



# SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

## Regular Meeting Agenda

Friday, 5 August 2016, 1:30pm – 4:00pm

1188 E 2<sup>nd</sup> Ave, Durango, 81301

- I. Introductions
- II. Consent Agenda
  - a. 3 June 2016 SWCCOG Meeting Minutes
  - b. 8 July 2016 SWCCOG Meeting Minutes
  - c. June 2016 Financials
- III. Reports
  - a. Director's Report
  - b. 4CORE Report
  - c. Broadband Report
  - d. Transportation Report
    - a. VISTA Report (Includes Shared Services and Recycling)
    - b. Community Updates
- IV. Discussion Items
  - a. DOLA Infrastructure Funding and Montezuma County
- V. Decision Items
  - a. 20 June 2016 SWCCOG Executive Committee Minutes
  - b. 2017 Final Budget
  - c. MOU for Broadband Planning for Ute Mountain Ute Tribe
  - d. SCAN Revenue Share Decision
  - e. Civil Rights Act, Title VI Policy – CDOT Transit Requirement
- VI. Other Items

Video/Phone Conference Info:

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

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

# Consent Agenda

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**Southwest Colorado Council of Governments  
June Board Meeting  
Friday, 3 June 2016, 1:30pm  
1188 E. 2nd Ave., Carnegie Building, Durango, CO 81301**

In Attendance:

Dick White – City of Durango  
Ron LeBlanc – City of Durango  
Chris La May – Town of Bayfield  
John Egan – Town of Pagosa Springs  
Chris Tookey – Town of Silverton  
William Tookey – San Juan County  
Julie Westendorff – La Plata County  
Joe Kerby – La Plata County  
Michael Whiting – Archuleta County (by phone)  
Shane Hale – Town of Cortez (by phone)

Staff in Attendance:

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

Guests in Attendance:

Laurie Dickson – Four Corners Office of Resource Efficiency  
Kurt Schneider - Four Corners Office of Resource Efficiency  
Eric Pierson – City of Durango  
Darlene Marcus – Congressman Tipton’s Office  
Kelli Jones - HintonBurdick and Associates (by phone)  
Diane Kruse – NEO Connect (by phone)  
Ken Charles – Colorado Department of Local Affairs (by phone)

**I. Introductions**

The meeting was called to order at 1:37 p.m.

**II. 2015 Audit Presentation**

Kelli Jones, HintonBurdick and Associates, commended staff on their good work. She reported that they issued an unmodified opinion on the financial statements, there were no material weaknesses or significant deficiencies. She presented an overview of the financial information from 2015.

Dick White asked what the accounts receivable was at the end of 2014. Kelli and Miriam replied it was much less than at the end of 2015. Chris La May asked about the change in net position. Kelli replied that cash has gone down, but will go back up once outstanding receivables are received. Chris asked if a portion of the fund balance should be designated assigned versus discretionary for the fiber fund. Miriam replied that those monies were assigned in 2016 and these numbers are for 2015. Julie clarified that the discussion to assign these funds had been during budget discussions, which occurred in 2015. Julie asked how funds with specific designations would appear. Kelli replied designations of fund balance would be shown in the financial statements broken out by restricted, assigned or committed. She added that there is nothing shown as restricted right now. Miriam asked for clarification that next year there would

be a restricted line. Kelli replied that if there are restrictions, they would be shown on the financial statements.

Joe Kerby asked about the actual revenues being \$40,000 less than budgeted. Miriam replied that this is due to grant funding, for example there was one grant that was extended into 2016.

Julie asked staff to address the fund balance. Miriam replied that this is due to the Fastrack contact, lack of revenue from dark fiber leasing, and staff time on telecom. Julie summarized that this is the disparity between income and expenses related to the SCAN network.

### **III. 2017 Goal Setting**

Julie explained that goal setting was not addressed during the board retreat. She asked about “the lens” worksheet. Miriam explained that the questions listed were identified during the board retreat as questions to ask when considering decisions.

Miriam described that the current goals are shared services, recycling, transportation, and broadband. She explained that the DOLA grants for recycling, shared services, transit, and broadband planning will be completed by the end of the year and there is doubt concerning whether DOLA will have a grant cycle next year because of the severance tax issues. She asked if there should be any modifications to the goals for 2017. Dick stated that these are the projects the COG has been working on and should continue. Julie expressed agreement in keeping a narrow set of goals to focus on. She added that 4CORE is present and while they do not specifically fall under one of these areas, a larger goal is to have organizations integrated. Miriam mentioned that integration of 4CORE could be added as a goal or just recognized as an ongoing, overarching project. Joe asked if this had previously been identified as a goal. Miriam replied that this was discussed last year, at that time it was determined to have more focus on AAA, however this has since changed. Dick suggested this may be appropriate to add as a fifth goal. He mentioned that this would be a two year process, with the first year running parallel operations. Julie asked if they would like to add partnership with 4CORE as another goal. Dick replied this could be an expansion of the recycling goal. There was general agreement to include partnership with 4CORE as a goal for 2017.

Chris asked if Rico is a member. Miriam replied that they just voted to become a member and will be added to the spreadsheet as a member organization. Julie asked about the purpose of the larger spreadsheet. Miriam replied that this is a tool for staff and “the lens” questions will help with priorities.

Dick asked about the status on the IT support grant. Miriam replied this grant is nearly completed and described some of the projects this grant assisted with. Ron LeBlanc asked what amount the grant was for. Miriam replied it was approximately \$55,000, with a \$2,000 match from each community. She added that DOLA would only pay for labor, not equipment.

**Dick White motioned to accept the goals as presented in the spreadsheets and the five identified as focus goals, Michael Whiting seconded, unanimously approved.**

Julie asked about the potential impacts of losing DOLA funding. Miriam replied it may limit the ability to work on specific projects such as shared services. They discussed limitations on DOLA funding and other possible funding sources.

#### **IV. Consent Agenda**

a. 6 May 2016 SWCCOG Meeting Minutes  
Julie asked to change visiting “counties” to “members.”

b. April 2016 Financials

**Dick White motioned to approve both consent agenda items together as presented, John Egan seconded, unanimously approved.**

#### **V. Reports (written only)**

- a. Director’s Report
- b. Broadband Report
  - i. 16 May 2016 CAFII Meeting Notes
- c. Legislation Update
- d. Transportation Report
- e. VISTA’s Report (Includes Shared Services)
- f. Community Updates

Dick reported that the City of Durango will be receiving final public input on the wastewater treatment plant design prior to submitting to the Colorado Water Resources and Power Development Authority. The project is estimated at \$58 million, by far the largest project undertaken by the city. Miriam had presented a report on the SWCCOG to City Council. He pointed out that traffic was heavy today.

John reported that the Town of Pagosa Springs has a number of projects, including the south Eighth Street repaving project. They have been dealing with some issues on the McCabe Creek project, it is generally on schedule although there have been some delays. Mountain Express Transit is installing new signs.

Chris reported that the Town of Bayfield is nearing completion on the water treatment plant. They are moving forward with the replacement of the bridges, planning to start construction in the fall considering schedule challenges due to wildlife. They are working with DOLA to install improvements to the water system.

Julie reported that La Plata County had a hearing and approved a coal mine permit that had been ongoing. She and Michael attended a meeting in Arboles regarding crime and that cell phone service exacerbates issues with reporting. The Colorado Airport Operators Association was in Durango and they were able to discuss airport governance options.

Willy Tookey reported that all the major passes into San Juan County are open. The BLM changed the district boundaries to put San Juan County into the Gunnison district, part of the justification is to have the entire alpine loop in one district, but this does not make logical sense considering the topography of the region.

Chris Tookey reported that the Town of Silverton had a board retreat and the goal setting will be done in two weeks. The library is 110 years old and there will be an open house to celebrate. They are working on affordable housing and will have a meeting to discuss vacation rentals. The Events Coordinator is working on a “Superfund Day” event. The train has begun running for the season. Joe asked about the newly remodeled hotel. Chris replied that they had a ribbon cutting and tours, and there are options for package deals with the train, hotel and museum. John mentioned that the hotel looks good. Dick mentioned that the superfund team has scheduled monthly meetings.

Joe added that they are working on completing the impact fee feasibility study, this will be considered by the board in a couple weeks.

Michael reported that Archuleta County has finished data collection for the courthouse and will begin making decisions. He added that the Arboles meeting went well. They are looking at a contentious gravel pit permit. The town and county developed joint strategic objectives around childcare, affordable housing, broadband, and downtown vitality. Tourist season has begun.

## **VI. Discussion Items**

a. RFI for Broadband Public Private Partnerships Feedback for NeoConnect  
Diane Kruse reported that they put together a Request for Information for a public private partnership. The intent is to determine how the private sector could extend last mile service if strategic, key routes were put in place. This does not commit the SWCCOG to anything, it is just collecting information for options. Julie asked who the RFI would be sent to. Diane replied they have put together a list of internet service providers that provide services locally and nationally, and a number of companies have reached out. Additionally, they would like to put it on the Rocky Mountain Bids system. Joe mentioned that the county will check to see if they can help with this. Miriam explained there has been discussion about whether this would need to benefit the entire region as there are no ISPs that work throughout the entire region and this may be an issue. Ron asked if an ISP is only interested in one area, how would the SWCCOG move forward. Miriam replied that, since this is a RFI, if a company only wants to work in one area they can reject the bid as the intent for this is to be a regional project. Diane elaborated that there could be different solutions throughout the region; they have written the RFI to try to ensure a regional approach. Julie agreed that the intent is a regional approach and to reach areas that may not otherwise be likely to be served. Dick suggested that preference be given to those that can approach the greatest portion of the region and maintain a focus on communities that otherwise would not be served. Diane replied that they could put this in the evaluation criteria, one concern is that CenturyLink may be the only company able to address the entire region, and there have been issues in their public/private partnership approaches. Julie asked for clarification that they do not want to discourage multiple providers in order to cover the entire region. Diane replied that is correct. Dick suggested they add language to encourage multiple providers to work collectively.

Julie asked about next steps. Diane replied that they need to finalize the RFI, including language to encourage a regional approach and encourage partnerships, and to finalize dates. She asked for feedback before they release it. Miriam asked for confirmation that they will look at a draft of the plan in July with the final plan by August. Julie asked if they are looking for comments on the 18 page document. Diane replied yes. There was general discussion on reviewing the RFI, Julie will review it and suggested they ask Ernie to do so as well.

## **VII. Decision Items**

a. 4CORE Whitepaper & Recommendation  
Laurie Dickson distributed information related to the combined structure of a COG and a non-profit based on research she had undertaken. She described that the 501C3 would need a separate governing board to maintain its 501C3 status. Miriam clarified that the intent is for 4CORE to remain a 501C3, and that non-profits do exist under COGs with the COG board as the governing board. Michael mentioned that despite 501C3 status, a non-profit could come under the COG with leadership and fiduciary responsibility being transferred to the COG board. Laurie described the model used by the East Central Colorado COG. Miriam mentioned that the

COG does not have the staff capacity to take on another governing board and that having too many governing boards can be challenging. Kurt Schneider replied there is a need to ensure the board maintains oversight and responsibility and having the board in an advisory capacity would not be sufficient. Miriam clarified that she has not found precedents of a COG bringing on an established non-profit, but many non-profits exist within COGs wherein the COG is the governing board with an advisory board for the non-profit. Kurt and Laurie described the model wherein the non-profit has a separate governing board. Miriam replied that this model is less common.

Joe asked what 4CORE is proposing. Kurt replied that this is not a proposal, just information. Chris asked for clarification that 4CORE does not want to give up its authority. Kurt replied that the full board has not had this discussion, the Executive Committee has had discussions that they do not anticipate going that direction. Miriam described that in the discussion with 4CORE, the first phase would include contracted administrative and financial work and in the second phase 4CORE would be fully incorporated, as a non-profit, with 4CORE staff becoming COG staff. Laurie replied that the East Central COG's model includes contracting of its employees. She described other models that include foundation based organizations. Chris pointed out that the Regional Housing Alliance has a similar model in place.

Julie asked about the level of interest on moving forward with merging. Dick replied that both organizations are doing similar educational efforts such as with recycling and resource efficiency, both are regional, and it could be worthwhile to look for administrative efficiencies. He added that each board must decide if they would like to continue the discussion and looking at how to move forward; he believes there is value for both organizations, although there is a lot to explore including further partnerships. Laurie mentioned that 4CORE's costs would not be reduced because they would be paying the COG for services, so they would need to continue to find alternative funding. Joe stated that part of the anticipated benefit of the COG is to combine with non-profits to reduce the overall cost to member governments. He also expressed concern about the financial viability of 4CORE and the benefits to the county from both 4CORE and the COG. Dick pointed out that a lot of work would have to be done very quickly if the decision is to move forward. Julie mentioned that if the information Laurie distributed is true, moving forward does not seem worthwhile. Ultimately, the goal is to reduce overhead costs, such as with a shared audit, and contracting services does not seem to be the most efficient. John expressed concern about the usefulness of the COG to take on 4CORE considering the information distributed. Laurie replied that 4CORE would be paying the COG for professional services and there would be opportunities for collaboration.

Julie asked about next steps. Dick replied that he will not have time for follow up in June. Julie asked what he would suggest happen next. Dick suggested moving forward with a similar model the COG had undertaken with AAA, the hope being that 4CORE would save some money and the COG would earn some money while giving time to further explore options. Miriam explained that the purpose of this discussion is to determine whether to continue moving forward, and the discussion regarding the organization of the organizations falls under strategic planning. She added that the COG has money available to undertake strategic planning. Michael asked for

clarification that there would be savings to both organizations. Miriam replied yes. Michael asked what would be the most efficient structure to take advantage of the savings without undue burden on either board. Miriam replied that needs would have to be identified to determine the structure. Julie asked if 4CORE is in favor of pursuing this. Kurt explained that the conversation was prompted from a desire for collaboration and efficiency and to help with staffing challenges. His ultimate goal is that the mission of 4CORE continues into the future, whether that is done as a separate or combined organization. John mentioned that it sounds like there may be different ideas about what the discussion was intended to be today.

**Dick White motioned to authorize staff to enter into strategic discussions with 4CORE to identify what it could look like and how we could do it or whether we don't quite fit together and continue separately. John Egan seconded. Unanimously approved.**

Julie recommended also looking at other possible models.

e. Meeting time change

Miriam explained that this request is to change the posted times of meetings. This issue was postponed to a later meeting.

f. Snapple Grant: Recycling Bins

Shannon explained that this grant would be for 60 recycling bins, there will be no cost to the SWCCOG.

**Dick White motioned to apply for the Snapple Grant for recycling bins, Chris La May seconded, unanimously approved.**

d. 2017 CIRSA Renewal

Miriam explained that this is a renewal to get a quote for CIRSA. Dick asked if staff can do this without bringing it to the board every year. Miriam replied yes because it is just to get a quote.

**Dick White motioned to accept 2017 CIRSA renewal and allow staff to submit renewal applications in the future, Chris La May seconded, unanimously approved.**

c. Transit & Recycling Marketing Consultant Selection

Miriam explained that the SWCCOG received two bids and neither were local. Staff recommends that the bids be rejected and they work with local agencies for a plan to move forward. Dick replied this seems reasonable.

**Dick White motioned to accept the staff recommendation and reject all bids, reevaluate and come up with a plan to engage at least one marketing agency, John Egan seconded, unanimously approved.**

b. Dark Fiber Lease MOU

Miriam explained that this has been discussed previously and that a decision must be made. She provided an overview of the history of the SCAN network and the attached documents. Julie asked for clarification that the 75/25% split came from the initial investment of 75% grant funded and 25% from the members. Miriam replied yes, although there is additional history.



Julie asked for comments about the proposed pricing. Ron pointed out that some of the larger entities have contributed a significant amount of staff time in addition to infrastructure and it is not fair for these entities to take additional burden to subsidize other communities. Miriam asked if the connection to EAGLE-Net was SCAN or City of Durango fiber. Eric Pierson described which portions were SCAN versus city projects. Miriam stated that the leases being discussed are only related to SCAN fiber. There was discussion about the fiber up to San Juan County. Miriam clarified that the EAGLE-Net project to San Juan was not involved with the COG. Julie asked if Ron is proposing that the City's lease agreement be set up differently. Ron replied that he would like the city to receive 75% and the COG 25%. Eric clarified that the majority of the ongoing cost for fiber is utility locates, which come to about \$10,000/year, as well as general maintenance and staff time. Miriam mentioned that the conservative estimate nearly covers these costs, even with the COG receiving 75%. Chris mentioned the cost of depreciation of assets. Miriam replied that fiber does not degrade, therefore it would not need replaced or repaired unless cut. The equipment on either end does need replaced periodically to maintain or increase speeds. Joe mentioned that there could be a future need to upgrade. Diane replied that there should not be a future need to upgrade the fiber as there is plenty of capacity. Additional capacity could be increased by upgrading infrastructure at the ends. Joe asked how option one would be handled differently than option two. Miriam replied that part of the discussions had been that the COG would help the communities with items such as locates or repairs and the leases will either be a stable source of funding for the COG to do this or member organizations will need to continue contributions for the fiber replacement fund. Julie asked if La Plata County's costs are similar to the City of Durango's. Joe replied he believes so. Chris stated that they do their own locates. Willy stated that they have probably only had a couple locate requests. Shane asked if this would be an opt-in model. He expressed concern about the continued 75/25 split simply because that was the original distribution of the grant. Julie mentioned that her goal is to not pay the COG any more money and this is a higher priority for her than additional revenue from dark fiber. Shane mentioned that this would not appreciably reduce COG dues. He expressed concern about reduced revenue to member organizations. Miriam reiterated that this would only apply to SCAN infrastructure. She added that this is a very conservative estimate and it would help increase the fiber replacement fund. Willy pointed out that per the initial discussions both the COG and the member entities would get revenue. He added that reduced revenue is equivalent to increased expense. Ron suggested splitting 50/50 for one year. Joe asked how long this would be for. Ron replied one year. Dick summarized that there are dark fiber leases essentially on the table and this would be to move forward with those. He suggested future discussion on the possibility of a tiered system. He recommended accepting Ron's proposal in order to move forward, considering the fiber would not be in place if not for the COG's SCAN grant and there is a need to pay some back to the COG.

**Dick White motioned to accept the MOU and split at 50/50, William Tookey seconded.**

Joe expressed support for this proposal if it will be readdressed in one year. Chris asked about the consequences if an entity does not sign on. Miriam replied that this is a policy decision whether an entity can opt-out.

**For the question for the MOU to be in place for one year at a rate of 50/50.**

Shane asked if this is an opt-in MOU or if it would be compulsory. Chris replied it would be an opt-in MOU that each entities' boards would need to approve. Shane mentioned that there are provisions to opt-out and for automatic renewal, so it sounds like it would be opt-in. Julie agreed that she does not have the authority to bind La Plata County. Shane stated that he is not opposed to any specific split as long as it is not mandatory for any jurisdiction.

**Support: Julie Westendorff, William Tookey, Chris Tookey, Dick White, John Egan, Shane Hale**

**Opposed: Chris La May**

Miriam explained that the next question is whether to raise the rate per strand/per mile to \$110. Dick asked what the current market rate is. Diane replied that the market rate varies widely based on various factors, the recommended rate is based on cost recovery. Chris mentioned that access fee in the lease agreement based on the City of Durango's model. Shane pointed out that the increase is significant. Miriam replied that this would not apply to existing leases, and added that there could be different rates for ISPs than for governments.

**Dick White motioned to approve the cost of \$110 per strand/per mile, John Egan seconded, unanimously approved.**

John stated that the issue of parity between entities needs to be discussed at some point.

The meeting was adjourned at 4:47 p.m.

**Southwest Colorado Council of Governments  
July Board Meeting  
Friday, 8 July 2016, 1:30pm  
1188 E. 2nd Ave., Carnegie Building, Durango, CO 81301**

In Attendance:

Dick White – City of Durango  
Ron LeBlanc – City of Durango  
Chris La May – Town of Bayfield  
Michelle Nelson – Town of Bayfield  
Mark Garcia - Town of Ignacio  
John Egan – Town of Pagosa Springs  
Chris Tookey – Town of Silverton  
William Tookey – San Juan County  
Andrea Phillips – Town of Mancos  
Lana Hancock – Town of Dolores  
Michael Whiting – Archuleta County  
Shane Hale – Town of Cortez  
Julie Westendorff – La Plata County  
Joe Kerby – La Plata County

Staff in Attendance:

Miriam Gillow-Wiles – Southwest Colorado Council of Governments  
Jessica Laitsch – Southwest Colorado Council of Governments  
Shannon Cramer – Southwest Colorado Council of Governments  
Sara Trujillo – Southwest Colorado Council of Governments (by phone)

Guests in Attendance:

Diane Kruse – NEO Connect  
Ken Charles – Colorado Department of Local Affairs  
James Torres – La Plata County

**I. Introductions**

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

**II. 2017 Preliminary Budget Public Hearing**

Andrea opened the public hearing at 1:35 p.m. She explained that this is a draft and in the past the board has requested the draft earlier in the year. No one being present, the public hearing was closed at 1:36 p.m.

**III. Consent Agenda**

**Mark Garcia motioned to separate the consent agenda items, Michelle Nelson seconded, unanimously approved.**

a. 3 June 2016 SWCCOG Meeting Minutes

Dick White sent staff a couple of small changes. Shane mentioned that he had asked about whether the MOU was an opt-in and asked the minutes better reflect this conversation. Staff will look into this and bring the minutes back to the next meeting.

b. 25 May 2016 Executive Committee Meeting

**John Egan motioned to approve consent agenda items together as presented, Julie Westendorff seconded, unanimously approved.**

c. May 2016 Financials

**Michael Whiting motioned to approve consent agenda items together as presented, Mark Garcia seconded, unanimously approved.**

#### **IV. Reports (written only)**

a. Director's Report

Dick asked if there is any new information with respect to 4CORE. Miriam replied that after the last board meeting she met with the 4CORE Program Director. After 4CORE had their board meeting she was contacted by a member of the board and told that 4CORE would like to move forward. Julie mentioned that La Plata County has had discussions with 4CORE and it sounds more promising that 4CORE could come under the COG. Andrea asked if this should be at the next board meeting. Julie replied this issue is probably not ready yet. John asked if the ball is in their court. Julie and Miriam replied that COG representatives would be working with the 4CORE board, as opposed to 4CORE staff. Michael asked about the different expectations between acquisition and merger. Julie suggested that the discussion from the last meeting be disregarded. Michael asked for clarification that the intent for 4CORE to come under the COG as a program. There was discussion about how it is expected the 4CORE may be integrated under the COG. Mark asked if there is any action required of him. Julie replied he and Dick should touch base with the 4CORE board and discuss where they are at and next steps.

b. Broadband Report

c. Transportation Report

Mark asked when the next round of enhancement grants will be. Jessica replied she would send him information.

d. VISTA's Report (Includes Shared Services and Recycling)

Julie asked where the funding for scholarships to repair training vehicles would come from. Miriam replied this is from the DOLA grant for shared services; this would allow a 50% discount on training classes.

e. Community Updates

Community updates will be handled at the end of the meeting, time permitting.

#### **V. Decision Items**

a. 2017 Preliminary Budget

Andrea summarized that this is the first presentation of the preliminary budget. Miriam explained that dues and other fees will remain the same next year and mentioned that dues were reduced slightly because Rico joined. She explained that one of the assumptions is that there will be dark fiber leasing and the fiber equipment repair fund will remain at \$15,000 in order to balance the budget, if there is more revenue than expected, then adjustments can be made in the 2018 budget. With respect to grants, the DOLA technical assistance grant for next year is budgeted very low, there is an EPA recycling grant for education and a placeholder for a broadband infrastructure grant. Julie asked how the placeholder number was identified. Diane replied that they do not have a good number. Miriam added that she identified \$1.1 million based on similar grants for capital plus \$100,000 for costs for staff, consulting, etc. Dick asked if

there is any information on whether there will be a DOLA grant cycle. Ken replied he does not know at this point, but may have more information soon. Miriam added there are other options for broadband infrastructure funding. Chris asked if this includes additional match from the communities. Miriam replied hopefully this will not be necessary, but will be addressed in the final budget if necessary.

Miriam explained that the audit cost would increase if there is an infrastructure grant. Julie asked if the grant will cover the increased audit expense. Miriam replied that this would depend on the grant. The budget also includes new accounting software. Sara added that QuickBooks is limited and difficult when dealing with budgets and tracking for grants. She elaborated that the estimated budget is \$14,000, which is for local government specific software including set-up. Miriam added this could be an opportunity to share financial software. Julie asked if any of the smaller communities have any software they like. Sara replied she spoke with a number of communities and COGs; the software she based the estimate on had the best reviews.

Miriam stated that they are looking at using a new insurance group.

Shane asked about the housing allowance. Miriam replied this is for the VISTA and comes from a grant. This is because the VISTA volunteers receive very little compensation and this helps offset high housing costs. Andrea asked if this is in the current budget. Miriam replied this was paid by the DOLA grant this year.

Andrea asked about the assumptions made for salaries and wages. Sara replied this includes an increase up to 4% for her and Miriam and Jessica at \$18/hour as requested in the transit coordinator grant application. Andrea asked if Sara is full time. Sara replied that she is.

Julie suggested there be a discussion about what the jurisdictions would like from SCAN network and mentioned that there may be a gap with not having a technical person for the SCAN network and the possibility to contract this service out. She mentioned she is uncomfortable with the assumption of \$55,000 from dark fiber leasing and how realistic this is. Andrea added that looking at cutting costs rather than increasing dues will be necessary if anticipated revenue is not realized. Chris asked about the consulting line item. Miriam replied that this is for the broadband project. Julie suggested that this be identified differently to show capital versus consulting. Chris suggested showing a reserve for the fiber repair fund. Miriam replied that this is in a restricted account not shown here and there is now \$9,400 in the fund. Chris asked if this would be reflected in the ending balance. Miriam replied it would not because it is a restricted account. There was discussion about showing the fiber repair fund in the budget as a restricted account.

Michelle asked to see historical information going back a couple years, showing budgets and estimates. Sara will have this information for the next meeting. Julie asked for an alternative plan in the event the revenue does not come in at the budgeted level. Michelle asked what the projected beginning fund balance is. Sara replied that according to the audit it is \$90,000, but she will confirm this.

b. SCAN Decision

Andrea summarized there had been discussion about the dark fiber leases and whether communities could opt-in to share back revenue to the SCAN and a vote on the split. She added that there was also a vote to increase the lease amount per strand/per mile. She asked Michael to give an overview of the history of the project. Michael summarized that this was originally funded by DOLA. There have been a number of twists in the history, however he is not sure how much time the board would like to spend on the history. Based on the original grant contract it was not known how much it would cost, but the original premise and expectation for the split was that the network be sustainable. The state has lauded the SCAN project as a success story, therefore it is important to figure out how to make this work. He pointed out that in going through the history there was a lot of inconsistency, he opined that the money was spent and it needs to be made sustainable. Andrea added that this infrastructure has been leveraged to bring in more money. Michael added that Archuleta County had to stop work due to funding concerns, but they will be working on broadband to the home. Andrea pointed out that it is important for all the jurisdictions make sure this works out moving forward. Ken explained that he has tried to keep out of this, but believes it is time for him to step in. He stated that there was an expectation in the grant contract to have an operating plan and have it funded. He added that it was intentionally left vague, but states “the project will be owned by the individual local governments and the individual local governments will be responsible for the long term maintenance of the network and will be required to operate SCAN” and “the IGAs will include, but not be limited to, ownership of the project improvements, procurement and construction responsibilities, financial commitments, financial management, operations and maintenance responsibilities.” He added that the state is under the impression that the project is running well and funded, and he needs to tell the division director the actual situation. He described some of the history with respect to the regional nature of the project specifically the regional operations element, considering this was one-time funding specifically for regional projects. He encouraged the board to seriously consider the work presented by NEO Connect. He stated that the 75/25 model for leased fiber proceeds was discussed from the beginning. He pointed out that those that received the most funds were able to build more, therefore more opportunity for leased fiber and therefore higher income. Another issue is how important this project was at the state level and that it kicked off further broadband development at the local level; this project is still used as the hallmark. Michael mentioned the opinion of one network provider that all government run networks are failures and all networks should be government subsidized private networks, and expressed concern about allowing this type of rhetoric to gain traction. John mentioned that we keep coming back to the table with this explanation, but there needs to be forward motion and asked what specific decisions need to be made in order to move forward. Andrea replied that one of the decisions is whether organizations should be able to opt-in to the dark fiber lease or if everyone is involved. The second is with respect to the 75/25 split as proposed by NEO Connect versus the 50/50 decided at the last meeting. Finally, board members need to bring the MOA to the respective jurisdictions to ensure there is the authority to enter into such agreements. She added that a future decision would be whether to contract out for SCAN management. Dick asked if they are going to adhere to a one-size-fits-all, and suggested the board might want to consider several tiers. He also asked if there would need to be an agreement for members to lease at the same rate for non-SCAN fiber to limit competition. Miriam stated that \$110/strand/mile for SCAN fiber was approved at the last meeting. She added that the COG had previously discussed not being a-la-carte. Chris expressed concern about the costs being incurred by the local governments and that the revenue should go to them. Julie would like to have the discussion about what services each entity would like from the COG relative to the network. Andrea asked what the SCAN centralized management services are. Miriam replied the COG does not provide services because there is currently no funding, but could provide services such as: shared financial and human resource software, cloud based

services for remote storage backup, aggregate purchasing of internet, VOIP phones, and virtual machines. Michelle asked what the communities would get for the 75%, since that amount would not cover all those services. Julie asked if these are what they really want. Diane pointed out that the existing SCAN network could also be expanded to include more communities and increase opportunities, connectivity and the ability to provide more shared services. The issue is how to put together a financial plan moving forward with the idea of possibly expanding the SCAN network. John opined that these types of centralized services are what would be helpful. Michael mentioned that some communities provide some of these services, but management of the network assets would be the highest priority, and the costs for such need to be shared. Also important is aggregation of broadband connectivity, and asked how all these pieces are sorted out among members. He suggested ensuring basic support to keep the network running then looking at other possible options in the future. Ron expressed support for a tiered system. He described the previously mentioned services that the city already has and the consequences of getting these services through the COG. Miriam replied that this is not intended to reduce staff, the intent is to look at possibly sharing services to reduce everyone's overhead. Ron asked what the city would gain from these services as they already have them. Andrea asked what the \$55,000 would pay for. Miriam replied this would allow the COG to continue working on education and advocacy and moving and maintaining the broadband asset management software on a cloud based system. Shane asked for clarification that there would not be technical support. Miriam replied the system will move to the cloud and updates will be charged hourly. Julie asked for clarification that the COG would receive the bill. Miriam replied yes, and added that she wanted to budget conservatively since there is so much uncertainty with respect to the dark fiber revenue. She added that the goal will be for any changes to the asset management system be paid by the COG. Dick asked if this would include the inventory of fiber assets that NEO Connect is working on. Miriam replied yes. Andrea asked if there are any other services as part of the basic management of the SCAN. Miriam replied that asset management is number one for maintaining the system; the SCAN is also selling some aggregation of connectivity, IP addresses for use by the communities, and contracted management. There was discussion about how IP addresses are used, bought, and how the fee is determined. Miriam added that through the broadband planning project the RFI is for a private/public partnership for contracted management. Chris asked why Cortez does not buy connectivity from the SCAN. Shane replied that they are an ISP and buy connectivity from upstream. Miriam added that the current contract will expire soon and they will be able to renegotiate. Andrea recommended funding the basic services at \$55,000, accomplished through no opt-in at 75% back to the COG. Miriam clarified that it would be 75% of the \$55,000, so \$48,000, since there would be 25% paid back to the communities. Michelle mentioned that this is a small amount, but in the future this could be significant and may need to be addressed in the event some services not wanted or needed. Miriam replied that this would come up in the budget each year. She added that providing the services together is intended to save money for everyone. John asked for clarification that for \$55,000 all the services can be provided to everyone in the region, and suggested putting together a task force to look into the other services the communities may want and options for the future. He recommended moving forward with funding basic services then continue to look at possible services throughout the year. Julie stated that the \$55,000 is irrelevant, the 75/25 split needs to be discussed. Andrea asked for feedback from San Juan County and the Towns of Silverton and Dolores. Lana replied that they don't have fiber. Miriam replied that there was money spent in the Town of Dolores and she needs to do some work to figure out the situation there. Willy replied that this represents a minimal impact to Silverton and San Juan County, so the 75/25 split is fine. He added that the concern is with respect to Cortez and Durango. He added that the COG's credibility with the state is dependent on maintaining the network; at the same time they need to be fair to the larger communities. Chris Tookey added that getting connectivity to town hall is of greatest importance. She added that it is

difficult to take care of extra things with so few staff. Willy added that they are behind everyone else with respect to connectivity. John pointed out that this should be the COG's responsibility and smaller communities should not be obliged to larger ones, nor larger communities responsible for smaller ones. Julie asked about the practical aspects of the COG taking on management. There was discussion about contracting technical services. Joe echoed that focusing on basic services is most important right now. He added that many of the additional services would need to be looked at carefully and in the long term, both for who needs additional services and who could help provide them. Ron pointed out that technology is moving faster than the COG. He expressed concern that having to use the COG as a third party for specific sections could complicate leasing arrangements. John asked what would work. Ron replied that basic services would be fine, although that would not help the city. Diane described another model that includes a regional network between the communities to aggregate demand, provide bandwidth, offer internet at significant cost savings all supported by a regional network management overlay, while the cities manage the fiber within the cities. Ron replied that their system is tied to the county's so their area extends beyond the city limits, but something similar could be an option. Diane added that connecting the communities would be an enticement for ISPs, so could benefit the smaller communities. Shane replied that such a model would work much better, and described how the COG taking on services that the city currently handles does not make sense. He added that the SCAN is not really a network as the communities pay the full amount for additional infrastructure and fiber repairs, the COG will only loan \$15,000 for repairs. Diane stated that this is a political decision, the fiber leases are a small amount of revenue and goes to the SCAN network paid for by DOLA. She added that the operating decisions can be made later. Shane replied that the communities put the fiber in. Dick pointed out that Cortez received more than \$1 million of the \$3 million grant and the asset wouldn't be there without this grant. Shane replied that the city paid to put the fiber in, overmatched, maintains their system and pays for repairs. He questioned what value would be added in paying into the SCAN. Miriam mentioned that the SCAN is not providing services because there is no funding to do so. Diane added that the purpose was to consolidate needs as a region and the revenue on the SCAN assets should go to the COG so it can set up an infrastructure to support the smaller communities, and perhaps ultimately provide more services, increase connectivity, and realize more benefits throughout the region. Shane replied this is not about the money, the benefit for them was to be the connection to Durango and that went away. Michael asked for clarification that Cortez didn't receive proportional benefit from the network; he expressed that the grant helped Archuleta County get connected much sooner than otherwise would have been possible. Shane expressed that the SCAN is not a regional network and that he wants to see the potential benefits rather than just higher costs. Diane suggested changing the discussion to looking at expanding the network, connectivity between the communities, and gaining more functionality; the philosophical and political discussion is whether revenue should go to the COG. Miriam agreed that the SCAN is not a regional network, part of the premise was that connectivity between communities would be provided by ISPs and paid for by the communities. She added that the connection between Cortez and Durango that does not cover what Cortez needs because Cortez did not want to pay for it. Shane replied that is because as a network both communities would benefit. Miriam replied that Durango does not need that connection. She pointed out that this is not a redundancy, rather it is a secondary connection since it is the same pipe, and the SCAN does not have the money to pay for it. She added that there is a need for redundancy outside of the region which would benefit each of the communities and the greater region. John stated that a lot of money and work has gone into this project and there is a need to figure out what happens next. He recommended contracting the development of a proposal for how to move forward. Diane replied there will be a number of proposals and recommendations presented at the next board meeting. Mark mentioned that the entire industry is changing and looks forward to seeing the possible options. Julie asked what to



expect next month. She explained she does not see the split as a fee for service, but rather as a good-faith reimbursement. She added that while the county may not need many of the proposed services, perhaps they could contract them out.

**Julie Westendorff motioned to approve the MOA between the SWCCOG and local governments as outlined in the agenda pages 64-67 including exhibits A and B, and the 75/25 split as specified in the agenda. John Egan seconded.**

Dick expressed a need to distinguish between the 75/25 split and having the COG exclusively managing the fiber. Diane replied it does not need to be a fee for service, rather the revenue goes to the COG because of DOLA's contribution, so communities could manage their own leases if they wanted to. Dick replied the contract as written identifies the COG as the exclusive agent and suggested changing that language. Julie suggested moving forward with the 75/25 split whether or not the invoicing, leasing and distribution of revenue is handled exclusively by the COG. Miriam asked about doing a 75/25 split for everyone with opt-in for communities that want to handle their own leasing, billing and invoicing. Ron asked if dark fiber that is not SCAN would be included in this. There was discussion to clarify that this only includes fiber in the SCAN network. Ron added that there is a need to address consistent rates so as to not undercut the network. Julie suggested including a term that a jurisdiction that is leasing non-SCAN fiber must lease at or above the rate. Ron also suggested having all members included, with the option to opt-out of the management. Michelle asked for clarification that the COG will be the exclusive agent unless chosen not to. Shane asked for the plan for the network at the next meeting, as he is uncomfortable voting on an agreement without a lot of questions being answered. He added that they have contracts with ISPs and is not comfortable necessarily renegotiating those. Miriam replied that existing contracts would be grandfathered in, considering the \$60 per mile was set 5 years ago it is worth considering updating. Mark asked if this has to be done at this meeting. Andrea replied they don't have to, but they are looking for direction for the proposals for the next meeting. Shane suggested directing staff to look at the business model at the 75% to look at during the next meeting. Miriam explained that this is inhibiting staff's ability to work on other projects. Shane pointed out there was a vote for 50/50 at the last meeting.

Julie asked for straw vote for 75/25 revenue share with 75% to the COG, 25% to the local governments, local jurisdictions may not lease non-SCAN fiber at a rate lower than the SCAN rate, the MOA would apply only to SCAN fiber, any individual jurisdiction may opt-out to not utilize SCAN administrative services but would not change the 75/25. Michelle added it would need to include that if communities are collecting their own money, they need to pay back the 75% to the COG. Andrea clarified that this would be for staff to move forward with these assumptions. Aye: Dick, Mark, Michelle, John, Michael, Willy, Chris, Julie. Nay: Shane.

Dick stated it would be useful to know how much SCAN fiber is currently leased. Miriam replied that this is identified on page 63.

The meeting was adjourned at 4:05 p.m.

# June 2016 Financials

To: SWCCOG Board of Directors  
From: Sara Trujillo  
Date: 5 August 2016

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Comments: The following attachments include:

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

***Notable aspects include:***

- The bank account balance is low and accounts receivables is high due to past due invoices. However, payments were received and deposited on 7/6/2016 totaling \$49,876 and 18 invoices have been sent out totaling \$91,755.50.

***Revenues:***

- Grant match revenues are over budget because the \$10,000 match from CDOT towards the DoLA Broadband Grant was invoiced in 2015 but not paid till 2016, and therefore, was not budgeted in 2016. In addition, the Town of Bayfield opted to relinquish their participation in the DoLA Technical Assistance 2015 – Shared IT Services grant. Funds assigned for Bayfield were then reallocated to other communities where additional matching funds were collected.
- Some revenue accounts are over budget are due to 2015 invoices being paid in 2016.

***Expenses:***

- Meetings expense are over budget with an unanticipated \$1,700 toward Broadband Planning grant functions as of June 30, 2016; However, those funds were either reimbursed, used a cash match, or as in-kind funds. The meeting expense in the 2017 budget is largely increased due to what has been used in 2016, as well as part of the cost of a broadband infrastructure grant.
  - Memberships expense is over budget due to additional memberships purchased to include:
    - Colorado Communication & Utility Alliance (CCUA), \$3,300, reimbursed by DoLA Technical Assistance 2016
    - Colorado Association of Recycling (CAFR), \$300, reimbursed by DoLA Technical Assistance 2016
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# June 2016 Financials

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- Office Supplies expense appears to be over budget due to a credit card payment for 2015 expenses being paid in 2016 in the amount of \$3,441.74. Therefore, office supplies expense incurred so far in 2016 are actually \$613.52.
- Miscellaneous Professional Fees is over budget due to SB152 brochure printing totaling \$794.00 that was not budgeted, this will increase with additional 152 elections in the fall.

## Balance Sheet

As of June 30, 2016

	<u>Jun 30, 16</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
<b>Alpine Bank</b>	
Alpine Bank Account (UR)	15,273.05
Fiber Equip Fund - Restricted	9,754.08
<b>Total Alpine Bank</b>	<u>25,027.13</u>
<b>Petty Cash</b>	
Jessica Laitsch	372.00
Shannon Cramer	362.60
Petty Cash - Other	10.07
<b>Total Petty Cash</b>	<u>744.67</u>
<b>Total Checking/Savings</b>	<u>25,771.80</u>
<b>Accounts Receivable</b>	
Accounts Receivable	74,520.85
<b>Total Accounts Receivable</b>	<u>74,520.85</u>
<b>Total Current Assets</b>	<u>100,292.65</u>
<b>TOTAL ASSETS</b>	<b><u>100,292.65</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Credit Cards</b>	
Credit Cards	
Miriam	1,267.00
<b>Total Credit Cards</b>	<u>1,267.00</u>
<b>Total Credit Cards</b>	<u>1,267.00</u>
<b>Total Current Liabilities</b>	<u>1,267.00</u>
<b>Total Liabilities</b>	<u>1,267.00</u>
<b>Equity</b>	
Opening Balance Equity	43,045.49
Net Income	55,980.16
<b>Total Equity</b>	<u>99,025.65</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>100,292.65</u></b>

## Profit &amp; Loss

June 2016

	Jun 16
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
All Hazards	
2014 SHSP	14,435.30
Total All Hazards	14,435.30
SJB AAA	258.00
SWTPR CDOT Grant	4,348.66
Total Income	19,041.96
<b>Gross Profit</b>	19,041.96
<b>Expense</b>	
All Hazards Projects	
All Hazards 2014 SHSP	13,940.30
All Hazards 2015 SHSP	40,400.00
Total All Hazards Projects	54,340.30
Consulting	50,206.18
Insurance Expense	
Health	1,828.00
Total Insurance Expense	1,828.00
Internet Connectivity	
Fast Track	900.00
Internet Connection (AT&T)	32.17
Software	174.89
Total Internet Connectivity	1,107.06
Meetings	754.52
Office Equipment	612.52
Professional Fees	
Audit	1,000.00
Legal	734.40
Total Professional Fees	1,734.40
Salary and Wages	
457 Retirement	270.38
Car Allowance	300.00
Cell Phone Allowance	195.00
Payroll Processing Fee	99.72
Payroll Tax	867.61
Salary and Wages - Other	11,014.05
Total Salary and Wages	12,746.76
Travel	1,757.62
Total Expense	125,087.36
<b>Net Ordinary Income</b>	-106,045.40
<b>Other Income/Expense</b>	
Other Income	
Interest Earned	0.08
Total Other Income	0.08
<b>Net Other Income</b>	0.08
<b>Net Income</b>	<b>-106,045.32</b>

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

07/19/16

Accrual Basis

	Jan - Jun 16	Budget	% of Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>All Hazards</b>			
2014 SHSP	33,853.13		
2015 SHSP	45,713.57		
All Hazards - Other	0.00	203,803.00	0.0%
<b>Total All Hazards</b>	79,566.70	203,803.00	39.0%
<b>DoLA Grants</b>			
DoLA 7645	26,823.10		
DoLA 8010	49,716.78		
DoLA 8011	8,572.49		
DoLA 9038	4,150.00		
DoLA Grants - Other	0.00	350,000.00	0.0%
<b>Total DoLA Grants</b>	89,262.37	350,000.00	25.5%
<b>Dues Revenue</b>			
Admin Position	12,201.00	12,200.00	100.0%
COG Dues	114,001.00	114,000.00	100.0%
<b>COG Member Match</b>			
Other Entity Grant Match	10,000.00		
COG Member Match - Other	6,836.42	6,000.00	113.9%
<b>Total COG Member Match</b>	16,836.42	6,000.00	280.6%
SWTPR Dues	7,679.00	7,679.00	100.0%
<b>Total Dues Revenue</b>	150,717.42	139,879.00	107.7%
RREO Grant	0.00	36,200.00	0.0%
<b>SCAN Services</b>			
Dark Fiber Leasing	10,128.00	20,560.00	49.3%
e-TICS	8,400.00	8,400.00	100.0%
Fiber Equipment Repair Fund	9,754.00	15,000.00	65.0%
Telecom Service	4,140.00	8,280.00	50.0%
<b>Total SCAN Services</b>	32,422.00	52,240.00	62.1%
SJB AAA	5,181.50	4,500.00	115.1%
SWTPR CDOT Grant	22,100.00	21,100.00	104.7%
Transit LCC Grant	23,317.90	20,000.00	116.6%
<b>Total Income</b>	402,567.89	827,722.00	48.6%
<b>Gross Profit</b>	402,567.89	827,722.00	48.6%
<b>Expense</b>			
Advertising and Promotion	317.80	400.00	79.5%
<b>All Hazards Projects</b>			
All Hazards 2014 SHSP	17,336.31		
All Hazards 2015 SHSP	58,150.53		
All Hazards Projects - Other	0.00	194,607.00	0.0%
<b>Total All Hazards Projects</b>	75,486.84	194,607.00	38.8%
AmeriCorp VISTA	0.00	11,700.00	0.0%
Bank Service Charge	88.00	100.00	88.0%
Consulting	125,656.71	271,000.00	46.4%
Employee/Board Appreciation	185.61		
<b>Insurance Expense</b>			
General Liability	2,212.75	2,102.00	105.3%
Health	10,968.00	21,516.00	51.0%
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>	18,854.75	29,292.00	64.4%

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

07/19/16

Accrual Basis

	Jan - Jun 16	Budget	% of Budget
<b>Internet Connectivity</b>			
Fast Track	6,300.00	10,800.00	58.3%
Internet Connection (AT&T)	192.61	660.00	29.2%
Software	1,238.06	1,755.00	70.5%
<b>Total Internet Connectivity</b>	7,730.67	13,215.00	58.5%
<b>Match Refund</b>	1,634.25		
<b>Meetings</b>	3,533.03	2,325.00	152.0%
<b>Memberships</b>	6,453.50	2,300.00	280.6%
<b>Office Equipment</b>	1,570.41	2,000.00	78.5%
<b>Office Supplies</b>	4,055.26	1,300.00	311.9%
<b>Postage and Delivery</b>	33.67	125.00	26.9%
<b>Professional Fees</b>			
Accounting Software	0.00	150.00	0.0%
Audit	6,500.00	6,438.00	101.0%
Legal	1,340.56	3,000.00	44.7%
Misc.	908.55	250.00	363.4%
<b>Total Professional Fees</b>	8,749.11	9,838.00	88.9%
<b>Rent</b>	0.00	81.00	0.0%
<b>RREO Equipment Expense</b>	0.00	20,000.00	0.0%
<b>Salary and Wages</b>			
457 Retirement	1,757.47	3,487.00	50.4%
Car Allowance	1,800.00	3,600.00	50.0%
Cell Phone Allowance	1,170.00	2,340.00	50.0%
Payroll Processing Fee	826.22	1,550.00	53.3%
Payroll Tax	5,508.49	12,956.00	42.5%
Salary and Wages - Other	69,158.20	151,541.00	45.6%
<b>Total Salary and Wages</b>	80,220.38	175,474.00	45.7%
<b>SCAN Services Expense</b>			
Dark Fiber Lease	0.00	15,420.00	0.0%
Fiber Equip Repair - RESTRICTED	0.00	15,000.00	0.0%
<b>Total SCAN Services Expense</b>	0.00	30,420.00	0.0%
<b>Software Maintenance e-TICS</b>	4,350.00	8,400.00	51.8%
<b>Travel</b>	7,667.82	17,000.00	45.1%
<b>Total Expense</b>	346,587.81	789,577.00	43.9%
<b>Net Ordinary Income</b>	55,980.08	38,145.00	146.8%
<b>Other Income/Expense</b>			
Other Income			
Interest Earned	0.08		
<b>Total Other Income</b>	0.08		
<b>Net Other Income</b>	0.08	0.00	100.0%
<b>Net Income</b>	<b>55,980.16</b>	<b>38,145.00</b>	<b>146.8%</b>

# Reports

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# Director's Report

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 5 August 2016

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Comments: This has been a busy month with Broadband, budgets, and travel in the region taking up much of my time. I am looking forward to moving past the broadband planning phase, and into bigger and better things.

## **Ute Mountain Ute Tribe**

I attended several Council meetings in July to discuss Broadband Planning. The Tribe ultimately decided to join in the COG's regional planning effort. As we are near the end of the planning process, there will be an addendum addressing the Ute Mountain Ute Tribe specifically. The general redundancy and connection between communities does not change with the addendum and is part of the regional plan presented at 12pm. The contract, appendices, and Tribal resolution are attached for approval, as is the request to DOLA for additional funding to cover 75% of the cost of the planning for the Tribe.

## **AmeriCorps VISTA**

Shannon will be cycling out of AmeriCorps VISTA in mid-August. She will be replaced with Dennis Wegienek who will be starting on the 22<sup>nd</sup>. Dennis comes from Michigan, but has been attending CSU in Fort Collins. He will be a good fit with the rest of the team for 2016-2017. We are sad to see Shannon leave, but she will be starting at Conservation Legacy (previously the Southwest Conservation Corp) in Durango later this month.

## **September 2016 SWCCOG Board Meeting**

The meeting will be held September 2<sup>nd</sup>, 2016, location TBD. We have moved this meeting in the past to the 2<sup>nd</sup> Friday of September. Unfortunately we cannot move it this year as I have to participate in a wedding (not mine) that day.

# 4CORE Report

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 5 August 2016

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Comments: On July 20<sup>th</sup>, Dick White and I met with Werner Heiber of the 4CORE Board for several hours. The COG asked 4CORE to address the questions below in their annual retreat (which was the following day).

- How can 4CORE benefit COG members?
- What services can the COG members have access to?
- What does 4CORE propose for 2017, and how will these benefit the COG members?
- What resources does 4CORE bring and how can they be leveraged for COG members?
- What does 4CORE want/expect from a partnership or merger with the SWCCOG?

There was some discussion about separate boards for 4CORE and the COG with 4CORE under the COG umbrella as well as quite a lot of discussion about a fee-for-service model. There was some confusion that this would be for specific grants vs an ongoing contract. Staff was clear that if there was further fiscal relationship building with 4CORE, a fee-for-service model, would be the first step; as has been discussed for many months. Staff took notes, which are available for review.

Staff has not had answers to the above questions at this time, and is unsure about the direction 4CORE wants to go.

# Broadband Report

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 5 August 2016

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Comments: Much of the month has been taken up with broadband. I attended several Ute Mountain Ute Tribal Council meetings, worked with Tribal Staff to craft the MOU later in the packet, SCAN Dark Fiber leases, reviewing responses to the RFI, helping the Town of Dolores sort through ownership of fiber, and meetings galore.

One of the meetings was with the Montezuma County Planning group. We talked about the COG plan and the County plan and how they could fit together, as well as the COG plan regarding middle mile. The notes are attached.

**Joint Meeting on Broadband Plans-SWCCOG and Montezuma County Initiatives**

**July 26, 2016**

**110 West Progress Circle, Cortez, CO**

Rick Smith – City of Cortez  
Doug Roth – Montezuma County  
Jim McClain – Montezuma County  
Vicki Haddix- City of Cortez  
Chelsea Jones - Montezuma Community Economic Development Association  
Shane Hale – City of Cortez  
Leanne Milligan - Montezuma County  
Andrea Phillips – Town of Mancos  
Lana Hancock – Town of Dolores  
Julie Westendorff – La Plata County  
Miriam Gillow-Wiles – Southwest Colorado Council of Governments  
Jessica Laitsch – Southwest Colorado Council of Governments  
Diane Kruse – NEO Connect (by phone)

The meeting began at 2:16 p.m.

Diane explained that the purpose of the SWCCOG’s broadband project is to look at financial options with respect to the SCAN network. The initial plan will be presented to the SWCCOG board in August; she described what the plan would include. She described the intent behind looking into setting up a public private partnership, she has seen this be successful with other projects she has worked on. She described that one challenge is that each community has a few connections, and connections between the communities would benefit the entire region through aggregation of demand. She described possible funding options for middle-mile connections such as the e-rate program and the rural healthcare grant program. Andrea asked if the intent is to place new fiber. Diane replied the lease program is not working, so the intent is to put in fiber to connect the communities. She elaborated that there is also the possibility of a partnership with CDOT, which combined with funding programs would allow for the creation of a robust network for minimal cost. Rick asked about connections to anchor institutions. Diane replied the intent is to take what exists and make it more robust. Andrea asked if there discussion to go outside the region. Diane replied that the connections are either to Grand Junction or Albuquerque. She added that the plan will meet requirements for both the rural healthcare program and CDOT. Jim mentioned that he is willing to share what the county is working on; he added that their plan includes “to the home.” Rick expressed concern that the partnerships through the RFI may exclude the county. There was general agreement that everyone needs to be on the same page and coordinating together, Rick and Jim mentioned that the city and county bought a radio link for a redundant connection. They discussed the status of the city and county plan; the design is complete and next they will be working on how to get it built. Diane asked if the connection would be fiber or radio. Jim replied that the connections would be through fiber. Diane asked if they would like to work with the SWCCOG and CDOT to try to reduce capital costs. Rick replied that they have had discussions with CDOT. Andrea asked about the build-out timeline. Diane replied that this would not be included in the plan; it would only include their preliminary findings. Jim described the concern that Durango’s needs tend to be addressed first and they are worried about being left behind. Jim described his efforts to build a redundant line and their coordination efforts with the tribe. Miriam added that the SWCCOG will be working with the tribe and suggested coordinating efforts. Andrea asked for clarification that the county would like to work on the broadband project but not join the SWCCOG. Jim replied that he has not received a solid answer, he expects an answer after he

and Rick have the design complete. Miriam mentioned that the state wants to see coordination; the SWCCOG would need to see the city/county plan so they can figure out how to integrate them. There was discussion about what the plans include, generally the city/county plan is intended to reach to the address level while the SWCCOG's plan is looking at a higher level. Jim has had discussions with the state about ensuring the county is coordinating and sharing information with the SWCCOG. Miriam pointed out that any projects ultimately need middle mile in place. There was discussion about costs for leasing versus placing fiber and how to reduce costs. Andrea asked if the maps are proprietary. Diane replied that some of the information is proprietary. There was a question about whether the maps on the county website are acceptable and under what circumstances they may or may not be acceptable to be online.

There was discussion about having a meeting prior to the August SWCCOG meeting to look over both plans to see where there may be overlap or opportunities for coordination. Rick asked about permitting with the power companies. There was discussion about how to address this and why this is so complicated; there are efforts at the state level to address issues like this (perfecting easements). Andrea asked if these efforts may compel private ISPs to start building more. The general consensus was that this was unlikely, if it was advantageous for them they would have already done so; however, this will likely benefit them and may increase the number of potential providers to work with. The region needs to put in what they want in order to achieve potential benefits.

There was discussion about issues surrounding financing for the city/county; it may be beneficial to identify alternative funding sources. There was discussion about issues surrounding the state not funding local government last mile projects. There was discussion about the timing for elections to finance the city/county plan.

# Transportation Report

To: SWCCOG Board of Directors  
From: Jessica Laitsch  
Date: 5 August 2016

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Comments: Transportation:

The next TPR meeting will be held Friday, August 5, 2016 from 9 am -12 pm at the Carnegie Building.

Transit:

The next Transit Council meeting will be held Friday, September 16, 2016 at 9 a.m. at the Carnegie Building.

Staff is participating in a focus group process related to potential changes to CDOT's transit grant awards. This is part of a year-long process as CDOT modifies rules for its distribution of transit funds.

# VISTA Report

To: SWCCOG Board of Directors

From: Shannon Cramer

Date: 5 August 2016

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Comments:

Shared Services:

We are continuing to form our relationship with the community college in regards to commercial drivers license trainings and testing. I would like to have solid numbers of how many people would be interested from your area so that we can take the next steps in getting these sessions scheduled. I would like to remind members of the following things:

- Training includes testing
- They are flexible with how often they can provide the trainings
- The college can travel to you
  - Need a large parking lot that can be conned off

Recycling:

We were successful in receiving the Dr. Pepper/Snapple Keep America Beautiful Park Recycling Bin grant. We are receiving 25 recycling bins valued at around \$400.00 per bin. These bins will be delivered in September to The City of Durango (24) and the Town of Rico (1).

Final Thoughts:

This will be my last board meetings as the AmeriCorps VISTA for the SWCCOG. I would like to thank Miriam for being the best possible supervisor I could have asked for. Through her direction I grew tremendously as a professional, and gained skills that will be invaluable to me in the future. I have learned what seems to be an impossible amount about the region, and the several issues the towns and cities work tirelessly to overcome. I thank the board for being patient with me, and giving me the same respect as other COG staff members. I really appreciated this opportunity, and I will never forget the lessons I learned this year.

# Discussion Items

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# DOLA Infrastructure Funding

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 5 August 2016

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Comments: DOLA has decided that if Montezuma County wants to participate in DOLA broadband infrastructure funding, they may do so, if the COG allows. However, the Montezuma County plan and the COG Regional Broadband plan need to be combined. There will be a cost to combining the plans, which DOLA will cover 75% of the cost of combining the plans. Obviously, Montezuma County, has to want to participate and needs to provide their match. The COG could also require an administrative fee for non-COG members wanting to participate.

Below are some pros and cons.

Pros to combining infrastructure funding grant requests

- Less competition for funding
- Positive reflection on COG and Region for DOLA funding
- Administrative fee to help cover staff time

Cons to combining infrastructure funding grant requests:

- Potential dilution of COG
- Creates a la carte COG

Other thought to consider:

- If COG does not combine grant request(s), how will this reflect on the COG?
- Will not combining grant request(s) damage COG's ability to secure DOLA funding, both for broadband infrastructure and/or other projects?
- Is this a step towards Montezuma potentially becoming a COG member?
- Need to ensure administrative fee covers cost of staff time to write, and manage (including accounting and administration) a grant.

# Decision Items

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# SWCCOG Executive Committee Minutes

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 5 August 2016

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Comments: Executive Committee Minutes have been moved from the Consent Agenda to the Decision Items section.

**Fiscal Impact:** None

**Staff Recommendation:** Executive Committee approve the attached Minutes from 20 June 2016.

**Southwest Colorado Council of Governments  
Executive Committee Meeting  
Monday, 20 June 2016, 11:00 a.m.  
Telephone Conference**

In attendance:

Andrea Phillips – Town of Mancos  
Julie Westendorff – La Plata County  
John Egan – Town of Pagosa Springs  
Ken Charles – Colorado Department of Local Affairs  
Miriam Gillow-Wiles – Southwest Colorado Council of Governments  
Sara Trujillo - Southwest Colorado Council of Governments  
Jessica Laitsch - Southwest Colorado Council of Governments

The meeting began at 11:01 a.m.

Ken Charles explained that he wanted to discuss the SCAN network. He expressed concern about the vote to have the SCAN funding at a 50/50 split and the option to opt out. He explained that the original grant contract stated “individual local governments will manage, develop and carry out construction of the project in conformity with the plans and specs mutually agreed on by the local governments and the COG. The project will be owned by the individual local governments and the individual local governments will be responsible for the long term maintenance of the network and will be required to operate SCAN in accordance with the policies and procedures.” He explained that there was not an operating plan when it was built, the idea was to address operating and funding later. He added that the intent was, considering the grant was 75% with 25% match, that 75% of the leased fiber that was built with the grant funds. This was recognizing that jurisdictions which built more fiber would receive more leasing revenue. He reiterated that there is a responsibility to operate the network. He also explained that DOLA’s perspective is that this project began DOLA’s leadership in broadband so, moving forward, it is very important that this project work; if this were to fail the implications would be significant.

John asked how it should work. Ken replied that the budget that Diane Kruse developed seemed reasonable and fair. Julie mentioned that since the grant was 75/25, that’s how the revenue should be split. She asked if Cortez is facing any specific costs or obstacles to leasing SCAN fiber. Miriam replied that leasing for the City of Durango has worked well, only SCAN fiber is leased and there does not seem to have been issues with their non-SCAN fiber. Julie mentioned that she is not clear on Cortez’s objections and a 75/25 split seems fair. She asked if municipalities may have a different approach to this than the county does. Andrea replied that she has spoken with Shane and he is frustrated and dark fiber leasing is one of the few ways to recoup costs on installing fiber. She had asked about the possibility of separating SCAN from non-SCAN, and his response suggested he may not be clear what the anticipated benefit is. She suggested that she, Miriam, and Shane meet. Ken and Miriam pointed out that the discussion has taken place repeatedly for years. Ken will speak with Shane. Andrea asked if they can take a vote at the next meeting to change the split to 75/25 and remove the opt-out provision. Miriam expressed concern that communities want to use the SCAN fiber but there is currently no way to streamline this for the ISPs and the infrastructure is not being maintained. Andrea mentioned that most communities don’t have the internal capacity to manage the network and leasing and everyone needs to put money back into the project. Miriam pointed out that Cortez is receiving benefit though asset management. Ken suggested identifying line-by-line the specific services provided by the SCAN. Julie mentioned that one factor may be that Shane is not an elected official and this puts him in a different

position than a council member would be, particularly if his council is concerned about the benefits. Ken stated that sufficient organizational capacity to manage the network does not relinquish the responsibility to the project. John suggested discussing this in relation to benefits to the larger region, as that is the purpose of the COG. Julie mentioned the issues caused by fiber being cut in Cortez and that this demonstrates the need for redundancy. She asked if the SCAN would provide redundancies. Miriam replied that redundancy is one of the ultimate goals, one of the first steps is to figure out the operations of the SCAN. Julie asked if this could be an argument for the importance of the SCAN. John expressed his understanding that the SCAN will be responsible for maintaining the fiber in the region. Miriam replied that she would like to do this, a 75/25 split would supply the funding to be able to address problems. John asked who will fix the cut fiber. Miriam and Julie replied that it would be paid for by whoever cut it. Ken asked about the RFP for ISPs. Miriam replied that this will be an RFI and responses are expected to be considered during the August board meeting.

Julie asked for clarification that COG representatives cannot bind their organizations to a contract. Andrea suggested having the discussion again in July, including ratification by the member jurisdictions. Julie pointed out that having this discussion at the end of the meeting made the discussion ineffective. Andrea asked if they can't come to an agreement to fully fund the SCAN, would there be implications for future funding opportunities. Ken replied that there would be. Andrea described the delays that exacerbated this situation. Ken pointed out that the split is a moving target and may change over time, the main issue is to meet the budget. Miriam added that one problem is not knowing which entities would opt-in. Julie expressed that she would prefer to overfund the SCAN and later have that offset dues rather than make up a shortfall later on. Andrea asked how the group would like to proceed. John suggested having this as the only item on the July agenda. Andrea asked if it would be possible to have Diane in attendance. Julie replied that she would prefer to have Diane available by phone and suggested that it may be useful to have someone besides Miriam, perhaps a board member, give the history. She also suggested that the Executive Committee discuss this with the board members before the meeting. Andrea asked who had voted no. Miriam replied it was Chris La May, and explained that there have been delays with the ISPs in the Town of Bayfield. Andrea asked about having Michael provide the history. She suggested staying out of details, rather just providing general background. John agreed and stated that this issue needs to be resolved. There was discussion about contacting board members. Andrea asked if they will be looking for a discussion on a different ratio or removing opt-in provision. Julie replied that they should seek a vote for a 75/25 split rather than leaving the 50/50 for one year. Miriam added that no contracts have been approved at the 50/50 split. There was additional discussion about contacting board members. There was discussion about speaking with city and county staff to collect historical information.

Andrea asked if any other items need to be addressed on the agenda. Miriam and Sara replied that there are policy updates that can be moved back, however the preliminary budget needs to be addressed. Andrea asked if the estimated dues have been determined. Sara and Miriam replied that they can add this, they should remain the same as last year.

The meeting was adjourned at 12:06 p.m.

# 2017 Final Budget

To: SWCCOG Board of Directors  
From: Sara Trujillo  
Date: 5 August 2016

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Comments: The 2017 final budget that is being presented to you is a balanced budget projected to move the SWCCOG forward in accomplishing the approved focus goals in the areas of broadband, transportation, shared services, recycling, and building a partnership with 4CORE.

The following attachment includes:

- 2017 Final Budget Informational Packet

***Changes made from the 2017 Preliminary Budget to the 2017 Final Budget:***

- Added 4CORE Fee for Service revenue and expenses
- Decreased Dark Fiber Leasing revenues and expenses
- Reduced RREO grant revenue and expenditures as a portion of this grant will be spent in 2016
- Removed the Fiber Equipment Repair Fund – RESTRICTED account and present this item in its own budget
- Added Team Building account with an annual expenditure of \$800

***Notable aspects include:***

- Member dues remain the same as 2016 at \$126,200 consisting of individual member contributions and the administrative assistant position. All dues categories, including member match and the fiber equipment repair fund, are based upon the board-voted formula of 20% divided evenly as a base, with the 80% remainder divided by population. Population figures are compiled from the DoLA County and Municipal Population Estimates for 2014. With population changes and a new COG member, each community will see a decrease in their individual dues.
  - In 2016, members opted to hold cash match in their own budgets for the grant match; this amount has not been invoiced and COG staff does not anticipate a request for these funds for the remainder of 2016. However, some match is likely to be requested in 2017 for DoLA grant cash match requirements.
  - The Dark Fiber Equipment Repair Fund will continue at \$15,000. In 2016, La Plata County held this funding with an IOU if the funding is needed. We expect the same for 2017.
-

# 2017 Final Budget

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- Dark fiber leasing is budgeted for all member participation at a 25/75 split (member/COG) in conjunction with the Broadband Planning Grant suggestion with the exception of the Town of Rico as Rico does not own any SCAN fiber nor did they participate in the SCAN grant.
- Staff will apply for the following grants to support and advance 2017 focus goals:
  - DoLA Technical Assistance Grant, \$50,000
  - EPA Grant for environmental education about recycling, \$70,000 (with a \$20,000 match requirement)
  - Broadband Infrastructure Grant as a continuation to our 2016 Broadband Planning Grant, \$1.1 million
- The Audit expense estimate was increased from \$6,500 to \$15,000 for a single audit with the assumed infrastructure grant being approved as this will put our federal funds over the threshold of \$750,000.
- The Accounting Software expense includes the purchase of a government software system that is designed specifically for grant/project accounting. Staff feels this will be necessary if awarded a multimillion dollar infrastructure grant. Springbrook Software is specifically designed for local government accounting and is the software being researched. We also will research the ability to purchase licensing of a member's accounting software.
- The All-Hazards Grants typical funding amounts have been reduced over the last several years. The budget reflects an estimated decrease to \$100,000 in the preliminary 2017 grant.

Upon approval of the 2017 final budget, each community will receive information detailing funds for the 2017 budget to help with individual member budgeting processes.

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# SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

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**To:** SWCCOG Board of Directors  
**From:** Sara Trujillo, Accountant  
**Subject:** Proposed FY 2017 Operating and Fiber – RESTRICTED Budgets  
**Date:** 5 August 2016

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Please find attached the proposed Operating Budget and Fiber – RESTRICTED Budget for FY2017. The total proposed operating and fiber budget is \$1,907,759. Of this amount, the Operating Budget for your consideration is \$1,898,005, which is a 40% increase from the FY2016 Budget due largely to an anticipated Broadband Infrastructure Grant.

Revenues into the Operating Budget General Fund are comprised of SWCCOG Dues, Administrative Position Dues, and Member Cash Match. All other revenues are derived from grant funds and SWTPR Dues.

The proposed FY2017 Fiber– RESTRICTED Budget for your consideration totals \$9,754. The annual contribution for these funds is \$15,000; however, in FY2016, La Plata County chose to hold these funds in their budget; this decision is assumed to reoccur in FY2017.

Proposed FY2017 Operating and Fiber – RESTRICTED Budgets are as follows:

<b>Operating</b>	<b>Fiber</b>	<b>Total</b>
\$1,898,005	\$9,754	\$1,907,759

All designated funds are for projects expected to move the SWCCOG forward in accomplishing the approved focus goals in the areas of broadband, transportation, shared services, recycling, and building a partnership with 4CORE in FY2017.

Funds are budgeted for member’s match on grant-funded projects such as a DoLA Technical Assistance Grant and EPA Environmental Education Grant.

The SWCCOG’s budget supports 3 full-time staff, an AmeriCorp VISTA, and 7 contract employees.

I hope you will find the attached documents useful. I am available to answer any questions you have. Thank you for your ongoing support of SWCCOG staff and your commitment to the betterment of the Southwest Colorado region.



Southwest Colorado Council of  
Governments  
2017 Final Budget  
August 5, 2016

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**Revenues Summary: Operating Budget**

	2015 Actual	2016 Approved	2016 Projected*	2017 Proposed	% Difference 2016 Projected* to 2017	NEW ACCOUNT NAME
3500 · WLC Revenue	\$ 3,964.32	\$ -	\$ -	\$ -		
3501 · Admin Position	\$ -	\$ 12,200.00	\$ 12,200.00	\$ 12,200.00	0%	Dues Revenue:Admin Position
3502 · Restricted Account Grant Match	\$ -	\$ -	\$ -	\$ 10,000.00	0%	Dues Revenue:Match Contribution
4004 · SWIMT Rev	\$ 551.35	\$ -	\$ -	\$ -		
4005 · E-tics	\$ 8,400.00	\$ 8,400.00	\$ 8,400.00	\$ 8,400.00	0%	SCAN Services:e-TICS
4006 · Dues Revenue	\$ 114,712.00	\$ 114,000.00	\$ 114,000.00	\$ 114,000.00	0%	Dues Revenue:COG Dues
4008 · Telecom Services Revenue	\$ 8,280.00	\$ 8,280.00	\$ 8,280.00	\$ 10,000.00	21%	SCAN Services:Telecom Service
4009 · Fiber Lease Revenue	\$ 17,275.00	\$ 20,560.00	\$ 20,560.00	\$ 36,276.00	76%	SCAN Services:Dark Fiber Leasing
4011 · AAA Revenue	\$ 2,698.25	\$ 4,500.00	\$ 5,182.00	\$ -	-100%	
4012 · TPR Dues revenue	\$ 7,679.00	\$ 7,679.00	\$ 7,679.00	\$ 7,679.00	0%	Dues Revenue:SWTPR Dues
4030 · TPR - CDOT Funding	\$ 20,365.77	\$ 21,100.00	\$ 22,100.00	\$ 22,100.00	0%	SWTPR CDOT Grant
4040 · Grant-Transit	\$ 24,800.00	\$ 20,000.00	\$ 20,000.00	\$ 24,239.00	21%	Transit Coord. CDOT Grant
4041 · All Hazards Grant	\$ 222,049.77	\$ 203,803.00	\$ 203,803.00	\$ 309,283.00	52%	All Hazards
	\$ -	\$ -	\$ -	\$ 75,000.00		All Hazards:2015 SHSP
	\$ -	\$ -	\$ -	\$ 134,283.00		All Hazards:2016 SHSP
	\$ -	\$ -	\$ -	\$ 100,000.00		All Hazards:2017 SHSP
4043 · DoLA Grants	\$ 68,351.04	\$ 350,000.00	\$ 350,000.00	\$ 175,000.00	-50%	DoLA Grants
	\$ -	\$ -	\$ -	\$ 100,000.00		DoLA Grants:DoLA 8011
	\$ -	\$ -	\$ -	\$ 25,000.00		DoLA Grants:DoLA 9038
	\$ -	\$ -	\$ -	\$ 50,000.00		DoLA Grants:DoLA Technical Assistance
4950 · Match-GOV Admin	\$ 20,976.65	\$ -	\$ -	\$ -		
4957 · RREO Grant	\$ 21,204.27	\$ 36,200.00	\$ 36,200.00	\$ 17,459.00	-52%	RREO Grant
	\$ -	\$ -	\$ -	\$ 50,000.00	0%	EPA Environmental Education
	\$ -	\$ -	\$ -	\$ 1,100,000.00	0%	Broadband Infrastructure Grant
	\$ -	\$ -	\$ -	\$ 20,000.00	0%	4CORE Bookkeeping
Adjustment	\$ (1,655.15)	\$ -	\$ -	\$ -		
<b>TOTAL REVENUES</b>	<b>\$ 539,652.27</b>	<b>\$ 806,722.00</b>	<b>\$ 808,404.00</b>	<b>\$ 1,916,636.00</b>	<b>137%</b>	

**Expenditures Summary: Operating Budget**

	2015 Actual	2016 Approved	2016 Projected*	2017 Proposed	% Difference 2016 Projected* to 2017	NEW ACCOUNT NAME
5009 · Bookkeeper	\$ 424.95	\$ 150.00	\$ 150.00	\$ 14,000.00	9233%	Professional Fees:Accounting Software
5200 · All Hazard Project	\$ 215,154.57	\$ 194,607.00	\$ 194,607.00	\$ 294,889.00	0%	All Hazards Projects
	\$ -	\$ -	\$ -	\$ 75,000.00		All Hazards Projects:All Hazards 2015 SHSP
	\$ -	\$ -	\$ -	\$ 127,569.00		All Hazards Projects:All Hazards 2016 SHSP
	\$ -	\$ -	\$ -	\$ 92,320.00		All Hazards Projects:All Hazards 2017 SHSP
5401 · Software Maintenance (E-Tic)	\$ 9,100.00	\$ 8,400.00	\$ 8,400.00	\$ 8,400.00	0%	Software Maintenance e-TICS (MidState Consultants)
5403 · Fiber Leasing Expe.	\$ 13,046.25	\$ 15,420.00	\$ 15,420.00	\$ 9,069.00	-41%	SCAN Services Expense:Dark Fiber Lease
5410 · Rent	\$ 83.00	\$ 81.00	\$ 81.00	\$ 81.00	0%	Rent
5500 · Transfer of Net Assets	\$ 20,976.65	\$ -	\$ -	\$ -		
5505 · Bank Fees	\$ 325.64	\$ 100.00	\$ 100.00	\$ 225.00	125%	Bank Service Charge
5510 · Travel Exp	\$ 20,088.92	\$ 17,000.00	\$ 17,000.00	\$ 16,620.00	-2%	Travel
5512 · Meeting Exp	\$ 5,290.14	\$ 2,325.00	\$ 5,000.00	\$ 7,000.00	40%	Meetings
5514 · Professional Fees.	\$ 407.17	\$ 50.00	\$ -	\$ -		
5515 · Legal Fees	\$ 3,561.09	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	0%	Professional Fees:Legal
5517 · Data Back Up Exp	\$ 750.00	\$ 750.00	\$ -	\$ -		
5520 · Advertising	\$ 465.91	\$ 400.00	\$ 500.00	\$ 600.00	20%	Advertising and Promotion
5521 · Telephone/Website/Internet	\$ 2,909.88	\$ 3,000.00	\$ 2,340.00	\$ 3,120.00	33%	Salary and Wages:Cell Phone Allowance
5523 · Payroll Processing Fees	\$ 1,498.67	\$ 1,550.00	\$ 1,550.00	\$ 1,600.00	3%	Salary and Wages:Payroll Processing Fee
5525 · Audit	\$ 6,250.00	\$ 6,438.00	\$ 6,500.00	\$ 15,000.00	131%	Professional Fees:Audit
5526 · Internet Connectivity (100 Mb)	\$ 10,800.00	\$ 10,800.00	\$ 10,800.00	\$ 10,000.00	-7%	Internet Connectivity:Fast Track
5527 · Internet & software	\$ 916.51	\$ 1,005.00	\$ 2,211.00	\$ 2,300.00	4%	Internet Connectivity:Software
5532 · Postage	\$ 134.28	\$ 125.00	\$ 100.00	\$ 100.00	0%	Postage and Delivery
5535 · Printing/Reproduction	\$ 1,004.14	\$ 200.00	\$ 1,000.00	\$ 1,000.00	0%	Professional Fees:Misc
5540 · Membership/Sub	\$ 825.00	\$ 2,300.00	\$ 6,454.00	\$ 6,500.00	1%	Memberships
5545 · Office Equipment/Computers	\$ 10,708.40	\$ 2,000.00	\$ 2,500.00	\$ 4,050.00	62%	Office Equipment
5546 · Equipment Expense	\$ -	\$ 20,000.00	\$ -	\$ -		
5550 · Supplies	\$ 3,449.88	\$ 1,300.00	\$ 1,000.00	\$ 1,500.00	50%	Office Supplies
5555 · Liability Insurance	\$ 2,083.00	\$ 2,102.00	\$ 2,213.00	\$ 2,274.00	3%	Insurance Expense:General Liability
5558 · Insurance- Health	\$ 28,337.00	\$ 25,516.00	\$ 19,936.00	\$ 35,649.00	79%	Insurance Expense:Health
	\$ -	\$ -	\$ 6,000.00	\$ 6,000.00	0%	Insurance Expense:HSA
5570 · Car Allowance/Mileage	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	0%	Salary and Wages:Car Allowance
5570 · Housing Allowance	\$ 3,217.75	\$ -	\$ 3,218.00	\$ 3,250.00	1%	Salary and Wages:Housing Allowance
5585 · Payroll Tax Expense	\$ 9,290.84	\$ 12,956.00	\$ 12,956.00	\$ 13,955.00	8%	Salary and Wages:Payroll Tax
5586 · Retirement Expense	\$ 3,249.75	\$ 3,487.00	\$ 3,487.00	\$ 8,161.00	134%	Salary and Wages:457 Retirement
5580 · Salary & Wages - Other	\$ 120,927.27	\$ 151,541.00	\$ 151,541.00	\$ 163,219.00	8%	Salary and Wages
5587 · Worker's Compensation	\$ 1,596.75	\$ 1,674.00	\$ 1,674.00	\$ 1,808.00	8%	Insurance Expense:Worker's Compensation
5591 · COG Member Grant Match	\$ -	\$ 6,000.00	\$ -	\$ -		
5640 · Consulting	\$ 34,024.38	\$ 271,000.00	\$ 271,700.00	\$ 1,248,035.00	359%	Consulting
5643 · Transit	\$ 2,000.00	\$ -	\$ -	\$ -		
5644 · AmeriCorps Member	\$ 8,000.00	\$ 11,700.00	\$ 8,000.00	\$ 8,000.00	0%	AmeriCorp VISTA
5961 · Employee/Board Appreciation	\$ 413.77	\$ -	\$ 400.00	\$ 200.00	-50%	Employee/Board Appreciation
5650 · Conference/Seminars/Training	\$ -	\$ -	\$ -	\$ 4,000.00	0%	Professional Development
	\$ -	\$ -	\$ -	\$ 800.00	0%	Team Building
<b>TOTAL EXPENDITURES</b>	<b>\$ 544,911.56</b>	<b>\$ 780,577.00</b>	<b>\$ 763,438.00</b>	<b>\$ 1,898,005.00</b>	<b>149%</b>	

**Revenues Summary: Fiber - RESTRICTED**

	2015 Actual	2016 Approved	2016 Projected*	2017 Proposed	% Difference 2016 Projected* to 2017	NEW ACCOUNT NAME
5530 · Fiber Equipment Replacement	\$ -	\$ 15,000.00	\$ 9,754.00	\$ 9,754.00	0%	SCAN Services:Fiber Equipment Repair Fund
<b>TOTAL REVENUES</b>	<b>\$ -</b>	<b>\$ 15,000.00</b>	<b>\$ 9,754.00</b>	<b>\$ 9,754.00</b>	<b>0%</b>	

**Expenditures Summary: Fiber - RESTRICTED**

	2015 Actual	2016 Approved	2016 Projected*	2017 Proposed	% Difference 2016 Projected* to 2017	NEW ACCOUNT NAME
5530 · Fiber Equipment Replacement	\$ -	\$ 15,000.00	\$ 9,754.00	\$ 9,754.00	0%	SCAN Services:Fiber Equipment Repair Fund
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ 15,000.00</b>	<b>\$ 9,754.00</b>	<b>\$ 9,754.00</b>	<b>0%</b>	

## Fund Balances: All Budgets

<b>Fund Balance Information</b>	
<b>Operating Budget</b>	
2015 Beginning Fund Balance	\$95,816
2015 Ending Fund Balance	\$90,557
2015 Reserve Requirements*	\$79,937
2016 Beginning Fund Balance	\$90,557
2016 Ending Fund Balance	\$135,523
2016 Reserve Requirement*	\$85,504
2017 Beginning Fund Balance	\$135,523
2017 Ending Fund Balance	\$154,154
2017 Reserve Requirement*	\$107,204
<b>Fiber - RESTRICTED</b>	
2015 Beginning Fund Balance	\$0
2015 Ending Fund Balance	\$0
2016 Beginning Fund Balance	\$0
2016 Ending Fund Balance	\$9,754
2017 Beginning Fund Balance	\$9,754
2017 Ending Fund Balance	\$19,508

### Fund Balance Policy:

It is the goal of the SWCCOG to maintain an unassigned fund balance equal to four months of operating expenditures.

### Notes:

Operating Budget 2015 Beginning and Ending Fund balances and 2016 Beginning Fund balance is based on audited financial statements

Operating Budget Ending Fund balance for 2016 and Beginning and Ending Fund balances for 2017 are estimated

Fund Balance = Assets minus liabilities

Fund Balance is NOT available cash

# Contract between Ute Mountain Ute and SWCCOG for Broadband Planning

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 5 August 2016

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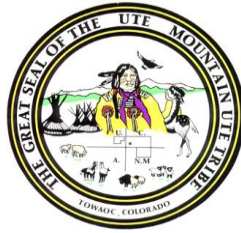
**Comments:** The Ute Mountain Ute Tribe (UMUT) has identified funding and approved the attached documentation for participation in the Regional Broadband planning process. This is at the end of the regional process, the regionalism will be part of the plan, but specifics to the Tribe will be in addition to the Regional Plan.

**Legal:** Legal reviewed the documentation; SWCCOG's legal wrote the MOU.

**Fiscal Impact:** Total Cost: \$8250; \$2063 UMUT, and \$6133 DOLA (expected).

**Staff Recommendation:** Approve MOU with Ute Mountain Ute Tribe. Allow Executive Director to sign if needed.

DATE: July 27, 2016



RESOLUTION: 2016-

**RESOLUTION  
UTE MOUNTAIN UTE TRIBAL COUNCIL**

**REFERENCE:** Approving Southwest Colorado Council of Governments (SWCCG)  
Broad Band Feasibility Study for the Ute Mountain Ute Tribe

**WHEREAS**, the Constitution and By-Laws of the Ute Mountain Ute Tribe, approved June 6, 1940 and subsequently amended provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council exercised in this resolution; and

**WHEREAS**, the Ute Mountain Ute Tribal Council is committed and responsible for the welfare of the Ute Mountain Ute Tribal Members and the positive management of the Tribal resources and economic community awareness can provide for this welfare; and

**WHEREAS**, the Southwest Colorado Council of Governments (SWCCOG) has hired NEO Connect (previously NEO Fiber) to conduct a regional broadband study and plan to improve broadband services throughout the region; and

**WHEREAS**, the SWCCOG cost estimate for the Ute Mountain Ute Broadband is a subtotal of \$8,250.00, Department of Local Affairs Addendum to grant request is 75% of cost estimate \$6,188.00 and 25% cost to the Ute Mountain Ute Tribe at \$2,068.00. The Ute Mountain Ute Tribe is interested in participating in a broad band feasibility study for the tribe through the Southwest Colorado of Council of Governments for a flat one time cost of \$2,068.00.00 from IT tribal budget source. The study service areas include the following counties as La Plata, Archuleta, Montezuma, San Juan and Dolores and participating township are Town of Bayfield, City of Cortez, Town of Dolores, City of Durango, Town of Ignacio, Town of Mancos, Town of Pagosa Springs, Town of Rico, Town of Silverton; and

**WHEREAS**, the feasibility study will provide final draft of maps of existing stakeholders and anchor tenant locations, map of existing fiber, conduit and other assets. Additionally, the feasibility study will identify funding resources, priorities, synergies, opportunities education outreach, and evaluate the potential fiber optic connections for expansion of access for the benefit of the community and tribal government; and

**WHEREAS**, the goal of the feasibility study is for the tribe to develop a final written master plan and various financial models, addressing sustainability, scalability,

Resolution 2016-

**REFERENCE:** Approving Southwest Colorado Council of Governments (SWCCG) Broad  
Band Feasibility Study for the Ute Mountain Ute Tribe



maintenance, and other business planning considerations. All maps and specific location data will be GIS compatible and in the format required by SWCCOG. The tribe seeks the study in broad band to provide educational access and expand the capacity of the tribal government broad band capacities; and

**THEREFORE BE IT RESOLVED**, the tribal council supports and approves the Southwest Colorado Council of Governments (SWCCG) Broad Band Feasibility Study as part of an overall inclusive study including the Ute Mountain Ute Tribe; and

**BE IT FINALLY RESOLVED**, that the Chairman of the Ute Mountain Ute Tribal Council is authorized to sign the resolution and is further authorized to take such action as may be necessary to carry out the intent of this resolution.

The foregoing resolution was **APPROVED AND ADOPTED** this 27th day of July, 2016.

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Manuel Heart, Chairman  
Ute Mountain Ute Tribal Council

**CERTIFICATION**

This is to certify that there was a quorum of \_\_\_\_ Tribal Council Members present at the official meeting of the Ute Mountain Ute Tribal Council held July 27, 2016 that \_\_\_\_\_ voted for this resolution and that \_\_\_\_\_ opposed and that this resolution was, therefore, duly adopted.

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Michela F. Aire, Recording Secretary  
Ute Mountain Ute Tribal Council

**Resolution 2016-**

**REFERENCE:** Approving Southwest Colorado Council of Governments (SWCCG) Broad Band Feasibility Study for the Ute Mountain Ute Tribe

**Memorandum of Understanding  
Between the Ute Mountain Ute Tribe  
And the Southwest Colorado Council of Governments for Connectivity Plan**

This MOU provides for payment for certain services herein contracted by the Ute Mountain Ute Tribe, (“UMUT”), a federally recognized Indian tribe, to the Southwest Colorado Council of Governments, (“SWCCOG”), a political subdivision of the State of Colorado, with respect to expanding the scope of the SWCCOG’s contract with NEO Fiber to provide a regional broadband plan that includes the UMUT Reservation, as well as White Mesa community in Utah.

**Premises**

The SWCCOG recognized a need to improve telecommunication capabilities, capacity, reliability, and availability in the Southwest Colorado in order to affect economic development, improve community anchor institutions efficiency and accessibility, and reduce telecommunication costs for community anchor institutions and others; and

The SWCCOG was the recipient of a Colorado Division of Local Affairs (hereinafter referred to as “DOLA”) grant for telecommunication infrastructure improvements, which it completed, including the Southwest Colorado Access Network (SCAN) project to provide telecommunication connection in participating communities to a regional network through a variety of economically viable and sustainable models; and

The SWCCOG received a DOLA Grant to partially fund a plan with best options and cost estimates to further regional broadband development in Southwest Colorado as set forth in Exhibit A, Scope of Work, which work SWCCOG contracted to NEO FIBER, See NEO Fiber Proposal Exhibit B.

The UMUT, although not a SWCCOG member, has received a commitment for DOLA grant funds to be paid to the SWCCOG to expand the scope of the NEO Fiber proposal to include the UMUT’s Colorado Reservation and White Mesa, Utah Community, under the Cost estimate attached hereto as Exhibit C, and the SWCCOG wishes to assist the UMUT by including it in the NEO Fiber proposal.

**General Scope of Work**

SWCCOG has contracted with NEO Fiber to provide the above described Scope of Work. The UMUT approves the terms of the NEO Fiber contract with SWCCOG, and the choice of NEO Fiber as a contractor for purposes of this MOU. The end product is anticipated to be a broadband connectivity plan for Internet Service Providers to utilize with respect to the UMUT’s Reservation and White Mesa Utah Community (“Connectivity Plan”).

UMUT shall provide SWCCOG with information and documents necessary for NEO Fiber to perform the scope of work including without limitation providing asset maps and telecommunication infrastructure within the UMUT’s Reservation and White Mesa, Utah community.

**Term**

The term of this contract commences upon signature of the parties and terminates upon completion Connectivity Plan, or, on or before one year from MOU execution, whichever comes first.

**Compensation**

The UMUT, upon execution of this agreement, shall pay the SWCCOG a flat fee of \$2,063.00 for the work provided herein, and irrevocably assigns its rights to payment by DOLA of the remaining \$6,188.00 in grant funds that SWCCOG may use to compensate NEO Fiber for the UMUT portion identified in the scope of work. Payments made pursuant to this agreement shall be made by checks payable to the SWCCOG. Performance is contingent upon funding.

#### **Modification of This Agreement**

The parties to this agreement may propose changes, and such changes may be made only upon mutual written agreement of the UMUT and SWCCOG.

#### **Termination**

This agreement may be terminated by either the UMUT or SWCCOG, without cause by providing four weeks written notice. If so terminated, the UMUT will pay the SWCCOG for work performed to the date of termination, as set forth in NEO Fiber invoices, not to exceed \$2,063.00, plus the assignment of the DOLA funds to SWCCOG for up to \$6,188.00.

#### **Enforcement**

Any dispute concerning the performance or interpretation of the agreement which cannot be resolved by the designated points of contact or their immediate superiors shall be referred to the party's chief administrative officer. If the matter is not resolved within 45 days after referral, either party may file legal action. Any litigation will be filed in District Court of La Plata County. In the event that legal action must be taken by either party to enforce this agreement, the prevailing party shall be entitled to recover reasonable court costs and attorney's fees.

#### **No Special Damages**

Notwithstanding any other provision hereof, neither party shall be liable for any damages for loss of profits, loss of revenues, loss of goodwill, loss of anticipated savings, loss of data or cost of purchasing, replacement services, or any indirect, incidental, special, consequential, exemplary or punitive damages arising out of its performance or failure to perform under this agreement.

#### **No Third Party Beneficiaries**

It is expressly understood and agreed that the enforcement of the terms and conditions of this agreement and all rights of action relating to such enforcement, shall be strictly reserved to the parties. Nothing contained in this agreement shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the parties that any other person or entity, receiving services or benefits under this agreement shall be deemed an incidental beneficiary only

#### **No Waiver of Governmental Immunity Except for Limited Rights to Enforce this MOU**

No term or condition of this agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et.seq., CRS, as now or hereafter amended, or any other applicable sovereign or governmental immunity, except to the limited extent necessary for the parties to be able to enforce this MOU. The parties understand and agree that liability for claims for injuries to persons or property arising out of negligence of the State of Colorado, its departments, institutions, agencies, boards, officials and employees is controlled and limited by the provisions of Section 24-10-101, et. seq., CRS, as now or hereafter amended and the risk management statutes, Section 24-30-1501, et. seq., CRS, as now or hereafter amended.

**Disclaimer of Warranties**

The UMUT and SWCCOG exercises no control whatsoever over the content, accuracy or quality of the information and product provided by NEO Fiber. The information or products obtained by the UMUT are provided "as is" without any warranties whatsoever, expressed or implied. EXCEPT AS EXPRESSLY STATED IN THIS MOU, AND THE SWCCOG MAKES NO WARRANTIES REGARDING THE PRODUCT EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, OR THAT THE PRODUCT WILL BE ERROR FREE.

**Limitation of Liability**

In no event shall any party hereto be liable to the other for any consequential or special damages arising out of or in relation to this MOU or the Service, including, but not limited to, damages incurred by the UMUT regardless of the cause, and any damage incurred by the UMUT shall be capped at the \$1,875 it paid to the SWCCOG under this MOU.

**Force Majeure**

Neither party shall be considered in default of its obligations hereunder if performance of such obligations is prevented or delayed by acts of God, government, war, riots, acts of civil disorder, labor disputes, failure or delay of transportation or such other causes as are beyond such party's reasonable control.

**Governing Law**

The agreement shall be governed, interpreted, and applied in accordance with the laws of the State of Colorado.

**Severability**

If any portion of this agreement is found to be unenforceable, the remaining provisions will stay in force.

**Contact Information**UMUT:

Preston Corsa, Executive Director and Bernadette Cuthair, Director of Planning & Development and Community Services Division

Address: PO Box 298, Towaoc, Colorado 81334

Telephone: 970.565.3751 or 970.564.5698

Fax: 970.565.7412

E-mail: [pcorsa@utemountain.org](mailto:pcorsa@utemountain.org) and/or [bcuthair@utemountain.org](mailto:bcuthair@utemountain.org)

SWCCOG:

Southwest Colorado Council of Governments

Miriam C. Gillow-Wiles

Executive Director

P.O. Box 963

Durango, CO 81302

Phone: 970-779-4592

[director@swccog.org](mailto:director@swccog.org)

**Signatory Authority**

Each person signing this agreement in a representative capacity, expressly represents the signatory has the subject party's authority to so sign and that the subject party will be bound by the signatory's

execution of this MOU. Each party expressly represents that except as to the approval specifically required by this agreement, such party does not require any third party's consent to enter into this agreement.

IN WITNESS OF OUR AGREEMENT, the UMUT and the SWCCOG have executed this MOU on the date(s) indicated below.

\_\_\_\_\_  
Manuel Heart, Chairman  
Ute Mountain Ute Tribe

\_\_\_\_\_  
Date

\_\_\_\_\_  
Miriam Gillow-Wiles, Executive Director  
Southwest Colorado Council of Governments

\_\_\_\_\_  
Date

## Exhibit A

### SCOPE OF WORK

(Consistent with DOLA Scope of Project, EIAF - 8010)

1. DESCRIPTION OF THE PROJECT(S) AND WORK.
  - 1.1. Project Description. The Southwest Colorado Council of Governments will create a plan with best options and cost estimates to further regional broadband development in Southwest Colorado.
  - 1.2. Work Description. Southwest Colorado Council of Governments (SWCCOG) will identify middle and last mile connectivity gaps, help create a more comprehensive SCAN operations plan, bring gigabyte speeds to the county seats, and work on external redundancy to Region 10 and Region 8. The SWCCOG will engage a qualified consulting firm to address broadband planning and connectivity through both terrestrial and wireless networks, including emergency management communication. Development of a strategic plan addresses the need to coordinate a variety of efforts towards the common goal of improving broadband access and capability. Specifically, the plan will include:
    - 1.2.1. An assessment of needs, both infrastructure and services, through surveys, public meetings, and continued asset mapping;
    - 1.2.2. Educational workshops to ensure that the participants have the information needed on regulations, economics, and technology to develop a realistic plan;
    - 1.2.3. Identification of public and private projects already underway to address these needs;
    - 1.2.4. Identification of gaps in the network and a blueprint to fill these gaps, including cost estimates and identification of public and private funding resources; and
    - 1.2.5. Address sustainability and maintenance of the existing network and projections into the future.
    - 1.2.6. A contract for consultant services shall be awarded by SWCCOG to a qualified firm through a formal Request For Proposals or competitive selection process.
  - 1.3. Responsibilities. The SWCCOG shall be responsible for the completion of the work and to provide required documentation to the Department of Local Affairs (DOLA).
    - 1.3.1. The SWCCOG shall notify DOLA at least 30 days in advance of Project Completion.
2. DELIVERABLES
  - 2.1. Outcome. The final outcome of this work is a complete implementation plan to guide communities in cost-effective decision making regarding implementation of adequate broadband services.
  - 2.2. Service Area. The performance of the work described within this Agreement shall be located in La Plata, Archuleta, Montezuma, San Juan and Dolores counties.

3. PERSONNEL

- 3.1. Responsible Administrator. The SWCCOG's performance hereunder shall be under the direct supervision of Miriam Gillow-Wiles, Executive Director (director@swccog.org), an employee or agent of The SWCCOG, who is hereby designated as the responsible administrator of this Project.
- 3.2. Other Key Personnel: None.

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# Summary of NEO's Proposal

The Southwest Colorado Council of Government (SWCCOG) has hired NEO Connect (previously NEO Fiber) to conduct a regional broadband study and plan to improve broadband services throughout the region. The following is a general scope of work for the project:

1. Kickoff and Planning Meeting.

2. Needs Assessment and Stakeholder Outreach – NEO met with industry groups in April to discuss needs, collaboration, funding opportunities and components of the broadband planning process. A speed test has been established on the SWCCOG's website to gather actual speed test results.

3. Identification of Public and Private Assets in Place, Assess Availability for Use.

Deliverable: Final draft of maps of existing stakeholder and anchor tenant locations, map of existing fiber, conduit and other assets

4. Gap Analysis, Plan to Fill in the Gaps, Cost Estimates, Development of (at least) Gigabyte Speeds to the County Seats.

Deliverable: The Plan draft, maps of the planned network, and cost estimates

5. Research on Funding Resources, Prioritizing Projects/Needs, Meetings to Educate

Deliverable: Funding Resources, Priorities, Synergies, Opportunities Education Outreach

6. Financial Sustainability, Scalability, Maintenance and Business Planning, Final Draft

Deliverable: After the initial draft of the master plan is provided and feedback is obtained, we will compile and deliver a final written master plan and various financial models, addressing sustainability, scalability, maintenance and other business planning considerations. All maps and specific location data will be GIS compatible and in the format required by SWCCOG.

The projected cost estimate for the scope of work for participating member is \$84,750.

To add on the Ute Mountain Ute tribe to the scope of work, it is estimated to add \$7,500.

Exhibit B



Exhibit C

**SWCCOG Estimate for Ute Mountain Ute Broadband Planning**

	<b># of hours</b>	<b># of people</b>	<b>Hourly Rate</b>	<b>Total Cost</b>
Meeting with Econ Dev, community anchor institutions	4	2	\$ 150	\$ 1,200
Meeting with Tribal Council	4	2	\$ 150	\$ 1,200
Planning, design engineering	10	1	\$ 150	\$ 1,500
Partner and grant collaboration reports	4	1	\$ 150	\$ 600
Meeting	4	2	\$ 150	\$ 1,200
Subtotal				\$ 6,900
Travel hours and reimbursed expenses				\$ 600
Scope of work budget, to add in Ute Mountain Ute to the Existing SWCCOG budget				\$ 7,500
SWCCOG Administrative Costs - 10%				\$ 750
Subtotal				\$ 8,250
Department of Local Affairs Addendum to Grant Request (75% of estimate)*				\$ 6,188
<b>Total for Ute Mountain Ute Tribe</b>				<b>\$ 2,063</b>

Performed by SWCCOG Contractor, NeoConnect

Travel hours are billed at \$75 per hour.

\*Addendum to grant request has not be approved, the SWCCOG anticipates this funding

# Dark Fiber Lease

To: SWCCOG Board of Directors  
From: Miriam Gillow-Wiles  
Date: 5 August 2016

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Comments: Much documentation has been provided in the last few months regarding the Dark Fiber Leases (DFL) for SCAN fiber. Ultimately this decision has lasting ramifications on the stability and overall fiscal health of the SWCCOG. This is also one of the last legacy issues, which does need to be remedied. This memo includes:

- Information about the Straw Poll from the July 2016 Board Meeting
- Overview of Dark Fiber Leasing
- Draft Minutes from June 2016 (attached)
- Draft Minutes from July 2016 (see minutes previously in packet)
- Amended Contract for review (attached)

## Straw Poll Recap

At the end of the July meeting, Julie Westendorff asked for a straw poll on a contract with the following as the premise:

- a local government may not lease non-SCAN fiber at a rate lower than the SCAN rate
- revenue from SCAN leases shall be split with 75% to COG and 25% to the local government
- the lease terms apply only to SCAN fiber
- a local government may opt to not utilize SCAN administration services, but such election shall not change the 75% COG, 25% local government revenue share
- if the local government elects not to utilize SCAN administrative services, the COG's share of revenues generated by SCAN fiber leases shall be remitted by the local government to the COG on or before \_\_\_\_\_.

The straw poll passed with the following:

- Aye: Durango, Ignacio, Bayfield, Pagosa Springs, Archuleta, San Juan, Silverton, La Plata
- Nay: Cortez
- Abstain: Town of Dolores

As a result of the five bullet points and the majority approval of these ideas, staff has updated the contract for the DFL.

# Dark Fiber Lease

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## Overview of Dark Fiber Leasing

1. SB 232 was a onetime grant cycle set aside by the state legislature in 2010. Projects needed to be:
  - Regional in nature
  - Submitted by counties and municipalities receiving federal mineral lease funds.
2. During brain storming sessions by Region 9 EDD members, the idea of developing improved broadband opportunities became the focus of a project and subsequent application.
3. Region 9 provided the staff and financial assistance to hire a consultant(s) to develop the individual anchor institution middle plans and cost estimates.
4. Region 9 developed the application, which was subsequently awarded in January 2010 for \$3 M with a \$1 M match. This 75%-25% split was the minimum match requirement.
5. Between 2010 and March 2014, planning, engineering, and infrastructure development occurred.
6. Operations of SCAN and costs were to be more fully developed as the project was completed. The grant contract requires the beneficiaries to operate SCAN.
7. A 75:25 proportion of leased fiber revenues was the basis of the operating income. At the time of completion there was not yet a budget. Below is a timeline chronicling the SCAN revenue sharing
  - a. Documents date back to 2011 with the 75% COG, 25% Community revenue share. Earlier documents contemplate revenue shares, but at that time did not have percentages called out.
  - b. November 2011 – Dark Fiber Lease agreement between City of Durango and SWCCOG approved by the COG board at 75% COG, 12.5% Durango and 12.5% La Plata County.
  - c. In March 2013 SCAN Policies were adopted, in that the revenue share was 5% COG, 95% Member. This revenue share was pushed by the City of Cortez during the policy development.
  - d. In October 2013 the SWCCOG started SCAN dark fiber leasing for the City of Durango, the revenue share from this was implanted at 25% COG, 75% Durango. The COG has no record of any contracts for these services

# Dark Fiber Lease

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- e. November 2014, COG Staff created new SCAN policies, with a 25% COG, 75% Member revenue share, this was approved by the Board.
  - f. January 2015, Staff brought forward a revenue share agreement with the 25% COG, 75% Member revenue split. This was tabled until members could discuss with their respective jurisdictions.
  - g. August 2015, staff brought forward the revenue share agreements from January 2015. These were again tabled and to be added to the regional broadband plan.
  - h. June 2016, as the SWCCOG nears the end of the regional broadband plan, and with almost all COG members opted out of SB05-152, ISPs wanting to lease infrastructure, and needing to develop stable revenue source for the SWCCOG, Staff brought forward contracts for revenue share at 75% COG, 25% Member, and a contract for the COG to be the leasing agent of the communities' SCAN infrastructure.
  - i. July 2016 the contract was again brought forward, but request to be amended to allow communities with established dark fiber leasing to continue to do so. The contract has a 75% COG and 25% Member revenue split if the COG or the Member does the dark fiber leasing.
8. As a part of the Regional Broadband Plan process and development contract NeoConnect has developed a refined operational plan, part of that operational plan is ongoing income for operations.

**Legal:** Legal has reviewed the updated the contract.

**Fiscal Impact:** Highly important for functionality and operations of SCAN, \$27,200 in 2017 Budget.

**Staff Recommendation:** Move forward with discussion about Dark Fiber Lease Contract with respective boards for a vote in September.

## Dark Fiber Lease Minutes – Draft

June 2016

Miriam explained that this has been discussed previously and that a decision must be made. She provided an overview of the history of the SCAN network and the attached documents. Julie asked for clarification that the 75/25% split came from the initial investment of 75% grant funded and 25% from the members. Miriam replied yes, although there is additional history. Julie asked for comments about the proposed pricing. Ron pointed out that some of the larger entities have contributed a significant amount of staff time in addition to infrastructure and it is not fair for these entities to take additional burden to subsidize other communities. Miriam asked if the connection to EAGLE-Net was SCAN or City of Durango fiber. Eric Pierson described which portions were SCAN versus city projects. Miriam stated that the leases being discussed are only related to SCAN fiber. There was discussion about the fiber up to San Juan County. Miriam clarified that the EAGLE-Net project to San Juan was not involved with the COG. Julie asked if Ron is proposing that the City's lease agreement be set up differently. Ron replied that he would like the city to receive 75% and the COG 25%. Eric clarified that the majority of the ongoing cost for fiber is utility locates, which come to about \$10,000/year, as well as general maintenance and staff time. Miriam mentioned that the conservative estimate nearly covers these costs, even with the COG receiving 75%. Chris mentioned the cost of depreciation of assets. Miriam replied that fiber does not degrade, therefore it would not need replaced or repaired unless cut. The equipment on either end does need replaced periodically to maintain or increase speeds. Joe mentioned that there could be a future need to upgrade. Diane replied that there should not be a future need to upgrade the fiber as there is plenty of capacity. Additional capacity could be increased by upgrading infrastructure at the ends. Joe asked how option one would be handled differently than option two. Miriam replied that part of the discussions had been that the COG would help the communities with items such as locates or repairs and the leases will either be a stable source of funding for the COG to do this or member organizations will need to continue contributions for the fiber replacement fund. Julie asked if La Plata County's costs are similar to the City of Durango's. Joe replied he believes so. Chris stated that they do their own locates. Willy stated that they have probably only had a couple locate requests. Shane asked if this would be an opt-in model. He expressed concern about the continued 75/25 split simply because that was the original distribution of the grant. Julie mentioned that her goal is to not pay the COG any more money and this is a higher priority for her than additional revenue from dark fiber. Shane mentioned that this would not appreciably reduce COG dues. He expressed concern about reduced revenue to member organizations. Miriam reiterated that this would only apply to SCAN infrastructure. She added that this is a very conservative estimate and it would help increase the fiber replacement fund. Willy pointed out that per the initial discussions both the COG and the member entities would get revenue. He added that reduced revenue is equivalent to increased expense. Ron suggested splitting 50/50 for one year. Joe asked how long this would be for. Ron replied one year. Dick summarized that there are dark fiber leases essentially on the table and this would be to move forward with

those. He suggested future discussion on the possibility of a tiered system. He recommended accepting Ron's proposal in order to move forward, considering the fiber would not be in place if not for the COG's SCAN grant and there is a need to pay some back to the COG.

**Dick White motioned to accept the MOU and split at 50/50, William Tookey seconded.**

Joe expressed support for this proposal if it will be readdressed in one year. Chris asked about the consequences if an entity does not sign on. Miriam replied that this is a policy decision whether an entity can opt-out.

**For the question for the MOU to be in place for one year at a rate of 50/50.**

Shane asked if this is an opt-in MOU or if it would be compulsory. Chris replied it would be an opt-in MOU that each entities' boards would need to approve. Shane mentioned that there are provisions to opt-out and for automatic renewal, so it sounds like it would be opt-in. Julie agreed that she does not have the authority to bind La Plata County. Shane stated that he is not opposed to any specific split as long as it is not mandatory for any jurisdiction.

**Support: Julie Westendorff, William Tookey, Chris Tookey, Dick White, John Egan, Shane Hale**

**Opposed: Chris La May**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS  
AND \_\_\_\_\_(A LOCAL GOVERNMENT) REGARDING LEASING FOR SCAN  
INFRASTRUCTURE**

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS (hereinafter referred to as “SWCCOG”), whose address is PO Box 963, Durango, CO 81302, and its member local government, the \_\_\_\_\_ (hereinafter referred to as the “LOCAL GOVERNMENT”), whose address is \_\_\_\_\_, concerns appointment of SWCCOG as LOCAL GOVERNMENT’S Agent for Dark Fiber Lease Agreements over SCAN Fiber, invoicing private parties, collection of payments, disbursement of funds, or payment to SWCCOG of Dark Fiber Lease Agreements of SCAN Fiber by the LOCAL GOVERNMENT, which Parties do hereby state and agrees as follows:

**PREMISES:**

The SWCCOG recognized a need to improve telecommunication capabilities, capacity, reliability, and availability in the five county region in order to affect economic development, improve community anchor institutions efficiency and accessibility, and reduce telecommunication costs for community anchor institutions; and

The SWCCOG was the recipient of a Colorado Division of Local Affairs (hereinafter referred to as “DOLA”) grant for telecommunication infrastructure improvements; and

The SWCCOG initiated and recently completed the Southwest Colorado Access Network (SCAN) project to provide telecommunication connection in participating communities to a regional network through a variety of economically viable and sustainable models; and

The LOCAL GOVERNMENT is a SWCCOG member and received DOLA grant funds to help build its SCAN infrastructure; and

The LOCAL GOVERNMENT may wish to have SWCOGG assist the LOCAL GOVERNMENT in implementing the LOCAL GOVERNMENT’s Dark Fiber Link Lease Agreements (“DFL’s”) by serving as its exclusive agent with respect to leasing Dark Fiber Links over SCAN Fiber to Internet Service Providers (“ISP’s”), invoicing ISP’s, collection of payments from ISP’s, and disbursement of a percentage of those funds to the LOCAL GOVERNMENT; and

The LOCAL GOVERNMENT understands that SWCCOG intends to perform these same services for other members with respect to their SCAN assets; and

It is desirable to describe in greater detail the arrangement between the Parties and to further specify leasing, invoicing, collection of payment, and disbursement of funds procedures between the SWCCOG and the LOCAL GOVERNMENT concerning SCAN Fiber DFL’s.

NOW, THEREFORE in accordance with the above recitals, the SWCCOG and the LOCAL GOVERNMENT do hereby agree:

1. Policy.  
The attached policy, Exhibit A, concerning leasing, invoicing, collection of payment, and disbursement of funds concerning DFL's are agreed to and shall be followed by the parties hereto with respect to SCAN installed Fiber only Under no circumstance is the SWCCOG required to incur cost or legal fees in pursuit of or collection of delinquent accounts.
2. Subject Contracts.  
This MOU is only for purposes of SCAN installed Fiber. The form that the SWCCOG will use with respect to the Local Government's DFL's that are the subject of this MOU are approved by the parties and attached hereto as Exhibit B. During the term of this MOU and any renewal of this MOU, the LOCAL GOVERNMENT hereby appoints the SWCCOG, acting by and through its Executive Director, as its exclusive agent to enter into, and execute the DFL's on behalf of, and binding, the Local Government.
3. Effective Date, Term and Termination.  
This agreement shall become effective upon the date of the last signature by the authorized representative of both parties. Subject to annual appropriations, this MOU shall automatically renew unless either party opts out of the renewal at least 30 days prior to the anniversary date of this agreement. Additionally, either party may terminate this memorandum of understanding at any time by providing the other party written notice 90 days prior to termination, with or without cause. .
4. Payment and Disbursal of Funds  
The SWCCOG will disburse 25% of the gross funds received from the private parties (gross revenues) to the LOCAL GOVERNMENT, and the SWCCOG will retain 75% of the gross funds collected (gross revenues) as its payment for services provided hereunder. Payment by the SWCCOG to the LOCAL GOVERNMENT shall be yearly and in arrears of the receipt of funds. A LOCAL GOVERNMENT may opt to not use the SWCCOG as its leasing agent with respect to SCAN Fiber Dark Fiber Links, however, in such situations, the LOCAL GOVERNMENT shall still pay the SWCCOG 75% of the revenues generated by SCAN Fiber Dark Fiber Leases, and retain for itself 25% of the revenues, to be remitted by the LOCAL GOVERNMENT TO the SWCCOG on a quarterly basis.
5. Indemnification  
The LOCAL GOVERNMENT shall, to the extent permitted by Colorado law, indemnify, save, hold harmless, and defend the SWCCOG and all its officials and employees from any and all liability, claims, demands, actions, and attorney fees arising out of, claimed on account of, or in any manner predicted upon loss or damage to the property of, injuries to, or death of all persons whatsoever or which may occur or be sustained in connection with performance or non- performance of this contract. Notwithstanding, each party is responsible for any damage caused as a result of the acts or omissions of that party's employees, agents, or representatives.
6. Governmental Immunity  
The party's hereto do not waive their governmental immunity.



7. Breach  
Any failure of either party to perform in accordance with the terms of this agreement shall constitute a breach. Failure to cure the breach within thirty business days after written notice to the address contained herein shall be grounds for the non-breaching party to terminate this agreement and exercise all legal remedies available. All obligations to pay damage or loss, and to indemnify shall survive termination. Any dispute concerning the performance or interpretation of the MOU which cannot be resolved by the designated points of contact or their immediate superiors shall be referred to the party's chief administrative officer (Town/City/County Manager or SWCCOG Executive Director). If the matter is not resolved within 45 days after referral, either party may file legal action. Any litigation will be filed in District Court of La Plata County or if federal law applies, in the applicable Colorado Federal District Court.
8. No Special Damages.  
Notwithstanding any other provision hereof, neither party shall be liable for any damages for loss of profits, loss of revenues, loss of goodwill, loss of anticipated savings, loss of data or cost of purchasing, replacement services, or any indirect, incidental, special, consequential, exemplary or punitive damages arising out of its performance or failure to perform under this Agreement.
9. It is understood and agreed that this Agreement does not establish a separate legal entity, nor does it make any party as an agent of any other party for any purpose whatsoever, except as specifically stated herein. The LOCAL GOVERNMENT shall be responsible for all installation, maintenance and operation costs related to its own dark fiber equipment, property, and infrastructure. SWCCOG is not responsible for maintenance of the LOCAL GOVERNMENTS dark fiber or associated equipment nor is it liable for damage of any kind occurring to LOCAL GOVERNMENT property, unless such damage is caused by SWCCOG negligence or intentional misconduct.
10. Annual Appropriation  
It is understood and agreed that each party's performance shall be subject to appropriation of funds by governing body, and payment of such funds into the treasury of such party.
11. Costs of Performance.  
Each party shall, at all times, and subject to annual appropriation, be responsible for its own costs incurred in the performance of this Agreement, and shall not receive any reimbursement from any other party, except for third party reimbursements.
12. Severability  
It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.
13. Construction

Each and every term, provision, or condition herein is subject to and shall be construed in accordance with the provisions of Colorado law, the Charters of the various parties, and the ordinances and regulations enacted pursuant thereto.

14. Assignment

This Agreement may only be assigned with the express written consent of the parties, and will thereafter be binding upon the successors and assigns.

15. Third party beneficiaries

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the named parties hereto, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of the named parties that any person other than the named parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

16. Authority

Local Government represents to SWCCOG that it has all right and authority to enter into this agreement, and to enter into the attached form of DFL with ISPs, and that its dark fibers links are available for lease (other than those identified above by the Local Government as excluded from lease below).

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

AGREED:

LOCAL GOVERNMENT

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Date

SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

\_\_\_\_\_  
Miriam Gillow-Wiles, Executive Director

\_\_\_\_\_  
Date

## EXHIBIT A

- Local Government shall be responsible for:
  - Installation, maintenance, and operation costs related to its own SCAN equipment and dark fiber.
  - Identifying to the SWCCOG which SCAN Dark Fiber Links are available for lease.
  - The following SCAN Dark Fiber Links are to be excluded from leases: \_\_\_\_\_ . With respect to these excluded SCAN Dark Fiber Links, Local Government agrees that it will remit to SWCCOG, on a quarterly basis, 75% of the proceeds received by the Local Government from such excluded SCAN Dark Fiber Links.
  - Local Government agrees that it will not lease the excluded SCAN Dark Fiber Links at a rate lower than the SWCCOG Lease Rate for Dark Fiber Link stated below, as may be changed from time to time by mutual agreement between SWCOG and Local Government
  
- The SWCCOG shall be responsible for:
  - Quarterly billing in advance of usage to ISP
  - Yearly remittance to Local Government in arrears
  - Executing and managing DFL's on behalf of Local Government
  - Provide Local Government with copy of executed DFL's.
  
- Lease rate of Dark Fiber Links shall be \$110.00/mile per month, two strand minimum, rounded up to the nearest whole number with respect to miles. This amount may change by mutual agreement of SWCCOG and Local Government.

Local Government agrees to conduct all negotiations for the SCAN non-excluded DFL's only through SWCCOG, and to refer to SWCCOG all communications received in any form from ISP's with respect to prospective leasing of the SCAN DFL's, during the term, and any renewal, of this MOU.

# Title VI Policy

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: 5 August 2016

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Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance. The CDOT Division of Transit and Rail requires subrecipients of federal funds to submit a Title VI Plan that documents procedures used for complying with FTA's Title VI requirements to ensure non-discrimination in the recipient's services, programs, and activities.

The SWCCOG currently receives and has applied for future funding for the Regional Transit Coordinating Council (RTCC) from the CDOT Division of Transit and Rail. The attached policy was developed using a template provided by CDOT.

***Fiscal Impact:*** None

***Staff Recommendation:*** Approve the Title VI Policy

**Southwest Colorado Council of Governments**

# **Title VI Program**



**DRAFT**

**Planned Adopted July 8, 2016**

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## **TITLE VI PROGRAM**

### **PART I.**

#### **General Title VI Requirements for All Grant Partners**

##### **BACKGROUND**

The Southwest Colorado Council of Governments is responsible for the oversight of the Regional Transit Coordinating Council, which encompasses the Southwest Colorado region that includes Archuleta, Dolores, La Plata, Montezuma and San Juan Counties. The Regional Transit Coordinating Council works with regional transit and human services providers to guarantee that each organization has the resources and information needed to operate efficiently and effectively, this includes coordination for regional transportation planning and policy development.

##### **NOTICE TO THE PUBLIC**

SWCCOG's notice to the public is attached as Appendix A.

##### **COMPLAINT INSTRUCTIONS AND FORM**

SWCCOG's complaint procedures are attached as Appendix C. A copy of SWCCOG's complaint form is attached as Appendix D. The complaint procedures and form are available at [www.swccog.org](http://www.swccog.org).

##### **TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS**

Not applicable.

##### **PUBLIC PARTICIPATION ELEMENT**

The SWCCOG encourages public input and involvement from all residents or their representatives. The SWCCOG posts agendas for all meetings, which are open to the public, at the SWCCOG offices and on the SWCCOG website at [www.swccog.org](http://www.swccog.org). Generally, SWCCOG meetings are held in downtown Durango, Colorado, which is centrally located in the SWCCOG's region. Occasionally meetings will be held in other locations throughout the region. Care is taken to ensure all meeting locations are accessible. Video and/or phone conferencing is also available for all SWCCOG meetings.

The SWCCOG, through the Regional Transit Coordinating Council, has actively sought to coordinate with health and human service providers, and educational and community organizations to maximize diversity of representation. SWCCOG staff is available to address community organizations as requested. SWCCOG staff fields inquiries from the public regarding transportation projects and other planning activities. SWCCOG frequently updates its website to allow residents to learn about and follow SWCCOG activities. While LEP persons are encouraged to participate directly in SWCCOG's regional activities, they are often more engaged at the local level with SWCCOG member governments or in association with local projects. This type of engagement is critical, as the feedback received at the local level can then be communicated to SWCCOG's regional programs.

## LIMITED ENGLISH PROFICIENCY (LEP) ELEMENT

It is and shall be the policy of the Southwest Colorado Council of Governments to provide timely meaningful access for limited English Proficiency persons to SWCCOG programs and activities. The SWCCOG will take reasonable steps to ensure that persons with limited English Proficiency (LEP) have meaningful access and opportunity to participate in our services, activities, and programs. A summary of the number and percentage of population that “speaks English less than very well” in the Southwest Colorado 5-County region is presented below:

Data Category	Archuleta			Dolores			La Plata			Montezuma			San Juan			5-County Region		
	Total #	% of Population	% of LEP Population	Total #	% of Population	% of LEP Population	Total #	% of Population	% of LEP Population	Total #	% of Population	% of LEP Population	Total #	% of Population	% of LEP population			
Total Population (5 years old & older)	11,516	100.0%		1,671	100.0%		49,689	100.0%		23,997	10000.0%		623	100.0%				87,496
Population Speaking English "Well" "Not Well" or "Not at All"	276	2.4%		2	0.0%		731	1.5%		495	2.1%		12	1.9%				1516
Population Speaking English "Well" "Not Well" or "Not at All"																		
Spanish	176	1.5%	64%	0	0.0%	0%	524	1.1%	72%	272	1.1%	55%	12	1.9%	100%	984	1.1%	65%
Other Indo-European	75	0.7%	27%	0	0.0%	0%	103	0.2%	14%	47	0.2%	9%	0	0.0%	0%	225	0.3%	15%
Asian and Pacific Islander	25	0.2%	9%	2	0.1%	100%	35	0.1%	5%	73	0.3%	15%	0	0.0%	0%	135	0.2%	9%
Other	0	0.0%	0%	0	0.0%	0%	69	0.1%	9%	103	0.4%	21%	0	0.0%	0%	172	0.2%	11%
Total	276	2.4%	100%	2	0.0%	100%	731	1.5%	100%	495	2.1%	100%	12	1.9%	100%	1516	1.7%	100%

Source: U.S. Census American Community Survey 2010-2014 estimates, population 5 years old and older, speaking another language in the home, who speak English

If information is needed in another language, contact [info@swccog.org](mailto:info@swccog.org)  
 Si se necesita información en otro idioma, contacto [info@swccog.org](mailto:info@swccog.org)

### PLANNING AND ADVISORY BOARDS

The SWCCOG is responsible for the oversight of the Regional Transit Coordinating Council. Membership on the Regional Transit Coordinating Council is voluntary and not specifically designated at this time. Information relative to racial makeup of the Transit Council will be updated if/when the membership of the committee is formalized. The SWCCOG, through the Regional Transit Coordinating Council, has actively sought to coordinate with health and human service providers, and educational and community organizations to maximize diversity of representation.

### FACILITY LOCATION EQUITY ANALYSIS

The SWCCOG has not constructed any facilities in the past three years.

#### PART II.

#### REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS ONLY

Not applicable.

#### PART III.

#### METROPOLITAN PLANNING ORGANIZATIONS (MPOs) ONLY

Not applicable.



## **APPENDICES**

Appendix A: Notice to The Public (English and Spanish versions)

Appendix B: Complaint/Investigations Table

Appendix C: Complaint Procedure

Appendix D: Complaint Form

Appendix E: Sample Service Standards for Fixed Route Provider

Appendix F: Sample Policies for Fixed Route Provider

Appendix G: Staff LEP survey

## **APPENDIX A**

### **Notice to Beneficiaries (English)**

#### **Notifying the Public of Rights under Title VI**

##### **Southwest Colorado Council of Governments**

The Southwest Colorado Council of Governments operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Southwest Colorado Council of Governments.

For more information on the Southwest Colorado Council of Government's civil rights program and the procedures to file a complaint, contact 970-779-4592; email [info@swccog.org](mailto:info@swccog.org); or visit [www.swccog.org](http://www.swccog.org).

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE Washington, DC 20590

If information is needed in another language, contact [info@swccog.org](mailto:info@swccog.org)

Si se necesita información en otro idioma, contacto [info@swccog.org](mailto:info@swccog.org)

**APPENDIX B**

**INVESTIGATIONS/COMPLAINTS CHART**

<b>Type</b>	<b>Date</b>	<b>Summary (basis)</b>	<b>Status</b>	<b>Action(s) taken</b>
<b>Complaints and Investigations Naming the recipient</b>				
<b>Lawsuits</b>				

## **APPENDIX C**

### **TITLE VI COMPLAINT PROCEDURE (GENERAL REQUIREMENT)**

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Southwest Colorado Council of Governments (hereinafter referred to as “SWCCOG”) may file a Title VI complaint by completing and submitting the SWCCOG’s Title VI Complaint Form. The SWCCOG investigates complaints received no more than 180 days after the alleged incident. The SWCCOG will process complaints that are complete.

Once the complaint is received, the SWCCOG will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

Most complaints will be investigated within 60 days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 2059

If information is needed in another language, contact [info@swccog.org](mailto:info@swccog.org)  
Si se necesita información en otro idioma, contacto [info@swccog.org](mailto:info@swccog.org)

**APPENDIX D**

**SAMPLE TITLE VI COMPLAINT FORM (GENERAL REQUIREMENT)**

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
Name of agency complaint is against:				
Contact person:				
Title:				
Telephone number:				
I believe the discrimination I experienced was based on (check all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. _____ _____				



**APPENDIX E**

**SERVICE STANDARDS (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)**

Not applicable

**APPENDIX F**

**SERVICE POLICIES (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)**

Not applicable



**APPENDIX G**  
**STAFF LEP SURVEY**

The Southwest Colorado Council of Governments is studying the language assistance needs of its clients so that we can better serve, communicate, and increase access with Limited English Proficient persons. Please complete the following survey and return it to Miriam Gillow-Wiles, Executive Director by \_\_\_\_\_, 2016.

How often do you come into contact with persons who do not speak English or have trouble understanding you when you speak English to them? (Circle one)

Daily

Weekly

Monthly

Less frequently than monthly

What languages are spoken? Please list.

What languages other than English do you understand or speak?

Would you be willing to serve as a translator when needed?