

**Resolution – HPTE # 134**

**Approving HPTE June 18, 2014 regular meeting minutes**

**BE IT RESOLVED**, that the June 18, regular meeting minutes attached hereto, are hereby approved by the High Performance Transportation Enterprise Board of Directors.

Signed as of July 16, 2014

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Chairman, HPTE Board of Directors

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MINUTES FOR LUNCH OF THE BOARD OF DIRECTORS OF THE  
**HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE) (Room 225)**

Held: Wednesday, June 18, 2014; 12:00pm in room #225

4201 E. Arkansas Ave, Denver, CO 80222

*A lunch of the Board of Directors of the HPTE was convened in accordance with applicable statutes of the State of Colorado, with the following Directors present:*

Attendance: Tim Gagen, Chair  
Kathy Gilliland, Vice Chair  
Doug Aden  
Don Marostica  
Gary Reiff  
Trey Rogers (excused)  
Brenda Smith

Discussion on general matters relating to agenda items, upcoming projects, administrative matters, and budget matters.

Director Cheroutes reported on the following:

A resolution regarding the concerns presented by SB14-197 has been achieved. Executive Director Don Hunt said that he, Director Cheroutes and Legislative Liaison Kurt Morrison met with Senator Rollie Heath and sponsors of SB14-197 to make arrangements for CDOT and HPTE to meet legislative expectations for transparency and accountability. Significant private sector and local government input presented opposition to the bill. A well-crafted Executive Order enabled the veto of SB14-197 while still setting forth transparency standards. Director Cheroutes noted that a Draft Policy for Transparency is in circulation in accordance with the Executive Order. He recommended that HPTE post this on its website to collect additional public comments, and then the Board act on the Policy at the July meeting.

Director Cheroutes then introduced Polly Kyle of Strategies 360, who will be working with 360 Principal Ben Kelly to craft a communications plan to educate the public on P3 issues.

Other Comments:

OMPD Director Ben Stein walked through two budget proposals to be considered by the Board at the 1:00 meeting. First is the FY14 Budget Supplement #5, which brings numbers into alignment for fiscal-year-end reconciliation. Second is the FY15 Proposed Budget, with an improved and simplified format. He also noted that Director Brenda Smith's assistance with this effort has been extremely helpful. Mr. Stein then gave a brief status update on the C-470 project, activities on the I-70 Mountain Corridor and the I-25 North project.

Jordan Chase, assistant attorney general, provided a general update on the Drive Sunshine Institute lawsuit, noting that a status conference is scheduled for next week, and that no one has been served.

Director Cheroutes described the I-70 East workshop to be held at 2:00 with the Transportation Commission, and said that all HPTE Directors are invited to attend. Executive Director Don Hunt said this is an important step in moving forward, as the Commission will be asked to decide in July whether this project should be procured as a Design-Build or a P3. Director Cheroutes noted the upcoming public meetings will provide important public comments, which will be brought back to the HPTE Board and the Transportation Commission in July for consideration.

Ben Stein noted he will be in Washington D.C. next month, and will meet with USDOT's TIFIA Office to update them on the C-470 and I-70 Mountain Peak Period Shoulder Lane (PPSL) projects.

Adjournment: Lunch was adjourned at 12:59 p.m.

MINUTES OF THE REGULAR BOARD OF DIRECTORS OF THE  
**HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE) (HQ Auditorium)**

Held: Wednesday, May 14, 2014; 1:00pm

4201 E. Arkansas Ave, Denver, CO 80222

A meeting of the Board of Directors of the HPTE was convened in accordance with applicable statutes of the State of Colorado, with the following Directors present:

Attendance:	Tim Gagen, Chair	Don Marostica	Brenda Smith
	Kathy Gilliland, Vice Chair	Gary Reiff	
	Doug Aden	Trey Rogers (excused)	

Chair Gagen called the regular meeting to order @1:05pm:

Approval of minutes Resolution #130: Vice Chair Gilliland moved approval of May 14, 2014 meeting minutes, second by Director Aden, approved by all present.

Public Comment @ 1:10pm: Attorney Karen Hammer of Hammer Law, representing the Drive Sunshine Institute and Cliff Smedly, provided comments on the draft Transparency Policy. She said the draft Policy does not follow the Constitutional provisions for openness, including the Colorado Open Records Act (CORA), the Sunshine or Open Meetings Laws, and the Administrative Procedures Act (APA). She also provided written comments, which will be taken into account with the public comments on the draft Policy.

Director's Report: Director Cheroutes reported on the closure of legislative activity, and the increasing Transparency process. He noted P3 industry interest in the legislation, its veto and Executive Order.

OMPD Report: OMPD Director Ben Stein said he will be in Washington D.C. for the July meeting, and will brief TIFIA on upcoming projects, including C-470 and the I-70 Mountain PPSL. He noted a new Chief Engineer will be appointed soon, and that position will work closely with OMPD.

I-25 Express Lanes 3<sup>rd</sup> Quarter Report: Kari Grant reported activity in the Lanes continues to be stable, with traffic and revenue following seasonal trends. She said that Plenary Roads Denver will install and test new travel time indicators in July, allowing CDOT once again to track bus travel times.

Draft Policy for HPTE P3 Transparency: Director Cheroutes said that when SB14-197 was vetoed the Governor's Office issued an Executive Order directing HPTE to implement key measures from the legislation relating to transparency and accountability. He noted a draft Policy based on the Executive Order is in circulation, and that he recommends the draft Policy be publicly posted immediately and ask for public comments on it to be submitted electronically. He said he would make appropriate changes as needed based on the comments, and ask the Board to act on the Policy in July. He also noted the draft Policy goes beyond the measures in the legislation, including town halls at key milestones and reporting requirements. Director Rieff said he thinks the Policy should be crafted more substantively and less as a process. Director Marostica made a motion to (1) post the current draft of the Transparency Policy on the HPTE website for public review and comment; (2) clearly indicate on the website how comments can be submitted; (3) summarize the comments received for the Board's review at the July meeting or, if practical, revise the draft policy to reflect the comments received; and (4) include on the agenda for the July board meeting an agenda item specifically for public comment on the Transparency Policy. Second by Director Gilliland, approved by all present.

Request for TC Loan Resolution #133: The Board considered a Resolution and a Loan Agreement and Promissory Notes requesting a loan from the Transportation Commission in the amount of \$1,000,000 to be used for operating costs and expenses. Upon a motion by Director Aden; second by Director Marostica, approved by all present.

FY14 Budget  
Supplement \$5  
Resolution #131

The Board considered a FY14 Budget Supplement to help with fiscal year end reconciliation. Upon a motion by Director Smith, second by Director Aden, approved by all present.

FY 15 Budget  
Proposed  
Resolution #132

The Board considered the FY15 Proposed Budget with an improved format. Upon a motion by Director Smith, second by Director Marostica, approved by all present.

Adjournment:

There being no further business to come before the Board, the meeting was adjourned.