

COLONIAS INFRASTRUCTURE BOARD COLONIAS INFRASTRUCTURE PROJECT FUND PROJECT SELECTION AND MANAGEMENT POLICY

I. PURPOSE

The purpose of the Colonias Infrastructure Board (“Board”) is to help address inadequate infrastructure in Colonia-recognized communities as provided for in the Colonias Infrastructure Act, NMSA 1978, Sections 6-30-1 through 6-30-8 (the “Act”) that has resulted in poor social, health and economic conditions. Using the resources provided through the Colonias Infrastructure Project Fund (“Fund”), the Board will support the planning and development of infrastructure in an efficient and cost-effective manner for projects that improve quality of life for Colonia residents and encourage economic development.

Working in concert with the Colonias Infrastructure Project Fund Rules, this Project Management Policy (“Policy”) set forth the criteria by which the Board will prioritize projects for recommendation to the New Mexico Finance Authority (“Finance Authority”) to receive financial assistance from the Fund.

II. GOALS

The goals of this Policy are to:

- Foster a coordinated, strategic, long-range approach to community planning, infrastructure, funding and development;
- Set standards for project selection based on need, community impact, and feasibility;
- Establish criteria for the prioritization of projects based upon health, safety and welfare; and
- Support the public health and economic vitality of Colonias in New Mexico through comprehensive planning and investment in infrastructure;

In developing this comprehensive framework for project prioritization and readiness, the Board provides guidance to agency staff and applicants regarding suitability for financial assistance from the Fund.

III. IMPLEMENTATION

This Policy will be implemented by the Board as supported by staff and may, at times, be waived by the Board if the Board determines in a public meeting that a deviation from its adopted policies is necessary. Such a waiver will be approved by the Board only when necessary to meet the goals of the Act. Such waiver will be reflected in the agenda and minutes of the public meeting at which the waiver is approved.

SECTION 1 PROJECT PRIORITIZATION

The Board seeks to strategically prioritize infrastructure projects that make appropriate use of local, state, and federal dollars and provide beneficial infrastructure that will have a positive impact on the quality of life for Colonias residents.

Section 1.1 Evaluation Considerations and Guidelines Factors

The Board will consider the following criteria in prioritizing projects:

1. Project Urgency	30%*
2. Project Readiness	20%
3. Leverage of other funds	10%
4. Regionalization	10%
5. Cost/Benefit	10%
6. Long Term Community Benefit	10%
7. Long-Term Sustainability, Maintenance and Operations	10%

A. Urgent Needs. The Board may provide greater policy consideration to projects determined to be Urgent. Projects determined to be Urgent under the following criteria may receive up to 20 points. (**only projects that are determined to have catastrophic events can be scored the extra 10 pts*)

1. Projects that cure regulatory compliance issues cited by the New Mexico Environment Department.
2. Public health threats including waterborne disease outbreak, wastewater treatment and inadequate water supply so long as the proposed project addresses the existing or imminent threats.
3. Safe Drinking Water Act Compliance, including acute and chronic risk contaminants, that result in three violations in the past year so long as the project addresses the existing or imminent threats.
4. Emergencies as declared by a Governor's Emergency Declaration.
5. Flood and drainage issues resulting from non-existent, inadequate or poorly designed infrastructure causing health and safety issues.
6. Dam safety projects that restore to a safe condition impending failures in dam structures. Dam is defined as:

A man-made barrier constructed across a watercourse or off-channel for the purpose of storage, control or diversion of water.

7. Projects that include a description and analysis of project need and benefit that identify human health and safety concerns and overall degree of benefit to public health.
8. The Board may accept lesser levels of organizational readiness and application standards for projects determined to be Urgent.

B. Readiness. Projects ready to proceed with as appropriate, approved plans, specifications, permits, licenses, authorizations, other funding secured, other items identified in Section 4.1. (Up to 20 pts)

C. Leveraging of Other Funds. Projects that leverage local, certain state and federal funds, as outlined in Section 4.1.A.8. In these instances, “project” will be defined as the current phase of a larger multi-phase project, if applicable. (Up to 10 pts)

D. Regionalization. The Board supports infrastructure management projects that demonstrate appropriate geographic cooperative efforts and prevent the proliferation of unsustainable independent systems. Towards that end, the Board provides the following definition of regionalization. (Up to 10 pts)

1. The Board defines regionalization as a process through which multiple communities or existing systems collaborate to consolidate physical infrastructure and/or management and operations, including other shared resources to achieve efficiency and economies of scale.

This definition includes regionalization that occurs at different scales depending on the geographic context:

Project provides "regionalization" of several smaller water systems and/or provides regional service which replaces individual well-septic systems. Applicant has collaborated with all adjacent governmental, municipal interests, sanitation districts, water associations, and/or private ownerships within five miles of current service area. Project incorporates an area >80% of the population within an area. Project proposes to "share" infrastructure or manpower, equipment, processes, etc. Project has multiple partners who have entered into a Joint Powers Agreement for the proposed project.

2. The Board recognizes that regionalization is not universally feasible for all projects and therefore does not preclude consideration of funding individual systems unable to regionalize.

E. Project Design and Implementation. The Board supports planned and well-designed projects that will be ready for implementation upon award and will prioritize applications:

1. That best demonstrate financial, managerial and technical capacity as outlined in Section 3 of these Project Management Policies.

2. That evidence project readiness as outlined in Section 4 of these Project Management Policies.

F. Cost Benefit. The Board supports projects that address the needs of the greatest population in a cost-effective manner. This priority should not however rule out meeting the critical health and safety needs of smaller populations. (Up to 10 pts)

G. Long Term Community Benefit. (Up to 10 pts)

H. Long Term Sustainability, Maintenance and Operations: The Board supports applicants that have implemented asset management plans as defined in Section 3.2 of these Project Management Policies. Long-term sustainability, maintenance and operation evaluation criteria are outlined as: (Up to 10 pts)

1. Applicant has submitted an Asset Management Plan that clearly defines the managerial capacity to manage the project, including maintenance and operation over the life of the system. *6-10 pts*
2. Applicant is currently developing an Asset Management Plan that clearly defines the managerial capacity to manage the project, including maintenance and operations over the life of the system. *1-5 pts*
3. No plan or other documents are available that would provide evidence of long-term maintenance and operations of the system. *0 pts*

Section 1.2 Annual Percentages to Project Types

The Act authorizes the Board to fund water and wastewater systems, solid waste disposal facilities, flood and drainage control projects, and roads, and housing infrastructure.

Given the demand for the diverse infrastructure needs, and recognizing that the urgency of the needs may fluctuate annually based upon weather or catastrophic events, the Board may annually decide on funding target ranges across the eligible project types. If the Board elects to recommend a certain percentage of funds towards specific project types, this dedication will occur through official Board action before the opening of any annual application round.

Section 1.3 Project Continuations

- A. To the greatest extent possible, the Board will recommend projects that represent functional stand-alone phases that can be completed within 12-24 months from the date of securing the funds by closing on a financial assistance agreement.
- B. To encourage timely completion of projects and to maximize participation, the Board requires applicants that have received prior Fund awards to certify completion of all projects prior to approval of any new award for funding, subject to limitations below, unless the new project will cure a condition considered Urgent as described in Section 1.1:

1. All applicants must expend at least 50% of prior awards that have not yet been certified as complete. Funds awarded in the most recent application cycle are excluded from this expenditure calculation;
 2. The applicant has the operational capacity to oversee the development of the additional project without impairing either the existing or new project; or
 3. As otherwise determined by the Board.
- C. As a project progresses into additional phases, the Board may require greater levels of organizational management and contributions toward the project.

SECTION 2 LOCAL SUPPORT

The local support policy provides guidance to the Board and its applicants on the definitions of and minimum requirements for local support and contribution.

To ensure efficient and full leveraging of available local, state and federal dollars directed towards the needs of Colonias, the Board requires leveraging of funds, multi-agency collaboration and local participation for all projects.

Section 2.1 Public Participation

Applicants must submit evidence that their proposed projects and applications for financial assistance received adequate public participation and complete disclosure, including where applicable:

- A. Demonstration of adequate public notice, including:
1. Open meetings resolution;
 2. Public hearing notice;
 3. Minutes of public hearing;
 4. Application resolution; and
 5. Minutes from meeting where resolution was approved.
- B. Environmental information document or previously issued environmental assessment or environmental impact statement that demonstrates public participation.

Section 2.2 Financial Assistance Awards

Local support and contribution are vital to the success of any infrastructure project and will ensure the long-term solvency of the Fund by providing annual streams of revenue available to fund additional projects.

- A. As demonstration of the applicant's commitment towards the project, applicants will be required to have a loan component equal to at least 10% of the awarded amount, with the remainder delivered as a grant. Waiver requests for the loan component may be made to the

Finance Authority for entities with a Median Household Income, based on the most recent 5-year average of Median Household Income from census data at or below 75% of the New Mexico Median Household Income or suffering a demonstrated hardship as determined by the Finance Authority.

1. The loan will be structured as a two-year construction loan whereby the borrower will be charged an administrative fee based upon the amounts drawn for a period determined by the NMFA, but typically two years, after which the loan converts to a permanent loan and an amortization schedule is set.
 2. The NMFA may offer loan repayment terms of up to 20 years for infrastructure projects dependent on the useful life of the project.
 3. The loan may contain provisions to petition the Finance Authority to waive an annual loan payment if the borrower has encountered an unforeseeable hardship, as determined by the Finance Authority.
 4. For entities that have existing debt (including USDA loans, etc.) that prohibit the applicants from taking on additional debt, an applicant must provide written evidence that the existing lender consents to the Colonias loan prior to securing any funding.
- B. To consider a “change of scope” request for an entity that has had a project awarded financial assistance, the Board will impose the following requirements and limitations:
1. A detailed letter from the highest elected official representing the entity explaining the reason for the request that includes but not limited to details of the new project scope, costs, construction timelines, plans and specifications that warrant the change request where applicable, and a map of the project if applicable.
 2. The request is submitted to Finance Authority staff for review and the technical review team to determine if the scope change is in line with the original project scope, the change is feasible, and the new timelines are adequate and meets the requirements of Sec. 4.1 Application Standards.
 3. The change of scope request is then submitted to the Project Review Committee for their consideration. After review of the Project Review Committee, the request is submitted to the full Board for consideration.
 4. The Board will consider only those “change of scope” requests that are within the original project award and move the project into another phase or is directly related to the original intent of the award, and is due to unanticipated events leading to the request.
 5. The decision to approve or deny a “change of scope” request is at the sole discretion of the Board.

C. To ensure a fair allocation of funding for all qualified entities, the following limitations apply to funding of applications:

1. No single project may receive more than 15% of the available funds in any given funding cycle;
2. No single benefiting Colonias may receive more than 20% of the available funds in any given funding cycle;
3. Applicants applying for one or more projects in a given application cycle, may not receive more than 50% of the available funds in that funding cycle; and
4. All the applicants within a county may not receive, in the aggregate, more than 50% of the available funds in any funding cycle.

Section 2.3 Funding Match Obligation

Local support and contribution are vital to the success of any infrastructure project and the Board will require entities to demonstrate commitment to the project in the form of a local match.

A. Each funding package must contain a Local Match component equal to at least 10% of the awarded amount.

B. The Local Match may be either a form of “hard” or “soft” match:

1. A “hard” match is actual dollars expended on the project and may be provided in the following forms:
 - a. Non-Colonias loans;
 - b. Non-Severance Tax Bond Appropriations/award;
 - c. Local cash contributions;
 - d. Private donations; or
 - e. Federal funds.
2. A “soft match” is labor and/or equipment donated for the scope of work on the proposed project at fair market rates as determined locally within the state.
 - a. The value of labor costs may not be greater than the schedules provided by the state department of labor for costs of services.
 - b. The value of equipment may not be greater than fair market value.
3. The Board may allow applicants to borrow additional funds in lieu of a local match.

SECTION 3 FINANCIAL, MANAGERIAL AND TECHNICAL CAPACITY

Entities receiving funding must be able to plan, complete and maintain the project to allow for the intended useful life of the project. The Board will require entities to demonstrate financial and managerial readiness prior to undertaking the project.

Section 3.1 Project Governance.

Applicants must demonstrate that they have adequate governance in place as part of a complete application:

- A. Planning sufficient to support project development and ensure reliable operation of the project over the intended life of the project; Colonias should submit an Infrastructure Capital Improvement Plan (ICIP) that includes the operating costs of the system to be developed;
- B. Fully functioning governing body, capable of managing, directing and overseeing the proposed project and ensuring that the applicant and its projects meet all applicable state laws and regulations, including as applicable:
 1. Up-to-date articles, by-laws and other governance documents that have been filed with appropriate regulatory agencies;
 2. Adequate legal representation for the proposed project;
 3. Regular board meetings of the governing body that are held in compliance with the Open Meetings, the Inspection of Public Records Acts and other law or policy applicable to the governing body; and
 4. Selection of members of the governing body by election or other procedures applicable to the governing body and evidence of competent management to oversee the project.
- C. Sufficient Fiscal, Managerial and Operational capacity to manage the project over the long term, as appropriate for the type of project proposed including as applicable:
 1. Adequate business management tools for ongoing financial planning, water accounting (if applicable), asset management, that have been established and are reviewed and updated regularly;
 2. Personnel policies and procedures are in place;
 3. Appropriately certified water system operator(s) employed or contracted;
 4. Audit requirements pursuant to the State Audit Act have been met and, if any findings or other deficiencies are noted in the latest audit, a plan is in place to address those deficiencies;
 5. Compliance with Executive Order 2013-006; and

6. Policies and procedures are in place to assure successful fiscal and operational management including:
 - a. Internal controls (dual check signatory authority; budget adoption procedures, expenditure decisions; audits);
 - b. Billing, new service connection charges, and failure to pay policy; and
 - c. Where a utility system is being developed, adequate fees will be charged to any users of the system.

Section 3.2 Board Standards for Financial Capability

Pursuant to the Act, the Authority may recommend structured financial assistance packages that include loans, grant and any other type of assistance authorized by the authority. The structure, terms and conditions of the financial assistance will be determined by the authority in accordance with policies jointly established by the board and the authority.

- A. The applicant must be in good standing with the NMFA on its grants and loans to be deemed financially capable to receive CIB financial assistance.
- B. The NMFA will utilize three years of historic financial information, if available, in determine financial capacity to repay a loan. If historical financial information is not available, NMFA may utilize projections. NMFA performs a net system revenue analysis to determine cash flow available for debt service after operating expenses are deducted from system operating revenues (e.g. charges for services).
- C. The NMFA will not execute a loan agreement until the borrower demonstrates that it meets or has a plan to meet the 1.0X debt service coverage requirement including, if necessary, the raising of rates needed to balance its budget.
- D. The NMFA may charge an annual administrative fee of one-quarter of one percent calculated on the amount of the outstanding principal balance. The NMFA may not impose an interest rate greater than 0% without the Board's consent.

Section 3.3 Asset Management Plan

An asset management plan allows Fund recipient to operate, maintain, rehabilitate, and replace infrastructure in the most cost-effective manner to ensure a sustained level of service at the lowest life cycle cost. Additionally, an effective asset management plan provides the basis for a financial plan, operational plan and an appropriate rate structure.

To ensure that the Board's infrastructure investments are protected and maintained for optimum longevity, applicants shall be required to submit asset management plans that follows the State adopted report outline and include, at a minimum, the following:

- A. First year's submission requirements:

1. A resolution from the appropriate Governing Body committing to the implementation of an Asset Management Plan that incorporates the following five core components:
 - a. What is the current state of the assets?
 - b. What is the desired level of service?
 - c. Which assets are critical to sustained performance?
 - d. What is the best life cycle cost? And
 - e. What is the long-term funding strategy?
 2. Identification of an internal team that will be assembled to develop and implement the Asset Management Plan;
 3. The Colonias Board recommends applicants provide results of the initial Asset Management IQ test contained in the EFC manual;
 4. Provide a schedule of the sequence of events proposed to implement the Asset Management Plan with a timeline, such as a Gantt chart;
- B. As part of the second- and third-year's submission, applicants will be required to submit a recent *A.M. Kan Work IQ test* and provide an update on progress made towards the completion of the Asset Management Plan, including any third-party deliverables, if applicable. Indicate where third party support is needed, why it is needed, how it will be funded and how it will be incorporated in the internal implementation of Asset Management.
- C. As part of the fourth year's submission, and for every year thereafter, applicants will be required to have fully implemented an Asset Management Plan that is reviewed annually with the following elements, as applicable:
1. Required metering of all diversion and users, as applicable;
 2. Asset inventory, noting current condition, mapped locations, anticipated useful life and value;
 3. Defined level of service required to meet state and federal regulations, customer demands, and long-term goals, as applicable;
 4. Risk analysis of asset performance based on likelihood of failure and level of consequence, as applicable;
 5. Operations and maintenance strategic plan and a Capital Improvement Plan that addresses all costs for managing the asset, project or system over time; and
 6. Funding strategy for inclusion in Financial Plan.

Section 3.4 Best Management Practices

The Board supports applications that demonstrate sound management and development to ensure that its infrastructure investments are protected and maintained for optimum longevity. As such, the Board may require flood control projects and road projects to submit additional information that evidences best management practices for project planning and implementation.

SECTION 4 PROJECT READINESS

It is the goal of the Board to quickly implement project funding while ensuring that selected projects are completed and are able to be fully utilized by the benefiting Colonias.

Section 4.1 Application Standards

The Board requires the following elements as part of the application evidencing project readiness, including:

A. Determination of qualified entity and qualified project:

1. Evidence of good standing; if applicable;
2. Verification of complete project description; and
3. Certification of Colonia designation by the county or municipality in which the project resides.

B. Description and analysis of project need and benefit:

1. Extent of service area, including population estimates;
2. Overall degree of benefit;
3. Schedule of expected milestones;
4. Attention to human health and safety concerns; and
5. Attention to environmental analysis, when required.

C. Reliable project costs:

1. Estimated final construction, engineering and other costs, provided by an engineer or other qualified expert, as applicable;
2. Breakdown of all other expenses for the project, including, as appropriate:
 - a. Planning, designing, permitting, constructing, improving or expanding a qualified project;

- b. Costs of acquiring land, water rights, easements or rights of way;
 - c. Developing engineering feasibility reports for qualified projects;
 - d. Completing environmental assessments and archeological clearances and other surveys for qualified projects;
 - e. Inspecting construction of qualified projects;
 - f. Providing for other professional services as necessary for each project; and
 - g. Legal fees and fiscal agent fees associated with the development of qualified projects;
3. Secure or legal possession of water rights if applicable.
- D. Right of way acquisition documentation, including:
- 1. Public domain documentation;
 - 2. Verification of land ownership; and
 - 3. Map of service area, area map and/or site map denoting easements
- E. Applicable permits and licenses, including but not limited to water rights sufficient to support the project or current phase of the project.
- F. Financial health
- 1. Three most recent years of audits or other financial statements as directed under the State Audit Act;
 - 2. Current financials (unaudited), including current aging report; and
 - 3. Current fiscal year budget.
- G. Evidence of existing debt
- 1. Debt documents, including loan agreements;
 - 2. Debt default summary; and
 - 3. Threatened and pending litigation summary.
- H. Verification of other funding sources

1. Local matching funds including any private donations or in-kind services;
2. Federal matching funds including the terms and status of all federal funding; and
3. Award of other non-Severance Tax Bond funded appropriation, loan or grant.

Section 4.2 Additional Requirements for Housing Infrastructure Applications

The Board, pursuant to the guidance of the New Mexico Attorney General, will accept applications that include a housing infrastructure component, so long as such housing infrastructure is limited to: i) private citizens on-lot connection to public sanitary sewage systems for the collection, transport, storage, treatment, dispersal and discharge of effluent, or ii) connection to public water systems for domestic household purposes, or iii) repair or replacement of existing lateral connections to public sanitary sewage or water systems. For the avoidance of doubt, monies will not be awarded for, nor may be used for housing build-out, housing maintenance, housing allowance payments or mortgage subsidies.

In addition to other requirements of this Policy, applications that include housing infrastructure as defined above shall provide:

- A. Current Housing Plan approved by the New Mexico Mortgage Finance Authority;
- B. Affordable Housing Ordinance approved by the applicant's governing body and the New Mexico Mortgage Finance Authority;
- C. Verification of income requirements by the New Mexico Mortgage Finance Authority;
- D. Verification that the property lies within a designated Colonia;
- E. Verification that the property is owner-occupied;
- F. Verification that the property is not owned by a corporation, living trust, or secured by a reverse mortgage;
- G. Verification that the property is a primary residence, and not a business, investment or vacation/recreation home;
- H. Verification that the property is "residential";
- I. Verification that the property does not exceed 5 acres;
- J. Verification that the property is a completed residence. Award funds may not be used to install on-lot connections for homes being built, i.e. new construction; and
- K. For mobile homes, verification that the home is permanently attached to its foundation with wheels, axels and hitch removed.

Section 4.3 Exceptions to the application requirements may be allowed for projects that are determined to be Urgent and related to health and safety concerns or newly created entities.

Section 4.4 An application not meeting these standards will not be considered for funding.

SECTION 5 COMPLIANCE

The Board seeks to support infrastructure projects that are sustainable and meet state and federal statutory and regulatory requirements. The Board requires entities to substantiate their compliance with all applicable federal and state laws and regulations.

Section 5.1 Water Rights

The Board supports the Office of State Engineer's requirement that the proposed project's water rights must be in good standing and if necessary, the water rights transfer process will provide for timely and efficient transfer of water between uses without lessening protections for the customs, culture, environment, and economic health and stability of the state's communities. For water-related construction projects, the Board will require verification of water rights at the time of application.

Section 5.2 Regulatory Compliance

Public health is paramount in determining suitability for infrastructure funding. In addition to complying with all applicable local ordinances and regulations, applicants must demonstrate regulatory compliance at the time of application submission, including compliance with the items identified below. Entities not in compliance may not be considered for funding unless the purpose of the project is to bring the entity into compliance.

- A. For water system projects, compliance with the Safe Drinking Water Act and all New Mexico Environment Department regulatory requirements.
- B. For wastewater, compliance with EPA and New Mexico Environment Department regulatory requirements.
- C. For road, flood control and solid waste projects, compliance with applicable state and federal regulators.
- D. For those applications for projects that will cure a regulatory deficiency, the Board will require verification from the applicable regulator that the proposed project is expected to cure the deficiency as outlined.
- E. For all applications, compliance with financial and administrative laws, specifically Executive Order 2013-006, the Audit Act, Budget Rules, Sanitary Projects Act and the Open Meetings Act, as applicable.
- F. For projects that include a housing infrastructure component, meet the requirements of

1. The Affordable Housing Act and New Mexico Mortgage Finance Authority Rules; and
2. Any and all applicable local and state codes and requirements, including Title 20, chapter 7 of the New Mexico Administrative Code and the regulations published by the New Mexico Environment Department. All lateral connection work must be approved by the appropriate regulator and such evidence must be submitted in order for any funds to be disbursed.

SECTION 6 ELIGIBILITY, USE OF FUNDS, AND REPORTING

The eligibility policy provides guidance on the eligibility of certain projects and expenses.

Section 6.1 Quantifying Support Data for Project Reports

Funding agreements require recipients to submit quarterly project reports to determine if the project is proceeding as expected. The reports must include:

- A. A description of the status of the project, including a financial comparison of actual and anticipated costs;
- B. A description of completion of project tasks;
- C. A timeline of milestones relating to the operations and management of the system, including for water and wastewater projects those criteria identified in Section 3.2 of these project management policies;
- D. Other reporting items deemed important to the timely completion of the project; and
- E. Any other information requested from time to time.

Section 6.2 Eligible Use of Proceeds

- A. **Legal Fees.** The Board recognizes that adequate legal representation is an important component of managerial capacity and sets the following guidelines for funding from the Fund financial assistance under the following guidance:
 1. The Board defines legal fees as those services rendered by legal counsel on behalf of the entity for the transaction of the project and those directly associated with development of the qualified projects; and
 2. No more than 10% of the financial assistance may be used for legal services.
- B. **Fiscal Agent Fees.** A fiscal agent is an eligible entity that administers the fiscal aspects of a project on behalf of one or more eligible entities. The fees incurred in the direct administration of funds, including the collection and reporting of project information as required by the financial assistance agreements and this Policy are considered appropriate fiscal agent fees and are considered eligible costs under the following conditions:

1. That fiscal agent fees comprise no more than 5% of the financial assistance; and
 2. That appropriate documentation of hours spent on direct administration or reporting must be submitted with reimbursement requisitions.
- C. Project Manager Fees: Pursuant to the Act, the Board allows eligible entities to hire experienced professionals to assist in the implementation of the project. For purposes of the Colonias funding, eligible project management activities include services related to the planning, implementation and technical oversight of the project not included in construction oversight or other engineering fees and does not include any costs associated with the preparation of applications or other administrative activities related to the eligible entity. Reimbursement of project manager fees will be considered under the following conditions:
1. That project manager fees comprise no more than 10% of the Colonias financial assistance; and
 2. That appropriate documentation of hours spent on project management must be submitted with funding requisitions.
- D. Other Eligible Use of Proceeds for Housing Infrastructure Projects
1. Design, construction, and permit fees directly related to the connection or repair of lateral connections to public water or sewer systems and abandonment and disconnection as required.
 2. Ineligible fees include:
 - a. Repairs to or replacements of a home's interior plumbing lines, or any other home repairs or improvements; and
 - b. Maintenance costs associated with new or repaired lateral connections to public water or sewer systems.

Section 6.3 Reallocation of Declined or Rescinded Financial Assistance Awards

- A. Qualified entities, after receiving a financial assistance award, may decline or may not be able to utilize the funding. Awards to qualified entities may be returned by the applicant or rescinded by the Board. Declined or rescinded awards may, as allowed by applicable law, be reallocated to a different qualified project.
- B. Prior to executing a financial assistance agreement, the Board may rescind the funds for any of the following reasons:
1. Failure to timely provide the required readiness to proceed items.
 2. Inadequacy or deficiency of the submitted readiness to proceed items.

3. Delay in securing approved plans and specifications for construction projects.
 4. Failure to timely or adequately secure required title, easements, rights of way, or other permits.
 5. Failure to timely secure the local match, if any.
 6. Failure to meet the requirements of the State Audit Act.
 7. Failure to meet the requirements of Executive Order 2013-006.
 8. Failure to secure the consent of USDA (or any other funder), if required, to enter into financial assistance agreement.
 9. Any change to the project, or financial position of the recipient.
 10. Unreasonable delay in securing the financial assistance agreement.
 11. Any other reason deemed appropriate by the Board.
- C. Subsequent to executing a financial assistance agreement, the Board may recommend to the Finance Authority that the agreement be terminated and the funds rescinded for the following reasons;
1. Failure to proceed expeditiously to complete the project.
 2. Failure to complete the project within the twenty-four months after execution of the financial assistance agreement, unless extended.
 3. Failure to spend the loan/grant proceeds within twenty-four months after execution of the financial assistance agreement, unless extended.
 4. Uncured failure to submit required status reports.
 5. Determination that any warranty, representation or other statement made by or on behalf of the recipient was false or misleading in any material respect.
 6. Any other breach of a term or condition of the financial assistance agreement left uncured after proper notice.
- D. To be eligible for reallocated financial assistance, potential replacement qualified projects must have submitted a financial assistance application as part of the most recent funding cycle. Reallocated award monies may be utilized for the most recent cycle or held to be awarded at the next upcoming cycle.

- E. The project review committee shall review recommendations of staff regarding which qualified projects should be considered for approval using the reallocated funds. The project review committee's recommendations shall be based upon the initial prioritization of the project application, project size, available funding, and readiness to proceed requirements. The Board shall review the recommendation by the project review committee and may recommend that the Finance Authority utilize the reallocated funds for an alternative qualified project based upon the initial prioritization of the project application, project size, available funding, and readiness to proceed requirements.
- F. Pursuant to statute, funds remaining from financial assistance awards from projects that have certified completion shall be reverted to the severance tax bonding fund.