

MEMORANDUM OF UNDERSTANDING

Between
**Upstate Colorado Economic Development as the
Weld Enterprise Zone Administrator**
and
High Plains Library District Friends & Foundation

REGARDING ENTERPRISE ZONE CONTRIBUTION TAX CREDIT

This agreement is made and entered into this 26 day of May, 2022 by and between Upstate Colorado Economic Development, Inc., (hereinafter referred to as Upstate) and the High Plains Library District Friends & Foundation (hereinafter referred to as the Agency), concerning use of the Colorado Enterprise Zone Contribution Tax Credit.

WHEREAS, Upstate has been designated as the Administrator of the Weld County Enterprise Zone (EZ) established pursuant to the Urban and Rural Enterprise Zone Act cited as C.R.S. 39-30-101, et seq. and accordingly, has responsibility for implementing the development plan of the Weld County EZ, and;

WHEREAS, the Colorado EZ legislation permits a 25 percent (25%) state income tax credit for Colorado taxpayers who make cash contributions, and a 12.5 percent tax (12.5%) state income tax credit for in-kind contributions to approved EZ projects/agencies for assistance in implementing the Economic Development Plan of an EZ, and following state eligibility criteria allows the EZ Administrator to determine what use of contributions fall within the scope of the zone's Development Plan, and;

WHEREAS, the Agency, located within or directly impacting the Weld County EZ boundaries, is a private, non-profit corporation and Upstate has determined that activities conducted by the Agency as described in Exhibit "A", assist in implementing the Weld County EZ Development Plan, and the Agency has received local and state approval as an eligible EZ Contribution Project, and;

WHEREAS, Upstate may contract with the Agency to accept funds on behalf of the Weld County EZ in order to carry out specific, approved activities of the EZ Development Plan and the Agency will implement these approved activities, services and/or programs herein described within the Weld County EZ.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Beginning (5/19/2022), the Agency will have the authority to receive cash and/or approved in-kind contributions directly from donors, on behalf of the Weld County EZ, to fund its approved contribution project identified in Exhibit "A".
2. The Agency and Upstate agree to the administrative procedures, documentation and reporting requirements as identified in Exhibit "B".
3. The Agency is required to submit an annual fundraising status report, as requested by Upstate, outlining uses of funds earning an EZ state income tax credit, results accomplished with these funds and to ensure that the program is working in support of the overall goals of the Weld County EZ Development Plan.

- 4. Donations made to the Agency that cannot be applied in accordance with the eligible uses as described in Exhibit "A", shall not be eligible to earn an EZ tax credit.
- 5. As requested and with reasonable notice, the Agency shall make available its financial records in accordance with generally accepted accounting standards concerning contributions received by the Agency on behalf of the Weld County EZ.
- 6. Upstate will collect 1.5% of the value of each contribution, as an administrative fee.

ACKNOWLEDGEMENT - The parties specifically acknowledge that Upstate is not relinquishing its role, duties or responsibilities as the "county-wide" agency charged with carrying out the Development Plan of the Weld County EZ, but rather Upstate is sub-contracting with the Agency as service provider to directly accept eligible contributions and carry out aspects of the plan in which Upstate is not directly involved.

COMPLIANCE OF LAW -The Agency agrees that it will comply with all local, state and federal laws applicable to the services provided under this agreement.

IN WITNESS WHERE OF, the parties hereto have executed this agreement on (date).

Upstate Colorado Economic Development, Inc.

Exhibits A & B

Cassidy Stubblefield

CS

Cassidy Stubblefield, Weld County Enterprise Zone Administrator

Initial

Agency Name

Exhibits A & B

Mark Merer

MM

Authorized Agency Representative

Initial