the “Act”), the Front Range Passenger Rail District (“District”) was established as a body politic and corporate and a political subdivision of the state to research, develop, construct, operate, and maintain an interconnected passenger rail system within the front range that is competitive in terms of travel time for comparable trips with other modes of surface transportation; and

WHEREAS, except as otherwise specifically provided, the Board of Directors of the District (the “Board”) exercises and performs all powers, privileges, and duties vested in or imposed upon the District in the Act; and

WHEREAS, the Act authorizes the Board of Directors, acting by a majority vote of a quorum of its total membership, to make and pass orders and resolutions necessary for the government and management of the affairs of the District and the execution of the District’s powers and duties; and

WHEREAS, the Act reserves the power to enter into contracts on behalf of the district exclusively to the Board of Directors; and

WHEREAS, Section III-1F of the Front Range Passenger Rail District Board of Directors Bylaws states that the General Manager shall have general supervision over the administration of the affairs, any employees, and all business of the District; and

WHEREAS, pursuant to Section III-1F of the Front Range Passenger Rail District Board of Directors Bylaws, the District’s General Manager negotiated the contracts, a list of which is attached hereto as Exhibit A, in order to advance the start-up affairs of the District and related District business;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Front Range Passenger Rail District that the Board of Directors hereby ratifies and authorizes the General Manager to enter into the contracts listed in Exhibit A.

APPROVED this 24th day of February 2023.

Chair

ATTEST:

Secretary

EXHIBIT A
CONTRACTS FOR THE ADMINISTRATION OF DISTRICT BUSINESS

Vendor	Purpose	Amount
HNTB	Service Development Plan	\$1.645m
Kaplan, Kirsch, Rockwell	Legal representation	\$96,000/annual est.
HDR	Website development work	\$9,688.40
CEBT	Staff health benefits	\$2,014/mo
SCSD Property/Liability Insurance	Coverage for Board and staff	5,344/year
SDA Worker's Comp	Coverage for Board and staff	\$497/mo
OnPay	Payroll	\$80/mo
Zoom.com	Virtual meetings	\$280/mo
Zoho database	District outreach contacts	\$150/mo
US postbox	Old FRPR mailbox	\$17.50/mo
Website/wix.com	Hosting, email, data	\$780/annual
Special District Assoc	Technical assistance	\$590/annual
Clayton hotel	Retreat meeting rooms	\$1,540
Indeed.com	Job posting for GM and Coordinator	\$300

**RESOLUTION NO. 2023-03
OF THE FRONT RANGE PASSENGER RAIL DISTRICT
AUTHORIZING DIRECTOR AND EMPLOYEE REIMBURSEMENTS**

WHEREAS, pursuant to Section 32-22-101, *et. seq.*, C.R.S. (the “Act”), the Front Range Passenger Rail District (“District”) was established as a body politic and corporate and a political subdivision of the state to research, develop, construct, operate, and maintain an interconnected passenger rail system within the front range that is competitive in terms of travel time for comparable trips with other modes of surface transportation; and

WHEREAS, except as otherwise specifically provided, the Board of Directors (the “Board”) exercises and performs all powers, privileges, and duties vested in or imposed upon the District in the Act; and

WHEREAS, individual Directors have been appointed to the Board of Directors of the District (the “Board”) as provided in the Act; and

WHEREAS, the Act authorizes the Board, acting by a majority vote of a quorum of its total membership, to make and pass orders and resolutions necessary for the government and management of the affairs of the District and the execution of the District’s powers and duties; and

WHEREAS, the Act allows Directors and other employees of the District to be reimbursed by the District for their necessary expenses for District business; and

WHEREAS, the Board has determined that it is occasionally necessary for Directors and District employees to drive to meetings or events as part of their service, and that Directors and District employees should be reimbursed for their miles traveled; and

WHEREAS, the U.S. Internal Revenue Service (“IRS”) issued the 2023 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes, which establishes 65.5 cents per mile driven as the reimbursement rate for business use; and

WHEREAS, the U.S. General Services Administration (“GSA”) issued the 2023 continental United States per diem reimbursement rates to calculate the maximum lodging allowance rates in existing per diem localities, which includes various rates for different locations in Colorado and the United States; and

WHEREAS, the Board of Directors has determined that that the IRS and GSA standards are the closest and best approximation of the cost of expenses incurred by Directors and employees of the District in the performance of their duties;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Front Range Passenger Rail District that the Board of Directors hereby authorizes the District to reimburse Directors and employees of the District for their necessary driving and lodging expenses, while traveling on District business, in accordance with the IRS and GSA standards.

APPROVED this 24th day of February 2023.

Chair

ATTEST:

Secretary

**RESOLUTION NO. 2023-04
OF THE FRONT RANGE PASSENGER RAIL DISTRICT**

AMENDING THE DISTRICT'S NOTICE POLICIES

WHEREAS, pursuant to Section 32-22-101, *et. seq.*, C.R.S. (the "Act"), the Front Range Passenger Rail District ("District") was established as a body politic and corporate and a political subdivision of the state to research, develop, construct, operate, and maintain an interconnected passenger rail system within the front range that is competitive in terms of travel time for comparable trips with other modes of surface transportation; and

WHEREAS, pursuant to Section 24-6-402, C.R.S. (the "Open Meetings Law") the District is a local public body; and

WHEREAS, all meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public; and

WHEREAS, Section 24-6-402(2)(c), C.R.S. requires the District to identify annually the public place or places for posting notices pursuant to the Open Meetings Law; and

WHEREAS, pursuant to Section 24-6-402(2)(c)(III), C.R.S., a local public body shall be deemed to have given full and timely notice of a public meeting if the local public body posts the notice, with specific agenda information if available, no less than twenty-four hours prior to the holding of the meeting on a public website of the local public body.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Front Range Passenger Rail District:

Section 1: That the General Manager will post notice of all Board meetings and meetings of any Board Committees, with specific agenda information if available, on the Front Range Passenger Rail website no less than twenty-four (24) hours before the scheduled meeting will occur.

Section 2: That the General Manager shall, whenever feasible, post such notice at least seventy-two (72) hours before the scheduled meeting will occur.

Section 3: That, where published notice of any Board meeting is required to be made in a newspaper of general circulation within the District, the General Manager shall cause such notice to be made in the *Denver Post* unless otherwise directed by the Board.

APPROVED this 24th day of February 2023.

Chair

ATTEST:

Secretary

**RESOLUTION NO. 2023-05
OF THE FRONT RANGE PASSENGER RAIL DISTRICT**

ADOPTING A COLORADO OPEN RECORDS ACT PUBLIC RECORDS POLICY

WHEREAS, pursuant to Section 32-22-101, *et. seq.*, C.R.S. (the “Act”), the Front Range Passenger Rail District (“District”) was established as a body politic and corporate and a political subdivision of the state to research, develop, construct, operate, and maintain an interconnected passenger rail system within the front range that is competitive in terms of travel time for comparable trips with other modes of surface transportation; and

WHEREAS, individual Directors have been appointed to the Board of Directors of the District (“Board of Directors”) as provided in the Act; and

WHEREAS, except as otherwise specifically provided, the Board exercises and performs all powers, privileges, and duties vested in or imposed upon the District in the Act; and

WHEREAS, the Act authorizes the Board of Directors, acting by a majority vote of a quorum of its total membership, to make and pass orders and resolutions necessary for the government and management of the affairs of the District and the execution of the District’s powers and duties; and

WHEREAS, Section V-5 of the Front Range Passenger Rail District Board of Directors Bylaws states that official actions of the Board must be taken in an open meeting through the adoption of a resolution or motion duly made and passed by a majority vote of the Board and recorded in the minutes; and

WHEREAS, the Colorado Open Records Act (“CORA”) states all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law; and

WHEREAS, the District generates public records subject to CORA; and

WHEREAS, C.R.S. 24-72-203(1)(a) of CORA permits the District to adopt a policy for the protection of its records and the prevention of unnecessary interference with the regular discharge its duties; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Front Range Passenger Rail District that the Board of Directors hereby adopts a Colorado Open Records Act Compliance Policy, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, and directs that a copy of such policy shall be maintained in the District’s files.

APPROVED this 24th day of February 2023.

Chair

ATTEST:

Secretary

EXHIBIT A
COLORADO OPEN RECORDS ACT COMPLIANCE POLICY
OPEN RECORDS REQUEST POLICY
FRONT RANGE PASSENGER RAIL DISTRICT

Adopted February 24, 2023

The Front Range Passenger Rail District (the “District”) is committed to transparency and open government. This policy specifies how Section 24-72-201, *et seq.*, C.R.S. (the Colorado Open Records Act, or “CORA”) will be applied in a uniform and reliable manner. This policy also ensures the District complies with CORA in all respects and meets all statutory duties. Pursuant to Section 24-72-203(1)(a), C.R.S., the District has adopted this policy for the protection of its records and the prevention of unnecessary interference with the regular discharge its duties.

A. General Provisions Regarding Document Production

1. Documents shall not be created to comply with specific requests. Only records created as normal business records are subject to inspection.
2. Original records should not be released from District custody. Normally, a court order to produce documents can be complied with by providing a certified copy of the record and retaining the original record in the District’s file.
3. The District’s Custodian of Records (“Custodian”) shall determine the appropriate format for the records to be produced, except for the format requirements set forth in Section 24-72-204(3.5), C.R.S.
4. A request should identify the desired records with as much specificity as possible. If a request for public records is not sufficiently specific, the Custodian may ask the person requesting the public records for a more specific description of the records desired prior to responding.
5. The District will treat a request that cites the federal Freedom of Information Act (“FOIA”) as though it were made pursuant to CORA.
6. This policy is not intended to supersede or duplicate CORA or FOIA law, and such law will control in instances where this policy is silent or in conflict with such law.
7. Personal inspection of records will be permitted at the District’s offices upon the scheduling of an appointment with the Custodian. Any personal inspection of records shall be supervised by a District representative. Appointments shall be during normal business hours and may be rescheduled if the District representative becomes unavailable due to an emergency or unusual situation.

B. District Procedures for Handling Record Requests

1. Form of Record Request. The District will only accept requests made in writing. All requests must be made via mail, fax, courier, or email and must be directed to:

Attn: Custodian of Records

Front Range Passenger Rail District
Andy Karsian, General Manager
(303) 883-9381
frprdistrict@gmail.com

2. Receiving Party. Any District employee or office receiving a records request shall immediately forward the request to Custodian. The Custodian will be responsible for responding to all responses to a request. Any redactions or removal of information that the District is legally required or allowed to withhold, pursuant to Section 24-72-204, C.R.S., may not be done without prior approval from the Custodian and the advice of counsel, if needed. Records requests should not be made to the District's contractors, consultants, or employees. Misdirected requests may not be processed.
3. Time of Receipt. A request is considered received by the District the day a piece of mail containing a request is opened. If the request is received via email or facsimile, the date of confirmation of receipt will suffice. A request received after 5:00 p.m. or on any day the District is officially closed will be considered received as of the following working day.
4. Tracking Number. Each request shall have a sequential tracking number based upon the date of receipt. The CORA Tracking Number ("CTN") should start with CTN-[year]-001 and increase sequentially with each CORA request. For example, CTN-2023-001 should be followed by CTN-2023-002, then CTN-2023-003 and so forth.

C. Mandatory Time Frame for Responding to Records Requests

1. Initial Response. Section 24-72-203(3)(b), C.R.S. requires that the District make every effort to respond to a records request within three working days. The response must notify the Requestor about whether a copy of the record is available and state that the District will send the record to the Requestor once the Custodian either receives payment or arranges for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed unless recovery of all or any portion of such costs or fees has been waived by the custodian.
2. Initial Response Time Period. The three working-day response time begins the first working day following receipt of the request. If the District seeks clarification of the request, the response time begins once the Requestor provides the clarification. If the scope of the request requires additional time to comply, the District may add an extension up to seven working days, pursuant to Section 24-72-203(3)(b), C.R.S. An extension must be based on extenuating circumstances set forth in Section 24-72-203(3), C.R.S. and must be provided to the Requester within the three-day period.
3. Sending of Records. Upon either receiving such payment or arranging to receive such payment at a later date, the Custodian shall send the record to the Requester as soon as practicable but no more than three business days after receipt of, or making arrangements to receive, such payment.

D. Fees

1. Costs. Costs may be assessed for records requests according to the chart below. Any costs charged to a requestor shall not exceed the actual cost of producing the records.

Service	Fee
Copies and printouts	\$.20 per page
Requests that require less than one hour of staff time to process	No charge
Requests that require more than one hour of staff time to process	No charge for the first hour, with a reasonable fee not to exceed \$33.58 per hour for subsequent hours
Requests that require more than mere retrieval of records, such as reformatting data collected in a form not easily disclosable, applying unique suppression rules to remove identifiability and/or legal expertise to determine how to comply with confidentiality rules	Hourly rate of salaried staff member, attorney billable hourly rate, or contractor hourly rate, as applicable
Postage for transmitting to Requester. No charge for documents sent electronically	Limited to actual cost
If the request triggers a fee specifically prescribed by law—i.e., cost of notary, certification of court documents, certified transcript of data, etc.	Limited to actual cost

2. Estimates. Upon request, the Custodian will provide an estimate of the total cost of production to the Requestor. If the requestor wishes to proceed after receiving notification and/or the estimate of total fees, he or she must respond in writing. The time between the date of the estimate and the receipt of a written request to proceed will not be counted against the time period for making the records available under CORA. By responding in writing, the Requestor agrees to pay all fees associated with responding to the request. After producing the requested records, the District will provide an invoice to the requestor. Costs must be paid in full before the District provides the records unless alternative arrangements have been made.
3. Deposit. If the fees are estimated to exceed \$250, the District may require a deposit of up to 100% of the estimated total fees.
4. Integrity of District Records. To maintain the integrity of the District’s records, individuals are prohibited from independent retrieval or photocopying of records. All retrieval and photocopying of records shall be conducted by District representatives and the above schedule of fees shall be assessed.

AS ADOPTED BY THE BOARD ON
FEBRUARY 24, 2023

Chair

FRPR Board Discussion Items

PERA Affiliation Guide (attached) draft PERA resolution on page 9

PROCUREMENT AND PURCHASING POLICY FRONT RANGE PASSENGER RAIL DISTRICT

Draft for Review – February 24, 2023

I. Purpose.

This policy (“Policy”) of the Front Range Passenger Rail District (the “District”) establishes the criteria and procedures for the letting of contracts for the construction of improvements, works or structures; for the acquisition of equipment; or for the performance or furnishing of such labor, materials, or supplies as may be required for carrying out the purposes of the District. This Policy is intended to inform potential vendors, suppliers and service providers of the District’s procurement criteria and procedures so that the procurement process is open and transparent. This Policy is also established to ensure fair and equitable treatment of all persons or firms involved in purchasing by the District; assure that supplies, services and construction are procured efficiently, effectively and at prices favorable to the District; promote competition in contracting; provide safeguards for maintaining a procurement system of integrity; ensure that the services, materials and construction are of high quality and meet the standards and needs of the District; and provide opportunities for small business enterprises to participate in the work of the District. This Policy shall be implemented in a manner to provide consistent, significant opportunities for small business enterprises to supply goods and services to the District.

II. Open Records.

Documents related to procurement shall be available to the public consistent with the Colorado Open Records Act, Part 2 of Article 72 of Title 23 of the Colorado Revised Statutes as amended or any successor provisions.

III. Administration of Procurement Process.

All procurement transactions shall be administered by the General Manager, or such other person as the Board of Directors of the District (the “Board”) may designate in writing. Purchase orders, contracts or contract amendments shall be in writing, and shall set forth the terms of the procurement. In applying this Policy, the General Manager shall estimate the value of the goods or services to be procured in his or her reasonable discretion.

Decisions on the final award of a contract for goods and services may be based on a variety of factors including responsiveness to any request for proposal or qualifications, cost, quality, experience of the individual or entity, small business enterprise participation, and overall value to the District. Economic, as well as non-economic, criteria may be considered in the reasonable discretion of the District in selecting the individual or entity to provide the goods or services required.

The General Manager shall have District to enter into procurement contracts up to [\$3,000]. Procurement contracts of [\$3,000] or more shall be approved by a majority of the voting members of the Board of Directors. Procurements of [\$10,000] or more shall be effected through a written contract approved by resolution of the Board of Directors.

IV. Procurement of Goods or Services Valued up to [\$3,000.00].

For services or purchases up to [\$3,000.00], only one quotation or bid need be solicited if the price quoted or bid is considered reasonable by the General Manager, in his or her discretion.

V. Sole Source Criteria for Contracts of [\$3,000.00] or More.

In general, the District shall conduct procurement competitively. However, procurement by non-competitive proposals may be used for contracts of [\$3,000.00] or more only when the procurement by competitive proposal is not practical for one of the following reasons: (1) the item is available only from a single source, based on the General Manager’s good faith review of available sources; (2) an emergency exists that threatens the public health, safety, or welfare, or endangers property, or would otherwise cause serious injury to the District or its property, as may arise by reason of a fire, earthquake, epidemic, riot, equipment failure, or similar event or occurrence; or (3) the Board has determined that it is in the District’s best interests to procure by non-competitive proposal.

VI. Procurement of Goods or Services Valued from [\$3,000.00] up to [\$10,000.00].

For services or purchases in amounts of [\$3,000.00] up to [\$10,000.00], bids or proposals shall be solicited from at least three vendors or firms, which may be done orally, by telephone, by e-mail or in writing. The names of the vendors or firms contacted, addresses and/or telephone numbers, and persons contacted shall be documented in writing and maintained as a public record.

VII. Procurement of Goods or Services Valued at [\$10,000.00] or More.

For procurements of [\$10,000] up to [\$250,000], public notice appropriate for the procurement involved, as determined in the reasonable discretion of the General Manager, is to be given at least seven (7) business days before the deadline for submission of bids or proposals. For procurements of [\$250,000] or more, public notice shall be published fifteen (15) business days before the deadline for submission of bids or proposals for at least three (3) days in a newspaper or other posting location appropriate to the type of procurement. In addition, community newspapers shall be utilized as appropriate to ensure adequate notice and opportunity for the diverse businesses in the community to respond.

VIII. Small Business Enterprises.

The District has a strong commitment to providing opportunities for small and disadvantaged businesses to receive the contracts it awards, and will take appropriate steps, including advertising, outreach, and direct solicitation, to fulfill this commitment. Participation of small business enterprises may be a factor considered in the award of contracts for goods and services by the District.

IX. Construction of Public Works.

Construction contracts for public works shall comply with the provisions of Article 92 of Title 24 of the Colorado Revised Statutes unless such requirements do not apply and alternative procedures are authorized by the Board.

X. General Provisions.

- A. The District reserves the right to alter or amend this policy at any time by majority vote of the Board.
- B. This policy shall in no way vest any vendor, supplier, individual, firm or entity with any rights of protest or challenge, or any other rights whatsoever.
- C. The District reserves the right to reject any and all proposals, bids, or submissions in its sole discretion.
- D. All contracts entered into with vendors, suppliers, an individual or a firm shall comply in all respects with any other requirements imposed by law.

AS ADOPTED BY THE BOARD ON
[, 2023]

Chair

Committee Reports

Organization	Board Member	Executive	Finance	Planning	GA/Comms
DRCOG	Deborah Mulvey	X		X	X
<i>DRCOG</i>	Julie Duran Mullica	Secretary			X
<i>DRCOG</i>	Joan Peck	X		X	X
<i>DRCOG</i>	Chris Nevitt	Treasurer	Chair	X	
<i>PPACG</i>	Jill Gaebler	Vice Chair			
<i>PPACG</i>	John Graham				X
<i>NFRMPO</i>	Will Karspeck				X
<i>NFRMPO</i>	Johnny Olson			X	
<i>PACOG</i>	Dennis Flores		X		
<i>SCCOG</i>	Luis Lopez		X		
<i>CDOT</i>	Amber Blake	X			
<i>State Legislature</i>	Daneya Esgar				X
<i>ColoRail</i>	Jim Souby	Chair		X	
<i>Individual</i>	Sal Pace				
<i>CCD</i>	Josh Laipply		X	X	
<i>LiUNA</i>	Jose Soto				
<i>Boulder County</i>	Claire Levy				X
<i>RTD</i>	Debra Johnson				
<i>Amtrak</i>	Alex Khalfin				
<i>BNSF Railway</i>	Jim Tylick				
<i>Union Pacific</i>	Nathan Anderson				
<i>I-70 Coalition</i>	Randy Wheelock			X	
<i>Wyoming</i>	Dale Steenbergen				
<i>New Mexico</i>	David Harris				

Presentation by the City of Colorado Springs on Downtown Station Planning Efforts
(attached)