



# SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

## Regular Meeting Agenda

Friday, 4 November 2016, 1:30pm – 4:00pm

1188 E 2<sup>nd</sup> Ave., Durango CO

- I. Introductions
- II. Regional Housing Alliance Presentation
- III. Consent Agenda
  - a. 7 October 2016 SWCCOG Meeting Minutes
  - b. September 2016 Financials
- IV. Reports (Staff will be available for questions on the written reports)
  - a. Director's Report
  - b. Broadband Report
  - c. Transportation Report
  - d. VISTA Report
  - e. Community Updates
- V. Discussion Items
  - a. Overview of Financials and Cash Flow Presentation
  - b. 2016 Budget Projections
  - c. Dark Fiber Lease MOU Reminder
- VI. Decision Items
  - a. August and September 2016 Executive Committee Meeting Minutes
  - b. Board Meeting Time and Date – Potential Change
  - c. 4CORE Update with Legal Estimate
  - d. Executive Committee Selection Committee
- VII. Other Items

Video/Phone Conference Info:

<https://zoom.us/j/501744447>

1-646-558-8656, Meeting ID: 501 744 447

PO Box 963, Durango, CO 81301

970.779.4592

[www.swccog.org](http://www.swccog.org)

01.11.2016

# Regional Housing Alliance of La Plata County Presentation

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To: Southwest Colorado Council of Governments Board of Directors  
 From: Karen Iverson, RHA/LPHF Executive Director  
 Re: RHA Organizational Evolution  
 Date: 10/27/2016

Since the inception of the Regional Housing Alliance (RHA) and La Plata Homes Fund (LPHF), we have empowered thousands of families to achieve homeownership, provided mortgage assistance to over 150 families and created 50 units of workforce rental housing. We have brought over \$15 million in State and Federal resources to the community to provide affordable housing.

Building on this success, the RHA/LPHF is undergoing an organizational evolution that will increase efficiency, reduce cost, and free up resources for RHA member jurisdictions to implement housing policy or to fund other housing programs. The proposed restructure has three main elements as described below. Within each section are questions that the RHA board would like feedback from SWCCOG regarding.

**1. Consolidation around Homebuyer Assistance Program**

RHA/ La Plata Homes Fund operates an extremely successful Homebuyer Assistance Program. This is what we do best and what provides value to the community. However, over time, the assets and administrative function of this program has become awkwardly split between the RHA and La Plata Homes Fund. This has created costly inefficiencies. As an organizational structure, LPHF is better positioned to continue this program and to leverage State and Federal resources. To facilitate this, the RHA will be transferring its loan fund to LPHF and LPHF will be the implementing agency.

In 2016, LPHF expanded the Homebuyer Assistance Program to the five-county southwest Colorado Region. Our year-to-date outcomes include:

|  | October YTD<br>La Plata County<br>Outcomes | October YTD<br>Other County<br>Outcomes |
|--|--|---|
| <u>Housing Counseling</u>                      |  |   |
| One-on-one individualized, personal counseling | 67 households                              | 6 households                            |
| <u>Homebuyer Education Class</u>               | 149 households                             | 39 Pagosa<br>33 Cortez                  |
| <u>Mortgage Assistance</u>                     | HF- 19                                     | HF- 3                                   |
| Loans provided by RHA or HF                    | \$479,601<br>RHA- 4<br>\$88,450            | \$85,100                                |
| <u>New Homeowners</u>                          |  |   |
| Who received counseling and/or took class      | 53 households                              | **TBD                                   |

In addition, our 2016 outcomes (outside of La Plata County) include:

- We taught a two-part financial fitness/homebuyer 101 class at Dolores Public Library.
- We participated in a community meeting in Silverton with potential homeowners for the Anvil Mountain project.
- We worked with Montezuma County to allocate \$1.2 million in Private Activity Bonds for Mortgage Credit Certificates.
- We received a \$125,000 CDFI grant to provide operating support for the regional expansion through 2017.
- We received a three year CDBG grant with \$360,000 in loan capital earmarked for Archuleta, San Juan, Dolores, and Montezuma County residents (out of \$1.4 million).

We have enjoyed working in these new communities. However, at the end of 2017, the grant funding that has supported this expansion will be depleted and the local jurisdictions will need to begin to pay for these services, if they want the program to continue in their jurisdiction. Collectively we will need to raise \$40,000 from the jurisdictions outside La Plata County.

SWCCOG Question: Do the member jurisdictions think the homebuyer assistance program is valuable and will they financially support the program beginning in 2018?

## **2. Shifting Housing Policy Function to Local Jurisdictions**

RHA's scope of work has included providing housing policy assistance to the member jurisdictions. While regional collaboration on provision of housing programs (such as the Homebuyer Assistance Program) is beneficial, the City of Durango and La Plata County have critical housing policy issues that warrant having a position/contractor within their organization that is focused on housing. Through this evolution the RHA/LPHF has been able to reduce overhead and provide a cost savings so that the member jurisdictions have funding to support housing policy development internally. Through this process, there has been discussion about whether the housing policy function could be provided at the SWCCOG level.

SWCCOG question: Do the member jurisdictions want to contribute funding via SWCCOG for housing policy?

## **3. Transition Administration of the Regional Housing Alliance Structure to SWCCOG**

With the two changes above, there is no longer a need to maintain the RHA as an active legal structure. However, the RHA board does not want to dissolve the legal structure. Rather, it would become dormant, in case there is an unforeseen role in the future. The RHA would retain sufficient cash assets to pay for the following expenses for the four years. After that time, if the legal structure is not needed, the RHA board could vote to dissolve the organization.

Annual Budget:

- Admin Fee: \$10,000
- Insurance: \$2,000
- Legal: \$2,000

- Misc.: \$1,000
- Total: \$15,000

Given the overlap of appointees, it may be the best fit if the executive director of the SWCCOG take over the basic administration of the dormant RHA structure. Besides holding an annual meeting, there would be very limited time/cost associated.

SWCCOG question: Would SWCCOG take over providing administrative services to the RHA, provided that the RHA has sufficient assets to cover costs and provide a \$10,000/year admin fee to SWCCOG?

# Consent Agenda

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**Southwest Colorado Council of Governments  
October Board Meeting  
Friday, 7 October 2016, 1:30pm  
1188 E. 2nd Ave., Carnegie Building, Durango, CO 81301**

In Attendance:

Ron LeBlanc – City of Durango  
Michelle Nelson – Town of Bayfield  
Andrea Phillips – Town of Mancos  
Rick Smith – City of Cortez (via phone)  
Mark Garcia – Town of Ignacio (via video)  
Scott Lewandoski – Town of Pagosa Springs (authorization letter as alternate on file)  
Dick White – City of Durango  
Michael Whiting – Archuleta County  
Julie Westendorff – La Plata County (part time via phone)  
Lana Hancock – Town of Dolores

Staff in Attendance:

Miriam Gillow-Wiles – Southwest Colorado Council of Governments  
Jessica Laitsch – Southwest Colorado Council of Governments  
Dennis Wegienek – Southwest Colorado Council of Governments  
Sara Trujillo – Southwest Colorado Council of Governments

Guests in Attendance:

Laurie Dickson – 4CORE

**I. Introductions**

The meeting was called to order at 1:30pm, introductions were skipped as all knew each other.

**II. Consent Agenda**

a. 2 September 2016 SWCCOG Meeting Minutes

**Dick White motioned to approve the 2 September 2016 SWCCOG meeting minutes, Michelle Nelson seconded, unanimously approved.**

b. August 2016 Financials

While on the phone conference system, Julie asked how the 2016 budget is looking with the third quarter of the year complete. Miriam said the budget overall is very tight. Part of the budget will be dependent upon additional funding from DoLA; the DoLA budget amendments will be presented further in the agenda. Julie asked if the budget is tight due to overspending. Miriam responded that the budget is tight mostly due to the broadband grant. The amendment presented later in the agenda will ask DoLA to cover all costs of the NEO Fiber contract. Julie asked if DoLA does not give the additional funds requested, what will that mean. Miriam said Diane Kruse with NEO Fiber is willing to work with the COG and spend only what DoLA is willing to pay. DoLA has no issues paying for the Ute Mountain Ute amendment. Julie asked if the budget as a whole is on track. Miriam replied no, and that staff will work with the Executive Committee for more detail. With additional questions from Julie on financials, inadequate cell phone reception, and Julie nearing the meeting location, Andrea postponed the financials discussion and vote to later in the agenda when Julie would be physically present.

### **III. Reports**

Andrea asked if there were questions regarding any reports presented in the board packet. Miriam asked for all members to be sure and read the director's report on DoLA funding specifically and the restrictions with respect to match and paying for staff. Michael asked if the COG should look into strategies to be more competitive for grants. Miriam said the SWTPR prioritizes projects that impact the region and that the COG could do the same. Miriam also requested that when an email goes out to the board, to remain in compliance with Colorado open records laws, the "reply all" button should not be used but rather a single reply to Miriam. No other questions or comments were made on the reports section.

### **IV. Discussion Items**

#### **a. CDOT Transit Funding Discussion**

Jessica reported that CDOT is looking to change the distribution method for transit funding to be more equitable as more entities are requesting funding. There is concern regarding the distribution formula, and the hope is to have a final formula in place by 2018. Andrea asked the SWTPR's feeling on the subject. Miriam said the SWTPR provided feedback but did not make recommendations or take action.

#### **b. 19 August 2016 Executive Committee Road Trip Notes – Ignacio & Bayfield**

Mark thanked Miriam and the Executive staff for the meeting and said it was beneficial. Andrea asked when the next road trip is scheduled. Miriam said no other trips will be scheduled until after the elections.

#### **c. Fund Balance Policy Update**

Andrea reported that staff contacted legal regarding TABOR language in the Fund Balance Policy. Legal confirmed TABOR language is not needed. Andrea asked if there should be a motion. Sara confirmed no, that the policy verbiage did not change; this update was to inform the board that TABOR language, per legal, is not required.

### **V. Decision Items**

#### **a. 4CORE Under the SWCCOG**

Miriam reported that at 4CORE's September meeting, their board voted to come under the COG if 4CORE is able to keep their 501C3 status. Miriam asked for board direction as next steps will come at additional staff time and legal costs that were not budgeted for. With an already tight budget, these expenses may have to wait until 2017; however, Miriam said she is hoping to confirm with DoLA that legal expenses can be put under the DoLA 9038 shared services grant. Laurie Dickson with 4CORE confirmed that 4CORE spent approximately \$2,000 on legal services. Andrea recalled that 4CORE's memo regarding the legal opinion obtained indicated that 4CORE would lose their 501C3 status if acquired by the COG but not if an MOU or service agreement were in place. However, with Miriam's research and communication with the NWCCOG, she found that a 501C3 program is under the NWCCOG and did not create any loss of the non-profit status. Miriam confirmed that she reviewed NWCCOG's Form 990 that did show a 501C3 is housed under the COG. Julie confirmed that La Plata County sees benefit and would like to see additional steps taken with 4CORE. Mark said if both COG and 4CORE needs can be met, he is in favor. Michael asked if an MOU or agreement means each organization retains current autonomy and boards as he does not see why the organizations would not just remain separate and operating as they are now. Julie replied that an affiliation would help bring stability to 4CORE where more focus can be given to programming that will benefit the region, one such program being CNG. Dick suggested staff find the critical elements of the NWCCOG that allows a 501C3 and how the boards operate. He also said if 4CORE ceases to exist, we



would have to reinvent it, which would be more costly. Scott suggested incorporating some performance metrics into an MOU if that is the route taken and doing an MOU for 2-3 years. Michelle stated that she thinks bringing on 4CORE and ensuring the 501C3 is maintained will be beneficial. Andrea and Lana agreed that more 4CORE presence needs to be seen on their side of the region. Andrea asked how staff feels. Miriam said she envisions the first year being under an MOU to make sure the partnership will work. If the COG is not satisfied, an MOU provides a way out. Rick Smith remained neutral as he was not briefed on this subject when stepping in for Shane Hale.

Michael said staff needs to communicate with legal to begin developing a structure, identify the moving parts, performance measures, and exit strategy. Miriam said staff can do a proposal that will include an organizational chart, performance metrics, funding flows, and what staffing will look like in conjunction with reaching out to legal counsel.

**Michael Whiting motioned to instruct staff to work with DoLA for legal services cost reimbursement and legal counsel to form the structural framework for this arrangement to help maintain the 501C3 status under which there is presumption that both organizations retain their current corporate structures, Dick White seconded, Rick Smith abstained, all other members unanimously approved.**

b. 2017 DoLA Technical Assistance Grant

Andrea reported that this grant will focus on transit planning and a broadband contractor. Three different match scenarios were provided in the board packet. Miriam suggested keeping the current broadband contractor, NEO Fiber, to prevent additional costs of an RFP and training someone. The \$25,000 in grant match that each member puts aside each year can be used as match or the \$30,000 that is in the restricted fiber equipment repair fund can be used. Michelle said the fiber fund should not be spent on anything other than what is it designated for and is against using the fiber fund for match. Julie agreed. Andrea asked if Jessica would be the transit planning person. Miriam said no as DoLA is not allowing staff to do the work; a contractor would have to be hired. Miriam confirmed that \$10,000 of the \$25,000 cash match would go to pay for staff time. Michelle asked if there would be an increase in staff hours for this grant as the \$10,000 match seems to just add to salary that members are already paying for in their dues. Miriam said the \$10,000 would supplement the dues that are paid for staff. Julie asked if the match members pay for staff time would create fewer obligations for dues. Miriam said no, dues would not reduce. Staff time can be put towards in-kind; however, in-kind is a cost that is not recovered. Sara explained that a certain amount of salary is designated towards each grant and that dues largely go towards administrative staff time and not grant time. If staff time designated towards a grant is not reimbursed by the grant or match, it has to come out of the general funds, essentially dues, and those funds are already allocated. Julie said her preference is to put the \$10,000 for staff as in-kind and asked if Miriam's time on broadband would be less with a consultant. Miriam confirmed that yes, less of her time would be spent on broadband.

**Julie Westendorff motioned that the COG pursue option 1 as proposed in the staff memo and that the cash match for staff be used as in-kind as opposed to cash contribution from members, Michael Whiting seconded, unanimously approved.**

c. NEO Fiber Contract Amendments

Miriam asked that the board approve the amendments presented in the board packet conditional upon the DoLA funding for additional work.

**Michael Whiting motioned to approve the NEO Fiber contract amendments conditional upon the DoLA funding, Michelle Nelson seconded, unanimously approved.**

d. DoLA Broadband Planning Contract Amendment

Andrea asked for confirmation that this request is for an additional \$28,000 and does not require any additional funds from members. Miriam confirmed that is correct and that per a request from Ken Charles, some of the letter's wording will be changed but the amount will remain the same. **Michelle Nelson motioned to approve the request to apply to DoLA for additional funding for broadband planning in the amount of \$28,000, Lana Hancock seconded, unanimously approved.**

e. Purchasing Policy Update

Andrea reported that with the speaker equipment upgrade, the older speakers need to be disposed of and policy verbiage allowing Miriam authority to dispose of equipment valued under \$500 to member communities or local nonprofits is proposed in the board packet. Julie asked that member communities take precedence over local nonprofits.

**Michael Whiting motioned to approve the Purchasing Policy update with member communities to receive precedence over local nonprofits for donation of equipment, Dick White seconded, unanimously approved.**

f. 17 August 2016 Executive Committee Meeting Minutes

With John Egan not present and two votes required, this item was moved to the next meeting in November for approval.

g. 2017 CEBT Renewal

Miriam reported that no H.S.A. accounts would be requested in 2017 as staff would prefer lower deductibles and lower co-pays. Moving to a lower deductible plan saves the COG \$1,000 annually. Staff will continue paying for ¼ of dependent care.

**Dick White motioned to approve the 2017 CEBT renewal with change in deductible plan, Michael Whiting seconded, unanimously approved.**

h. DoLA TA 2016 Grant Amendment

Miriam reported that when this grant was applied for, \$100,000 total was requested with \$66,000 going to the consultant and \$34,000 for staff. However, DoLA wrote the contract with the entire \$100,000 for consulting only. The amendment is requesting funds for staff, as the application requested, but with a \$7,000 decrease from \$34,000 to \$27,000.

**Julie Westendorff motioned to approve the amendment to the DoLA 2016 TA grant as outlined in the staff memo as of 10/7/2016, Michael Whiting seconded, unanimously approved.**

With the decision section complete, the discussion went back to the August 2016 financials as postponed earlier in the agenda until Julie's physical presence to the meeting. Julie asked if we will have enough money to do what we need to do for the rest of the year. Miriam said it will be very tight and the additional DoLA funding is needed. Michelle asked if the 2017 budget has a contingency. Miriam said no as the only stable funding source is dues. Miriam said she feels confident that DoLA will approve the amendment for the 2016 TA grant for \$27,000. She is concerned there may be pushback on the broadband amendment; however, Miriam talked to NEO Fiber who is willing to work with the COG on contract expenses contingent upon DoLA funding. The goal is to not dip into the fund balance, but this may need to happen. The budget projections will be presented at the November meeting. Andrea said another option would be to furlough staff.

**Julie Westendorff motioned to accept the financials, Michael Whiting seconded, unanimously approved.**

I. Other Items

No other items.

**End 3:13pm**

# September 2016 Financials

To: SWCCOG Board of Directors  
From: Sara Trujillo  
Date: 4 November 2016

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Comments: The following attachments include:

- September 2016 Balance Sheet
- September 2016 Profit & Loss
- January – September 2016 Profit & Loss Budget vs. Actual

***Fiscal Impact: High, Budget changes throughout the year***

***Staff Recommendation: Approve the September 2016 Financials***

**Balance Sheet**

As of September 30, 2016

|                                       | <u>Sep 30, 16</u>        |
|---------------------------------------|--------------------------|
| <b>ASSETS</b>                         |                          |
| <b>Current Assets</b>                 |                          |
| <b>Checking/Savings</b>               |                          |
| <b>Alpine Bank</b>                    |                          |
| Alpine Bank Account (UR)              | 5,155.33                 |
| Fiber Equip Fund - Restricted         | 9,754.25                 |
| <b>Total Alpine Bank</b>              | <u>14,909.58</u>         |
| <b>Petty Cash</b>                     |                          |
| AmeriCorps VISTA                      | 362.60                   |
| Jessica Laitsch                       | 331.05                   |
| Petty Cash - Other                    | 10.07                    |
| <b>Total Petty Cash</b>               | <u>703.72</u>            |
| <b>Total Checking/Savings</b>         | <u>15,613.30</u>         |
| <b>Accounts Receivable</b>            |                          |
| Accounts Receivable                   | 92,391.08                |
| <b>Total Accounts Receivable</b>      | <u>92,391.08</u>         |
| <b>Total Current Assets</b>           | <u>108,004.38</u>        |
| <b>TOTAL ASSETS</b>                   | <b><u>108,004.38</u></b> |
| <b>LIABILITIES &amp; EQUITY</b>       |                          |
| <b>Liabilities</b>                    |                          |
| <b>Current Liabilities</b>            |                          |
| <b>Credit Cards</b>                   |                          |
| <b>Credit Cards</b>                   |                          |
| Miriam                                | 175.90                   |
| Sara                                  | 30.99                    |
| <b>Total Credit Cards</b>             | <u>206.89</u>            |
| <b>Total Credit Cards</b>             | <u>206.89</u>            |
| <b>Total Current Liabilities</b>      | <u>206.89</u>            |
| <b>Total Liabilities</b>              | <u>206.89</u>            |
| <b>Equity</b>                         |                          |
| Retained Earnings                     | 90,499.80                |
| Net Income                            | 17,297.69                |
| <b>Total Equity</b>                   | <u>107,797.49</u>        |
| <b>TOTAL LIABILITIES &amp; EQUITY</b> | <b><u>108,004.38</u></b> |

Southwest Colorado Council of Governments  
**Profit & Loss**  
September 2016

|                                   | <u>Sep 16</u>          |
|-----------------------------------|------------------------|
| Ordinary Income/Expense           |                        |
| Income                            |                        |
| CDOT Grants                       |                        |
| Transit LCC Grant                 | 869.31                 |
| Total CDOT Grants                 | 869.31                 |
| DoLA Grants                       |                        |
| DoLA 8010                         | 12,973.10              |
| DoLA 8011                         | 12,572.41              |
| DoLA 9038                         | 14,867.19              |
| Total DoLA Grants                 | 40,412.70              |
| Total Income                      | 41,282.01              |
| Gross Profit                      | 41,282.01              |
| Expense                           |                        |
| AmeriCorp VISTA                   | 8,000.00               |
| Consulting                        | 790.03                 |
| Information Technology (IT)       |                        |
| Software                          | 5.00                   |
| Total Information Technology (IT) | 5.00                   |
| Insurance Expense                 |                        |
| Health                            | 1,828.00               |
| Total Insurance Expense           | 1,828.00               |
| Internet Connectivity             |                        |
| Fast Track                        | 900.00                 |
| Internet Connection (AT&T)        | 32.17                  |
| Total Internet Connectivity       | 932.17                 |
| Office Supplies                   | 55.94                  |
| Professional Fees                 |                        |
| Legal                             | 993.60                 |
| Total Professional Fees           | 993.60                 |
| Salary and Wages                  |                        |
| 457 Retirement                    | 405.57                 |
| Car Allowance                     | 300.00                 |
| Cell Phone Allowance              | 195.00                 |
| Payroll Processing Fee            | 149.58                 |
| Payroll Tax                       | 1,341.52               |
| Salary and Wages - Other          | 16,999.20              |
| Total Salary and Wages            | 19,390.87              |
| Travel                            | 3,728.52               |
| Total Expense                     | 35,724.13              |
| Net Ordinary Income               | 5,557.88               |
| Net Income                        | <u><u>5,557.88</u></u> |

**Southwest Colorado Council of Governments**  
**Profit & Loss Budget vs. Actual**  
**January through September 2016**

10/24/16

Accrual Basis

|                                    | Jan - Sep 16 | Budget     | % of Budget |
|------------------------------------|--------------|------------|-------------|
| <b>Ordinary Income/Expense</b>     |              |            |             |
| <b>Income</b>                      |              |            |             |
| <b>All Hazards</b>                 |              |            |             |
| 2014 SHSP                          | 23,733.66    |            |             |
| 2015 SHSP                          | 64,405.65    |            |             |
| All Hazards - Other                | 0.00         | 203,803.00 | 0.0%        |
| <b>Total All Hazards</b>           | 88,139.31    | 203,803.00 | 43.2%       |
| <b>CDOT Grants</b>                 |              |            |             |
| SWTPR Grant                        | 13,049.50    | 21,100.00  | 61.8%       |
| Transit LCC Grant                  | 13,396.33    | 20,000.00  | 67.0%       |
| <b>Total CDOT Grants</b>           | 26,445.83    | 41,100.00  | 64.3%       |
| <b>DoLA Grants</b>                 |              |            |             |
| DoLA 7645                          | 40,747.05    |            |             |
| DoLA 8010                          | 71,801.91    |            |             |
| DoLA 8011                          | 35,596.82    |            |             |
| DoLA 9038                          | 19,801.33    |            |             |
| DoLA Grants - Other                | 0.00         | 350,000.00 | 0.0%        |
| <b>Total DoLA Grants</b>           | 167,947.11   | 350,000.00 | 48.0%       |
| <b>Dues Revenue</b>                |              |            |             |
| Admin Position                     | 12,347.00    | 12,200.00  | 101.2%      |
| COG Dues                           | 115,363.00   | 114,000.00 | 101.2%      |
| SWTPR Dues                         | 7,679.00     | 7,679.00   | 100.0%      |
| <b>Total Dues Revenue</b>          | 135,389.00   | 133,879.00 | 101.1%      |
| <b>Grant Match</b>                 |              |            |             |
| COG Member Match                   | 6,836.42     | 6,000.00   | 113.9%      |
| Non-COG Member Match               | 12,223.00    |            |             |
| <b>Total Grant Match</b>           | 19,059.42    | 6,000.00   | 317.7%      |
| <b>Misc. Income</b>                | 6,035.68     |            |             |
| RREO Grant                         | 0.00         | 36,200.00  | 0.0%        |
| <b>SCAN Services</b>               |              |            |             |
| Dark Fiber Leasing                 | 15,192.00    | 20,560.00  | 73.9%       |
| e-TICS                             | 8,400.00     | 8,400.00   | 100.0%      |
| Fiber Equipment Repair Fund        | 9,754.00     | 15,000.00  | 65.0%       |
| Internet & Transport               | 6,210.00     | 8,280.00   | 75.0%       |
| <b>Total SCAN Services</b>         | 39,556.00    | 52,240.00  | 75.7%       |
| <b>SJB AAA</b>                     | 3,375.50     | 4,500.00   | 75.0%       |
| <b>Total Income</b>                | 485,947.85   | 827,722.00 | 58.7%       |
| <b>Gross Profit</b>                | 485,947.85   | 827,722.00 | 58.7%       |
| <b>Expense</b>                     |              |            |             |
| <b>Advertising and Promotion</b>   | 419.54       | 400.00     | 104.9%      |
| <b>All Hazards Projects</b>        |              |            |             |
| <b>All Hazards 2014 SHSP</b>       |              |            |             |
| Grant 2014 Project 1               | 1,081.00     |            |             |
| Grant 2014 Project 2               | 5,411.61     |            |             |
| Grant 2014 Project 5               | 495.00       |            |             |
| Grant 2014 Project 7               | 663.01       |            |             |
| Grant 2014 Project 8               | 8,528.69     |            |             |
| Grant 2014 Project 9               | 1,157.00     |            |             |
| <b>Total All Hazards 2014 SHSP</b> | 17,336.31    |            |             |
| <b>All Hazards 2015 SHSP</b>       |              |            |             |
| Grant 2015 Project 1               | 5,892.86     |            |             |
| Grant 2015 Project 2               | 40,400.00    |            |             |
| Grant 2015 Project 4               | 14,300.00    |            |             |
| <b>Total All Hazards 2015 SHSP</b> | 60,592.86    |            |             |

**Southwest Colorado Council of Governments**  
**Profit & Loss Budget vs. Actual**  
**January through September 2016**

10/24/16

Accrual Basis

|  | Jan - Sep 16      | Budget            | % of Budget   |
|--|-------------------|-------------------|---------------|
| All Hazards Projects - Other             | 0.00              | 194,607.00        | 0.0%          |
| <b>Total All Hazards Projects</b>        | <b>77,929.17</b>  | <b>194,607.00</b> | <b>40.0%</b>  |
| AmeriCorp VISTA                          | 8,000.00          | 11,700.00         | 68.4%         |
| Bank Service Charge                      | 73.00             | 100.00            | 73.0%         |
| <b>Broadband Expenses</b>                |                   |                   |               |
| Fiber Equip Repair - RESTRICTED          | 0.00              | 15,000.00         | 0.0%          |
| SCAN Dark Fiber Lease                    | 0.00              | 15,420.00         | 0.0%          |
| <b>Total Broadband Expenses</b>          | <b>0.00</b>       | <b>30,420.00</b>  | <b>0.0%</b>   |
| Consulting                               | 164,803.98        | 271,000.00        | 60.8%         |
| Employee/Board Appreciation              | 360.68            |                   |               |
| <b>Information Technology (IT)</b>       |                   |                   |               |
| Software                                 | 1,253.06          | 1,755.00          | 71.4%         |
| <b>Total Information Technology (IT)</b> | <b>1,253.06</b>   | <b>1,755.00</b>   | <b>71.4%</b>  |
| <b>Insurance Expense</b>                 |                   |                   |               |
| General Liability                        | 2,212.75          | 2,102.00          | 105.3%        |
| Health                                   | 16,452.00         | 21,516.00         | 76.5%         |
| HSA                                      | 4,000.00          | 4,000.00          | 100.0%        |
| Worker's Compensation                    | 1,674.00          | 1,674.00          | 100.0%        |
| <b>Total Insurance Expense</b>           | <b>24,338.75</b>  | <b>29,292.00</b>  | <b>83.1%</b>  |
| <b>Internet Connectivity</b>             |                   |                   |               |
| Fast Track                               | 9,000.00          | 10,800.00         | 83.3%         |
| Internet Connection (AT&T)               | 289.12            | 660.00            | 43.8%         |
| <b>Total Internet Connectivity</b>       | <b>9,289.12</b>   | <b>11,460.00</b>  | <b>81.1%</b>  |
| Match Refund                             | 1,634.25          |                   |               |
| Meetings                                 | 2,482.34          | 2,325.00          | 106.8%        |
| Memberships                              | 17,253.50         | 2,300.00          | 750.2%        |
| Office Equipment                         | 3,606.19          | 2,000.00          | 180.3%        |
| Office Supplies                          | 741.40            | 1,300.00          | 57.0%         |
| Postage and Delivery                     | 54.47             | 125.00            | 43.6%         |
| Professional Development                 | 430.40            |                   |               |
| <b>Professional Fees</b>                 |                   |                   |               |
| Accounting Software                      | 0.00              | 150.00            | 0.0%          |
| Audit                                    | 6,500.00          | 6,438.00          | 101.0%        |
| Legal                                    | 4,168.46          | 3,000.00          | 138.9%        |
| Misc.                                    | 915.75            | 250.00            | 366.3%        |
| <b>Total Professional Fees</b>           | <b>11,584.21</b>  | <b>9,838.00</b>   | <b>117.7%</b> |
| Rent                                     | 0.00              | 81.00             | 0.0%          |
| <b>Salary and Wages</b>                  |                   |                   |               |
| 457 Retirement                           | 2,703.80          | 3,487.00          | 77.5%         |
| Car Allowance                            | 2,700.00          | 3,600.00          | 75.0%         |
| Cell Phone Allowance                     | 2,080.00          | 2,340.00          | 88.9%         |
| Housing Allowance                        | 2,700.00          |                   |               |
| Payroll Processing Fee                   | 1,204.19          | 1,550.00          | 77.7%         |
| Payroll Tax                              | 8,525.99          | 12,956.00         | 65.8%         |
| Salary and Wages - Other                 | 102,116.74        | 151,541.00        | 67.4%         |
| <b>Total Salary and Wages</b>            | <b>122,030.72</b> | <b>175,474.00</b> | <b>69.5%</b>  |
| Software Maintenance e-TICS              | 7,492.19          | 8,400.00          | 89.2%         |
| Team Building                            | 320.00            |                   |               |
| Travel                                   | 14,553.44         | 17,000.00         | 85.6%         |
| <b>Total Expense</b>                     | <b>468,650.41</b> | <b>769,577.00</b> | <b>60.9%</b>  |
| <b>Net Ordinary Income</b>               | <b>17,297.44</b>  | <b>58,145.00</b>  | <b>29.7%</b>  |



**Southwest Colorado Council of Governments**  
**Profit & Loss Budget vs. Actual**  
January through September 2016

|                      | <u>Jan - Sep 16</u> | <u>Budget</u>    | <u>% of Budget</u> |
|----------------------|---------------------|------------------|--------------------|
| Other Income/Expense |                     |                  |                    |
| Other Income         |                     |                  |                    |
| Interest Earned      | 0.25                |                  |                    |
| Total Other Income   | 0.25                |                  |                    |
| Net Other Income     | 0.25                | 0.00             | 100.0%             |
| Net Income           | <u>17,297.69</u>    | <u>58,145.00</u> | <u>29.7%</u>       |

# Reports

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# Director's Report

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 4 November 2016

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Comments: The month of October has flown by! I have been quite busy on a wide variety of topics, but mainly shared services and broadband. I am excited that we are so close to the end of the broadband planning process. This will free up my time to really focus on Shared Services for the remainder of the year.

## **Shared Services – eTics (broadband asset management)**

We have finally migrated the broadband assets in the communities and counties to the cloud based software. The majority of the assets were SCAN related, except in Durango and Cortez. If a community has other assets that are not SCAN related, and would like to have them uploaded to the same system, for mapping purposes, please contact staff so we can also get those into the system. I am also working on reducing the overall cost of the e-Tics software, the current cost is \$8400/year. The cost is split 50% to Cortez, 25% to Durango, and 25% La Plata County. This will also help all the communities by providing up to date maps of the broadband infrastructure in each jurisdiction. MidState (reseller of the software) and will have another meeting next week.

## **Shared Services – Internet Costs**

I met with FastTrack a few weeks ago to renegotiate the dollar per Mbps cost for SWCCOG members. The pricing has come back at a much better price than we are currently paying. Further, FastTrack is willing to bundle VOIP for multiple jurisdictions into the same contract with the COG, to help reduce pricing for the Members. I am working with other ISPs to find out pricing for VOIP as multiple jurisdictions as well. One of the benefits of a centralized VOIP system is that it can reduce long distance costs when calling within the region. Also, the Broadband Plan has some recommendations to also reduce the overall cost and increase Mbps to the communities. We will have new pricing in place for 2017.

## **DOLA Broadband Planning**

I have been working with Ken on the additional request, and are on version nine of the funding request letter. We are not going to be able to request as much as initially thought. However, we will be submitting a request to cover Ute Mountain Ute planning and additional expenses. I have also been busy reading and editing the draft plan. This should be published within the week.

## **Shared Services – CDL**

I have spoken with the Community College this month, they do not have an estimate for the cost of repairs for their vehicle at this point. Movement on this has been

# Director's Report

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slow, we are working with Crossfire (local company in La Plata County) to see what type of pricing they can provide, if they can travel, and if they are able to do new training as well as recertifications. We still have money in the DOLA 2016 Technical Assistance grant for this. If I can get movement with the Community College of Crossfire, then we will get this up and running for 2017.

## **Recycling**

Dennis touched on much of this in his report. The Recycling Bins from Dr. Pepper/Snapple have been delivered. Dennis and I will pick one up, take photos of the bin and deliver it to Rico (just in time for the snow!). Durango will then be able to place them around the community as well as replace the new bins where others have been damaged or are beat up. Each of these bins is valued at about \$400.

The Recycling website is coming along nicely under the guidance of Dennis. We will have a preview for the Board and the Recycling Taskforce either at the Board Meeting or via email early the following week.

# Transportation Report

To: SWCCOG Board of Directors  
From: Jessica Laitsch  
Date: 27 October, 2016

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Comments: Transportation:

The SWTPR meet on Friday, 7 October, 2016. The discussion included:

- CDOT's proposed changes to the distribution of 5311 transit funds.
- Annual update of the Statewide Transportation Improvement Program (STIP)

Draft minutes of the meeting are attached.

The next SWTPR meeting will be held at 9:00 a.m. Friday, 2 December at the Carnegie Building, 1188 E 2nd Ave., Durango.

Transit:

Staff is working with the marketing consultant to assist local transit agencies in develop marketing strategies. Additionally, staff is working to compile fixed-route transit information for input into Google Transit.

The next Transit Council meeting will be held Friday, 11 November, 2016 at 9 a.m. at the Carnegie Building.

**Southwest Colorado Regional Transportation  
Planning Commission  
Friday, October 7, 2016 - 9:00 a.m.  
Carnegie Building, 1188 E 2nd Ave., Durango**

TPR Members in Attendance:

Keenan Ertel – Montezuma County  
Chris La May – Town of Bayfield  
Scott Lewandoski – Town of Pagosa Springs  
Kevin Hall - City of Durango  
Clifton Lucero – Archuleta County  
Bentley Henderson – Archuleta County  
Greg Schulte – Town of Pagosa Springs  
John Egan – Town of Pagosa Springs  
Phil Johnson – City of Cortez  
Brad Blake – La Plata County  
Dan Naiman – Town of Ignacio (by phone)

Others in Attendance:

Bill Frownfelter - Russell Planning and Engineering  
Matt Nesbitt – Southern Ute Community Action Programs  
Amber Blake – City of Durango  
Tony Cady– Colorado Department of Transportation  
Matt Muraro – Colorado Department of Transportation  
Casey Valentinelli - Colorado Department of Transportation  
Jeff Sanders - Colorado Department of Transportation  
Miriam Gillow-Wiles – Southwest Colorado Council of Governments  
Sara Trujillo – Southwest Colorado Council of Governments  
Dennis Wegienek – Southwest Colorado Council of Governments  
Jessica Laitsch – Southwest Colorado Council of Governments

The meeting was called to order at 9:10 a.m.

**I. Introductions**

**II. Accept Minutes: August 2016**

**Phil Johnson motioned to approve the minutes as presented, Chris La May seconded, unanimously approved.**

**Accept Financial Report: January-August 2016**

**Bentley Henderson motioned to accept the financial report as presented, Phil Johnson seconded, unanimously approved.**

### III. CDOT Reports:

#### a. 5310 and 5311 Transit Funding: Jeff Sanders, DTR

Jeff Sanders described the purpose of the CDOT Division of Transit and Rail. He explained that the purpose of this presentation is an overview of CDOT's efforts to look at how certain FTA funding is distributed and mentioned that he gave a similar presentation a couple weeks ago at a statewide transit conference. Specifically, he will be discussing 5311 funding, looking at how they distribute this funding and how to distribute simply and equitably in the future. The process for looking into this has included a transit town hall and a number of focus group meetings. Bentley asked what elements are uncertain as they move forward. Jeff replied that they are trying to figure out a distribution formula and criteria. Keenan asked if this is a result of new entities requesting funding. Jeff replied that it is, and these include Archuleta County and the Town of Telluride.

Jeff explained that there have been concerns that this would take funding away from rural areas, but clarified that this funding is specifically intended for rural areas. He described how 5311 is currently distributed, based on population and "merit" or CDOT discretion, and the award levels have generally stayed stable unless there is an increase from the FTA. This means that longtime grantees tend to receive larger awards due to more available funding in past years in addition to gradual increases through time. He explained that CDOT is looking at changes because federal funds are largely remaining stable while there are increasing demands, including requests from new agencies, and limited transparency about how the awards are distributed, specifically that very similar organizations are receiving wildly different amounts for no obvious reason. Kevin asked if there is history about how the awards were originally determined. Matt replied that it was highly dependent on precedent. Bentley asked if CDOT is soliciting input. Jeff replied that they are and he would address this. He added that part of the discrepancy in awards is that in many instances the awards were only intended to assist with the expansion of services. He added that performance metrics are not currently factored into the awards and the Transportation Commission is encouraging all of CDOT to use performance in award decisions. He mentioned that CDOT will not use any of these funds for Bustang as this service is funded with FASTER funding. Kevin asked if FASTER funds could be available for rural transit use. Jeff replied that there was recently an evaluation about what these funds could be used for and rural use may be a possibility.

Jeff described the approval process for these changes, which will include the STAC, Transit and Rail Advisory Committee (TRAC), Transit and Intermodal Committee of the Transportation Commission, and the Transportation Commission, and it will be an iterative process. He explained that the focus groups had discussed the background behind making these changes and options for funding criteria. The approach so far has been to look at the issues, then the formula, then develop a policy. He described the criteria and scenarios discussed during the second focus group, where they discussed what the funding distribution would look like based on different criteria, and summarized some of the feedback based on these scenarios. He explained that these were never intended to be policy options, but rather to brainstorm and begin discussions. Some items generally agreed upon were that population and tourism are important elements to consider, that a transition period would be necessary, and ensuring that all voices are heard throughout the process. He added that the process ended up being more controversial than they expected. Based on the feedback received, they decided to begin by looking at the policy framework before beginning to look at the formula methodology. He added that they will be extending the timeline to make these decisions, originally the decision was expected by spring 2017; however, they will extend this to ensure there is sufficient time for everyone to provide input. They will be working with a subcommittee of the TRAC consisting of varied, statewide representation.

Bentley asked if a new formula would necessitate a new application by the rural transit providers. Jeff replied yes, and they would need to work with each of the providers. Scott Lewandoski asked when the next cycle is. Jeff replied they award on two year cycles, the next award cycle will be in spring of 2017. Kevin asked for clarification that the 2017 decisions would be based on the current process. Kevin and Jeff discussed that the 2017 awards have been made, and the awards to be decided in 2017 will likely only be one year (for 2018) awards based on current criteria, then will return to a two year cycle. Matt pointed out that the inequity has been a consistent issue for some time. Keenan suggested that income levels should be a significant factor for funding distribution due to higher need. Amber mentioned that the City of Durango tracks income level and transit dependent populations of their riders. She added that perhaps funding could be distributed based on performance measures that are relevant to the specific type of services. There was discussion about specific agencies. Amber mentioned that there is not enough funding and we need to figure out other ways to increase the amount of funding available. She added that the FTA requires distribution to be fair and equitable. Kevin asked if moving forward this issue would be addressed again at TPR or the TC. Jeff replied yes, they will be starting with the subcommittee and grant partners, then will be going to STAC. Kevin pointed out need to ensure that information is communicated with sufficient time to react. There was discussion about communicating information through the STAC and the regional planners. Bentley asked if the subcommittee membership is already set. Jeff replied that it is. Amber suggested that she attend TPR meetings and provide ongoing updates. Kevin reiterated that it will be important to ensure there is a good flow of information. Jeff suggested that Amber and Matt work together to share information. Bentley asked what the subcommittee would address first. Jeff replied that they would be looking at a policy framework and higher level policy issues.

Amber reported that the City of Durango Transit received the Outstanding Service Award from the FTA.

**b. Annual STIP Update – 2018: Matt Muraro**

Matt reported that they recently completed the planning process for the timeframe 2016 to 2019, and they will be doing annual check-ins. The last STIP was a 6 year plan, but the FHWA requires a 4 year plan, so they will do 4 year rolling plans moving forward. CDOT plans to amend the STIP semiannually and will be looking at an expenditure based process rather than putting in funds in advance. He described the process for the development of the STIP. Kevin asked if people tend to show up during the public meetings. Matt replied that generally people don't show up unless there is something controversial happening. He described the current 10 year program. Brad asked if the Dry Creek project is still on track. Matt replied that they would address this during the construction update. Matt and Tony explained that there was unanticipated funding that allowed further work on the project, which otherwise was planned to be delayed.

**c. Construction Project Update: Casey Valentinelli**

- US 160 Wilson Gulch Road Extension – Casey reported this project is nearly complete. Kevin reported will be doing a ribbon cutting on October 13.
- US 160 W. Wildlife Crossing at Dry Creek – There is a couple weeks of work remaining, then will move to the next phase.
- US 550 Cribwalls Phase II/III Project – Completed.
- US 491 Cortez to MCR 30 (CR M) – Southbound paving is complete, northbound paving will begin in a week or two. They have begun intersection work on Lebanon



Road. They are working with the city to relocate utility lines, expected to be completed this year.

- SH 145 Chipseal West Fork North – Completed.
- SH 145 North of Rico – The final walkthrough is scheduled, should be done by the end of the month.
- US 550 San Juan Line to Coal Bank Pass – Completed.
- R5 US 24, SH 17, US 160 Priority Culverts – Nearly completed for the season and will start up again in the spring.
- US 550 Durango N Main Ave ADA – Phase one was advertised but there were no bidders. Kevin added they are looking at how to move forward.
- SH 184 Narraguinnep Canal 0-02-A Structure – The signs will go up next week with construction the following week. The project should be done by the end of the year.
- US 160 McCabe Creek Pagosa – Delayed due to right of way, anticipated the spring of 2018. Bentley asked if they are starting demolition. Tony replied this would be coordinated through CDOT's property management group, so not certain of the status.
- US 550 Cribwall Repair MP 68.7 and 88.76 – Will go to ad in November for spring construction.
- US 491 Surface Treatment MP 27.3 – MP 36.8 – Will go to ad in November for spring construction.
- US 491 at County Road S – Currently in preliminary design.
- SH 41 Surface Treatment US 160 to Utah – Will go to ad by the end of the year for construction in the spring.
- US 550/160 PCCP Diamond Grinding Phase I – Will go to ad by the end of the year for construction in the spring. Tony added that this will entail removing the top layer of pavement to remove markings, and there will be significant traffic impacts. Kevin suggested working with Amber to begin communication about this project. Brad asked if they are grinding to flatten it out. Tony replied that the project will include removing irregularities and changing striping to provide bike lanes. Brad suggested working with Megan to communicate about project. There was discussion about when the project should begin. Keenan asked how quickly the process works. Tony explained how the grinder works and what project might entail.
- Chris asked about status of the signal at CR 501. Tony replied that he would follow up. Casey added that they are working to keep information like this updated online and will look into updating this.

#### **IV. Reports**

##### **1. STAC updates**

###### **a. August and September 2016 meetings: Kevin Hall**

- Kevin reported that the national freight network was discussed at STAC, CDOT sent letter to USDOT indicating there are not enough freight lane miles for Colorado. He pointed out that setting up the network is setting up for future funding.
- They discussed transit funding, a number of members were not aware of the issues, including discussion about the inclusion of performance measures. This will be an ongoing topic.
- The VW settlement will result in a significant amount of money coming into Colorado, this will likely go towards air quality mitigation, although there is not much clarity at this point.
- Rest areas were discussed and the state is doing an analysis to determine what is in place, what is needed and what investment is required.

- There was discussion on the road usage charge pilot program as a possible alternative to the gas tax. Participants will track mileage, be charged based on some related criteria and receive a rebate on the gas tax paid. Bentley asked who the volunteers are. Matt replied that people could sign up to volunteer.
- The STAC is looking at how the recent legislative changes will change the STAC.
- There is continued work on the alternative fuels corridors; US 550, 160 and 491 are tier 2 for CNG vehicles, although the focus right now is on the primary corridors.
- They are continuing work on Policy Directive 14 looking at performance measures.
- Congresswoman Diana DeGette attended the meeting.
- Some attendees were able to test drive some electric vehicles.
- CDOT is looking to establish a new headquarters, the plan is to do this without taking away from project funding. Bentley asked if they will be actually moving. Kevin replied yes. Matt added that it will be next to the football stadium which will allow sharing of the parking area. He added that the cost should be less than the upkeep of the current building. Casey added that part of this will include scanning records so they can be stored electronically.
- The viaduct project is moving along.
- Matt reported that SB 228 allows excess state funds to go to CDOT, which they will receive in the next two years. Staff is looking at projects to hopefully bring some of this funding to the region. Brad asked for clarification whether Colorado received FAST funding. Matt and Tony replied it did not. Kevin asked if they know why. Tony replied they have not received an official debrief, but they thought they had submitted strong freight projects. They may choose to resubmit in the next round.

## **V. Other Business**

### **1. Transit Provider Updates**

### **2. Community Updates –Round Robin**

Matt Nesbitt reported that SUCAP is working to get a loaner bus from Bustang.

Chris reported that Bayfield is working on the bridge project.

Bentley reported that the downtown corridor has been restriped and the signals redone. Clifton added that these changes were hugely helpful near the elementary school.

Keenan reported that the recently finished a Kinder Morgan truck route funded through a DOLA grant. They are preparing to redo CR CC with help from Kinder Morgan. He is glad that CR S is a priority. He mentioned that there are some areas the need filled in relative to the CR 145.

Dan Naiman reported that Ignacio bought a new bucket truck.

Brad reported that the airport is still working with the environmental assessment.

Phil reported that just finished their corridor restriping and resignalization, he is now working to address complaints about the impacts on parking. They are relocating a section of water main for the Lebanon Road project and extending some fiber lines in preparation for the resurfacing project next year.

Kevin reported that Durango's transit system has been very successful. Their transit planning shows that the public wants more transit and they are looking to identify alternative funding sources. They are working with the county and CDOT on a transportation model. Atmos Energy seems to be ending their project for the time being, they have replaced a number of gas lines. Amber is looking at road diets to add bike lanes and hopefully improve capacity and safety. They have done a lot of work on the trail project in Grandview.

Phil added that they are working on an access control plan for the central business district.

## **VI. Adjourn**

The meeting was adjourned at 11:14 a.m. The next meeting will be held December 2, 2016. Matt mentioned that the STAC meeting is scheduled for that day.

# VISTA's Report

To: SWCCOG Board of Directors  
From: VISTA  
Date: 24 October 2016

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Comments: **Recycling**

The Snapple-Dr.Pepper recycle bins were delivered on October 17<sup>th</sup>. All but one of the bins will be distributed around Durango. The other bin will be taken to Rico in the next week. In addition to the completion of the Snapple-Dr.Pepper recycle bin project, we are moving forward with the Southwest Colorado recycling website project. We have worked with the marketing consultant to develop a website. We plan to complete our initial preparations in the next week or two. After that, we will present it to the recycling taskforce and take their comments/suggestions. In addition to our work on the website, we have signed a three year contract with our marketing consultant to handle social media. Lastly, I am working with a local elementary school principal to develop the initial framework for our elementary school recycling education pilot program.

**Professional Development**

I have started continued taking my grant-writing and fundraising course online. This course also teaches about proper planning and ethics when approaching potential donors. In mid-October, I attended my last AmeriCorps VISTA training session in Virginia. At this conference we learned more about grant writing, fundraising, and project development.

# Discussion Items

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# 2016 Budget Projection

To: SWCCOG Board of Directors  
From: Sara Trujillo  
Date: 4 November 2016

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Comments: The following attachment includes:

- 2016 Projected Budget

At the October COG meeting there were questions as to where the 2016 budget would settle out. A budget projection document was emailed out October 21, 2016 and presented here for review. Please be aware this is only a projection, and the numbers that will be presented in the final 2016 budget amendment February 2016 may look different.

Notes:

- The highlighted items are still in flux, the numbers are an estimate and dependent on Board decisions, DOLA grant amendments, and All Hazards grant spending.
  - Non highlighted items are accounts expected to fluctuate minimally.
  - Miscellaneous Income includes funding from SWIMT, Western Lands and Communities remaining funding, AAA Audit reimbursement, and Region 10 grant reimbursement.
  - Overall, the salary and wages expenses are below budget
  - Unforeseen expenses have been absorbed into the overall budget that includes 4CORE and much of the dark fiber lease MOU.
  - The AAA paid \$6,123.75 of the \$8,000 contract leaving a near \$2,000 shortage in revenues from what was expected and budgeted.
  - SB 152 brochures accounted for \$1,208 that was not anticipated.
  - \$14,400 of the membership expenses was reimbursed by grants (\$10,800 was the Grant Finder/Tracker Application).
  - The PDF has been formatted for printing.
  - A contingency will be built into the 2017 budget.
-

**2016 BUDGET PROJECTION - GENERAL**

|  | 2016 Approved Budget | Revenue/Expenditure as of 10/21/2016 | Percent Complete | 2016 Projected Budget** | Revenue/Expenditure as of 10/21/2016 | Percentage Complete | NOTES  |
|--|----------------------|--------------------------------------|------------------|-------------------------|--------------------------------------|---------------------|--|
| <b>BEGINNING BALANCE</b>                 | <b>\$ 98,006.00</b>  |                                      |                  | <b>\$ 90,557.25</b>     |                                      |                     |  |
| <b>REVENUES</b>                          |                      |                                      |                  |                         |                                      |                     |  |
| All Hazards                              | \$ 203,803.00        | \$ 88,140.00                         | 43%              | \$ 115,734.00           | \$ 88,140.00                         | 76%                 | Estimated revenue for 2016 - High flux revenue         |
| <b>CDOT Grants</b>                       |                      |                                      |                  |                         |                                      |                     |  |
| CDOT Grants:SWTPR Grant                  | \$ 21,100.00         | \$ 16,831.00                         | 80%              | \$ 22,100.00            | \$ 16,831.00                         | 76%                 | Actual   |
| CDOT Grants:Transit LCC Grant            | \$ 20,000.00         | \$ 16,379.00                         | 82%              | \$ 20,000.00            | \$ 16,379.00                         | 82%                 | Actual   |
| <b>DoLA Grants</b>                       | <b>\$ 350,000.00</b> | <b>\$ 168,186.00</b>                 | <b>48%</b>       | <b>\$ 253,146.00</b>    | <b>\$ 168,186.00</b>                 | <b>66%</b>          | Estimated revenue for 2016                             |
| DoLA Grants:DoLA 7645 (IT)               |                      | \$ 40,747.00                         |                  | \$ 40,747.00            | \$ 40,747.00                         | 100%                | Actual   |
| DoLA Grants:DoLA 8010 (Broadband)        |                      | \$ 71,802.00                         |                  | \$ 99,802.00            | \$ 71,802.00                         | 72%                 | High flux revenue with pending budget amendment        |
| DoLA Grants:DoLA 8011 (Downtown)         |                      | \$ 35,597.00                         |                  | \$ 38,597.00            | \$ 35,597.00                         | 92%                 | Estimated revenue for 2016                             |
| DoLA Grants:DoLA 9038 (Shared Services)  |                      | \$ 20,040.00                         |                  | \$ 74,000.00            | \$ 20,040.00                         | 27%                 | High flux revenue with pending budget amendment        |
| <b>Dues Revenue</b>                      |                      |                                      |                  |                         |                                      |                     |  |
| Dues Revenue:Admin Position              | \$ 12,200.00         | \$ 12,347.00                         | 101%             | \$ 12,347.00            | \$ 12,347.00                         | 100%                | Actual   |
| Dues Revenue:COG Dues                    | \$ 114,000.00        | \$ 115,363.00                        | 101%             | \$ 115,363.00           | \$ 115,363.00                        | 100%                | Actual   |
| Dues Revenue:SWTPR Dues                  | \$ 7,679.00          | \$ 7,679.00                          | 100%             | \$ 7,679.00             | \$ 7,679.00                          | 100%                | Actual   |
| <b>Grant Match</b>                       |                      |                                      |                  |                         |                                      |                     |  |
| Grant Match:COG Member Match             | \$ -                 | \$ 6,836.00                          |                  | \$ 6,836.00             | \$ 6,836.00                          | 100%                | Actual   |
| Grant Match:Non-COG Member Match         | \$ -                 | \$ 12,223.00                         |                  | \$ 12,223.00            | \$ 12,223.00                         | 100%                | Actual   |
| <b>Misc. Income</b>                      | \$ -                 | \$ 11,060.00                         |                  | \$ 13,060.00            | \$ 11,060.00                         | 85%                 | Estimated revenue for 2016                             |
| <b>RREO Grant</b>                        |                      |                                      |                  |                         |                                      |                     |  |
| RREO Grant:RREO 2016-2017                | \$ 36,200.00         | \$ 6,580.00                          | 18%              | \$ 7,500.00             | \$ 6,580.00                          | 88%                 | Estimated revenue for 2016                             |
| <b>SCAN Services</b>                     |                      |                                      |                  |                         |                                      |                     |  |
| SCAN Services:Dark Fiber Leasing         | \$ 20,560.00         | \$ 15,192.00                         | 74%              | \$ 20,256.00            | \$ 15,192.00                         | 75%                 | Estimated revenue for 2016                             |
| SCAN Services:e-TICS                     | \$ 8,400.00          | \$ 8,400.00                          | 100%             | \$ 8,400.00             | \$ 8,400.00                          | 100%                | Actual   |
| SCAN Services:Internet & Transport       | \$ 8,280.00          | \$ 6,210.00                          | 75%              | \$ 8,280.00             | \$ 6,210.00                          | 75%                 | Actual   |
| SJB AAA                                  | \$ 4,500.00          | \$ 3,376.00                          | 75%              | \$ 3,376.00             | \$ 3,376.00                          | 100%                | Actual   |
| 4001 - Fiber Equipment Replacement Fund  | \$ 15,000.00         | \$ 9,754.00                          | 65%              | \$ -                    | \$ -                                 |                     | Account moved to own budget                            |
| <b>TOTAL REVENUES</b>                    | <b>\$ 821,722.00</b> | \$ 493,496.00                        |                  | <b>\$ 626,300.00</b>    | \$ 493,496.00                        |                     |  |
| <b>TOTAL FUNDS AVAILABLE</b>             | <b>\$ 919,728.00</b> |                                      |                  | <b>\$ 716,857.25</b>    |                                      |                     |  |
| <b>EXPENDITURES</b>                      |                      |                                      |                  |                         |                                      |                     |  |
| Advertising and Promotion                | \$ 400.00            | \$ 420.00                            | 105%             | \$ 500.00               | \$ 420.00                            | 84%                 | Estimated expense for 2016                             |
| All Hazards Projects                     | \$ 194,607.00        | \$ 78,708.00                         | 40%              | \$ 99,237.00            | \$ 78,708.00                         | 79%                 | Estimated expenditure for 2016 - High flux expenditure |
| AmeriCorp VISTA                          | \$ 11,700.00         | \$ 8,000.00                          | 68%              | \$ 8,000.00             | \$ 8,000.00                          | 100%                | Actual   |
| Bank Service Charge                      | \$ 100.00            | \$ 73.00                             | 73%              | \$ 73.00                | \$ 73.00                             | 100%                | Estimated expense for 2016                             |
| <b>Broadband Expense</b>                 |                      |                                      |                  |                         |                                      |                     |  |
| Broadband Expesens:SCAN Dark Fiber Lease | \$ 15,420.00         | \$ -                                 | 0%               | \$ 12,660.00            | \$ -                                 | 0%                  | Estimated expense for 2016                             |
| Consulting                               | \$ 271,000.00        | \$ 167,260.00                        | 62%              | \$ 230,866.00           | \$ 167,260.00                        | 72%                 | High flux expenditure with pending budget amendment    |
| Employee/Board Appreciation              | \$ -                 | \$ 361.00                            |                  | \$ 361.00               | \$ 361.00                            | 100%                | Actual   |
| <b>Information Technology (IT)</b>       |                      |                                      |                  |                         |                                      |                     |  |
| Hardware                                 | \$ -                 | \$ -                                 |                  | \$ -                    | \$ -                                 |                     |  |
| Internal IT Consulting                   | \$ -                 | \$ -                                 |                  | \$ -                    | \$ -                                 |                     |  |
| Software                                 | \$ 1,056.00          | \$ 1,253.00                          |                  | \$ 1,253.00             | \$ 1,253.00                          | 100%                | Estimated expense for 2016                             |

|  |                      |               |      |
|--|----------------------|---------------|------|
| <b>Insurance Expense</b>                         |                      |               |      |
| Insurance Expense:General Liability              | \$ 2,102.00          | \$ 2,213.00   | 105% |
| Insurance Expense:Health                         | \$ 25,516.00         | \$ 18,373.00  | 72%  |
| Insurance Expense:HSA                            | \$ -                 | \$ 4,000.00   |      |
| Insurance Expense:Worker's Compensation          | \$ 1,674.00          | \$ 1,674.00   | 100% |
| <b>Internet Connectivity</b>                     |                      |               |      |
| Internet Connectivity:Fast Track                 | \$ 10,800.00         | \$ 9,000.00   | 83%  |
| Internet Connectivity:Internet Connection (AT&T) | \$ 384.00            | \$ 321.00     |      |
| Internet Connectivity:Software                   | \$ 1,005.00          | \$ -          | 0%   |
| Match Refund                                     | \$ -                 | \$ 1,634.00   |      |
| Meetings   | \$ 2,325.00          | \$ 2,495.00   | 107% |
| Memberships                                      | \$ 2,300.00          | \$ 17,254.00  | 750% |
| Office Equipment                                 | \$ 2,000.00          | \$ 3,606.00   | 180% |
| Office Supplies                                  | \$ 1,300.00          | \$ 741.00     | 57%  |
| Postage and Delivery                             | \$ 125.00            | \$ 54.00      | 43%  |
| Professional Development                         | \$ -                 | \$ 430.00     |      |
| <b>Professional Fees</b>                         |                      |               |      |
| Professional Fees:Accounting Software            | \$ 150.00            | \$ -          | 0%   |
| Professional Fees:Audit                          | \$ 6,438.00          | \$ 6,500.00   | 101% |
| Professional Fees:Legal                          | \$ 3,000.00          | \$ 4,240.00   | 141% |
| Professional Fees:Misc.                          | \$ -                 | \$ 1,330.00   |      |
| Rent   | \$ 81.00             | \$ -          | 0%   |
| Salary and Wages                                 | \$ 151,541.00        | \$ 128,565.00 | 85%  |
| Salary and Wages:457 Retirement                  | \$ 3,487.00          | \$ 2,839.00   | 81%  |
| Salary and Wages:Car Allowance                   | \$ 3,600.00          | \$ 3,000.00   | 83%  |
| Salary and Wages:Cell Phone Allowance            | \$ 1,560.00          | \$ 2,275.00   | 146% |
| Salary and Wages:Housing Allowance               | \$ -                 | \$ 2,700.00   |      |
| Salary and Wages:Payroll Processing Fee          | \$ 1,550.00          | \$ 1,254.00   | 81%  |
| Salary and Wages:Payroll Tax                     | \$ 12,956.00         | \$ 8,950.00   | 69%  |
| Software Maintenance e-TICS                      | \$ 8,400.00          | \$ 8,892.00   | 106% |
| Team Building                                    | \$ -                 | \$ 320.00     |      |
| Travel   | \$ 17,000.00         | \$ 14,654.00  | 86%  |
| 5514 - Professional Fees                         | \$ 50.00             | \$ -          |      |
| 5517 - Data Back Up Exp                          | \$ 750.00            | \$ -          |      |
| 5530 - Fiber Equipment Replacement Fund          | \$ 15,000.00         | \$ -          |      |
| 5535 - Printing/Reproduction                     | \$ 200.00            | \$ -          |      |
| 5546 - Equipment Expense                         | \$ 20,000.00         | \$ -          |      |
| 5591 - COG Member Match                          | \$ 6,000.00          | \$ -          |      |
| <b>TOTAL EXPENDITURES</b>                        | <b>\$ 795,577.00</b> |               |      |
| <b>ENDING BALANCE</b>                            | <b>\$ 124,151.00</b> |               |      |
| <b>Profit/Loss</b>                               | <b>\$ 26,145.00</b>  |               |      |

|  |                      |               |      |   |
|--|----------------------|---------------|------|---|
|  | \$ 2,213.00          | \$ 2,213.00   | 100% | Actual  |
|  | \$ 21,960.00         | \$ 18,373.00  | 84%  | Actual  |
|  | \$ 4,000.00          | \$ 4,000.00   | 100% | Actual  |
|  | \$ 1,674.00          | \$ 1,674.00   | 100% | Actual  |
|  |                      |               |      |   |
|  | \$ 10,800.00         | \$ 9,000.00   | 83%  | Actual  |
|  | \$ 386.00            | \$ 321.00     | 83%  | Estimated expense for 2016                                  |
|  | \$ -                 | \$ -          |      | Account moved to Information Technology (IT):Software       |
|  | \$ 1,634.00          | \$ 1,634.00   | 100% | Actual  |
|  | \$ 2,800.00          | \$ 2,495.00   | 89%  | Estimated expense for 2016                                  |
|  | \$ 17,254.00         | \$ 17,254.00  | 100% | Actual  |
|  | \$ 3,606.00          | \$ 3,606.00   | 100% | Actual  |
|  | \$ 800.00            | \$ 741.00     | 93%  | Estimated expense for 2016                                  |
|  | \$ 72.00             | \$ 54.00      | 75%  | Estimated expense for 2016                                  |
|  | \$ 430.00            | \$ 430.00     | 100% | Actual  |
|  |                      |               |      |   |
|  | \$ -                 | \$ -          |      | Actual  |
|  | \$ 6,500.00          | \$ 6,500.00   | 100% | Actual  |
|  | \$ 5,000.00          | \$ 4,240.00   | 85%  | High flux expenditure with pending 4CORE decision           |
|  | \$ 1,330.00          | \$ 1,330.00   | 100% | Estimated expense for 2016                                  |
|  | \$ 81.00             | \$ -          | 0%   | Estimated expense for 2016                                  |
|  | \$ 140,000.00        | \$ 107,547.00 | 77%  | Estimated expense for 2016                                  |
|  | \$ 3,515.00          | \$ 2,839.00   | 81%  | Actual  |
|  | \$ 3,600.00          | \$ 3,000.00   | 83%  | Actual  |
|  | \$ 2,665.00          | \$ 2,275.00   | 85%  | Actual  |
|  | \$ 2,700.00          | \$ 2,700.00   | 100% | Actual  |
|  | \$ 1,550.00          | \$ 1,254.00   | 81%  | Estimated expense for 2016                                  |
|  | \$ 10,750.00         | \$ 8,950.00   | 83%  | Estimated expense for 2016                                  |
|  | \$ 10,400.00         | \$ 8,892.00   | 86%  | Estimated expense for 2016                                  |
|  | \$ 320.00            | \$ 320.00     | 100% | Estimated expense for 2016                                  |
|  | \$ 17,000.00         | \$ 14,654.00  | 86%  | Estimated expense for 2016                                  |
|  | \$ -                 | \$ -          |      | No longer used; Merged with Professional Fees:Misc          |
|  | \$ -                 | \$ -          |      | No longer used; Merged with Information Technology:Software |
|  | \$ -                 | \$ -          |      | No longer used; Account separated out into its own budget   |
|  | \$ -                 | \$ -          |      | No longer used; Merged with Professional Fees:Misc          |
|  | \$ -                 | \$ -          |      | No longer used; For RREO trailers, idea was abandoned       |
|  | \$ -                 | \$ -          |      | No longer used; Moved to revenues                           |
|  | <b>\$ 625,990.00</b> |               |      |   |
|  | <b>\$ 90,867.25</b>  |               |      |   |
|  | <b>\$ 310.00</b>     |               |      |   |



# Dark Fiber Lease MOU Reminder

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 4 November 2016

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Comments: The Board approved the Dark Fiber Lease MOU in August. The only Members that have approved or responded to Staff reminders are:

- Town of Dolores, will be on agenda after Nov 8<sup>th</sup> and Opt Out Election
- Town of Mancos, approved
- Town of Pagosa Springs, on Nov 1st agenda.

There are nine other jurisdictions that need to approve this MOU (Rico does not have any SCAN related infrastructure). This is an important aspect of the SWCCOG being financially stable.

**Legal Opinion:** Already developed and reviewed by Legal

**Fiscal Impact:** High

**Board Action:** Approve Dark Fiber Lease in each jurisdiction by Dec 31, 2016

# Decision Items

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# SWCCOG Executive Committee Minutes

To: SWCCOG Board of Directors

From: Sara Trujillo

Date: 4 November 2016

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Comments: Executive Committee Minutes from August and September 2016 for approval.

**Legal Review:** None

**Fiscal Impact:** None

**Staff Recommendation:** Executive Committee approve the attached Minutes from August and September 2016.

**Southwest Colorado Council of Governments  
Executive Committee Meeting  
Wednesday, 17 August 2016, 2:00 p.m.  
Telephone Conference**

In attendance:

Julie Westendorff – La Plata County

John Egan – Town of Pagosa Springs

Miriam Gillow-Wiles – Southwest Colorado Council of Governments

Sara Trujillo - Southwest Colorado Council of Governments

The meeting began at 2:07 p.m.

Miriam Gillow-Wiles read the consent agenda items pointing out that the August 5 Broadband Meeting Minutes would be added.

Miriam said a grant application for transit planning would be added to the decision items. This application will be for 5304 funding and build upon what the current region transit plan has. The grant will be approximately \$25,000. Jessica Laitsch is working on an outline and should have this document emailed to the Executive Committee by Friday, August 19. Julie asked if the SWTPR was made aware of the COG's application. Miriam said she will inform the SWTPR but that the grant is specific to transit versus transportation. Miriam added that staff will use the DoLA grant application in October as the match for this grant. Miriam said that the COG was not awarded funds from the Transit Coordinator Grant application and will be talking to Rob Andresen with CDOT via phone August 18 to find out why as Miriam suspects political agendas were involved. John Egan stated that his community was not awarded funds either and will be in communication with the appropriate people at the CASTA meeting to find out why. John offered to be involved if need be with Miriam and Rob's conversation.

Miriam discussed the purchasing/procurement policy update to include a property disposal section. With COG equipment coming up for replacement, i.e. computers, the COG needs to have a disposal policy in place. Julie asked what other entities do with their property. Miriam said most have a 3-year replacement policy and go out for bid when property needs to be disposed of. Julie said going out for bid takes much time and money that sometimes it is not worth the value of the equipment. Miriam said the COG would plan to donate versus go out for bid and that this option is written into the policy.

With last meeting's budget questions, Miriam said there is a 2016 budget projection document that staff can present that will help prepare the board for the year-end amendment. This document was emailed to the Executive Committee earlier in the afternoon for review. Julie requested the item be put under the discussion section.

Miriam asked if the Executive Committee would like to move the September meeting to Silverton. Both John and Julie felt being this close to the meeting, there is not enough notice time. Julie requested meeting location rotation be put on the agenda for board discussion. With the conference system available for those that need to travel a location rotation may not be necessary. In addition, it is convenient having the same location every meeting. John stated that he will be absent at the September meeting.

The meeting was adjourned at 2:29 p.m.

**Southwest Colorado Council of Governments  
Executive Committee Meeting  
Thursday, 22 September 2016, 2:00 p.m.  
Telephone Conference**

In attendance:

Andrea Phillips – Town of Mancos

Julie Westendorff – La Plata County

Miriam Gillow-Wiles – Southwest Colorado Council of Governments

Sara Trujillo - Southwest Colorado Council of Governments

The meeting began at 2:02 p.m.

Prior to the meeting, Miriam sent out a memo received from 4CORE indicating an official vote from their Executive Committee to join the COG. This information will be provided in the board packet for review and discussion. Andrea wants to ensure an acquisition will benefit all members, save money and not put a burden on staff time. Staff will request direction from the board to incur additional costs from legal to pursue an acquisition of 4CORE.

The Rocky Mountain Climate Organization requested 45 minutes of the agenda to present. To ensure adequate time is provided for all agenda items, Julie suggested setting time limits for each section and making reports read only but open for discussion if there are questions. However, the time restrictions should not be published publically in case the restrictions are not met. Julie requested that the presentation focus on why the information matters to southwest Colorado. Miriam said the DoLA TA grant application, DoLA Broadband grant amendment, transit funding, and the 2016 budget projections will likely require the most time. In addition, Miriam will be attending a DoLA funding meeting in Denver on September 26 and will likely want to verbally update the board on this item that will be in her board packet report.

Andrea stated that she attended the most recent Montezuma County Commissioner's meeting where she inquired as to Montezuma's intention of joining the COG. The answer was no. Julie asked if the answer is no because Montezuma does not want to pay. Andrea confirmed yes.

Julie asked about the 2016 budget error pertaining to the Fiber Equipment Repair Fund that was discussed at a prior meeting. Sara said the Fiber Equipment Repair Fund account was correct on the final 2016 budget that was adopted and correct on the working amendment copies with the exception of the budget provided at the meeting Julie was referring to. Therefore, there was not a budget error with this account.

The meeting was adjourned at 2:29 p.m.

# Board Meeting Time/Date Change

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 4 November 2016

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**Comments:** Last month there was a lot of discussion about Friday Board Meetings being challenging for some Board Members. Historically this was done due to the Manager's Lunch which started prior to the COG's existence. At this time, we have the TPR meeting every other month, in the morning before the COG meeting. If we change the COG meeting, we will likely need to change the TPR meeting, as the TPR meeting was moved to the same day as the COG meeting when the COG acquired the TPR in 2014.

Attached is a calendar for 2017. The highlighted dates are the Board meetings if the meetings stay on the first Friday of the month (with potentially the 2<sup>nd</sup> Friday in September as to not interfere with Labor Day weekend). The days in boxes are the SWCCOG holidays (Please note, the SWCCOG does not celebrate Columbus Day, but rather provides the day after Thanksgiving off. Also any holiday falling on a weekend is given either on the Friday prior or the Monday following said holiday).

**Legal Opinion:** Not Applicable

**Fiscal Impact:** None

**Staff Recommendation:** Decide if existing date/time should remain or select a new date/time for SWCCOG Board Meetings in 2017.

# 2017

## January

| Mo | Tu | We | Th | Fr | Sa | Su |
|----|----|----|----|----|----|----|
|    |    |    |    |    |    | 1  |
| 2  | 3  | 4  | 5  | 6  | 7  | 8  |
| 9  | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 |    |    |    |    |    |

## February

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| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 |    |    |    |    |    |

## March

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| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 |    |    |

## April

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| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

## May

| Mo | Tu | We | Th | Fr | Sa | Su |
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| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
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## June

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| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 |    |    |

## July

| Mo | Tu | We | Th | Fr | Sa | Su |
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| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 |    |    |    |    |    |    |

## August

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| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 |    |    |    |

## September

| Mo | Tu | We | Th | Fr | Sa | Su |
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| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 |    |

## October

| Mo | Tu | We | Th | Fr | Sa | Su |
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| 9  | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 |    |    |    |    |    |

## November

| Mo | Tu | We | Th | Fr | Sa | Su |
|----|----|----|----|----|----|----|
|    |    |    |    |    |    |    |
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| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 |    |    |    |

## December

| Mo | Tu | We | Th | Fr | Sa | Su |
|----|----|----|----|----|----|----|
|    |    |    |    | 1  | 2  | 3  |
| 4  | 5  | 6  | 7  | 8  | 9  | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

# 4CORE Legal Update

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 7 October 2016

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Comments: At the October Board Meeting, the Board directed staff to bring back estimates from Legal for the November meeting. Having discussed 4CORE with David Lieberman, this is his response. He estimates 6-8 hours at the rate of \$144/hour for research about how the COG can possibly incorporate an existing non-profit into the structure of the SWCCOG, this would be the first phase, with additional work needed after this. He would work with other attorneys who are more knowledgeable about non-profits, see if this has been done in Colorado before, as well as contact the attorney 4CORE hired to better understand that legal opinion.

***Legal Opinion:***

It may be simpler in fact to acquire the name and assets you want of 4CORE, thus avoiding liabilities of 4CORE. When someone buys a business, I usually recommend they buy the name and assets of the business, and get a non-compete from the seller, rather than taking over the business entity itself, so as to avoid the businesses entities prior liabilities.

If we acquire and own an existing entity we may very well end up owning their obligations and their liabilities, both known and unknown. Just as with a business purchase, there could be outstanding judgements owed by the entity, liens, loans and encumbrances. Other liabilities might include pending lawsuits, un-asserted claims and assessments, both known and unknown, employee claims, wage claims, unemployment insurance liabilities if terminating employees, unpaid vacation or sick leave liabilities, COBRA or health insurance responsibilities. There could be contractual responsibilities owed with respect to any contracts 4CORE has entered into, written or oral. There could be obligations to others for work it has been paid for but not performed. There could be grant obligations outstanding. There could be outstanding payments owed to vendors. This is just a partial list.

Another option could be doing research on whether the SWCCOG could start its own 501c3, and have that entity acquire the assets and name of 4CORE.

***Fiscal Impact:*** Phase 1 is estimated at 6-8 hours at \$144/hour: \$870-1160. Additional phases will be additional costs.

***Staff Recommendation:*** Decide if above cost is acceptable and give staff direction.



# Selection Committee

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 4 November 2016

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Comments: The SWCCOG needs to convene a Selection Committee to select the 2017 Treasurer position. The Committee will provide a recommendation at the December 2017 Board Meeting for the position.

**Legal Opinion:** Not Applicable

**Fiscal Impact:** None

**Staff Recommendation:** Appoint at least two Board Members as the selection committee for 2016