



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

Regular Board Meeting Agenda

Thursday, 27 January 2022
1:30 – 4:00 pm

Remote Meeting Only
Zoom Meeting ID: 964 1237 6617
<https://zoom.us>

- I. Introductions
- II. Public Comment – 5 minutes per person
- III. Consent Agenda
 - a. December 2021 Board Minutes
 - b. November 2021 Financials
 - c. December 2021 Financials
- IV. Discussion Items
 - a. Schedule for Board Retreat
- V. Decision Items
 - a. Ratification of Letters:
 1. Letter of Agreement with Region 9
 2. Letter of dispute resolution with the Department of Local Affairs
 3. Letter of Support for Town of Rico Broadband project
 - b. Approval of Professional Services Agreement with Region 9
 - c. Approval to apply for DOLA EIAF Grant
- VI. Reports

Staff will be available for questions on the written reports

 - a. Attendance Report
 - b. Staff Report
 - c. Broadband Report
 - d. Fiscal Administration Report
 - e. Grant Updates
 - a. RCAC Subgrantee Agreement
 - f. Housing Updates
 - g. Transportation/Transit Report
 - h. Legislation Updates
- VII. Community Updates (time permitting)

Introductions

Public Comment

Please limit comments to 5 minutes per person

Consent Agenda

**Southwest Colorado Council of Governments
December Board Meeting
Thursday, 9 December, 2021, 1:30 p.m.
Video Conference**

In Attendance:

Katie Sickles – Town of Bayfield
David Black – Town of Bayfield
Alvin Schaaf – Archuleta County
Mark Garcia – Town of Ignacio
Olivier Bosmans – City of Durango
Andrea Phillips – Town of Pagosa Springs
Gloria Kaasch-Buerger – Town of Silverton
Shari Pierce – Town of Pagosa Springs
Marsha Porter-Norton – La Plata County

Staff in Attendance:

Miriam Gillow-Wiles – Southwest Colorado Council of Governments
Jessica Laitsch – Southwest Colorado Council of Governments

Guests in Attendance:

Laura Vanoni – Archuleta County
Mike Segrest – La Plata County
Dan Fernandez – Region 9
Shay Denning – Region 9
Mary Jo Coulehan – Region 9
Laura Lewis Marchino – Region 9
Brian Rose – Region 9
Helen Katich – Senator Hickenlooper's Office
John Whitney – Senator Bennet's Office

Introductions

The meeting was called to order at 1:33 p.m.

Public Comment

None.

Consent Agenda

- a. October 2021 SWCCOG Meeting Minutes
- b. September and October 2021 Financials

Alvin Schaaf motioned to approve the consent agenda, Gloria Kaasch-Buerger seconded, unanimously approved.

Public Hearing for Fiscal Year 2022 Budget

The public hearing opened at 1:37 p.m. There were no members of the public present wishing to speak. The hearing closed at 1:37 p.m.

Decision Items

- a. Final 2022 Budget

Miriam explained that the final budget is substantially similar to the draft budget. She added that there are resolutions included as they are required by the State, although they have not been

included in the past. Andrea asked for clarification that the Board would be able to make budget amendments as necessary. Mark asked why dues revenues were higher than budgeted. Jessica replied that the City of Durango became a member.

Andrea Phillips motioned to approve Resolution 2021-01 summarizing expenditures and revenues for each fund and adopting a budget for the Southwest Colorado Council of Governments for the calendar year beginning on the first day of January 2022 and ending on the last day of December 2022, unanimously approved.

Andrea Phillips motioned to approve Resolution 2021-02 appropriating sums of money to the various funds and spending agencies in the amount and for the purpose as set forth for the Southwest Colorado Council of Governments for the 2022 Budget year, Alvin Schaaf seconded, unanimously approved.

Olivier asked for clarification on the audit and legal fees. Miriam replied the audit is annual financial audit and was the lowest qualified through a competitive bid process. The legal fees are for various legal advice, this is slightly high due to numerous contractual relationships.

b. 2021 Budget Amendment

Andrea Phillips motioned to approve Resolution 2021-03 amending expenditures and revenues for each fund and adopting an amended budget for the Southwest Colorado Council of Governments for the calendar year beginning the first day of January 2021 and ending on the last day of December 2021, Alvin Schaaf seconded, unanimously approved.

Alvin Schaaf motioned to approve Resolution 2021-04 amending appropriated sums of money to the various funds and spending agencies in the amount and for the purpose as set forth for the Southwest Colorado Council of Governments for the 2021 Budget year, Andrea Phillips seconded, unanimously approved.

c. Transition Plan

Miriam summarized the various proposed options. David asked for additional information about option 3 due to the challenges replacing Miriam and the different tax advantages of the two organizations. Olivier asked about the different organizational objectives between Region 9's focus on economic development and the SWCCOG's broader scope. David mentioned that good government is reliant on a strong economy. He added that one consideration will be determining how to manage funding equitably among the funding organizations. Miriam added that the SWCCOG works on the infrastructure that in turn supports economic development. Olivier asked about implications with respect to access to grants. Miriam replied that the SWCCOG is eligible for certain grants that Region 9 is not eligible for, and vice versa. Andrea expressed a preference to maintain the SWCCOG, perhaps evaluate the mission and programs of the SWCCOG, and explore option 3. Mark suggested collecting further information and scheduling a time for the Board to meet to discuss options. Marsha agreed with looking at the form of the SWCCOG and that a retreat would be beneficial. Laura suggested that it may be valuable to integrate considering the economies of scale and mentioned that across the State COGs and EDDs are combined. She suggested the organizations may initially choose to remain separate with a services agreement for 2022, then have the year to evaluate possible next steps. Katie mentioned that it is unusual for these types of organizations to be separate. She expressed support for setting up a working agreement. David asked, if combined, which organization would be the primary agency. Laura replied that most often the COG is the primary organization, however in Region 10 the EDD is the primary. She suggested that they remain separate in 2022, then throughout the year determine areas where reduction of duplication,

such as liability insurance, might make sense. David summarized that the intent is for the two organizations to work in a collaborative manner in 2022 and the Board will hold a retreat in the first quarter of 2022 to develop a plan for operations moving forward. Laura mentioned that there are some project areas for which the COG may need additional staff support. She summarized some opportunities for collaboration including Region 9 assisting the COG with completion of some current grant projects. David added that additional staff support will be important. Mike Segrest encouraged the Board to take an official action to establish interim leadership. Miriam pointed out that having Jessica in such a role would remove any separation of duties on financial matters. David mentioned that the suggestion to collaborate with Region 9 seems to address this. Marsha expressed support for immediate formal action, recognizing that the structure may be changed after the Board is able to hold a retreat. She asked if this is a role that Laura is able to take on. Laura replied that she was waiting to discuss this with her Board until after this discussion. Shay suggested that if the Region 9 Board is amenable, one strategy would be to establish a specific list of services to be provided to the COG. Mike suggested having the Executive Committee formalize an interim relationship until the whole board can evaluate. Shay suggested possibly authorizing Miriam to put something in place. Mark supported having the Executive Committee work with Laura and Miriam to establish a transition plan. Laura suggested she could bring a services agreement to her Executive Committee to review and edit. Miriam added that she would prefer for the COG Executive Committee to be involved as well.

Marsha Porter-Norton motioned to empower the current Executive Director to write up and work with Region 9 a service agreement that would allow Region 9 to operate as our helm/leader and the Executive Committee can provide oversight to Miriam as she transitions, and that we meet for a retreat as soon as possible in 2022 to go through the next steps throughout 2022. That will make sure that we are getting all the details in terms of leadership and give us time to work out how to do the integration, Mark Garcia seconded, unanimously approved.

Mike pointed out that there may need to be a contractual arrangement with Miriam as contractor during the transition. Miriam replied that she had proposed remaining an employee for a limited number of hours through the first quarter of 2022. David asked if Miriam and Laura could have services drafted up before Miriam's last day. Olivier commended the group on working together collaboratively.

Marsha Porter-Norton motioned to direct current staff to form a Professional Services Agreement with Region 9 that will allow us to have consulting leadership services until we meet to develop a longer-term plan, Olivier Bosmans seconded, unanimously approved.

Olivier Bosmans motioned to employ Miriam Gillow-Wiles for approximately 5 hours per week for the first three months of 2022 as an employee of the SWCCOG non-benefited to assist with the transition, Marsha Porter-Norton seconded, unanimously approved.

d. 2022 Meeting Dates

Miriam explained these were based on Region 9's meeting dates and explained potential considerations with this approach, alternatively the Board may wish to maintain the existing schedule. Marsha expressed concern about skipping meetings early in the year. David agreed that meeting more often may be important at first. Mark suggested tabling this discussion and focus on finding a time in January for a retreat. Laura suggested that, considering Region 9 also meets on Thursdays, the Board consider setting some meetings for the afternoons after the Region 9 meetings to help the two Boards build collaboration and trust. David asked about the

SWTPR meetings. Miriam suggested exploring holding Regional Transit Council and SWTPR meetings on the same day. There was discussion about holding the Board retreat the week before the next Region 9 meeting. There was discussion about meeting with the Region 9 Board for lunch after their January meeting.

e. Grant Applications

Miriam described some grant funds that will be becoming available and summarized the proposed projects. Mark asked if this is the right timing. Miriam replied that the EDA grant would cover staffing, so someone could be hired. She added that the broadband grants are one-time opportunities. Laura asked who would be writing the grants. Miriam suggested working with a contractor to write the applications and mentioned that the Board can later choose not to apply. Marsha asked about the deadlines. Miriam replied that while they are due in February and March, they will take some time to prepare. Olivier asked if grant writing costs could be covered. Miriam replied that one does cover pre-grant expenses, the other does not.

Olivier Bosmans motioned to move forward with the applications and ratification of the application, Andrea Phillips seconded.

Andrea expressed concern about not having staff capacity if awarded. Miriam replied that awards can be declined if necessary, this authorization to apply gives the Board maximum flexibility. Mark expressed concern about the timing. David expressed support for seeking eligible funding opportunities for beneficial projects. Miriam mentioned that there are a number of partnering opportunities.

Mark Garcia abstained, the motion was approved.

f. MOU with Onward! A Community Foundation

Miriam described the project. Mark asked who would be managing this. Miriam replied Jessica would be staffing this, staff expects the workload to be minimal.

Mark Garcia motioned to approve the MOU between Onward! and the SWCCOG, Alvin Schaaf seconded, unanimously approved.

Shari mentioned updating the responsible party in the contract. Miriam replied that staff would work with DOLA to make that change.

g. Executive Committee Selection

Miriam mentioned that Willy has said he would be willing to continue to serve as Vice Chair. Mark asked if could wait until after the retreat. David said he would be willing to continue to serve as Chair through the retreat. Laura pointed out that even if the COG becomes more aligned with Region 9, there would still be a need for separate boards.

Alvin Schaaf motioned to table, Mark Garcia seconded, unanimously approved.

h. Letters of Support Ratification

David explained that Executive Committee had authorized a number of letters of support which are being presented for ratification.

Mark Garcia motioned to ratify the letters of support, unanimously approved.

Reports

Marsha commended staff and Region 9 for working collaboratively and asked that staff keep the Board updated if there are any challenges. She added that La Plata County staff is available to help with the RHA if needed.

Miriam thanked the Board for their support.

Grant report:

Miriam reported that she is still waiting for notification regarding the housing planning grant.

Transportation report:

Jessica provided an update on the SWTPR meeting and the transit FTA grant application.

Community updates

David reported the Town of Bayfield is working on a connection to the trail.

Marsha reported that La Plata County has started holding meetings regarding ARPA funds, one possible project is to expand senior transit. She summarized the current intended breakdown for distribution.

John reported they are awaiting final rules for ARPA, they are encouraging flexibility for use by local governments. Congress is working on appropriations bills; he detailed the Senator's priorities. He provided an update on the SHRED Act to allow the Forest Service to retain a portion of the money paid to rent ski areas. He mentioned that the Senator sought input from Miriam on the infrastructure bill. He reiterated that the COG would be eligible for certain funds that Region 9 would not be. Marsha pointed out during the retreat the Board should factor in strategizing maximizing funding opportunities for the region.

Helen commended Miriam. They have been having discussions on broadband gaps. She updated that infrastructure monies are beginning to come into the region. David commended senator staff for participating in these meetings.

Andrea reported the Town of Pagosa Springs approved their budget, they will be redirecting dollars from tourism to workforce housing. They will begin negotiations on a public-private partnership for a workforce housing project. They are completing the trail project and preparing a Christmas celebration. They will have an election in April, they mayor and three seats are open. There is a citizen petition to add a fee on short term rentals.

Mark reported the Town of Ignacio is close to passing the budget, they have seen increased sales tax and are working on affordable housing. They have a second stoplight in town. The Transportation Commission is considering adoption of the Greenhouse Gas rule, this would be the first in the nation. There is a lot of money coming in for transportation.

Olivier reported the City of Durango sales tax and property tax collections are good, fund balances are good, they have an ambitious capital project plan, and a number of new staff positions. Marsha added that La Plata County is concerned about snow plow drivers, they are looking to coordinate with other local governments and agencies.

Gloria reported the Town of Silverton received funding for and is working on two housing projects. They will be adopting the budget on Monday.

Alvin reported that Archuleta County is working on the budget. The Justice Facility will open the beginning of the year.

The meeting was adjourned at 3:43 p.m.

November 2021 Financials

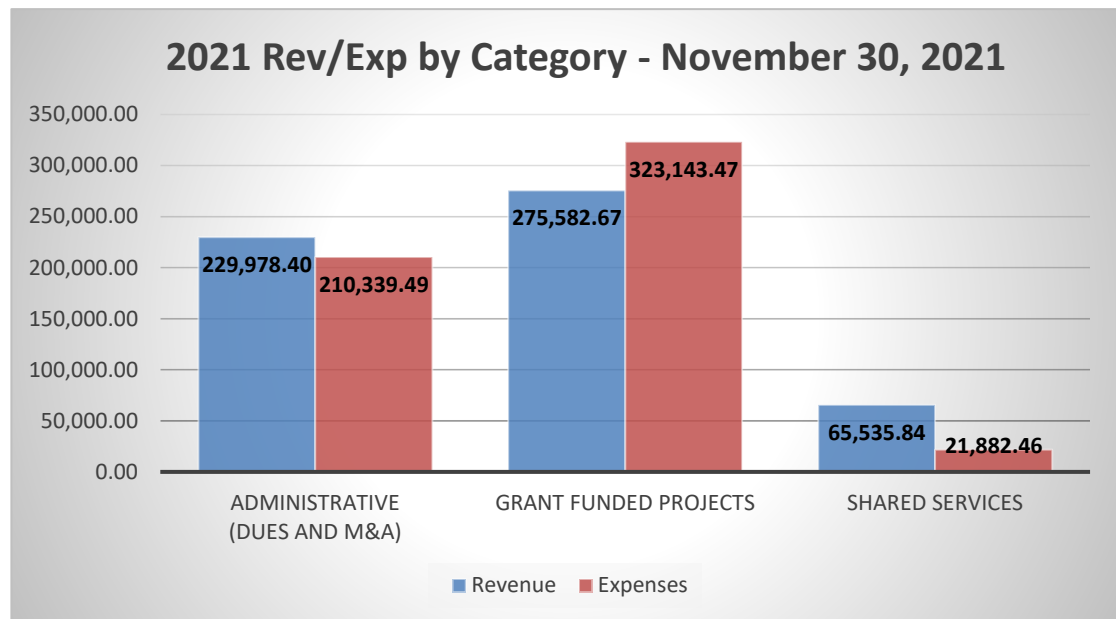
To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: January 27, 2022

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- Comments: The following reports are attached:
- Balance Sheet as of November 30, 2021
 - Budget vs. Actuals as of November 30, 2021

Summary:



Fiscal Impact: High, overall financial status of the organization

Legal Review: Not applicable

Staff Recommendation: Approve the November 2021 Financials

Southwest Colorado Council of Governments

Balance Sheet

As of November 30, 2021

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Alpine Bank	0.00
Alpine Bank Account (UR)	33,548.65
Fiber Equip Fund - Restricted	0.00
Total Alpine Bank	33,548.65
Petty Cash	22.97
AmeriCorps VISTA	95.10
Jessica Laitsch	0.00
Total Petty Cash	118.07
Total Bank Accounts	\$33,666.72
Accounts Receivable	
Accounts Receivable	86,169.65
Total Accounts Receivable	\$86,169.65
Other Current Assets	
Prepaid Expense	0.00
Undeposited Funds	0.00
Total Other Current Assets	\$0.00
Total Current Assets	\$119,836.37
TOTAL ASSETS	\$119,836.37

Southwest Colorado Council of Governments

Balance Sheet

As of November 30, 2021

	TOTAL
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	52,580.30
Total Accounts Payable	\$52,580.30
Credit Cards	
Credit Cards	0.00
Jessica	2,826.19
Miriam	64.89
Sara	0.00
Total Credit Cards	2,891.08
Total Credit Cards	\$2,891.08
Other Current Liabilities	
Accrued Wages	0.00
Deferred Revenue	0.00
Payroll Liabilities	1,347.21
457 Retirement Due	2,091.88
CEBT Health Insurance Due	-248.38
Total Payroll Liabilities	3,190.71
Total Other Current Liabilities	\$3,190.71
Total Current Liabilities	\$58,662.09
Total Liabilities	\$58,662.09
Equity	
Opening Balance Equity	0.00
Retained Earnings	26,991.28
Net Income	34,183.00
Total Equity	\$61,174.28
TOTAL LIABILITIES AND EQUITY	\$119,836.37

Southwest Colorado Council of Governments
Budget vs. Actuals: 2021 Budget - FY21 P&L
November 2021

	Total			
	Actual	Budget	Remaining	% Received
Income				
Dues Revenue				
COG Dues	164,205.00	164,205.00	0.00	100.00%
SWTPR Contributions	5,914.00	5,342.00	-572.00	110.71%
Total Dues Revenue	\$ 170,119.00	\$ 169,547.00	-\$ 572.00	100.34%
Grant Project Income				
All Hazards	125,652.13	156,900.00	31,247.87	80.08%
CDOT Grants				
SWTPR Grant	3,068.30	11,050.00	7,981.70	27.77%
Transit FTA 5310	13,609.00	16,000.00	2,391.00	85.06%
Total CDOT Grants	\$ 16,677.30	\$ 27,050.00	\$ 10,372.70	\$ 0.62
Colorado Health Foundation	32,542.71	32,542.71	-32,542.71	100.00%
DoLA Grants				
DOLA 8824 - 2019 TA		50,000.00	50,000.00	0.00%
DOLA 9149 - 2020 TA	34,999.50	35,000.00	0.50	100.00%
DOLA 9318 - 2021 TA		49,000.00	-5.85	0.00%
REDI 20-204	43,000.00	86,000.00	43,000.00	50.00%
Total DoLA Grants	\$ 77,999.50	\$ 220,000.00	\$ 142,000.50	35.45%
RREO Grant		0.00	0.00	
SWIMT	22,711.03	36,375.00	13,663.97	62.44%
Total Grant Project Income	\$ 275,582.67	\$ 472,867.71	\$ 197,285.04	58.28%
Misc Income	1,840.44		-1,840.44	
Project Administration				
All Hazards M&A	8,168.58	3,100.00	-5,068.58	263.50%
CARO		880.00	-6,692.00	0.00%
CDOT Other		24,500.00	-3,825.00	0.00%
Housing Project	13,500.00	5,000.00	-8,500.00	270.00%
RHA	17,200.00	17,200.00	0.00	100.00%
Rural Community Assistance		15,000.00	15,000.00	0.00%
SJRC&D	5,050.50	10,000.00	4,949.50	50.51%
SWIMT	2,271.11	3,625.00	1,353.89	62.65%
SWTPR	5,980.77	11,050.00	5,069.23	54.12%
Transit Coordination Grant	5,848.00	14,088.00	8,240.00	41.51%
Total Project Administration	\$ 58,018.96	\$ 104,443.00	\$ 46,424.04	55.55%
SCAN Services				
Aggregation of Connectivity	15,504.00	15,684.00	180.00	98.85%
Contract Sharing	1,200.00	0.00	-1,200.00	
Dark Fiber Leasing	48,531.84	49,674.00	1,142.16	97.70%
Telecom Services	300.00	360.00	60.00	83.33%
Total SCAN Services	\$ 65,535.84	\$ 65,718.00	\$ 182.16	99.72%
Total Income	\$ 571,096.91	\$ 812,575.71	\$ 241,478.80	70.28%

	Actual	Budget	Remaining	% Spent
Expenses				
Administrative Costs				
Operating Expenses				
Advertising and Promotion	75.04	200.00	124.96	37.52%
Bank Service Charge	-1.37	200.00	201.37	-0.69%
Conference Fee		1,500.00	1,500.00	0.00%
Consulting	18,300.00	7,500.00	-10,800.00	244.00%
Employee/Board Appreciation		100.00	100.00	0.00%
Information Technology (IT)				
Hardware	2,106.18	1,400.00	-706.18	150.44%
Software	2,632.09	3,278.00	645.91	80.30%
Total Information Technology (IT)	\$ 4,738.27	\$ 4,678.00	-\$ 60.27	101.29%
Internet Connectivity		2,340.00		
Meetings	58.74	1,000.00	941.26	5.87%
Memberships	4,800.00	4,848.00	48.00	99.01%
Misc Expense	51.68			
Office Supplies	1,624.01	850.00	-774.01	191.06%
Postage and Delivery		80.00	80.00	0.00%
Professional Development	845.00	2,000.00	1,155.00	42.25%
Professional Fees				
Audit	6,500.00	6,300.00	-200.00	103.17%
Legal	2,700.00	7,000.00	4,300.00	38.57%
Misc.		250.00	250.00	0.00%
Total Professional Fees	\$ 9,200.00	\$ 13,550.00	\$ 4,350.00	67.90%
Rent	7,700.00	8,400.00	700.00	91.67%
Travel	684.44	6,250.00	5,565.56	10.95%
Total Operating Expenses	\$ 48,075.81	\$ 53,496.00	\$ 5,420.19	89.87%
Personnel Expense				
Insurance Expense				
General Liability	1,948.89	1,958.00	9.11	99.53%
Health	14,561.14	15,885.00	1,323.86	91.67%
Worker's Compensation	1,438.00	2,132.00	694.00	67.45%
Total Insurance Expense	\$ 17,948.03	\$ 19,975.00	\$ 2,026.97	89.85%
Salary and Wages	124,090.89	141,989.52	17,898.63	87.39%
457 Retirement	4,624.40	5,227.58	603.18	88.46%
Car Allowance	3,300.00	3,600.00	300.00	91.67%
Cell Phone Allowance	1,100.00	1,200.00		
Payroll Processing Fee	1,627.50	1,925.00	297.50	84.55%
Payroll Tax	9,572.86	12,173.95	2,601.09	78.63%
Total Salary and Wages	\$ 144,315.65	\$ 166,116.05	\$ 21,800.40	86.88%
Total Personnel Expense	\$ 162,263.68	\$ 186,091.05	\$ 23,827.37	87.20%
Total Administrative Costs	\$ 210,339.49	\$ 239,587.05	\$ 29,247.56	87.79%
Project Costs				
All Hazards Projects	120,999.34	156,900.00	35,900.66	77.12%
Grant Funded Consulting	141,266.10	282,000.00	140,733.90	50.09%
Local Foods	32,542.71	32,542.71	0.00	100.00%

	Actual	Budget	Remaining	% Spent
Shared Services Expenses				
Fast Track	6,050.00	6,600.00	550.00	91.67%
Forethought.	11,385.00	12,000.00	615.00	94.88%
SCAN Dark Fiber Lease	4,447.46	11,698.50	7,251.04	38.02%
Total Shared Services Expenses	\$ 21,882.46	\$ 30,298.50	\$ 8,416.04	72.22%
SWIMT	25,106.98	36,375.00	11,268.02	69.02%
SWTPR	3,228.34	11,050.00	7,821.66	29.22%
Total Project Costs	\$ 345,025.93	\$ 549,166.21	\$ 204,140.28	62.83%
Total Expenses	\$ 555,365.42	\$ 788,753.26	\$ 233,387.84	70.41%
Net Income	\$ 15,731.49	\$ 23,822.45		

December 2021 Financials

To: SWCCOG Board of Directors

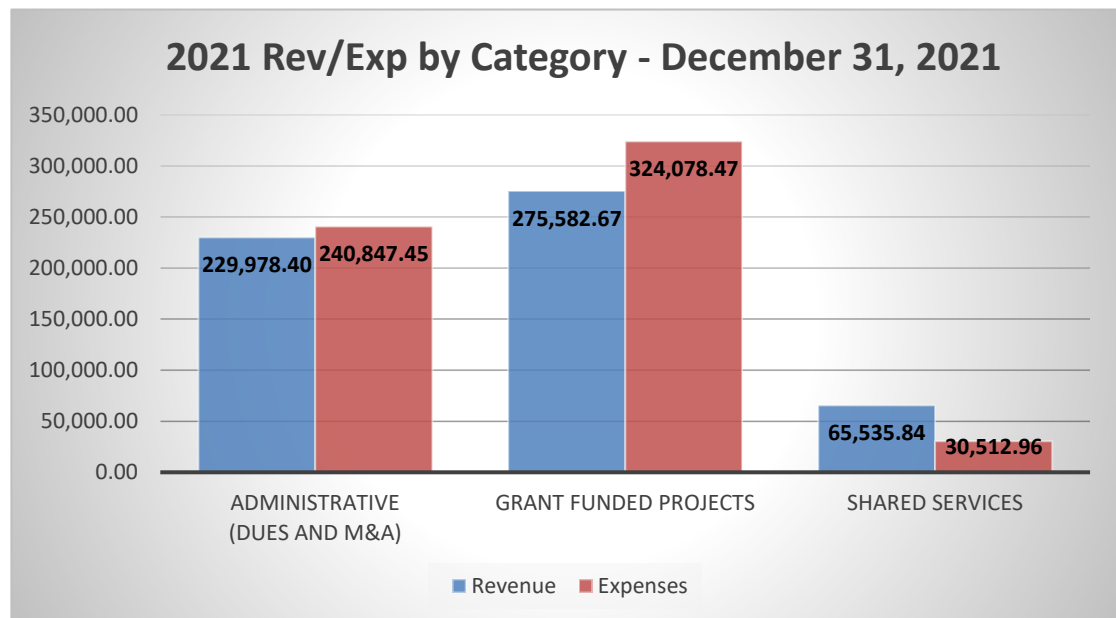
From: Jessica Laitsch

Date: January 27, 2022

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- Comments: The following reports are attached:
- Balance Sheet as of December 31, 2021
 - Budget vs. Actuals as of December 31, 2021

Summary:

The net income in December is negative. We are seeking reimbursement for a grant funded project, this will be discussed further during the meeting.



Fiscal Impact: High, overall financial status of the organization

Legal Review: Not applicable

Staff Recommendation: Approve the December 2021 Financials

Southwest Colorado Council of Governments

Balance Sheet

As of December 31, 2021

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Alpine Bank	0.00
Alpine Bank Account (UR)	42,815.88
Fiber Equip Fund - Restricted	0.00
Total Alpine Bank	42,815.88
Petty Cash	22.97
AmeriCorps VISTA	95.10
Jessica Laitsch	0.00
Total Petty Cash	118.07
Total Bank Accounts	\$42,933.95
Accounts Receivable	
Accounts Receivable	53,942.90
Total Accounts Receivable	\$53,942.90
Other Current Assets	
Prepaid Expense	0.00
Undeposited Funds	0.00
Total Other Current Assets	\$0.00
Total Current Assets	\$96,876.85
TOTAL ASSETS	\$96,876.85

Southwest Colorado Council of Governments

Balance Sheet

As of December 31, 2021

	TOTAL
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	36,204.29
Total Accounts Payable	\$36,204.29
Credit Cards	
Credit Cards	0.00
Jessica	2,157.29
Miriam	228.57
Sara	0.00
Total Credit Cards	2,385.86
Total Credit Cards	\$2,385.86
Other Current Liabilities	
Accrued Wages	0.00
Deferred Revenue	0.00
Payroll Liabilities	1,347.21
457 Retirement Due	5,267.35
CEBT Health Insurance Due	-248.38
Total Payroll Liabilities	6,366.18
Total Other Current Liabilities	\$6,366.18
Total Current Liabilities	\$44,956.33
Total Liabilities	\$44,956.33
Equity	
Opening Balance Equity	0.00
Retained Earnings	26,991.28
Net Income	24,929.24
Total Equity	\$51,920.52
TOTAL LIABILITIES AND EQUITY	\$96,876.85

Southwest Colorado Council of Governments
Budget vs. Actuals: 2021 Budget - FY21 P&L
December 2021

	Total			
	Actual	Budget	Remaining	% Received
Income				
Dues Revenue				
COG Dues	164,205.00	164,205.00	0.00	100.00%
SWTPR Contributions	5,914.00	5,342.00	-572.00	110.71%
Total Dues Revenue	\$ 170,119.00	\$ 169,547.00	-\$ 572.00	100.34%
Grant Project Income				
All Hazards	125,652.13	156,900.00	31,247.87	80.08%
CDOT Grants				
SWTPR Grant	3,068.30	11,050.00	7,981.70	27.77%
Transit FTA 5310	13,609.00	16,000.00	2,391.00	85.06%
Total CDOT Grants	\$ 16,677.30	\$ 27,050.00	\$ 10,372.70	\$ 0.62
Colorado Health Foundation	32,542.71	32,542.71	-32,542.71	100.00%
DoLA Grants				
DOLA 8824 - 2019 TA		50,000.00	50,000.00	0.00%
DOLA 9149 - 2020 TA	34,999.50	35,000.00	0.50	100.00%
DOLA 9318 - 2021 TA		49,000.00	-5.85	0.00%
REDI 20-204	43,000.00	86,000.00	43,000.00	50.00%
Total DoLA Grants	\$ 77,999.50	\$ 220,000.00	\$ 142,000.50	35.45%
RREO Grant		0.00	0.00	
SWIMT	22,711.03	36,375.00	13,663.97	62.44%
Total Grant Project Income	\$ 275,582.67	\$ 472,867.71	\$ 197,285.04	58.28%
Misc Income	1,840.44		-1,840.44	
Project Administration				
All Hazards M&A	8,168.58	3,100.00	-5,068.58	263.50%
CARO		880.00	-6,692.00	0.00%
CDOT Other		24,500.00	-3,825.00	0.00%
Housing Project	13,500.00	5,000.00	-8,500.00	270.00%
RHA	17,200.00	17,200.00	0.00	100.00%
Rural Community Assistance		15,000.00	15,000.00	0.00%
SJRC&D	5,050.50	10,000.00	4,949.50	50.51%
SWIMT	2,271.11	3,625.00	1,353.89	62.65%
SWTPR	5,980.77	11,050.00	5,069.23	54.12%
Transit Coordination Grant	5,848.00	14,088.00	8,240.00	41.51%
Total Project Administration	\$ 58,018.96	\$ 104,443.00	\$ 46,424.04	55.55%
SCAN Services				
Aggregation of Connectivity	15,504.00	15,684.00	180.00	98.85%
Contract Sharing	1,200.00	0.00	-1,200.00	
Dark Fiber Leasing	48,531.84	49,674.00	1,142.16	97.70%
Telecom Services	300.00	360.00	60.00	83.33%
Total SCAN Services	\$ 65,535.84	\$ 65,718.00	\$ 182.16	99.72%
Total Income	\$ 571,096.91	\$ 812,575.71	\$ 241,478.80	70.28%

	Actual	Budget	Remaining	% Spent
Expenses				
Administrative Costs				
Operating Expenses				
Advertising and Promotion	112.57	200.00	87.43	56.29%
Bank Service Charge	-1.37	200.00	201.37	-0.69%
Conference Fee		1,500.00	1,500.00	0.00%
Consulting	18,300.00	7,500.00	-10,800.00	244.00%
Employee/Board Appreciation		100.00	100.00	0.00%
Information Technology (IT)				
Hardware	2,106.18	1,400.00	-706.18	150.44%
Software	2,853.09	3,278.00	424.91	87.04%
Total Information Technology (IT)	\$ 4,959.27	\$ 4,678.00	-\$ 281.27	106.01%
Internet Connectivity		2,340.00		
Meetings	116.07	1,000.00	883.93	11.61%
Memberships	4,800.00	4,848.00	48.00	99.01%
Misc Expense	51.68			
Office Supplies	1,624.01	850.00	-774.01	191.06%
Postage and Delivery		80.00	80.00	0.00%
Professional Development	845.00	2,000.00	1,155.00	42.25%
Professional Fees				
Audit	6,500.00	6,300.00	-200.00	103.17%
Legal	2,700.00	7,000.00	4,300.00	38.57%
Misc.		250.00	250.00	0.00%
Total Professional Fees	\$ 9,200.00	\$ 13,550.00	\$ 4,350.00	67.90%
Rent	8,400.00	8,400.00	0.00	100.00%
Travel	684.44	6,250.00	5,565.56	10.95%
Total Operating Expenses	\$ 49,091.67	\$ 53,496.00	\$ 4,404.33	91.77%
Personnel Expense				
Insurance Expense				
General Liability	1,948.89	1,958.00	9.11	99.53%
Health	15,884.88	15,885.00	0.12	100.00%
Worker's Compensation	1,438.00	2,132.00	694.00	67.45%
Total Insurance Expense	\$ 19,271.77	\$ 19,975.00	\$ 703.23	96.48%
Salary and Wages	149,101.07	141,989.52	-7,111.55	105.01%
457 Retirement	5,227.58	5,227.58	0.00	100.00%
Car Allowance	3,600.00	3,600.00	0.00	100.00%
Cell Phone Allowance	1,200.00	1,200.00		
Payroll Processing Fee	1,849.56	1,925.00	75.44	96.08%
Payroll Tax	11,505.80	12,173.95	668.15	94.51%
Total Salary and Wages	\$ 172,484.01	\$ 166,116.05	-\$ 6,367.96	103.83%
Total Personnel Expense	\$ 191,755.78	\$ 186,091.05	-\$ 5,664.73	103.04%
Total Administrative Costs	\$ 240,847.45	\$ 239,587.05	-\$ 1,260.40	100.53%
Project Costs				
All Hazards Projects	120,999.34	156,900.00	35,900.66	77.12%
Grant Funded Consulting	142,201.10	282,000.00	139,798.90	50.43%
Local Foods	32,542.71	32,542.71	0.00	100.00%

	Actual	Budget	Remaining	% Spent
Shared Services Expenses				
Fast Track	6,600.00	6,600.00	0.00	100.00%
Forethought.	12,420.00	12,000.00	-420.00	103.50%
SCAN Dark Fiber Lease	11,492.96	11,698.50	205.54	98.24%
Total Shared Services Expenses	\$ 30,512.96	\$ 30,298.50	-\$ 214.46	100.71%
SWIMT	25,106.98	36,375.00	11,268.02	69.02%
SWTPR	3,228.34	11,050.00	7,821.66	29.22%
Total Project Costs	\$ 354,591.43	\$ 549,166.21	\$ 194,574.78	64.57%
Total Expenses	\$ 595,438.88	\$ 788,753.26	\$ 193,314.38	75.49%
Net Income	-\$ 24,341.97	\$ 23,822.45		

Discussion Items

Board Retreat Planning

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: January 27, 2022

In light of the transition initiated by the departure of the Executive Director, the Board expressed the intent to meet for an in-person retreat to evaluate the form and function of the SWCCOG and the Board's plans moving forward. Unfortunately, due to high COVID transmission and hospitalization rates, the originally scheduled date needed to be canceled.

Staff is seeking direction with respect to planning for this retreat:

1) Recognizing both the importance and urgency of this discussion as well as the continuing public health concerns, what timeframe would the Board like staff to target for rescheduling this event?

2) Are there specific items for discussion that the Board would like to have included on the agenda for the Retreat? The items that I am aware of for discussion and/or consideration during or after the retreat include:

- Evaluate the current Mission, Vision, Main Goals
 - Review options for SWCCOG structure
 - Review staffing needs
 - Elect officers for 2022
 - Appoint signers for bank accounts for 2022
-

Decision Items

Ratification of Letters

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: January 27, 2022

Comments: Since the December 2021 Board meeting there have been a number of administrative matters for which the Executive Committee authorized submission of a letter, the letters listed below are being presented for ratification:

1) The SWCCOG is currently operating without an Executive Director. While the Board will be meeting for a retreat to discuss the role and future of the SWCCOG, in the interim Region 9 has agreed to provide certain administrative and oversight services. To clarify this temporary arrangement prior to consideration of a services agreement, and to protect the interests of both parties, the Region 9 Executive Director and SWCCOG Board Chair signed a letter detailing the arrangement and compensation in the event a formal services agreement is not approved.

2) In 2019 the COG submitted a grant to do an environmental review on US160/491 from Cortez to the UMUT Reservation line. This was in support for the Ute Mountain Ute Tribe's EDA grant to build fiber from Cortez to the Casino, the SWCCOG worked on this grant to help support the Tribe and broadband development/redundancy; that grant was not funded. As a result, the SWCCOG needed another match for the grant.

Late in 2020 Love's Truck Stop announced it was planning on redeveloping property south of Cortez, at the intersection of US160/491 and County Road G. In the redevelopment the County pledged to get fiber to the property by building fiber along the exact same route. The COG partnered with Montezuma County to utilize the construction money for match the grant as they were expecting the costs to be about \$300,000.

NeoConnect did the NEPA work and as sections were completed the County built fiber. The County and City built a significant amount of fiber to ensure there was 144 count fiber run for all the partners. This includes 144 strands for: CDOT, UMUT, Montezuma, Cortez, SWCCOG, and an unassigned bundle.

DOLA has not yet provided the final reimbursement in the amount of \$43,000. It is the SWCCOG's understanding that DOLA has not yet provided this final reimbursement because SWCCOG's source of matching funds included construction funds spent by Montezuma County in building the fiber route. Following discussions between SWCCOG staff and DOLA, and SWCCOG staff,

Ratification of Letters

legal counsel, and the Executive Committee, the SWCCOG Board Chair signed a letter to DOLA requesting dispute resolution.

3) The Town of Rico was applying for a DORA Broadband grant to upgrade the currently available VDSL service to fiber with the help of Direct Communications, the sole provider of land-based internet services in Rico and requested a letter of support from the SWCCOG. Due to the timing of the grant application, the Executive Committee authorized submission of this letter with ratification to be requested at the January meeting.

Legal Review: The SWCCOG's attorney has been involved in the ongoing discussions with Region 9 with respect to oversight services. The attorney was also involved with drafting the letter to DOLA.

Fiscal Impact: None to SWCCOG

Staff Recommendation: Ratify the attached letters to 1) Region 9 Economic Development District, 2) the Department of Local Affairs, 3) the Broadband Fund in support of the Town of Rico.

December 17, 2021

Dear SWCCOG Chairman and Executive Committee:

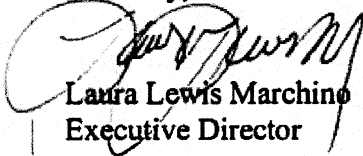
I am writing to clarify the position of the Region 9 Economic Development District of Southwest Colorado's (Region 9) interest in working more closely with the Southwest Colorado Council of Governments (SWCCOG) in this time of transition. I understand from the SWCCOG board meeting on December 9th that the Board is interested in pursuing a services agreement with Region 9, and will also be holding a retreat to determine more specifics and how they want to move forward. Since there will be a leadership gap as of December 17th, I need to make clear that Region 9, in the spirit of regional collaboration is already working closely with Miriam and Jessica to make sure nothing falls through the cracks and will be providing services to SWCCOG as needed. Due to the holidays, I know that neither the SWCCOG nor the Region 9 Executive Committee can meet.

During the interim between Miriam's departure and a decision by the parties regarding whether to move forward with a services agreement, Region 9 will charge the SWCCOG for any time spent by the Region 9 Executive Director at the rate of \$65 an hour. Region 9 will reduce or forgive these charges upon execution of the services agreement. Region 9 is willing to provide services under this arrangement for a period not to exceed 2 months, or until March 1, 2022. This decision is to assure my Board that we protect the interests of our organization by making sure that our work does not continue without a contract for an indefinite period and that if the SWCCOG ultimately decides to go in another direction, our organization is compensated.

If you are in agreement with this arrangement, please indicate so by signing below and returning a copy to me.

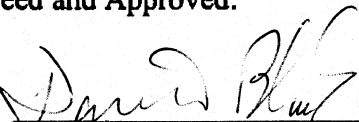
Thank you for your attention to this matter. I look forward to working towards an arrangement with the SWCCOG that ultimately strengthens both organizations and allows us to provide improved services to the businesses and residents of Southwestern Colorado.

Sincerely,



Laura Lewis Marchino
Executive Director

Agreed and Approved:

By:  , Title: CHAIR SWCCOG Date: 12/23/2021
Southwest Colorado Council of Governments



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

December 22, 2021

Patrick Rondinelli, Regional Manager
Department of Local Affairs
Via E-mail only to: patrick.rondinelli@state.co.us

Re: Request for Dispute Resolution.

Dear Mr. Rondinelli and Department of Local Affairs ("DOLA"):

The Southwest Colorado Council of Governments ("SWCCOG") seeks dispute resolution under paragraph 14 of the DOLA-SWCCOG- REDI 2-204 Southwest Colorado Council of Governments Towaoc NEPA Project Grant (the "Grant"), which provides:

14. DISPUTE RESOLUTION. Except as herein specifically provided otherwise, disputes concerning the performance of this Grant that cannot be resolved by the designated Party representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager or official designated by Grantee for resolution.

The matter for resolution involves SWCCOG's final request for reimbursement in the amount of \$43,000. All of the Grant funds to be provided by DOLA, \$86,000, were properly used for NEPA, and the Project was completed.

It is SWCCOG's understanding that DOLA has not yet provided the final reimbursement of \$43,000 because SWCCOG source of matching funds included construction funds spent by Montezuma County in building the fiber route, after the Ute Mountain Ute Tribe chose not to use its design and engineering funds as match.

There may be a miscommunication.

SWCCOG believed it was following all provisions of the Grant. There was no nefarious intent by the SWCCOG, who obtained this Grant to benefit the community at large. The Grant was a REDI grant request because the fiber build supports jobs and the community, benefits all the governments, and businesses, and provides redundancy for the entire region. The Ute Mountain Ute Tribe, Montezuma County, City of Cortez, the SWCCOG, the Colorado Department of Transportation, the State of Colorado, and private businesses all benefited from the Grant.

The goal of the Grant is for connectivity to occur through the actual building of fiber. Under the Grant, "Other Funds" means all funds necessary to complete the Project. See Page 3 of Grant, paragraph 4.0. The "Project" means the overall project described in Exhibit B, which includes the Work. Exhibit B, Scope of Project, states that the project is in conjunction with EDA funded Towaoc Broadband project.

The Grant application states that the Towaoc Broadband Project and the SWCCOG Towaoc NEPA project aim to build fiber from the City of Cortez to the Tribal community of Towaoc. The project description recognized the critical need to build broadband in southwestern Colorado and the Ute Mountain Ute reservation because no other Colorado region has less middle-mile broadband than the five-county southwest region.

Perhaps an Option Letter revision to the Grant is possible to remedy any miscommunication, if deemed necessary by DOLA, to allow SWCCOG to use the Montezuma County matching funds in order to receive final payment of grant funds.

At this time, Miriam Gillow-Wiles has resigned from the SWCCOG to pursue a different employment opportunity. Accordingly, David Black, Town of Bayfield Trustee, will be the SWCCOG contact for dispute resolution in the interim and can be reached at Dblack@bayfieldgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read "David Black". The signature is fluid and cursive, with a large, sweeping flourish at the end.

David Black
Chair
Southwest Colorado Council of Governments
Dblack@bayfieldgov.org

cc:

Miriam Gillow-Wiles, former Executive Director SWCCOG.
Jessica Laitsch, Accounting and Operations Analyst SWCCOG.
William Tookey, San Juan County Administrator and SWCCOG representative.

The Town of Rico is applying for a DORA Broadband grant to upgrade the currently available VDSL service to fiber with the help of Direct Communications, the sole provider of land-based internet services in Rico.

Is it a proposal from one or more members?

No, the Town of Rico is not a current member of the SWCCOG.

Does the proposal have a regional impact?

Yes, the proposal furthers the goal of SWCCOG to provide abundant, redundant and affordable internet service to citizens, businesses and visitors in Region 9 of southwestern Colorado.

Is it a proposal that involves the SWCCOG, the SWCCOG's established goals, existing SWCCOG projects, and/or existing or previous advocacy?

Yes, the proposal will support SWCCOG's vision of providing high speed internet service to underserved communities. The Town of Rico, Dolores County, is a remote and vibrant community in one of the most sparsely populated areas of the state.

Has the proponent consulted with SWCCOG members or other agencies that might have jurisdiction over decisions that could impact the implementation of the proposal?

The Town of Rico has participated in both SWCCOG and DORA broadband committee webinars and is a registered participant in the upcoming Colorado Broadband Office's Capital Projects Fund Listening Session on January 11th. The Town of Rico has extremely limited resources and is relying on the efforts of a few volunteers to help assemble information needed to support the DORA broadband grant application.

What is the impact on the region if the proposal succeeds? Fails?

A successful proposal would mean reliable, high-speed internet services for approximately 250 households, the volunteer fire department, CDOT, search and rescue services, the town hall and library, and a handful of businesses which serve the Town of Rico. Failure to succeed will hinder further economic and educational development in the Town of Rico.

In what areas of the region, if any, will the proposed activity take place?

The proposal will provide last-mile infrastructure for the Town of Rico, located in the mountainous eastern end of Dolores County.

Is there a fiscal impact for the SWCCOG and or SWCCOG members?

No, there should be no fiscal impact for the SWCCOG or its members.

Does the proposal fit within the mission and vision of the SWCCOG?

Yes, the proposal fits within the mission and vision of the SWCCOG.

Is one or more SWCCOG member working on a similar activity or goal?

There are no SWCCOG members working on a project in our neck of the woods.

If so, does this letter of support potentially support or undermine the Member activity/goal?

SWCCOG members may be working on broadband grant applications for their communities.



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

January 10, 2022

Broadband Fund
Colorado Department of Regulatory Agencies
1560 Broadway, Suite 1550
Denver, CO 80202

Members of the Grant Committee:

The Southwest Colorado Council of Governments (SWCCOG) is located in the southwest corner of the State of Colorado. One of the SWCCOG's specific goals is to expand high-speed internet throughout the southwest Colorado region by building broadband in this underserved area. As broadband is built, we also strongly encourage new infrastructure to be established as open access fiber to allow integration with future fiber network expansions in the region. Considering the critical need for technology infrastructure, we would like to express support for Direct Communications in its application for funding to deploy last mile broadband service throughout the Town of Rico, Dolores County, Colorado.

Direct Communications has access to a high-speed fiber backbone in the Town of Rico. Financial support will enable them to build last-mile infrastructure and provision reliable high-speed services to the citizens, businesses, and anchor institutions in the Town of Rico which is considered underserved or unserved by the FCC. Homes and businesses in the Town of Rico will be connected to the same high-speed services available to citizens living in front-range metropolitan communities; the currently available VDSL service is unreliable, overburdened, and presents daily problems for the government of the Town of Rico and its citizens.

Direct Communication's Gigabit offering of 1,000 Mbps in download and 1,000 Mbps in upload speeds will have a tremendous impact on the local economy and business development, attracting new companies and entrepreneurs to the area. Their high-speed offering will also improve healthcare and education, government services and public safety, and prospects for local tourism. We support and strongly encourage the Board to fund projects that will make a meaningful difference in improving speeds throughout the State.

We urge you to support Direct Communication's application to the Broadband Fund. We thank you for your support of technology infrastructure in southwest Colorado.

Sincerely,

David Black
Southwest Colorado Council of Governments Chair

Professional Services Agreement with Region 9 EDD

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: January 27, 2022

The SWCCOG is currently operating without an Executive Director. While the Board will be meeting for a retreat to discuss the role and future of the SWCCOG, in the interim Region 9 has agreed to provide certain administrative and oversight services. The current arrangement lacks the specificity of a full services agreement and is set to expire on March 1, 2022. The attached services agreement was developed with significant involvement and discussion between the former Executive Director, Miriam Gillow-Wiles, the Region 9 Executive Director, Laura Lewis Marchino, the Accounting and Operations Analyst, Jessica Laitsch, and legal counsel for both organizations.

The Region 9 Board of Directors is also scheduled to consider the Services Agreement on January 27, 2022. The SWCCOG Board is invited to attend the Region 9 Board meeting at 11:00 a.m. to hear that discussion. Staff will also provide an update of the Region 9 discussion during the meeting.

Legal Review: The Services Agreement has been reviewed by the attorneys for both the SWCCOG and Region 9.

Fiscal Impact: Significant. The agreement includes a monthly cost of \$1,000. The agreement also ensures financial oversight and separation of duties for SWCCOG staff.

Staff Recommendation: Approve the Professional Services Agreement with Region 9 Economic Development District for certain administrative and oversight services.

**AGREEMENT BETWEEN
REGION 9 ECONOMIC DEVELOPMENT DISTRICT OF SOUTHWEST COLORADO
AND
THE SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS**

THIS AGREEMENT (the “Agreement”) is entered into this 27th day of January 2022, by and between the REGION 9 ECONOMIC DEVELOPMENT DISTRICT OF SOUTHWEST COLORADO (“Region 9” or “Contractor”) whose address is 135 Burnett Dr, Unit 1, Durango, CO 81301, and the SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS (“SWCCOG”), whose address is 295 Girard St, Ste B, Durango, CO 81303 (hereinafter referred to as the “SWCCOG”) (and collectively, the “Parties”).

RECITALS

WHEREAS, the SWCCOG is in need of certain administrative and oversight services as set forth in Exhibit A and whereas REGION 9 would provide those administrative and oversight services; and

WHEREAS, it is the mutual desire of the Parties to set forth their understanding and agreement, in writing, with respect to said obligations:

NOW, THEREFORE, the parties agree as follows:

1. *Retention of Contractor.* SWCCOG hereby retains REGION 9 to provide certain Services on the terms herein provided.

2. *Term of Agreement.* Unless terminated earlier by either party hereto, the initial term during which Contractor shall provide services to SWCCOG under this Agreement shall be from **1 January 2022** until **31 December 2022**. **The Agreement may be automatically extended under the same terms for three successive calendar years after the expiration of the initial term.** The Parties shall review the terms of the Agreement in September of each calendar year and may amend the scope of work and compensation set forth in the agreement. The Agreement may be terminated as otherwise set forth below.

3. *Termination.* This Agreement may be terminated by either Party, with or without cause, by providing at least 60 days’ written notice to the other Party.

SWCCOG may terminate this Agreement immediately without prior notice if any of the following occurs:

- a. Contractor commits a material breach of any provision of this Agreement and thirty days’ notice and an opportunity to cure, without curing lapses: or
- b. Contractor commits an act of fraud, dishonesty or any other act of gross negligent, reckless or willful misconduct in providing the services to the SWCCOG or violates any other provision of law; or

- c. Contractor fails to commence the work within the SWCCOG calendar dates, or in the opinion of SWCCOG the Contractor fails to perform the work with sufficient workers and equipment or with sufficient materials to assure the prompt completion of said work; or
- d. Contractor discontinues the work; or
- e. Contractor fails to resume work which has been discontinued within a reasonable time after notice to do so.

The REGION 9 may terminate this Agreement with 30 day's prior notice if any of the following occurs:

- a. SWCCOG Board or staff fails to provide direction, information, and other relevant information needed by REGION 9 to provide services in Exhibit A; or
- b. SWCCOG commits a material breach of any provision of this Agreement that remains uncured for 30 days after notice is provided by Region 9.

Upon termination, SWCCOG shall issue REGION 9 any payments owed for the annual period, however pro-rated to the date of termination, and REGION 9 shall return to SWCCOG all of SWCCOG property, correspondence and records (including copies of SWCCOG computer files), and the parties shall thereafter be relieved from further obligations under this Contract, except for provisions concerning governing law and enforcement, indemnification, and shall maintain confidentiality of SWCOGG passwords, bank accounts, work product, contracts and otherwise maintain confidentiality as per SWCCOG policies, which shall survive termination.

4. *Contractor's Duties.* Contractor shall furnish the Services to SWCCOG as described in Exhibit A, Scope of Services. The SWCCOG agrees that it will at any time, and from time to time, execute and deliver all documents and instruments, and take all actions as may reasonably be required by the REGION 9 in order for REGION 9 to effectuate and fully carry out its obligations in accordance with the terms of this Agreement.

5. *Compensation and Invoices.* The compensation paid to the Contractor is to be paid on a schedule and at rates as described in Exhibit A. REGION 9's obligation to perform is conditional on SWCCOG payment.

6. *Agreement to Perform Services as an Independent Contractor.* It is understood that SWCCOG is contracting with Contractor to provide specific services and this Agreement should in no way be interpreted that Contractor is an employee of SWCCOG.

Contractor shall perform said services in its own way in the pursuit of its independent calling and not as an employee of SWCCOG and shall be solely responsible for the means and methods and the proper performance of the services in compliance with the terms, requirements, and specifications of this Agreement. Contractor and any persons employed or retained by Contractor for the performance of services hereunder shall be independent contractors and not employees or agents of SWCCOG. Contractor shall not be under the control of SWCCOG or its employees as to the means or manner by which such result is to be accomplished.

Contractor shall have no claim against SWCCOG hereunder or otherwise for vacation pay, sick leave, retirement benefits, social security, worker's compensation, health or disability benefits, unemployment insurance benefits, or employee benefits of any kind. Contractor shall be solely responsible for meeting all applicable withholding, tax, and insurance requirements.

7. *Notices.* Any notice this Agreement requires must be written and hand-delivered or sent by U.S. Certified mail, return receipt requested, to the parties at the address listed above and also via email, to the following e-mail addresses:

If to REGION 9: laura@scan.org

If to SWCCOG: info@swccog.org

8. *Assignment.* Neither party shall have the right to assign this Agreement except with the express written consent of the other.

9. *Enforceability.* If any term or provision of this Agreement shall be adjudicated to be invalid, illegal, or unenforceable, this Agreement shall be deemed amended to delete the term or provision thus adjudicated to be invalid, illegal or unenforceable and the validity of the other terms and provisions of this Agreement shall not be affected thereby so long as the purposes of this contract can be met.

10. *Governing Law and Enforcement.* The terms and conditions of this Agreement shall be construed, interpreted and enforced in accordance with the applicable laws of the State of Colorado. Any dispute concerning the performance or interpretation of the agreement which cannot be resolved by the designated points of contact, or their immediate superiors shall be referred to the party's board of directors. If the matter is not resolved within 45 days after referral, either party may file legal action. If any legal action is necessary to enforce the terms and conditions of this Agreement, the parties agree that exclusive jurisdiction and venue for bringing such action shall be in the appropriate court in La Plata County, Colorado.

11. *Entire Agreement.* The parties agree that this Agreement constitutes the entire Agreement between the parties and supersedes any and all prior oral representations, promises, covenants, understandings and other agreements, if any, between the parties and their agents, and this Agreement may not be modified in any manner except by an instrument in writing executed by both parties.

12. *Waiver.* No failure by either party to exercise any right it may have shall be deemed to be a waiver of that right or of the right to demand exact compliance with the terms of this Agreement.

13. *Construction.* This Agreement's final form resulted from review and negotiations among the parties and/or their attorneys and no part of this Agreement shall be construed against any party on the basis of authorship.

14. *Signatory's Authority.* Each person signing this Agreement in a representative capacity expressly represents that the signatory has the subject party's authority to so sign and that the subject party will be bound by the signatory's execution of this Agreement.

15. *Funding availability.* Financial obligations of the SWCCOG and performance obligations of REGION 9 are contingent upon annual appropriation of funds by their organizations to pay for the scope of work defined in this agreement. The Parties understand and accept that SWCCOG obligations to make any payments, and REGION 9 obligations to perform services are contingent on annual appropriation of funds. The parties represent that funds have been appropriated for the initial term.

16. *Third Party Beneficiaries.* The parties to this Agreement do not intend to benefit any person not a party to this Agreement. No person or entity, other than the parties to this Agreement shall have any right, legal or equitable, to enforce any provision of this Agreement.

17. *Breach of Contract.* The prevailing party to any litigation arising out of this agreement shall be entitled to all costs of that action, including reasonable attorney's fees. Notwithstanding, neither party shall be liable for any damages for loss of profits, loss of revenues, loss of goodwill, loss of anticipated savings, loss of data or cost of purchasing, replacement services, or any indirect, incidental, special, consequential, exemplary or punitive damages arising out of its performance or failure to perform under this agreement. Additionally, any damages against REGION 9 shall be capped at the amount of funds that REGION 9 has received from the SWCCOG during the fiscal year in which such liability or damage accrued.

18. *Liability Insurance.* REGION 9 shall maintain its insurance coverages in the amount presently held (at the time of execution of this Agreement) by the REGION 9, attached hereto as Exhibit B and SWCCOG shall maintain its CIRSA insurance coverages during the term of this contract.

19. *Indemnification.* Each party, to the extent authorized by law, shall indemnify and hold the other harmless, their agents, employees, and Directors from and against any claim, damages, losses and expenses, including but not limited to attorney's fees and court costs, arising out of or related to that party's own failure to properly perform under this agreement, but only to the extent the failure to perform is caused in whole or in part by the negligent acts or omission of that party, or anyone directly or indirectly employed by that party, and so long as that party did not cause, in whole or in part, the other party not to properly perform. Notwithstanding the foregoing, Region 9 shall not be responsible for any errors, omissions, or inaccuracies in books, records, or other materials maintained by SWCCOG and provided to Region 9 under this Agreement.

20. *Intent.* It is the intent of the Parties that all contractual and statutory obligations of the SWCCOG remain those of the SWCCOG and are not assigned to REGION 9 and do not become the obligation of REGION 9. This Agreement does not create a joint venture or partnership or merger of the Parties. SWCCOG is and shall remain a separate and distinct entity from REGION 9. The business operations of SWCCOG shall in no way combine with the business operations of REGION 9. The role of the REGION 9 is merely to assist the SWCCOG Board by supplying it with administrative and oversight support as set forth in this Agreement. The REGION 9 is not responsible for the SWCCOG's actions or inactions.

21. *Immunity, Etc.* By executing this agreement, the parties do not waive any immunity or limit liability contained in the Colorado Governmental Immunity Act, do not create a multi-year

financial obligation, and do not create any other financial obligation not supported by a current appropriation.

22. *List of Exhibits*

Exhibit A – Scope of Services and Compensation

Exhibit B – REGION 9 Insurance

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first above written.

SWCCOG

By: _____

David Black

Chair

Date: _____

REGION 9

By: _____

Laura Lewis Marchino

Executive Director

Date: _____

EXHIBIT A

SCOPE OF SERVICES & COMPENSATION

SERVICES PROVIDED BY REGION 9

Financial Oversight. Region 9 will provide separation of duties for SWCCOG staff such as approving payments and employee timesheets, confirm reconciliation of QuickBooks financials to bank statements, receiving mail and documenting check payments. SWCCOG policies will be amended to reflect these changes. Region 9 will participate in the annual audit as determined by the SWCCOG Board, review financials as needed, be knowledgeable about budget and provide support for SWCCOG budget oversight.

Board Support. Region 9 will attend SWCCOG meetings and report on activities assigned to Region 9 pursuant to this Agreement. Region 9 will review and contribute to board packets prior to distribution as needed. Region 9 will ensure a financial report is provided to the SWCCOG. Region 9 will be back-up for public meeting notice and administration duties.

Staffing supervision and oversight. Region 9 will provide supervision to SWCCOG staff to ensure job activities are completed within their job description. Routine engagement of SWCCOG staff with Region 9 team will occur for decision making and personnel support.

Contractor oversight. Region 9 will, with assistance of SWCCOG staff, supervise SWCCOG contractors to ensure that the contractors are performing their scope of work in timely manner and billing SWCCOG appropriately. Region 9 may assist in RFP/Q/I development, review, and contract negotiations as requested.

Shared information. Region 9 will have access to SWCCOG's administrative passwords, bank accounts, emails, work product, contracts, and documents reasonably necessary for Region 9 to perform its obligations under this Agreement. Region 9 will respect separateness of the SWCCOG organization and retain confidentiality of SWCCOG passwords, bank accounts, work product, contracts and otherwise maintain confidentiality as per SWCCOG policies.

Project Oversight. SWCCOG is involved in the following programs and has contracts with following entities and programs:

- La Plata County Regional Housing Alliance (RHA)
- Southwest Region All Hazards Advisory Council (All Hazards)
- Southwest Transportation Planning Region (TPR)
- Southwest Transit Coordinating Council
- San Juan Resource Conservation and Development Council (SJRCDD)
- Southwest Incident Management Team (SWIMT)
- CARO - Colorado Association of Regional Organizations

Region 9 will provide staff oversight and support to SWCCOG for the above programs and entities and will attend meetings between SWCCOG and the above entities as needed.

Grant oversight. Region 9 will provide oversight and support to SWCCOG staff for the following grants to ensure that all grant related requirements are timely accomplished and reported:

- CDOT CDL Development - \$24,900
- CDOT TPR - \$21,200
- CDOT 5310 FY2022 – \$43,300
- DHSEM All Hazards 2019 – \$120,982
- DHSEM All Hazards 2020 - \$87,473
- DHSEM All Hazards 2021 – \$188,144
- DHSEM SWIMT - \$20,583
- DOLA 8824 CDL Development - \$30,000
- DOLA 8824 Hard to Recycle Items - \$20,000
- DOLA REDI 2021-204 Montezuma Orchard Restoration Project - \$150,000
- DOLA 9318 Digital Workforce Development and Entrepreneurship Support with SCAPE - \$49,000
- RCAC Business Development - \$15,000
- SIPA- Statewide internet portal authority/Digitalization of documents -\$6,000 (COG/RHA)

If necessary, Region 9 follow-up on compliance, billing, and engagement with the above grants.

For future grants awarded to SWCCOG, Region 9 role will include consultation with SWCCOG staff on determining capacity for fulfilling grant obligations prior to SWCCOG contracting for the grant. If it is determined that additional contractor or SWCCOG staff will need to be hired for grant purposes, such request will be brought by Region 9 to the SWCCOG board for approval.

SERVICES RESERVED BY SWCCOG

The SWCCOG will be responsible for performing current administrative duties presently done by Jessica Laitsch, including:

- Filing any necessary papers at SWCCOG Board’s direction to renew SWCCOG’s insurance policy(s) in the amount including errors and omissions coverage, to ensure no lapse in coverage, the costs of the same to be paid by SWCCOG.
- Opening mail and email correspondence forwarded by REGION 9 to SWCCOG and forwarding the correspondence to SWCCOG’s Board President and Executive Committee.
- Supporting SWCCOG Board Meetings, which shall include the following:

- Per the direction of the SWCCOG Chair creating an agenda and supporting documentation.
 - Distributing the agenda to the Board.
 - Taking minutes and drafting minutes of the meeting which will be at the following regularly scheduled Board Meeting.
 - Maintaining SWCCOG board meeting minutes and financial records.
- SWCCOG shall be the official Custodian of the SWCCOG's records and shall respond to any record requests made pursuant to the requirements of applicable Colorado law. REGION 9 may assist SWCCOG in responding to any record requests made of the organization under applicable Colorado law. The cost of the same, including the payment of any necessary legal fees or court costs in complying with same or replying to record requests shall be promptly paid by SWCCOG to REGION 9 in addition to the annual payments.
 - Update bank signatories.
 - Posting public notices of meetings, budget hearings, and other items required by Colorado Revised Statutes.
 - Meeting deadlines not assigned to Region 9.
 - Maintaining SWCCOG books in QuickBooks from date of execution of this Agreement.
 - Providing financial statements including Balance Sheet, Profit & Loss, and Budget to Annual statements to the SWCCOG Board in the Board Packets.
 - Assist the SWCCOG Board in scheduling the annual audit, as necessary, to be performed by an Audit Firm selected by SWCCOG Board. Facilitate the audit by providing records in its possession as requested. Costs of audit and auditor contract to be the responsibility of the SWCCOG Board.
 - Assist SWCCOG in complying with their audit and auditor's requests for information.
 - Assisting the SWCCOG Board in preparing an annual budget for approval by the Board, when approved by the SWCCOG Board file the budget and budget amendments with any additional agencies or persons as directed by SWCCOG.
 - File financial paperwork on behalf of the SWCCOG with the State.
 - Meet with SWCCOG Treasurer to review financials as needed.

- Provide Board of Director meeting support and Maintaining SWCCOG board meeting minutes and financial records obtained during the time of this Agreement.

RATE AND COST SCHEDULE

SWCCOG shall pay REGION 9 \$1,000 month for the Term of this Agreement. Region 9 will invoice SWCCOG on a quarterly basis.

If Region 9 is requested to perform additional work beyond what is listed in this Scope of Work, Region 9 shall be paid for such work at an hourly rate of \$50 per hour. Region 9 shall record and bill its time for such work in 15-minute increments.

REGION 9's administration and oversight services provided in this scope of work shall include labor costs, rent, liability insurance, utilities, telephone, office supplies, and computer hardware and software.

Other Costs associated with the scope of work performed by Region 9 that the SWCCOG may incur, including but not limited, to legal fees and costs, audit fees, PO Box costs, postage, mileage and travel (as authorized by the SWCCOG Board), liability insurance renewal, payment of SWCCOG Vendors and SWCCOG invoices, are the responsibility of the SWCCOG and will be paid directly by SWCCOG.

Grant Application Approval

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: January 27, 2022

In December 2021 the SWCCOG applied for Federal Transit Administration Innovative Coordinated Access and Mobility (ICAM) funds for implementation of a Digital Mobility Hub. This project builds off two previous CDOT mobility management grants to coordinate the disparate transit systems to allow for ridership across the region. The FTA grant request was for \$350,000 to design, build, and implement software for the transit and human service providers to provide coordinated trips across the region to allow riders to move across the region via multiple providers and would require a match of \$87,500. This grant would serve as that match and fund elements of the project such as marketing and web design.

Legal Review: None needed at this time, if grants are awarded contracts with partners will be needed

Fiscal Impact: High, addresses programs the SWCCOG has identified as priorities

Staff Recommendation: Approve application for DOLA EIAF grant for implementation of the Transit Digital Mobility Hub

Title of Proposal/Program: DOLA Energy and Mineral Impact Assistance Program

Date: 1/27/2022

Proposal Due Date: 3/1/2022

SWCCOG Grant Opportunity Questionnaire

1) Briefly describe the program/project and the grant opportunity.

Implementation of a digital mobility hub, a single-point connection where riders can access information about all providers in a region, for the Southwest Region of Colorado. This project is intended to integrate with CDOT's statewide Connected Colorado project. This funding opportunity seeks to promote sustainable community development, increase livability and resilience of communities through strategic investments in asset-building activities.

2) Who are eligible applicants for this grant opportunity? (non-profit entity, governmental entity, for profit entity, not specified, etc.)

Political subdivisions that are socially and/or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels.

3) Are there other entities in the region that could provide this service?

YES, If YES - why should SWCCOG take on this project/program? NO

Due to the regional scope of the project and the existing function coordinating the Southwest Regional Transit Coordinating Council, it is appropriate for the SWCCOG to provide this service. The SWCCOG also procured an implementation plan for this project in 2021.

4) Describe how the new or continuing project/program will enhance the overall mission of SWCCOG. How will it intersect with and complement other SWCCOG programs?

This project is a significant step towards regional leadership with respect to maximizing access to public transportation. The project was identified as a key strategy in the 2018 SWCCOG Four Corners Coordinated Transit Plan. The implementation design for this project was undertaken in 2021.

5) Is the SWCCOG already delivering this type of service?

YES NO

Title of Proposal/Program: DOLA Energy and Mineral Impact Assistance Program

Date: 1/27/2022

Proposal Due Date: 3/1/2022

6) Describe the need in the community for the proposed project/program.

A central, coordinated location for transit information will improve awareness of existing services to maximize the potential utilization of public transportation services.

7) What is the [non-financial] return on SWCCOG's investment throughout the region?

Implementation of a centralized information system, seamlessly integrated with Connected Colorado, allowing riders to easily access information, increasing the visibility of existing services, and providing data to better inform decision-makers

8) Is this project/program sustainable long term or is it a short-term project?

This phase of the project consists of the development and marketing of a centralized software system. The program would not directly generate revenue, although there may be opportunities for support through annual contributions from service providers, tourism boards, and other agencies that benefit from the service the hub would provide.

9) Does the SWCCOG have an existing or past relationship with the funding agency or this funding source?

YES, If YES, please describe. NO

The SWCCOG has received EIAF awards for a number of years, in addition to awards for various other programs funded through DOLA.

10) Is the intent to "pass through" this funding to a vendor(s) to operate the project/program?

YES, IF YES, provide rationale for "pass-thru" structure.
 NO, IF NO, provide cost/benefit analysis to support "in-house" operations.

Due to the necessity for specialized software development expertise, this phase of the project would pass-through to a contracted vendor. At this time it is unknown if ongoing maintenance and operations would continue to be contracted out or done in-house once the system is fully functioning.

Title of Proposal/Program: DOLA Energy and Mineral Impact Assistance Program

Date: 1/27/2022

Proposal Due Date: 3/1/2022

11) How will the project/program affect the overall SWCCOG budget?

The anticipated cost for software development of the data hub is \$457,500. The SWCCOG has applied for \$350,000 in FTA funds, for which this grant would serve as match. The SWCCOG has been awarded \$16,000 (with \$4,000 local match from dues) in 2022 of FTA funds through CDOT. Ongoing maintenance is estimated at \$25,000/year.

12) Does the project/program require a local match?

- YES, if YES, identify type of match (cash, in-kind), source(s) of match and amount required.
- NO

If awarded the FTA grant, those funds would serve as match far in excess of that required for this grant. Additionally, staff is exploring the potential eligibility of this project for match through the CDOT MMOF program.

13) Will this project/program generate program income or other revenue?

- YES, if YES, describe the type of revenue, rules regarding the expenditure of that revenue, amount of revenue, projected use of revenue, and how revenue will be tracked/managed
- NO

There have been discussions and is the potential for a shared fare arrangement between service providers with management support by the SWCCOG. Such "fare share" agreements with service providers could help offset some of the long-term system maintenance costs.

14) Identify the primary project staff expected to be involved with this project/program and if any new job duties will need to be added to the position/job description:

Jessica Laitsch is expected to serve as lead staff support.

Title of Proposal/Program: DOLA Energy and Mineral Impact Assistance Program

Date: 1/27/2022

Proposal Due Date: 3/1/2022

- 15) Will additional temporary or permanent staff support be required to implement or continue this project/program?
 YES, If YES, identify expected timeframe for new staff positions and any new equipment/supplies, expedited purchases, IT installations, marketing/outreach, etc. that will be required.
 NO

We anticipate working with a contracted vendor for the implementation phase, then either continuing with a vendor or creating an in-house mobility manager position from ongoing maintenance and management. All equipment, supplies, and technology are currently available.

- 16) Will the project/program provide for additional FTEs?
 YES, If YES, provide draft organization chart and identify new positions NO

N/A in this phase.

- 17) Will the project/program allow for indirect costs?
 YES NO

N/A in this phase

- 18) Detail any considerations related to contracting and/or procurement matters:

A vendor for software development/marketing and a project management consultant/marketing professional would need to be identified and contracted.

- 19) Detail any considerations related to IT services and/or equipment:

The highly complex software system would require ongoing upkeep.

Title of Proposal/Program: DOLA Energy and Mineral Impact Assistance Program

Date: 1/27/2022

Proposal Due Date: 3/1/2022

- 20) Will this project/program require additional/expedited Public Relations or Marketing/Outreach activities?
 YES, If YES, identify the expected actives and estimated cost. No

This project will require a significant and ongoing marketing effort. Staff intends to seek matching grant funds to cover the cost of a marketing contractor.

- 21) What will the project/program look like financially and competitively, including key performance indicators (KPI) and metrics to be established to monitor and control performance?

Utilization of the mobility hub system = # visitors to the hub
Awareness of existing services = % increase to ridership as reported by service providers
Ease of use of the system = % positive feedback provided regarding the hub

- 22) What other information is important for the Board to know?

While the SWCCOG was able to secure some funding for this project in 2022, at least one additional grant will be needed in 2022/2023 to serve as match and provide the remaining funding needed.

Reports

2021 SWCCOG Board Meeting Attendance

2021 SWCCOG Board Meeting Attendance																						
Current Members										Partner Organizations												
Jurisdiction	Member Name		Archuleta County		Town of Bayfield		City of Cortez		City of Durango	Town of Ignacio	La Plata County	Town of Pagosa Springs	San Juan County	Town of Silverton	Dolores County	Town of Dolores	Town of Dove Creek	Town of Mancos	Montezuma County	Southern Ute	Town of Rico	Ute Mountain Ute
Member Name	Primary	Alternate	Primary	Alternate	Primary	Alternate	Primary	Alternate	Primary	Primary	Primary	Alternate	Primary	Primary	Steve Garchar	Ken Charles					Kari Distefano	
Feb																						
Mar																						
April																						
June																						
July																						
Aug																						
Sept																						
Oct																						
Dec																						
Percent Attend	67%		100%		89%		83%	67%	89%		100%		78%	67%								
Dues Paid	★		★		★		★	★	★		★		★	★								

Present
 Absent

*removed notation to indicate remote attendance

Staff Report

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: January 27, 2022

Staff has been working extensively with Region 9 staff through this period of transition. Region 9 staff is assisting with a wide variety of projects, helping the SWCCOG keep on track with our various programs.

Specific projects that staff has been working on since the December meeting include:

- Development of services agreement with Region 9. More information can be found in the decision items section.
 - Discussions regarding dispute resolution with DOLA. More information can be found in the ratification of letters item.
 - Discussions with Rural Community Assistance Corporation (RCAC). See update in the grants report section.
 - SW All Hazards Advisory Council Request for Bids process and working with the coordinator on various large purchases and 2018 grant closeout. Nationwide Cybersecurity review self-assessment.
 - Regional Housing Alliance of La Plata County meeting, consultant interview process, audit RFP process, Board member-at-large application process, and policy committee meeting support.
 - San Juan Resource Conservation and Development Council meeting and administrative support.
 - Housing subcommittee meeting support.
 - Regional Transit Coordinating Council meeting support.
 - Preparing to begin work with Region 9 staff on digitization of historic records.
 - Tracking of State legislation.
 - Ongoing communication with the former SWCCOG Executive Director and the Region 9 Executive Director.
-

Broadband Report

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: January 27, 2022

There are two upcoming grant opportunities related to Broadband. While it will be important for the Board to determine their envisioned role with respect to Broadband, some dedicated support on Broadband issues will help prevent the SWCCOG losing momentum and potential opportunities. Accordingly, the Board may wish to consider engagement with a broadband coordinator in some capacity, whether that be through existing contracts with NeoConnect or a local individual to hire or contract.

Fiscal Administration Report

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: January 27, 2022

Comments: The SWCCOG is contracted with a number of small agencies to assist with fiscal management. The intent is to help these small agencies comply with basic administrative requirements at minimal cost, as well as to provide a modest revenue stream for the SWCCOG. Below are brief summaries of the current activities of these various organizations:

Colorado Association of Regional Organizations (CARO):

Nothing new to report.

Regional Housing Alliance of La Plata County (RHA):

The RHA is taking steps to reestablish as an active organization. Recently the RHA issued an RFQ seeking professional services to assist with reestablishing the organization, issued an RFP to undertake an audit of the annual financial statements, opened a public application process to identify a Board member-at-large, and authorized the SWCCOG to undertake digitization of historic records, a project funded through the Statewide Internet Portal Authority and which will be completed with assistance from Region 9 staff. The next meeting will be held February 3, 2022.

San Juan Resource Conservation and Development Council (SJRC&D):

The SJRC&D met briefly on January 11, 2022. The organization has recently assisted with a number of grant applications as well as completion or near completion of a number of grants. The next meeting will be held March 8, 2022.

If any SWCCOG Board members are aware of any non-profits that could benefit from the assistance of a fiscal sponsor to help manage expenses and establish their organization, please contact Jessica.

Southwest All Hazards Advisory Council:

The SWCCOG recently issued a request for bids for a project to purchase a large number of radios. Staff is working with the SWAHAC Coordinator on a number of projects and large purchases. The SWCCOG is eligible for reimbursement of certain management and administration costs for managing these grants.

Southwest Colorado Incident Management Team (SWIMT):

The SWIMT was awarded funds for state FY2021-22. The SWCCOG is eligible for reimbursement of certain management and administration costs for managing this grant.

Grant Updates

To: SWCCOG Board of Directors
From: Laura Lewis Marchino and Jessica Laitsch
Date: January 21, 2022

Comments: **Grants:**

All Hazards - 2019, 2020, 2021

- Homeland Security funding
- Supports emergency management and first responders
- \$529,953
- Includes funding for staff, overhead, and travel costs related to grant administration.
- Projects managed by SWAHAC Homeland Security Grant Coordinator, SWCCOG assists with grant management

Southwest Incident Management Team (SWIMT)

- Sept 2021 – May 2022
- \$24,700
- Negotiated 10% administrative fee.
- Funding to support incident management training
- Funding to support Emergency Managers and other first responders during emergencies
- SWCCOG staff works with SWIMT co-coordinators to manage grant and activities

CDOT FY2022 5310 Funding

- \$43,400
- Includes funding for staff, supplies, and travel costs related to transit coordination.
- Implementation of the Digital Mobility Hub from CDOT FY2021 5310 Mobility Management
- Ongoing support of Regional Transit Coordinating Council

DOLA REDI 21-240 Montezuma Orchard Restoration Project (MORP)

- \$150,000
- MORP will reimburse staff costs related to grant administration.
- Will provide funding for building to house equipment and eventually apples and other products
- Region 9 staff overseeing with SWCCOG

DOLA Technical Assistance EIAF 9318

- \$49,000 ends on June 30, 2022
-

Grant Updates

- The request was for funding to help support remote work readiness for residents of the region, and support business growth in partnership with SCAPE for the areas outside of Durango.
- The Contract with SCAPE has been executed and is underway. **Laura outreached SCAPE about billing. They have billable hours but not quite sure of the scope and match components.**
- **Laura met with Durango Adult ED on 1/21 as there has been no activity billed since the grant began. They are checking if they even have a signed contract.**
- Adult Ed was to provide remote worker and computer literacy education to upskill workers. **Laura will follow up in 3 weeks regarding activity but is considering putting the money to another project that is active (CDL development) but might not be allowed.**
- **Laura will be meeting with DOLA to see what might be possible.**
- **The RCAC grant was match for this project.**

CDOT CDL Development Purchase Order

- **Expires 6/30/22 (CDOT portion can be extended).**
 - CDOT has been awarded funding through the Federal On-the-Job Training Supportive Services to invest in statewide construction workforce. Objectives include:
 - o Lead the establishment of a CDL Class B training program in the Durango area
 - o Coordinate stakeholders to develop a short-term (6-12 months) approach to consolidating existing training and testing resources
 - o Communicate proactively and consistently with both internal and external program stakeholders, paying particular attention to CDOT and DOLA
 - o Identify opportunities to provide supportive services to trainees in the form of technology or transportation
 - Purchase Order will cover the cost of the SWCCOG time based on the staff performing the activities and number of hours via reimbursement estimated at \$20-\$24K and match for the DOLA 8824 grant.
 - **Region 9 Project Manager Heather Otter will oversee setting up all components of a CDL class in the region and work with Workforce Center to scholarship trainees who are upskilling or reskilling, as well as building a network of trainers and testers that the private sector businesses needing CDL drivers can utilize.**
-

Grant Updates

CDOT TPR FY21-22 Funding – Ends 6/30/2022

- The TPR is funded through an annual Purchase Order, for \$22,100.
- This funding will cover staff time related to TPR goals and administration of the TPR meetings and travel costs for TPR representatives to attend monthly STAC meetings.

DOLA 8824 – 2019 Technical Assistance – Ends 6/30/2022

- \$20,000 - CDL Program Development and Cost Reduction for COG Members (*Shared Services/Community Support*) **Activity beginning.**
- \$30,000 - Development of end markets for hard to recycle items (*Environment*)
 - o Match from CDPHE Regional Waste Studies - CDPHE or USDA

Statewide Internet Portal Authority (SIPA) – Ends 6/30/2022

- Digitization of SWCCOG historic records
 - o \$3,000 micro-grant
- Digitization of Regional Housing Alliance of La Plata County historic records
 - o \$3,000 micro-grant
- **Region 9 staff will be scanning records and will bill for staff time spent**

Grant Requests Pending:

NTIA Broadband Grant

- \$13,400,000 project
- Partnership with Clearnetworx
- Fiber between Bayfield and Durango in rural La Plata County including Forest Lakes and Vallecito Subdivisions
- Expected notification date is mid-November

FTA DIGITAL MOBILITY HUB

- \$350,000
- Expected notification in spring 2022

Future Grants

DOLA EIAF

USDA ReConnect

EDA Broadband Infrastructure

Rural Community Assistance Corporation Subgrantee Agreement Update

To: SWCCOG Board of Directors
From: Laura Lewis Marchino, Executive Director, Region 9
Date: January 27, 2022

The SWCCOG applied for and received a grant from USDA pre-COVID which allowed the SWCCOG to identify common economic development priorities in SW Colorado and Northern New Mexico. Several were identified but due to COVID, the group did not move forward with action steps. This initial grant resulted the SWCCOG being eligible for technical assistance funding from RCAC to move forward with meeting some of the economic priority needs. I was able to participate in the initial process but was not part of Miriam's negotiations with RCAC regarding the technical assistance and possible projects. I was able to participate in meetings where RCAC wanted to provide general business classes, but we felt duplicated the Small Business Development Center (SBDC). Miriam brought in Mary Shepherd, SBDC Director, on a call and felt that of the options, offering Spanish business classes would meet a need in the community and fit the RCAC. A contract for \$15K was signed in August 2021 and Bryce Bierman was working on this project, but it had not moved forward by the time he left SWCCOG.

I met twice with RCAC in December and due to the SWCCOG transition, the RCAC was concerned about not having dedicated staff and did not want the work subcontracted, which Region 9 had proposed as we do not have a Spanish speaker in house. We also all recognized that the funds were not enough to hire a dedicated COG employee for this purpose. There was also discussion that Region 9 does not feel Jessica has the capacity and Heather Otter with Region 9 will be taking lead on another SWCCOG grant. In the most recent meeting with the RCAC, we mutually agreed that due to timing it was better to terminate the contract. I had initially planned to request that the SWCCOG Board terminate the contract, but the RCAC will be initiating the 30-day termination clause due to the timing of SWCCOG meetings and the need for 30 days' notice.

The unintended consequence of this termination is that the \$15K matches another grant through DOLA. I will be meeting with Patrick Rondinelli about that, and other SWCCOG DOLA grants, and explore options to bring to the SWCCOG. I requested of my Region 9 Executive Committee that Region 9 contribute up to \$15K of SCAPE investment money to make up any match that the SWCCOG is losing due to the contract termination. We do not know if the full amount will be needed pending discussions with DOLA, but Region 9 wants to support the SWCCOG and believe that this financial commitment will be our financial and goodwill contribution to the SWCCOG cause. Jessica has invoiced the RCAC all time expended to date.

Housing Report

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: January 27, 2022

The SWCCOG Housing Subcommittee has begun meeting on a monthly basis. The last meeting was held on January 21, 2022. Attached are the meeting notes from the meeting held on November 16, 2021.



Housing Subcommittee Meeting Notes

Tuesday November 16, 2021

2:00-3:00 p.m.

Remote Meeting Only

Webinar ID: 999 9716 7414

<https://zoom.us>

I. Introductions 2:12 pm

II. Public Comment

III. Presentation

Mike reached out to Shak Powers, they are interested in participating in the Housing Subcommittee meetings going forward. Mike also met with the new CCAT group where there is a lot of new discussion regarding housing and how to spend the \$400M that has been earmarked from ARPA funding for housing.

He mentioned a company who specializes in panelized construction, instead of modular construction. Mike also mentioned another company from Wisconsin as an example of the panelized construction. It is an efficient housing assembly. Mike mentioned the old Pepsi building (7 acres, 50,000 sq/ft warehouse building) would have enough space for a panelized housing construction facility, but not a modular site. Most modular construction facilities normally need 20 acres.

Miriam mentioned a company out of Montana that has expressed interest in a new location in SW Colorado. Mike mentioned another federal land site the County is exploring acquiring off highway 160 (40 Acre parcel on the mesa); this site would be ideal for a modular home construction facility.

La Plata County has a meeting in the next week to discuss how to allocate the ARPA funds. He mentioned the rollout will be prolonged over time. He said the County is likely going to use ARPA funds for housing and commit more of the new infrastructure bill's funds to broadband expansion.

Mike mentioned when he was manager of Snowmass Village and they had a program that would charge additional money for homeowners to build homes over 2600 sq/ft.

Mike mentioned a development impact fee could be instilled across the region to provide a new source of funding to allow for sustainability at the RHA. The fee should/would not impact affordable housing developments. It would be important to be on the same page as a region so that developers are not shopping between different counties. Andrea mentioned Pagosa Springs had development impact fees and the council received so much pressure from developers that they eliminated the fees.

Mike mentioned an alternative revenue stream for the RHA: a vendor fee could be instilled to retain a small percentage all sales tax collected that could be used to address housing affordability. La Plata County will be exploring this possibility in 2022. This could be made by a resolution of town Boards or County Commissions.

Miriam presented information on the HB1271 Planning Grant for housing. The outlines for the incentives component in the grant will be released next week. The second applications for the capital grants are due in October 2022. Miriam mentioned the Planning Grant could help offset some of the immediate costs.

Andrea asked if Cortez should be involved in the Subcommittee conversations if they are leaving the SWCCOG. Miriam said that she confirmed Cortez will remain a SWCCOG member through 2022.

Andrea asked David what's happening with the Bayfield development project. They are working with an engineer on lot costs and a process for engaging builders this spring.

Andrea would like to see a dashboard that would describe where each of the jurisdictions has added housing units. This would allow the public and other jurisdictions to see how the needle is being moved regarding the housing crisis. Miriam mentioned there is a dashboard included in the Root Policy Research housing study. She mentioned the dashboard could be maintained for an annual cost of roughly \$5,000.

David mentioned the Town has half a dozen proposals for annexations into the Town. David asked how the Town could include requirements for the new affordable units to be available to low-income individuals. Mike mentioned a development agreement could stipulate those requirements if the town zoning code allows it. Mike mentioned inclusionary zoning is difficult to manage and he would not recommend it. He thinks the development impact fees could be more useful.

Mike thinks it is helpful to allow the developers the option to build the affordable units on their own site, rather than trying to squeeze them into a market-rate project.

Andrea asked if the group is familiar with the Energize Colorado grant program meant to assist sustainable housing projects. This is one more funding opportunity for potential regional housing projects. Andrea will send a link of the information to the group.

Bryce will highlight items in the Root Policy Research Executive Summary for discussion at the next meeting and send the group the link for the study dashboard.

The group agreed the next meeting would be held the afternoon of Tuesday December 21.

Andrea asked if she should ask for a regional nexus study. Mike mentioned he has a study he uses regarding the “Cost of Growth”. Mike mentioned Gabe Preston is a local consultant who does these studies as well. The group could put together an RFP for the regional nexus study. Mike thinks the impact of households is likely consistent across the region and he believes a regional study would be a defensible idea. Andrea mentioned a Commercial Linkage fee could be used as well. Mike mentioned a residential linkage should be utilized as well. Mike thinks it would cost \$200,000 for the region since the similar study cost La Plata County about \$50,000. 1271 could not be applied for this project. Mike says DOLA is likely a good source for grant funding for this project.

IV. Discussion Items

- a. Root Policy Research Housing Study – Executive Summary
- b. Potential Grants

V. Community Updates

Pagosa Springs – group called Citizens that is bringing two issues to the local ballot.

Andrea is working with them to try to change the excise taxes to affect the County instead of just the Town; this would balance to the two tax rates, rather than creating a greater disparity between the Town and the County.

The group is also pursuing another effort to reallocate some of the Town’s lodger’s tax to support workforce housing. The Town budgeted \$500,000 for 2022 regarding workforce housing.

The Town received three bids on their local project. The Town is recommending Servitas to the Town Council to construct 60 units on three town lots, comprised of rentals between 60-120% AMI. The developer is trying to expand their portfolio in Colorado.

The Town is exploring modifications to their land use code to encourage the development of more housing.

Transportation Report

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: January 27, 2022

Comments: Transportation:

There was a SWTPR meeting held on December 9, 2021. The meeting included an overview of the 10-year plan amendment process including a discussion concerning updates to projects, an update on the greenhouse gas rulemaking process, updates on various funding sources including the MMOF, the federal stimulus, the Infrastructure Investment and Jobs Act, and Senate Bill 260, and consideration of a request to redirect previously awarded MMOF funds.

The next meeting will be held at 9:00 a.m. Thursday, February 10, 2022.

Transit:

The last Transit Council meeting was held January 20, 2022 the discussion included updates on transportation services provided and on the Connect Colorado referral platform. The next Transit Council meeting will be held March 17, 2022,

The SWCCOG was awarded 2022 Transit coordination funds through CDOT to begin implementation of the Digital Mobility Hub project. On December 6, staff submitted a grant application for the Federal Transit Administration's Innovative Coordinated Access and Mobility (ICAM) pilot program for the software build portion of the project. Staff is requesting approval to apply to the DOLA EIAF program for web design and marketing for this project and to serve as match for the FTA grant.

Legislative Update

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: January 27, 2022

Comments: Attached is a summary of various bills that have been introduced in the Colorado General Assembly in the 2022 general session. Please notify Jessica if there are additional bills that the SWCCOG should track.

SWCCOG 2022 Legislative Summary - State

Bill No	Short Title	Subject	Summary	Sponsors	Recent Action	Action Date	Position	Result	Staff Comments
HB22-1012	Wildfire Mitigation And Recovery	Environment	Creates wildfire mitigation and recovery grant program in the Colorado State Forest Service to provide grants to help counties with forested areas prevent and recover from wildfire incidents and ensure that such efforts are undertaken in a manner.	Valdez, Cutter, Lee, Ginal	Introduced	12-Jan-2022			CML supports
HB22-1046	Local Designation Of Over-snow Use Only Highways	Transportation	Authorizes a local government to designate all or a portion of a highway under its jurisdiction for over-snow use only when snow-packed conditions exist on the highway or for a designated continuous seasonal period for which the local government determines that snow-packed conditions are likely to exist on the highway.	McLachlan, Catlin, Winter	Introduced	12-Jan-2022			
SB22-083	Broadband Provider's Use Of Public Rights-of-way	Broadband, Transportation	Creates an exception for a broadband provider's use of the public rights-of-way to the requirements for public-private initiative agreements that CDOT enters into with a telecommunications provider	Coram, Catlin	Introduced	20-Jan-2022			
HB22-1051	Mod Affordable Housing Tax Credit	Housing	Modification of the Colorado Affordable Housing Tax Credit, extending the time during which the credit may be claimed and increasing the yearly amount of credits that can be allocated.	Bird, McKean, Zenzinger, Hisey	Introduced	13-Jan-2022			CML supports
HB22-1028	Statewide Regulation Of Controlled Intersections	Transportation	Establishes statewide that a person riding a bicycle, electrical assisted bicycle, or electric scooter may make a safety stop, rather than a full stop, under certain circumstances. The amended statute would supersede any conflicting local ordinance or resolution.	Gray, Hooton, Winter	Introduced	12-Jan-2022			CML opposes
HB22-1013	Microgrids For Community Resilience Grant Program	Broadband	Creation of a grant program to build community resilience regarding electric grid disruptions through the development of microgrids.	Pelton, Snyder, Hisey, Winter	Introduced	12-Jan-2022			CML supports
SB22-016	Modifying Department Of Transportation Governance	Transportation	Modifying the number of members of and manner in which members are selected for the Transportation Commission and requiring the Transportation Commission to select the executive director of the Department of Transportation.	Scott	Introduced	12-Jan-2022			
HB22-1117	Use Of Local Lodging Tax Revenue	Tourism	Concerning the use of revenue from a local tax on lodging.	Roberts, Catlin, Coram, Donovan	Introduced	21-Jan-2022			