HALK BROADBAND

REGULAR MEETING AGENDA

CALL TO ORDER

INTRODUCTIONS

CITIZENS REPORT (*See procedural instructions on the following page.)

REGULAR AGENDA

1. Officer Election – Joe Bernosky, Staff Liaison

STAFF REPORTS

- 2. Roles & Responsibilities Alicia Calderón, Deputy City Attorney
- 3. Broadband Update Brieana Reed-Harmel, Broadband Project Manager
- 4. Broadband Outreach Events Lindsey Bashline, Customer Relations Specialist

COMMISSION & COUNCIL REPORTS

DIRECTOR'S REPORT

ADJOURN



* Citizens Report Procedures

Anyone in the audience may address the LCAB on any topic relevant to the commission. If the topic is a Consent Agenda item, please ask for that item to be removed from the Consent Agenda; pulled items will be heard at the beginning of the Regular Agenda. If the topic is a Regular Agenda item, members of the public will be given an opportunity to speak to the item during the Regular Agenda portion of the meeting before the LCAB acts upon it. If the topic is a Staff Report item, members of the public should address the LCAB during this portion of the meeting; no public comment is accepted during the Staff Report portion of the meeting.

Anyone making comment during any portion of tonight's meeting should identify himself or herself and be recognized by the LCAB chairman. Please do not interrupt other speakers. Side conversations should be moved outside the Service Center Board Room. Please limit comments to no more than three minutes.

Notice of Non-Discrimination

The City of Loveland is committed to providing an equal opportunity for services, programs and activities and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at adacoordinator@cityofloveland.org or 970-962-3319.

Notificación en Contra de la Discriminación

"La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en adacoordinator@cityofloveland.org o al 970-962-3319".

HALK BROADBAND

AGENDA ITEM:1MEETING DATE:7/1SUBMITTED BY:JoeSTAFF TITLE:Dire

1 7/11/2018 Joe Bernosky Director

ITEM TITLE:

Officers Election

SUMMARY:

Elect Chair and Vice Chair for Board.

RECOMMENDATION:

Information item only. No action required.



AGENDA ITEM: 2 MEETING DATE: 7/11/2018 SUBMITTED BY: Alicia Calderón STAFF TITLE: Deputy City Attorney

ITEM TITLE:

Roles and Responsibilities of the Loveland Communications Advisory Board (LCAB)

DESCRIPTION:

This presentation will review the authority of LCAB and responsibilities of board members under Municipal Code, Charter, and state statutes.

SUMMARY:

City Council established the Communications Advisory Board February 20, 2018. As a new board, members will need to elect its leaders and formalize its organizational structure. As a formal board, LCAB is subject to the Colorado Open Meetings Law and the Colorado Open Records Act. LCAB members' ethical obligations will be reviewed to assure understanding of the laws and requirements.

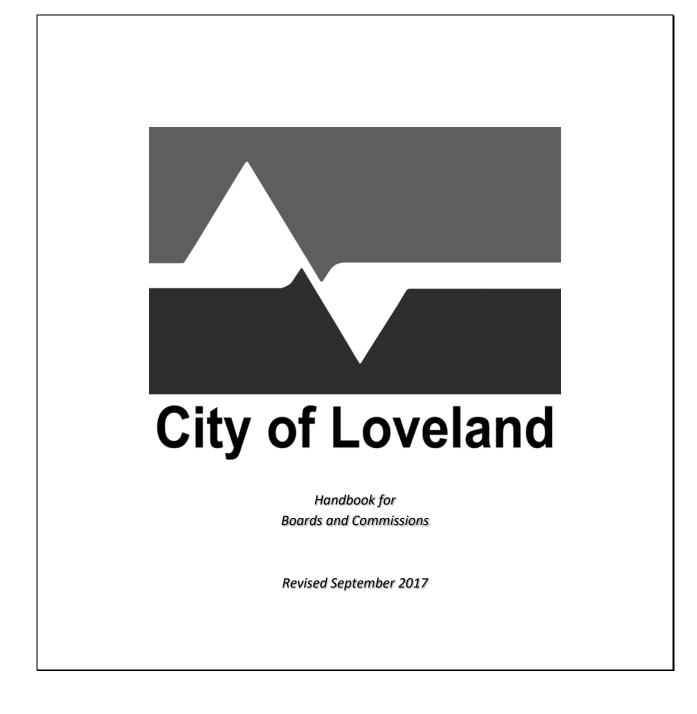
RECOMMENDATION:

Information item only. No action required.

ATTACHMENTS:

- Attachment A: Board and Commission Handbook
- Attachment B: Presentation: Roles and Responsibilities

Attachment A



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INTRODUCTION

The public is playing an ever increasing role in local government. Citizens concerned about quality of life for themselves and their families, taxes and governmental services are speaking out as never before, and are shaping local government in a way that meets their needs. Indeed, the governing body of a city like Loveland is composed of citizens elected by their fellow citizens to set policy and to guide and direct city government.

In order to assist it in setting direction for the city, the City Council considers the advice of its various boards and commissions. Citizens who serve on boards and commissions, therefore, play an important part in translating ideas into programs and suggestions and concerns into change. They also expand the knowledge and experience base of the elected decision makers.

The City Council has engaged more and more citizens in the process of government by creating new advisory boards when the need arises. At present, the City of Loveland has the following advisory bodies:

Affordable Housing Commission (AHC) Citizens' Finance Advisory Commission (CFAC) Community Marking Commission (CMC) Construction Advisory Board (CAB) Cultural Services Board (CSB) Disabilities Advisory Commission (DAC) Fire & Rescue Advisory Commission (FRAC) Golf Advisory Board (GAB) Historic Preservation Commission (HPC) Human Services Commission (HSC) Library Board (LB) Loveland Utilities Commission (LUC) Open Lands Advisory Commission (OLAC) Parks and Recreation Commission (PRC) Planning Commission (PC) Police Citizen Advisory Board (PDCAB) Senior Advisory Board (SAB) Transportation Advisory Board (TAB) Visual Arts Commission (VAC) Youth Advisory Commission (YAC)

In addition to the above, the City Council is responsible for making appointments to several boards and commissions whose powers and duties are defined under state law, and whose functions go beyond advising and making recommendations to the City Council. Those boards and commissions are:

Employees' Pension Board Housing Authority Local Licensing Authority Police Pension Board of Trustees Volunteer Firefighters' Pension Board of Trustees

PURPOSE

The purpose of this Handbook for Boards and Commissions is to explain the role of boards and commissions in advising the City Council and to set forth guidelines to assist in carrying out their work.

CITY STRUCTURE

In order to be more effective in fulfilling their purpose, board and commission members should understand the organizational structure of the city. The City of Loveland is a home rule municipality operating pursuant to the City of Loveland Charter, adopted by the citizens of Loveland in May, 1996. The citizens have chosen a council-manager form of government. Under this form, the citizens elect eight council members, two from each ward, and one mayor at large. The entire City Council elects the mayor pro tem.

The City Council sets the goals and policies for city government and annually adopts a budget in support of city activities. City staff, under the direction of the City Manager, is responsible for carrying out the direction of the City Council in implementing programs and services. The municipal judge, City Manager, and City Attorney report directly to the City Council. Department directors and their staffs are under the direction of the City Manager.

As the city's chief executive officer, the City Manager oversees responsibilities for the day-to-day administrative affairs of the city, including assigning staff to assist boards and commissions in carrying out their responsibilities. The City Manager is responsible for conveying and implementing City Council policy.

BOARD MEMBER EXPECTATIONS

Attendance

The effective operation of a board depends upon regular attendance of the members at meetings. Members shall be required to attend a minimum of 70% of the meetings each calendar year. If a member is unable to attend a meeting, he or she should contact the chairperson or staff liaison at least 24 hours in advance of the meeting, when possible. If a member has three unexcused absences in a row, the member shall automatically lose his or her position on the board or commission. For the purposes of this rule, "unexcused absences" shall be all absences other than for illness, family emergency, or participation in other City of Loveland business. The chairperson shall monitor attendance and forward attendance information to the City Manager's Office when a member fails to meet the attendance requirements stated herein. The City Manager's Office shall inform the member that his or her membership has been terminated for failure to meet the attendance requirements, and shall begin the process for appointment of a replacement member as set forth herein.

In addition, the chairperson shall provide attendance information to the City Clerk's Office upon request. Each calendar year, the City Clerk shall report to the City Council attendance information for every board and commission to include the number of meetings held by each board and commission, the number of meetings attended by each member, and the number of positions vacated due to failure to meet the attendance requirements.

Conflicts of Interest

The objective of City Council is that the appointed member avoids any conflicts of interest. A member should also carefully consider for himself or herself avoiding even the appearance of impropriety. Since there may be areas where board members are unsure or unaware that a conflict exists, the following guidelines should be considered.

If a board member has acquired confidential information in the course of official duties that information cannot be used to substantially further the member's personal financial interests.

Occasionally gifts are offered to board members. Rules regarding acceptance of gifts are set forth in Chapter 2.73 of the City Code.

State law provides that a board member shall not hold an interest in a business or undertaking that may possibly be directly and substantially economically affected by any official action of the member's board. A board member shall not perform an official act causing an economic detriment to the member's business or personal competitors.

For six months following termination of office, a board member should not obtain employment in which a direct advantage, unavailable to others, will be gained in matters with which the board member was directly involved.

A board member shall not engage in a substantial financial transaction for private business purposes with a person under the direction of that member's board.

If a member has a personal or private interest in any matter before the board, the member must disclose the interest to the board, must not vote on the matter, and must refrain from attempting to influence the other board members in voting on the matter. However, if that member's participation is necessary to obtain a quorum or to otherwise enable the board to act, the member may vote if, prior to acting, the interested member discloses the nature of his private interest. The disclosure shall be made in writing to the Secretary of State, listing the amount of his financial interest, if any; the purpose and duration of his services rendered, if any; and the compensation received for the services and such other information as is necessary to describe his interest. Following this procedure, if the interested member then proceeds to vote, the member shall state for the record that the member has an interest and shall summarize the nature of the interest. The member should consider not only his or her financial interests and investments, but also those of spouse and children.

If you are unsure of your legal responsibilities on any matter coming before your advisory body, you should seek the advice of the City Attorney's Office as soon as possible before the meeting.

Training for New Board Members

Recognizing that a newly appointed board or commission member will need a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission, the city will provide informal and/or formal training opportunities for each newly appointed member. The Council liaison, staff liaison, and chairperson of the board or commission shall work cooperatively to establish a training process which will provide to the new member a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission. Where appropriate, in-service training should be provided which may include presentations on the responsibility of board and commission members, parliamentary procedure, conflicts of interest, specific board or commission

mission, consensus and decision making model, city administration overview, open meetings, and language of local government and commonly used abbreviations and acronyms.

Board and commission members should be invited to in-service opportunities offered by the city. Board and commission members should be encouraged to identify in-service opportunities which would be specifically beneficial to their particular board or commission. When possible, exit interviews should be conducted with departing board and commission members to determine areas in which the city can be more helpful to the board or commission. The city should provide funding for appropriate in-service training for board and commission members

Board Responsibilities

Each advisory board and commission is responsible to investigate and make thoughtful recommendations to the City Council and city staff on issues coming before it. Such recommendations are often most useful if they include alternatives that were considered and an analysis of the pros and cons of the alternatives.

Matters upon which a board makes recommendations can come from the City Council, from city staff, the citizens of Loveland, and from the board members themselves. The City Council does not wish to impose a rigid structure upon the thoughts and ideas of any board or commission, but instead believes that creative and innovative ideas can come from many different sources. Often, however, ideas will originate with the consideration and adoption of goals by the City Council, and boards and commissions will be asked to consider such goals.

The normal channels for communication between the City Council and the boards and commissions are through the City Council liaison to the board and city staff in the affected department. Such persons will report to the Council the deliberations and recommendations of the board. The boards and commissions, and their individual members, are always free to communicate directly with the City Council on any matter concerning their areas of responsibility.

In considering recommendations from boards and commissions, the City Council will attempt to balance the many diverse interests in our community.

ORGANIZATION OF THE BOARD

Each board shall choose a chairperson and a vice chairperson. Additional offices may be created by the board from time to time as necessary. If a city staff person is not made available to serve as recording secretary, a board shall also choose a recording secretary.

Chairperson

The chairperson serves as the presiding officer over all meetings. It is the responsibility of the chairperson to conduct meetings, keep the discussion on track, encourage the input of ideas and facilitate the overall decision process. The chairperson should clarify ideas as they are discussed and should repeat motions to ensure that all members fully understand the wording of the item upon which they are voting. It is also the chairperson's responsibility to sign all documents on behalf of the board, see that all of the decisions of the board are carried out properly, and perform any other duties and functions requested by the board.

The chairperson, working with the recording secretary, is responsible for preparing an agenda for each meeting, and assuring its circulation in advance to all members of the board and other persons who have requested notification and to ensure public notice of the board's regular and, if any, special meetings.

Vice Chairperson

The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson. The vice chairperson shall also perform any other duties assigned to his office by the board. The vice chairperson may request the assistance of other members of the board in carrying out the duties of the office.

Recording Secretary

The recording secretary keeps the record of the board, is responsible for the minutes of the meeting, and keeps a record of the proceedings of the board. The secretary also performs any additional duties or functions that the board may assign. The secretary prepares an agenda in advance of each meeting. A copy of the approved minutes from each meeting shall be deposited with the Loveland city clerk. Minutes from meetings shall be recorded as soon as possible.

Officers' Terms of Office

The term of office for the chairperson and the vice chairperson shall be 1 year. Each officer shall be eligible for reelection. However, chairpersons are encouraged not to serve for more than 2 consecutive years so that other board or commission members may gain experience as a chairperson. Officers shall be elected at the next regular meeting following the month of the year in which the terms of office of the members of the board expire.

Council Liaison

The City Council liaison assigned to a board or commission shall serve the following roles:

- 1. Communicate with the board or commission when City Council communication is needed and to serve as the primary two-way communications channel between the City Council and the board or commission.
- 2. Participate in filling vacancies, reviewing applications, and interviewing candidates for the board or commission.
- 3. Serve as the primary informal City Council contact.
- 4. Help resolve questions the board or commission may have about the role of the City Council, municipal government, and the board or commission.
- 5. Establish formal or informal contact with the chairperson of the board or commission and effectively communicate the role of the liaison.

- 6. Provide procedural direction and relay the City Council's position to the board or commission, and to communicate to the board or commission that the liaison's role is not to direct the board in its activities or work.
- 7. Serve as City Council contact rather than an advocate for or ex-officio member of the board or commission.

CONDUCT OF MEETINGS

Open Public Meetings

All meetings at which any public business is discussed where a quorum of the board is present are public meetings open to the public at all times. No board or commission shall conduct any closed meeting without first consulting with the City Attorney's Office concerning its propriety.

Quorum

The majority of all of the members of a board shall constitute a quorum. In order to conduct business at any meeting, a quorum shall be present. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a future date.

Special Meetings

A special meeting may be called by the chairperson or vice chairperson, or upon the written request of three members of the board. Notice should be given to each of the board members by personally serving them or by leaving notice at their usual place of residence. Notice of special meetings should be given as much in advance as possible. The notice of a special meeting shall set forth the time, place, date and purpose of the meeting. Attendance at a special meeting constitutes a waiver of the notice of the meeting.

Public Notice

Public notice of all meetings where the board may take any formal action or at which a majority or quorum of the board is expected to attend shall be given. The public notice shall be given no less than twenty-four hours in advance of the meeting and shall be posted at a location designated by the City Council, including the bulletin board outside the City Council Chambers. The public notice should also be posted on the City's website. The notice shall contain a specific agenda if possible, and should be in the format specified by the City Clerk.

Rules of Order

Generally, meetings can be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the board. When necessary, in order to effectively conduct business, as determined by a majority vote of those present, Robert's Rules of Order shall be in effect.

Public Hearings

Occasionally, a board will be called upon to conduct a public hearing on a matter coming before it. A public hearing is a process by which official input on a matter coming before a board is received from all those wishing to present testimony. It is a matter of fundamental due process that decisions made as a result of the public hearing are based solely upon the evidence presented at the public hearing, and no prior investigation or discussion should be conducted by any member. If members have acquired information from outside the hearing, they should state during the hearing what the information is and allow public comment.

The chairperson should declare the public hearing open, and after hearing public testimony, declare the hearing closed. Following the public hearing, board members should discuss the matter among themselves (still in open meeting), and reach a decision by adopting a motion that sets forth the basis for the decision. Any such decision should be set out in the minutes of the meeting.

Further information regarding the conduct of public hearings is available from the City Attorney's Office.

APPOINTMENT AND VACANCIES

Unless otherwise provided by state law or by the ordinance establishing the particular board or commission, the following guidelines will be used in dealing with appointments and vacancies to boards and commissions.

When a vacancy occurs on a board or commission by removal of a member or resignation, with approval of the interview committee, the Council-appointed alternate shall be recommended to the City Council for appointment to the position. If there is no alternate, or if the vacancy occurs due to expiration of term of office, the following steps will be taken unless otherwise directed by the City Council:

- 1. The chairperson shall notify the City Manager's Office of the vacancy.
- 2. Upon notice of the vacancy or not less than 75 days prior to the expiration of a term, whichever is applicable, the City Manager's Office will notify the City Council of the vacancy and advertise for the position. Said advertisement shall include, at minimum, publication of a notice in a newspaper of general circulation within the city. The City Manager's Office shall establish a closing date for the receipt of applications, which date shall be not less than 30 days from the date of first newspaper advertisement. Applications received after the closing date shall not be considered by the interview committee.
- 3. The chairperson should announce the vacancy at the first meeting after being notified of the vacancy and urge the members to solicit qualified candidates.
- 4. Applications shall be in a form determined by the City Manager, but shall include, without limitation, a question related to the applicant's current service on other city boards and commissions.
- 5. Interviews shall not be required when the only applicants are current members seeking reappointment for a new term and there are no other applicants for the vacancy. Private interviews for a vacant position shall be required for new applicants or where there are more applicants than there are vacancies, except that interviews shall not be required for members of the Youth Advisory Commission who have successfully completed a term of office and desire to be reappointed to a new term. Interviews shall occur within a reasonable time following the



closing date for receipt of applications and shall be scheduled by the staff liaison. Except as otherwise provided by a formal action of the City Council, the interview committee shall consist of the following persons: the City Council liaison; the staff liaison; and the chairperson.

- 6. Immediately following the interviews, the interview committee, or in the case of the Youth Advisory Commission where no interviews are held, the staff liaison, shall advise the City Manager's Office of the recommendation. The City Manager's Office will endeavor to place the matter on the next available City Council agenda for consideration of appointment.
- 7. The recommendation of the interview committee and the appointment by the City Council shall be based upon qualification, experience, knowledge, interest, willingness to serve, ward residency, the need for a diverse cross-section of the community, past and current service on other city boards and commissions, and other factors deemed relevant by the City Council. The recommendation of the interview committee shall be considered but shall not be binding upon the City Council.
- 8. The City Manager's Office shall forward a letter of appointment and a Handbook for Boards and Commissions to the newly appointed member.

Members shall serve for their appointed term as specified in the City Code. Alternates appointments shall be effective until the expiration of the term of any other member on the board or commission for which the alternate appointment was made. Alternates shall be available to assume unexpired terms in instances of resignation or removal, but shall not be appointed to serve where a vacancy is created by expiration of a term. However, in such circumstances, alternates are encouraged to apply for the position.

There shall be no term limits for board and commission members unless the term limits for the board or commission are specifically set forth in state law or in the City Charter or Code. In addition, board and commission members may not serve on more than one board and commission at a time, unless: (i) the member is the only qualified applicant for the position; or (ii) the member resigns his or her position on the first board or commission prior to or upon appointment to the second board or commission.

Unless otherwise provided by state law or by the City Charter or Code, a person shall not be eligible for appointment to a board or commission unless either: (a) such person resides within or has substantial ties within the corporate limits of the city; or (b) where the City Council determines that the duties and functions of a board or commission impact, or are likely to impact, areas beyond the corporate limits, such person resides within or has substantial ties to the affected area. Factors which may be considered in determining whether a person has substantial ties to the city or an affected area are property ownership, employment, conduct of a business or profession or other factors deemed relevant by the City Council. Any person who ceases to reside in, or have substantial ties to, the area which was determined to be the basis for appointment may be removed from the board or commission by the City Council.

Further, unless otherwise provided by state law or by the City Charter or Code, no appointment of a person to any board or commission shall have the effect of increasing the number of nonresident members on that board or commission to more than 50% of the total membership of the board or commission.

A person shall not be eligible for appointment to any city board or commission if that person's spouse, parent, sibling, or child (whether related by blood, marriage, or adoption) is a city employee who in his or her capacity as a city employee regularly appears before or advises that board or commission. This does

not prohibit such person from being eligible for appointment to any other city board or commission not affected by this eligibility limitation.

EXPENSE REIMBURSEMENT

The city will reimburse any member of a board or commission who incurs expense for travel, lodging, registration fees and the like where such expenses have been provided for in the budget of the department with which the board is connected. To make sure that an anticipated expense is authorized, all subject expenditures must be cleared in advance through the City Manager's Office.

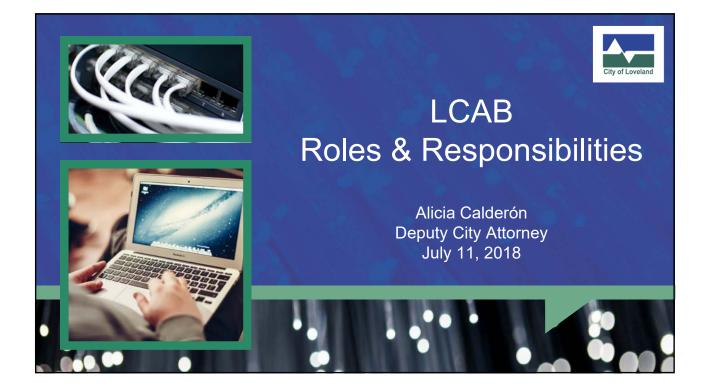
LIABILITY

When performing the function for which a member is appointed, such member is an authorized volunteer of the City of Loveland, and is entitled to the protection of the Governmental Immunity Act. The Act, generally speaking, protects the board member from personal liability for any action within the scope of such appointment, except where the act is willful or wanton. Many homeowners' insurance policies provide some coverage for acts undertaken as a volunteer. Please consult your insurance agent regarding any such coverage. The City Attorney's Office is available for further discussions regarding liability.

BOARDS AND COMMISSIONS

For specific information regarding the City's boards and commissions and a description of their membership requirements and duties, please see City Code Chapter 2.60, available online at www.cityofloveland.org, or contact the City Manager's Office at (970) 962-2303, or the City Clerk's Office at (970) 962-2322.

Attachment B



Welcome LCAB Members!



Purpose:

Advisory body to the City Council on all issues and matters related to communications services, including :

- □ High Speed Broadband Services
- Policy recommendations to City Manager and Water and Power Department Director, consistent with any previously adopted city council policies concerning communication services.

PRESENTATION AGENDA

- ✓ Boards and Commissions
- ✓ Open Meetings
- ✓ Ethics and Conflicts of Interest
- × Prohibited Gifts
- ✓ Questions



Handbook for Boards & Commissions

- Attendance
- Conflicts of Interest
- Board Responsibilities
- Organization of the Board (Chair, Vice Chair, Term)
- Conduct of Meetings (Open Meetings)
- Appointments and Vacancies

Open Meetings

The Colorado Open Meetings Law contains these provisions

- Any gathering of three or more Board members at which formal action may be taken or where public business is to be discussed is considered a "meeting" under the Open Meetings Act (C.R.S. §24-6-402)
- Includes gatherings in person, by telephone, e-mail, chat-rooms or by other means of communication during which public business is discussed.
- Does <u>not</u> include e-mail or chat-room communications between board members that do not relate to public business, for example a conversation about a recent vacation.
- Does <u>not</u> include any chance meeting or social gathering of board members at which the discussion of public business is not the central purpose, for example a holiday party or service club meeting.
- Legally convened executive sessions are closed, and not considered public.
- Public Notice required at least 24 hours prior to the meeting, posted on City website and bulletin board.

Executive Session

- May be convened only in consultation with City Attorney's Office.
- Only as permitted under State statute (C.R.S § 24-6-402(4)).
- Information obtained in an executive session is confidential and may not be shared.



Open Records

- Charter Section 4-13 makes the City's public records subject to public inspection in accordance with state statutes.
- Colorado Open Records Act (C.R.S. § 24-74-200.1, et seq.) ("CORA") defines records and has procedures for release to the public, including exceptions.
- Email correspondence about public business usually must be disclosed.

Ethics and Conflict of Interest

- Board members are subject to ethics and conflicts of interest provisions under state law and under the City's Charter and Code.
- State law C.R.S. § 24-18-101 et seq.
- The City Charter provisions are found in Article 5
 - "Any pecuniary, property, or commercial benefit of any person covered by this article or of any parent, spouse or child of such person"
 - · Any personal or private interest in any matter proposed or pending
- The Municipal Code provisions are found in Sections 2.14.010 and 2.14.015 and Chapter 2.73.

Conflict of Interest

- No member shall use for personal or private gain, or for any other personal or private purposes, any information which is not available to the public and which is obtained by reason of the person's position with the City. (Charter Section 5-3)
- Any personal or private interest in any matter proposed or pending before the board, as applicable.
- It does not mean any matter involving the common public interest or any matter in which a similar benefit is conferred upon or is available to all persons or property similarly situation.

Disclosure and Non-Action (Section 5-2)

If any member of the board has a conflict of interest with regard to any matter before the board, he or she must disclose the interest to the board **at or before the time the matter is heard**. The member shall not vote on or otherwise take any formal action concerning the matter, shall not participate in any executive session concerning the matter, and shall refrain from attempting to influence any other member in voting on the matter.

Prohibited Gifts

- "Gift" means something of value received without an equal compensation or payment in return. Municipal Code, Section 2.73.020
- Prohibited gifts shall not be solicited or accepted, directly or indirectly, if the city official knows (or should know) the gift would tend to improperly influence or the gift is for the primary purpose of rewarding the city official for action taken.
- Applies to any gift with a fair market value of \$50 or more.
- Permitted gifts noted in Municipal Code, Section 2.73.030.

Thing of Value Any tangible or • favors, honoraria, intangible thing having • gratuities, event tickets, a market value: lodging, meals, rewards, • money, awards, • and the real property, • forbearance and grants, personal property, forgiveness of • • scholarships, debt. services, • • discounts, loans of money or • promises of future property, employment,

2.73.020 Prohibited Gifts

Prohibited Gifts shall not be solicited or accepted, directly or indirectly, which the city official knows or which a reasonable person in the city official's capacity should know.

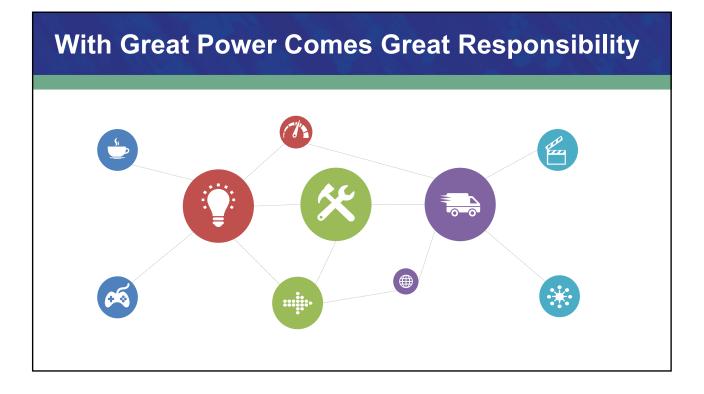
- A gift that would tend to improperly influence
- A gift that is being solicited for primary purpose of rewarding the city official for action taken

Permitted Gifts 2.73.030

- Non-monetary award, publicly presented, in recognition of public service
- Gifts similarly available to the general public
- An occasional unsolicited gift having a fair market value of \$50 or less
- Unsolicited token or award of appreciation (plaque, trophy)
- Payment or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals at a convention or training or meeting
- Occasional unsolicited opportunity to participate in a business meeting or social function where meal is served and/or entertainment is provided if attendance would not be considered extraordinary in view of position held

State Code of Ethics

 C.R.S. § 24-18-108.5(2) A member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest.







AGENDA ITEM:3MEETING DATE:7/11/2018SUBMITTED BY:Brieana Reed-HarmelSTAFF TITLE:Broadband Project Manager

ITEM TITLE:

Broadband Feasibility Study and Project Update

DESCRIPTION:

This item will provide an update on the broadband feasibility study and project status. The update will provide an overview of activities starting in 2015, include an overview of the Broadband Assessment and Feasibility Study and its findings, recommendations from the Broadband Task Force, and activities since February 2018 when City Council established the Communications Advisory Board.

SUMMARY:

In early 2015, City of Loveland began exploring the issue of high-speed internet in the community. Increased broadband access had been identified as a potential benefit to the community and a way to encourage economic development, enhance education access, and promote the community. On May 12, 2015 City Council directed staff to prepare ballot language for an override of Senate Bill 152 and provided staff with vision statements for the project. Those vision statements are:

- **City-wide Accessibility:** Service must be available to all homes, businesses, schools, non-profit groups, health service providers and other users within Loveland
- **Fast:** Any broadband system must deliver symmetrical service at the rate of 1 gigabit per second. Consider future proofing for higher speeds when new technologies become available.
- **Reliable:** The service must accommodate diverse uses, from home entertainment, to business, education and health care, with high reliability.
- Affordable: Our efforts have the goal of delivering broadband service to all at a reasonable cost, regardless of how broadband service is used.
- Customer Service Excellence: Provide consistent and reliable customer service

On November 3, 2015, 82% of participating voters passed a ballot measure to override SB-152 restrictions for Loveland and start exploring and possibly providing broadband service to the community. The Broadband assessment and Feasibility Study started in February of 2016, with the appropriation of funds for the study. Magellan Advisors was selected in June of 2016 as our consultant to perform the study. A Broadband Task force was also established with representation of various members of the community and anchor tenets, to help guide the study.

The Assessment and Feasibility Study included:

- Determination of business models that met City Council's visions
 - o Public-Private Partnership
 - o Public-Public Partnership
 - o Retail Model
- Two separate surveys, using different methodologies to determine the market in our community
 - Traditional Survey in Fall 2016
 - o Market Research Study in Fall 2017
- SWOT (Strength, Weakness, Opportunities and Threats) Analysis
- Case study analysis of successes and failures
- Investigation of economic development impacts
- Investigation of privacy and security concerns

- Investigation of wireless technology development and it's impacts
- A Request for Information (RFI) for private partnerships
- A Request for Proposal (RFP) for private partnerships
- Financial plans and pro forma for each business model
- Development of a high level business plan for Retail and Public-Public Models

The Assessment and Feasibility Study was completed in December 2017, and culminated with a recommendation from the Broadband Task force:

"The Broadband Task Force recommended that the City of Loveland pursue community broadband through the retail or public-public model by taking the following actions:

- Establish the structure and governance of an enterprise utility;
- Further develop a detailed business implementation plan;
- Issue a Request for Proposal for a build-ready network design and complete same;
- Evaluate financing options;
- Immediately implement an aggressive community outreach and education effort; and
- Formally transition the existing Broadband Task Force into a City Commission.

The Task Force further recommended that no efforts preclude future partnering options with public or private entities."

On February 6, 2018 City Council adopted the recommendation from the Broadband Task Force and authorized a series of measures to accomplish this direction.

- Appropriate \$2.5 million from the Electric Enterprise Unrestricted Fund to pay for a fiber-optic network and professional services.
- Establish the Loveland Electric and Communication Enterprise.
- Establish the Loveland Communication Advisory Board.
- Launch a Community Education Campaign.

Staff will provide an overview of these activities to the Loveland Communications Advisory Board, and will allow plenty of opportunity for questions and clarifications to be provided.

RECOMMENDATION:

Information item only. No action required.

ATTACHMENTS:

• Attachment A: Presentation: Broadband Update

Attachment A



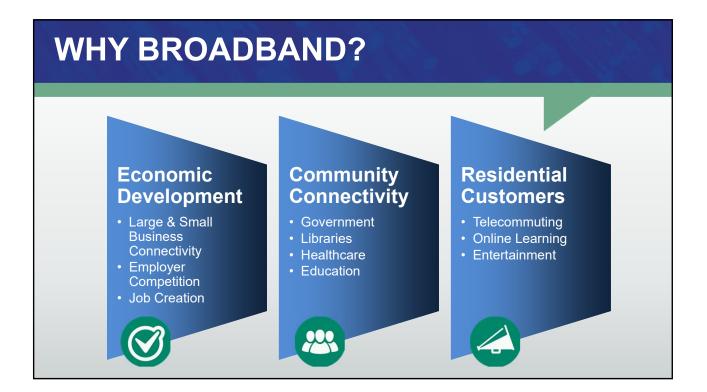
PRESENTATION AGENDA

- 1. Why Broadband?
- 2. Community Broadband Overview
- 3. Broadband Project History
- 4. Feasibility Analysis and Take Rate Surveys
- 5. Public-Private Partnership Overview
- 6. What's Happening Now?
- 7. What's Next?

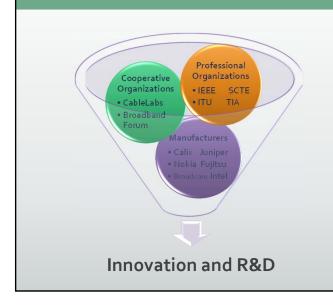






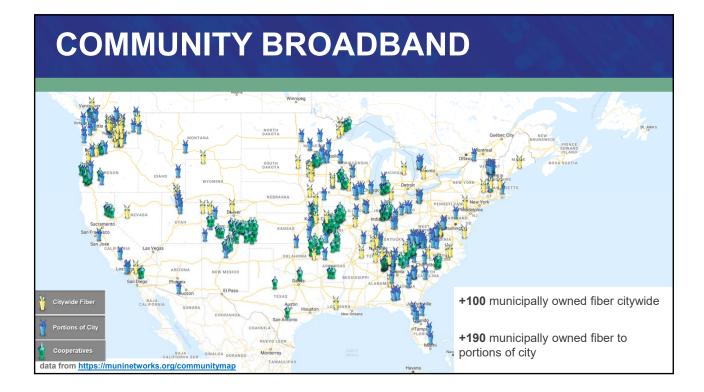


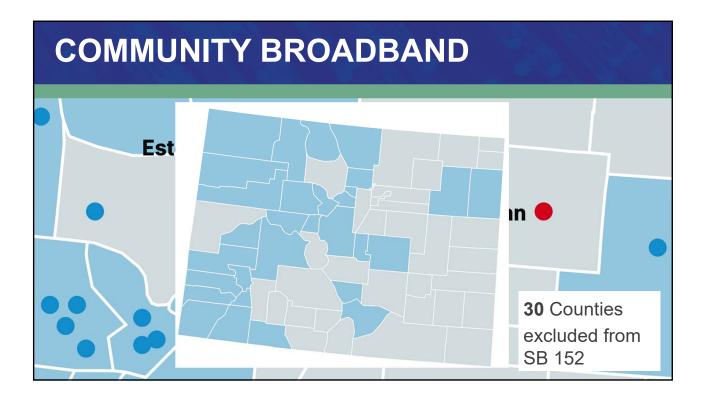
WHERE DOES INNOVATION HAPPEN?

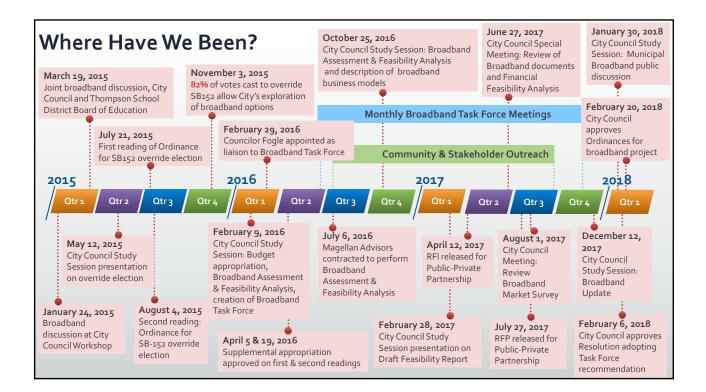


New products and solutions are beta tested and user acceptance tested by broadband providers including:

- Cable TV companies (Comcast, Charter, Cox),
- Telecom companies (CenturyLink, AT&T, Sprint)
- Municipalities (Chattanooga, Longmont, Lafayette)







CITY COUNCIL BROADBAND VISION STATEMENTS: MAY 2015

City-wide Accessibility:	Service must be available to all homes, businesses, schools, non-profit groups, health service providers and other users within Loveland
Fast:	Any broadband system must deliver symmetrical service at the rate of 1 gigabit per second. Consider future proofing for higher speeds when new technologies become available.
Reliable:	The service must accommodate diverse uses, from home entertainment, to business, education and health care, with high reliability.
Affordable:	Our efforts have the goal of delivering broadband service to all at a reasonable cost, regardless of how broadband service is used.
Customer Service Excellence:	Provide consistent and reliable customer service

The Business Models Investigated

			Does the Business Model Meet City Council's Broadband Vision?				
Business Model	Typical Deployment	Level of City Investment	Inclusive	Fast	Reliable	Affordable	Customer Service
Public Policy Only	City uses policy tools to streamline broadband development for private operators.	Minimal					
Public Services	City provides broadband connectivity to other public organizations via City fiber network.	Low					
Infrastructure	City provides conduit and/or dark fiber leasing using its network resources.	Moderate					
Open Access	City provides wholesale connectivity to multiple providers via fiber network.	Moderate					
Public-Public Partnership	City provides fiber network and uses another public partner to deliver content/retail services.	Moderate					
Public-Private Partnership	City provides fiber network and uses another private partner to deliver content/retail services.	Moderate					
Municipal Retail – Business Only	City provides retail Internet, voice and other services to businesses over its fiber network.	High					
Municipal Retail – Residential & Business	City provides retail Internet, voice and other services to residents and businesses over its fiber network.	Very High					

BROADBAND BUSINESS MODELS

Do Nothing Option



Public-Public Model Option

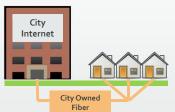


- Leaves market to be driven by existing and future incumbents
- Price, service options, and service builds out are dependent on private providers

No ownership or role by the City

- City builds the infrastructure and partners with a public company to provide some portion of the service
- City contract for services provided including customer service, content and technical support

Retail Model Option



Public-Private Model Option



- City builds all the infrastructure
- City owns and maintains the infrastructure
- City operates the entire system
- City provides all customer service and tech support
- City builds the infrastructure and a private company provides the service
- City negotiates a financial contract based on the take rate
- City negotiates a contract for services provided including customer service, content and technical support

TWO SURVEYS, MULTIPLE METHODS

Take rate = How many people will sign up for this?

Two ways to confirm take rate of proposed broadband model.

Assessment and Feasibility Analysis

- Conducted by Magellan Advisors
- Included surveys for residents and businesses
- Provided insight on current options, needs, issues, sentiment and proposed business models.

Market Research Study

- Conducted by Jill Mosteller, PhD from Insights2Use
- Conjoint Analysis Take-Rate Study
- Included two surveys:
 - Resident
 - Business





MAGELLAN SURVEY (FALL 2016)

11.4% 1.1%

Subscribe to Cable

Subscribe to Wireless/Satellite

Subscribe to Fibe

Residential – 992 respondents

- 56% of residents surveyed say their needs are not currently being met by their existing provider
- 91.9% report high interest in the City providing service directly or partnering with a provider to deliver service (at current or lower rates, at equal or greater speeds)
- Key needs
 - More affordability
 - Higher speeds
 - Better customer service

 Subscribe to DSL



- 36.7% of businesses surveyed say their needs are not currently being met by their existing provider
- 72.2% of businesses surveyed report high interest in the City providing service directly or partnering with a provider to deliver service (at current or lower rates, at equal or greater speeds)

Subscribe to Cable

Subscribe to DS

Subscribe to

Subscribe to Fibe

- Key needs
 - More affordability
 - Faster speeds
 - Higher reliability
 - Redundant connectivity

CONJOINT SURVEY (FALL 2017)

What do people value?

- Residential 4,300 respondents
 - Positive value is created when The City of Loveland is the ISP
 - Internet speeds at or above 100 Mbps speeds provide positive value
 - Price points below \$79.99/month may start to provide positive value
- Commercial 273 respondents
 - The City of Loveland as a provider adds
 positive value
 - Speeds above 250 Mbps adds positive value
 - Price at or below \$150 adds positive value



TAKE RATES & FEASIBILTY

Estimated Take Rates

	Magellan Advisors	Insights2Use	Low-End Range
Residential Take Rate	41%	42.5%	32%
Business Take Rate	27%	27%	21%

Feasibility Model	Residential	Price Plan	Standard Business	Price Plan
Pricing Plans	50 Mbps	\$19.95	50 Mbps	\$49.95
	300 Mbps	\$49.95	100 Mbps	\$109.95
	1 Gbps	\$79.95	250 Mbps	\$199.95
	Voice	\$19.95	500 Mbps	\$399.95
			1 Gbps - dedicated	\$799.95
*Actual pricing may be different with	the final plan implement		Voice	\$119.95

RESIDENTIAL INTERNET MARKET COMPARISON

Comcast is the current dominant ISP provider and is the competitive benchmark

City of Loveland Feasibility Model Speeds & Pricing		Current Incumbents Comparable Speeds & Pricing					
			Comcast	CenturyLink			
Speed	Price	Speed	Price	Speed	Price		
50 Mbps	\$19.95	55 Mbps	\$29.99 (1 year agreement) \$64.95 (after 1 year)	20 Mbps	\$45.00		
300 Mbps	\$49.95	250 Mbps	\$69.99 (1 year agreement) \$149.99 (after 1 year)	140 Mbps	\$65.00		
1 Gbps	\$79.95	1 Gbps	\$89.99 (1 year agreement) \$159.99 (after 1 year)	N/A	N/A		

FINANCIAL ANALYSIS ASSUMPTIONS

Total Premises Assumed	Residential premises: 31,278Commercial premises: 4,316
Take Rate Assumed	 Residential Internet: 42.5% Commercial Internet: 27%
Borrowing Assumption	20 Year Electric Utility Bond at 3.5%
Inflation Adjustment	2.5%
Operating Reserves	15% of Annual Operating Costs
Capital Expansion Fund	o.5% of Cumulative Capital
Depreciation and Renewal/Replacement Schedule	 Outside plant fiber, conduit, facilities and building improvements: 20 Years Electronic equipment based on equipment type: Customer Premise: 5 Years Network equipment: 7 Years

CAPITAL REQUIREMENTS BY BUSINESS MODEL

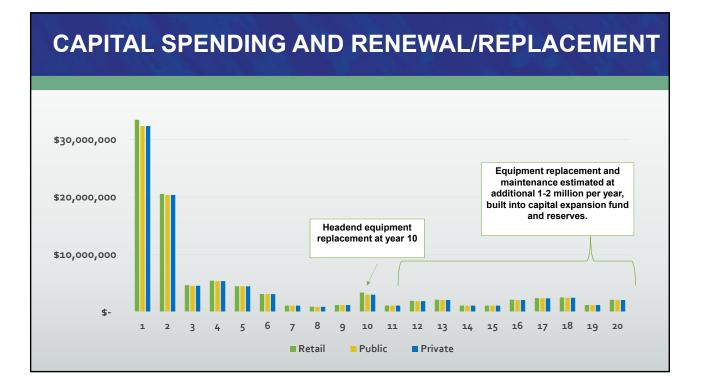
Capital Requirements	Retail Model	Public-Public Partnership	Public-Private Partnership
Network Construction	\$43M	\$43M	\$43M
Fiber Drop and Premise Connections	\$17M	\$17M	\$10M
Headend and Equipment	\$9M	\$8M	\$3M
Subtotal	\$69M	\$68M	\$56M
Operational Funding for Start-up	\$16M	\$15M	\$53M
Total	\$69M-\$85M	\$68M-\$8 ₃ M	\$109M
Payback	13-15 Years	16– 18 Years	32 — 34 Years

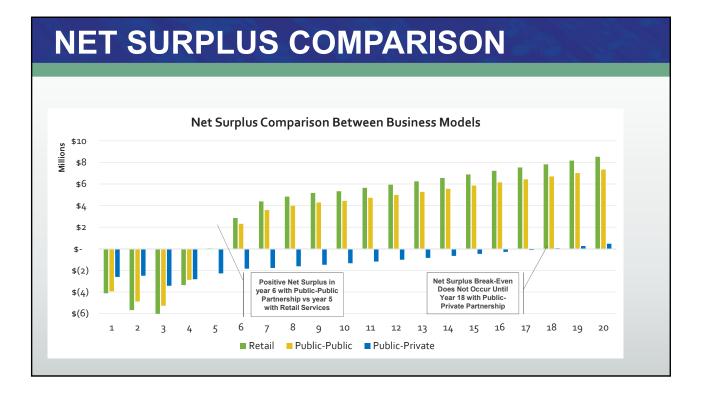
*15% Contingencies applied to construction costs

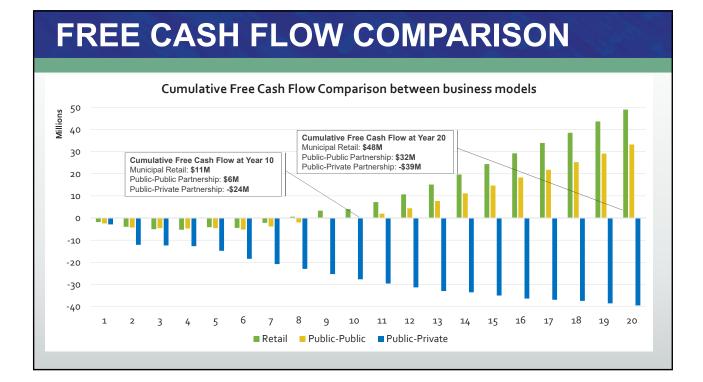
HOW WILL THIS BE PAID FOR?

Project Costs	Taxes?	Electric or Water Rate Increases?	Subscriber Services?
Network Construction	X	X	\checkmark
Fiber Drop and Premise Connections	X	X	\checkmark
Headend and Equipment	X	X	✓
Operational Funding for Start-up	X	X	✓
Ongoing Maintenance	X	X	✓

Based on the current high-level business plan, ALL COSTS for broadband would be paid for by those who subscribe to the service once available.







BUSINESS MODEL FINANCIAL SCENARIOS

• Lower than Expected take rate of 32%

Capital Requirements	Retail Model	Public- Public Partnership
Capital	\$65.5M	\$64M
Bonding Increase to:	\$88M	\$84M
Payback in Years	20 years	20 years

• Higher than Expected take rate of 53%

Capital Requirements	Retail Model	Public- Public Partnership
Capital	\$73M	\$71M
Bonding Decrease to:	\$83M	\$81M
Payback in Years	13 years	14 years

REQUEST FOR PROPOSAL (RFP) FOR PUBLIC-PRIVATE PARTNER

Request for Proposal (RFP) is a solicitation through a bidding process for proposals for procurement of a commodity, service or valuable asset. An RFP is used where the request requires technical expertise or specialized capability.

- January 30, 2018 Municipal Broadband Service Discussion with Private Providers
- 6 total participated
 - ✓ ALLO Lincoln, NE
 - ✓ CenturyLink Monroe LA
 - ✓ Comcast

✓ The Foresite Group – Norcross, GA

PUBLIC

RETURN

✓ Mox Networks – Culver City, CA

PUBLIC

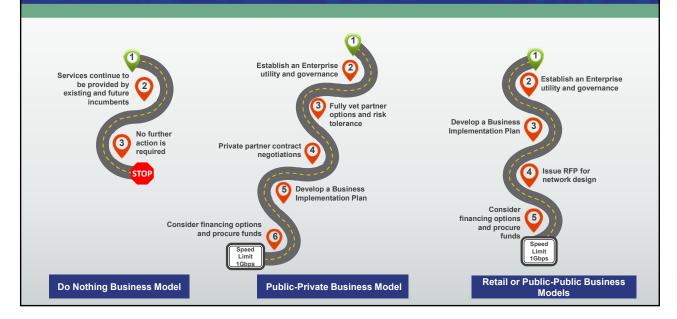
NVESTMENT

- ✓ SherpaFiber Overland Park, KS
- Additional Meetings Scheduled with ALLO (July 13) and Foresite Group (July 10)
- Staff and Broadband Taskforce do not recommend Public-Private Partnership based on current findings.

RISK VERSES REWARD ANALYSIS FOR PUBLIC-PRIVATE PARTNERSHIP



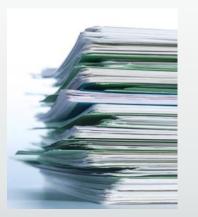
FEASIBILITY ANALYSIS IS COMPLETE



BROADBAND DOCUMENTS RELEASED TO CITY COUNCIL

- Community Outreach and Stakeholder Report May 22, 2017
- SWOT Analysis June 6, 2017
- Wireless Technologies and Potential Impact June 6, 2017
- Information on Privacy and Security June 6, 2017
- Case Studies Report June 6, 2017
- Information on Conjoint Take Rate Study June 16, 2017
- Information on Economic Development Impacts June 22, 2017
- Conjoint Internet Survey Report December 8, 2017
- Financial Pro Formas for each Business Model December 8, 2017
- Retail and Public-Public Utility Business Concept Plan December 8, 2017
- SWOT Analysis by Business Model December 8, 2017
- Executive Summaries from RFP Responses December 8, 2017
- Staff Analysis Report on the Public-Private Partnership Option December 8, 2017

All documents can be found at www.cityofloveland.org/broadband

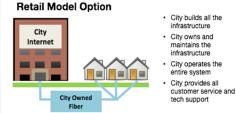


TASK FORCE RECOMMENDATION

The Broadband Task Force recommended that the City of Loveland pursue community broadband through the retail or public-public model by taking the following actions:

- Establish the structure and governance of an enterprise utility;
- · Further develop a detailed business implementation plan;
- Issue a Request for Proposal for a build-ready network design and complete same;
- · Evaluate financing options;
- Immediately implement an aggressive community outreach and education effort; and
- Formally transition the existing Broadband Task Force into a City Commission.

The Task Force further recommended that no efforts preclude future partnering options with public or private entities.



Public-Public Model Option



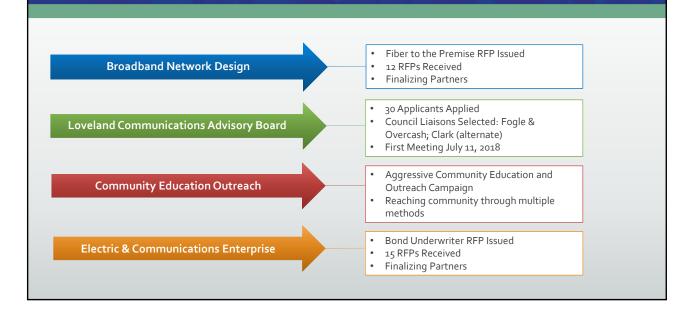
 City builds the infrastructure and partners with a public organization to provide some portion of the service
 City contract for services provided including customer service, content and technical support

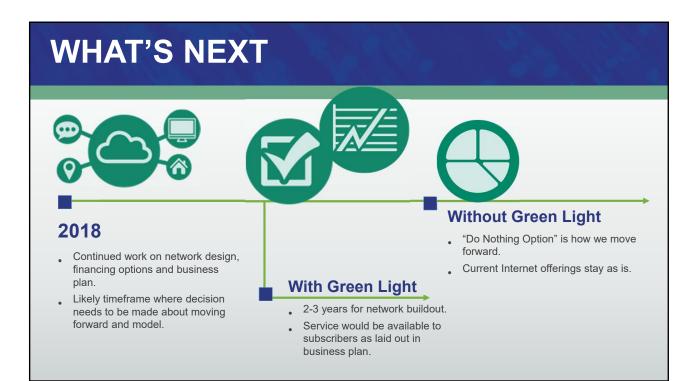
APPROVAL TO MOVE FORWARD

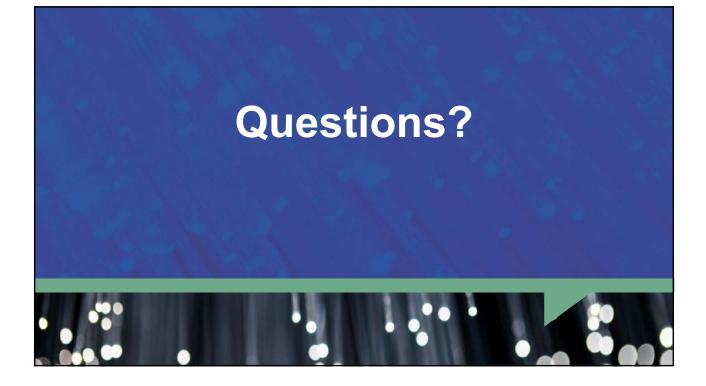
On February 6, 2018, Loveland City Council members authorized a series of measures to allow the City's broadband initiative to move forward:

- Appropriate \$2.5 million from the Electric Enterprise Unrestricted Fund to pay for a fiber-optic network and professional services.
- Establish the Loveland Electric and Communication Enterprise.
- Establish the Loveland Communication Advisory Board.
- Launch a Community Education Campaign.

WHAT'S HAPPENING NOW

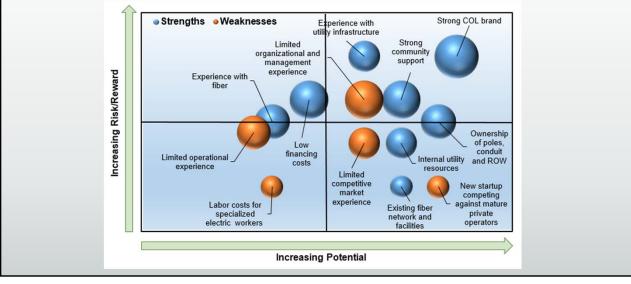


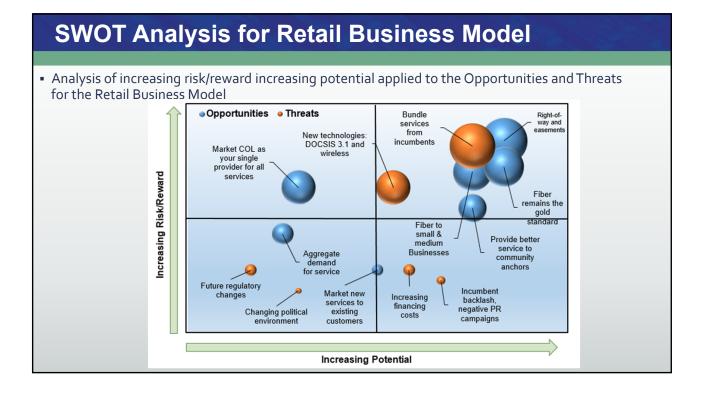


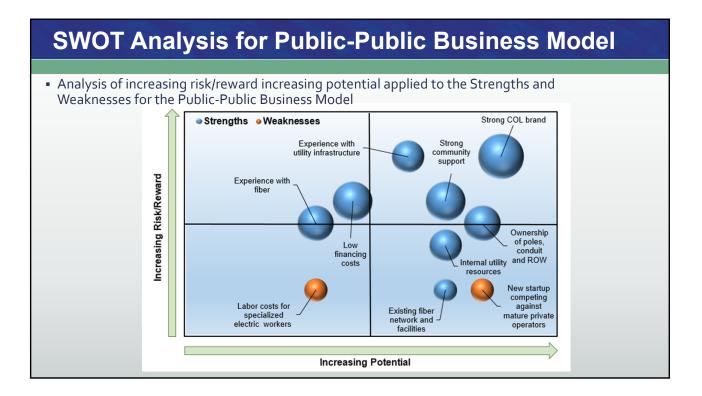


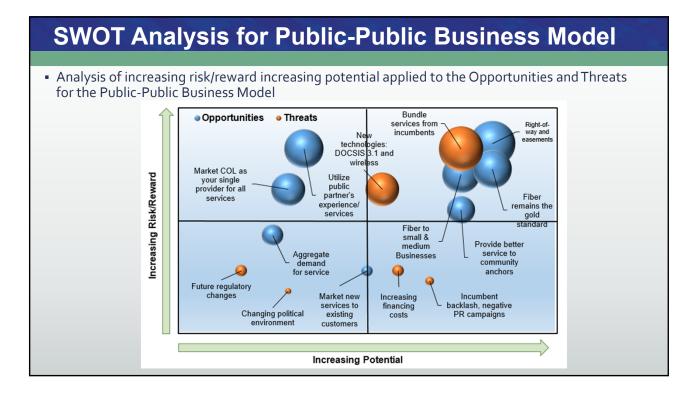
SWOT Analysis for Retail Business Model

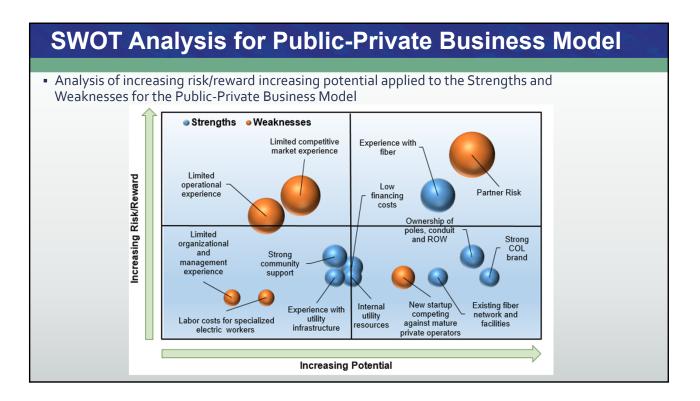
 Analysis of increasing risk/reward increasing potential applied to the Strengths and Weaknesses for the Retail Business Model

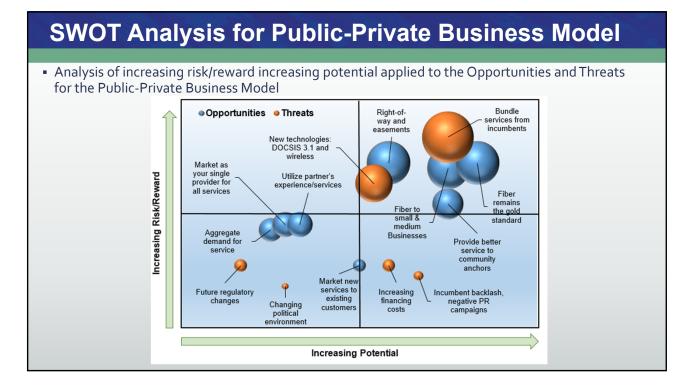














AGENDA ITEM: MEETING DATE: SUBMITTED BY: STAFF TITLE: 4 7/11/2018 Lindsey Bashline Customer Relations Specialist

ITEM TITLE:

Education and Outreach Update

DESCRIPTION:

This item will provide an update on the broadband education and outreach activities.

SUMMARY:

Lindsey Bashline will provide updates on broadband education and outreach activities including:

- Internal communications plan
- External communications plan
- Activities to date
- Next steps
- Board participation

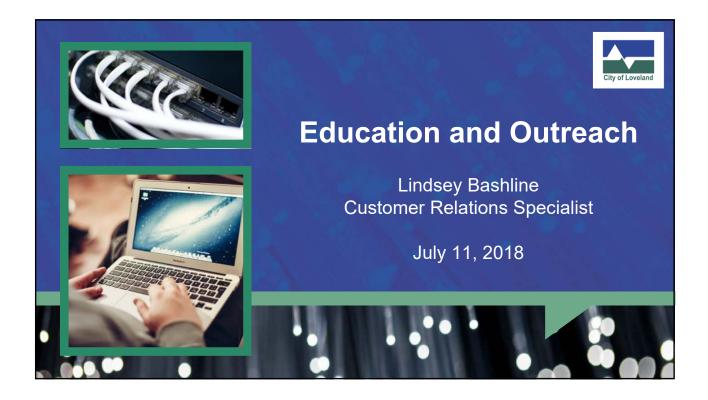
RECOMMENDATION:

Information item only. No action required.

ATTACHMENTS:

• Attachment A: Presentation: Education and Outreach Update

Attachment A



EDUCATION AND OUTREACH







INTERNAL EDUCATION

- Executive Leadership Team
- Brown Bags
- Intranet Resources
- Regular Email Updates



LET'S TALK BROADBAND



Join us for a City of Loveland Broadband Brown Bag in May

CITYOFLOVELAND.ORG/BROADBAND

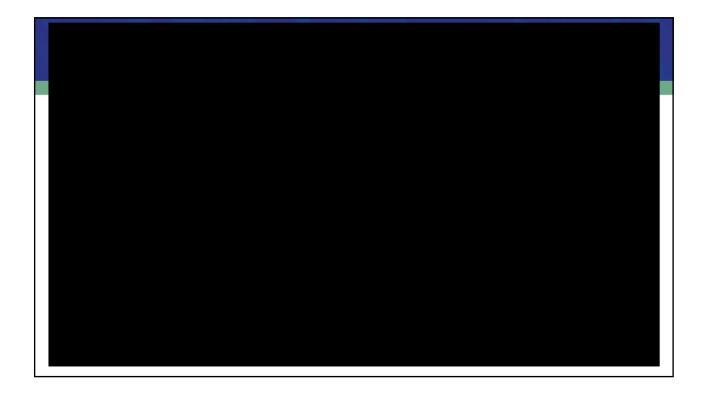




COMMUNITY EDUCATION Residents Online & Not Online · Wide array of demographics · Good representation from all areas of the City Reaching Businesses Key Accounts All Downtown In-Person Meetings **Residents** Partnerships Non-profits & Community Partners/Groups **Businesses** · Community Groups & Organizations; Rotaries, Sertoma, Lions Club, LDP, DDA, Loveland Berthoud Board of Relators, Made in Loveland, Direct Mail + Phone HOAs, and many more ... Thompson School District







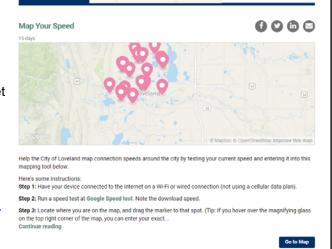
GET INVOLVED | STAY INFORMED

CHECK YOUR INTER...

Have questions? Learn more and ask!

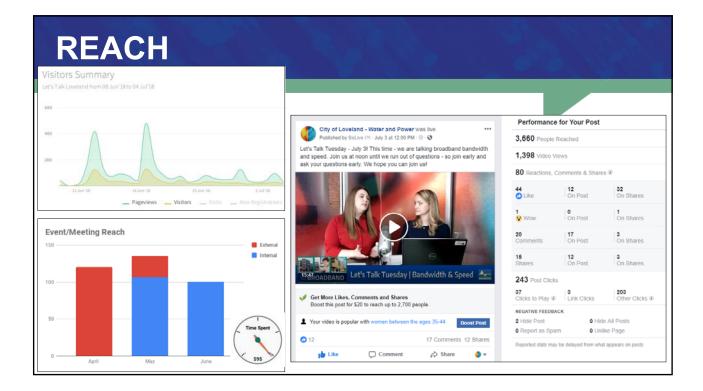
- Know someone who has questions or wants to know more? Share + connect us!
- ☑ Part of a group wanting a presentation? Let us know!
- Want to express your opinion? Sign our online guestbook, contact our team or your City Councilor.

Online: <u>CityofLoveland.org/Broadband</u> Email: <u>Broadband@cityofloveland.org</u> Call: (970) 962-2010



GUESTBOOK

Q & A NEWS & UPDATES



WH	AT'S UP NEX	Loveland, Colorado MEDIA RELEASE
Online	CityofLoveland.org/Broadband Map Your Internet Speed Ask Questions Access Archives Social Media Facebook Live 	CONTACTS: Butanna Reed Harmal 970 960-3902, Senter Electrical Legineer Department: Unreland Water and Power Department: Unreland Water and Power Department: Unreland Water and Power Department: Unreland Communications Advisory Board named Loveland Communications Advisory Board named Department of the new Loveland Communication Advisory Communications Advisory Communications (Communications Advisory Communications (Communications Advisory Communications (Communications (Commu
In-Person	 Town Hall Meeting Informal Q&A's around town Community Events – Movies on Main, Night on the Town, Foote Lagoon Concerts, Corn Roast Parade Partner Meetings 	Leveland broadband decisions on near horizon LET'S TALK BROADBAND Since 2015, the City of Since 2015, the City of Automatic Community
Direct + Phone	Mail to citizensCall: 970-962-2010Telephone Town Hall	the possibility of bringing broadband, otherwise known as high-speed internet, to the community. The conversation supports the City's vision of being a vbrant community in which to live, work and play. What started as a City Council retreat discussion was confirmed when 82 percent of unstitution learned with 82 percent

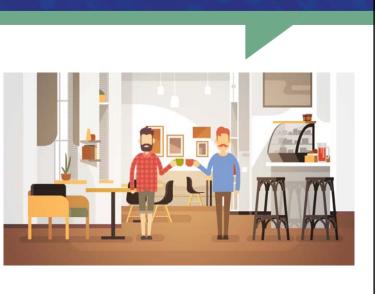
HOW CAN YOU HELP?

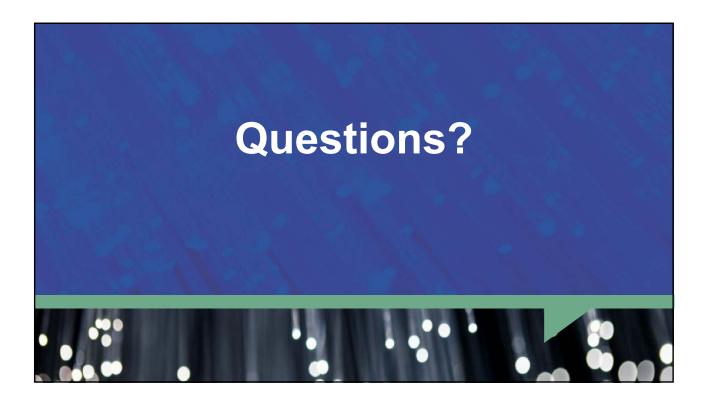
Participation in upcoming Events

- Fireside Chats
- Tabling Events

Distribution of materials & referrals to resources

Help keep a pulse on the topic? What questions are you getting?







AGENDA ITEM: 5 MEETING DATE: 7/11/2018 SUBMITTED BY: Joe Bernosky STAFF TITLE: Director

ITEM TITLE:

Commission & Council Report

SUMMARY:

Discuss events that the Loveland Communications Advisory Board members attended, special topics and any City Council items related to the Broadband Project from the past month.

• City Council Report – Verbal

RECOMMENDATION:

Commission/Council report only.

LET'S BROADBAND

AGENDA ITEM: 6 MEETING DATE: 7/11/2018 SUBMITTED BY: Joe Bernosky STAFF TITLE: Director

ITEM TITLE:

Director's Report

SUMMARY:

Broadband Project Actions:

- Staff has interviewed bond underwriters and negotiations are in process
- Contract negotiations continue with Nokia/Bear. On-site activities are expected to commence on July 17th.
- Education and outreach efforts continue. Staff is responding to questions from the community and has scheduled numerous in-person outreach events including Facebook live and a community engagement for where visitors can find information, leave comments, ask questions and participate in speed tests.
- Development of the financial/business plan is continuing.
- City staff have and will continue to engage with the City of Longmont regarding partnerships (Public-Public Partnership).

RECOMMENDATION:

Director's report only - no actions required.

