

REGIONAL AIR QUALITY COUNCIL

BASIC FINANCIAL STATEMENTS

December 31, 2023

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FINANCIAL SECTION



JOHN CUTLER & ASSOCIATES

To the Board of Directors
Regional Air Quality Council
Denver, Colorado

INDEPENDENT AUDITORS' REPORT

Report on the Financial Statements

Opinions

We have audited the financial statements of the business-type activities and each major fund of the Regional Air Quality Council (the "Council") as of and for the year ended December 31, 2023, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities and each major fund of the Regional Air Quality Council as of December 31, 2023, and the respective changes in financial position and, where applicable, cash flows, thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America, and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Regional Air Quality Council, and to meet our ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Council's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgement and maintain professional skepticism throughout the audit.

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures of the financial statements. Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion of the effectiveness of the Council's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Council's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board (GASB) who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary and Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Council's basic financial statements. The individual fund financial statement as listed in the table of contents, is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements.

The individual fund financial statement has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the individual fund financial statement is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Council's financial statements. The schedule of expenditures of federal awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards are fairly stated in all material respects in relation to the financial statements as a whole.

John Luther & Associates, LLC

August 22, 2024

Regional Air Quality Council
DRAFT Management’s Discussion and Analysis
December 31, 2023

Introduction

The management’s discussion and analysis of the financial performance of the Regional Air Quality Council (the “Council”) provides an overview of the Council’s financial activities for the year ended December 31, 2023. The Council’s fiscal year is January through December, and each fiscal year is considered separately. Although 2022 financial information is included in the audit and parts of this discussion and analysis, there is not a direct relationship to income or expenses from year to year, as the programs the Council provides can vary significantly from year to year. This should be read in conjunction with the accompanying financial statements of the Council.

Financial Highlights

- The Council continues to have a strong financial position. The Council has a solid cash position and significant contract funding to fund its programs.
- The Council continues to be successful in securing grant funding to support its activities. As of December 31, 2023, the Council has entered into multi-year contracts with state and federal agencies that total \$50,879,552. Of this amount, \$34,994,494 has been spent by Council and reimbursed by various agencies and \$15,884,058 is remaining on the contracts.
- In 2023, the Council’s overall local government funding level increased by approximately 9.4%. The Council continues to work to sustain and increase its local government funding levels and to maintain strong partnerships with local governments.
- The Council has been successful in securing in-kind match contributions from partners to match federal grant funds. The collected in-kind match was sufficient to meet contractual requirements.
- General and administrative costs increased from 2022 due primarily to salaries and related expenses. The administrative costs are over the 2023 overall budgeted amount.

Using this Annual Report

The Council’s financial statements consist of three statements— Net Position; Revenue, Expenses and Changes in Net Position; and Cash Flows Proprietary Fund Type. These statements provide information about the activities of the Council, including resources held by the Council, but restricted for specific purposes. The Council is accounted for as an enterprise fund, which records activity in a manner similar to private business and uses the accrual basis of accounting.

The Statement of Net Position and Statement of Revenues, Expenses and Changes in Net Position

The Statement of Net Position, the Statement of Revenues, Expenses and Changes in Net Position report information about the Council’s resources and its activities. These statements include all restricted and unrestricted assets and all liabilities using the accrual basis of accounting. Using the accrual basis of accounting means that all of the current year’s revenues and expenses are taken into account regardless of when cash is received or paid.

These two statements report the Council’s net position and changes in revenue, expense and net position. The Council’s net position —the difference between assets and liabilities—is one measure of the Council’s financial health or financial position.

The Statement of Cash Flows Proprietary Fund Type

The Statement of Cash Flows Proprietary Fund Type reports cash receipts, cash payments and net changes in cash and cash equivalents resulting from four defined types of activities. It provides answers to such questions as where cash came from, what was cash used for, and what was the change in cash and cash equivalents during the reporting period.

The Council’s Net Position

The Council’s net position is the difference between its assets and liabilities reported in the Statement of Net Position.

Table 1: Assets, Liabilities and Net Position	2023	2022
Assets		
Current assets		
Cash and cash equivalents	\$1,864,454	\$1,586,915
Accounts receivable	532,412	1,359,513
Prepaid expenses	<u>22,397</u>	<u>21,892</u>
Total current assets	<u>2,419,263</u>	<u>2,968,320</u>
Total noncurrent assets		
Capital assets, depreciated,		
Net of accumulated depreciation	20,390	27,227
Leased Assets, Net of accumulated amortization	283,993	347,934
Other	<u>1,653</u>	<u>1,653</u>
Total noncurrent Assets	<u>306,036</u>	<u>376,814</u>
Total assets	\$2,725,299	\$3,345,134
Liabilities		
Current liabilities		
Accounts payable	\$601,857	\$1,681,803
Accrued Expenses	\$25,652	\$18,454
Lease Liability	<u>75,812</u>	<u>71,314</u>
Total current liabilities	<u>703,321</u>	<u>1,771,571</u>
Noncurrent liabilities		
Accrued compensated absences	59,490	44,497
Lease Liability	<u>195,040</u>	<u>270,852</u>
Total noncurrent liabilities	<u>254,530</u>	<u>315,349</u>
Total Liabilities	\$957,851	\$2,086,920
Net Position		
Invested in capital assets	20,390	27,227
Unrestricted	<u>1,747,058</u>	<u>1,236,425</u>
Total Net Position	<u>\$1,767,448</u>	<u>\$1,258,214</u>

As shown in Table 1 above, the Council’s net position increased in 2023. The increase in net position reflects the annual fluctuation in recovery of indirect costs through contracts and planned use of reserved funds for non-contract program expenses.

The change in accounts receivable from 2022 to 2023 is due to the nature of the Council’s income contracts for programs and the timing of contract reimbursements. December 2023 invoices for contract reimbursements were submitted for payment in early 2023. The year-end accounts receivable balance is based on the amount of work completed on each contracted project. In 2023, there were fewer outstanding projects on grants and some program grantees experienced delays with their projects which had a direct impact on accounts receivable and accounts payable.

Operating Results and Changes in the Council’s Net Position

In 2023, the Council’s net position shows a net income of \$509,234 as shown in Table 2. This increase is due to several different components and the reasons for this change are discussed under the “Operating Losses/Gains” section below.

Table 2: Operating Results and Changes in Net Position

	2022	2023
Operating Revenues		
Project Service Charges	8,907,120	8,757,488
Contributions to Programs (local governments)	387,383	353,950
Contributions to Programs (in-kind project income)	328,055	359,229
Other income	17,406	402
Total operating revenues	\$9,639,964	\$9,471,069
Operating Expenses		
Direct contract costs	8,352,039	8,420,782
General and administrative	<u>1,526,882</u>	<u>1,238,890</u>
Total operating expenses	<u>9,878,921</u>	<u>9,659,672</u>
Operating Income (Loss)	<u>-238,957</u>	<u>-188,603</u>
Nonoperating Revenues		
Interest Income	1191	102
Income (loss) before Contributions	<u>-237,766</u>	<u>-188,501</u>
Contributions	<u>747,000</u>	<u>52,221</u>
Net Income (Loss)	509,234	-136,280
NET POSITION, Beginning	1,258,214	1,394,494
NET POSITION, Ending	\$1,767,448	\$1,258,214

Operating Loss/Gain

The first component of the overall change in the Council's net position is its income or loss/gain—generally, the difference between revenues and expenses. In 2023, the Council has reported a net income of \$509,234. The increase in net position in 2023 reflects the annual fluctuation in recovery of indirect costs through contracts and planned use of reserve funds from previous year's net position (fund balance). Council submits indirect cost rates for approval to its cognizant agency and/or state agencies annually to assure that indirect costs are recovered equitably between all funding sources.

The Council's operating revenue was used to pay for the direct contract costs and a portion of the general and administrative costs.

The Council's financial statements conform to the requirements of GASB 34, which divides income, by definition, into two categories, operating and non-operating.

Non-Operating Revenues

Non-operating revenues consist primarily of interest income.

The Council's Cash Flow

Changes in the Council's cash flows are consistent with changes in operating losses and operating revenues and expenses discussed earlier.

Capital Assets and Debt Administration

At the end of 2023, the Council had \$304,383 invested in capital assets, net of accumulated depreciation, as detailed in Note 4 to the financial statements. Capital assets include an infrared camera, leasehold improvements, and leased assets amortization.

Leased assets amortization is the gradual reduction of lease debt through agreed upon repayments with the lender. The Council's leased assets include a non-cancellable operating lease for its office space and a proportionate amount of the building's operating expenses, as detailed in Note 5 of the financial statements.

Other Economic Factors

The Regional Air Quality Council was established by an executive order and exists at the discretion of the governor of the state of Colorado. The Council is considered a political subdivision of the state of Colorado. The Council's current executive order remains in full force until modified or rescinded by future executive order of the Governor. The Council has existed as a nonprofit corporation since 1990.

The Council is not subject to the requirements of TABOR amendments because it has no taxing or bonding authority.

The Council relies on local governments in the nine-county metro Denver/North Front Range ozone nonattainment area for significant funding. This funding is voluntary and can change annually. However, Council management proactively works with the local government partners to help ensure funding levels remain consistent. Grant funding varies annually based on awards received and project contract periods.

Council Contact Information

This financial report is designed to provide our contributors, suppliers, and taxpayers with a general overview of the Council's finances and to show the Council's accountability for the money it receives. Questions about this report and requests for additional financial information should be directed to the Council by telephone at (303) 629-5450 or by email at raqc@raqc.org.

BASIC FINANCIAL STATEMENTS

REGIONAL AIR QUALITY COUNCIL

STATEMENT OF NET POSITION

As of December 31, 2023

	<u>2023</u>	<u>2022</u>
ASSETS		
Current Assets		
Cash	\$ 1,864,454	\$ 1,586,915
Accounts Receivable	532,412	1,359,513
Prepaid Expenses	<u>22,397</u>	<u>21,892</u>
Total Current Assets	<u>2,419,263</u>	<u>2,968,320</u>
Noncurrent Assets		
Capital Assets, depreciated, Net of Accumulated Depreciation	20,390	27,227
Lease Assets, Net of Accumulated Amortization	283,993	347,934
Other	<u>1,653</u>	<u>1,653</u>
Total Noncurrent Assets	<u>306,036</u>	<u>376,814</u>
TOTAL ASSETS	<u>2,725,299</u>	<u>3,345,134</u>
LIABILITIES		
Current Liabilities		
Accounts Payable	601,857	1,681,803
Accrued Expenses	25,652	18,454
Lease Liability	<u>75,812</u>	<u>71,314</u>
Total Current Liabilities	<u>703,321</u>	<u>1,771,571</u>
Noncurrent Liabilities		
Accrued Compensated Absences	59,490	44,497
Lease Liability	<u>195,040</u>	<u>270,852</u>
Total Noncurrent Liabilities	<u>254,530</u>	<u>315,349</u>
TOTAL LIABILITIES	<u>957,851</u>	<u>2,086,920</u>
NET POSITION		
Investment in Capital Assets	20,390	27,227
Unrestricted	<u>1,747,058</u>	<u>1,230,987</u>
TOTAL NET POSITION	<u>\$ 1,767,448</u>	<u>\$ 1,258,214</u>

The accompanying notes are an integral part of the financial statements.

REGIONAL AIR QUALITY COUNCIL

STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN NET POSITION
Year Ended December 31, 2023

	<u>2023</u>	<u>2022</u>
OPERATING REVENUES		
Project Service Charges	\$ 8,907,120	\$ 8,757,488
Contributions to Programs		
Local Governments	387,383	353,950
In-Kind	328,055	359,229
Other Income	<u>17,406</u>	<u>402</u>
TOTAL OPERATING REVENUES	<u>9,639,964</u>	<u>9,471,069</u>
OPERATING EXPENSES		
Direct Contract Costs	8,352,039	8,420,782
General and Administrative	<u>1,526,882</u>	<u>1,238,890</u>
TOTAL OPERATING EXPENSES	<u>9,878,921</u>	<u>9,659,672</u>
OPERATING INCOME (LOSS)	<u>(238,957)</u>	<u>(188,603)</u>
NON-OPERATING REVENUES		
Interest Income	<u>1,191</u>	<u>102</u>
INCOME (LOSS) BEFORE CONTRIBUTIONS	<u>(237,766)</u>	<u>(188,501)</u>
Contributions	<u>747,000</u>	<u>52,221</u>
NET INCOME	509,234	(136,280)
NET POSITION, Beginning	<u>1,258,214</u>	<u>1,394,494</u>
NET POSITION, Ending	<u><u>\$ 1,767,448</u></u>	<u><u>\$ 1,258,214</u></u>

The accompanying notes are an integral part of the financial statements.

REGIONAL AIR QUALITY COUNCIL

STATEMENT OF CASH FLOWS

PROPRIETARY FUND TYPE

Year Ended December 31, 2023

Increase (Decrease) in Cash and Cash Equivalents

	<u>2023</u>	<u>2022</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash Received Grantors	\$ 9,751,627	\$ 9,537,525
Cash Received from Local Governments	387,383	353,950
Cash Paid to Suppliers	(9,303,009)	(8,528,107)
Cash Paid to Employees	(1,306,653)	(1,049,078)
Net Cash Provided (Used) by Operating Activities	<u>(470,652)</u>	<u>314,290</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES		
Capital Contributions	747,000	52,221
Net Cash Provided by Capital and Related Financing Activities	<u>747,000</u>	<u>52,221</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Interest Received	<u>1,191</u>	<u>102</u>
Net Increase (Decrease) in Cash and Cash Equivalents	277,539	366,613
CASH AND CASH EQUIVALENTS, Beginning	<u>1,586,915</u>	<u>1,220,302</u>
CASH AND CASH EQUIVALENTS, Ending	<u>\$ 1,864,454</u>	<u>\$ 1,586,915</u>
RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED BY OPERATING ACTIVITIES		
Operating Income (Loss)	<u>\$ (238,957)</u>	<u>\$ (188,603)</u>
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities		
Depreciation	70,778	68,074
Amoritzation of Lease Liability	(71,314)	(67,005)
Changes in Assets and Liabilities		
Accounts Receivable	827,101	779,635
Prepaid Expenses and Deposits	(505)	(676)
Accounts Payable	(1,079,946)	(271,756)
Accrued Expenses	7,198	4
Accrued Compensated Absences	14,993	(5,383)
Total Adjustments	<u>(231,695)</u>	<u>502,893</u>
Net Cash Provided (Used) by Operating Activities	<u>\$ (470,652)</u>	<u>\$ 314,290</u>

The accompanying notes are an integral part of the financial statements.

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Regional Air Quality Council (the “Council”) was established by an executive order of the governor of the State of Colorado. In March 2009, the Governor recreated and reauthorized the Council. On May 5, 2011 and July 19, 2013, the Governor extended and reauthorized the Council. In 2019, the Governor extended and amended the Council’s executive order as the lead air quality planning agency for the Denver metropolitan area and the Denver Metro/North Front Range Ozone Non-Attainment Area. The Council exists at the discretion of the governor of the State of Colorado with no specific expiration date.

The mission of the Regional Air Quality Council is to develop and propose effective and cost-efficient air quality planning initiatives with input from government agencies, the private sector, stakeholder groups, and citizens of the Denver metropolitan/North Front Range region. Its primary task is to prepare state implementation elements that demonstrate and ensure long-term compliance with state and federal air quality standards and provide acceptable public health and environmental protections to those residing in the Denver metropolitan and the North Front Range areas, as appropriate. The Council shall identify bold, cost-effective strategies and measures that reduce greenhouse gas emissions and consider co-benefits in its analyses and deliberations. The Governor directed Council to work with relevant State, agencies, DRCOG, NFRMPO, municipal and county governments, business and industry representatives, advocacy groups and citizens to achieve its goals. Council shall coordinate its assessments and strategy development efforts with other air quality initiatives to determine strategies and measures for ozone- and climate change- causing emissions.

The accounting policies of the Council conform to generally accepted accounting principles as applicable to governments. Following is a summary of the more significant policies.

Reporting Entity

In accordance with governmental accounting standards, the Regional Air Quality Council has considered the possibility of inclusion of additional entities in its basic financial statements.

The definition of the reporting entity is based primarily on financial accountability. The Council is financially accountable for organizations that make up its legal entity. It is also financially accountable for legally separate organizations if Council officials appoint a voting majority of the organization’s governing body and either it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific financial burdens on, the Council. The Council may also be financially accountable for governmental organizations that are fiscally dependent upon it. Based on the application of these criteria, the Council includes the RAQC Clean Air Fund, a separate not-for-profit corporation, in this report. This information is included in the activity of the enterprise fund.

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The Council financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when the liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due.

Measurement Focus, Basis of Accounting, and Financial Statement Presentation

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the Council's practice to use restricted resources first, then unrestricted resources as they are needed.

The Council reports all activity in one enterprise fund which is a proprietary fund type. This fund is considered a major fund.

Cash and Investments

Cash equivalents include investments with original maturities of three months or less.

Receivables

Receivables consist of amounts that are owed from various granting agencies.

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Capital Assets

Capital assets, which include property and equipment, are reported in the proprietary fund financial statements. Capital assets are defined by the Council as assets with an estimated useful life in excess of one year and an initial cost of \$1,000 or more. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property and equipment of the Council is depreciated using the straight-line method over the following estimated useful lives:

Furniture, fixtures and equipment	5 – 10 years
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Accrued Compensated Absences

Council policies permit most employees to accumulate vacation and sick leave benefits that may be realized as paid time off, or in limited circumstances, as a cash payment. Accumulated vacation expense is recorded when time off occurs. Upon termination employees are paid for accumulated vacation time. Sick leave benefits are recognized as expense when the time off occurs. Sick leave benefits can be accumulated but are not payable in cash at time of termination. Compensated absence liabilities are computed using the regular pay and termination pay rates in effect at time of termination.

Net Position

The government-wide and business-type fund financial statements utilize a net position presentation. Net position is categorized as investment in capital assets, restricted, and unrestricted.

Investment in Capital Assets is intended to reflect the portion of net position which are associated with non-liquid, capital assets less outstanding capital asset related debt. The net related debt is the debt less the outstanding liquid assets and any associated unamortized cost.

Restricted Net Position consist of liquid assets, which have third party limitations on their use.

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Net Position (Continued)

Unrestricted Net Position represents assets that do not have any third-party limitation on their use. While Council management may have categorized and segmented portion for various purposes, the Council has the unrestricted authority to revisit or alter these managerial decisions.

Comparative Data

Comparative total data for the prior year has been presented in the accompanying financial statements in order to provide an understanding of changes in the Council's financial position and operations. However, complete comparative data in accordance with generally accepted accounting principles has not been presented since its inclusion would make the financial statements unduly complex and difficult to read.

NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

Budgets and Budgetary Accounting

The Council is not legally required to prepare a budget under the Colorado Budget Law; however, they approve a budget as a management control device. The budget has been presented in these financial statements for presentation purposes. The following procedures are followed in establishing the budgetary data reflected in the financial statements.

In the last quarter of the preceding year, the Council staff submits to the Board of Directors a proposed operating budget for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 3: DEPOSITS AND INVESTMENTS

Deposits

Custodial Credit Risk – Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulations. At December 31, 2023, State regulatory commissioners have indicated that all financial institutions holding deposits for the Council are eligible public depositories. Amounts on deposit in excess of federal insurance levels must be collateralized by eligible collateral as determined by the PDPA. PDPA allows the financial institution to create a single collateral pool for all public funds held.

The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the uninsured deposits.

The Council has no policy regarding custodial credit risk for deposits.

At December 31, 2023, the Council had deposits with financial institutions with a carrying amount of \$1,864,454. The bank balances with the financial institutions were \$1,898,265. Of these balances, \$250,000 was covered by federal depository insurance and \$1,648,265 was covered by collateral held by authorized escrow agents in the financial institutions name (PDPA).

Investments

Interest Rate Risk

The Council does not have a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates.

Credit Risk

Colorado statutes specify in which instruments the units of local government may invest which includes:

- Obligations of the United States and certain U.S. government agency securities
- General obligation and revenue bonds of U.S. local government entities
- Bankers' acceptances of certain banks
- Local government investment pools
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds
- Guaranteed investment contracts

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 3: DEPOSITS AND INVESTMENTS (Continued)

Investments (Continued)

The above investments are authorized for all funds and fund types used by Colorado municipalities.

Fair Value

The Council categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant observable inputs.

The Council does not have any investments requiring categorization as of December 31, 2023.

NOTE 4: CAPITAL ASSETS

Capital assets activity for the year ended December 31, 2023 is summarized below:

	Balances <u>12/31/2022</u>	<u>Additions</u>	<u>Deletions</u>	Balances <u>12/31/2023</u>
Business-type Activities				
Capital Assets, depreciated				
Furniture, Fixtures and Equipment	\$ 145,407	\$ -	\$ -	\$ 145,407
Less Accumulated Depreciation	<u>118,180</u>	<u>6,837</u>	<u>-</u>	<u>125,017</u>
Total Capital Assets, depreciated, Net	<u>27,227</u>	<u>(6,837)</u>	<u>-</u>	<u>20,390</u>
Lease assets being amortized	<u>409,171</u>	<u>-</u>	<u>-</u>	<u>409,171</u>
Less accumulated amortization	<u>61,237</u>	<u>63,941</u>	<u>-</u>	<u>125,178</u>
Net lease assets being amortized	<u>347,934</u>	<u>(63,941)</u>	<u>-</u>	<u>283,993</u>
Net capital assets	<u>\$ 375,161</u>	<u>\$ (70,778)</u>	<u>\$ -</u>	<u>\$ 304,383</u>

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 5: LONG TERM DEBT

Following is a summary of the Council's long-term debt transactions for the year ended December 31, 2023:

	<u>Balance</u> <u>12/31/22</u>	<u>Additions</u>	<u>Payments</u>	<u>Balance</u> <u>12/31/23</u>
Leases	\$ <u>342,166</u>	\$ <u>-</u>	\$ <u>71,314</u>	\$ <u>270,852</u>

On May 1, 2019, the Council has entered into a non-cancellable lease for its office space and a proportionate amount of the buildings operating expenses. This lease expires on April 30, 2027 and is capitalized under lease assets. The lease calls for monthly payments ranging from \$6,131 to 7,262. The lease is capitalized under lease assets.

Annual debt service requirements for the outstanding lease as of December 31, 2023, are as follows:

<u>Year Ended December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2024	\$ 75,812	\$ 7,393	\$ 83,205
2025	80,522	4,341	84,863
2026	85,470	1,101	86,571
2027	<u>29,048</u>	<u>-</u>	<u>29,048</u>
Total Debt Service Requirements	<u>\$ 270,852</u>	<u>\$ 12,835</u>	<u>\$ 283,687</u>

NOTE 6: CONTRACTS

The Council has entered into various contracts with state and federal agencies to provide services related to the Council's programs. As of December 31, 2023, the Council has entered into contracts with a total amount of \$50,879,552. Of this amount \$34,995,494 has been spent by the Council and subsequently reimbursed by the various agencies and \$15,884,058, is remaining on the contracts.

NOTE 7: RISK MANAGEMENT

The Council is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; injuries to employees; and natural disasters. Commercial insurance coverage is purchased to handle these risks of loss. Settled claims have not exceeded insured amounts in the last three years.

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 8: DEFINED CONTRIBUTION PLAN

The Council contributes to a defined contribution pension plan (the Regional Air Quality Council Money Purchase Plan) covering substantially all employees. The Plan is administered by the Regional Air Quality Council through Nationwide Retirement Solutions. The plan is administered by a trustee appointed by the Council's governing body. The plan provided retirement and death benefits to plan members and their beneficiaries. Benefit provisions are contained in the plan document and were established and can be amended by action of the Council's governing body.

For the year ended December 31, 2023 and prior years, the Council contributed 3% of the employee's compensation to the Plan. Employees are not required to match the contribution. Effective January 1, 2018, employees have the option to contribute to the RAQC 457 Deferred Compensation Plan up to an additional 2.5 percent for a total of 5.5 percent of the employee's compensation which will be matched by the Council.

All employees are 100 percent vested in the Plan. Employees may receive distributions from the Plan from certain accounts prior to termination of employment provided they satisfy the conditions of attaining age 70 ½ and are 100% vested in accounts. In addition, employees may receive a distribution of the vested portion of some or all accounts in the Plan for the following reasons: termination of employment for reasons other than death, disability or retirement; early retirement; normal retirement; disability, and death. The plan will pay the employee's beneficiary a death benefit upon death of employee. If the death benefit payable to the beneficiary does not exceed \$5,000, then the benefit may be paid as a lump-sum. If death benefit exceeds \$5,000, the beneficiary may elect to have the death benefit in the same forms of payment that were available to the employee.

Pension expense is recorded for the amount of the Council's contributions, determined in accordance with the terms of the plan. For the year ended December 31, 2023, there were no forfeitures reported by the Plan. Contributions in the amount of \$50,775 were made to the plan for the year ended December 31, 2023, equal to the Council's required contributions for the year.

NOTE 9: COMMITMENTS AND CONTINGENCIES

Claims and Judgments

The Council participates in a number of federal and state programs that are fully or partially funded by grants received from other governmental units. Expenditures financed by grants are subject to audit by the appropriate grantor government. If expenditures are disallowed due to noncompliance with grant program regulations, the Council may be required to reimburse the grantor government. As of December 31, 2023, significant amounts of grant expenditures have not been audited but the Council believes that disallowed expenditures, if any, based on subsequent audits will not have a material effect on the overall financial position of the Council.

REGIONAL AIR QUALITY COUNCIL

NOTES TO FINANCIAL STATEMENTS

December 31, 2023

NOTE 9: COMMITMENTS AND CONTINGENCIES (Continued)

Tabor Amendment

Colorado voters passed an amendment to the State Constitution, Article X, Section 20, which has several limitations, including revenue raising, spending abilities, and other specific requirements of state and local government. The Council believes that it is not subject to the requirements of this amendment because it has no taxing or bonding authority.

NOTE 10: SUBSEQUENT EVENTS

Potential subsequent events were considered through August 22, 2024. It was determined that no events were required to be disclosed through this date.

INDIVIDUAL FUND SCHEDULE

REGIONAL AIR QUALITY COUNCIL
 BUDGETARY COMPARISON SCHEDULE
 Year Ended December 31, 2023

	2023		VARIANCE Positive (Negative)	2022 ACTUAL
	ORIGINAL AND FINAL BUDGET	ACTUAL		
REVENUES				
Project Service Charges	\$ 7,656,000	\$ 8,907,120	\$ 1,251,120	\$ 8,757,488
Contributions				
Local Governments	305,200	387,383	82,183	353,950
Private Companies	15,000	747,000	732,000	52,221
In-Kind	420,000	328,055	(91,945)	359,229
Interest	-	1,191	1,191	102
Other Revenues	4,000	17,406	13,406	402
TOTAL REVENUES	8,400,200	10,388,155	1,987,955	9,523,392
EXPENDITURES				
Direct Contract Costs				
Vehicle Emission Reducion Program	5,351,000	6,540,831	(1,189,831)	7,538,605
Ozone SIP Modeling/Technical Analysis	387,000	591,013	(204,013)	275,420
Legislative Liaison Services	12,000	12,000	-	12,000
Ozone Awareness Project	1,292,000	1,197,171	94,829	548,928
Infrared Camera Project	8,000	4,636	3,364	4,678
Public Outreach	60,000	6,388	53,612	41,151
Total Direct Contract Costs	7,110,000	8,352,039	(1,242,039)	8,420,782
General and Administrative				
Salaries and Related Expenses	1,195,500	1,328,844	(133,344)	1,043,699
Office Rent	90,000	17,350	72,650	8,575
Lease Interest Expense	-	10,267	(10,267)	-
Other	23,000	37,672	(14,672)	55,742
Equipment Lease	10,000	5,367	4,633	6,189
Telephone	6,000	7,252	(1,252)	8,841
Insurance	3,000	2,409	591	2,408
Accounting	12,000	9,500	2,500	7,500
Travel	6,000	9,744	(3,744)	4,214
Office Supplies	4,000	2,982	1,018	2,482
Office Equipment	6,000	9,420	(3,420)	7,320
Depreciation and Amortization	-	70,778	(70,778)	81,044
Repairs and Maintenance	12,000	11,209	791	6,973
Human Resources	10,000	2,025	7,975	3,604
Printing and Copying	4,000	2,063	1,937	299
Total General and Administrative	1,381,500	1,526,882	(145,382)	1,238,890
TOTAL EXPENSES	8,491,500	9,878,921	(1,387,421)	9,659,672
 Change in Net Position	 (91,300)	 509,234	 600,534	 (136,280)
 NET POSITION, Beginning	 1,897,000	 1,258,214	 (638,786)	 1,394,494
 NET POSITION, Ending	 <u>\$ 1,805,700</u>	 <u>\$ 1,767,448</u>	 <u>\$ (38,252)</u>	 <u>\$ 1,258,214</u>

The accompanying notes are an integral part of the financial statements.

COMPLIANCE



JOHN CUTLER & ASSOCIATES

To the Board of Directors
Regional Air Quality Council
Denver, Colorado

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities and each major fund of the Regional Air Quality Council as of and for the year ended December 31, 2023, and the related notes to the financial statements, which collectively comprise Regional Air Quality Council's basic financial statements, and have issued our report thereon dated August 22, 2024.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Regional Air Quality Council's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Regional Air Quality Council's internal control. Accordingly, we do not express an opinion on the effectiveness of the Regional Air Quality Council's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a *material weakness*, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Regional Air Quality Council's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

John Luthr & Associates, LLC

August 22, 2024



JOHN CUTLER & ASSOCIATES

To the Board of Directors
Regional Air Quality Council
Denver, Colorado

REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM, REPORT ON INTERNAL CONTROL OVER COMPLIANCE AS REQUIRED BY THE UNIFORM GUIDANCE

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited the Regional Air Quality Council's compliance with the types of compliance requirements identified as subject to audit in the OMB Compliance Supplement that could have a direct and material effect on the Regional Air Quality Council's major federal programs for the year ended December 31, 2023. The Regional Air Quality Council's major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, the Regional Air Quality Council complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended December 31, 2023.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the "Auditor's Responsibilities for the Audit of Compliance" section of our report.

We are required to be independent of The Regional Air Quality Council and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of The Regional Air Quality Council's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to the Regional Air Quality Council's federal programs.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on The Regional Air Quality Council's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the Regional Air Quality Council's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the Regional Air Quality Council's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the Regional Air Quality Council's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the Regional Air Quality Council's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control Over Compliance

Our consideration of internal control over compliance was for the limited purpose described in the "Auditor's Responsibilities for the Audit of Compliance" section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control* over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control* over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Regional Air Quality Council's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Regional Air Quality Council's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

John Luthr & Associates, LLC

August 22, 2024

REGIONAL AIR QUALITY COUNCIL

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

Year Ended December 31, 2023

Summary of Auditors' Results

Financial Statements

Type of auditors' report issued: unmodified

Internal control over financial reporting:

- Material weaknesses identified? _____ yes x no

- Significant Deficiencies noted? _____ yes x none reported

Noncompliance material to financial statements noted?

_____ yes x no

Federal Awards

Internal control over major programs:

- Material weaknesses identified? _____ yes x no

- Significant Deficiencies noted? _____ yes x none reported

Type of auditor's report issued on compliance for major programs: unqualified

Any audit findings disclosed that are required to be reported in accordance with section the Uniform Guidance?

_____ yes x no

Identification of major program:

20.205 Highway Planning and Construction

Dollar threshold used to distinguish between type A and type B programs: \$750,000

Auditee qualified as low-risk auditee?

_____ yes x no

Findings Related to Financial Statements

The audit of the financial statements did not disclose any significant deficiencies in internal control that would be considered a material weakness, and did not disclose any instances of noncompliance with requirements of certain provisions of laws, regulations, and grants that were material to those financial statements.

Findings and Questioned Costs for Federal Awards

The audit of federal awards did not disclose any significant deficiencies in internal control that would be considered a material weakness, and did not disclose any instances of noncompliance with requirements of certain provisions of laws, regulations, and grants that were material to those federal awards.

REGIONAL AIR QUALITY COUNCIL

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

For the Year Ended December 31, 2023

	<u>Major Program ?</u>	<u>CDEA #</u>	<u>Total Expenditures</u>
<u>U.S. DEPARTMENT OF TRANSPORTATION</u>			
Passed through the State Department Of Transportation Highway Planning and Construction	Yes	20.205	<u>\$ 1,790,024</u>
Total Federal Financial Assistance			<u><u>\$ 1,790,024</u></u>

NOTES

1. Basis of Presentation

The Schedule of Expenditures of Federal Awards includes the federal grant activity of the Council and is presented on the accrual basis of accounting. The information in this schedule is presented in accordance with the requirements of and the audit requirements of Title 2 U.S. Code of Federal Regulations *Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)*. Therefore, some amounts presented in this schedule may differ from amounts presented in or used in the preparation of the purpose financial statements.

2. Sub-recipients

In relation to the federal expenditures presented in this schedule, \$748,868 in federal awards was passed through to subrecipients during 2023.

3. The Council did not use the 10% de minimus cost rate.

The accompanying notes are an integral part of the financial statements.