



COLORADO

Department of Transportation

Clean Transit Enterprise Board

August 8, 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 - 05/02/23 CTE Board Meeting 	Matt Frommer, Chair
Program Administrator Update (5 min)	Kay Kelly, CDOT
Enterprise Financial Update (10 min) <ul style="list-style-type: none"> • Approval of revised FY22-23 and FY23-24 Budgets • Approval of CTE Budget Policy Directive 	Celeste Kopperl & Kay Hruska, CDOT
Update on NOFA (10 min)	Mike King and Jan Rowe, CDOT
Legal Update - Americans for Prosperity Lawsuit Update (25 min)	George Hypolite and Kathy Young, COAG
Adjournment	Matt Frommer, Chair



Program Administrator Update



Program Administrator Update

- Welcome to our new DTR Director - Paul DesRocher!
- Joint Session with CTE Board and CDOT Transportation Commission to be scheduled for a later date
- Update on 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



Enterprise Financial Update



CTE Accounting Update

Year-To Date Figures Through June 2023

Fiscal Year 2022-23 Budget to Actual for Fund 540								
Clean Transit Enterprise								
Line Item		Approved Budget	Total Quarter 1	Total Quarter 2	Total Quarter 3	Total Quarter 4	Total	Remaining Funds
1	Fiscal Year Revenues							
2	Clean Transit Retail Delivery Fee	\$ 8,280,329	\$ 1,409,158	\$ 2,272,010	\$ 2,338,176	\$ 3,315,172	\$ 7,625,768	
3	Interest Revenue	-	319	10,275	28,794	74,799	\$ 70,232	
4	Total FY 2022-23- Revenue	\$ 8,280,329	\$ 1,409,477	\$ 2,282,285	\$ 2,366,970	\$ 3,389,971	\$ 7,696,000	\$ 584,329
5	Fiscal Year Allocations							
6	Administration & Agency Operations							
7	Administration and Agency Operations							
8	Staff Salaries	\$ 411,900	\$ 74	\$ 6,290	\$ 3,149	\$ 4,707	\$ 12,618	\$ 399,282
9	Attorney General Fees	5,000	285	1,085	1,173	66	\$ 2,609	2,391
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
16	FY22 TC Loan Repayment	76,128	74,872	-	-	-	\$ 74,872	1,256
17	Total Administration and Agency Operations	\$ 626,628	\$ 75,231	\$ 7,376	\$ 4,322	\$ 4,773	\$ 90,100	\$ 536,528
18	Contingency Reserve							
19	Board Reserve Fund (10%)	\$ 828,033.00	\$ -	\$ -	\$ -		\$ -	\$ 828,033.0
20	Total Reserve Funds	\$ 828,033.00						\$ 828,033.0
21	Programmed Funds							
22	Programmed Funds	\$ 6,825,668.00	\$ -	\$ -	\$ -		\$ -	\$ 6,825,668.0
23	Total Programmed Funds	\$ 6,825,668.00						\$ 6,825,668.0
24	Total FY 2022-23 Budget	\$ 8,280,329.00						
25	Total FY 2022-23 Allocations	\$ 8,280,329.00						



Clean Transit Enterprise - Retail Delivery Fee

- **Retail Delivery Fee (\$0.03):**
 - Total Forecasted: 8,280,329
 - Total Collected: \$8,435,364
 - Difference: \$155,035

Clean Transit Enterprise Retail Delivery Fee Forecasted to Actual





Decision Item: FY23 and FY24 Budget Adjustments (SB23-134)

SB23-143 - 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. The bill also 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.

Retail Delivery Fee Recipient	FY 2022-23	FY 2023-24	FY 2024-25
HUTF	(\$27,090)	(\$119,784)	(\$129,912)
MMOF	(\$28,482)	(\$125,933)	(\$136,582)
Bridge and Tunnel Enterprise	(\$30,618)	(\$135,380)	(\$146,827)
Clean Transit Enterprise	(\$34,020)	(\$150,422)	(\$163,141)
NAAPME	(\$7,938)	(\$35,099)	(\$38,066)
Grand Total	(\$134,765)	(\$746,295)	(\$809,397)



Decision Item: FY23 and FY24 Budget Adjustments (SB23-134)

FY23 Revised Budget (\$34,020 reduction to Administration)

LINE ITEM	FY2022-23 Budget	Revised Allocations
TOTAL REVENUES	\$ 8,280,329	\$ 8,246,309
Clean Transit Retail Delivery Fee	\$ 8,280,329	\$ 8,246,309
ADMINISTRATION & AGENCY OPERATIONS	\$ 550,500	\$ 516,480
Staff Salaries	\$ 411,900	\$ 377,880
Attorney General's Office Fees	\$ 5,000	\$ 5,000
Office of State Audit - Annual Financial Audit	\$ 2,000	\$ 2,000
Professional Services	\$ 126,000	\$ 126,000
Language Translation Services	\$ -	\$ -
Administrative Expenses	\$ 5,600	\$ 5,600
Board/Staff Travel	\$ 5,000	\$ 5,000
Board Meeting Expenses	\$ 600	\$ 600
Miscellaneous	\$ -	\$ -
CONTINGENCY RESERVE	\$ 828,033	\$ 828,033
Board Reserve Fund (10.00%)	\$ 828,033	\$ 828,033
PROGRAMMED FUNDS	\$ 6,825,668	\$ 6,825,668
Programmed Funds	\$ 6,825,668	\$ 6,825,668
DEBT PAYMENTS	\$ 76,128	\$ 76,128
TOTAL - CTE	\$ 8,280,329	\$ 8,246,309

FY24 Revised Budget (\$150,422 reduction to Administration)

LINE ITEM	FY2023-24 Budget	Revised Allocations
TOTAL REVENUES	\$ 9,132,872	\$ 8,982,450
Clean Transit Retail Delivery Fee	\$ 9,132,872	\$ 8,982,450
ADMINISTRATION & AGENCY OPERATIONS	\$ 560,917	\$ 410,495
Staff Salaries	\$ 426,317	\$ 275,895
Attorney General's Office Fees	\$ 1,000	\$ 1,000
Office of State Audit - Annual Financial Audit	\$ 2,000	\$ 2,000
Professional Services	\$ 100,000	\$ 100,000
Language Translation Services	\$ 25,000	\$ 25,000
Administrative Expenses	\$ 6,600	\$ 6,600
Board/Staff Travel	\$ 5,000	\$ 5,000
Board Meeting Expenses	\$ 600	\$ 600
Miscellaneous	\$ 1,000	\$ 1,000
Loan Payments	\$ -	\$ -
CONTINGENCY RESERVE	\$ 913,287	\$ 913,287
Board Reserve Fund (10.00%)	\$ 913,287	\$ 913,287
PROGRAMMED FUNDS	\$ 7,658,668	\$ 7,658,668
Programmed Funds	\$ 7,658,668	\$ 7,658,668
TOTAL - CTE	\$ 9,132,872	\$ 8,982,450



Enterprise Board Action

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.



Policy Directive Overview

- Purpose of PD
 - Compliance with statutes and other regulations
 - Policy Decisions - Board decisions vs. ones that can be delegated to staff
 - Visibility important for Board oversight
- Level of Action
 - Board Review and Approve
 - Inform Board
 - Staff Manage
- Categories
 - Annual Budget Development
 - Budget Management
 - Revenue
 - Misc. and Project-Related Transactions



Annual Budget Development: New Category

Board Review and Approve	Report to and Inform CTE Board	Staff Manage
February- Adoption of Final Fiscal Year Budget	October- Review draft budget information that will be included in the CDOT draft budget allocation plan January- review final budget for comment	August - February Budget Development May - June Implementation of approved budget
Plan next fiscal year's estimated grant/rebate/loan expenses prior to OSPB deadline	Any changes to annually appropriated budget require OSPB approval ahead of the deadlines listed on OSPB's website	
Addition of a new budget category with an amount greater than or equal to \$150,000, or increases to the contingency reserve or debt service lines by any dollar amount	Addition of a new budget category that is under \$150,000	



CTE Policy Directive

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
- Adjustments to fees
- Mid-year changes to budget
- Changes to existing loan terms or agreements with transit agencies/CDOT
- Use of contingency reserve

Report to Board:

- Budget adjustments under \$150,000
- Financial and other required reporting

Staff Manage:

- Budget adjustments under \$150,000
- Financial and other required reporting
- ensure approved project funds are budgeted and spent



Feedback



Enterprise Board Action

Proposed Motion for Board of Directors Consideration:

Move for the Clean Transit Enterprise to adopt the CTE Budget Policy Directive



CTE Planning Grant NOFA Update



Planning Grant Applications

DTR received a total of 5 applications for ZEV Transition Planning Grants in the latest round of the program, totalling \$375,000 in requests.

The scoring committee is 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 will be reviewed and scored by the end of September and recommended awardees will be presented to the CTE Board for review and approval at the next meeting.



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%



Legal Update - Americans for Prosperity Lawsuit Update



Questions / Discussion



Upcoming Meetings and Topics

Upcoming Meetings:

- Tuesday October 10, 2023 - 2:00-4:00 pm

Topics:

- Public accountability dashboard development
- Transit agency presentations
- 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

cdot_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



THANK YOU!



Clean Transit Enterprise Board Meeting

August 8, 2023

Regular Board Meeting – Tuesday, October 10, 2023. 2:00 – 4:00pm, Virtual via Zoom Meeting

Video Recording: [Clean Transit Enterprise Board Meeting - October 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