



CLEAN TRANSIT ENTERPRISE BOARD MEETING - OCTOBER 10, 2023

SCHEDULE & AGENDA

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|--|------------------|
| I. Welcome, Roll Call, Agenda Review (5 minutes)
<i>Matt Frommer, Chair</i> | 2:00 - 2:05 p.m. |
| II. Action Agenda (5 min)
<i>Matt Frommer, Chair</i> <ul style="list-style-type: none">• Approval of Minutes - August 8, 2023 CTE Board Meeting | 2:05 - 2:10 p.m. |
| III. Program Administrator Update (5 min)
<i>Kay Kelly, (CDOT)</i> | 2:10 - 2:15 p.m. |
| IV. Enterprise Financial Update (15 min)
<i>Kay Hruska and Cassie Rutter (CDOT)</i> <ul style="list-style-type: none">• Approval of FY24-25 Draft Budget | 2:15 - 2:30 p.m. |
| V. CTE ZEV Planning Grant Award Recommendations (30 min)
<i>Kay Kelly & Jan Rowe (CDOT)</i> <ul style="list-style-type: none">• Approval of FY23-24 ZEV Planning Grants | 2:30 - 3:00 p.m. |
| VI. Adjournment
<i>Matt Frommer, Chair</i> | 3:00 - 3:05 p.m. |
| VII. Executive Session
<i>Kathy Young (COAG)</i> | 3:05 - 3:25 p.m. |

Clean Transit Enterprise Board Meeting

August 8, 2023

Regular Board Meeting – Tuesday, August 8, 2023. 2:00 – 4:00pm, Virtual via Zoom Meeting

Video Recording: [Clean Transit Enterprise Board Meeting - August 2023](#)

1. Call to Order, Roll Call (David Averill) - Time 2:11

Director Bonnie Trowbridge,
Director Cris Jones,
Director David Averill,
Director Kelly Blynn,
Director Richard Coffin,

2. Action Agenda - Time 2:12

A motion by Director Averill to approve the meeting minutes from the last board meeting on May 2, 2023. Seconded by Director Trowbridge. Motion passes unanimously. No oppositions or abstentions.

3. Program Administrator Update (Kay Kelly) – Time 2:13

- Welcome to the new DTR Director - Paul DesRocher.
- Joint Session with CTE Board and CDOT Transportation Commission to be scheduled for a later date due to several Commissioners reaching their term limit and the Governor's Office finalizing future appointments.
- Update for first CTE Funding Opportunities:
 - **Planning** Notice of Funding Availability
 - Released on May 22, 2023
 - Applications Due: July 21, 2023
 - Team will be reviewing applications and making recommendations to the CTE Board at a future meeting.
 - **Capital** Notice of Funding Availability (including Vehicles, Infrastructure, Facilities)
 - Estimated Release: Winter 2023
 - During past rounds there have been pricing changes that affect contracting and require amendments. A new timeline starting in Winter 2023 should align better with supply chain pricing changes and grant contracting cycles, leading to a more efficient process.

4. Enterprise Financial Update (Kay Hruska, Celeste Kopperl) – Time 2:19

- Total Retail Delivery Fee collected: **\$8,435,364.00**
- Budget Highlights:
 - Total Forecasted: \$8,280,329.00
 - Difference \$155,035.00
- **Decision item: Fiscal Year 2023-2024 Budget Adjustment (SB23-134):**
 - **SB23-134 - Retail Delivery Fees:** This bill exempts small businesses with retail sales less than or equal to \$500,000 in the prior year from paying the Retail Delivery Fee created by SB21-260. Provides retailers flexibility in how they remit the Retail Delivery Fee to the state.
 - The fiscal impact of the bill is a minor reduction to revenue for the HUTF, Multimodal Options (MMOF), and the Bridge and Tunnel, Clean Transit, and Nonattainment Area Enterprises.
 - FY23 Revised Budget: \$34,020 reduction to Administration.
 - FY24 Revised Budget: \$150,422.43 reduction to Administration.
- **Proposed Motion for Board of Directors Consideration:** Move for the Clean Transit Enterprise to adopt the revised fiscal year 2022-23 and 2023-24 budgets, based on the recommendations of Enterprise staff.

Director Jones: I move for the Clean Transit Enterprise to adopt the revised fiscal year 2022-23 and 2023-24 budgets based on the recommendations of Enterprise staff.

Director Coffin: I second.

Director Averill: No abstentions or opposition. Motion has been approved unanimously.

- **Decision item: CTE Budget Policy Directive Overview:**
 - Purpose of PD:
 - Compliance with statutes and other regulations.
 - Policy Decisions: Board decisions vs. decisions delegated to staff.
 - Visibility important for Board oversight.
 - Level of Action:
 - Board Review and Approve
 - Inform Board
 - Staff Manage
 - Categories:
 - Annual Budget Development (new category)
 - Budget Management
 - Revenue
 - Miscellaneous and Project-Related Transactions
- **Board Review and Vote:**
 - Adoption of next fiscal year budget
 - Adoption of spending plan
 - Addition of new budget category/budget transfers of at least \$150,000.00
 - Adjustment to fees
 - Mid-year changes to budget
 - Changes to existing loan terms or agreements with transit agencies or CDOT
 - Use of contingency reserve
- **Report to Board:**
 - Budget adjustments under \$150,000.00
 - Financial and other required reporting
- **Staff Manage:**
 - Budget adjustments under \$150,000.00
 - Financial and other required reporting
 - Ensure approved project funds are budgeted and spent
- **Proposed Motion for Board of Directors Consideration:** Move for the Clean Transit Enterprise to adopt the CTE Budget Policy Directive.

Director Averill: Do we have any questions for Celeste on the PD? In my review nothing jumped out as being a red flag or anything. It seems pretty balanced. Can you describe to me what is in the annual report?

Celeste Kopperl: The annual report provides outcomes from the previous year on how the program has progressed. If the Enterprise is meeting its requirements, the amount that has been spent. It is a report to the Legislature at the end of the year as a recap.

Director Averill: Perfect for everything we need. Thank you. Any other questions?

Kay Kelly: I think for Policy Directives we would need a formal vote of the Board in which everyone is agreeing to the motion. At the last meeting, everyone thought that this was on the right track with a couple suggested changes, but we wanted to wait until the next meeting. At this point, all Board members with the exception of Director Frommer, have seen a presentation on this and had a chance to weigh in. From my perspective, I am comfortable with calling for a vote if the chair is.

Director Averill: I think that is an excellent suggestion. I entertain this motion for the Board to consider.

Director Coffin: I move for the Enterprise to adopt the CTE Budget Policy Directive.

Director Trowbridge: Second.

Director Averill: No abstentions or opposition. Motion has been approved unanimously.

5. **Update on CTE Planning Grant NOFA (Michael King, Jan Rowe) – Time 2:33**

- DTR received a total of 5 applications for **ZEV Transition Planning Grant** in the latest round of the program, totalling **\$375,000.00** in requests.

- The scoring committee is composed of subject matter experts from CDOT'S DTR, OIM, DTD, the Environmental Justice & Equity Branch, Colorado Energy Office, Colorado Department of Public Health & Environment, CASTA, and the National Renewable Energy Laboratory (NREL).
 - Evaluation Criteria include:
 - Project Need and Benefit 35%
 - Equity, Inclusivity, and Access for Disproportionately Impacted (DI) Communities 30%
 - Project Readiness 15%
 - Agency Capacity 10%
 - Application Quality 10%
- Applications will be reviewed and scored by the end of September 2023 and recommended awardees will be presented to the CTE Board for review and approval at the next meeting on Tuesday, October 10, 2023.

Michael King: At this time, we were not planning to share the specifics of any applications until we have had a chance to review them and make recommendations. I am happy to answer any questions.

Director Averill: I don't recall there being a cap on the amount of funding that was available, is that correct?

Michael King: There was not a specific cap, as I recall we have in our budget some estimates for how much for each of the four categories. This is well within what we were anticipating awarding in the planning category.

Director Averill: What is your reaction? Did you expect more or less than five applications?

Michael King: Personally I would say I was hoping for more, but I think five is more than we've received in previous rounds of the grant funding. It is better than past years, hopefully we start to see a bit of a snowball effect and more interest. I'd pass it to Jan if he has any additional context to add because this is just one piece of the broader DTR call for Planning, Admin, and Operating projects.

Jan Rowe: I am the Assistant Director of Transit programs in DTR. Typically we would award these types of projects through FTA 5504 funds. This amount of applications does match up to what we see every year. This is definitely expected. We have seen transition plans at a lot of agencies as well, who are financially ready to go down that road. It is a typical adoption plan that we are seeing, so the numbers are not surprising.

6. Legal Update - Americans for Prosperity Lawsuit Update (George Hypolite, Kathy Young) – Time 2:38

- Development in the proceedings for Americans for Prosperity Lawsuit.
 - Oral argument on the state's motion to dismiss the complaint will be held on August 9th, 2023 by Assistant Attorney General Shelby Kranz.
 - If the Judge denies that state's motion to dismiss the complaint, it does not mean the lawsuit is lost, but will require further discovery and defending the merits.
- George Hypolite is leaving the Attorney General's Office to become the City Attorney for Pueblo.

7. Future CTE Meeting Schedule: (Kay Kelly) - Time 2:42

- Upcoming Meetings: Tuesday, October 10, 2023 - 2:00-4:00pm
- Topics to be discussed in upcoming meetings:
 - Recommendations to the Board on the EV Planning Grants
 - Public accountability dashboard development
 - Transit agency presentations
 - Other topics at the Board's pleasure

8. Meeting Adjourned (David Averill) - Time 2:44



COLORADO

Department of Transportation

Clean Transit Enterprise Board

October 10, 2023



AGENDA

Topic	Presenter
Welcome, Roll Call, Agenda Review (5 min)	Matt Frommer, Chair
Action Agenda (5 min) <ul style="list-style-type: none"> Approval of Minutes - 08/08/23 CTE Board Meeting 	Matt Frommer, Chair
Program Administrator Update (5 min)	Kay Kelly, CDOT
Enterprise Financial Update (15 min) <ul style="list-style-type: none"> Approval of FY24-25 Draft Budget 	Kay Hruska & Cassie Rutter, CDOT
CTE ZEV Planning Grant Award Recommendations (30 min) <ul style="list-style-type: none"> Approval of FY23-24 ZEV Planning Grants 	Kay Kelly and Jan Rowe, CDOT
Adjournment	Matt Frommer, Chair
Executive session pursuant to Section 24-6-402 (3) (a) (II) of the Colorado Revised Statutes for the purpose of receiving legal advice and a litigation update on the Americans for Prosperity Lawsuit from counsel (20 min)	Kathy Young, COAG



Program Administrator Update



Program Administrator Update

- **First Round of CTE Funding Opportunities:**
 - **Planning Award** recommendations being presented to the Board for approval today
 - **Capital Notice of Funding Availability (including Vehicles, Infrastructure, Facilities)**
 - Estimated Release: January 2024
- **Budget Planning Process for FY25 begins today**
 - **PROPOSED** budget needs to be approved in October
 - **FINAL** budget needs to be approved in February
- **CTE Annual Report** summarizing activities for the 2023 Calendar Year will be prepared by staff and submitted to CDOT Transportation Commission and the TLRC in December.



Enterprise Financial Update



CTE Accounting Update

Year-To Date Figures Through June 2023

Fiscal Year 2023-24 Budget to Actual for Fund 540								
Clean Transit Enterprise								
Line Item		Approved Budget	July 2023	August 2023	September 2023	Total Quarter 1	Total	Remaining Funds
1	Fiscal Year Revenues							
2	Clean Transit Retail Delivery Fee	\$ 8,982,450	\$ 501,162	\$ 874,909	\$ 825,047	\$ 2,201,118	\$ 2,201,118	
3	Interest Revenue	-	-	25,519	29,061	54,580	54,580	
4	Total FY 2023-24- Revenue	\$ 8,982,450	\$ 501,162	\$ 900,428	\$ 854,108	\$ 2,255,698	\$ 2,255,698	\$ 6,726,752
5	Fiscal Year Allocations							
6	Administration & Agency Operations							
7	Administration and Agency Operations							
8	Staff Salaries	\$ 275,895	\$ -	\$ 65	\$ 2,261	\$ -	\$ 2,326	\$ 273,569
9	Attorney General Fees	1,000	67	320	-	387	387	613
10	Office of the State Audit-Annual Financial Audit	2,000	-	-	-	-	-	2,000
11	Professional Services	100,000	-	-	-	-	-	100,000
12	Language Translation Services	25,000	-	-	-	-	-	25,000
13	Board/Staff Travel	5,000	-	-	-	-	-	5,000
14	Board Meeting Expenses	600	-	-	-	-	-	600
15	Miscellaneous	1,000	-	-	-	-	-	1,000
17	Total Administration and Agency Operations	\$ 410,495	\$ 67	\$ 385	\$ 2,261	\$ 387	\$ 2,712	\$ 407,783
18	Contingency Reserve							
19	Board Reserve Fund (10%)	\$ 913,287	\$ -	\$ -	\$ -	\$ -	\$ -	913,287
20	Total Reserve Funds	\$ 913,287	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 913,287
21	Programmed Funds							
22	Programmed Funds	\$ 7,658,668	\$ -	\$ -	\$ -	\$ -	\$ -	7,658,668
23	Total Programmed Funds	\$ 7,658,668	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,658,668
24	Total FY 2023-24 Budget	\$ 8,982,450						
25	Total FY 2023-24 Allocations	\$ 8,982,450						



Clean Transit Enterprise - Retail Delivery Fee

FY 2022-23 Revenue (\$0.3 fee):

- Total Forecasted: \$8,280,329
- Total Collected: \$9,335,275
- Difference: \$1,054,946

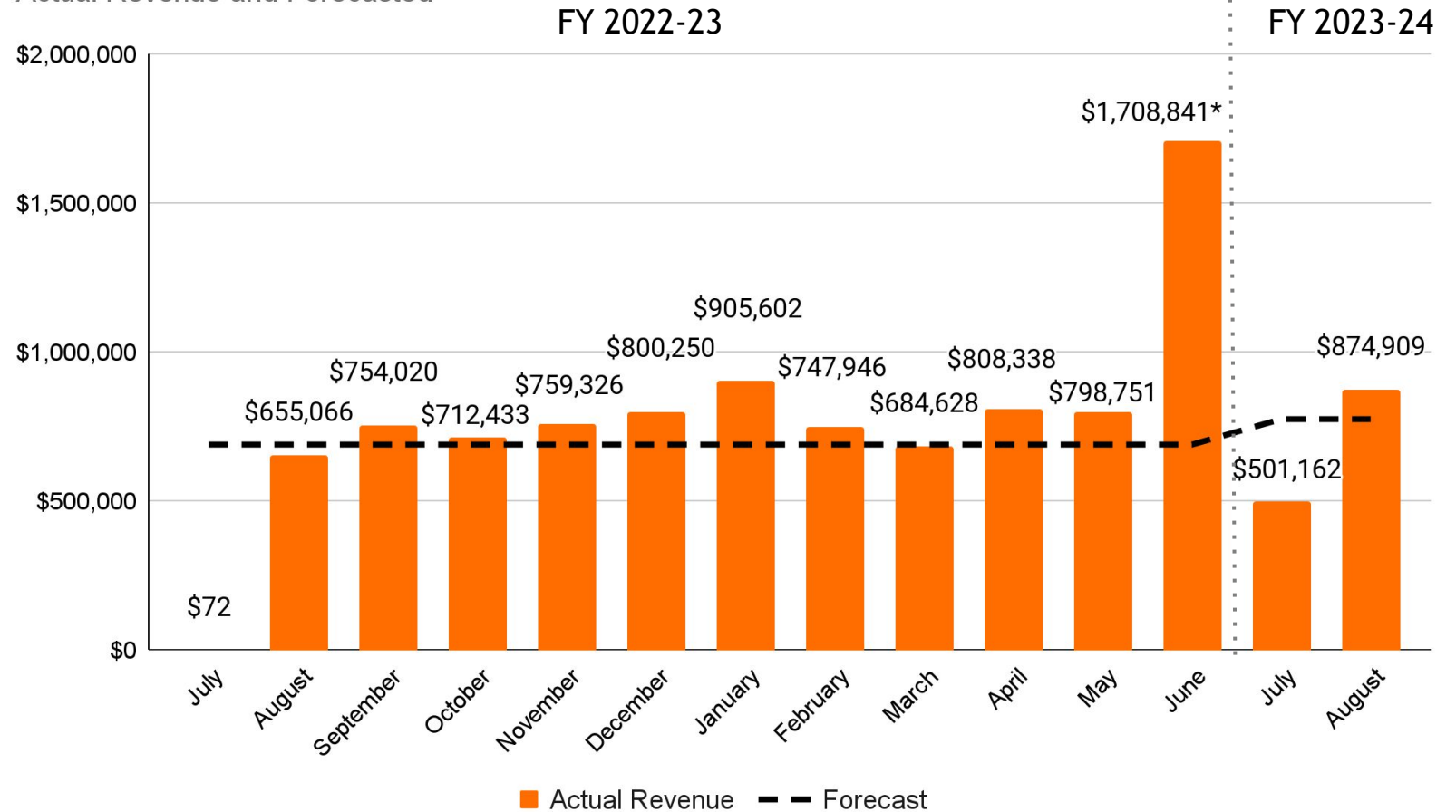
FY 2023-24 Revenue (\$0.311 fee):

- Total Forecasted: \$9,306,756
- Collected YTD: \$1,376,071

FY 2024-25 Revenue (\$0.317 fee*):

- Total Forecasted: \$9,902,388
- *projected fee adjustment for inflation; Board action required prior to 3/15/24)

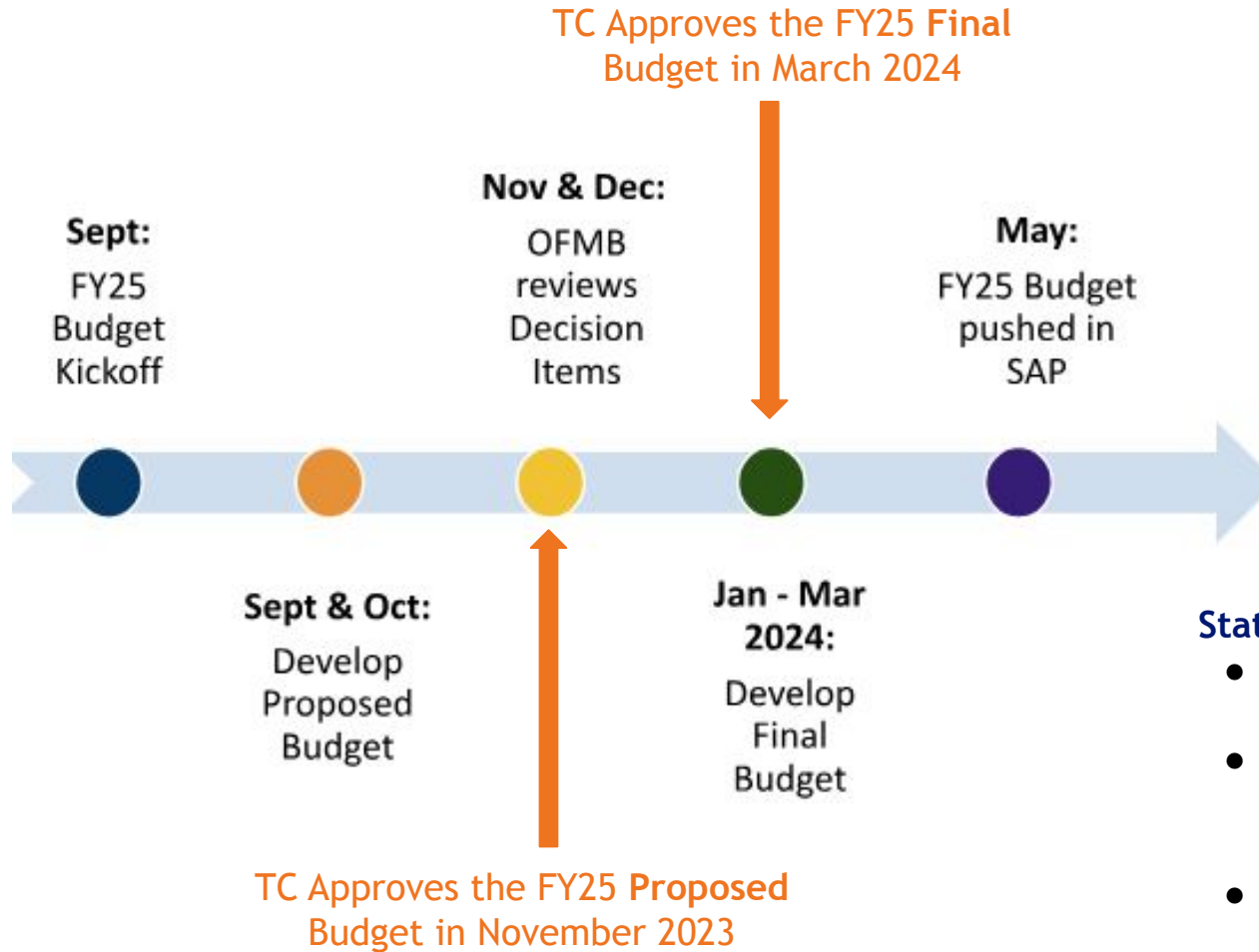
Actual Revenue and Forecasted



*June 2023 includes \$928,515.29 in Period 13 accruals



CDOT's Annual Budget Setting Process



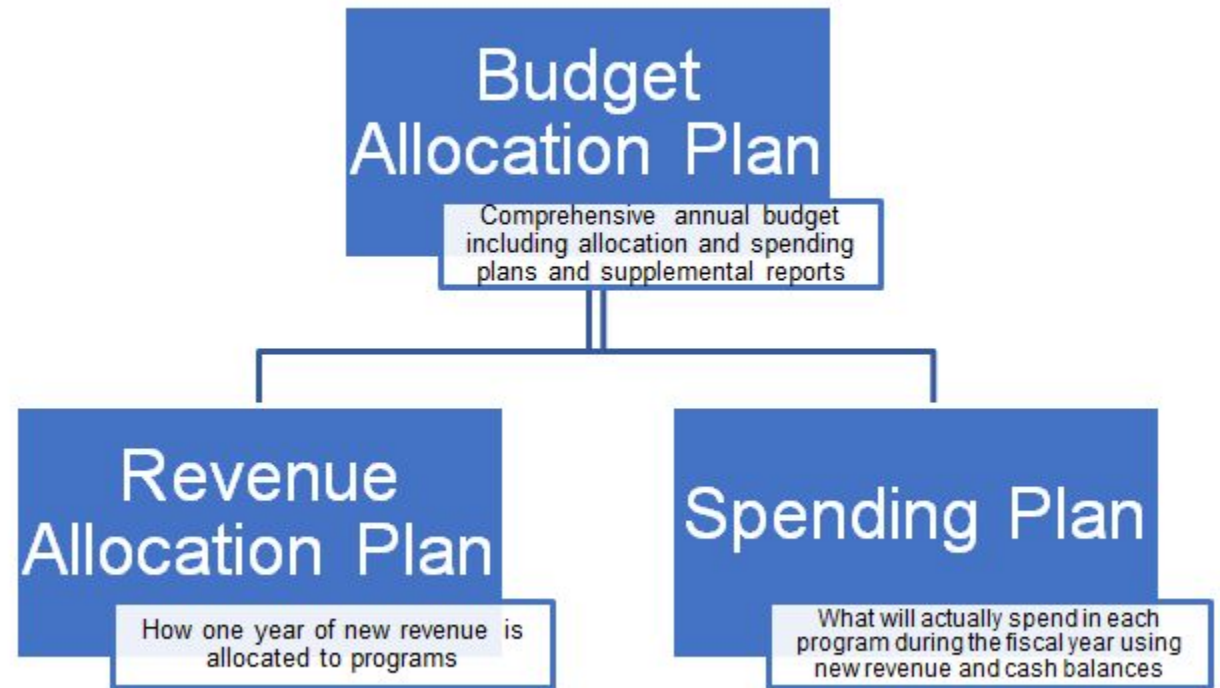
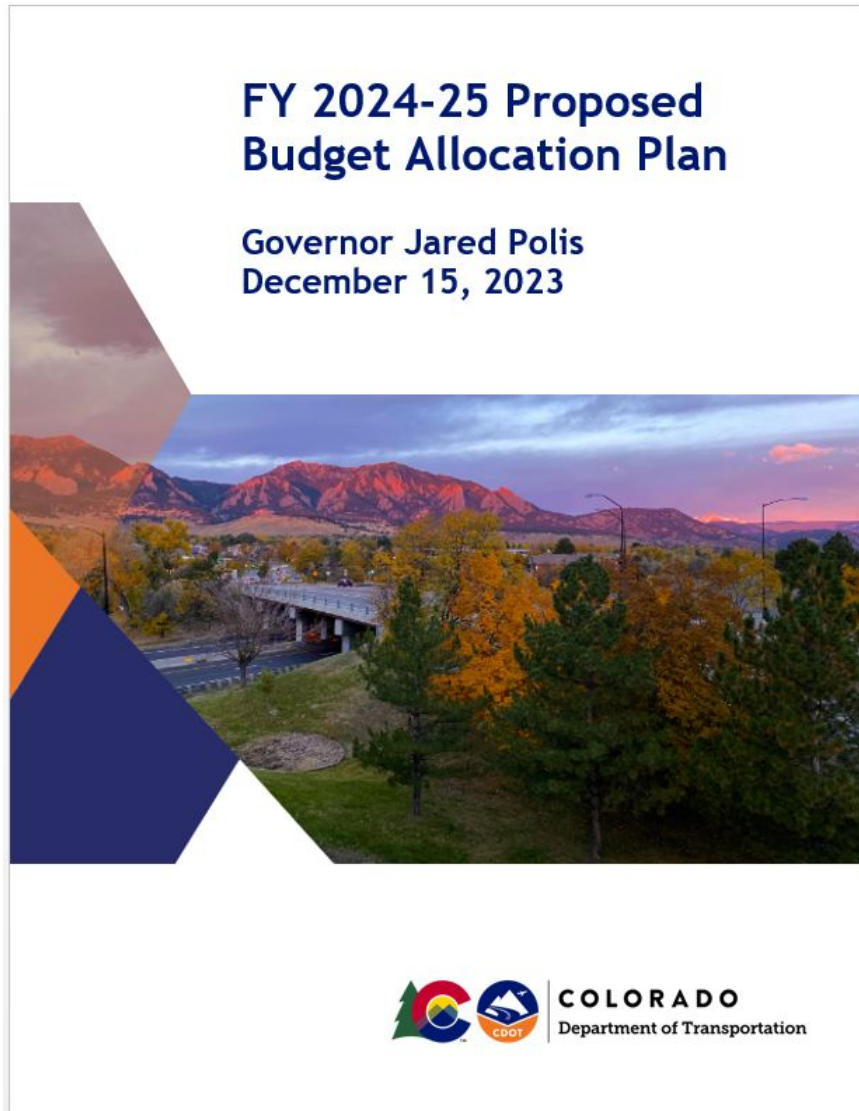
The deadline for divisions and regions to submit their FY25 budget request to OFMB is **November 1**

Statutory Deadlines for the Budget:

- **November 1** - legislative budget submitted to the Joint Budget Committee
- **December 15** - Proposed Annual Budget submitted to the Governor's Office and legislature
- **April 15** - Final Annual Budget submitted to the Governor's Office and legislature
- **by June 30** - Governor signs Final Budget



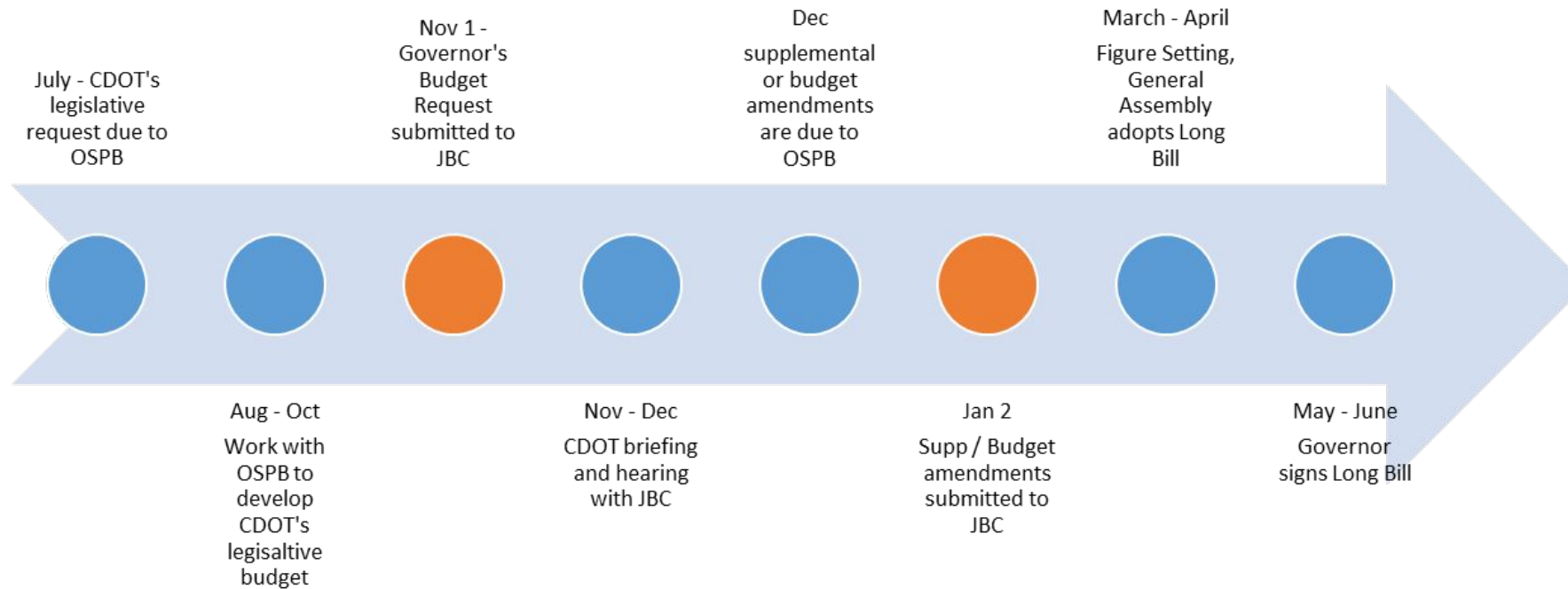
FY25 Budget Allocation Plan



<https://www.codot.gov/business/budget/cdot-budget/fy-2023-2024-budget-reports-information/fy-2023-2024-final-budget-allocation-plan>



Legislative Budget Setting Process



Current legislative request for CTE for FY 2024-25: **\$9,902,388**



CTE Proposed FY25 Budget (FY starts 7/1/24)

LINE ITEM	FY2024-25
TOTAL REVENUES	\$ 9,902,388
Clean Transit Retail Delivery Fee	\$ 9,902,388
ADMINISTRATION & AGENCY OPERATIONS	\$ 560,450
Staff Salaries	\$ 450,250
Attorney General's Office Fees	\$ 5,000
Office of State Audit - Annual Financial Audit	\$ 2,000
Professional Services	\$ 100,000
Administrative Expenses	\$ 3,200
Board/Staff Travel	\$ 2,000
Board Meeting Expenses	\$ 200
Supplies/Registration Fees/Etc.	\$ 1,000
CONTINGENCY RESERVE	\$ 990,239
Board Reserve Fund (10.00%)	\$ 990,239
PROGRAMMED FUNDS	\$ 8,351,699
Programmed Funds	\$ 8,351,699
TOTAL - CTE	\$ 9,902,388

Projected Revenue

Anticipate higher salary costs going forward as grant programs move from planning phase into execution phase

Small reduction in professional services category from prior years (based on experience)

Travel and Meeting Expenses line items adjusted to allow for 2 in-person meetings per year

Total of \$9,341,938 remaining for the CTE Grant Portfolio and Contingency Funds (94% of Revenue)



Enterprise Board Action

Proposed Motion for Board of Directors Consideration:

Move for the Clean Transit Enterprise to adopt the fiscal year 2025 PROPOSED budget as presented by Enterprise staff.



CTE Planning Grant Award Recommendations



Planning Grant Applications

DTR received a total of 5 applications for ZEV Transition Planning Grants in the latest round of the program, totalling \$327,500 in requests.

The scoring committee was comprised of subject matter experts from DTR, OIM, DTD, the Environmental Justice & Equity (EJE) Branch, Colorado Energy Office, Colorado Department of Public Health & Environment, CASTA, and the National Renewable Energy Laboratory (NREL).

Applications were reviewed and scored in September and then recommended awards were reviewed with the Chief of Innovative Mobility and Director of DTR. We are now bringing them to the CTE Board for your review and potential approval.



Submitted Applications

<u>Agency</u>	<u>Grant Request</u>	<u>Local Match</u>	<u>Total Project Cost</u>
City of Pueblo	\$99,000	\$11,000	\$110,000
Laradon Hall Society for Exceptional Children and Adults	\$90,000	\$10,000	\$100,000
Neighbor to Neighbor Volunteers (aka Chaffee Shuttle)	\$40,500	\$4,500	\$45,000
Teller Senior Coalition	\$30,500	\$3,500	\$35,000
Via Mobility	\$67,500	\$7,500	\$75,000
Total	\$327,500	\$36,500	\$365,000



Planning Grant Evaluation Criteria

Zero Emission Vehicle (ZEV) Transition Planning Grants Evaluation Criteria	
Project Need and Benefit	35%
Equity, Inclusivity, and Access for Disproportionately Impacted (DI) Communities	30%
Project Readiness	15%
Agency Capacity	10%
Application Quality	10%



Application Scores

<u>Agency</u>	<u>Committee Recommendation</u>	<u>Recommended Grant</u>
City of Pueblo	Award	\$99,000
Laradon Hall Society for Exceptional Children and Adults	Award	\$90,000
Neighbor to Neighbor Volunteers (aka Chaffee Shuttle)	Award	\$40,500
Teller Senior Coalition	Deny / Re-apply	\$0
Via Mobility	Award	\$67,500
Total	—	\$297,000



City of Pueblo

Grant Request: \$99,000

Committee Recommendation: Award

This ZEV Transition Plan is part of a broader commitment to the City's goal of 100% renewables by 2035. Their application shows the City's understanding of the needs in disproportionately impacted communities, the need for a facility assessment, and a commitment to equitable engagement. The City of Pueblo has one of the larger transit fleets in Colorado and will benefit from a planning study.



Laradon Hall Society of Exceptional Children and Adults

Grant Request: \$90,000

Committee Recommendation: Award

Laradon Hall provides service to a wide geographic area and the organization serves diverse and disproportionately impacted individuals. The organization has already received funding from both Xcel Energy and DRCOG to jumpstart their electrification efforts. A planning effort will help them to better understand the challenges and opportunities of electrifying a fleet of cutaways and vans that operate demand-response services.



Neighbor to Neighbor Volunteers aka Chaffee Shuttle

Grant Request: \$40,500

Committee Recommendation: Award

The goal of this project is an assessment of the viability of ZEV service in a rural area as the organization serves a large area of the San Luis Valley. The committee appreciates NTN's equity approach including implementing a public engagement campaign and commitment to conduct outreach activities in English and Spanish. Given the project's geographic location and vehicle types, it could be a challenge but the committee believes it would be a valuable exercise for the agency and can set a model for other rural agencies in the state to consider electrification.



Application Descriptions

Teller Senior Coalition

Grant Request: \$30,500

Committee Recommendation: Deny / Re-Apply

The application was vague and all responses lack specificity of what the applicant is trying to achieve with this plan. In addition, the organization does not have a local match approved. The committee suggests the applicant apply for the next round. The CASTA Director will reach out to this applicant after the award announcements to better understand and assist the organization with developing a future application if they chose to do so.



Via Mobility

Grant Request: \$67,500

Committee Recommendation: Award

This organization has already been deploying electric buses in their transit fleet and having a well documented ZEV transition plan will help support their ongoing implementation. Via Mobility operates one of the larger fleets in the state and this project will have a high impact. Responses on the equity measures could be improved, but CDOT OIM and DTR staff will work with the organization to ensure equity is embedded in the planning and implementation process.



Questions & Discussion





Enterprise Board Action

Proposed Motion for Board of Directors Consideration:

Move for the Clean Transit Enterprise to approve the four recommended awards in the Zero Emission Vehicle Transition Planning grant category for a total of \$297,000 in Programmed funds, based on the recommendations of Enterprise staff.



Upcoming Meetings and Topics

Upcoming Meetings:

- Tuesday, February 20, 2024 - 1:00-3:00 pm

Topics:

- Capital Award Recommendations
- FY25 FINAL Budget Approval
- Inflationary Adjustments to Clean Transit Enterprise Fees (Due March 15th)
- Public accountability dashboard
- Other topics at the Board's pleasure



Clean Transit Enterprise Information



COLORADO
Department of Transportation

<https://www.codot.gov/programs/innovativemobility/cte>

Programs

Resources

- Clean Transit Enterprise
- Electric Vehicle Ride & Drive Event
- Electrification
- Mobility Services
- Mobility Technology
- Transit and Rail

Clean Transit Enterprise

To support Colorado's transit electrification through planning efforts, transit site upgrades, procurement of electric transit buses, and deployment of associated charging infrastructure.



About the Clean Transit Enterprise

This enterprise is created within the Colorado Department of Transportation (CDOT) to support public transit electrification planning efforts, facility upgrades, fleet motor vehicle replacement, as well as construction and development of electric motor vehicle charging and fueling infrastructure. The bill allows the enterprise to impose a clean transit retail delivery fee to fund its operations, and to issue grants, loans or rebates to support electrification of public transit.

Contact Us

codot_cleantransitenterprise@state.co.us

Resources

- [Board Appointments](#)
- [Enterprise Funds](#)
- [Board Powers & Duties](#)
- [Clean Transit Enterprise 10 Year Plan](#)
- [2021 Transit Zero Emission Vehicle \(ZEV\) Roadmap](#)
- [Clean Transit Enterprise Processes and Fees, 2 CCR 607-1](#)

Upcoming Meetings

Board of Directors Meeting
July 13, 2022
12:00-2:00 pm
[YouTube Link](#)
[Schedule & Agenda](#)

Prior Meetings

Board of Directors Meeting - January 31st, 2022
[Video Recording](#)

Subscribe for CTE Updates

* indicates required

Email Address *

First Name

Last Name

Organization/Affiliation

Subscribe



Executive session pursuant to Section 24-6-402 (3) (a) (II) of the Colorado Revised Statutes for the purpose of receiving legal advice and a litigation update on the Americans for Prosperity Lawsuit from counsel.



THANK YOU!

