



Colorado Springs • El Paso County • Manitou Springs • Green Mountain Falls • Ramah

Joint Board of Directors and Citizen Advisory Committee Meeting Minutes

Monday, November 14, 2011 – 2:00 p.m.

El Paso County Citizen's Service Center

1675 W. Garden of the Gods Road

Colorado Springs Colorado

BOARD MEMBERS PRESENT

City of Colorado Springs

Councilmember Jan Martin, Chair

Councilmember Val Snider

El Paso County

Commissioner Dennis Hisey, Vice Chair

Commissioner Peggy Littleton (arrived 2:32 p.m.)

Town of Green Mountain Falls

Mayor Tyler Stevens (departed 2:52 p.m.)

City of Manitou Springs

Mayor Marc Snyder (arrived 2:58 p.m.)

Councilmember Coreen Toll (ceased to be the City's representative at 2:58 p.m.)

Town of Ramah

Mayor Pro Tem Keith McCafferty

BOARD MEMBERS ABSENT

City of Colorado Springs

Councilmember Angela Dougan

El Paso County

Commissioner Amy Lathen

CAC MEMBERS PRESENT

City of Colorado Springs CTAB

Mr. Jim Egbert

Mr. Rick Hoover

Mr. John Nuwer

El Paso County HAC

Mr. Steve Hicks

Citizen-at-Large Members

Mr. David Chestnut

Mr. Donald Feigel

Town of Green Mountain Falls

Mr. Brian L.A. Wess

City of Manitou Springs

Ms. Amy Filipiak

Town of Ramah

Mr. Dennis Carpenter

Ms. Cindy Tompkins

Alternate Citizen-at-Large Members

Mr. Jay Lower

Mr. Tom Harold
Mr. Tom Rogers

Mr. Brian Risley

CAC MEMBERS ABSENT

El Paso County HAC

Dr. Jim Null
Mr. Scott Turner

City of Manitou Springs

Mr. Ray Ferguson

Town of Green Mountain Falls

Mr. Rob McArthur

Citizen-at-Large Members

Ms. Bev Johnson

Citizen-at-Large Alternates

Ms. Ann DeVere

OTHERS PRESENT

Mr. Dan Stuart
Mr. Dave Munger
Mr. Dirk Draper
City of Colorado Springs Staff Members
El Paso County Staff Members
Mr. Chuck Erwin
Mr. Douglas Bruce
Mr. Jim Godfrey

PIKES PEAK RTA STAFF PRESENT

Mr. Rob MacDonald, PPRTA Board Secretary
Mr. Rick Sonnenburg, Programs/Contract Manager
Mr. Ed Icenogle, PPRTA Counsel

1. Call to Order/Establish a Quorum

PPRTA CAC Chair Tom Harold established a quorum for the CAC and called the meeting to order at 2:05 p.m. in lieu of PPRTA Board Chair Jan Martin due to the fact that there was not a quorum of Board members at that time. Shortly thereafter the Board had a quorum and PPRTA Board Director Jan Martin assumed the Chairmanship of the meeting.

2. Approval of the Agenda

Town of Ramah Director Keith McCafferty made a motion, seconded by PPRTA CAC member Tom Rogers, to approve the agenda as presented. The motion passed unanimously.

3. Public Comment Period for Items Not on the Agenda

There were none.

4. Discussion of PPRTA Capital Renewal Ballot Measure Issues with PPRTA CAC and Chamber of Commerce PPRTA Capital Renewal Task Force

PPRTA Board Director Jan Martin read each of the topics from the list below and asked for comments from the Board, CAC, and the PPRTA attorney. The highlights of the comments are shown in italics.

A. White Paper Topics and Board Attorney Responses to Board Questions

1. Ballot Measure Date Options—**any November**. *The consensus of the Board was to continue toward a ballot measure for 2012.*
2. Who Refers the Ballot Measure?—**PPRTA Board**.

3. Cost of the Ballot Measure via the County Clerk and Recorder--**\$200,000-350,000 depending upon how many other items are on the ballot.** *PPRTA CAC Chair Tom Harold requested that research be conducted to learn how other government entities funded renewal ballot measures.*
4. How will the ballot measure cost be paid for PPRTA-2?—**Proposed to be “netted” out of PPRTA FY2012 revenue before all the member government expense allocations are applied.**
5. Are there any factors, different from the PPRTA-1 ballot measure, to be considered for PPRTA-2, such as geographical distribution, urgent State Highway projects, or other factors? *There was no consensus on this issue. The Board indicated a desire to wait for the capital project lists to help with this discussion.*
6. Should the PPRTA-1 ballot measure term “roadway capital improvements” be used in PPRTA-2 for the capital program? *There was no consensus on this issue. The Board indicated a desire to wait for the capital project lists to help with this discussion.*
7. Should the 55% portion for the Capital program be revised to share some percentage with Maintenance or Transit? If so, the Establishing IGA would need to be amended to reflect this. *No alternate share was proposed.*
8. Should the original Establishing IGA be considered for revision for PPRTA-2?—**Yes, it must be revised. For the initial PPRTA ballot measure, the Establishing IGA was mentioned in the ballot measure. There is not a legal requirement to mention the Establishing IGA for the capital renewal ballot measure—PPRTA-2. However if the decision is to mention the IGA in the capital renewal ballot measure, it is recommended that such wording be placed in the ballot measure by either the 100-day mark in advance of the election when the PPRTA would need to inform the El Paso County Clerk and Recorder of the intent to submit a ballot measure, or by the 60-day mark in advance of the election when the ballot measure language is submitted to the El Paso County Clerk and Recorder, so that the IGA is available for public review prior to being mentioned in the ballot measure. However, legally, the Establishing IGA could be amended, in accord with the IGA’s amendment process, after the vote on the ballot measure.** *There was no additional discussion on this issue.*
9. Should any of the additional revenue options allowed in the RTA statute, but not used in PPRTA-1, be considered to be added to or substituted for the .55% sales tax? These are the \$10 annual vehicle registration fee, a visitor benefit tax of up to 2%, and/or a property tax mill levy of up to 5 mills? If so, the Establishing IGA would need to be amended to reflect this. *No alternate revenue options were proposed.*
10. Do the unfinished A/B/C list capital projects have to be placed on the ballot for PPRTA-2?—**No. The new list starts from a blank slate. However, if the capital renewal project list is different from the PPRTA-1 capital list, the fact of this change and what the list is changed to must appear in the ballot wording.**
11. Is the vote for the continuation of the capital program based upon a majority vote of the voters in each member government entity or the aggregate of all the voters in the whole election?—**Aggregate of all voters.**
12. Could there be a ballot measure for PPRTA-2 and a second ballot measure for another PPRTA with other revenue elements?—**Yes.**
13. Can the PPRTA legally operate a transit system?—**Yes.**
14. Are there any RTA state statute requirements of the PPRTA—since the PPRTA’s inception—which would impact the capital renewal ballot measure?—**No, however there is an enabling RTA statute amendment which would allow the PPRTA to go to the voters to request a property tax mill levy of up to five (5) mills. This could be in addition to or instead of the .55% sales tax renewal for capital projects.**

B. Topics Referred by the Pikes Peak RTA Citizen Advisory Committee

1. Total gross revenue to assume for the 10-year capital renewal period from which to calculate the .55% available for capital projects. **CAC recommendation: \$69 million per year X ten years X .55%=\$379.5 million: rounded to \$380 million.** *PPRTA Board Director Jan Martin suggested that the group wait on this decision until the capital project lists had been submitted. The consensus of the group was to proceed in this manner.*
2. Use the “A,” “B,” and “C” lists as was used for the initial PPRTA? **CAC recommendation: Yes, with “A” being 85%, or \$323 million, “B” being 100%, or \$380 million, and “C” being 115%, or \$437 million.** These percentages and dollar figures, however, would be used for member government guidance and in the reauthorization campaign, but not placed in the ballot measure language, consistent with the practice used in the initial Pikes Peak RTA. *PPRTA Board Director Jan Martin suggested that the group wait on this decision until the capital project lists had been submitted. The consensus of the group was to proceed in this manner.*
3. Although the initial PPRTA language did not contain wording to allow for a “B” or “C” list project to be moved up to the “A” group, should the capital renewal ballot measure language contain such wording? **CAC recommendation: Yes, via a supermajority vote of the Board, following a comparable recommendation from the CAC.** Possible wording (subject to modification by the PPRTA attorney) might be the following: A member government, which is not able to proceed with an “A” list project during the term of this capital renewal program (or “B” list project as the case may be) due to unforeseen circumstances beyond its control, may request of the Board to modify the scope or withdraw one or more capital projects from the “A” list and substitute one or more “B” or “C” list projects in an approximate comparable funding amount, and, with a 2/3 vote of the entire membership of the Board, after receiving a comparable recommendation from the CAC, may do so. *PPRTA Board Director Jan Martin suggested that the group wait on this decision until the capital project lists had been submitted. The consensus of the group was to proceed in this manner.*
4. Should a definition for “capital” be approved by the Board as guidance to the member governments in developing their capital project lists and/or for inclusion in the capital renewal ballot measure language? **CAC recommendation: Yes for both, with the language being, “New construction, reconstruction, and/or replacement.”** *There was discussion of this item, but no decision or consensus.*
5. Should a definition for “maintenance” be approved by the Board as guidance to the member governments? **CAC recommendation: No.** *The consensus of the group was to not define maintenance.*
6. What term length in years should the capital renewal ballot measure contain? **CAC recommendation: 10 years.** *PPRTA Board Director Jan Martin suggested that all member governments prepare capital project lists for both 10 and 12 years, present both, and allow the Board, with input from the CAC, to make a decision after reviewing both sets of project lists.*
7. The CAC would like to confirm with the Board that the CAC will be asked to critique the member governments’ capital projects lists for the capital renewal ballot measure. *The consensus of the group was that the Board was expecting the CAC to critique the capital project lists.*
8. What methodology will be used to determine the capital project dollar allocations between the member governments for the capital renewal project list, since the methodology for the initial PPRTA was a negotiation process between the member governments? **CAC recommendation: 2010 Federal**

census population percentages as general guidance. *The consensus of the group was to proceed in this manner.*

9. The CAC would like to confirm with the Board that the CAC will be asked to comment on the capital project dollar allocations between the member governments. *The consensus of the group was that the Board was expecting the CAC to comment upon the capital project dollar allocations.*
10. The CAC would like to confirm with the Board that policy decisions regarding the final design, language, and methodology of the reauthorization will be set by the PPRTA CAC Public Outreach Subcommittee, PPRTA CAC, and the PPRTA Board. *The consensus of the group was to proceed in this manner.*
11. The CAC would like to request that the Board request the member governments to conduct their financial estimate projections for their respective "A" list capital projects through the sunset date of the initial capital program on December 31, 2014 and present these projection estimates at the January CAC and Board meetings. *The consensus of the group was to direct the PPRTA staff to contact the City of Colorado Springs staff and El Paso County staff and request these projections.*
12. *The Board directed the PPRTA attorney to prepare a memo for the PPRTA CAC's and Board's December cycle of meetings regarding allowed and prohibited practices under the Fair Campaign Practices Act.*
13. *PPRTA Board Secretary Rob MacDonald mentioned a topic discussed by PPRTA Board Director Tyler Stevens regarding the possibility of adding more Administrative funding in the FY2012 budget for Public Outreach for the spring annual report to the citizens. The consensus of the group was to refer this issue to the PPRTA CAC for its December 7 meeting, then to the Board for its December 14 meeting.*

C. Public Comments

1. Mr. Chuck Erwin addressed the PPRTA Board and CAC and requested that they keep the capital program for PPRTA-2 for roadway capital projects, not maintenance or transit projects. He also suggested having a "D" list, in addition to an "A/B/C" list for the unfinished "B" and "C" list projects from PPRTA-1. He further suggested that the funded estimates for a new "A" list be at 85% of projected revenue, "B" be at 100% of projected revenue, and "C" be at 150%. He asked if the PPRTA-2 capital list would contain the Woodmen/Union interchange. He said that the proposed Capital definition which contained the words "reconstruction" and "replacement" sounded like Maintenance projects.
2. Mr. Douglas Bruce addressed the PPRTA Board and CAC and made the following comments:
 - a. He was not in favor of the renewal of the .55% of the one-cent sales tax
 - b. Small projects will not "sell" to the public.
 - c. The public perception of the PPRTA Board using its funding for another ballot measure is that the PPRTA is using taxes to raise taxes.
 - d. The cost of another ballot measure is an Administrative cost and should be within the 1% limit of the 2004 ballot measure. Doing otherwise would be a broken promise.
 - e. The bus system is getting 10% of the 2004 ballot measure funding. To get more through a portion of the capital renewal project list would be added funding, which would be a broken promise.
 - f. The bus system is getting \$7 million from the PPRTA for approximately 7,000 riders, which is a \$1,000 annual subsidy per person.
 - g. He recommended that the new ballot measure state that the continuation of the .55% of the one cent

be stated as a tax increase, which he stated was a requirement of TABOR.

- h. He stated that if the PPRTA Board went to the voters with ballot measures in 2012, 2012, and 2014 it could spend \$1 million in fees with the El Paso County Clerk and Recorder.
 - i. He said going to the voters in November, 2012 was too far in advance of when the PPRTA needed the new funding. The Board should wait until 2014. The economy would have improved by then and the voters would be more inclined to pass the renewal.
 - j. He recommended no use of the new capital list for Transit projects.
3. Mr. Jim Godfrey provided comments to the PPRTA Board/CAC which reiterated prior comments.

5. PPRTA Member Announcements

There were none.

6. Adjournment

City of Colorado Springs Director Martin adjourned the meeting at 4:30 p.m.