



Regular Board Meeting Agenda

Thursday, 9 December 2021
1:30 – 4:00 pm

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

- I. Introductions
- II. Public Comment – 5 minutes per person
- III. Consent Agenda
 - a. October 2021 Board Minutes
 - b. September and October 2021 Financials
- IV. Presentation
- V. Discussion Items
- VI. Public Hearing for Fiscal Year 2022 Budget
- VII. Decision Items
 - a. Final 2022 Budget
 - b. 2021 Budget Amendment
 - c. Transition Plan
 - d. 2022 Meeting Dates
 - e. Grant Applications
 - f. MOU with Onward! A Community Foundation
 - g. Executive Committee Selection
 - h. Letters of Support Ratification
- VIII. Reports

Staff will be available for questions on the written reports

 - a. Attend Report
 - b. Director's Report
 - c. Broadband Report
 - d. Fiscal Administration Report
 - e. Grant Updates
 - f. Transportation/Transit Report
- IX. Community Updates (time permitting)

Introductions

Public Comment

Please limit comments to 5 minutes per person

Consent Agenda

**Southwest Colorado Council of Governments
October Board Meeting
Thursday, 14 October, 2021, 1:30 p.m.
Video Conference**

In Attendance:

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

Staff in Attendance:

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

Guests in Attendance:

Laura Vanoni – Archuleta County
Mike Segrest – La Plata County
John Whitney – Senator Bennet's Office

Introductions

The meeting was called to order at 1:36p.m.

Public Comment

None.

Consent Agenda

- a. September 2021 SWCCOG Meeting Minutes
- b. August 2021 Financials

Willy Tookey motioned to approve the consent agenda, Alvin Schaaf seconded, unanimously approved.

Decision Items

- a. Additional Staffing Needs

Miriam explained that the COG has consistently been understaffed and believes the organization could be more successful with additional staff support. She described why a general project coordinator may be more appropriate than someone specific to broadband. Andrea asked if the intent is to move forward with this even if the grants are not awarded. Miriam replied that although there are continuously new projects, if additional projects did not move forward that would impact the necessity. Andrea asked what the potential impact would be to dues. Miriam replied she would get an estimate. There was discussion about changing the budget requests for the member jurisdictions. Marsha asked about the timing for award

notifications. Miriam replied most should be decided by the end of the year. Olivier asked what the typical process is for this type of request. There was discussion about providing notification to the member jurisdictions. There was discussion about the potential for increased dues if grants end in the future. Miriam clarified that this is intended as a one-time request. Mike Lavey mentioned that Cortez will be considering membership for 2022. Olivier requested additional information for Durango. Staff will provide additional information for the member jurisdictions.

b. MOU with Regional Housing Alliance of La Plata County

Miriam described the purpose for an updated contract is that the RHA is being reinvigorated and is preparing to move to new staffing structure. Marsha added that this was vetted at the last RHA meeting. Mark added that the additional work is being compensated.

Alvin Schaaf motioned to approve the contract between the SWCCOG and the Regional Housing Alliance of La Plata County, Willy Tookey seconded, unanimously approved.

c. Letter of Support Ratification – Axis Health Care

Miriam explained that Axis Health approached the SWCCOG for a letter of support for a USDA grant to expand the Cortez clinic, due to the timing of the grant the executive committee authorized the letter with ratification to be requested. There was discussion about having Axis give an update about their activities to the Board.

Olivier Bosmans motioned to ratify the letter of support, Mark Garcia seconded, unanimously approved.

Reports

Broadband report:

Miriam reported that final rules are pending for state funding and announcements for larger grants. Miriam added that the FCC had passed a number of rulings that limited local control. Mark asked about dark fiber leases and the COG's broadband plan. Miriam replied that the SWCCOG brings in quite a bit of funding through dark fiber and summarized various efforts to move broadband efforts forward. She will provide additional detail in future reports, although some specific efforts may not be appropriate as public information. Marsha asked if the broadband plan has been updated. Miriam replied this has not been updated, though generally the underserved areas remain underserved. She added that the report is specific to middle mile while some of the more recent efforts have been focused on to-the-premise. Miriam suggested that she could break down the priorities identified in the plan in relation to the COG's priorities and progress. Mike Segrest asked why fiber is not mapped through GIS. Miriam replied most fiber is privately owned and often not provided for public information. Miriam elaborated on additional issues that this causes related to government not having this information. There was discussion about challenges with not having this information. Miriam mentioned that jurisdictions can have requirements included in their codes to require additional conduit placement and notification of location of fiber when placed in the rights of way. Miriam added that the COG is a major player with broadband efforts in the region and regarding legislative matters.

Fiscal update:

Jessica summarized the status of various projects.

Grant report:

Miriam reported that the RHA and the SWCCOG were awarded funds for digitization of files. The SWCCOG was awarded a DOLA REDI grant to support the Montezuma Orchard Restoration Project. Mark asked for additional detail about the remote readiness grant. Miriam replied that staff has been working with the Durango Adult Education Center on literacy classes and is beginning discussions with the Cortez Chamber of Commerce related to a location for

additional classes. She added that staff is working with RCAC for technical assistance for Spanish language business development.

Transportation report:

Jessica summarized the SWTPR meeting and the status of the mobility hub project. Mark mentioned there was an update on the greenhouse gas rulemaking process during the SWTPR meeting and the comment period has been extended.

Community updates

Olivier asked about the negative balance. Miriam this is due to a delay waiting for several large grant reimbursements. Olivier asked for follow-up on the letter regarding regional housing planning. Miriam mentioned that staff is nearly complete with the grant and awaiting commitment letters prior to submission. Olivier asked if there was a plan to have more information and action by the COG on housing issues. Marsha mentioned that the COG formed a housing subcommittee and that may be the appropriate forum for higher level detail. She asked about the intent to have a discussion about the strategies identified by Root Policy. Miriam suggesting including reports from the subcommittee on the Board packets. Mark asked if this is related to the housing code analysis grant. Miriam clarified that this is not just a code analysis, it would also include specific analysis. There was discussion about various efforts to compile specific analysis. Andrea mentioned that the housing subcommittee had discussed ties with transportation. She added that they have representatives from Archuleta and La Plata Counties, and it may be helpful to have representation from other parts of the region. Marsha asked how to manage the Root Policy strategies. Miriam replied that the housing subcommittee could play a role, but it is important to recognize that the COG could not implement all the strategies.

John reported that there has been some back and forth on the infrastructure and the budget bills, the budget bill is expected to be significantly reduced. He described the current expectation on various elements. He reported that they have not yet heard about the Congressionally Directed Spending requests. Bears Ears National Monument has been restored. John mentioned that the funding bill efforts would be funded by high income individuals and companies. David pointed out that this is a 10-year bill. Marsha asked if there are housing related grants anticipated. John replied there are efforts underway, but it is hard to say what would be cut. John described some of the current challenges, he will send out a joint document from CCI and CML.

Shari reported the Town of Pagosa Springs has a new council member. Sales tax is strong. The draft budget has been presented. They are working on workforce housing and improvements to the sanitation system.

Marsha reported La Plata County is working on an update to oil and gas regulations to incorporate state rules. They are working on the opioid settlement. They are working on a partnership with the City of Durango and Durango Fire and Rescue for mitigation around Durango.

Willy reported that San Juan County is getting snow. Sales tax is up more than 50% from last year.

Gloria reported the Town of Silverton had a special election, during which they lost power and had significant snowfall, the result was there were no recalls and AHVs have been banned effective immediately. They received a grant for various downtown business improvements.

Alvin reported that Archuleta County's sales tax is trending down, but still up overall. They are working on a building for the Assessor and Treasurer.

Olivier reported the City of Durango's sales tax is good. They are having budget discussions, fund balances are good, and there are a number of capital improvement projects. He provided an update on efforts to increase housing units.

Mark reported the Town of Ignacio is wrapping up the intersection project at Goddard and Becker. They are working on housing. Sales tax is strong, they are working on the budget, currently awaiting some direction.

David reported the Town of Bayfield's sales tax is up. They are working on the CR 501 trail project.

The meeting was adjourned at 3:40 p.m.

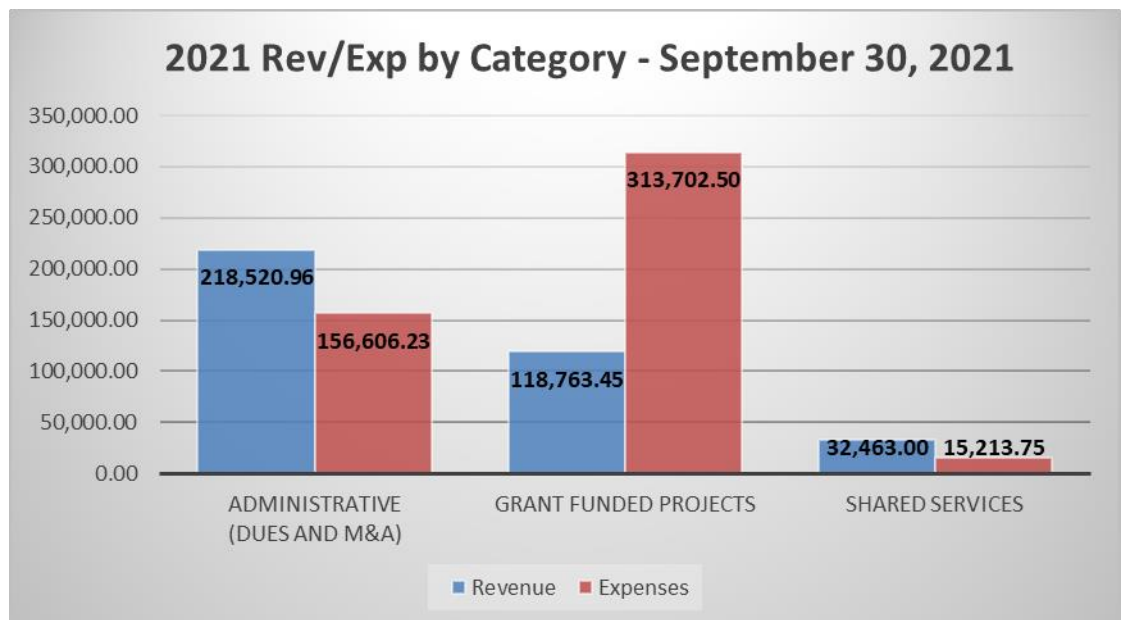
September 2021 Financials

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 9 December 2021

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

Summary:

The net income in September 2021 is negative. This is due to two large grants recently ending with the reimbursements associated with these activities pending.



Fiscal Impact: High, overall financial status of the organization

Legal Review: Not applicable

Staff Recommendation: Approve the September 2021 Financials

Southwest Colorado Council of Governments

Balance Sheet

As of September 30, 2021

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Alpine Bank	0.00
Alpine Bank Account (UR)	-17,821.76
Fiber Equip Fund - Restricted	0.00
Total Alpine Bank	-17,821.76
Petty Cash	22.97
AmeriCorps VISTA	95.10
Jessica Laitsch	0.00
Total Petty Cash	118.07
Total Bank Accounts	\$ -17,703.69
Accounts Receivable	
Accounts Receivable	123,757.10
Total Accounts Receivable	\$123,757.10
Other Current Assets	
Prepaid Expense	0.00
Undeposited Funds	3,242.87
Total Other Current Assets	\$3,242.87
Total Current Assets	\$109,296.28
TOTAL ASSETS	\$109,296.28

Southwest Colorado Council of Governments

Balance Sheet

As of September 30, 2021

	TOTAL
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	67,688.49
Total Accounts Payable	\$67,688.49
Credit Cards	
Credit Cards	0.00
Jessica	2,171.78
Miriam	327.24
Sara	0.00
Total Credit Cards	2,499.02
Total Credit Cards	\$2,499.02
Other Current Liabilities	
Accrued Wages	0.00
Deferred Revenue	0.00
Payroll Liabilities	1,347.21
457 Retirement Due	5,767.07
CEBT Health Insurance Due	-1,667.13
Total Payroll Liabilities	5,447.15
Total Other Current Liabilities	\$5,447.15
Total Current Liabilities	\$75,634.66
Total Liabilities	\$75,634.66
Equity	
Opening Balance Equity	0.00
Retained Earnings	26,991.28
Net Income	6,670.34
Total Equity	\$33,661.62
TOTAL LIABILITIES AND EQUITY	\$109,296.28

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

	Total			
	Actual	Budget	Remaining	% Received
Income				
Dues Revenue				
COG Dues	164,205.00	137,081.00	-27,124.00	119.79%
SWTPR Contributions	5,914.00	5,342.00	-572.00	110.71%
Total Dues Revenue	\$ 170,119.00	\$ 142,423.00	-\$ 27,696.00	119.45%
Grant Project Income				
All Hazards	13,272.25	156,900.00	143,627.75	8.46%
CDOT Grants				
SWTPR Grant	1,456.46	11,050.00	9,593.54	13.18%
Transit FTA 5310	5,781.00	16,000.00	10,219.00	36.13%
Total CDOT Grants	\$ 7,237.46	\$ 27,050.00	\$ 19,812.54	\$ 0.27
Colorado Health Foundation	32,542.71	0.00	-32,542.71	
DoLA Grants				
DOLA 8824 - 2019 TA		50,000.00	50,000.00	0.00%
DOLA 9149 - 2020 TA		35,000.00	35,000.00	0.00%
DOLA 9318 - 2021 TA		49,000.00	-5.85	0.00%
REDI 20-204	43,000.00	86,000.00	43,000.00	50.00%
Total DoLA Grants	\$ 43,000.00	\$ 220,000.00	\$ 177,000.00	19.55%
RREO Grant		0.00	0.00	
SWIMT	22,711.03	36,375.00	13,663.97	62.44%
Total Grant Project Income	\$ 118,763.45	\$ 440,325.00	\$ 321,561.55	26.97%
Misc Income	1,170.00		-1,170.00	
Project Administration				
All Hazards M&A	7,194.45	3,100.00	-4,094.45	232.08%
CARO		880.00	-6,692.00	0.00%
CDOT Other		24,500.00	-3,825.00	0.00%
Housing Project	13,500.00	5,000.00	-8,500.00	270.00%
RHA	10,000.00	10,000.00	0.00	100.00%
Rural Community Assistance		15,000.00	15,000.00	0.00%
SJRC&D	5,050.50	10,000.00	4,949.50	50.51%
SWIMT	2,271.11	3,625.00	1,353.89	62.65%
SWTPR	4,803.90	11,050.00	6,246.10	43.47%
Transit Coordination Grant	4,412.00	14,088.00	9,676.00	31.32%
Total Project Administration	\$ 47,231.96	\$ 97,243.00	\$ 50,011.04	48.57%
SCAN Services				
Aggregation of Connectivity	7,902.00	15,684.00	7,782.00	50.38%
Contract Sharing	1,200.00	0.00	-1,200.00	
Dark Fiber Leasing	23,181.00	49,674.00	26,493.00	46.67%
Telecom Services	180.00	360.00	180.00	50.00%
Total SCAN Services	\$ 32,463.00	\$ 65,718.00	\$ 33,255.00	49.40%
Total Income	\$ 369,747.41	\$ 745,709.00	\$ 375,961.59	49.58%

	Actual	Budget	Remaining	% Spent
Expenses				
Administrative Costs				
Operating Expenses				
Advertising and Promotion	75.04	200.00	124.96	37.52%
Bank Service Charge	-1.37	200.00	201.37	-0.69%
Conference Fee		1,500.00	1,500.00	0.00%
Consulting	56.25	7,500.00	7,443.75	0.75%
Employee/Board Appreciation		100.00	100.00	0.00%
Information Technology (IT)				
Hardware	2,106.18	1,400.00	-706.18	150.44%
Software	2,421.80	3,278.00	856.20	73.88%
Total Information Technology (IT)	\$ 4,527.98	\$ 4,678.00	\$ 150.02	96.79%
Internet Connectivity		2,340.00		
Meetings	58.74	1,000.00	941.26	5.87%
Memberships	3,800.00	4,848.00	1,048.00	78.38%
Misc Expense	51.68			
Office Supplies	1,624.01	850.00	-774.01	191.06%
Postage and Delivery		80.00	80.00	0.00%
Professional Development	845.00	2,000.00	1,155.00	42.25%
Professional Fees				
Audit	6,500.00	6,300.00	-200.00	103.17%
Legal	2,574.00	7,000.00	4,426.00	36.77%
Misc.		250.00	250.00	0.00%
Total Professional Fees	\$ 9,074.00	\$ 13,550.00	\$ 4,476.00	66.97%
Rent	6,300.00	8,400.00	2,100.00	75.00%
Travel		6,250.00	6,250.00	0.00%
Total Operating Expenses	\$ 26,411.33	\$ 53,496.00	\$ 27,084.67	49.37%
Personnel Expense				
Insurance Expense				
General Liability	1,948.89	1,958.00	9.11	99.53%
Health	10,494.91	15,885.00	5,390.09	66.07%
Worker's Compensation	1,438.00	1,432.00	-6.00	100.42%
Total Insurance Expense	\$ 13,881.80	\$ 19,275.00	\$ 5,393.20	72.02%
Salary and Wages	99,799.22	130,689.52	30,890.30	76.36%
457 Retirement	3,820.16	5,227.58	1,407.42	73.08%
Car Allowance	2,700.00	3,600.00	900.00	75.00%
Cell Phone Allowance	900.00	1,200.00		
Payroll Processing Fee	1,360.07	1,925.00	564.93	70.65%
Payroll Tax	7,733.65	11,173.95	3,440.30	69.21%
Total Salary and Wages	\$ 116,313.10	\$ 153,816.05	\$ 37,502.95	75.62%
Total Personnel Expense	\$ 130,194.90	\$ 173,091.05	\$ 42,896.15	75.22%
Total Administrative Costs	\$ 156,606.23	\$ 226,587.05	\$ 69,980.82	69.12%
Project Costs				
All Hazards Projects	119,299.34	156,900.00	37,600.66	76.04%
Grant Funded Consulting	134,356.10	282,000.00	147,643.90	47.64%
Local Foods	32,542.71	0.00	-32,542.71	

	Actual	Budget	Remaining	% Spent
Shared Services Expenses				
Fast Track	4,950.00	6,600.00	1,650.00	75.00%
Forethought.	9,315.00	12,000.00	2,685.00	77.63%
SCAN Dark Fiber Lease	948.75	11,698.50	10,749.75	8.11%
Total Shared Services Expenses	\$ 15,213.75	\$ 30,298.50	\$ 15,084.75	50.21%
SWIMT	24,436.05	36,375.00	11,938.95	67.18%
SWTPR	3,068.30	11,050.00	7,981.70	27.77%
Total Project Costs	\$ 328,916.25	\$ 516,623.50	\$ 187,707.25	63.67%
Total Expenses	\$ 485,522.48	\$ 743,210.55	\$ 257,688.07	65.33%
Net Income	-\$ 115,775.07	\$ 2,498.45		

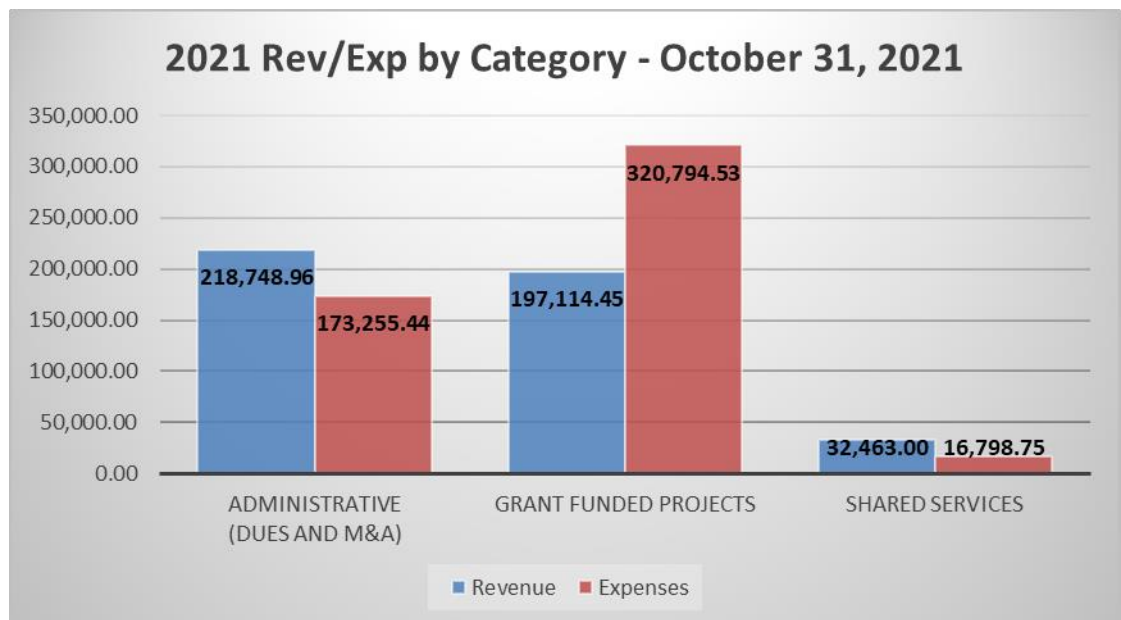
October 2021 Financials

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 9 December 2021

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

Summary:

The net income in October 2021 is negative. This is due to two large grants recently ending with the reimbursements associated with these activities pending.



Fiscal Impact: High, overall financial status of the organization

Legal Review: Not applicable

Staff Recommendation: Approve the October 2021 Financials

Southwest Colorado Council of Governments

Balance Sheet

As of October 31, 2021

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Alpine Bank	0.00
Alpine Bank Account (UR)	21,854.82
Fiber Equip Fund - Restricted	0.00
Total Alpine Bank	21,854.82
Petty Cash	22.97
AmeriCorps VISTA	95.10
Jessica Laitsch	0.00
Total Petty Cash	118.07
Total Bank Accounts	\$21,972.89
Accounts Receivable	
Accounts Receivable	58,368.75
Total Accounts Receivable	\$58,368.75
Other Current Assets	
Prepaid Expense	0.00
Undeposited Funds	0.00
Total Other Current Assets	\$0.00
Total Current Assets	\$80,341.64
TOTAL ASSETS	\$80,341.64

Southwest Colorado Council of Governments

Balance Sheet

As of October 31, 2021

	TOTAL
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	49,817.33
Total Accounts Payable	\$49,817.33
Credit Cards	
Credit Cards	0.00
Jessica	2,826.19
Miriam	389.56
Sara	0.00
Total Credit Cards	3,215.75
Total Credit Cards	\$3,215.75
Other Current Liabilities	
Accrued Wages	0.00
Deferred Revenue	0.00
Payroll Liabilities	1,347.21
457 Retirement Due	6,303.24
CEBT Health Insurance Due	-1,867.92
Total Payroll Liabilities	5,782.53
Total Other Current Liabilities	\$5,782.53
Total Current Liabilities	\$58,815.61
Total Liabilities	\$58,815.61
Equity	
Opening Balance Equity	0.00
Retained Earnings	26,991.28
Net Income	-5,465.25
Total Equity	\$21,526.03
TOTAL LIABILITIES AND EQUITY	\$80,341.64

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

	Total			
	Actual	Budget	Remaining	% Received
Income				
Dues Revenue				
COG Dues	164,205.00	137,081.00	-27,124.00	119.79%
SWTPR Contributions	5,914.00	5,342.00	-572.00	110.71%
Total Dues Revenue	\$ 170,119.00	\$ 142,423.00	-\$ 27,696.00	119.45%
Grant Project Income				
All Hazards	89,547.25	156,900.00	67,352.75	57.07%
CDOT Grants				
SWTPR Grant	1,456.46	11,050.00	9,593.54	13.18%
Transit FTA 5310	7,857.00	16,000.00	8,143.00	49.11%
Total CDOT Grants	\$ 9,313.46	\$ 27,050.00	\$ 17,736.54	\$ 0.34
Colorado Health Foundation	32,542.71	0.00	-32,542.71	
DoLA Grants				
DOLA 8824 - 2019 TA		50,000.00	50,000.00	0.00%
DOLA 9149 - 2020 TA		35,000.00	35,000.00	0.00%
DOLA 9318 - 2021 TA		49,000.00	-5.85	0.00%
REDI 20-204	43,000.00	86,000.00	43,000.00	50.00%
Total DoLA Grants	\$ 43,000.00	\$ 220,000.00	\$ 177,000.00	19.55%
RREO Grant		0.00	0.00	
SWIMT	22,711.03	36,375.00	13,663.97	62.44%
Total Grant Project Income	\$ 197,114.45	\$ 440,325.00	\$ 243,210.55	44.77%
Misc Income	1,170.00		-1,170.00	
Project Administration				
All Hazards M&A	7,194.45	3,100.00	-4,094.45	232.08%
CARO		880.00	-6,692.00	0.00%
CDOT Other		24,500.00	-3,825.00	0.00%
Housing Project	13,500.00	5,000.00	-8,500.00	270.00%
RHA	10,000.00	10,000.00	0.00	100.00%
Rural Community Assistance		15,000.00	15,000.00	0.00%
SJRC&D	5,050.50	10,000.00	4,949.50	50.51%
SWIMT	2,271.11	3,625.00	1,353.89	62.65%
SWTPR	4,803.90	11,050.00	6,246.10	43.47%
Transit Coordination Grant	4,640.00	14,088.00	9,448.00	32.94%
Total Project Administration	\$ 47,459.96	\$ 97,243.00	\$ 49,783.04	48.81%
SCAN Services				
Aggregation of Connectivity	7,902.00	15,684.00	7,782.00	50.38%
Contract Sharing	1,200.00	0.00	-1,200.00	
Dark Fiber Leasing	23,181.00	49,674.00	26,493.00	46.67%
Telecom Services	180.00	360.00	180.00	50.00%
Total SCAN Services	\$ 32,463.00	\$ 65,718.00	\$ 33,255.00	49.40%
Total Income	\$ 448,326.41	\$ 745,709.00	\$ 297,382.59	60.12%

	Actual	Budget	Remaining	% Spent
Expenses				
Administrative Costs				
Operating Expenses				
Advertising and Promotion	75.04	200.00	124.96	37.52%
Bank Service Charge	-1.37	200.00	201.37	-0.69%
Conference Fee		1,500.00	1,500.00	0.00%
Consulting	56.25	7,500.00	7,443.75	0.75%
Employee/Board Appreciation		100.00	100.00	0.00%
Information Technology (IT)				
Hardware	2,106.18	1,400.00	-706.18	150.44%
Software	2,489.12	3,278.00	788.88	75.93%
Total Information Technology (IT)	\$ 4,595.30	\$ 4,678.00	\$ 82.70	98.23%
Internet Connectivity		2,340.00		
Meetings	58.74	1,000.00	941.26	5.87%
Memberships	3,800.00	4,848.00	1,048.00	78.38%
Misc Expense	51.68			
Office Supplies	1,624.01	850.00	-774.01	191.06%
Postage and Delivery		80.00	80.00	0.00%
Professional Development	845.00	2,000.00	1,155.00	42.25%
Professional Fees				
Audit	6,500.00	6,300.00	-200.00	103.17%
Legal	2,646.00	7,000.00	4,354.00	37.80%
Misc.		250.00	250.00	0.00%
Total Professional Fees	\$ 9,146.00	\$ 13,550.00	\$ 4,404.00	67.50%
Rent	7,000.00	8,400.00	1,400.00	83.33%
Travel	684.44	6,250.00	5,565.56	10.95%
Total Operating Expenses	\$ 27,935.09	\$ 53,496.00	\$ 25,560.91	52.22%
Personnel Expense				
Insurance Expense				
General Liability	1,948.89	1,958.00	9.11	99.53%
Health	11,617.86	15,885.00	4,267.14	73.14%
Worker's Compensation	1,438.00	1,432.00	-6.00	100.42%
Total Insurance Expense	\$ 15,004.75	\$ 19,275.00	\$ 4,270.25	77.85%
Salary and Wages	111,934.79	130,689.52	18,754.73	85.65%
457 Retirement	4,222.28	5,227.58	1,005.30	80.77%
Car Allowance	3,000.00	3,600.00	600.00	83.33%
Cell Phone Allowance	1,000.00	1,200.00		
Payroll Processing Fee	1,503.55	1,925.00	421.45	78.11%
Payroll Tax	8,654.98	11,173.95	2,518.97	77.46%
Total Salary and Wages	\$ 130,315.60	\$ 153,816.05	\$ 23,500.45	84.72%
Total Personnel Expense	\$ 145,320.35	\$ 173,091.05	\$ 27,770.70	83.96%
Total Administrative Costs	\$ 173,255.44	\$ 226,587.05	\$ 53,331.61	76.46%
Project Costs				
All Hazards Projects	119,299.34	156,900.00	37,600.66	76.04%
Grant Funded Consulting	141,266.10	282,000.00	140,733.90	50.09%
Local Foods	32,542.71	0.00	-32,542.71	

	Actual	Budget	Remaining	% Spent
Shared Services Expenses				
Fast Track	5,500.00	6,600.00	1,100.00	83.33%
Forethought.	10,350.00	12,000.00	1,650.00	86.25%
SCAN Dark Fiber Lease	948.75	11,698.50	10,749.75	8.11%
Total Shared Services Expenses	\$ 16,798.75	\$ 30,298.50	\$ 13,499.75	55.44%
SWIMT	24,458.04	36,375.00	11,916.96	67.24%
SWTPR	3,228.34	11,050.00	7,821.66	29.22%
Total Project Costs	\$ 337,593.28	\$ 516,623.50	\$ 179,030.22	65.35%
Total Expenses	\$ 510,848.72	\$ 743,210.55	\$ 232,361.83	68.74%
Net Income	-\$ 62,522.31	\$ 2,498.45		

Presentations

Discussion Items

Public Hearing for 2022 Budget

Decision Items

2022 Final Budget

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles and Jessica Laitsch
Date: 9 December 2021

Attached is the Final Budget for FY2022. The attachments include an overview of the General Fund, the General Fund revenues and expenditures with three years comparison, and the Fiber Fund revenues and expenditures with three years comparison.

Some notes and assumptions:

- Of note, is the departure of the Executive Director. This has a significant impact on the budget, however the SWCCOG staff chose to minimize changes the Administrative and Contracting components of the budget. This will allow the SWCCOG Board of Directors maximum flexibility to decide the best course of action for the organization.
- The column for the 2021 Budget includes the original approved 2021 budget without any amendments. If the amendment to the 2021 Budget is approved, future publications will include those figures.
- The dues revenue has been calculated based on Board direction at the June 2021 meeting.
- Staff has submitted and is currently working on a number of grant applications for various projects. To the extent possible, we avoided including grants that have not yet been awarded to avoid artificially inflating the numbers and ensure a clear picture of the organization's finances. Changes in 2022 may include the following grant funded projects:
 - NTIA – Construction of Broadband infrastructure
 - EDA and USDA Broadband – Construction of Broadband Infrastructure
 - FTA ICAM - Digital Mobility Hub Software Development
- Staff left the salaries the same from the draft to the final budget, even with the current Executive Director departing. This allows for maximum flexibility for the Board as it can stay in the salary line item, or it can be reallocated to consulting depending on the Board's wishes.
- Employee Benefits:
The cost of health insurance is split as follows:
 - 25% cost of employee paid by employee, 75% paid by COG
 - 50% cost of dependents paid by employee, 50% paid by COGThe retirement match remains at 4%.

Legal Review: Not Applicable, but required by State of Colorado

Fiscal Impact: Significant

Staff Recommendation: Adopt Resolutions 2021-01 and 2021-02 approving the SWCCOG Budget for Fiscal Year 2022 and appropriating sums of money for Fiscal Year 2022.



SWCCOG 2022 FINAL BUDGET

The SWCCOG was formed in December 2009 to promote regional cooperation and coordination among local governments and between levels of government for the geographic area comprising the Counties of Archuleta, Dolores, La Plata, Montezuma, and San Juan. The need for the SWCCOG is based on the recognition that the people of the Region form a single community and are bound together not only physically, but economically and socially. It is the purpose of the SWCCOG through its participating membership, staff and programs, to provide local public officials with the means of responding more effectively to the local and regional problems of this regional community.

The SWCCOG is tasked with addressing issues relevant to the well-being of Southwest Colorado, specifically related to the broad, overlapping and interconnected issues of:

- Aging
- Environment
- Housing
- Telecom
- Transportation
- Tourism

Each of these issues have significant impacts for the entire region, overlap political boundaries, and are intertwined as to each influence the others in countless ways. The SWCCOG strives to maximize regional progress across these complex issues while ensuring a judicious use of resources.

Of note, is the departure of the Executive Director. This has a significant impact on the budget, however the SWCCOG staff chose to minimize changes the Administrative and Contracting components of the budget. This will allow the SWCCOG Board of Directors maximum flexibility to decide the best course of action for the organization.

BUDGET SUMMARY

The majority of the SWCCOG's revenues and expenses are grant funded projects, either:

- Directly awarded funds for the purpose of directly or contractually working on identified goals, or
- Pass-through for projects for which we the fiscal manager, but do not directly work on the projects.

This creates budget volatility and difficulty ensuring adequate funding for operations into the future. In the interest of minimizing the uncertainty of annual fluctuations as well as to ensure we budget within our means; we generally avoid including estimated revenue and expenses for grants which have not been officially awarded. If the SWCCOG is successful in securing additional funding, we anticipate making budget adjustments as necessary.

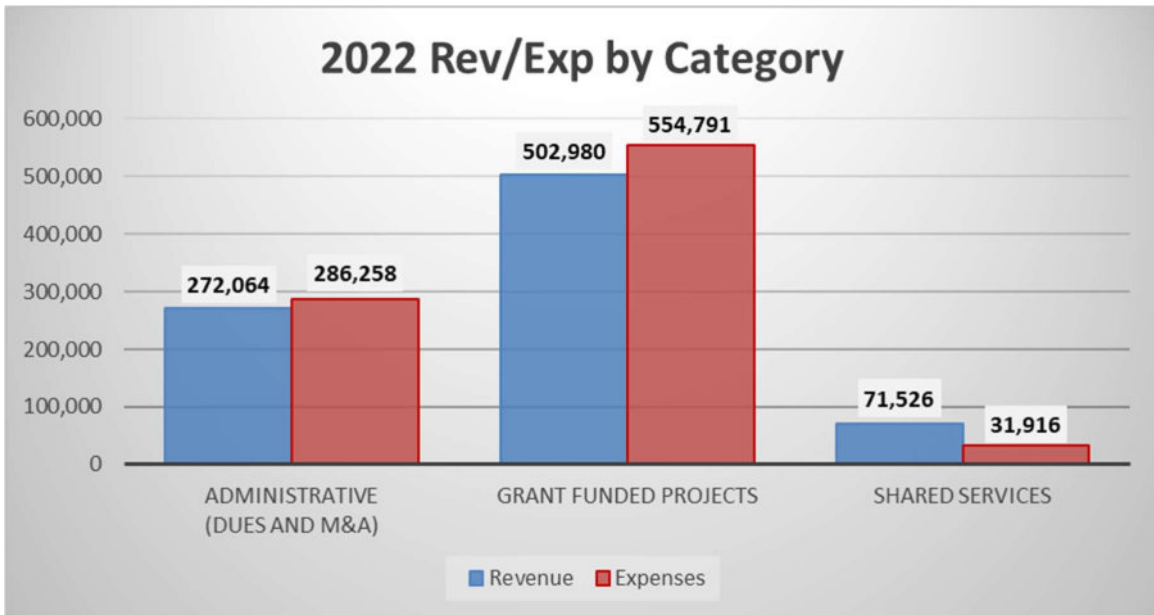
Stability for the organization results from membership dues, providing a majority of the support for general staffing and overhead costs. In 2021 the Board agreed to a modest increase in the amount of dues to be collected, the first such increase since 2018. For the 2022 budget, staff has recommended that dues be slightly reduced compared to 2021 levels. One high priority goal for 2022 is to regain former member

jurisdictions as well as to identify opportunities for enhanced collaboration with jurisdictions throughout and outside the 5-county region.

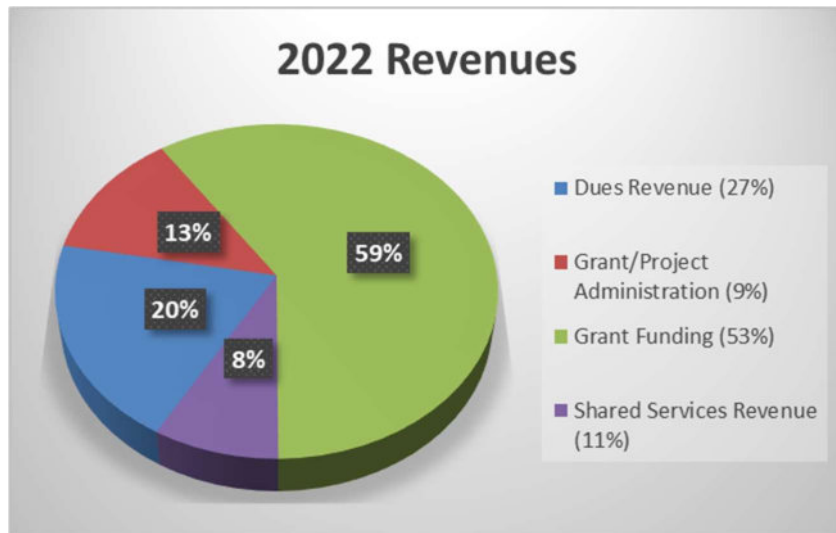
This draft budget includes the use of fund balance, with anticipated revenue of \$846,570 and anticipated expenses of \$872,965, with the expectation of additional grant awards in 2022.

CATEGORIES IN THE 2022 BUDGET

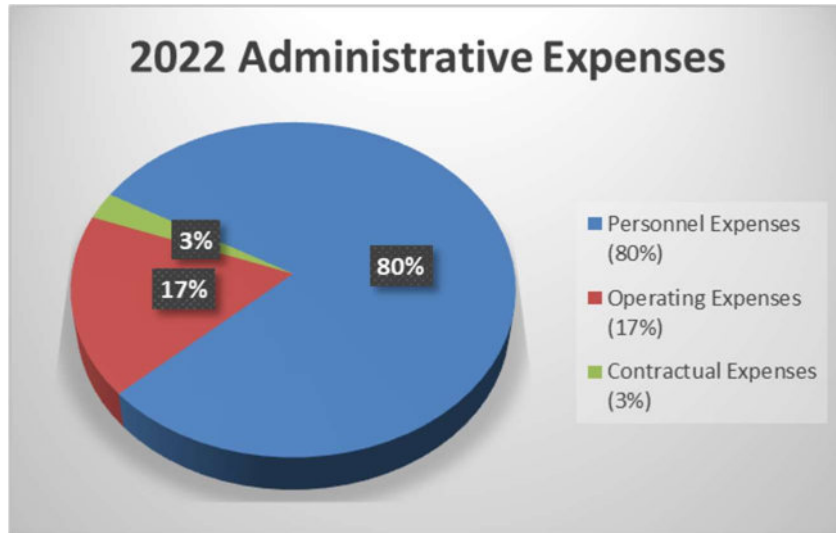
The SWCCOG’s 2022 budget can be understood in three general categories: general administrative costs, grant funded project costs, and shared services projects.



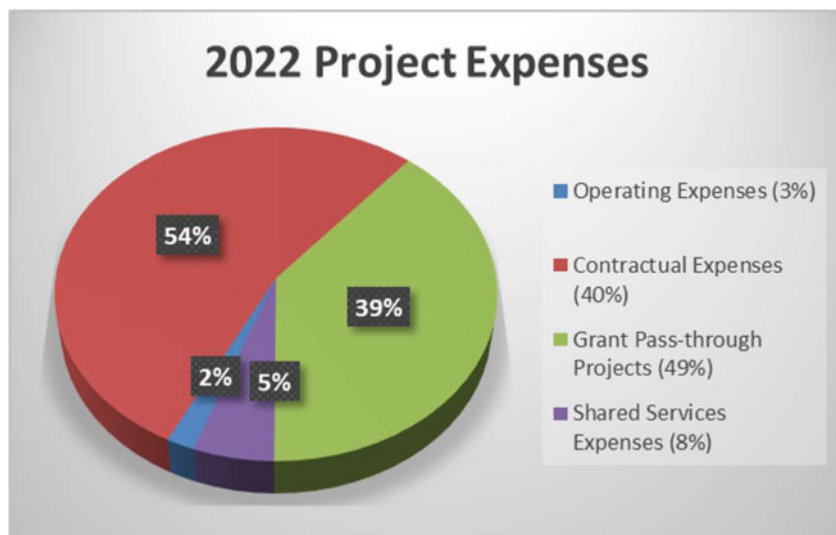
The following is a visual breakdown of the types of revenue anticipated in 2022.



The following is a visual breakdown of the types of general administrative expenses anticipated in 2022.



The following is a visual breakdown of the types of expenses related to specific projects anticipated in 2022.



ADMINISTRATIVE

The revenue related to the administrative category includes membership dues and contributions, project administration fees, and direct grant funding.

- Membership dues from SWCCOG member jurisdictions and contributions from SWTPR member jurisdictions help cover general overhead as well as meeting related costs that are not reimbursable by State grant funding.
- Project administration fees include M&A fees for large grant-funded projects such as the Southwest All Hazards Advisory Council and the Southwest Incident Management Team (SWIMT). Additionally,

this includes negotiated administrative fees for managing smaller organizations such as the Regional Housing Alliance of La Plata County and the San Juan Resource Conservation and Development Council.

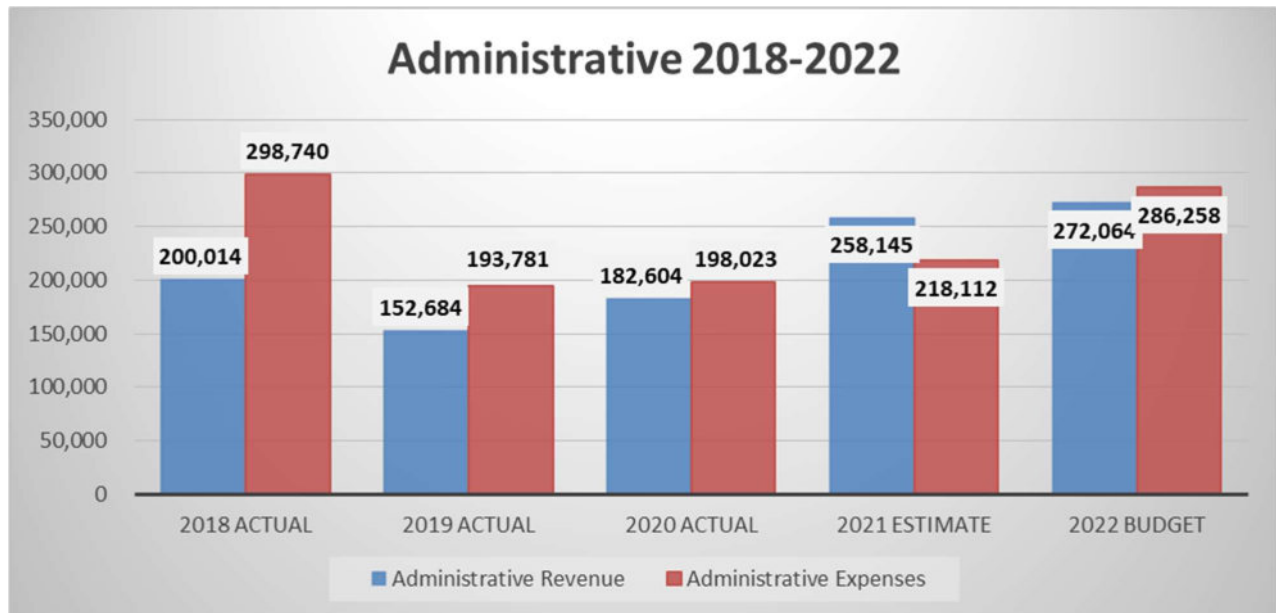
- A small number of grants provide direct funding that is eligible to cover staffing and other operating costs.

The administrative category includes standard operating costs such as personnel, operating, and non-project related contractual expenses.

- Personnel costs include salary, benefits, insurance and taxes.
- Operating costs are the general office rent, internet and software, hardware, supplies and other overhead associated with running an organization.
- Contractual expenses consist of any consulting or other professional services that are not directly related to a specific grant or other program.

Specific changes within the administrative category in 2022 include:

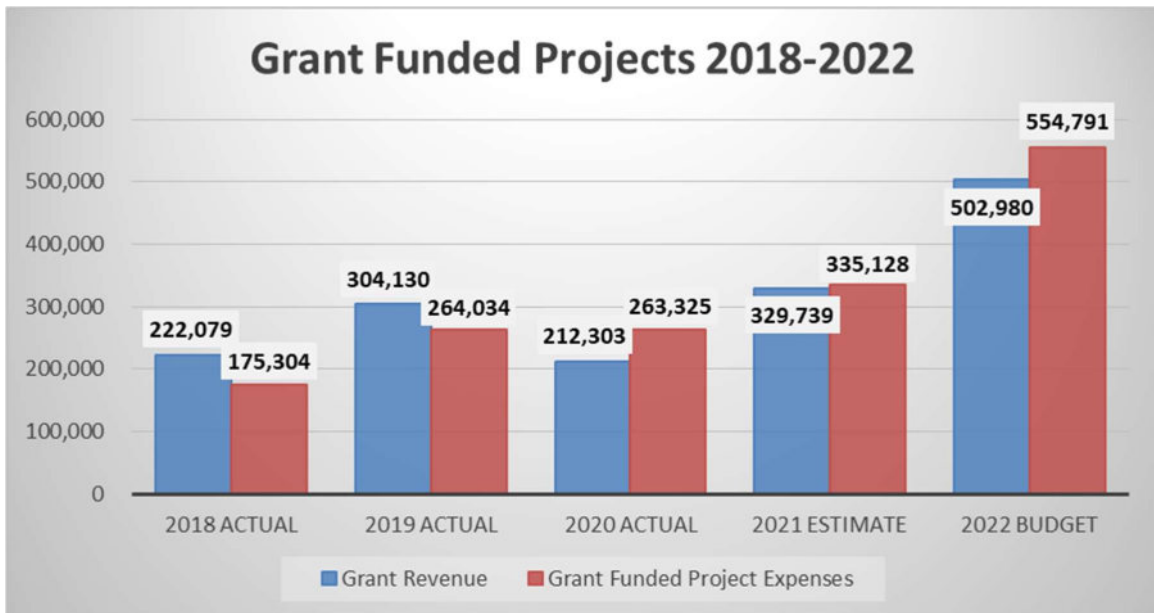
- Salaries: Staff left the salaries the same from the draft to the final budget, even with the current Executive Director departing. This allows for maximum flexibility for the Board as it can stay in the salary line item, or it can be reallocated to consulting depending on the Board’s wishes.
- Employee Benefits: The cost of health insurance is split as follows:
 - 25% cost of employee paid by employee, 75% paid by COG
 - 50% cost of dependents paid by employee, 50% paid by COG
- Retirement: The retirement match remains at 4%.



GRANT FUNDED PROJECTS

The grant funded projects category includes revenues and expenses related to:

- The projects for which the SWCCOG has secured outside funding for the purpose of furthering the organizations identified goals. Some of the specific projects in the 2022 budget include:
 - Development of local end markets for recyclables to help drive diversion from landfills and create local employment.
 - Development of a local commercial driver’s license training program to help support local businesses and potential employees.
 - A workforce development program to train residents for remote work and to support business development and entrepreneurship.
 - Collaboration with the Montezuma Orchard Restoration Project to secure funding for the construction of a 6,000 square foot building to process, store, and press apples.
- The projects for which the SWCCOG is the fiscal manager. These are generally a straight pass-through of funds. Some of the specific projects in the 2022 budget include:
 - Southwest All Hazards Advisory Council.
 - Southwest Incident Management Team (SWIMT).
 - Offsetting the cost for representatives of the SWTPR to attend meetings of the Statewide Transportation Advisory Committee (STAC).

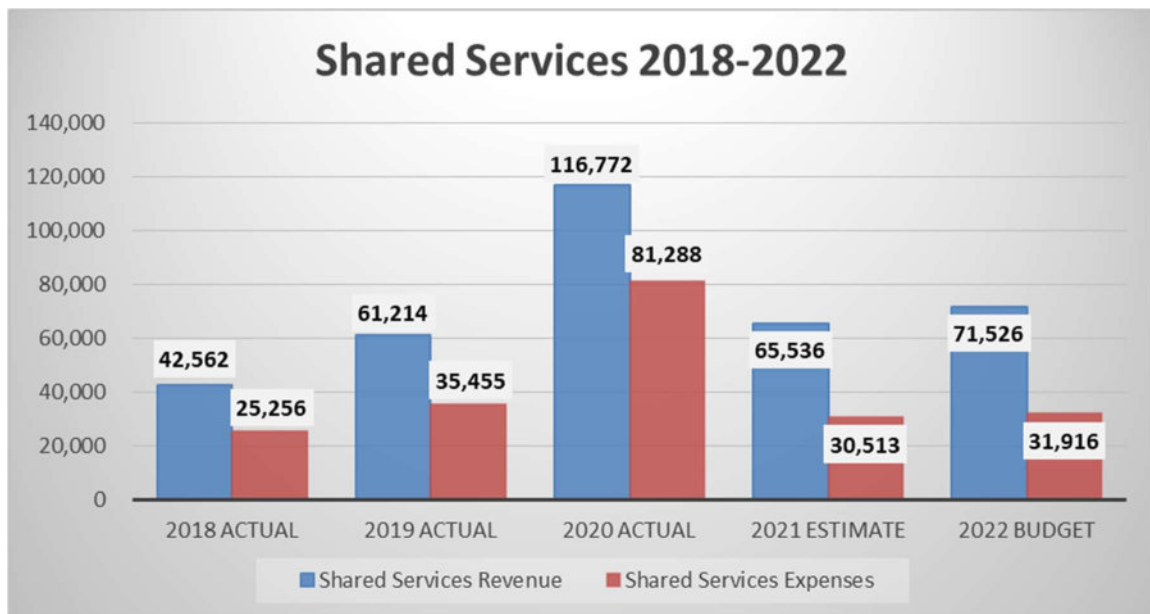


SHARED SERVICES PROJECTS

One of the primary benefits of the SWCCOG is the ability for the small communities throughout the region to band together to achieve a larger impact on important issues and to reduce costs for large-scale projects. One such project is regional internet connectivity. By scaling-up demand through joint purchase agreements, the SWCCOG has been successful in reducing the individual costs to member jurisdictions for a number of connectivity and software purchases. These include:

- Aggregation of internet connectivity.
- Reduced cost of online webinar software.

In addition to reducing costs for member jurisdictions, these types of projects provide the SWCCOG with an additional revenue stream to help offset general organizational costs, therefore limiting the cost of membership dues.



NEXT STEPS

Staff is optimistic that this plan reflects a productive year filled with opportunities to improve the state of the region. While there will be changes, challenges, and unexpected events along the way, we are excited to work with each of our partner agencies on the initiatives reflected in this 2022 Budget.



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

RESOLUTION 2021-01

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2022, AND ENDING ON THE LAST DAY OF DECEMBER, 2022.

WHEREAS, the Southwest Colorado Council of Governments has appointed Jessica Laitsch to prepare and submit a proposed budget to said governing body at the proper time, and;

WHEREAS, Jessica Laitsch has submitted a proposed budget to this governing body on December 9, 2021 for its consideration, and;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 9, 2021 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves/fund balances so that the budget remains in balance, as required by law;

THEREFORE, BE IT RESOLVED by the Southwest Colorado Council of Governments:

Section 1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by and made a part of the public records of the Council of Governments.

Adopted this 9th day of December, 2021 by the Board of Directors of the Southwest Colorado Council of Governments

David Black, Chair

GENERAL FUND

Account Number	Account Description	2019 (ACTUAL)	2020 (ACTUAL)	2021 (BUDGET)	2021 (ESTIMATE)	2022 (BUDGET)
Beginning Fund Balance		33,191.49	57,949.67	44,280.23	26,991.65	96,658.50
Revenue						
Dues						
10.1000.4270	COG Dues	111,929.00	114,666.00	137,081.00	164,205.00	160,000.00
10.6200.4272	SWTPR Contributions	5,926.00	7,291.00	5,342.00	5,914.00	5,914.00
Total Dues Revenue		117,855.00	121,957.00	142,423.00	170,119.00	165,914.00
Grant/Project Administration						
10.5000.4212	All Hazards	3,652.27	3,796.38	3,100.00	11,000.00	5,000.00
10.1271.4310	CARO		0.00	880.00	880.00	880.00
10.6000.4241	CDOT Other			24,500.00	6,225.00	18,675.00
10.1100.4241	DoLA Impact Assistance Program	2,827.67	0.00	0.00	0.00	0.00
10.1000.4241	DOLA Other	0.00	6,692.00	0.00	0.00	0.00
10.4000.4241	Housing Project			5,000.00	13,500.00	0.00
10.1211.4610	Local Food Planning	0.00	3,825.00	0.00	0.00	0.00
10.3100.4241	Recycling		0.00	0.00	0.00	0.00
10.4110.4310	Regional Housing Alliance	10,024.00	10,000.00	10,000.00	17,200.00	22,800.00
10.7010.4212	Rural Community Assistance Corporation			15,000.00	3,750.00	11,250.00
10.1212.4310	SJRC&D		10,000.00	10,000.00	10,000.00	10,000.00
10.5500.4241	SWIMT	3,361.47	1,279.27	3,625.00	2,271.00	1,000.00
10.6200.4212	SWTPR	12,797.03	13,101.20	11,050.00	9,200.00	11,050.00
10.6100.4212	Transit Coordination		8,345.00	14,088.00	14,000.00	25,495.00
10.6150.4610	Transit Coordination Other		4,000.00	0.00	0.00	0.00
Total Grant/Project Administration		32,662.44	61,038.85	97,243.00	88,026.00	106,150.00
Grant Funding						
10.5100.4212	All Hazards	114,780.51	51,429.15	156,900.00	126,193.00	207,038.00
CDOT Grants						
10.6220.4212	SWTPR Rural Assistance	0.00	0.00	11,050.00	3,615.00	11,050.00
10.6123.4212	Transit Coordination	0.00	3,600.00	16,000.00	16,000.00	16,800.00
Total CDOT Grants		0.00	3,600.00	27,050.00	19,615.00	27,850.00
DoLA Grants						
10.1100.4241	DoLA Impact Assistance Program	80,494.26	5.85	134,000.00	40,388.00	93,612.00
10.8100.4241	DoLA Other	28,826.00	104,066.45	86,000.00	86,000.00	150,000.00
Total DoLA Grants		109,320.26	104,072.30	220,000.00	126,388.00	243,612.00
10.1220.4610	Local Food Planning	3,825.00	44,234.29	0.00	32,542.71	0.00
10.1001.4241	Statewide Internet Portal Authority					3,000.00
10.5501.4241	SWIMT	31,887.39	8,967.54	36,375.00	25,000.00	21,480.00
Total Grant Funding		259,813.16	212,303.28	440,325.00	329,738.71	502,980.00

GENERAL FUND

Account Number	Account Description	2019 (ACTUAL)	2020 (ACTUAL)	2021 (BUDGET)	2021 (ESTIMATE)	2022 (BUDGET)
Revenue						
Grant Match						
10.1000.4281	COG Member Match	14,317.00	0.00	0.00	0.00	0.00
10.8100.4282	Non-COG Member Match	30,000.00	0.00	0.00	0.00	0.00
Total Grant Match		44,317.00	0.00	0.00	0.00	0.00
Miscellaneous Revenue						
10.1000.4700	Miscellaneous Revenue	2,166.11	-391.81	0.00	0.00	0.00
Total Miscellaneous Revenue		2,166.11	-391.81	0.00	0.00	0.00
Shared Services Revenue						
10.8300.4331	Dark Fiber Leasing	40,263.00	47,114.67	49,674.00	48,532.00	56,262.00
10.8500.4332	Telecom Services (IP addresses)	13,871.00	180.00	360.00	300.00	300.00
10.8500.4333	Aggregation of Connectivity	7,080.00	15,984.00	15,684.00	15,504.00	14,964.00
10.8500.4334	Contract Sharing	0.00	53,493.00	0.00	1,200.00	0.00
Total Shared Service Revenue		61,214.00	116,771.67	65,718.00	65,536.00	71,526.00
Total Revenue		518,027.71	511,678.99	745,709.00	653,419.71	846,570.00

GENERAL FUND

Account Number	Account Description	2019 (ACTUAL)	2020 (ACTUAL)	2021 (BUDGET)	2021 (ESTIMATE)	2022 (BUDGET)
Expenses						
Administrative Costs						
Personnel Expenses						
Payroll Expense						
10.1000.5000	Salary and Wages	115,498.87	125,137.39	130,689.52	141,990.00	175,024.72
10.1000.5010	Payroll Tax	9,063.45	8,345.58	11,173.95	12,140.00	14,964.61
10.1000.5020	Payroll Processing Fee	1,748.23	1,685.76	1,925.00	1,880.00	1,887.83
10.1000.5141	457 Retirement	4,819.92	4,905.30	5,227.58	5,227.58	6,720.19
10.1000.5151	Car Allowance	3,600.00	3,300.00	3,600.00	3,600.00	3,600.00
10.1000.5152	Cell Phone Allowance	1,000.00	0.00	1,200.00	1,200.00	1,800.00
Total Payroll Expense		135,730.47	143,374.03	153,816.05	166,037.58	203,997.35
Insurance Expense						
10.1000.5131	Health	14,651.00	15,140.88	15,885.00	15,885.00	23,100.53
10.1000.5133	Worker's Compensation	1,481.75	1,345.00	1,432.00	2,150.00	1,439.00
Total Insurance Expense		16,132.75	16,485.88	17,317.00	18,035.00	24,539.53
Total Personnel Expenses		151,863.22	159,859.91	171,133.05	184,072.58	228,536.88
Operating Expenses						
10.1000.5720	Advertising and Promotion	10.53	31.20	200.00	150.00	200.00
10.1000.5751	Bank Service Charge	310.05	94.67	200.00	0.00	50.00
10.1000.5761	Conference Fee	527.70	250.00	1,500.00	0.00	1,500.00
10.1000.6002	Employee/Board Appreciation	0.00	0.00	100.00	0.00	100.00
Information Technology						
10.1000.6810	Hardware	0.00	1,200.90	1,400.00	2,106.00	2,100.00
10.1000.6003	Software	1,437.25	2,290.93	3,278.00	3,278.00	3,383.00
Total Information Technology		1,437.25	3,491.83	4,678.00	5,384.00	5,483.00
10.1000.5700	Insurance - General Liability	1,796.48	1,863.67	1,958.00	1,948.89	1,989.95
10.1000.5712	Internet Connection	303.90	68.74	2,340.00	0.00	0.00
10.1000.6401	Meetings	398.83	731.32	1,000.00	60.00	1,000.00
10.1000.5752	Memberships	5,098.00	4,348.00	4,848.00	3,800.00	4,848.00
10.1000.6810	Office Equipment	256.46	0.00	0.00	0.00	0.00
10.1000.6001	Office Supplies	336.64	251.13	850.00	1,625.00	850.00
10.1000.5713	Postage and Delivery	39.06	0.00	80.00	20.00	50.00
10.1000.5762	Professional Development	500.40	189.00	2,000.00	1,000.00	2,000.00
Professional Fees						
10.1000.5522	Audit	6,100.00	6,300.00	6,300.00	6,500.00	6,500.00
10.1000.5540	Legal	2,667.60	666.00	7,000.00	4,000.00	7,000.00
10.1000.5560	Misc.	68.08	0.00	250.00	0.00	250.00
Total Professional Fees		8,835.68	6,966.00	13,550.00	10,500.00	13,750.00
10.1000.5610	Rent	7,700.00	8,400.00	8,400.00	8,400.00	8,400.00
10.1000.5740	Travel	4,466.68	1,177.92	6,250.00	1,000.00	10,000.00
Total Operating Expenses		32,017.66	27,863.48	47,954.00	33,887.89	50,220.95

GENERAL FUND

Account Number	Account Description	2019 (ACTUAL)	2020 (ACTUAL)	2021 (BUDGET)	2021 (ESTIMATE)	2022 (BUDGET)
Expenses						
Administrative Costs						
Contractual Expenses						
10.1000.5550	Consulting	9,899.87	2,516.25	7,500.00	100.00	7,500.00
Total Contractual Expenses		9,899.87	2,516.25	7,500.00	100.00	7,500.00
Miscellaneous Expenses						
10.1000.6099	Miscellaneous Expense	0.00	7,783.49	0.00	51.68	0.00
Total Miscellaneous Expenses		0.00	7,783.49	0.00	51.68	0.00
Total Administrative Costs		193,780.75	198,023.13	226,587.05	218,112.15	286,257.83
Project Costs						
Operating Expenses						
10.6220.5740	SWTPR Travel	0.00	0.00	9,130.00	1,695.00	9,130.00
10.6220.5712	SWTPR Internet Connection	0.00	0.00	1,920.00	1,920.00	1,920.00
Operating Expenses		0.00	0.00	11,050.00	3,615.00	11,050.00
Grant Funded Contractual Expenses						
10.xxxx.5551	Grant Funded Consulting	110,420.46	86,315.71	282,000.00	147,777.00	315,223.00
Total Contractual Expenses		110,420.46	86,315.71	282,000.00	147,777.00	315,223.00
Grant Pass-through Projects						
10.5000.5791	All Hazards Projects	118,541.81	57,398.39	156,900.00	126,193.00	207,038.00
10.1231.5791	Census	4,134.34	62,806.29	0.00	0.00	0.00
10.1211.5791	Local Food Planning	0.00	48,062.55	0.00	32,542.71	0.00
10.5500.5791	SWIMT	30,937.18	8,742.54	36,375.00	25,000.00	21,480.00
Total Grant Pass-through Projects		153,613.33	177,009.77	193,275.00	183,735.71	228,518.00
Shared Services Expenses						
10.8300.8101	Dark Fiber Revenue Share	10,708.50	10,728.67	11,698.50	11,493.00	13,316.00
10.8500.6601	Aggregation of Connectivity	12,100.00	12,420.00	12,000.00	12,420.00	12,000.00
10.8500.6603	Telecom Services (IP addresses)	8,648.49	6,600.00	6,600.00	6,600.00	6,600.00
10.8500.6602	Shared Software Maintenance	3,998.00	51,539.73	0.00	0.00	0.00
Total Shared Services Expenses		35,454.99	81,288.40	30,298.50	30,513.00	31,916.00
Total Project Costs		299,488.78	344,613.88	516,623.50	365,640.71	586,707.00
Total Expenses		493,269.53	542,637.01	743,210.55	583,752.86	872,964.83
Net Profit/-Loss		24,758.18	-30,958.02	2,498.45	69,666.85	-26,394.83
Ending Fund Balance		57,949.67	26,991.65	46,778.68	96,658.50	70,263.67
Fund Balance Reserve (4 month operating expense)		64,593.58	63,419.04	75,529.02	72,704.05	95,419.28
Fund Balance Excess/-Deficit		-6,643.91	-36,427.39	-28,750.34	23,954.45	-25,155.61

FIBER FUND

Account Number	Account Description	2019 (ACTUAL)	2020 (ACTUAL)	2021 (BUDGET)	2021 (ESTIMATE)	2022 (BUDGET)
Beginning Fund Balance		19,498.24	19,500.14	19,502.06	19,502.06	19,504.01
Revenue						
Fiber Income						
20.8000.4273	Fiber Income	0.00	0.00	0.00	0.00	0.00
Total Fiber Income		0.00	0.00	0.00	0.00	0.00
Other Income						
20.8000.4510	Interest Earned	1.90	1.92	1.90	1.95	1.90
Total Other Income		1.90	1.92	1.90	1.95	1.90
Total Revenue		1.90	1.92	1.90	1.95	1.90
Expenses						
Fiber Expenses						
20.8000.xxxx	Fiber Expenses	0.00	0.00	0.00	0.00	0.00
Total Fiber Expenses		0.00	0.00	0.00	0.00	0.00
Total Expenses		0.00	0.00	0.00	0.00	0.00
Net Profit/-Loss		1.90	1.92	1.90	1.95	1.90
Ending Fund Balance		19,500.14	19,502.06	19,503.96	19,504.01	19,505.91



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

RESOLUTION 2021-02

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS FOR THE 2022 BUDGET YEAR

WHEREAS, the Southwest Colorado Council of Governments has adopted the annual budget in accordance with the Local Government Budget Law, on December 9, 2021 and;

WHEREAS, the Southwest Colorado Council of Governments has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves or fund balances provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the Southwest Colorado Council of Governments;

THEREFORE, BE IT RESOLVED by the Board of the Southwest Colorado Council of Governments:

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

GENERAL FUND:

Current Operating Expenses \$872,965

TOTAL GENERAL FUND \$872,965

FIBER FUND:

Current Operating Expenses \$0

TOTAL FIBER FUND \$0

Adopted this 9th day of December, 2021 by the Board of Directors of the Southwest Colorado Council of Governments

David Black, Chair

2021 Budget Amendment

To: SWCCOG Board of Directors

From: Jessica Laitsch

Date: 9 December 2021

There were a number of changes in 2021 which impacted the annual budget, accordingly staff is requesting the Board consider the following amendments to the 2021 Budget:

- Increase revenues to account for increased dues resulting from the addition of Board membership as well as for increased staff support as negotiated through an MOU with the Regional Housing Alliance of La Plata County.
- Increase various staffing related costs resulting from additional staff support required in 2021. These increased expenses are less than the increased revenues detailed above.
- Increase revenues and expenses for the completion of the Local Foods Planning project which began in 2020, however was completed in 2021.

Legal Review: Not Applicable

Fiscal Impact: Significant, needed to stay compliant with state statutes

Staff Recommendation: Approve Resolutions 2021-03 and 2021-04 adopting the 2021 Budget Amendment and amending appropriated sums of money.



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

RESOLUTION 2021-03

A RESOLUTION AMENDING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING AN AMENDED BUDGET FOR THE SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2021, AND ENDING ON THE LAST DAY OF DECEMBER, 2021.

WHEREAS, the Southwest Colorado Council of Governments has appointed Jessica Laitsch to prepare and submit a proposed budget to said governing body at the proper time, and;

WHEREAS, Jessica Laitsch has submitted a proposed budget to this governing body on December 10, 2020 for its consideration, and;

WHEREAS, the Board of the Southwest Colorado Council of Governments wished to make amendments to the previously adopted budget and Jessica Laitsch has submitted a proposed amended budget to this governing body on December 9, 2021 for its consideration, and;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 9, 2021 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves/fund balances so that the budget remains in balance, as required by law;

THEREFORE, BE IT RESOLVED by the Southwest Colorado Council of Governments:

Section 1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by and made a part of the public records of the Council of Governments.

Adopted this 9th day of December, 2021 by the Board of Directors of the Southwest Colorado Council of Governments

David Black, Chair

GENERAL FUND

Account Number	Account Description	2021 (BUDGET)	2021 (AMENDMENT CHANGES)	2021 (AMENDED BUDGET)	Notes
Beginning Fund Balance		44,280.23	44,280.23	44,280.23	
Revenue					
Dues					
10.1000.4270	COG Dues	137,081.00	27,124.00	164,205.00	Additional Board membership
10.6200.4272	SWTPR Contributions	5,342.00		5,342.00	
Total Dues Revenue		142,423.00	27,124.00	169,547.00	
Grant/Project Administration					
10.5000.4212	All Hazards	3,100.00		3,100.00	
10.1271.4310	CARO	880.00		880.00	
10.6000.4241	CDOT Other	24,500.00		24,500.00	
10.1100.4241	DoLA Impact Assistance Program	0.00		0.00	
10.1000.4241	DOLA Other	0.00		0.00	
10.4000.4241	Housing Project	5,000.00		5,000.00	
10.1211.4610	Local Food Planning	0.00	32,542.71	32,542.71	2020 Local Foods Planning project completed in 2021
10.3100.4241	Recycling	0.00		0.00	
10.4110.4310	Regional Housing Alliance	10,000.00	7,200.00	17,200.00	Increased staff support required
10.7010.4212	Rural Community Assistance Corporation	15,000.00		15,000.00	
10.1212.4310	SJRC&D	10,000.00		10,000.00	
10.5500.4241	SWIMT	3,625.00		3,625.00	
10.6200.4212	SWTPR	11,050.00		11,050.00	
10.6100.4212	Transit Coordination	14,088.00		14,088.00	
10.6150.4610	Transit Coordination Other	0.00		0.00	
Total Grant/Project Administration		97,243.00	39,742.71	136,985.71	
Grant Funding					
10.5100.4212	All Hazards	156,900.00		156,900.00	
CDOT Grants					
10.6220.4212	SWTPR Rural Assistance	11,050.00		11,050.00	
10.6122.4212	FTA 5304 Transit Planning	0.00		0.00	
10.6123.4212	Transit Coordination	16,000.00		16,000.00	
Total CDOT Grants		27,050.00	0.00	27,050.00	
DoLA Grants					
10.1100.4241	DoLA Impact Assistance Program	134,000.00		134,000.00	
10.8100.4241	DoLA Other	86,000.00		86,000.00	
Total DoLA Grants		220,000.00	0.00	220,000.00	
10.1220.4610	Local Food Planning	0.00		0.00	
10.3110.4241	Recycling (RREO) Grant	0.00		0.00	
10.5501.4241	SWIMT	36,375.00		36,375.00	
Total Grant Funding		440,325.00	0.00	440,325.00	
Revenue					
Shared Services Revenue					
10.8300.4331	Dark Fiber Leasing	49,674.00		49,674.00	
10.8500.4332	Telecom Services (IP addresses)	360.00		360.00	
10.8500.4333	Aggregation of Connectivity	15,684.00		15,684.00	
10.8500.4334	Contract Sharing	0.00		0.00	
Total Shared Service Revenue		65,718.00	0.00	65,718.00	
Total Revenue		745,709.00	66,866.71	812,575.71	

GENERAL FUND

Account Number	Account Description	2021 (BUDGET)	2021 (AMENDMENT CHANGES)	2021 (AMENDED BUDGET)	Notes
Expenses					
Administrative Costs					
Personnel Expenses					
Payroll Expense					
10.1000.5000	Salary and Wages	130,689.52	11,300.00	141,989.52	Additional staff support
10.1000.5010	Payroll Tax	11,173.95	1,000.00	12,173.95	Additional staff support
10.1000.5020	Payroll Processing Fee	1,925.00		1,925.00	
10.1000.5141	457 Retirement	5,227.58		5,227.58	
10.1000.5151	Car Allowance	3,600.00		3,600.00	
10.1000.5152	Cell Phone Allowance	1,200.00		1,200.00	
Total Payroll Expense		153,816.05	12,300.00	166,116.05	
Insurance Expense					
10.1000.5131	Health	15,885.00		15,885.00	
10.1000.5133	Worker's Compensation	1,432.00	700.00	2,132.00	Additional staff support
Total Insurance Expense		17,317.00	700.00	18,017.00	
Total Personnel Expenses		171,133.05	13,000.00	184,133.05	
Operating Expenses					
10.1000.5720	Advertising and Promotion	200.00		200.00	
10.1000.5751	Bank Service Charge	200.00		200.00	
10.1000.5761	Conference Fee	1,500.00		1,500.00	
10.1000.6002	Employee/Board Appreciation	100.00		100.00	
Information Technology				0.00	
10.1000.6810	Hardware	1,400.00		1,400.00	
10.1000.6003	Software	3,278.00		3,278.00	
Total Information Technology		4,678.00	0.00	4,678.00	
10.1000.5700	Insurance - General Liability	1,958.00		1,958.00	
10.1000.5712	Internet Connection	2,340.00		2,340.00	
10.1000.6401	Meetings	1,000.00		1,000.00	
10.1000.5752	Memberships	4,848.00		4,848.00	
10.1000.6810	Office Equipment	0.00		0.00	
10.1000.6001	Office Supplies	850.00		850.00	
10.1000.5711	Office Telephone	0.00		0.00	
10.1000.5713	Postage and Delivery	80.00		80.00	
10.1000.5762	Professional Development	2,000.00		2,000.00	
Professional Fees					
10.1000.5522	Audit	6,300.00		6,300.00	
10.1000.5540	Legal	7,000.00		7,000.00	
10.1000.5560	Misc.	250.00		250.00	
Total Professional Fees		13,550.00	0.00	13,550.00	
10.1000.5610	Rent	8,400.00		8,400.00	
10.1000.5740	Travel	6,250.00		6,250.00	
Total Operating Expenses		47,954.00	0.00	47,954.00	

GENERAL FUND

Account Number	Account Description	2021 (BUDGET)	2021 (AMENDMENT CHANGES)	2021 (AMENDED BUDGET)	Notes
Expenses					
Administrative Costs					
Contractual Expenses					
10.1000.5550	Consulting	7,500.00		7,500.00	
Total Contractual Expenses		7,500.00	0.00	7,500.00	
Total Administrative Costs		226,587.05	13,000.00	239,587.05	
Project Costs					
Operating Expenses					
10.6220.5740	SWTPR Travel	9,130.00		9,130.00	
10.6220.5712	SWTPR Internet Connection	1,920.00		1,920.00	
Operating Expenses		11,050.00	0.00	11,050.00	
Grant Funded Contractual Expenses					
10.xxxx.5551	Grant Funded Consulting	282,000.00		282,000.00	
Total Contractual Expenses		282,000.00	0.00	282,000.00	
Grant Pass-through Projects					
10.5000.5791	All Hazards Projects	156,900.00		156,900.00	
10.1231.5791	Census	0.00		0.00	
10.1211.5791	Local Food Planning	0.00	32,542.71	32,542.71	2020 Local Foods Planning project completed in 2021
10.5500.5791	SWIMT	36,375.00		36,375.00	
Total Grant Pass-through Projects		193,275.00	32,542.71	225,817.71	
Expenses					
Project Costs					
Shared Services Expenses					
10.8300.8101	Dark Fiber Revenue Share	11,698.50		11,698.50	
10.8500.6601	Aggregation of Connectivity	12,000.00		12,000.00	
10.8500.6603	Telecom Services (IP addresses)	6,600.00		6,600.00	
10.8500.6602	Shared Software Maintenance	0.00		0.00	
Total Shared Services Expenses		30,298.50	0.00	30,298.50	
Total Project Costs		516,623.50	32,542.71	549,166.21	
Total Expenses		743,210.55	45,542.71	788,753.26	
Net Profit/-Loss		2,498.45	21,324.00	23,822.45	
Ending Fund Balance		46,778.68	65,604.23	68,102.68	
Fund Balance Reserve (4 month operating expense)		74,966.70	74,966.70	74,966.70	
Fund Balance Excess/-Deficit		-28,188.02	-9,362.47	-6,864.02	



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

RESOLUTION 2021-04

A RESOLUTION AMENDING APPROPRIATED SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS FOR THE 2021 BUDGET YEAR

WHEREAS, the Southwest Colorado Council of Governments has adopted an amended annual budget in accordance with the Local Government Budget Law, on December 9, 2021 and;

WHEREAS, the Southwest Colorado Council of Governments has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves or fund balances provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the Southwest Colorado Council of Governments;

THEREFORE, BE IT RESOLVED by the Board of the Southwest Colorado Council of Governments:

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

GENERAL FUND:

Current Operating Expenses \$788,753

TOTAL GENERAL FUND \$788,753

FIBER FUND:

Current Operating Expenses \$0

TOTAL FIBER FUND \$0

Adopted this 9th day of December, 2021 by the Board of Directors of the Southwest Colorado Council of Governments

David Black, Chair

Transition Plan Memo

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 9 December 2021

In preparation for my departure, I wanted to give the Board several options for how to move forward in 2022. There are three options that Staff have developed for the Board to discuss. As part of the discussion the Staff have put together a list of the projects and programs the SWCCOG manages as well as the funding sources for the Board. In addition to the fiscal aspect, the staff have been working with Region 9 to develop potential options for the future of the SWCCOG for the Board discussion, as this option has a few more steps than Options 1 and 2.

Since 2014, the SWCCOG has received \$3,623,971 in funding, which equals an average of \$517,710 annually for projects, programs, and funding for southwest Colorado. Below is a list of the various funding sources for southwest Colorado through the SWCCOG for FY2022. It is worth noting that the SWCCOG is formed as a government and is eligible for state and federal funding due to the formation by IGA that Region 9, a 501c6 is not eligible to receive; and that Region 9 is eligible for funding which SWCCOG is not. This can create a symbiotic funding relationship between the two organizations to help provide more resources for the region.

Projects and Programs the SWCCOG Manages:

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

Current Grant Funding:

- CDOT CDL Development - \$24,900
- CDOT TPR - \$21,200
- CDOT 5310 FY2022 – \$43,300
- DHSEM All Hazards 2019 – \$120,982
- DHSEM All Hazards 2020 - \$87,473
- DHSEM All Hazards 2021 – \$188,144
- DHSEM SWIMT - \$20,583
- DOLA 8824 CDL Development - \$30,000
- DOLA 8824 Hard to Recycle Items - \$20,000
- DOLA REDI 2021-204 Montezuma Orchard Restoration Project - \$150,000
- DOLA 9318 Digital Workforce Development and Entrepreneurship Support with SCAPE - \$49,000

Transition Plan Memo

- RCAC Business Development - \$15,000

Grant Requests Pending

- DOLA HB1271 Housing Planning Grant – \$188,543. Notifications expected before end of 2021
- NTIA Broadband Infrastructure Program - \$12,139,758. Expected notification in January 2022
- Federal Transit Administration Digital Mobility Hub - \$350,000. Expected Notification Spring 2022

Option 1: Dissolve the SWCCOG

This option would take at least 6 months to a year to complete due to the various funding sources attached to the SWCCOG, and as such would not provide cost savings for FY2022, it would reduce expenditures and time FY2023 and beyond. If this is approved, staff will work on providing a road map and options to migrate the grants and programs.

- Pros:
 - o Reduction of local jurisdictions' expenditures, meetings, and time.
 - o Reduction of potential duplication between regional entities
 - o Less competition of grant funding between SWCCOG and jurisdictions
- Cons:
 - o Region potentially loses money
 - o Less or no coordination on regional priorities such as broadband, housing, or transit
 - o Loss of employment for SWCCOG staff
 - o Loss of time, money, and effort over the last 11 years

Option 2: Hire Another Executive Director

This option would keep the COG generally functioning as it does now. This may also require the hiring of a broadband coordinator as the current Executive Director fills both roles. If this is approved, I will leave as much documentation as possible for the new ED and/or the Broadband Coordinator.

- Pros:
 - o Strong commitment to regionalism and the importance of the SWCCOG
 - o Programmatic oversight and development
 - o Generally maintaining all the work the SWCCOG has done thus far and
 - o Could have the potential for growth
- Cons:
 - o Increased cost for staffing, especially if having to hire two positions
 - o Does not change the dynamic of lack of resources for large regional projects
 - o May take years for another ED to get up to speed on the region and various projects/programs of the SWCCOG.

Transition Plan Memo

Option 3: Work Towards Integration with Region 9 EDD

This is the most challenging but also robust option presented for Board Discussion. This would work towards the SWCCOG Board strategic plan and the previous attempt at integration between the two organizations. If approved Region 9 and SWCCOG will work on an integration plan for FY2022 and FY2023. If the Board chooses this, then SWCCOG and Region 9 will enter into a contract at the January meetings.

- Pros:
 - o All the pros from Option 2
 - o Reduction of overhead costs
 - o Reduction of redundancies and duplicative staffing
 - o Maintains SWCCOG and projects and programs
 - o Provides oversight and support for SWCCOG Staffing
 - o Less meetings to attend
 - o This creates a more typical structure of how regional organizations are structured. In most COGs the EDD, COG, transportation, and AAA are part of the same organization as it creates scales of efficiency and encourages collaboration rather than silos.
 - o Potential lower dues in 2023 and beyond
- Cons:
 - o FY2022 dues stay the same
 - o Less meetings for potential engagement and/or oversight of the organization
 - o Possible loss of identity (this came up in the previous discussion about this topic in 2019)

Staffing

Existing Staffing

It has become very apparent that as much as I document, I cannot capture all the information and knowledge from the last 8 years (and three prior to that when I was a SWCCOG Board Member for the Town of Ignacio). At this point, I have seen the turnover of every elected official multiple times, and all the municipal and county administration, except San Juan County. It has been hard to capture all the institutional knowledge. After talking with SWCCOG Staff and Region 9 it seems that to really ensure a smooth transition it seems reasonable to provide some minor additional support.

The proposed solution is to maintain employment for up to five hours a week with no benefits to be able to support the transition for the remaining staff, Region 9 or the new ED, the Broadband coordinator onboarding, and help ensure the project and programming funding is transitioned well. The total cost of this is about \$3,030, which would support the transition and keep the SWCCOG well underbudget.

Transition Plan Memo

One other consideration to discuss is the PTO payout that is required in the personnel policies. There are several options for the Board. Current PTO liability is about \$9,000. Both options 2 and 3 are within the presented 2022 budget.

- 1) Pay out all accrued PTO in 2021
- 2) Pay out accrued PTO in 2022
- 3) Pay out accrued PTO in 2022 less the cost of January's insurance premium. This would reduce the organization's liability by about \$650.

Future of Staffing

If the Board chooses Option 3, it is expected that Region 9 will provide high level leadership and oversight, while the SWCCOG staff will continue to do the day-to-day work, support the Board, and execute grants.

Executive Director –

This role will stay unfilled at the SWCCOG. Laura Lewis Marchino will provide Executive Leadership for the SWCCOG and Board as needed. As well as guidance, support, and fiscal separation of duties for SWCCOG staff. Laura will attend various meetings as needed to reengage with COG programs and understand COG needs and direction.

Senior Operations and Accounting Coordinator –

Jessica Laitsch will continue on in this role as an employee of the SWCCOG through FY2022. For FY2023 SWCCOG and Region 9 will develop a plan for any other transitions and migration of staffing into one organization or the other.

Throughout 2022, Region 9 and SWCCOG staff, and both boards will evaluate if it is worthwhile to maintain separate staffing and programming of the SWCCOG or if all staff and programs become part of one organization.

It is also recommended that the SWCCOG seek support for Broadband development through part time staffing or consulting as Region 9 does not have inhouse expertise in this area.

Transition Plan Memo

Legal Review: Not applicable at this time, will need for contract between SWCCOG and Region 9 if the Board chooses that option.

Fiscal Impact: Depends on the course of action the Board chooses.

- Option 1 Dissolve COG – major impact on organization’s budget for FY2023 and potential loss of funding opportunities for the region
- Option 2 Hire another ED – High, will need to increase funding for new ED and Broadband Coordinator positions
- Option 3 Integrate Regional Organizations – No impact on FY2022 budget for organization, will also allow for Broadband Coordinator position and increased transition support

Staff Recommendations:

- Staff recommends Option 3 to preserve the organization’s funding for the region as well as be good stewards of taxpayer dollars by reduction of overhead through integrating regional organizations.
- Continue part time, non-benefitted employment of Miriam Gillow-Wiles on a up-to 5hr a week basis for Q1 2022 to help with transitioning and continuity of programming.
- Approve PTO payout for Miriam Gillow-Wiles in the appropriate year the Board chooses.

2022 Meeting Schedule

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 9 December 2021

Below are two options for SWCCOG Board Meetings, one based on the Transition Plan, and one based on the current schedule of the second Thursday every other month.

Transition Plan Meeting Schedule

As part of the Transition Plan, staff is recommending move the SWCCOG Board Meetings to the same schedule as Region 9. This will help be more efficient with the numerous meetings the jurisdictions' member attend, be more efficient with staff time, as well as help align the two organizations. Region 9's 2022 Board Meetings are once a quarter, and on the last Thursday of the month. 2022 meeting dates are January 27, April 28, July 21, and September 29. SWCCOG Board Meetings can continue meeting at 1:30 – 4 as the Region 9 meetings are 9-12pm.

The SWCCOG is governed by state statutes that require the Board to adopt a draft budget by October 15th and a final budget by December 15th. Due to the lack of meeting near the end of the year for Region 9, the SWCCOG Board should add in another date of November 17th.

Finally, due to the length of time between quarterly meetings, the staff recommend continued engagement of the Executive Committee to support the organization and ensure oversight. These should fall between the regular Board meetings.

The proposed meeting schedule under the Transition Plan is the following:

- January 27, 2022, 1-3:30pm – Regular Meeting
- March 17, 2022, 1-2:30pm – Executive Committee Meeting
- April 28, 2022, 1-3:30pm – Regular Meeting
- June 9, 2022, 1-2:30pm – Executive Committee Meeting
- July 21, 2022, 1-3:30pm – Regular Meeting
 - o 2023 Dues Discussion
- August 11, 2022, 1-2:30pm – Executive Committee Meeting
- September 29, 2022, 1-3:30pm – Regular Meeting
 - o 2023 Draft Budget
- November 17, 2022, 1-3:30pm – Regular Meeting
 - o 2023 Final Budget

2022 Meeting Schedule

Maintaining Every Other Meeting Schedule

Below are the meeting dates if the Board chooses to continue with the existing meeting schedule from 2020 and 2021. These meetings are every other month on the second Thursday of the month. If the Board chooses this option, the 2022 Board Meeting schedule would be as follows:

- February 10, 2022, 1:30-4pm
- April 7, 2022, 1:30-4pm
- June 9, 2022, 1:30-4pm
 - o 2023 Dues Discussion
- August 11, 2022 1:30-4pm
- October 13, 2022, 1:30-4pm
 - o 2023 Draft Budget
- December 8, 2022, 1:30-4pm
 - o 2023 Final Budget

Legal Review: Not applicable at this time

Fiscal Impact: None

Staff Recommendation: Select the Meeting Dates for 2022.

Grant Application Approvals

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 9 December 2021

Attached are overviews of the three grants the SWCCOG Staff is asking for permission or ratification to apply.

Broadband Grants

The first two grants are federal broadband infrastructure grants through Economic Development Administration and US Department of Agriculture, Rural Development. Both would build much needed middle mile broadband. The EDA grant is more specific to middle mile, while the USDA grant is more focused on last mile but will build the middle mile to connect the last mile. These two grants work well in coordination as there are different needs in different parts of the region and would not duplicate funds but become complimentary.

- EDA Grant should target Cortez-Durango
- USDA should focus on areas with some density of homes and businesses in Archuleta, La Plata, and/or Montezuma to build middle mile routes with the required last mile component.

Transit Grant

Federal Transit Administration Innovative Coordinated Access and Mobility (ICAM) Digital Mobility Hub Grant builds off the two CDOT mobility management grants to coordinate the disparate transit systems to allow for ridership across the region. This grant request was for \$350,000 to design, build, and implement software for the transit and human service providers to provide coordinated trips across the region to allow riders to move across the region via multiple providers. The Executive Committee provided approval to submit the grant as it was due Monday, December 6th.

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

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

Staff Recommendation: Approve applications for EDA and USDA ReConnect grants and Ratify the application for the FTA ICAM application

Title of Proposal/Program:

EDA FY 2021 American Rescue Plan Act Economic Adjustment Assistance

Date: 12/09/2021

Proposal Due Date: 3/31/2022

SWCCOG Grant Opportunity Questionnaire

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

The SWCCOG seeks funding to build middle mile broadband infrastructure between Cortez and Durango either along US160 and/or aerially on the electric utility poles (LPEA and Empire Electric).

EDA aims to assist communities and regions impacted by the coronavirus pandemic, including historically underserved communities. The pandemic has caused, and continues to cause, economic injury to U.S. communities and regions in devastating and unprecedented ways.

The grant opportunity is designed to provide a wide-range of financial assistance to communities and regions as they respond to, and recover from, the economic impacts of the coronavirus pandemic, including long-term recovery and resilience to future economic disasters. Under this announcement, EDA solicits applications under the authority of the Economic Adjustment Assistance (EAA) program, which is flexible and responsive to the economic development needs and priorities of local and regional stakeholders. This is the broadest NOFO EDA is publishing under ARPA and any eligible applicant from any EDA Region may apply. EDA expects to fund a number of projects under this NOFO that support communities negatively impacted by the downturn in the coal economy, supporting transitioning away from coal.

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

Private institutions of higher education
Public and State controlled institutions of higher education
County governments
Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
Others (see text field entitled "Additional Information on Eligibility" for clarification)
State governments
Native American tribal governments (Federally recognized)
Special district governments
City or township governments

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

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

Any of the municipalities, counties, or even Region 9 can apply to this grant. However, middle mile broadband development has been squarely in the purvey of the SWCCOG.

Title of Proposal/Program:

EDA FY 2021 American Rescue Plan Act Economic Adjustment Assistance

Date: 12/09/2021

Proposal Due Date: 3/31/2022

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

This grant will allow the region to develop middle mile broadband infrastructure, which has been a priority for the organization for well over a decade. Middle mile broadband infrastructure will compliment and support economic development, the future of transportation, aging in place, education, and wide range of benefits.

- 5) Is the SWCCOG already delivering this type of service?
 YES NO

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

The region lacks middle mile open access fiber. These routes are long and highly expensive due to the nature of the terrain and the distances between communities. The region is unable to provide the total amount of funding to build fiber locally.

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

Development of fiber optic infrastructure to support residents and businesses in the community among many many other benefits to the region, state, and the individuals that live/work/go to school here.

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

The project will be sustainable I the long term as the SWCCOG will lease fiber to the public and private sector to for various needs including providing services to the communities.

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

YES, If YES, please describe. NO

Yes, the SWCCOG and Region 9 have good working relationship with the EDD. Region 9 more so than the SWCCOG, but the COG has worked on several EDA grants previously, including one that was funded for the Ute Mountain Ute Indian Tribe.

Title of Proposal/Program:

EDA FY 2021 American Rescue Plan Act Economic Adjustment Assistance

Date: 12/09/2021

Proposal Due Date: 3/31/2022

- 10) Is the intent to “pass through” this funding to a vendor(s) to operate the project/program?
 YES, IF YES, provide rationale for “pass-thru” structure.
 NO, IF NO, provide cost/benefit analysis to support “in-house” operations.

The SWCCOG will engage the private sector to build and develop the broadband infrastructure, which the SWCCOG will own and lease. The SWCCOG will also issue an RFP for management and operations of the infrastructure to ensure maintenance, locates, and other operational needs are met.

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

This will trigger a single audit for fiscal years 2022-2024 and greatly increase the budget. If received, the EDA grant will also change the overall budget by creating a revenue stream for the organization.

- 12) Does the project/program require a local match?
 YES, IF YES, identify type of match (cash, in-kind), source(s) of match and amount required.
 NO

The EDA expects to fund 80-100% of project costs. To fund over 80% it is done on a case by case basis and include whether the applicant has exhausted its effective taxing or borrowing capacity, extent economic impact of COVID on the region, and if the region meets thresholds for economic distress (some areas in SW do, some do not), and if the project is for Native American Tribes (this would benefit both Tribes.)

- 13) Will this project/program generate program income or other revenue?
 YES, if YES, describe the type of revenue, rules regarding the expenditure of that revenue, amount of revenue, projected use of revenue, and how revenue will be tracked/managed
 NO

Yes, this program could provide revenues for the SWCCOG through the lease of dark fiber. This is allowed under the EDA rules. Revenues will provide funding for the management and maintenance of the infrastructure.

Title of Proposal/Program:

EDA FY 2021 American Rescue Plan Act Economic Adjustment Assistance

Date: 12/09/2021

Proposal Due Date: 3/31/2022

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

Miriam Gillow-Wiles with transition to a broadband coordinator after her tenure with the organization ends.

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

The SWCCOG will need to contract most of the work out, including final engineering and construction. A Broadband Coordinator will also be needed to manage the project.

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

Yes. It is recommended that the SWCCOG develop an approved indirect rate to capture the total cost of an employee.

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

Yes, the SWCCOG does not have a federally negotiated indirect rate at this time.

Title of Proposal/Program:

EDA FY 2021 American Rescue Plan Act Economic Adjustment Assistance

Date: 12/09/2021

Proposal Due Date: 3/31/2022

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

The EDA will require the SWCCOG to go through an RFP process for every vendor or prove that the SWCCOG did an RFP process for existing vendors.

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

This will allow local governments connected by the route to be able to share IT resource and other shared services.

20) Will this project/program require additional/expedited Public Relations or Marketing/Outreach activities?

YES, If YES, identify the expected actives and estimated cost. No

Somewhat. The SWCCOG will need to ensure the public and ISPs are aware of the project and are willing to engage with the end product of open access fiber optic lines.

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

Development of fiber, leasing of fiber by ISPs and connecting residents, businesses, and anchor institutions along the route.

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

There is funding through USDA ReConnect and funding from the IIJA via the state for broadband available in FY2022. However, some routes are better than other routes for various grants. The ReConnect is very useful in areas with more homes and businesses than the US160 Route between Cortez and Durango.

EDA: AMERICAN RESCUE PLAN

ECONOMIC ADJUSTMENT ASSISTANCE

Providing the Building Blocks for Success



EDA's American Rescue Plan **Economic Adjustment Assistance** program makes \$500 million in Economic Adjustment Assistance grants available to American communities.

The Economic Adjustment Assistance program is EDA's most flexible program, and grants made under this program will help hundreds of communities across the nation plan, build, innovate, and put people back to work through construction or non-construction projects designed to meet local needs.

A wide range of technical, planning, workforce development, entrepreneurship, and public works and infrastructure projects are eligible for funding under this program.

As part of the \$300 million **Coal Communities Commitment**, EDA will allocate at least \$200 million of the Economic Adjustment Assistance funding to support coal communities.



WHO SHOULD APPLY

Eligible applicants for EDA's Economic Adjustment Assistance program include a(n):

- District Organization of an EDA-designated Economic Development District
- Indian Tribe or a consortium of Indian Tribes
- State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions
- Institution of higher education or a consortium of institutions of higher education
- Public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State

Individuals or for-profit entities are not eligible.



APPLICATION DEADLINE

→ Suggested application submission date:
March 15, 2022

*Applications reviewed
on a rolling basis*



CONTACTS

- Please visit www.eda.gov/contact to find contact information for your Economic Development Representative.



To learn more about EDA's American Rescue Plan **Economic Adjustment Assistance**, visit eda.gov/arpa/economic-adjustment-assistance/.

Title of Proposal/Program:
USDA Rural eConnectivity Program aka ReConnect

Date: 12/09/2021

Proposal Due Date: 2/22/2022

SWCCOG Grant Opportunity Questionnaire

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

The SWCCOG seeks funding to build middle mile and last mile infrastructure to deliver services to areas of SW Colorado that lack both and are eligible under the NOFO for these funds. Areas could and may include parts of Archuleta, La Plata, and Montezuma County. Work will need to be done to identify areas w/o previous federal funding and low connectivity speeds.

The ReConnect Program provides loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. In facilitating the expansion of broadband services and infrastructure, the program will fuel long-term rural economic development and opportunities in rural America.

The Agency encourages applicants to consider projects that will advance the following key priorities:

- Assisting Rural communities recover economically from the impacts of the COVID-19 pandemic, particularly disadvantaged communities. - Ensuring all rural residents have equitable access to Rural Development programs and benefits from Rural Development funded projects. - Reducing climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities.

In addition, the Agency would like to highlight the importance of creating good-paying jobs with strong labor standards.

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

Independent school districts
Native American tribal governments (Federally recognized)
Native American tribal organizations (other than Federally recognized tribal governments)
Small businesses
Special district governments
Public housing authorities/Indian housing authorities
City or township governments
State governments
Others (see text field entitled "Additional Information on Eligibility" for clarification)
Private institutions of higher education
Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education
Public and State controlled institutions of higher education
For profit organizations other than small businesses
County governments
Cooperatives or Mutual Organizations and Limited Liability Partnerships are eligible to apply.

Title of Proposal/Program:
USDA Rural eConnectivity Program aka ReConnect

Date: 12/09/2021

Proposal Due Date: 2/22/2022

- 3) Are there other entities in the region that could provide this service?
 YES, If YES - why should SWCCOG take on this project/program? NO

Any of the municipalities, counties, nonprofits, and private providers can apply to this grant. However, regional broadband development has been squarely in the purvey of the SWCCOG and the SWCCOG has partnerships with the ISPs to provide the last mile connectivity required with this grant.

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

This grant will allow the region to develop middle mile broadband infrastructure in conjunction with last mile infrastructure to connect the businesses and household along the route, which has been a priority for the organization for well over a decade. Middle mile broadband infrastructure will compliment and support economic development, the future of transportation, aging in place, education, and wide range of benefits. The SWCCOG will need to partner with an ISP for this build to provide services.

- 5) Is the SWCCOG already delivering this type of service?
 YES NO

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

Middle and last mile are major challenges for the entirety of southwest Colorado. This program will help build the last mile and middle mile infrastructure in areas that are eligible based in speeds, rurality, and lack of prior investment.

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

Development of fiber optic infrastructure to support residents and businesses in the community among many many other benefits to the region, state, and the individuals that live/work/go to school here.

Title of Proposal/Program:
USDA Rural eConnectivity Program aka ReConnect

Date: 12/09/2021

Proposal Due Date: 2/22/2022

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

The project will be sustainable in the long term as working with one or more private partners will create a contractual arrangement on the management and operations of the SWCCOG owned infrastructure.

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

YES, If YES, please describe. NO

The SWCCOG has not worked with USDA ReConnect but does have relationships with the CFR overseeing broadband for Colorado and Utah as well as other USDA grants.

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

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

The SWCCOG will engage the private sector to build and develop the broadband infrastructure, which the SWCCOG will own and lease. The SWCCOG may also issue an RFP for management and operations of the infrastructure to ensure maintenance, locates, and other operational needs are met. Unlike the EDA grant, this grant is meant for public private partnerships, so the SWCCOG can utilize a vendor from the RFQ process this spring.

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

This will trigger a single audit for fiscal years 2022-2024 and greatly increase the budget. If received, the USDA grant will also change the overall budget by creating a revenue stream for the organization.

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

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

If the program is 100% grant then there is a 25% match requirement. Other options include 100% loans at a 2% interest rate, and 50% loan/50% grant. A public-private or public-public (like that with an REA or other quasi-public entity) partnership will help provide the 25% match.

Title of Proposal/Program:
USDA Rural eConnectivity Program aka ReConnect

Date: 12/09/2021

Proposal Due Date: 2/22/2022

- 13) Will this project/program generate program income or other revenue?
 YES, if YES, describe the type of revenue, rules regarding the expenditure of that revenue, amount of revenue, projected use of revenue, and how revenue will be tracked/managed
 NO

Yes, the final product of middle mile dark fiber is allowed to be leased to other providers or public entities. Revenue will be managed by the SWCCOG much like the existing shared services is managed. This can help bring fiscal stability to the organization.

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

Miriam Gillow-Wiles with transition to a broadband coordinator after her tenure with the organization ends.

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

The SWCCOG will need to contract most of the work out, including final engineering and construction. A Broadband Coordinator will also be needed to manage the project. Up to 5% of the grant is eligible for preapplication expenses such as grant writing or planning.

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

The USDA ReConnect grant does not pay for administrative expenses.

Title of Proposal/Program:
USDA Rural eConnectivity Program aka ReConnect

Date: 12/09/2021

Proposal Due Date: 2/22/2022

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

No, this program is only for construction and equipment costs.

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

NOFO does not specifically address if applicant must go through RFP process or if selecting from a qualified pool of vendors who can provide match is acceptable. This will need to be further researched.

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

This will allow local governments connected by the route to be able to share IT resource and other shared services. And will fund network operating equipment.

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

Somewhat. The SWCCOG will need to ensure the public and ISPs are aware of the project and are willing to engage with the end product of open access fiber optic lines.

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

Development of fiber, leasing of fiber by ISPs and connecting residents, businesses, and anchor institutions along the route.

Title of Proposal/Program:
USDA Rural eConnectivity Program aka ReConnect

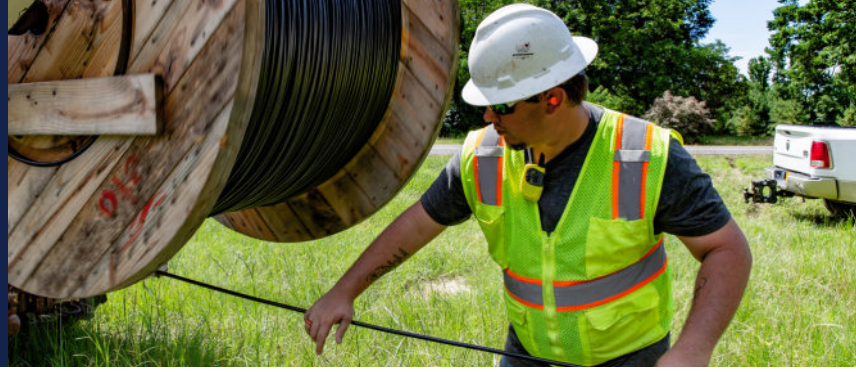
Date: 12/09/2021

Proposal Due Date: 2/22/2022

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

There is funding through EDA and funding from the IJA via the state for broadband available in FY2022. However, some routes are better than other routes for various grants. The EDA is very useful in areas with less homes/businesses. ReConnect is more geared for last mile connectivity.

Funding to facilitate broadband deployment in underserved rural areas



What does this program do?

The ReConnect Program provides loans, grants, and loan-grant combinations to bring high-speed internet to rural areas that lack sufficient access to broadband. ReConnect Program funds can be used to fund the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service.

The ReConnect Program fosters private-sector investments in broadband infrastructure to deploy high-speed internet service to rural homes, businesses, and essential community facilities that support public safety, health care, schools, libraries, business and industry, and agricultural operations, among other sites.

Who may apply for this program?

Eligible applicants can be either non-profit or for-profit organizations and include:

- Cooperatives or mutual associations
- Corporations, limited liability companies, or limited liability partnerships
- States, local governments, or any agency, subdivision, instrumentality, or political subdivision thereof
- A territory or possession of the U.S.

- Federally recognized Tribes as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 USC Section 450b, available at this link: <https://go.usa.gov/xexQP>)

You must be able to supply broadband service, at the speeds defined in the latest Funding Opportunity Announcement (FOA) simultaneously to all customers in your proposed funded service area (PFSA).

What is an eligible area?

For a geographic area to be eligible it must meet two criteria:

1. The area must be rural.
2. Ninety percent of households in the area must lack sufficient access to broadband service.

What is considered “rural”?

Service areas cannot be located in a city, town, or incorporated area with a population greater than 20,000, or an urbanized area adjacent to a city or town with a population greater than 50,000.

Eligible areas must be completely contained within a rural area or composed of multiple rural areas. Visit the mapping tool at <https://www.usda.gov/reconnect> for additional eligibility information.

What is “sufficient access”?

For this program, sufficient access to broadband is defined as fixed terrestrial broadband service at 100 megabits per second (Mbps) downstream and 20 Mbps upstream.

How may funds be used?

This program provides funding for:

- The construction or improvement of facilities capable of delivering 100 Mbps symmetrical service to every premises in the PFSA at the same time.
- The acquisition of an existing system not currently providing sufficient access to broadband service, under certain circumstances, and with restrictions.
- Up to 5 percent of the requested amount can be used for pre-application expenses and up to 3 percent of this amount can be used to cover the costs of the environmental review.

How do we apply?

Applications must be submitted through Rural Development’s online application system, available at this link: <https://www.usda.gov/reconnect>. All materials required for completing an application are included in the online system. The ReConnect webpage also includes basic program information and detailed application guidance.

Where can we find technical assistance?

Rural Development will host several technical assistance webinars and workshops throughout the application window. Webinar and workshop dates and times, along with additional technical assistance, can be found at <https://www.usda.gov/reconnect>.

You also can contact your Telecommunications General Field Representative (GFR) for assistance. A map and list of GFRs can be found at: <https://www.rd.usda.gov/contact-us/telecom-gfr>.

When are applications due?

The application deadline is determined by the latest FOA.

What governs this program?

In 2018, Congress passed the Consolidated Appropriations Act (available at this link: <https://go.usa.gov/xea7W>), which established the broadband loan and grant pilot program, now known as ReConnect.

In February 2021, USDA codified the program's policies and procedures in a published ReConnect Program Regulation (available at this link: <https://go.usa.gov/xexPT>). In addition

to the regulation, Rural Development publishes a FOA in the *Federal Register*.

What kind of funding is available?

ReConnect offers grants, loans, and loan-grant combinations. The minimum request for funding across all categories is \$100,000. Applicants can submit only one application for one of the four following funding options:

Type of Funding Available	Total Funding and Maximum Award Available	Key Funding Requirements
100 Percent Grant	<ul style="list-style-type: none"> \$350 million total funds \$25 million maximum, per project \$35 million maximum, per project, if the PFSA meets certain guidelines. Refer to the FOA for details. 	<ul style="list-style-type: none"> Competitive review based on scoring criteria. 25 percent cash match requirement.
Loan-Grant Combination (50-50)	<ul style="list-style-type: none"> \$250 million total funds \$25 million maximum for the grant, per project \$25 million maximum for the loan, per project Loan and grant amounts will always be equal 	<ul style="list-style-type: none"> Competitive review based on scoring criteria. Interest rate is set at the U.S. Treasury rate at the time of each advance of funds.
100 Percent Loan	<ul style="list-style-type: none"> \$200 million total funds \$50 million maximum, per project 	<ul style="list-style-type: none"> Funds are awarded until exhausted on a first-come, first-served basis. Interest rate is fixed at 2 percent.
100 Percent Grant for Tribal Governments and Socially Vulnerable Communities	<ul style="list-style-type: none"> \$350 million total funds \$25 million maximum, per project \$35 million maximum, per project, if the PFSA meets certain guidelines. Refer to the FOA for details. 	<ul style="list-style-type: none"> Only available to Tribal governments or a corporation owned by a Tribal government proposing service on its own lands, OR applications where 75 percent of the geographic area consists of Socially Vulnerable Communities (available at this link: https://www.usda.gov/reconnect/service-area-map-datasets). Competitive review based on scoring criteria available in the FOA. No cash match requirement.

NOTE: Because citations and other information may be subject to change, please always consult the program instructions listed in the *Federal Register*. You may also contact your General Field Representative for assistance. A map and list of GFRs can be found at this link: <https://www.rd.usda.gov/contact-us/telecom-gfr>. You will find additional forms, resources, and program information at <https://www.usda.gov/reconnect>.

USDA is an equal opportunity provider, employer, and lender.

SWCCOG Grant Opportunity Questionnaire

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

Implementation of a digital mobility hub, a single-point connection where riders can access information about all providers in a region, for the Southwest Region of Colorado. This project is intended to integrate with CDOT's statewide Connected Colorado project. This funding opportunity seeks to improve coordination to enhance access and mobility to vital community services for older adults, people with disabilities, and people of low income.

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

Eligible applicants are State departments of transportation, designated recipients for Section 5310 funds, or local governmental entities that operate a public transportation service, or their eligible subrecipients that have the authority and technical capacity to implement a regional or statewide cost allocation pilot. Applicants must serve as the lead agency of a regional or statewide consortium that includes stakeholders from the transportation, healthcare, human service, or other sectors. Members of this consortium are eligible as subrecipients if they would otherwise be eligible subrecipients of Section 5310 funds. Further, applicants must demonstrate that the proposed project was planned through an inclusive process with the involvement of the transportation, healthcare, and human service sectors. An implementation plan and schedule must be submitted as part of the proposal.

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

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

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

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

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

Title of Proposal/Program: FTA Innovative Coordinated Access and Mobility (ICAM) Pilot

Date: 11/24/2021

Proposal Due Date: 12/6/2021

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

YES NO

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

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

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

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

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

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

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

YES, If YES, please describe. NO

Title of Proposal/Program: FTA Innovative Coordinated Access and Mobility (ICAM) Pilot

Date: 11/24/2021

Proposal Due Date: 12/6/2021

- 10) Is the intent to “pass through” this funding to a vendor(s) to operate the project/program?
 YES, IF YES, provide rationale for “pass-thru” structure.
 NO, IF NO, provide cost/benefit analysis to support “in-house” operations.

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

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

The anticipated cost for software development of the data hub is \$350,000, with an estimated additional cost of \$100,000 for marketing and web design. Estimating a likely 20% average match, the SWCCOG would need to identify \$90,000 in match, for this grant match could include State funds such as MMOF or DOLA. The SWCCOG has been awarded \$16,000 (with \$4,000 local match from dues) in 2022 of FTA funds through CDOT. Ongoing maintenance is estimated at \$25,000/year.

- 12) Does the project/program require a local match?
 YES, IF YES, identify type of match (cash, in-kind), source(s) of match and amount required.
 NO

Staff would like to apply for approximately \$90,000 in DOLA funds in spring 2022 for a consultant to act as project manager during the software development and marketing phases. Additionally, staff is exploring the potential eligibility of this project for match through the CDOT MMOF program.

- 13) Will this project/program generate program income or other revenue?
 YES, if YES, describe the type of revenue, rules regarding the expenditure of that revenue, amount of revenue, projected use of revenue, and how revenue will be tracked/managed
 NO

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

Title of Proposal/Program: FTA Innovative Coordinated Access and Mobility (ICAM) Pilot

Date: 11/24/2021

Proposal Due Date: 12/6/2021

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

Jessica Laitsch is expected to serve as lead staff support.

- 15) Will additional temporary or permanent staff support be required to implement or continue this project/program?

YES, If YES, identify expected timeframe for new staff positions and any new equipment/supplies, expedited purchases, IT installations, marketing/outreach, etc. that will be required.
 NO

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

- 16) Will the project/program provide for additional FTEs?

YES, If YES, provide draft organization chart and identify new positions NO

N/A in this phase.

- 17) Will the project/program allow for indirect costs?

YES NO

N/A in this phase

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

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

Title of Proposal/Program: FTA Innovative Coordinated Access and Mobility (ICAM) Pilot

Date: 11/24/2021

Proposal Due Date: 12/6/2021

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

The highly complex software system would require ongoing upkeep.

20) Will this project/program require additional/expedited Public Relations or Marketing/Outreach activities?

YES, If YES, identify the expected actives and estimated cost. No

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

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

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

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

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

MOU for Montezuma Orchard Restoration Project

To: SWCCOG Board of Directors
From: Miriam Gillow-Wiles
Date: 9 December 2021

Montezuma Orchard Restoration Project (MORP) works to preserve Colorado's fruit growing heritage and restore an orchard culture and economy to the southwestern region. You may remember that Montezuma Orchard Restoration Project approached the SWCCOG in early 2021 to inquire about the SWCCOG submitting a grant on behalf of the organization after discussing the project with the REDI grant manager. MORP was seeking funding to finish their facility which will house a community kitchen, housing for interns, storage for the mobile cider press, and other needed equipment. MORP has started in more than just the Montezuma County area, including Dolores and La Plata Counties.

A grant application for up to \$150,000 was approved by the SWCCOG in March 2021. The grant was submitted in April and the project contract was provided to the SWCCOG at the end of September. Due to the short time frame between the SWCCOG October Meeting and the contract, we were unable to develop an MOU between MORP's fiscal agent, Onward! A Community Foundation and the COG.

Attached is the contract between the two entities for the project. Of note is the following:

- Match is provided by MORP
- Grant reporting and financial documentation will be done by MORP/Onward
- MORP/Onward will provide documentation to the SWCCOG monthly.
- SWCCOG will charge administrative costs on an hour-by-hour basis, rather than the normal flat percentage charged for other grants.
- This project is expected to be completed by June 2022

Legal Review: Legal wrote the contract

Fiscal Impact: Not significant for SWCCOG, but high impact for regional economy

Staff Recommendation: Approve the contract between Onward and the SWCCOG for the Montezuma Orchard Restoration Project.

**SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS
AND
ONWARD! AND MONTEZUMA ORCHARD RESTORATION PROJECT**

**AGREEMENT CONCERNING SUBCONTRACTING OF PORTION OF DOLA
REDI GRANT AWARDED TO SOUTHWEST COLORADO COUNCIL OF
GOVERNMENTS**

THIS AGREEMENT is made and entered into this _____ day of _____, 202_, by and between: the SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS, whose address is, 295 Girard Street, Ste B, Durango, CO 81303 (hereinafter referred to as the “SWCCOG”), and ONWARD!, A Legacy Foundation that is the fiscal agent for MONTEZUMA ORCHARD RESTORATION PROJECT, whose address is PO Box 26, Cortez, CO 81321 and the MONTEZUMA ORCHARD RESTORATION PROJECT, (MORP) a Colorado non-profit corporation, whose address is PO Box 1556, Cortez, CO 81321 (ONWARD! and MORP are jointly subcontractors of SWCCOG, and are referred to herein as “ONWARD!/MORP”);

WHEREAS, the SWCCOG has previously submitted a grant application and was awarded a Colorado Department of Local Affairs (“DOLA”) REDI grant 21-240 EIAF Number: CTGINLAA 2022*2416 in the grant award amount of \$150,000 and a \$7,500 retainage (“Grant”) from the Department of Local Affairs, an agency of the State of Colorado, (“DOLA”) which is attached hereto as Exhibit A Summary of Grant Award Terms and Conditions and the Exhibit B-Scope of Project (SOP) (together Exhibit A and Exhibit B are referred to as the “Grant”) ; and

WHEREAS, SWCCOG executed the primary grant contract with DOLA on September 27, 2021, which contract specified within the approved Scope of Project that SWCOGG as grantee will hire a qualified firm to construct a storage facility for the MORP in Montezuma County, Colorado. Work includes site preparation and construction of an approximately 3,000 square-foot prefabricated storage facility on acquired orchard property owned by MORP. MORP will own the facility. A contractor will be hired to complete the work; and

WHEREAS, SWCCOG will perform Grant work as recipient of the Grant, and for doing so will be paid by ONWARD!/MORP at the rate \$50 per hour of SWCCOG staff time spent on the Grant work and in implementing the Grant, billed on a quarterly basis; and

WHEREAS, ONWARD!/MORP will also pay all matching funds and other out of pocket funds required to be spent under the Grant, and will provide SWCCOG with grant reporting and documentation required under the Grant; and

WHEREAS, it is both necessary and desirable for SWCCOG to enter into this Agreement with ONWARD!/MORP for purposes of setting forth the relative responsibilities of the parties with respect to complying with the Grant, receipt of grant funds, matching/Other Funds responsibility, and performing Scope of Project under the Grant; and

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

NOW, THEREFORE, in consideration of the mutual covenants, conditions and obligations herein set forth, the parties agree:

1. In consideration of SWCCOG's willingness to act as the sponsor of the Grant and to enable Grant funding of the Project, ONWARD!/MORP agrees as follows:
 - (a) ONWARD!/MORP shall provide required documentation, proof of payments, and grant reporting to the SWCCOG on a monthly basis.
 - (b) ONWARD!/MORP agrees that it shall manage, develop and carry out performance of Grant Scope of Project.
 - (c) ONWARD!/MORP shall promptly comply with all financial management regulations, Grantee record maintenance, confidentiality information with regard to state records, conflict of interest, insurance, rights in work product and all other information, policies, guidelines and requirements as set forth in the Grant;
 - (d) ONWARD!/MORP in connection with performing the scope of project, agrees that it will carry out and comply with all of the rules, regulations and standards set forth in any applicable DOLA policies;
 - (e) ONWARD!/MORP agrees that it will carry out all of the work elements in a satisfactory and proper manner, assure that the Grant funds are expended solely for the activities and in the amounts budgeted under the Grant,
 - (f) ONWARD!/MORP shall be responsible for performing the same audit requirements that are required of SWCCOG as specified in the Grant.
 - (g) ONWARD!/MORP shall provide all cash match requirements set forth in the Grant (\$217,894) which ONWARD!/MORP has already budgeted. ONWARD!/MORP irrevocably pledges to pay to SWCCOG the prove cash match was expended within the time frames required by the Grant.
 - (h) Funding expended above grant amounts are ONWARD!/MORP's financial responsibility.
2. All contractual obligations concerning the project and Grant will be accomplished by ONWARD!/MORP, and that ONWARD!/MORP will provide all match funds, and pay all other financial contributions necessary to perform the project. The SWCCOG will perform the role of fiscal agent for the grant. ONWARD!/MORP shall pay SWCCOG \$50 per hour for all SWCCOG staff time spent in service or performance of the grant work or in performing grant requirements, plus reimbursement of SWCCOG out of pocket (non-overhead) expenses incurred on behalf of ONWARD!/MORP to be reimbursed at SWCCOG's actual cost paid in performing grant work or requirements.
3. ONWARD!/MORP agrees to prepare all quarterly financial and performance reports, as required under the GRANT and shall provide copies of such reports to SWCCOG in a timely manner.

4. ONWARD!/MORP shall prepare all requests for payment, which requests shall then be forwarded to SWCCOG along with supporting documentation (invoices, check copies, purchase orders, etc.) to substantiate the request for a draw down of funds. After review, SWCCOG shall forward the request to DOLA for payment. Upon receipt of payment, SWCCOG shall forward the funds to ONWARD!/MORP in the amount due. SWCCOG shall require documentation evidencing that such funds were appropriately expended on the Scope of Project, and copies of checks and payment of bills by ONWARD!/MORP shall be provided to SWCCOG for its permanent records. If SWCCOG receives any advance of Grant funds from the State, ONWARD!/MORP shall be required to submit copies of invoices, check copies, purchase orders or similar evidence of indebtedness to substantiate any draw down of the Grant funds related to ONWARD!/MORP
5. Prior to any request for reimbursement for authorized activities to be funded under the Grant, ONWARD!/MORP shall have in place all financing for the completion of the Scope of Project, other than the Grant funds provided by DOLA to SWCCOG.
6. ONWARD!/MORP's request for final payment shall be submitted in accordance with the provisions set forth in the Grant.
7. ONWARD!/MORP agrees to comply with all other terms, conditions and obligations pertaining to the Grant. In the event there is any liability accruing from inappropriate expenditure of Grant funds by ONWARD!/MORP, ONWARD!/MORP agrees to be responsible therefore.
8. Time is of the essence with respect to the covenants, conditions and obligations contained herein, as well as those set forth in the Grant.
9. ONWARD!/MORP understands that payment obligations hereunder are subject to DOLA payment to SWCCOG of Grant proceeds. ONWARD!/MORP understands that the Grant is subject to termination and early termination by DOLA.
10. Except for claims by DOLA arises out of the negligence or other wrongful act of the SWCCOG, ONWARD!/MORP shall be responsible to the SWCCOG for any claims under the Grant Agreement, in the same manner and extent as SWCCOG may be responsible to DOLA, and shall indemnify and hold the SWCCOG harmless.
11. By executing this agreement, the parties do not waive any immunity or limit liability contained in the Colorado Governmental Immunity Act; do not create a multi-year fiscal obligation; and do not create any other financial obligation not supported by a current appropriation.

12. This agreement does not and shall not be interpreted to create a partnership, joint venture, employee/employer relationship or other relationship between the parties.
13. This Agreement is and shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns. The provisions of this Agreement are solely for the benefit of the Parties and are not intended to confer upon any person or entity, except the Parties and their successors and assigns, any rights, or remedies hereunder. This Agreement is not assignable without the written consent of the non-assigning Party. This is the entire agreement between the Parties as to the subject matter of this Agreement and merges and supersedes all previous communications and agreements related thereto. No addition or modification of this Agreement will be binding on any Party, unless reduced to writing and signed by both Parties.
14. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado, without regard to principles of conflict or choice of laws.
15. If either Party hereto believes that the other Party is in breach of this Agreement, it shall immediately notify the breaching party of such breach in writing. If the breaching party does not cure its breach within fifteen days of such notice, that parties may seek enforcement of the contract in La Plata County District Court.
16. Notwithstanding any provision of this Agreement to the contrary, neither Party shall have any liability for loss of product, loss of profit, loss of use or any other indirect, incidental, special or consequential damages, whether brought on an action for breach of contract warranty, tort, or strict liability, and irrespective of whether caused or allegedly caused by either Party's negligence.
17. In the event this Agreement becomes the subject of a dispute, the prevailing party shall be entitled to the reasonable attorneys' fees and costs it incurs from the losing party.
18. This Agreement is the product of the joint negotiations by the Parties and constitutes the joint drafting of all Parties hereto. It should not be construed more liberally towards any Party.
19. Unless sooner terminated as provided herein, this Agreement shall remain in full force and effect until such time as DOLA finds the obligations under the grant contract and Exhibit "A" and "B", have been satisfactorily fulfilled. Time is of the essence with respect to the covenants, conditions and obligations contained herein, as well as those set forth in the Exhibit "A" and Exhibit "B".
20. If the Exhibit "A" or "B", is terminated for any reason by DOLA, the SWCCOG may terminate this Agreement and shall provide written notice of termination of this agreement to the. However, ONWARD!/MORP's payment and indemnification obligations to SWCCOG shall survive termination.

21. 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 Agreement. 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.

22. This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one original Agreement.

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

Southwest Colorado Council of Governments

Signature

Name & Title

Date

Onward! A Legacy Foundation

Signature

Name & Title

Date

Montezuma Orchard Restoration Project

Signature

Name & Title

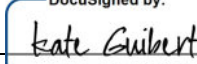

Date

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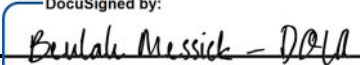
SUMMARY OF GRANT AWARD TERMS AND CONDITIONS

State Agency Department of Local Affairs	DLG Number F22REDI21240	CMS Number 171191
Grantee Southwest Colorado Council of Governments	Grant Award Amount \$150,000.00	Retainage Amount \$7,500.00
Project Number and Name REDI 21240 – REAT SWCCOG Growing Southwest Colorado’s Orchard Culture & Economy	Performance Start Date The later of the Effective Date or September 27, 2021	Grant Expiration Date June 30, 2022
Project Description The Project consists of the design and construction of a storage facility on orchard property owned by the non-profit Montezuma Orchard Restoration Project.	Program Name Rural Economic Development Initiative Grant Program (REDI)	
	Funding Source STATE FUNDS	
	Catalog of Federal Domestic Assistance (CFDA) Number N/A	
DOLA Regional Manager <u>Patrick Rondinelli, (970) 749-0138,</u> <u>(patrick.rondinelli@state.co.us)</u>	Funding Account Codes	
DOLA Regional Assistant <u>Randi Snead, (719) 924-2087, (randi.snead@state.co.us)</u>	VCUST# 30186	Address Code AD001 EFT

THE SIGNATORIES LISTED BELOW AUTHORIZE THIS GRANT

<p>DEPARTMENT OF LOCAL AFFAIRS PROGRAM REVIEWER</p> <p>DocuSigned by:  BCECC6E7EDB145F...</p> <p>By: Kate Guibert, REDI Program Manager</p> <p>Date: <u>9/29/2021 8:47 AM MDT</u></p>	<p>STATE OF COLORADO Jared S. Polis, Governor DEPARTMENT OF LOCAL AFFAIRS Rick M. Garcia, Executive Director</p> <p>DocuSigned by:  8139CF536BC34AC...</p> <p>By: Rick M. Garcia, Executive Director</p> <p>Date: <u>9/29/2021 8:51 AM MDT</u></p>
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In accordance with §24-30-202 C.R.S., this Grant is not valid until signed and dated below by the State Controller or an authorized delegate (the “Effective Date”).

<p>STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p>DocuSigned by:  090ACD88A721474...</p> <p>By: Beulah Messick, Controller Delegate Department of Local Affairs</p> <p>Effective Date: <u>10/1/2021 8:15 AM MDT</u></p>

TERMS AND CONDITIONS

1. GRANT

As of the Performance Start Date, the State Agency shown on the Summary of Grant Award Terms and Conditions page of this Grant Award Letter (the “State”) hereby obligates and awards to Grantee shown on the Summary of Grant Award Terms and Conditions page of this Grant Award Letter (the “Grantee”) an award of Grant Funds in the amount shown on the Summary of Grant Award Terms and Conditions page of this Grant Award Letter. By accepting the Grant Funds provided under this Grant Award Letter, Grantee agrees to comply with the terms and conditions of this Grant Award Letter and requirements and provisions of all Exhibits to this Grant Award Letter.

2. TERM

A. Initial Grant Term and Extension

The Parties’ respective performances under this Grant Award Letter shall commence on the Performance Start Date and shall terminate on the Grant Expiration Date unless sooner terminated or further extended in accordance with the terms of this Grant Award Letter. Upon request of Grantee, the State may, in its sole discretion, extend the term of this Grant Award Letter by providing Grantee with an updated Grant Award Letter or an executed Option Letter showing the new Grant Expiration Date.

B. Early Termination in the Public Interest

The State is entering into this Grant Award Letter to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Grant Award Letter ceases to further the public interest of the State or if State, Federal or other funds used for this Grant Award Letter are not appropriated, or otherwise become unavailable to fund this Grant Award Letter, the State, in its discretion, may terminate this Grant Award Letter in whole or in part by providing written notice to Grantee. If the State terminates this Grant Award Letter in the public interest, the State shall pay Grantee an amount equal to the percentage of the total reimbursement payable under this Grant Award Letter that corresponds to the percentage of Work satisfactorily completed, as determined by the State, less payments previously made. Additionally, the State, in its discretion, may reimburse Grantee for a portion of actual, out-of-pocket expenses not otherwise reimbursed under this Grant Award Letter that are incurred by Grantee and are directly attributable to the uncompleted portion of Grantee’s obligations, provided that the sum of any and all reimbursements shall not exceed the maximum amount payable to Grantee hereunder. This subsection shall not apply to a termination of this Grant Award Letter by the State for breach by Grantee.

C. *Reserved.*

3. AUTHORITY

Authority to enter into this Grant Award Letter exists in the law as follows:

A. *Reserved.*

B. State Authority

Authority to enter into this Grant exists in C.R.S. 24-32-106 and 29-3.5-101, and funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for payment. Required approvals, clearance and

REDI 21240 – REAT SWCCOG Growing Southwest Colorado’s Orchard Culture & Economy

coordination have been accomplished from and with appropriate agencies.. This Grant Award Letter is funded, in whole or in part, with State funds.

4. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. *Reserved.*
- B. *Reserved.*
- C. “**CORA**” means the Colorado Open Records Act, §§24-72-200.1 *et. seq.*, C.R.S.
- D. “**Exhibits**” means the following exhibits attached to this Grant Award Letter:
 - i. **Exhibit B**, Scope of Project
 - ii. **Exhibit G**, Form of Option Letter
- E. “**Extension Term**” means the period of time by which the Grant Expiration Date is extended by the State through delivery of an updated Grant Award Letter, an amendment, or an Option Letter.
- F. *Reserved.*
- G. *Reserved.*
- H. “**Goods**” means any movable material acquired, produced, or delivered by Grantee as set forth in this Grant Award Letter and shall include any movable material acquired, produced, or delivered by Grantee in connection with the Services.
- I. “**Grant Award Letter**” or “**Grant**” means this letter which offers Grant Funds to Grantee, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future updates thereto.
- J. “**Grant Expiration Date**” means the Grant Expiration Date shown on the Summary of Grant Award Terms and Conditions page of this Grant Award Letter. Work performed after the Grant Expiration Date is not eligible for reimbursement from Grant Funds.
- K. “**Grant Funds**” or “**Grant Award Amount**” means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Grant Award Letter.
- L. “**Incident**” means any accidental or deliberate event that results in, or constitutes an imminent threat of, the unauthorized access or disclosure of State Confidential Information or of the unauthorized modification, disruption, or destruction of any State Records.
- M. “**Initial Term**” means the time period between the Performance Start Date and the initial Grant Expiration Date.
- N. *Reserved.*
- O. “**Other Funds**” means all funds necessary to complete the Project, excluding Grant Funds. Grantee is solely responsible for securing all Other Funds.
- P. “**Party**” means the State or Grantee, and “**Parties**” means both the State and Grantee.
- Q. “**Performance Start Date**” means the later of the Performance Start Date or the Execution Date shown on the Summary of Grant Award Terms and Conditions page of this Grant Award Letter.

REDI 21240 – REAT SWCCOG Growing Southwest Colorado’s Orchard Culture & Economy

- R. *Reserved.*
- S. *Reserved.*
- T. *Reserved.*
- U. “**Project**” means the overall project described in **Exhibit B**, which includes the Work.
- V. “**Project Budget**” means the amounts detailed in **§6.2** of **Exhibit B**.
- W. *Reserved.*
- X. *Reserved.*
- Y. “**Services**” means the services performed by Grantee as set forth in this Grant Award Letter, and shall include any services rendered by Grantee in connection with the Goods.
- Z. “**State Confidential Information**” means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to State personnel records not subject to disclosure under CORA.
- AA. “**State Fiscal Rules**” means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a) C.R.S.
- BB. “**State Fiscal Year**” means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.
- CC. “**State Records**” means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.
- DD. *Reserved.*
- EE. “**Subcontractor**” means third-parties, if any, engaged by Grantee to aid in performance of the Work. “Subcontractor” also includes sub-grantees.
- FF. *Reserved.*
- GG. *Reserved.*
- HH. *Reserved.*
- II. “**Work**” means the delivery of the Goods and performance of the Services described in this Grant Award Letter.
- JJ. “**Work Product**” means the tangible and intangible results of the Work, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports, proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, and any other results of the Work. “Work Product” does not include any material that was developed prior to the Performance Start Date that is used, without modification, in the performance of the Work.

Any other term used in this Grant Award Letter that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

REDI 21240 – REAT SWCCOG Growing Southwest Colorado’s Orchard Culture & Economy

5. PURPOSE

The purpose of the Rural Economic Development Initiative Grant Program is to help communities diversify their local economies and create a more resilient Colorado. The purpose of this Grant is described in **Exhibit B**.

6. SCOPE OF PROJECT

Grantee shall complete the Work as described in this Grant Award Letter and in accordance with the provisions of **Exhibit B**. The State shall have no liability to compensate or reimburse Grantee for the delivery of any goods or the performance of any services that are not specifically set forth in this Grant Award Letter.

7. PAYMENTS TO GRANTEE

A. Maximum Amount

Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Grant that exceeds the Grant Award Amount shown on the Summary of Grant Award Terms and Conditions page of this Grant Award Letter.

- i. The State may increase or decrease the Grant Award Amount by providing Grantee with an updated Grant Award Letter or an executed Option Letter showing the new Grant Award Amount.
- ii. The State shall not be liable to pay or reimburse Grantee for any Work performed or expense incurred before the Performance Start Date or after the Grant Expiration Date.
- iii. Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

B. Erroneous Payments

The State may recover, at the State’s discretion, payments made to Grantee in error for any reason, including, but not limited to, overpayments or improper payments, and unexpended or excess funds received by Grantee. The State may recover such payments by deduction from subsequent payments under this Grant Award Letter, deduction from any payment due under any other contracts, grants or agreements between the State and Grantee, or by any other appropriate method for collecting debts owed to the State.

C. Matching Funds.

Grantee shall provide the Other Funds amount shown on the Project Budget in **Exhibit B** (the “Local Match Amount”). Grantee shall appropriate and allocate all Local Match Amounts to the purpose of this Grant Award Letter each fiscal year prior to accepting any Grant Funds for that fiscal year. Grantee does not by accepting this Grant Award Letter irrevocably pledge present cash reserves for payments in future fiscal years, and this Grant Award Letter is not intended to create a multiple-fiscal year debt of Grantee. Grantee shall not pay or be liable for any claimed interest, late charges, fees, taxes or penalties of any nature, except as required by Grantee’s laws or policies.

D. Reimbursement of Grantee Costs

The State shall reimburse Grantee’s allowable costs, not exceeding the maximum total amount described in this Grant Award Letter for all allowable costs described in this Grant

REDI 21240 – REAT SWCCOG Growing Southwest Colorado’s Orchard Culture & Economy

Award Letter and shown in the Project Budget in **Exhibit B**.

- i. Upon request of the Grantee, the State may, without changing the maximum total amount of Grant Funds, adjust or otherwise reallocate Grant Funds among or between each line of the Project Budget by providing Grantee with an executed Option Letter or formal amendment.

E. Close-Out and De-obligation of Grant Funds

Grantee shall close out this Grant no later than 90 days after the Grant Expiration Date. To complete close out, Grantee shall submit to the State all deliverables (including documentation) as defined in this Grant Award Letter and Grantee’s final reimbursement request or invoice. Any Grant Funds remaining after submission and payment of Grantee’s final reimbursement request are subject to de-obligation by the State.

8. REPORTING – NOTIFICATION

A. Performance and Final Status

Grantee shall submit all financial, performance and other reports to the State no later than the end of the close out period described in §7.E.

B. Violations Reporting

Grantee shall disclose, in a timely manner, in writing to the State, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting this Award.

9. GRANTEE RECORDS

A. Maintenance and Inspection

Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant for a period of three years following the completion of the close out of this Grant. Grantee shall permit the State to audit, inspect, examine, excerpt, copy and transcribe all such records during normal business hours at Grantee’s office or place of business, unless the State determines that an audit or inspection is required without notice at a different time to protect the interests of the State.

B. Monitoring

The State will monitor Grantee’s performance of its obligations under this Grant Award Letter using procedures as determined by the State. The State shall monitor Grantee’s performance in a manner that does not unduly interfere with Grantee’s performance of the Work.

C. Audits

Grantee shall comply with all State and federal audit requirements.

10. CONFIDENTIAL INFORMATION-STATE RECORDS

A. Confidentiality

Grantee shall hold and maintain, and cause all Subcontractors to hold and maintain, any and all State Records that the State provides or makes available to Grantee for the sole and exclusive benefit of the State, unless those State Records are otherwise publically available at the time of disclosure or are subject to disclosure by Grantee under CORA. Grantee shall

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not, without prior written approval of the State, use for Grantee’s own benefit, publish, copy, or otherwise disclose to any third party, or permit the use by any third party for its benefit or to the detriment of the State, any State Records, except as otherwise stated in this Grant Award Letter. Grantee shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security (<http://oit.state.co.us/ois>) and all applicable laws, rules, policies, publications, and guidelines. Grantee shall immediately forward any request or demand for State Records to the State’s principal representative.

B. Other Entity Access and Nondisclosure Agreements

Grantee may provide State Records to its agents, employees, assigns and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns and Subcontractors who require access to perform their obligations under this Grant Award Letter. Grantee shall ensure all such agents, employees, assigns, and Subcontractors sign nondisclosure agreements with provisions at least as protective as those in this Grant, and that the nondisclosure agreements are in force at all times the agent, employee, assign or Subcontractor has access to any State Confidential Information. Grantee shall provide copies of those signed nondisclosure restrictions to the State upon request.

C. Use, Security, and Retention

Grantee shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Grantee shall provide the State with access, subject to Grantee’s reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Grant, Grantee shall return State Records provided to Grantee or destroy such State Records and certify to the State that it has done so, as directed by the State. If Grantee is prevented by law or regulation from returning or destroying State Confidential Information, Grantee warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Grantee becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. After an Incident, Grantee shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State.

11. CONFLICTS OF INTEREST

Grantee shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Grantee under this Grant. Grantee acknowledges that, with respect to this Grant, even the appearance of a conflict of interest shall be harmful to the State’s interests and absent the State’s prior written approval, Grantee shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Grantee’s obligations under this Grant. If a conflict or the appearance of a conflict arises, or if Grantee is uncertain whether a conflict or the appearance of a conflict has arisen,

REDI 21240 – REAT SWCCOG Growing Southwest Colorado’s Orchard Culture & Economy

Grantee shall submit to the State a disclosure statement setting forth the relevant details for the State’s consideration.

12. INSURANCE

Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the “GIA”). Grantee shall ensure that any Subcontractors maintain all insurance customary for the completion of the Work done by that Subcontractor and as required by the State or the GIA.

13. REMEDIES

In addition to any remedies available under any Exhibit to this Grant Award Letter, if Grantee fails to comply with any term or condition of this Grant, the State may terminate some or all of this Grant and require Grantee to repay any or all Grant Funds to the State in the State’s sole discretion. The State may also terminate this Grant Award Letter at any time if the State has determined, in its sole discretion, that Grantee has ceased performing the Work without intent to resume performance, prior to the completion of the Work.

14. DISPUTE RESOLUTION

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

15. NOTICES AND REPRESENTATIVES

Each Party shall identify an individual to be the principal representative of the designating Party and shall provide this information to the other Party. All notices required or permitted to be given under this Grant Award Letter shall be in writing, and shall be delivered either in hard copy or by email to the representative of the other Party. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this §15.

16. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION

Grantee hereby grants to the State a perpetual, irrevocable, non-exclusive, royalty free license, with the right to sublicense, to make, use, reproduce, distribute, perform, display, create derivatives of and otherwise exploit all intellectual property created by Grantee or any Subcontractors or Subgrantees and paid for with Grant Funds provided by the State pursuant to this Grant.

17. GOVERNMENTAL IMMUNITY

Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions, committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the GIA; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State’s risk management statutes, §§24-30-1501, *et seq.* C.R.S. No term or condition of this Grant Award Letter shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, or protections of any of these provisions.

18. GENERAL PROVISIONS

A. Assignment

Grantee’s rights and obligations under this Grant are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Grantee’s rights and obligations approved by the State shall be subject to the provisions of this Grant Award Letter.

B. Captions and References

The captions and headings in this Grant Award Letter are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Grant Award Letter to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

C. Entire Understanding

This Grant Award Letter represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Grant Award Letter.

D. Modification

The State may modify the terms and conditions of this Grant by issuance of an updated Grant Award Letter, which shall be effective if Grantee accepts Grant Funds following receipt of the updated letter. The Parties may also agree to modification of the terms and conditions of the Grant in either an option letter or a formal amendment to this Grant, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules.

E. Statutes, Regulations, Fiscal Rules, and Other Authority

Any reference in this Grant Award Letter to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Performance Start Date. Grantee shall strictly comply with all applicable Federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. Order of Precedence

In the event of a conflict or inconsistency between this Grant Award Letter and any Exhibits or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:

- i. Any executed Option Letter
- ii. The provisions of this Grant Award Letter
- iii. The provisions of any exhibits to this Grant Award Letter

G. Severability

The invalidity or unenforceability of any provision of this Grant Award Letter shall not affect the validity or enforceability of any other provision of this Grant Award Letter, which shall

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remain in full force and effect, provided that the Parties can continue to perform their obligations under the Grant in accordance with the intent of the Grant.

H. Survival of Certain Grant Award Letter Terms

Any provision of this Grant Award Letter that imposes an obligation on a Party after termination or expiration of the Grant shall survive the termination or expiration of the Grant and shall be enforceable by the other Party.

I. Third Party Beneficiaries

Except for the Parties’ respective successors and assigns described above, this Grant Award Letter does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Any services or benefits which third parties receive as a result of this Grant are incidental to the Grant, and do not create any rights for such third parties.

J. Waiver

A Party’s failure or delay in exercising any right, power, or privilege under this Grant Award Letter, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

K. *Reserved.*

L. Digital Signatures

If any signatory signs this Grant using a digital signature in accordance with the Colorado State Controller Contract, Grant, and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Grant by reference.

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EXHIBIT B – SCOPE OF PROJECT (SOP)**1. PURPOSE**

1.1. Rural Economic Development Initiative. The purpose of the Rural Economic Development Initiative is to help communities diversify their local economies and create a more resilient Colorado.

2. DESCRIPTION OF THE PROJECT(S) AND WORK

2.1. Project Description. The Project consists of the design and construction of a storage facility on orchard property owned by the non-profit Montezuma Orchard Restoration Project.

2.2. Work Description. The Southwest Colorado Council of Governments (Grantee) will hire a qualified firm to construct a storage facility for the Montezuma Orchard Restoration Project (MORP). Work includes site preparation and construction of an approximately 3,000 square-foot prefabricated storage facility on acquired orchard property owned by MORP. MORP will own the facility. In accordance with §9 below, a contractor will be hired to complete the Work.

2.3. Responsibilities. Grantee shall be responsible for the completion of the Work and to provide required documentation to DOLA as specified herein.

2.3.1. Grantee shall notify DOLA at least 30 days in advance of Project Completion.

2.4. Recapture of Advanced Funds. To maximize the use of Grant Funds, the State shall evaluate Grantee's expenditure of the Grant Funds for timeliness and compliance with the terms of this Grant. DOLA reserves the right to recapture advanced Grant Funds when Grantee has not or is not complying with the terms of this Grant.

2.5. Eligible Expenses. Eligible expenses shall include: labor and materials costs, bond and insurance costs, bid advertisements, purchase and erection of pre-engineered buildings, and attorney’s fees.

3. DEFINITIONS**3.1. Project Budget Lines.**

3.1.1. “Building or Facility Construction” means labor and materials costs, bond and insurance costs, bid advertisements, purchase and erection of pre-engineered buildings, and attorney’s fees.

3.2. “Substantial Completion” means the Work is sufficiently complete in accordance with the Grant so it can be utilized for its intended purpose without undue interference.

4. DELIVERABLES

4.1. Outcome. The final outcome of this Grant is completed construction of a storage facility on the Montezuma Orchard Restoration Project orchard property.

4.2. Service Area. The performance of the Work described within this Grant shall be located in Montezuma County in Colorado.

4.3. Performance Measures. Grantee shall comply with the following performance measures:

<u>Milestone/Performance Measure/Grantee will:</u>	<u>By:</u>
Provide DOLA with Project Timeline	Within 60 days after the Effective Date of this Grant Award Letter.
Begin work/Contractor mobilization.	Within 120 days after the Effective Date of this Grant Award Letter.
Submit Quarterly Pay Requests	See §4.5.2 below
Submit Quarterly Status Reports	See §4.5.2 below
File an Annual Report with DOLA on the following: <ul style="list-style-type: none"> • Jobs created or supported or anticipated jobs created 	Within 30 days after the first, second and third

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<ul style="list-style-type: none"> • Did the Project lead to other economic development projects or opportunities? • The approximate number of workers who received support or benefit as a result of the Project? What did this support look like? • The approximate number of entrepreneurs who received support or benefit as a result of the Project? What did this support look like? • Did the Project directly or indirectly lead to the attraction of new businesses or industries? • How is the Project contributing to the Grantee’s long-term goals? 	anniversary of the Effective Date of this Grant Award Letter.
Submit Project Final Report	September 29, 2022

4.4. Budget Line Adjustments.

4.4.1. Grant Funds. Grantee may request in writing that DOLA move Grant Funds between and among budget lines, so long as the total amount of Grant Funds remains unchanged. To make such budget line changes, DOLA will use an Option Letter (**Exhibit G**).

4.4.2. Other Funds. Grantee may increase or decrease the amount of Other Funds in any one or any combination of budget lines as described in **§6.2**, or move Other Funds between and among budget lines, so long as the total amount of such “Other Funds” is not less than the amount set forth in **§6.2** below. Grantee may increase the Total Project Cost with “Other Funds” and such change does not require an amendment or option letter. DOLA will verify the Grantee’s contribution of “Other Funds” and compliance with this section at Project Closeout.

4.5. Quarterly Pay Request and Status Reports. Beginning 30 days after the end of the first quarter following execution of this Grant and for each quarter thereafter until termination of this Grant, Grantee shall submit Pay Requests and Status Reports using a form provided by the State. The State shall pay the Grantee for actual expenditures made in the performance of this Grant based on the submission of statements in the format prescribed by the State. The Grantee shall submit Pay Requests setting forth a detailed description and provide documentation of the amounts and types of reimbursable expenses. Pay Requests and Status Reports are due within 30 days of the end of the quarter but may be submitted more frequently at the discretion of the Grantee.

4.5.1. For quarters in which there are no expenditures to reimburse, Grantee shall indicate zero (0) requested in the Pay Request and describe the status of the Work in the Status Report. The report will contain an update of expenditure of funds by budget line as per **§6.2** of this **Exhibit B** Scope of Project as well as a projection of all Work expected to be accomplished in the following quarter, including an estimate of Grant Funds to be expended.

4.5.2. Specific submittal dates.

Quarter	Year	Due Date	Pay Request Due	Status Report Due
4 th (Oct-Dec)	2021	January 30, 2022	Yes	Yes
1 st (Jan-Mar)	2022	April 30, 2022	Yes	Yes
2 nd (Apr-Jun)	2022	July 30, 2022	Yes	Yes

4.6. DOLA Acknowledgment. The Grantee agrees to acknowledge the Colorado Department of Local Affairs in any and all materials or events designed to promote or educate the public about the Work and the Project, including but not limited to: press releases, newspaper articles, op-ed pieces, press conferences, presentations and brochures/pamphlets.

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5. PERSONNEL

5.1. Responsible Administrator. Grantee’s performance hereunder shall be under the direct supervision of Miriam Gillow-Wiles, Executive Director, (director@swccog.org), who is an employee or agent of Grantee, and is hereby designated as the responsible administrator of this Project and a key person under this §5. Such administrator shall be updated through the process in §5.3. If this person is an agent of the Grantee, such person must have signature authority to bind the Grantee and must provide evidence of such authority.

5.2. Other Key Personnel. NONE. Such key personnel shall be updated through the process in §5.3.

5.3. Replacement. Grantee shall immediately notify the State if any key personnel specified in §5 of this Exhibit B cease to serve. All notices sent under this subsection shall be sent in accordance with §15 of the Grant.

5.4. DLG Regional Manager: Patrick Rondinelli, (970) 749-0138, (patrick.rondinelli@state.co.us)

5.5. DLG Regional Assistant: Randi Snead, (719) 924-2087, (randi.snead@state.co.us)

6. FUNDING

The State provided funds shall be limited to the amount specified under the “Grant Funds” column of §6.2, Budget, below.

6.1. Matching/Other Funds. Grantee shall provide **at least 59%** of the Total Project Cost as documented by Grantee and verified by DOLA at Project Closeout. Initial estimates of Grantee’s contribution are noted in the “Other Funds” column of §6.2 below. Increases to Grantee’s contribution to Total Project Cost do not require modification of this Grant Award Letter and/or **Exhibit B**.

6.2. Budget

Budget Line(s)		Total Project Cost	Grant Funds	Other Funds	Other Funds Source
Line #	Cost Category				
1	Building or Facility Construction	\$335,375	\$150,000	\$185,375	Grantee
	Architectural/Engineering Services	\$5,000	\$0	\$5,000	Grantee
	Consultant Services	\$27,519	\$0	\$27,519	Grantee
	Total	\$367,894	\$150,000	\$217,894	

7. PAYMENT

Payments shall be made in accordance with this section and the provisions set forth in §7 of the Grant.

7.1. Payment Schedule. If Work is subcontracted or subgranted and such Subcontractors and/or Subgrantees are not previously paid, Grantee shall disburse Grant Funds received from the State to such Subcontractor or Subgrantee within fifteen days of receipt. Excess funds shall be returned to DOLA.

Payment	Amount	
Interim Payment(s)	\$142,500	Paid upon receipt of actual expense documentation and written Pay Requests from the Grantee for reimbursement of eligible approved expenses.
Final Payment	\$7,500	Paid upon Substantial Completion of the Project (as determined by the State in its sole discretion), provided that the Grantee has submitted, and DOLA has accepted, all required reports.
Total	\$150,000	

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7.2. Interest. Grantee or Subgrantee may keep interest earned from Grant Funds up to \$100 per year for administrative expenses.

8. ADMINISTRATIVE REQUIREMENTS

8.1. Reporting. Grantee shall submit the following reports to DOLA using the State-provided forms. DOLA may withhold payment(s) if such reports are not submitted timely.

8.1.1. Quarterly Pay Request and Status Reports. Quarterly Pay Requests shall be submitted to DOLA in accordance with §4.5 of this **Exhibit B**.

8.1.2. Final Reports. Within 90 days after the completion of the Project, Grantee shall submit the final Pay Request and Status Report to DOLA.

8.2. Monitoring. DOLA shall monitor this Work on an as-needed basis. DOLA may choose to audit the records for activities performed under this Grant. Grantee shall maintain a complete file of all records, documents, communications, notes and other written materials or electronic media, files or communications, which pertain in any manner to the operation of activities undertaken pursuant to an executed Grant. Such books and records shall contain documentation of the Grantee’s pertinent activity under this Grant in accordance with Generally Accepted Accounting Principles.

8.2.1. Subgrantee/Subcontractor. Grantee shall monitor its Subgrantees and/or Subcontractors, if any, during the term of this Grant. Results of such monitoring shall be documented by Grantee and maintained on file.

8.3. Bonds. If Project includes construction or facility improvements, Grantee and/or its contractor (or subcontractors) performing such work shall secure the bonds hereunder from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR Part 223 and are authorized to do business in Colorado.

8.3.1. Bid Bond. A bid guarantee from each bidder equivalent to 5 percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

8.3.2. Performance Bond. A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

8.3.3. Payment Bond. A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

8.3.4. Substitution. The bonding requirements in this §8.3 may be waived in lieu of an irrevocable letter of credit if the price is less than \$50,000.

9. CONSTRUCTION/RENOVATION. The following subsections shall apply to construction and/or renovation related projects/activities:

9.1. Plans & Specifications. Construction plans and specifications shall be drawn up by a qualified engineer or architect licensed in the State of Colorado, or pre-engineered in accordance with Colorado law, and hired by the Grantee through a competitive selection process.

9.2. Procurement. A construction contract shall be awarded to a qualified construction firm through a formal selection process with the Grantee being obligated to award the construction contract to the lowest responsive, responsible bidder meeting the Grantee's specifications.

9.3. Subcontracts. Copies of any and all contracts entered into by the Grantee in order to accomplish this Project shall be submitted to DOLA upon request, and any and all contracts entered into by the Grantee or any of its Subcontractors shall comply with all applicable federal and state laws and shall be governed by the laws of the State of Colorado.

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9.4. Standards. Grantee, Subgrantees and Subcontractors shall comply with all applicable statutory design and construction standards and procedures that may be required, including the standards required by Colorado Department of Public Health and Environment, and shall provide the State with documentation of such compliance.

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Executive Committee Selection

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 9 December 2021

Historically, the Chair position cycles off, and the Board moves the existing Executive Committee members into the ascending positions and selects a Treasurer/Secretary. However, there is no requirement to do so in the bylaws. Additionally, the Board tries to maintain regional representation in the Executive Committee.

Current Members are:

Chair: David Black, Trustee, Town of Bayfield

Vice Chair: Willy Tookey, Administrator, San Juan County

Treasurer/Secretary: Has remained unfilled since John Dougherty, Manager, City of Cortez left in Spring 2021.

The Executive Committee will play a key role during the transition in 2022 regardless of what option the SWCCOG Board chooses during the Transition discussion. It is vital to have a full Executive Committee for the upcoming year, and will take more time than in years past to help ensure the best possible outcome for the organization.

Legal Review: Not applicable at this time

Fiscal Impact: None

Staff Recommendation: Approve 2022 Executive Committee

Letter of Support Request

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 9 December 2021

Comments: Archuleta County and the City of Durango submitted a grant application for two electric buses and infrastructure for their proposed fixed route service between Pagosa Springs and Durango and requested a letter of support. This request was in line with our letter of support policy and we had provided a similar letter for a previous application for this project.

Because the grant application was due in mid-November, the Executive Committee authorized submission of this letter with ratification to be requested at the December meeting.

Fiscal Impact: None to SWCCOG

Staff Recommendation: Ratify the attached Letter of Support for the Archuleta County and City of Durango Grant Application.



SOUTHWEST COLORADO COUNCIL OF GOVERNMENTS

5 November 2021

Office of Program Management
Federal Transit Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590
United States

RE: Fiscal Year 2021 Grants for Buses and Bus Facilities Program

To whom it may concern:

The Southwest Colorado Council of Governments (SWCCOG) works to develop partnerships between governments and other organizations through communication, collaboration, cooperation, shared services, and reduction of redundancies throughout the southwest Colorado region. The low population density and geographic isolation of the southwest Colorado region presents unique challenges for addressing quality of life needs for our residents, of particular concern is the strength of the transportation network. We strongly encourage and help facilitate our partner agencies to work closely with other agencies to increase efficiencies and reduce redundancies as they pursue projects while constrained by limited resources. Accordingly, the SWCCOG strongly supports Archuleta County and the City of Durango as they seek to purchase electric buses and infrastructure for their new intercity bus service.

Transportation is a critical need in southwest Colorado. It is difficult to build a robust transportation network due to the considerable distances between communities, relatively low population, remote location, and mountainous topography. Intercity bus service is extremely limited in the region and this project would be a valuable step towards creating an efficient regional transit system.

The SWCCOG has worked closely with Archuleta County and the City of Durango on a number of regional transportation projects. Considering the anticipated benefits from this project and the collaborative approach, the SWCCOG is in full support of this project and urges your support of this request.

Sincerely,

Miriam Gillow-Wiles
Executive Director

Reports

Director's Report

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 9 December 2021

There has been a ton going on since the October Board meeting, as you can see from the number of decision items. The largest thing that has happened is my resignation and the development of transition documentation and supporting the existing staff.

Transition

I have spent a significant number of hours working with Jessica and Laura to develop transition options for the organization. I have also been working on county level broadband roadmaps, finishing up some grant projects, and generally trying to empty all my knowledge out of my head and on to paper. Having done this for the last 8 years, and prior to that sitting on the Board for 2.5 there is A LOT of institutional knowledge I have. I am trying to make sure that does not get lost.

My Next Steps

Some of you have asked, and know, but I will be leaving the organization to work in the private sector doing similar broadband work as I do now. My official title is Senior Broadband Strategy Analyst, and I will be working on the development of broadband plans/strategies, grant writing support, and supporting the implementation of the grants for various communities, counties, special districts, and even states across the county. The firm is based in DC, but I will be fully remote and be able to stay here.

Appreciation

Over the last eight years, I have enjoyed working with every Board Member, elected and appointed officials, and all of the wonderful staff of the various municipalities, counties, and state departments. When I reflect on my time at the SWCCOG, I realize how much I have learned and grown in this position – I had only worked in local government for a little under three years when I first started and was so very green! I appreciate all the support, patience, and guidance I received over the years. Mostly, I really appreciate the friendships with the jurisdictions' staff, managers, elected officials and my staff. I have had such wonderful opportunities at the COG and for that, I thank everyone who was a part of this journey.

Going Away/Next Steps Get together

I would like to invite everyone to an outdoor get together at 11th Street Station in Durango on Friday, December 17th at 6pm. If you cannot make that thanks to weather or drive time – please let me know, I will happily come to you to say goodbye in this role.

Broadband Report

To: SWCCOG Board of Directors

From: Miriam Gillow-Wiles

Date: 9 December 2021

I am working on documenting all the various aspects of broadband for the upcoming transition. You might be surprised how much of this information is shoved in the nooks and crannies of my brain and trying to get it into some sense of order has been a little more challenging than expected.

As mentioned previously in this packet, I would encourage the SWCCOG Board to prioritize the engagement with a broadband coordinator in some capacity, whether that be through existing contracts with NeoConnect or a local individual to hire or contract with about 15hrs a week to start. If/when funding becomes more available through federal, or state grants this role will need to increase hours.

County Level Broadband Road Maps

I am working on putting together a road map for each county that outlines area of need, priority, or where work is underway. This will also include any engineering estimates, who is involved, and funding sources available for that specific build. These will be emailed out to each of the counties and municipalities located in the county.

Upcoming Federal Grants and State Funding from IIJA

In the decision items of this pack there are two Broadband grants for the Board to consider. I would highly encourage the region to apply for these grants as the amount of federal funding for rural broadband development is considered once in a lifetime, and it would be unfortunate for the region to potentially leave money on the table, especially with the great need that the region has for middle mile and diversity in redundancy connections.

GeoPartners Mapping Software

The SWCCOG and Pagosa Springs Broadband Coordinator, Eric Hittle, attended a demo of their online mapping, speed test, and engineering software. This is a very affordable option that will allow the Region to collect speed test data locally, identify where federal funding has been awarded (important for federal grants), and provide high level engineering costs for aerial, buried, wireless or any combination. There are numerous benefits for access to this software as it will increase the rate at which the region can bring in data and write grants, and reduce the iterations of grant seeking for planning and engineering.

The cost is \$5500 annually for all five counties. This is not a budget request, but a notification that the software will be purchased for 2022 and logins will be provided for the SWCCOG Broadband position.

Broadband Report

Lingering EagleNet Issues Update

Before my departure I aim to start to untangle the EagleNet issues from the American Recovery and Reinvestment Act days. There are two issues, one larger than the other but both important. I am currently detailing the issues in a memo to Senator Bennet, Senator Hickenlooper and AG Weiser to see if there is some ability to rectify this issue.

San Juan County and Silverton

Silverton and San Juan County were the last County Seat and County to receive fiber in the state. This happened in 2015 due to Senator Bennet pushing the NTIA to release funds to finish the build between Durango and Silverton. As some of you may remember this build was done in two different ways, one was an aerial fiber line hung from the TriState utility poles via helicopter between Purgatory and Silverton. The lower section from Purgatory to Durango was buried in the 550 ROW.

There are two issues that occurred with this build:

- 1) The contractor never finished the lower section so there are 22 discontinuous sections of conduit in unknown condition
- 2) The contract between TriState and EagleNet for the aerial fiber was never signed by EagleNet

This has created ongoing challenges with getting affordable internet service in Silverton and north La Plata County. Currently, CenturyLink has the only connection into Silverton, and they have been less and less willing to engage with other ISPs to provide services to the community. TriState will not allow any new leases on the line and the company that has taken over the EagleNet assets, Zayo, has not been very proactive about finding a solution and will not lease fiber due to the signature issue.

Use of EagleNet Assets Regionally

When EagleNet dissolved all the assets were taken over by a company out of Denver, Zayo. Zayo works in mainly large metropolitan areas. The assets in the Denver Metro and other large areas were a boon to Zayo's network, however they have generally ignored any infrastructure outside of those areas. While they are in the 811 system, the former EagleNet assets are wholly under utilized in SW Colorado. I am concerned that the assets will be over built by federal or state grants because we are unable to use them. This would be a waste of tax payer dollars. As a result, my recommendation to the Senators and Attorney General is to allow these to be taken into local or regional control. This could help the communities and region greatly as they could be leased out to provide services in many of the small communities.

Fiscal Administration Report

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 9 December, 2021

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

Colorado Association of Regional Organizations (CARO):

Nothing new to report.

Regional Housing Alliance of La Plata County (RHA):

The RHA has begun to meet monthly, the last meetings were held on 4 November and 2 December, 2021. Discussions at recent meetings have included development of the 2022 budget, updates to the organization's governance IGA, updates to the administrative MOU with the SWCCOG, development of a request for professional services, and updates on the status of housing needs and various housing projects in the County. The next meeting will be held 6 January, 2022.

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

The last meeting of the SJRC&D was held on 14 September, 2021. The SJRC&D is in the process of transitioning to electronic payment processing rather than paper checks, as such there were no items for discussion and the November meeting was cancelled. The next meeting will be held 11 January, 2022.

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

Southwest All Hazards Advisory Council:

The SWCCOG is assisting as the SWAHAC transitions to a new project coordinator. The SWCCOG is eligible for reimbursement of certain management and administration costs for managing these grants.

Southwest Colorado Incident Management Team (SWIMT):

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

Transportation Report

To: SWCCOG Board of Directors
From: Jessica Laitsch
Date: 9 December, 2021

Comments: Transportation:

There was a SWTPR meeting held on 14 October, 2021. The meeting included an overview of the 10-year plan amendment process, an update on the greenhouse gas rulemaking process, and updates on various funding sources including the Multimodal Transportation and Mitigation Option Fund (MMOF), the federal stimulus, and Senate Bill 260.

The next meeting will be held at 9:00 a.m. Thursday, 9 December, 2021. Items will include an overview of the 10-year plan amendment process, an update on the greenhouse gas rulemaking process, updates on various funding sources including the MMOF, the federal stimulus, the Infrastructure Investment and Jobs Act, and Senate Bill 260, and consideration of a request to redirect previously awarded MMOF funds.

Transit:

The last Transit Council meeting was held 18 November, 2021, the discussion included an update on the Southwest Colorado Digital Mobility Hub project. The next Transit Council meeting will be held 20 January, 2022,

The SWCCOG is working with Compass Transit to finalize the implementation plan for the Regional Mobility Hub, a comprehensive one-call/one-click system of transportation options throughout the region. The contractor has been working closely with partner agencies on each stage of the project.

The SWCCOG was awarded 2022 Transit coordination funds through CDOT to begin implementation of the Digital Mobility Hub project. On December 6, staff submitted a grant application for the Federal Transit Administration's Innovative Coordinated Access and Mobility (ICAM) pilot program for the software build portion of the project. Additional details on the grant request can be found in Section 7.d of the Board Packet as one of the requests to submit applications to various grant programs.

Community Updates

If time allows