

**Parks, Recreation & Cultural Services Department**  
**Memorandum #09-22**

**DATE:** December 10, 2009

**TO:** Honorable Mayor Kathleen M. Novak and City Council Members

**FROM:** Bill Simmons, City Manager *WMS*  
Amanda Peterson, Parks, Recreation & Cultural Services Director *ap*  
Shawn Cordsen, Finance Director *SC*

**SUBJECT:** Acceptance of Adams County Open Space Skate Park Grant CR-131

**RECOMMENDATION:** Staff recommends approval of the attached Resolution which would accept a grant from Adams County Open Space in the amount of \$550,000.00, as well as give the Mayor authority to sign the grant agreement presented by Adams County.

**BACKGROUND:** A grant application was submitted to the Adams County Open Space Board requesting \$550,000.00, or 78% of the total project cost, to construct a skate park at E.B. Rains Jr. Memorial Park.

This project received significant support from the community, with 17 individuals speaking in favor of the project at the Public Hearing to designate funds towards this project, over 30 individuals submitting letters of support to be included in the grant application, and approximately 10 individuals speaking in favor of the project at the Adams County Open Space Board's Public Hearing.

**BUDGET/TIME IMPLICATIONS:** If the attached Resolution passes, grant funding in the amount of \$550,000.00 would be included in the proposed 2010 budget, as well as \$150,000.00 in matching funds, as has been discussed throughout the budget process. If the attached Resolution were to fail, the \$550,000.00 would be returned to Adams County, which has the potential of negatively impacting future grant requests.

The signed agreement must be returned to Adams County by December 19, 2009.

**STAFF REFERENCE:**

If Councilmembers have any comments or questions, you may contact Amanda Peterson at [apeterson@northglenn.org](mailto:apeterson@northglenn.org) or at 303.450.8950.

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-131  
Series of 2009

\_\_\_\_\_  
Series of 2009

A RESOLUTION ACCEPTING AN ADAMS COUNTY OPEN SPACE GRANT AND APPROVING THE GRANT AGREEMENT BETWEEN THE CITY OF NORTHGLENN AND THE ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS

WHEREAS, the City of Northglenn has submitted an application to Adams County to use Adams County Open Space Sales Tax funding to complete the Northglenn Skate Park Project; and

WHEREAS, the Adams County Board of County Commissioners has approved a grant application and has prepared an Adams County Open Space Grant Agreement, which provides \$550,000.00 for the Skate Park Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Adams County Open Space Grant in the amount of \$550,000.00 is hereby accepted and the Adams County Open Space Grant Agreement, attached hereto as **Exhibit 1**, between the City of Northglenn and the Adams County Board of County Commissioners is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED, at Northglenn, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
KATHLEEN M. NOVAK  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

**ADAMS COUNTY OPEN SPACE GRANT AGREEMENT #OSG2009-00205**

The Grant Agreement ("Agreement") is made and entered into this 4th day of November, 2009, between City of Northglenn ("Applicant") and the County of Adams, acting through the Board of County Commissioners ("Adams County").

**RECITALS**

WHEREAS, in November 1999, the citizens of Adams County passed a county-wide one-fifth of one percent Open Space Sales Tax (the "Tax"); and

WHEREAS, in November 2004, the citizens of Adams County reauthorized the Tax and increased it to one-fourth of one percent; and

WHEREAS, the majority of the revenues collected are distributed to qualifying jurisdictions through a competitive grant process; and

WHEREAS, on August 3, 2009, Applicant applied for an Adams County Open Space Grant to complete the Northglenn Skate Park project (the "Project"); and

WHEREAS, on November 4, 2009, Adams County awarded Applicant an Adams County Open Space Grant to complete the Project; and

WHEREAS, Adams County awarded the Project 78.0% of the total Project costs, not to exceed \$550,000.

**AGREEMENT**

**NOW, THEREFORE**, the Parties hereto agree as follows:

1. Grant Award. Adams County hereby awards to Applicant a grant in the amount of 78% of the total Project costs, not to exceed \$550,000 (the "Grant"), subject to terms and conditions set forth in this Agreement.
2. Project Scope. Applicant shall complete the Project as described in the grant application, attached as Exhibit A ("Project Scope") and incorporated herein by this reference. Exhibit A attachments include the grant application and application Attachments A, B, C, D, and E. Applicant shall not materially modify the Project Scope without the approval of Adams County. Applicant may request a modification to the Project Scope in compliance with the Modification Policy stated in the Open Space Policies and Procedures, attached as Exhibit B and incorporated herein by this reference, as may be amended from time to time by Adams County in its sole discretion. Adams County may elect to terminate this Agreement and deauthorize its funding for the Project in the event it determines that the Project Scope has been materially modified without its approval and/or if Applicant fails to comply with the Modification Policy.

3. Completion Date. Applicant shall complete the Project no later than November 4, 2011, which is two years after the date of Adams County's approval of the Project ("Completion Date"). Applicant may request an extension of the Completion Date in compliance with the Extension Policy stated in the Open Space Policies and Procedures, a copy of which is attached as Exhibit C and incorporated herein by this reference, as may be amended from time to time by the Board of County Commissioners in its sole discretion. Adams County may elect to terminate this Agreement and deauthorize its funding for the Project in the event that this Completion Date is not met and/or if Applicant fails to comply with the Extension Policy.
4. Open Space Sales Tax. Applicant shall use the Grant in accordance with Resolution 99-1, attached hereto as Exhibit D and incorporated herein by this reference.
5. Policies and Procedures. Applicant shall comply with the Open Space Policies and Procedures, attached hereto as Exhibit E and incorporated herein by this reference.
6. Audits and Accounting Records. Applicant shall maintain standard financial accounts, documents, and records relating to the completion of the Project. The accounts, documents and records related to the completion of this Project shall be subject to examination and audit by Adams County staff (the "Staff") prior to receiving the Grant. All such accounts, documents, and records shall be kept in accordance with generally accepted accounting principles, and be subject to an annual independent audit as set forth in Exhibit D.
7. Payment of Grant. Adams County will pay the Grant to Applicant upon successful completion of the Project. Prior to the payment of the Grant, Staff shall conduct a due diligence review of the Project, the results of which must be satisfactory to Adams County in its sole discretion. Applicant shall assist and cooperate with the Staff in conducting such due diligence review, and in connection therewith shall provide the Staff with all invoices, cancelled checks, and land documents, as well as other documentation and information reasonably requested by the Staff.
8. Signage. Applicant shall erect and maintain an Adams County Open Space Sign, which shall be provided by Adams County, in a prominent place on the Project site, unless the Project will not be open to the public.
9. Publicity. In all press releases regarding this Project, Applicant shall include the following statement: "This Project was funded in part with proceeds from the Adams County Open Space Sales Tax. The Adams County Open Space Sales Tax was passed by the Adams County voters in 1999, and reauthorized in November 2004, to be extended until December 31, 2026."
10. Miscellaneous Provisions.

- A. Good Faith. Both Parties have an obligation to act in good faith, including the obligation to make timely communication of information that may reasonably be believed to be of interest to the other party.
- B. Applicable Law. Colorado law applies to the interpretation and enforcement of this Agreement.
- C. Time is of the essence. Time is of the essence in this Agreement.
- D. Survival. The terms and provisions of this Agreement and Applicant's obligations hereunder shall survive the funding of the Grant.
- E. Entire Agreement. Except as expressly provided herein, this Agreement constitutes the entire agreement of the parties. No changes to this Agreement shall be valid unless made in writing and signed by the parties to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF ADAMS, STATE OF COLORADO

ATTEST:  
KAREN LONG, CLERK

Deputy Clerk

Chairman

APPROVED AS TO FORM:

County Attorney's Office

CITY OF NORTHGLENN, APPLICANT

By (signature)


Printed name

Title

**Exhibit A**

**PART I: ELIGIBILITY CRITERIA**

<b>Project Information</b>	
Applicant Name:	City of Northglenn
Name of Project:	Northglenn Skate Park
Sponsoring Jurisdiction:	N/A
This project is priority 1 of 1 projects submitted. *Prioritize projects separately if you are submitting joint projects with another jurisdiction, special district, or organization.	



<b>Contact Information</b>		
Contact Name:	Amanda J. Peterson	Phone: 303.450.8950
Email:	apeterson@northglenn.org	
Address:	11701 Community Center Drive	
City:	Northglenn	State: CO Zip: 80233
The contact name provided above will be used for all official correspondence. In the event that the primary contact is not available, please list any additional contacts for this project.		
Name:	Phone:	Email:
Mark Hofmeister	303.450.8780	mhofmeister@northglenn.org

<b>Project Summary</b>
Briefly describe your project (100 words or less):
<p>The project would be comprised of a 15,000 square foot concrete skate park for skate boards, bikes and roller blades, located within E.B. Rains Jr. Memorial Park. The project will also include site preparation, and basic site amenities such as benches, tables and landscaping. In addition, a local non-profit organization and community volunteers are working to donate a location-specific and audience appropriate art piece in the final project.</p> <p>The skate park project is a youth-driven effort to provide a public amenity for recreation and socialization for an underserved demographic within our community. Youth have been involved with the process of developing this project from the beginning, and will continue to be an integral part of the project through the process of design, construction and the completion. This skate park will include both "street" and "vert" elements, and will be open to a diverse user group of skate boarders, roller bladers and BMX bikers.</p>

<b>Summary of Funding</b>	
<b>1. Previous Funding</b>	
Pursuant to the Open Space Policies and Procedures, a project can be submitted for funding consideration up to three (3) times.	
—Has this project been submitted for funding consideration in a previous grant cycle? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
—If yes, please list the grant cycle(s) and the amount of the award(s), if any:	
Grant Cycle:	Amount of Award:
	\$
	\$
<b>2. Budget Summary</b>	
Grant Request:	\$550,000 (this grant cycle only)
Previous ADCO Grant Awards: +	\$0 (combined total)
Matching Funds: +	\$155,000 (cash + in-kind)
Total Project Costs: =	\$705,000
Grant Request = 78% of the Total Project Costs*	
*Include both the current grant request and all previous ADCO grant awards for this project in the calculation; i.e., (Grant Request + Previous ADCO Grant Awards)/Total Project Costs.	

<b>Property Location Information</b>	
Project site address:	E.B. Rains Jr. Memorial Park at 11701 Community Center Drive
Nearest cross streets:	120th Avenue and Grant
Parcel ID # (Required):	0171903108002
Include a Location Map and label as <b>Attachment E</b> . Location Map should clearly identify the location of the project (including the nearest cross streets) and should provide directions to the project site.	

<b>Land Acquisition Summary (If Applicable):</b>	
Number of acres:	Cost per acre: \$
Appraised price per acre: \$	
If the purchase price is more than the appraised price, please explain:	
Attach a copy of the appraisal summary page and label as <b>Attachment J</b> .	
Are there any known existing easements on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please attach copies of the easements and label as <b>Attachment K</b> .	

## PART II: SELECTION CRITERIA

Please note—the Open Space Advisory Board will score all criteria listed below.

### Grant Fund Use Category (0-100 point total)

#### 1. Project Description (0-25 points)

- a. Please describe each component of the project in detail.

The skate park project will include design, demolition, site clearing, site work, the skate park features, site amenities, a basketball court and landscaping renovation.

The design portion is one of the most important phases of this project. This is the phase in which local skaters, city officials, residents and skate park experts will come together to design a park that is unique to Northglenn. The design process will allow for local skaters to have a tremendous impact on the final product - the local skaters know more about the flow of a park, the elements they like to ride and the necessary components of a skate park than anyone else.

The second phase of the project includes the demolition of the existing site, which will include the removal of vegetation and a portion of an existing sidewalk, site preparation, excavation, earthwork and installation of drain lines. Depending upon the outcome of the final design recommendations, the site work may also include the demolition of an existing basketball court.

The area near the existing basketball court has been identified as an appropriate location for the skate park. Efforts will be made to salvage the existing basketball court, which will reduce the overall cost of this project. If the basketball court is impacted, it will be rebuilt in a reserved location within the park. Residents in the area would prefer that the basketball court be maintained in its current location, and that the skate park be built slightly further to the north east, as is depicted in the map (attachment D).

Once the site is prepared, a 15,000 square foot concrete skate park that includes both "street" and "vert" elements will be constructed. These elements include bowls, walls, rails and stairs, with the final decisions on specific elements and their location within the park to be determined with local skaters through the design process.

The final steps of this project will include the addition of basic site amenities, to include benches, trash cans, a shade structure, lighting and signage. Any irrigation or landscaping that was disrupted during the construction process will be renovated. Several additional trees will be added to provide shade in locations not covered by existing mature trees, as well as to create a natural buffer between the skate park and the other park amenities.

- b. Include a Project Site Plan that identifies all project components and label as **Attachment D**.

See attachment "D"



- c. Does this project contain areas that will help separate the park amenities from surrounding neighborhoods, roads, schools, etc.? If yes, clearly identify these areas on the Project Site Plan.

The skate park elements will be located within the existing park setting. Separation of the park, roadways, neighboring residential and commercial areas is already in place. The park is bordered on the east and west with passive-use trails, and on the north and south with passive-use trails and the Farmers Highline Canal. Mature trees and landscaping provide an additional buffer zone.

The design of the park would incorporate elements that would allow for a natural separation for safety and functionality on the perimeter of the skate park. This design will allow for a distinction between the existing children's play area, and existing passive-use areas of the park and the skate park, while allowing skate park participants to feel like they are part of the action, and not fenced off from other amenities within the park.

**2. Community Need/Urgency (0-25 points)**

- a. How does this project fulfill the needs of the community; i.e., the project provides recreation opportunities for underserved areas, addresses health and safety issues, etc.?

Although Northglenn has a strong parks and recreation system for the members of our community, one population has been continuously underserved. Youth and teens, especially those who have not found their interest in organized sports or other group activities, have no dedicated place to call their own in our community. They continually report that they are asked to leave movie theatres, shopping malls and school grounds. They are made to feel as if they do not belong anywhere, and assumptions are made that they are or will be causing trouble.

A skate park would provide a place that teens can call their own. It is a place to skate, to spend time with friends, to be active and creative. It gives participants an outlet for physical activity and social interaction, both of which are components of a healthy lifestyle. It gives young children the opportunity to learn from older teens, and for teens to learn from young adult skaters, something reported to occur at skateparks across the country. Each generation has the opportunity to interact in a positive manner with the next, learning to respect the knowledge and skill of the older skater, and experience firsthand the excitement of seeing the younger generation master a new skill.

- b. Is there urgency on the part of the applicant to complete this project and why?

This project has been primarily youth driven for the past 8 years. Middle school and high school aged students who have served on the Northglenn Youth Commission began to work towards a skate park in 2001. As each of these students have graduated from high school, and moved on to college or careers, younger students have stepped into positions on the board. With each transition of the board, there has been continual support to maintain the

skate park project as a primary goal of the Youth Commission. The students who originally wished to see this project come to fruition are now in their mid-twenties.

The Parks and Recreation Advisory Board has also shown continual interest in a skate park for youth in Northglenn since the late-1980's. These board members, too, have seen their own children age, and interests change, but still see both new and continued interest in the community for a skate park.

The community interest in this project is at a peak. The urgency for this project lies in the deep-rooted passion, dedication and effort that residents and board members have shown. It is not believed that the interest from youth and adults alike will ever disappear or wane in Northglenn, however, eventually these individuals may stop asking out of fear or expectation that they will be told no, again.

Thus far, support for the skate park has been strong from the community, staff, the police department, boards & commissions, volunteers and elected officials. Funding is the only obstacle that has stood in the way of this project moving forward, and this is the area that Adams County Open Space dollars could make an impact on a skate park becoming a reality for the youth in this community.

**3. Uses/Users (0-25 points)**

- a. Please describe all of the uses of the project, including all programmed and non-programmed activities.

The skate park would be open to the public during all regular park hours. The skate park would be open to individuals of all ages and abilities during these hours, with minimal limitations on use for programmed classes, lessons or competitions. Some classes and clinics may be made available to the community through the Department of Parks, Recreation & Cultural Services.

- b. Please describe how this project will appeal to a broad diversity of users.

Skate boarding, roller blading and BMX bike riding are sports in which participants show a great deal of diversity. Skate boarding, biking or roller blading do not require a uniform, regularly scheduled practices or a lot of expense. This makes participation in this sport very achievable for a wide variety of participants. Users of all ages are seen in skate parks in other communities, and local youth and adults have shown a strong interest in a skate park in Northglenn. During a temporary skate park event held in Northglenn, a four year old was skating alongside a 15 year old, a father was helping his 8 year old son navigate the ramps, and bystanders of all ages stopped to watch the action.

The location that has been selected for the skate park is an existing community park that was designed specifically to provide opportunities for individuals of all ages and abilities. The existing "Sensory Playground" is ADA accessible, and provides tactile, visual and audible stimulation for users. There are swings for the very young, as well as swings for adults and seniors. There are sand boxes, water play areas and play equipment for children, climbing

boulders for older children and chess and checker board topped tables for adults. Also in the park is a basketball court and a volleyball pit. Public concerts are held in an open grassy area and pedal boats are available on the lake. There is something for just about everyone, except our teen population.

The addition of a skate park at E.B. Rains Jr. Memorial Park will allow this park to appeal to a even broader diversity of users of all ages, interests and abilities.

**4. Connectivity (0-20 points)**

- a. Please explain how this project fits into a regional or master plan. Attach relevant portions of the plan(s) and label as **Attachment G** (limit 3 pages).

The skate park project was originally incorporated into the City of Northglenn's Parks and Recreation Master Plan in the year 2000, and continues to be included in the 2009 update and revision of the Master Plan.

- b. Will this project link to other trails, parks, or open space properties in the applicant's jurisdiction or in another jurisdiction, now or in the future? If not, please explain the significance of the project location.

This project would be constructed within an existing park that has strong connectivity to the Greenway Trail system. The Greenway trail system allows access to the park from all directions, and provides connectivity not only within our own City, but the surrounding municipalities of Thornton and Westminster, as well.

**5. Open Space Sales Tax Goals (0-5 points)**

- a. Open Space Sales Tax dollars are to be used in accordance with Resolution 99-1, Section 8(C). Please describe how the project complies with the Tax.

The use of Adams County Open Space funds to complete this project meets the definitions provided within section 8(c) iii, "Active open space lands may include lands for park purposes and other recreational uses... Park purpose should be defined as the construction, equipping, acquisition and maintenance of park and recreation improvements and facilities for the use and benefit of the public."

The skate park project would include construction and acquisition of park and recreation improvements that are open to any individual, and exist for the benefit of the public.

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**Project Funding (0-30 points)**

**1. Funding Summary**

Grant Request	\$550,000	(this grant cycle only)
Previous ADCO Grant Awards +	\$0	(combined total)
Cash Match +	\$155,000	
In-Kind Match +	\$0	
Total Project Costs =	\$705,000	

Grant Request = 78% of the Total Project Costs\*

\*Include both the current grant request and all previous ADCO grant awards for this project in the calculation; i.e., (Grant Request + Previous ADCO Grant Awards)/Total Project Costs.

**2. 30% Distribution**

Is the applicant using any of its 30% distribution as part of the cash match?

☒ Yes    ☐ No    ☐ Not Applicable

If yes, please list the amount: \$50,000

**3. Partnerships and Sources of Funds**

Please fill out **Attachment C—Source of Funds**. See example at the end of this application for guidance.

**4. Letters of Commitment**

Please provide a letter of commitment from each partner that is providing cash or in-kind contributions for this project and label as **Attachment H**.

**Project Support (0-30 points)**

**1. Community Outreach**

Briefly describe any efforts made on the part of the applicant to gain support for this project; i.e., community surveys, neighborhood meetings, solicited comments, etc.

Community support for this project has been sought in the form of public hearings, open forums, petitions and surveys. Much of the work involved in this process has been conducted by the members of the Northglenn Youth Commission.

On February 4, 2003 seventeen youth and adults from the community attended a Youth Commission meeting to speak in favor of a skate park in Northglenn. Comments included that other skate parks are too far to drive to, that it is important for youth to have a place to go, that a skate park would help keep teens out of trouble and that there is a need for a safe place for teens to skate.

In March 2005, Youth Commission members collected 595 signatures from youth and adults in the

community who would support a skate park.

In October 2007, 16 youth from Northglenn Middle school signed a petition stating that their interest in a Northglenn skate park.

In January 2008, City Council approved E.B. Rains Jr. Memorial Park as the location for a future skate park. This recommendation was made to the Council by the Northglenn Youth Commission following a joint meeting between the Youth Commission and the Parks and Recreation Advisory Board. At that meeting, the board members met with staff and members of the community to review fourteen different potential locations throughout the City, and selected E.B. Rains Jr. Memorial Park as the designated location for a future skate park.

On March 13, 2008 a public hearing was open for comments regarding the City designating \$100,000 for use in constructing a skate park. Seventeen individuals came forward in support of the skate park, and asked for approval of the \$100,000 in designated funds. Not one person came forward to speak against the skate park. City Council approved the designation of \$100,000 for a skate park.

In April 2008, members of the Youth Commission presented a grant source summary to the City Council, again showing their commitment to this project.

In July 2009, a letter was sent to each household in the neighborhood in closest proximity to the proposed location, as well as to some residents living to the east of the proposed project. This included 132 households. A copy of the address list is attached. An article containing similar information was also posted on the City of Northglenn website and a press release was issued. Multiple letters of support for this project were received as a result of this communication, all of which are attached. Only one phone call was received from a resident who had concerns about the skate park being located too close to her house. This concern will be addressed in accordance with the description in section II, part 1 (a) of this application.

Twenty seven letters of support have been received for this project from adjacent landowners, youth and adult skaters in the community, community groups, boards & commissions and interested residents. These letters can be found at the end of this application, as attachment I.

## **2. Letters of Support**

Provide letters of support from at least two of the categories listed below and label as **Attachment I**:

- Adjacent landowners
- Adjacent cities or counties
- Federal or state agencies
- School districts or special districts
- Individual users or user groups

\*Letters must be written within the past 12 months.

\*Form letters will not be accepted.

\*All letters of support must be turned in with the grant application. Letters received after the application deadline will not be accepted.

<b>Project Management and Applicant's Past Performance of Awarded Projects (0-15 points)</b>			
<b>1. Long-Term Management</b>			
<p>Describe how this project will be managed and maintained for long-term sustainability. Include in your answer the entity responsible for maintenance, the available resources, and the typical maintenance schedule.</p> <p>The skate park would be located within E.B. Rains Jr. Memorial Park, which is part of the parks and recreation system of the City of Northglenn. It is operated and maintained by the City under the 2009 Parks and Recreation Master Plan. Maintenance of the skate park would be the responsibility of the Department of Parks, Recreation and Cultural Services.</p> <p>The skate park would be designed as a concrete park. Concrete has been selected as the optimum building medium not only for its preference by skaters, but because it is a low-maintenance material. Maintenance beyond the scope of that which is done at all of the public parks and playgrounds is not anticipated, though it is acknowledged that the maintenance requirements do vary from these other areas.</p> <p>Litter and graffiti are anticipated to be the most likely ongoing maintenance issues, and will be addressed within 24 hours of report, as is true of any public area in the City. Staff and volunteers work together to achieve this goal.</p>			
<p>Is there a written agreement or Intergovernmental Agreement for things such as access or maintenance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, please provide a copy of the agreement and label as <b>Attachment F</b>.</p>			
<b>2. Past Performance</b>			
<p>Please list <u>similar</u> projects that have received ADCO grant funds that the applicant has successfully completed (limit 5 projects). For example, if this is a trail project, list completed trail projects.</p>			
Project Name:	Manager:	Award Date:	Completion Date:
E.B. Rains Jr. Memorial Park Sensory Playground Improvements, Phase I	Nestor Fedak	2002	2003
E.B. Rains Jr. Memorial Park Sensory Playground Completion Project	Nicholas DiFrank & Mark Hofmeister	2008	Anticipated Final Completion Fall 2009
Croke Reservoir Nature Area Improvement Project	Nicholas DiFrank & Joliette Woodson	2007	2008

<b>3. Pending Projects</b>			
Please list all projects that have been awarded ADCO grant funds, but have not been completed.			
<ul style="list-style-type: none"> <li>• If an extension has been granted, please list the new due date in the "Due Date" column.</li> <li>• If a project is past due, provide an explanation for why the project has not been completed.</li> </ul>			
Project Name:	Award (\$):	Due Date:	Explain:
E.B. Rains Jr. Memorial Park Sensory Playground Completion Project	\$ 65,000	February 2010	Final punchlist to be complete by September 2009
	\$		
	\$		
	\$		
	\$		

Please provide **12 sets** of the application to the Open Space staff by 4:00 p.m., August 3, 2009. Five (5) of the sets should be unbound, the remaining seven (7) sets should be bound with staples or binder clips.

Please include the following attachments at the end of the application:

- Attachment A—Project Budget
- Attachment B—Project Timeline
- Attachment C—Source of Funds
- Attachment D—Project Site Plan
- Attachment E—Location Map
- Attachment F—Access or Maintenance Agreements (if applicable)
- Attachment G—Master or Regional Plan (limit 3 pages)
- Attachment H—Letters of Commitment from Project Partners
- Attachment I—Letters of Support

If the request is to acquire land, please include of the following attachments:

- Attachment J—Buyer's Appraisal. Provide one complete copy of the appraisal. Attach a copy of the appraisal summary page to each of the 12 copies of the application.
- Attachment K—Easements (if applicable)

*Attachments not to exceed 11 x 17 inches.*

**All facilities or land must be accessible to the public, except for conservation easements for agricultural and wildlife habitat preservation. All accessible facilities and land must comply with the Americans with Disabilities Act (ADA) and any applicable state or local disability regulations.**

Active Use

Due Date: August 3, 2009

**The Applicant understands that no land or interests acquired with revenues of the Open Space Sales Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land or interest be given, without the approval of such action by the BoCC. See Resolution 99-1, Section 8(C)(iv).**

**I, the undersigned, having the authority to act on behalf of the City of Northglenn, acknowledge the receipt of the Adams County Open Space Policies and Procedures and agree to abide by the same.**

**Upon award of Open Space Sales Tax funds, all participants are required to enter into a Grant Agreement with Adams County. In the case of land acquisitions, a conservation easement or Declaration of Covenants, Conditions and Restrictions will be required prior to receiving reimbursement.**

William A. Simmons  
Applicant's Signature

JULY 30, 2009  
Date

Print name: WILLIAM A. SIMMONS

Print title: CITY MANAGER



## Attachment A—Project Budget

Date Submitted: 3-Aug-09  
 Project Name: City of Northglenn Skate Park  
 Amount Requested: \$550,000  
 % Total Project Costs: 78%

All organizations or individuals providing in-kind contributions are required to provide a letter of commitment outlining their contribution(s) as stated in the Project Budget.

Description of Item/Expense	Grant Request	Previous ADCO Award	Applicant Match	Partner Match	In-Kind	Total Project Costs (\$)
Design	\$ 30,000		\$ 15,000			\$ 45,000
						\$ -
Demolition/ Site Clearing	\$ 30,000		\$ 10,000			\$ 40,000
						\$ -
Site Work	\$ 65,000		\$ 30,000			\$ 95,000
						\$ -
Skate Park	\$ 350,000		\$ 65,000			\$ 415,000
						\$ -
Basketball Court	\$ 25,000		\$ 20,000			\$ 45,000
						\$ -
Site Amenities	\$ 20,000		\$ 5,000			\$ 25,000
						\$ -
Irrigation/ Landscaping	\$ 30,000		\$ 10,000			\$ 40,000
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
<b>Budget Total</b>	<b>\$ 550,000</b>	<b>\$ -</b>	<b>\$ 155,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 705,000</b>

## Estimated Project Timeline – Attachment B

Project Name: City of Northglenn Skate Park

Date: Aug. 3, 2009

Description of Task	1/1/2010	2/1/2010	3/1/2010	4/1/2010	5/1/2010	6/1/2010	7/1/2010	8/1/2010	9/1/2010	10/1/2010	11/1/2010	12/1/2010
Start up	x	x										
Schematic Design Phase			x	x								
Design Phase					x	x	x	x				
Construction Document Phase									x	x		
Bidding & Contract Award											x	x
Building Phase												

Description of Task	1/1/2011	2/1/2011	3/1/2011	4/1/2011	5/1/2011	6/1/2011	7/1/2011	8/1/2011	9/1/2011	10/1/2011	11/1/2011	12/1/2011
Building Phase	x	x	x	x	x	x	x	x	x	x		
Final Punchlist											x	x

Timeline should reflect scheduling for each task of your project over the next 24 months. Describe each task of your project and put an X in the column to the right for the month that task will occur.

## Attachment C—Source of Funds

**Project Name:** Northglenn Skate Park Project

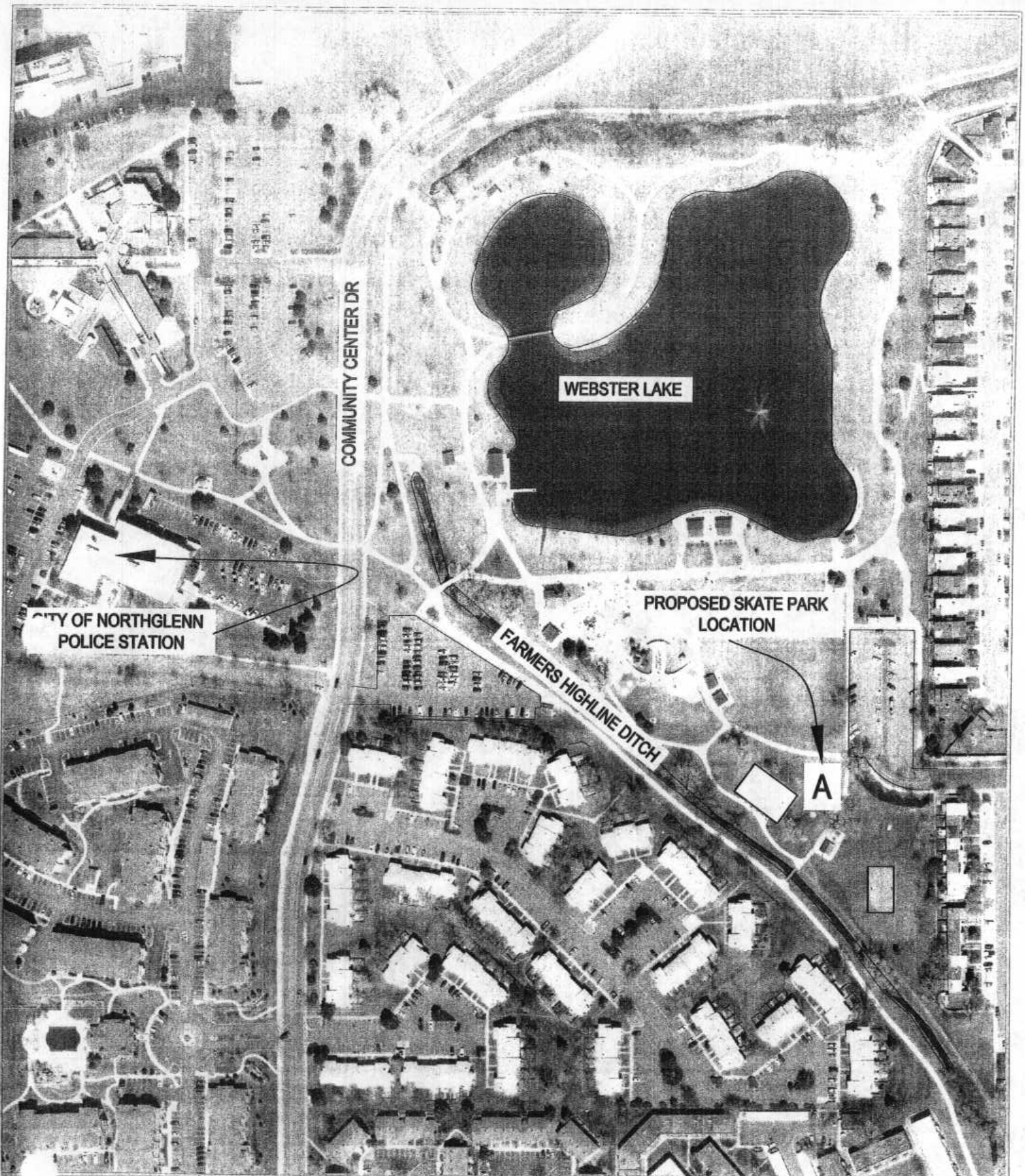
**Grant Request:** 550,000

**% of Total Costs:** 78%

In the chart below, please list all sources of funds. For partners, please provide a brief description of the contribution.

Source of Funds	Date Secured	Grant Request	Previous ADCO Grant Awards	Cash Match	In-Kind Match	Total Funding	Brief Description of Contribution (10 words or less)
Applicant	Feb-08			\$100,000		\$100,000	Funds designated by the Northglenn City Council
Adams County Open Space Discretionary Funds	annual disbursal 2010			\$50,000		\$50,000	Funds from Adams County Open Space budgeted for "playground replacment."
Northglenn Community Foundation	Jul-09			\$4,135		\$4,135	Funds raised by the Northglenn Youth Commission or donated by the community.
Northglenn Youth Commission	Jul-09			\$865		\$865	Funds raised by the Northglenn Youth Commission.
Adams County Open Space Active Use Grant Funds		\$550,000				\$550,000	
						\$0	
						\$0	
						\$0	
						\$0	
<b>Total</b>		\$550,000	\$0	\$155,000	\$0	\$705,000	

\*With regard to the Applicant's contribution, only fill out "Brief Description of Contribution" if the Applicant is making an in-kind contribution.



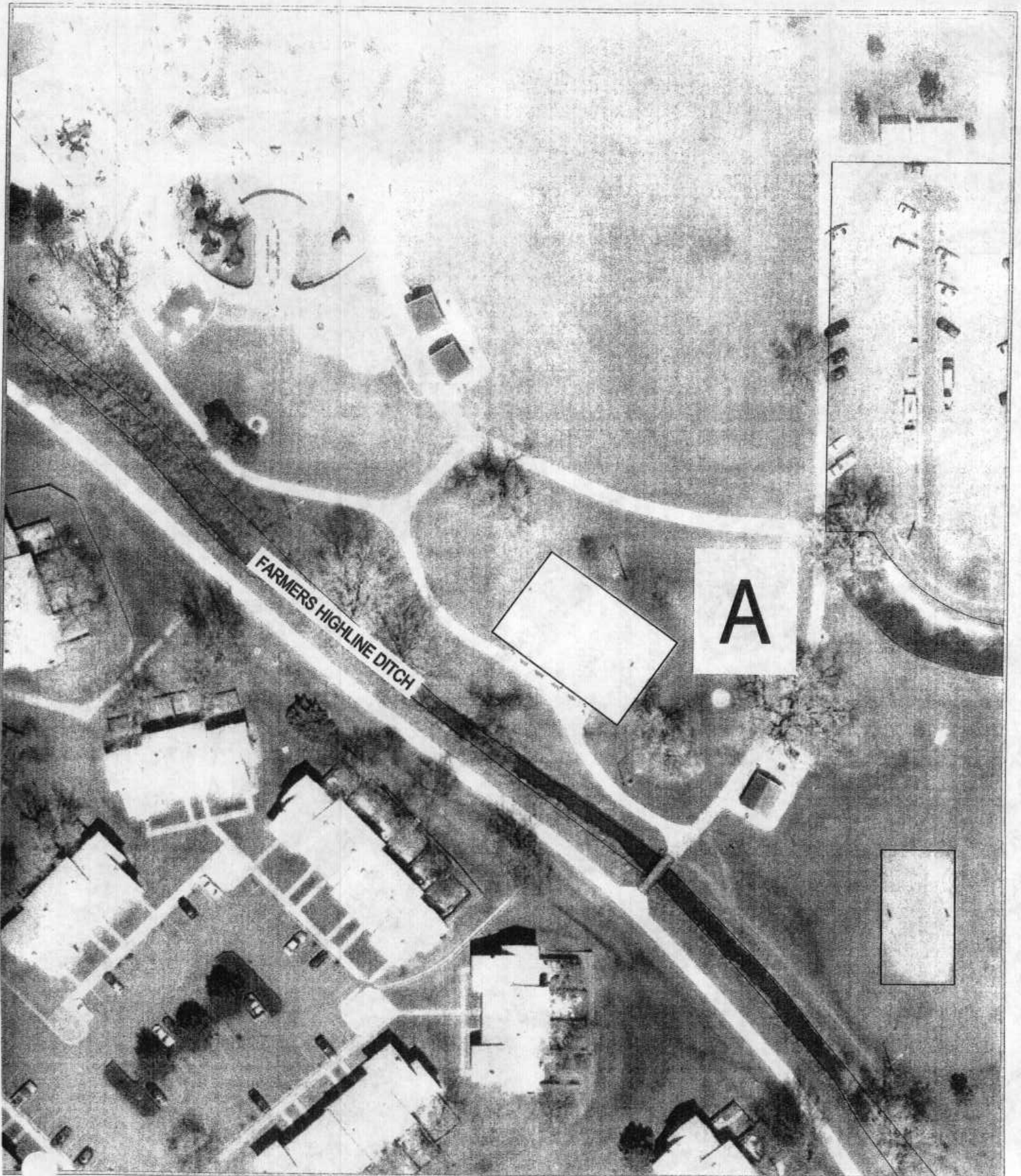
## **CITY OF NORTHGLENN SKATE PARK**

### **ATTACHMENT D- 1 - OVERALL SITE MAP**



11701 Community Center Drive  
Northglenn, Colorado 80233-8061  
Phone: 303.450.8726 Fax: 303.450.8708



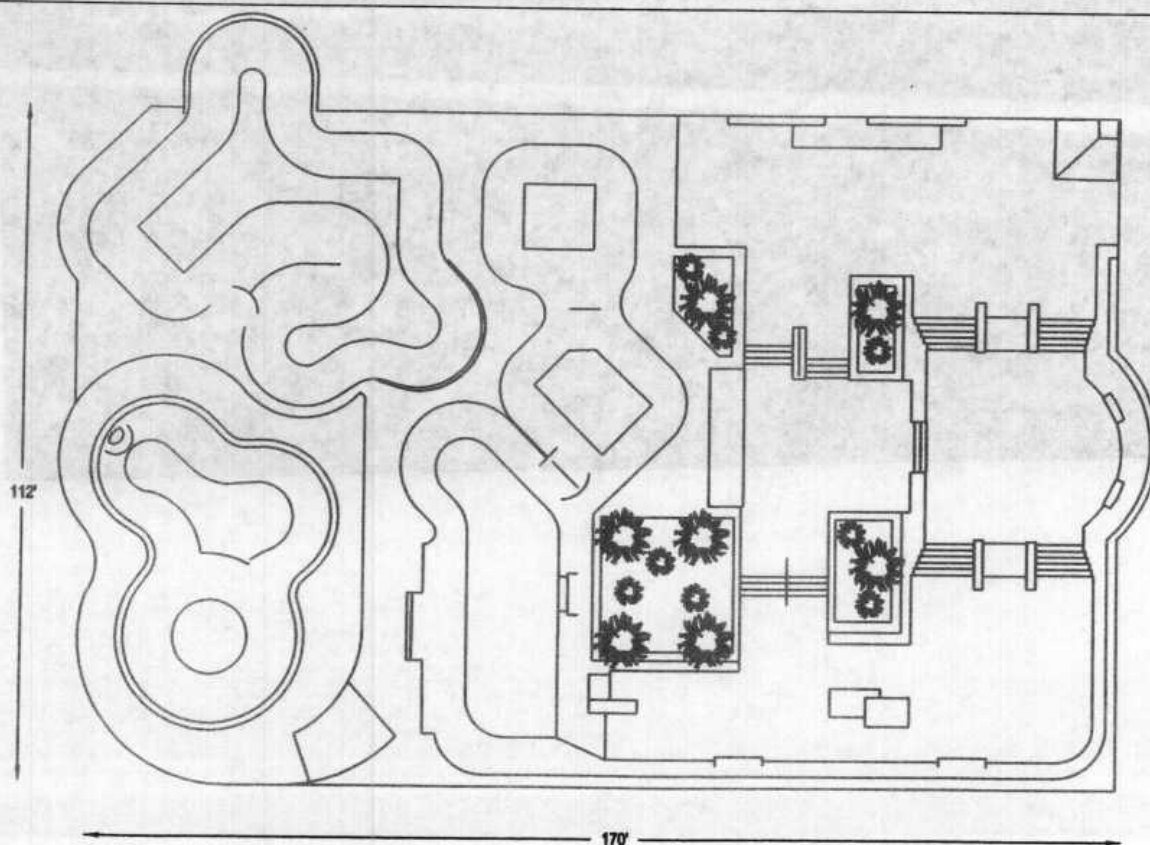
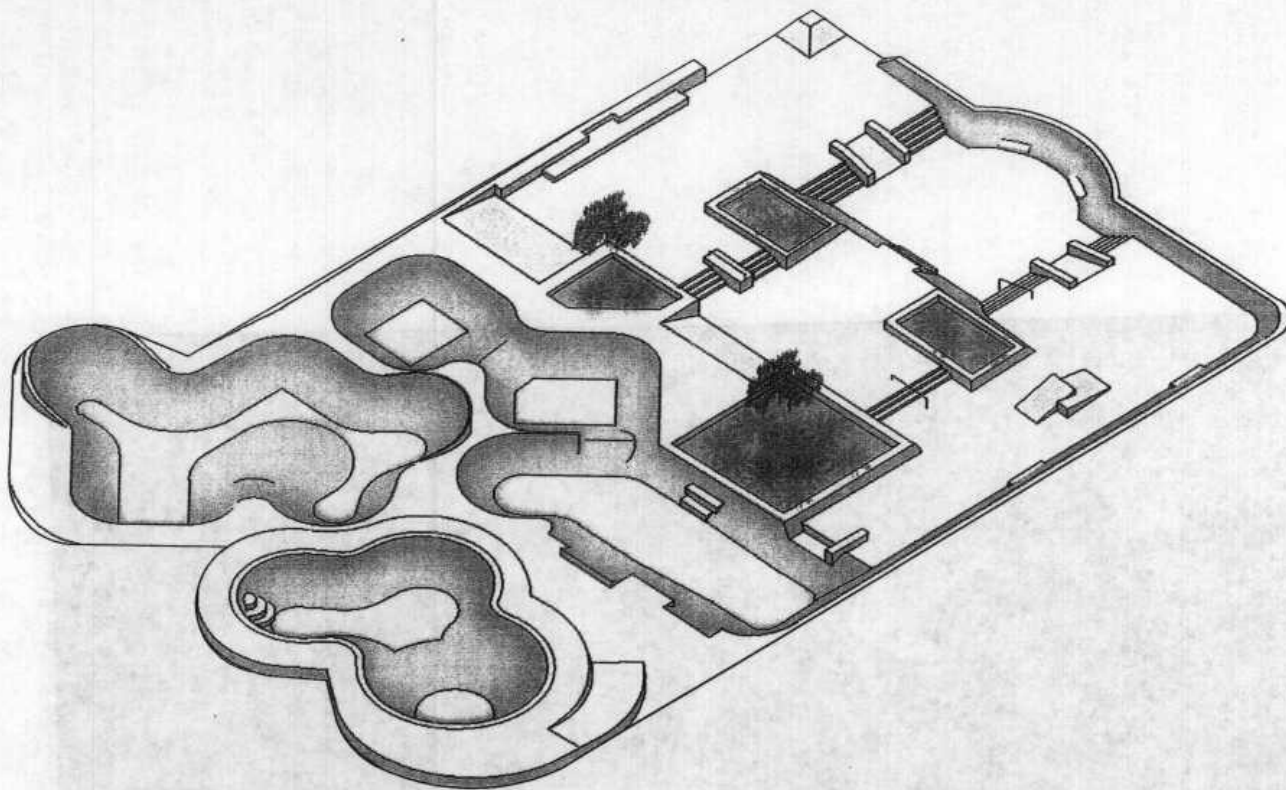


## CITY OF NORTHGLENN SKATE PARK

### ATTACHMENT D - 2 - DETAILED SITE MAP



11701 Community Center Drive  
Northglenn, Colorado 80233-8081  
Phone: 303.450.8726 Fax: 303.450.8708

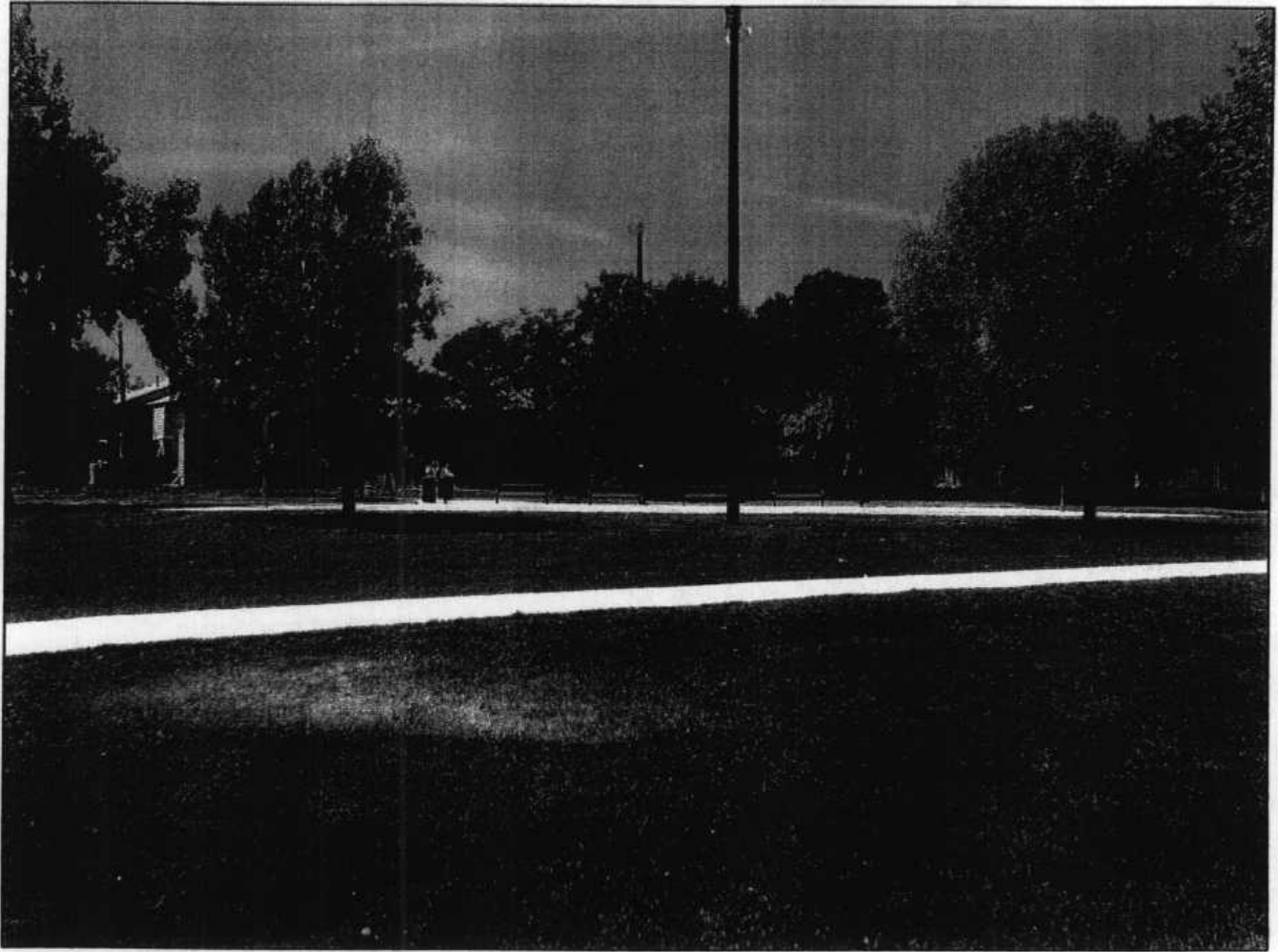


## **CITY OF NORTHGLENN SKATE PARK**

**ATTACHMENT D - 3 - CONCEPTUAL LAYOUT**



11701 Community Center Drive  
Northglenn, Colorado 80233-8061  
Phone: 303.450.8726 Fax: 303.450.8708



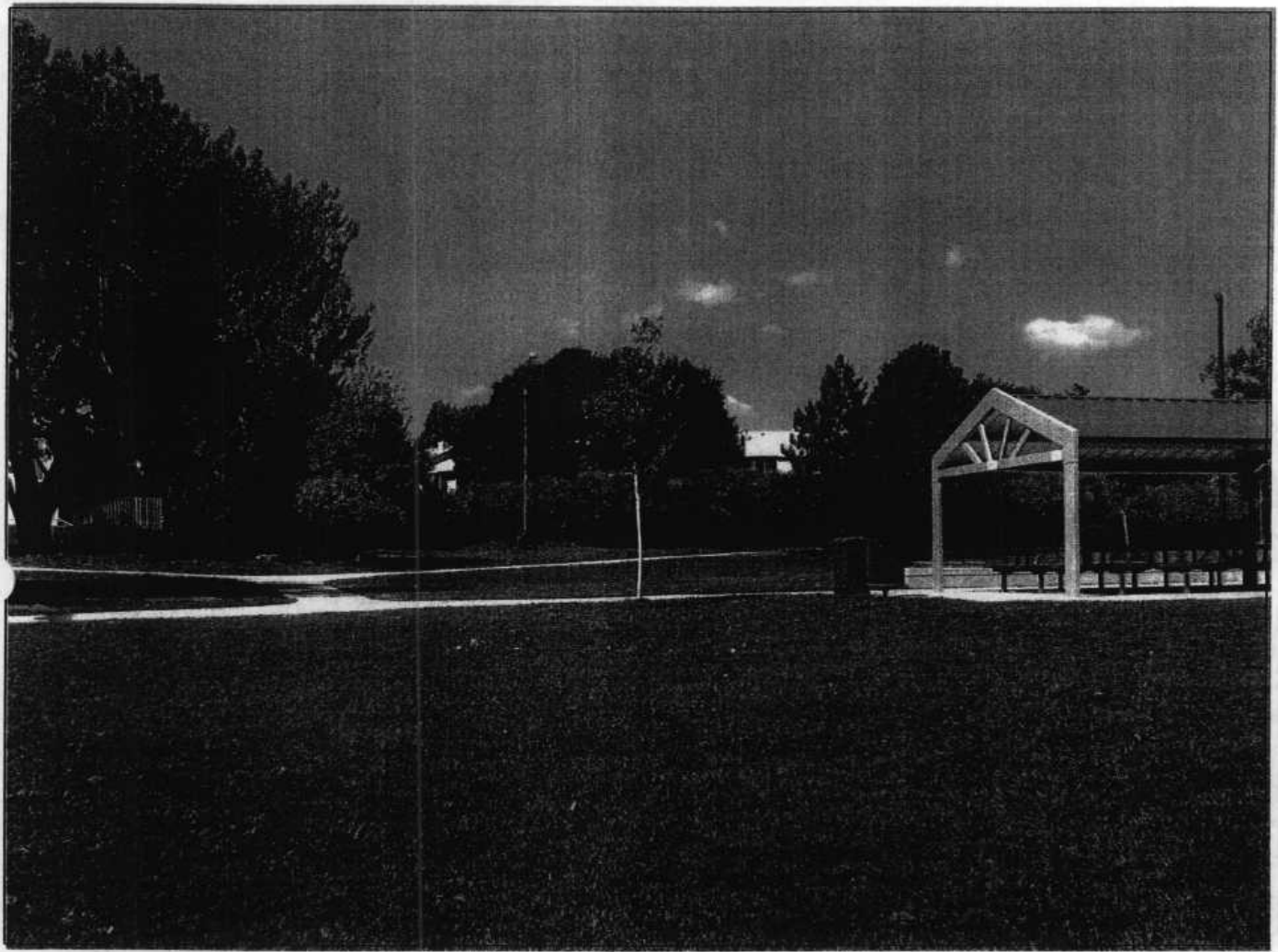
## **CITY OF NORTHGLENN SKATE PARK**

**ATTACHMENT D - 4 - PHOTO 1**



11701 Community Center Drive  
Northglenn, Colorado 80233-8061  
Phone: 303.450.8726 Fax: 303.450.8708





## CITY OF NORTHGLENN SKATE PARK

ATTACHMENT D - 5 - PHOTO 2



11701 Community Center Drive  
Northglenn, Colorado 80233-8061  
Phone: 303.450.8726 Fax: 303.450.8708



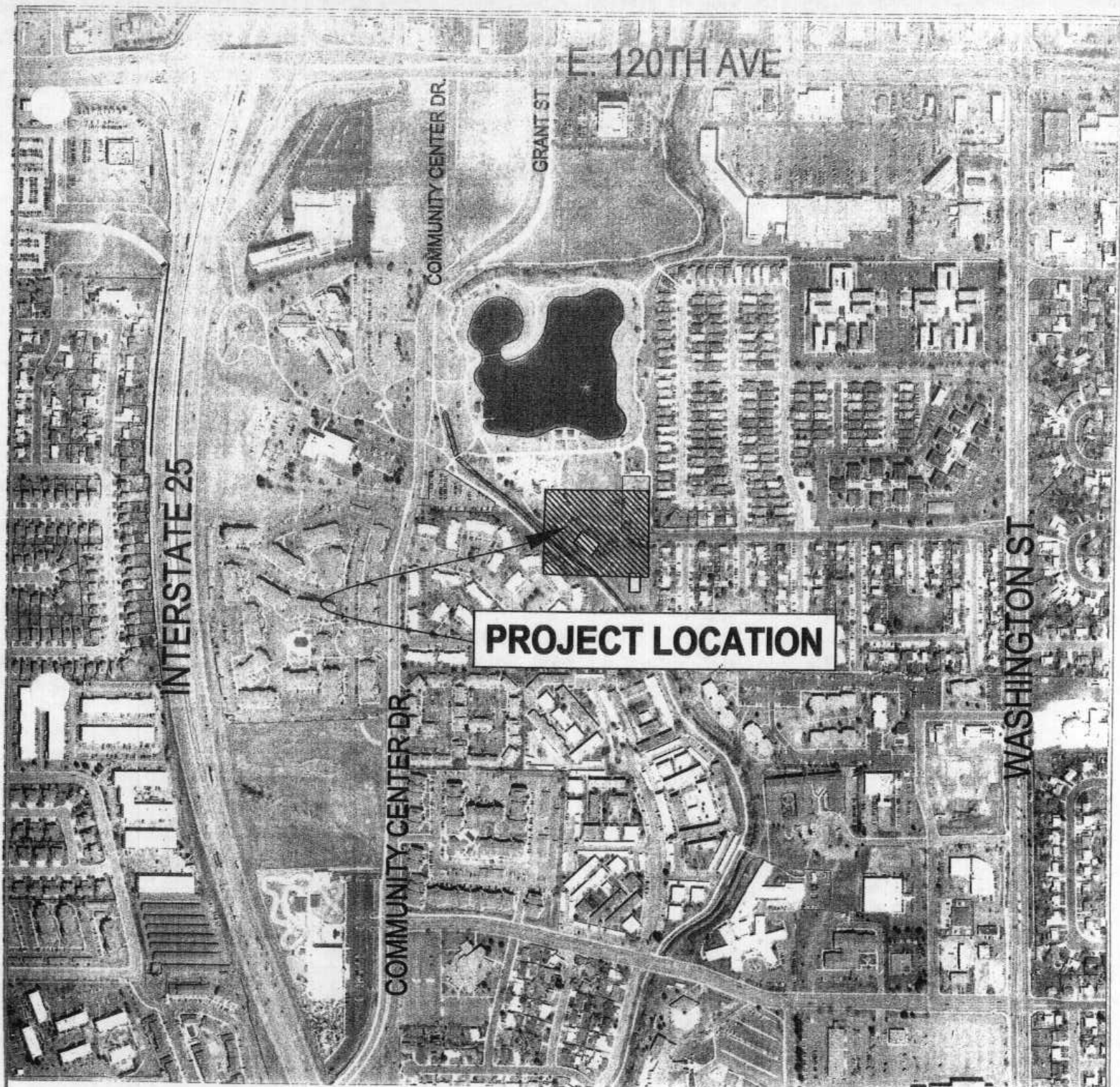


## CITY OF NORTHGLENN SKATE PARK

ATTACHMENT D - 6 - PHOTO 3

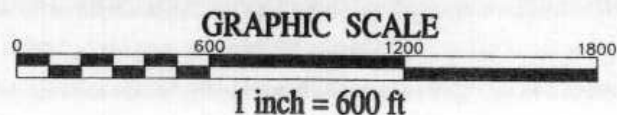


11701 Community Center Drive  
Northglenn, Colorado 80233-8061  
Phone: 303.450.8726 Fax: 303.450.8708



**DIRECTIONS TO SITE:**

1. TAKE THE E. 120TH AVE EXIT FROM I-25 HEAD EAST
2. AT FIRST RIGHT TURN, TURN ONTO COMMUNITY CENTER DRIVE
3. DRIVE SOUTH TO THE WEBSTER LAKE PARKING LOT LOCATED AT E.B. RAINS PARK



**CITY OF NORTHGLENN SKATE PARK**

**ATTACHMENT E - LOCATION MAP**



11701 Community Center Drive  
Northglenn, Colorado 80233-8061  
Phone: 303.450.8726 Fax: 303.450.8708

# Modification Policy and Request Form:

## Exhibit B

### **Modification Policy:**

Requests for Modification must be received at the Adams County Open Space Office a minimum of 90 days prior to the project due date. The modification request must be all of the eligibility requirements listed below in order to be approved:

### **Eligibility Requirements for Modification of a Project:**

1. **Received By Deadline**  
Requests for Modification should be received 90 days prior to the project deadline.
2. **Documentation is Complete**  
Documentation includes completed request form, original budget and timeline, revised budget and timeline, and evidence of progress (copies of: invoices, cancelled checks, in-kind documentation, photos, etc.).
3. **Leverage of Project Does Not Increase Percentage of Funding or Amount Awarded.**  
Under no circumstances should the amount of funds or the percent leveraged by Adams County Open Space increase.
4. **Uses and Appearance of Project Do Not Change**  
The uses must remain the same as originally presented at the time of award. The percentage of Active Use cannot increase and the percentage of Passive Use cannot decrease; location of the project cannot change; quality of materials must be retained, and features must remain substantially the same.
5. **Representation of Project Remains the Same**  
Modifications to the project must reflect what was originally presented to the Open Space Advisory Board (OSAB) and the BoCC at the time of award. (This includes all categories on the original application: proposed uses, partnerships, in-kind, costs, acreage, location, leverage, etc.)
6. **Grantee Has No Unresolved Compliance Issues**  
The Grantee must be in compliance on the project they are requesting to modify, or any other project that has received funding from the Adams County Open Space Sales Tax, including funds received from the 30% distribution, if applicable.

If a Request for Modification does not meet all of the eligibility requirements, it will be returned by Staff to the Grantee along with a Notice of Denial outlining the eligibility criteria that was not met. Upon receiving notice, the Grantee will be required to complete the project as originally funded. If the Grantee is unable to complete the project as originally funded, the Grantee must notify Adams County Open Space in writing within 30 days of receiving the Notice of Denial. A termination of Grant Agreement will be executed by Adams County and forwarded to the Grantee. The Grantee will be required to return all previously awarded funds for that project along with accrued interest and applicable market value adjustment within 30 days of receiving the Termination of Grant Agreement. The Grantee may submit an application as a new project at the next available grant cycle.

If a Grantee is in disagreement with Staff recommendations to deny the modification request, they may file a written appeal addressed to the Parks Director, 9755 Henderson Road, Brighton, CO 80601, within 5 days of receiving a Notice of Denial.

## Modification Request Form:

Project Information	
Date of Request:	
Grantee Name:	
Contact Name:	Email
Address:	Phone:
Project Name:	Project Due Date:

**Please provide the following information:**

**Previously Submitted Leverage Summary:**

Original Grant Total: \$ \_\_\_\_\_  
Total Project Cost: \$ \_\_\_\_\_  
% of Funding Requested: \_\_\_\_\_%

**Proposed Revision to Leverage Summary:**

Grant Total: \$ \_\_\_\_\_  
Total Project Cost: \$ \_\_\_\_\_  
% of Funding Requested: \_\_\_\_\_%

**Please provide a description of the changes to the project as well as an explanation for these changes:**

**I, the undersigned, having the authority to act on behalf of \_\_\_\_\_, acknowledge receipt of the Adams County Open Space Guidelines, Policies and Procedures and agree to abide by same:**

Submitted By:	Title:
Printed Name:	Date:

For office use only	
Date Received:	Does this request meet eligibility criteria? Yes <input type="checkbox"/> No <input type="checkbox"/>
If not eligible, please state reasons:	
By:	
Title:	Date:

## IX. Extension Policy

Requests for Extension must be received a minimum of 90 days prior to the project due date. Requests for a one time Extension of 90 days or less will be approved or denied by staff. Requests for longer than 90 days up to 6 months must be approved by the BoCC. Requests for Extensions of more than 6 months will not be allowed. (See Exhibit H)

If a Request for Extension does not meet all of the eligibility requirements, it will be returned to the Grantee along with a Notice of Denial outlining the eligibility criteria that was not met. Upon receiving the Notice of Denial, the Grantee will have 30 days to respond in writing to Adams County Open Space as to whether or not they will complete the project as originally funded. If the Grantee is unable to complete the project as originally funded, a termination of Grant Agreement will be executed by Adams County and the Grantee will be required to return all previously awarded funds for that project along with accrued interest and applicable market value adjustment within 30 days of receiving the Termination of Grant Agreement. Failure to respond to a Notice of Denial will result in an automatic de-authorization of the grant and will result in suspension of eligibility for that applicant in any pending or future grant cycles as determined by the BoCC.

### Eligibility Requirements for Extension of a Project:

1. **Received by Deadline** – Requests for Extension should be received a minimum of 90 days prior to the project due date.
2. **Documentation is Complete** – Documentation provided by the Grantee must include a completed request form, budget, original and revised timeline and evidence of progress. (Copies of: invoices, cancelled checks, in-kind documentation, photos, etc.)
3. **Request for Extension is for an Allowable Time Period** – Extension requests cannot be for a period of more than 6 months from the due date.
4. **Grantee Has No Unresolved Compliance Issues** – The Grantee must be in compliance on the project they are requesting an extension for, or any other project that has received funding from Adams County Open Space Sales Tax, including funds received from the 30% Open Space Sales Tax distributions, if applicable.

STATE OF COLORADO )  
COUNTY OF ADAMS )

Exhibit D

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton on WEDNESDAY the 6TH day of OCTOBER, 1999 there were present:

Ted L. Strickland	Chairman	C0600923
Elaine T. Valente	Commissioner	10/08/99 14:32:16
Martin J. Flaum	Commissioner	BK: 5917 PG: 0756-0769
Rita Connerly	County Attorney	CAROL SNYDER
Lucy Trujillo, Deputy	Clerk of the Board	ADAMS CO

when the following proceedings, among others were held and done, to-wit:

RESOLUTION CORRECTING SCRIVENER'S ERROR IN RESOLUTION 99-1

WHEREAS, the Board of County Commissioners (Board) of Adams County, Colorado (County), adopted Resolution 99-1 on September 1, 1999; and,

WHEREAS, paragraph 7a contains an obvious scrivener or typographical error; and,

WHEREAS, the Board determines that the scrivener or typographical or typographical error, considered in context, is insubstantial; and,

WHEREAS, the Board, nonetheless, desires to correct the scrivener error contained within paragraph 7a of Resolution 99-1.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that Resolution 99-1, paragraph 7a be corrected to read as follows:

(a) *Imposition of Tax.* There is hereby imposed on all sales of tangible personal property at retail or the furnishing of services in the County as provided in Section 29-2-105(1)(d), Colorado Revised Statutes, as amended, a tax equal to one-fifth of one percent of the gross receipts (the "Sales Tax").

BE IT FURTHER RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Clerk of the Board make the above-referenced correction *nunc pro tunc* to September 1, 1999.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Strickland	Aye
Valente	Aye
Flaum	Aye
Commissioners	

STATE OF COLORADO )  
County of Adams )

I, Carol Snyder, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 6TH day of OCTOBER, A.D. 1999.

County Clerk and ex-officio Clerk of the Board of County Commissioners  
Carol Snyder:

By Lucy Trujillo  
Deputy



STATE OF COLORADO     )  
COUNTY OF ADAMS       )

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton on WEDNESDAY the 1<sup>ST</sup> day of SEPTEMBER, 1999 there were present:

Ted L. Strickland	Chairman
Elaine T. Valente	Commissioner
Martin J. Flaum	Commissioner
Rita Connerly	County Attorney
Sylvia Puebla, Deputy	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

RESOLUTION 99-1

A RESOLUTION CALLING AN ELECTION ON NOVEMBER 2, 1999 TO AUTHORIZE THE IMPOSITION OF A ONE-FIFTH OF ONE PERCENT COUNTYWIDE SALES TAX FOR THE PURPOSE OF PRESERVING OPEN SPACE AND CREATING AND MAINTAINING PARKS AND RECREATION FACILITIES; SETTING THE BALLOT TITLE AND BALLOT QUESTION FOR THE ELECTION; AND, PROVIDING THE EFFECTIVE DATE OF SUCH RESOLUTION

WHEREAS, the Board of County Commissioners (the "Board") of Adams County, Colorado (the "County"), has determined that it is in the public interest and desirable to the residents of the County to preserve open space in order to limit sprawl, to preserve farmland, to protect wildlife areas, wetlands, rivers and streams, and for creating, improving and maintaining parks and recreational facilities; and,

WHEREAS, there are not sufficient funds in the treasury of the County and the Board does not anticipate that existing sources of revenue will be sufficient to generate the moneys necessary to preserve open space and create and maintain parks and recreational facilities; and,

WHEREAS, the County is authorized by law to impose a sales tax on the sale of tangible personal property at retail and the furnishing of services, subject to approval of the registered electors of the County; and,

WHEREAS, the Board has determined that it is in the interests of the residents of the County to impose a Countywide sales tax at the rate of one-fifth of one percent for the period beginning January 1, 2000 through December 31, 2006, the receipts from which shall be restricted in application to the Open Space Program; and,

WHEREAS, the Board has determined that a question regarding the imposition of a sales tax for the purposes enunciated herein should be submitted by the Board to the eligible electors of the County; and,

WHEREAS, the Board has determined to set the ballot title and ballot question for the issues to be submitted at the election called by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, STATE OF COLORADO:

1. An election shall be held on Tuesday, November 2, 1999, at which there shall be submitted to the eligible electors of the County one question authorizing the imposition of an additional one-fifth of one percent sales tax (the "Open Space Sales Tax") on all sales of tangible personal property at retail or the furnishing of services in the County as provided in Section 29-2-105(1)(d), Colorado Revised Statutes, as amended ("C.R.S."). The question to be submitted to the registered electors shall be as follows:

ISSUE \_\_\_\_\_

SHALL ADAMS COUNTY TAXES BE INCREASED \$5.5 MILLION, AND WHATEVER AMOUNTS ARE RAISED ANNUALLY THERAFTER, BY A COUNTYWIDE SALES TAX OF ONE FIFTH OF ONE PERCENT (20 CENTS ON A \$100 PURCHASE), EFFECTIVE JANUARY 1, 2000 AND AUTOMATICALLY EXPIRING AFTER 7 YEARS, WITH THE PROCEEDS TO BE USED SOLELY TO PRESERVE OPEN SPACE IN ORDER TO LIMIT SPRAWL, TO PRESERVE FARMLAND, TO PROTECT WILDLIFE AREAS, WETLANDS, RIVERS AND STREAMS, AND FOR CREATING, IMPROVING AND MAINTAINING PARKS AND RECREATION FACILITIES, IN ACCORDANCE WITH RESOLUTION 99-1, WITH ALL EXPENDITURES BASED ON RECOMMENDATIONS OF A CITIZEN ADVISORY COMMISSION AND SUBJECT TO AN ANNUAL INDEPENDENT AUDIT AND SHALL ALL REVENUES FROM SUCH TAX AND ANY EARNINGS THEREON, CONSTITUTE A VOTER APPROVED REVENUE CHANGE.

YES \_\_\_\_\_

NO \_\_\_\_\_

2. The election shall be conducted by the County Clerk and Recorder in accordance with the Uniform Election Code and other laws of the State of Colorado, including without limitation, the requirements of Article X, Section 20 of the Colorado Constitution (hereinafter "TABOR").
3. All acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots shall be performed by the County Clerk and Recorder.
4. The County Clerk and Recorder shall cause a Notice of Election to be published in accordance with the laws of the State of Colorado, including but not limited to, the Uniform Election Code and TABOR.
5. Pursuant to Section 29-2-104(5), Colorado Revised Statutes, the County Clerk and Recorder is directed to publish the text of this Resolution four separate times, a week apart, in the official newspaper of the county and each city and incorporated town within the County.
6. No later than October 1, 1999, the County Clerk and Recorder shall mail the Notice of Election required by Article X, Section 20(3)(b) of the Colorado Constitution.
7. If a majority of the votes cast on the question of imposing the Open Space Sales Tax shall be in favor of such question, the Open Space Sales Tax shall be imposed and shall apply to all taxable transactions, unless exempt, occurring on or after January 1, 2000, and shall be collected and administered in accordance with this Resolution and the schedules set forth in the rules and regulations promulgated by the Colorado Department of Revenue.
  - (a) *Imposition of Tax.* There is hereby imposed on all sales of tangible personal property at retail or the furnishing of services in the County as provided in Section 29-2-105(1)(d), Colorado Revised Statutes, as amended, a tax equal to one-half of one percent of the gross receipts (the "Sales Tax").
  - (b) *Transactions Subject to the Sales Tax.*
    - (i) The tangible personal property and services taxable hereunder shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., and shall be subject to the same exemptions as those specified in Section 39-26-114, C.R.S., including specifically the exemption provided by Section 39-26-114(11), C.R.S., for purchases of machinery or machine tools; the exemption provided by Section 39-26-114(1)(a)(XXI), C.R.S., for the sales and purchases of electricity, coal, wood, gas (including natural, manufactured and liquefied petroleum gas), fuel oil or coke sold, but not for resale, to occupants of residences, whether owned, leased or rented by said occupants, for the purpose of operating residential fixtures and appliances which provide light, heat and power for such residences; the exemption provided by Section 39-26-114(1)(a)(XX), C.R.S.,



for the sales of food (as defined in Section 39-26-102(4.5), C.R.S.); the exemption for occasional sales by a charitable organization as set forth in Section 39-26-114(18), C.R.S.; and, the exemption for sales and purchases of farm equipment under lease or contract specified in Section 39-26-114(20), C.R.S.

- (ii) The Sales Tax shall not be imposed on the sale of construction and building materials if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other acceptable documentation that a local use tax has been paid or is required to be paid on the value thereof.
  - (iii) The Sales Tax shall not be imposed on the sale of personal property on which a specific ownership tax has been paid or is payable if: (I) the purchaser is a nonresident of, or has its principal place of business outside the County, and (II) such personal property is registered or required to be registered outside the limits of the County under the laws of the State of Colorado.
  - (iv) The Sales Tax shall not be imposed on the sale of tangible personal property at retail or the furnishing of services if the transaction has been previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of the amount imposed by Section 7(a) hereof. A credit shall be granted against the Sales Tax payable with respect to such transaction equal in amount to the lawfully imposed sales or use tax previously paid by the purchaser or user to such other statutory or home rule county, provided that such credit shall not exceed the amount of the Sales Tax imposed by Section 7(a) hereof.
- (c) *Determination of Place at Which Sales are Consummated.* For the purpose of this Resolution, all retail sales shall be considered consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the County or to a common carrier for delivery to a destination outside the limits of the County. The gross taxable sales shall include delivery charges, when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, C.R.S., regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the County, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of this Sales Tax shall be determined by the provisions of Article 26 of Title 39, C.R.S., and by the rules and regulations promulgated by the Colorado Department of Revenue. The amount subject to the Sales Tax shall not include the amount of any state sales and use tax imposed by Title 39, Article 26, C.R.S.
- (d) *Collection, Administration and Enforcement.* The collection, administration and enforcement of the Sales Tax shall be performed by the Executive Director of the Colorado Department of Revenue (the "Executive Director") in the same manner as the collection, administration and enforcement of the Colorado state sales tax. The provisions of Article 26 of Title 39, C.R.S. and all rules and regulations promulgated thereunder by the Executive Director shall govern the collection, administration and enforcement of the Sales Tax.
- (e) *Vendor Fee.* No vendor fee shall be permitted or withheld with respect to the collection and remittance of the Sales Tax.
- (f) *Application of Section 29-2-108, C.R.S.* The imposition of the Sales Tax will result in the 7% limitation on the total sales tax imposed by the State of Colorado, any county and city or town in any locality in the State of Colorado as provided in Section 29-2-108, C.R.S. being exceeded. Such notwithstanding, the rate of Sales Tax does not exceed the rate permitted to be imposed by the County pursuant to Section 29-2-108, C.R.S.

8. Distribution of Sales Tax Revenue. The proceeds from the collection of the Open Space Sales Tax shall be administered in the following manner:

(a) *Open Space Advisory Board.* An Open Space Advisory Board shall be appointed by the Board of County Commissioners within ninety (90) days following approval of the election question.

- (i) The Open Space Advisory Board shall consist of seven members, four of whom shall be residents of unincorporated Adams County and three of whom shall be residents of cities or towns located in Adams County.
- (ii) Members shall serve four-year terms of office, except the initial term of two members from the unincorporated area of Adams County and two members from cities and towns shall be six years. Members may be re-appointed to successive terms.
- (iii) Members shall serve at the pleasure of the Board.
- (iv) The Board of County Commissioners shall develop a system to rotate the jurisdictions represented on the Open Space Advisory Board in a systematic fashion.
- (v) Members shall not be compensated for their services, but may be reimbursed for reasonable expenses actually incurred in the performance of their duties in accordance with this Resolution and County policy.
- (vi) Members shall act in accordance with law, including Colorado conflict of interest law applicable to public bodies. No member shall vote or participate in the application process regarding an acquisition or expenditure in which he or she has a financial or ownership interest, or where he or she has an ownership interest in adjacent property.
- (vii) The Open Space Advisory Board will meet quarterly, beginning in the first quarter of 2000, or as necessary to review proposed projects. All meetings shall be held in accordance with the Open Meetings Law.
- (viii) The Open Space Advisory Board will make recommendations to the Board of County Commissioners regarding the distribution of proceeds from the collection of the Open Space Sales Tax, substantially in accordance with the guidelines set forth in this Resolution.

(b) *Deposit and Expenditure of Revenue.*

- (i) The County shall establish an Open Space Fund within which all revenues and expenditures from the Open Space Sales Tax shall be accounted for.
- (ii) Two percent (2%) of the Open Space Sales Tax collected shall be used by the Open Space Advisory Board for administrative purposes, i.e. consultants, studies, site reviews, etc.
- (iii) After payment of the administrative fee, thirty percent (30%) of the remaining Open Space Sales Tax collected shall be automatically returned to the cities, towns and unincorporated area of Adams County in the same proportion as is the ratio of Open Space Sales Tax collected within the city, town or unincorporated area to the total County sales tax collections, as computed from information provided by the Colorado Department of Revenue. This money may be used by the jurisdiction for either active or passive uses but shall not be used to augment existing parks and open space budgets.
- (iv) After payment of the administrative expenses and distribution of the thirty percent, moneys remaining in the Open Space Fund shall be used as directed by the Board of County Commissioners, substantially in accordance with the following guidelines:

- (1) Grant applications may be submitted to the Open Space Advisory Board by those jurisdictions having an approved open space and/or recreation plan.
- (2) The Open Space Advisory Board shall review the application and make recommendations to the Board of County Commissioners regarding approval or denial of the application. Fund distributions may be attributable to both active and passive open space uses, so long as:
  - (a) no less than forty percent (40%) shall be expended for passive open space uses, to include the purchase, construction and maintenance of: horse, bike or running trails; natural areas with limited development for fishing, hiking, walking or biking; wildlife preserves; lakes for fishing with accessible walks, docks, picnic areas and restrooms; conservation easements on agricultural land; environmental education programs; lands and waterways as community buffers; river and stream corridor land; unimproved flood plains; wetlands; preservation of cemeteries; and picnic facilities.
  - (b) no more than twenty eight percent (28%) shall be expended for active uses, to include the purchase, construction, equipping and maintenance of: sports fields, golf courses, and recreation centers.
- (v) Any funds received from the disposition of assets acquired or constructed with revenues for the Open Space Sales Tax shall be used in accordance with the above guidelines.

C. *Authorized Projects and Uses of Funds.*

- (i) Revenues collected from the Open Space Sales Tax may be used in the following manner:
  - (A) To acquire fee title interest in real property for open space, natural areas, wildlife habitat, agricultural and ranch lands, historical amenities, parks and trails;
  - (B) To acquire less than fee interests in real property such as easements (including conservation and agricultural), leases, options, future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis, for open space, natural areas, wildlife habitat, agricultural and ranch lands, historical amenities, parks and trails purposes;
  - (C) To acquire water rights and water storage rights for use in connection with the aforementioned purposes;
  - (D) To acquire rights-of-way and easements for trails and access to public lands, and to build and improve such trails and accessways;
  - (E) To allow expenditure of funds for joint projects between counties and municipalities, recreation districts, or other governmental entities in the County;
  - (F) To improve and protect open space, natural areas, wildlife habitats, agricultural and ranch lands, historical amenities, parks and trails;
  - (G) To manage, patrol and maintain open space, natural areas, wildlife habitats, agricultural and ranch lands, historical amenities, parks and trails;

- (H) To pay for related acquisition, construction, equipment, operation and maintenance costs;
    - (I) To implement and effectuate the purposes of the Open Space Program.
  - (ii) Passive open space lands may be acquired and maintained and may include:
    - (A) Lands with significant natural resource, scenic and wildlife habitat values;
    - (B) Lands that are buffers maintaining community identity;
    - (C) Lands that are to be used for trails and/or wildlife migration routes;
    - (D) Lands that will be preserved for agricultural or ranch purposes;
    - (E) Lands for outdoor recreation purposes limited to passive recreational use, including but not limited to hiking, hunting, fishing, photography, nature studies, and if specifically designated, bicycling or horseback riding;
    - (F) Lands with other important values such as scenic and historic sites that contribute to the County's and County municipalities' natural and cultural heritage.
  - (iii) Active open space lands may include lands for park purposes and other recreational uses such as sports fields, golf courses and recreation centers. Park purposes shall be defined as the construction, equipping, acquisition and maintenance of park and recreational improvements and facilities for the use and benefit of the public.
  - (iv) No land or interests acquired with the revenues of the Open Space Sales Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land or interests be given, without the approval of such action by the Board.
- 9. If a majority of the votes cast on the question of imposing the Open Space Sales Tax shall be in favor of such question, the County Clerk and Recorder is hereby directed to provide a notice of adoption of this Resolution, together with a certified copy of this Resolution, to the Executive Director of the Colorado Department of Revenue at least forty-five (45) days prior to January 1, 2000.
- 10. This Resolution shall serve to set the ballot title and the ballot question for the question set forth herein and the ballot title for such question shall be the text of the question itself.
- 11. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.
- 12. The rate of the Open Space Sales Tax and the deposit of revenues collected for the Open Space Sales Tax as set forth in this Resolution shall not be amended, altered or otherwise changed unless first submitted to a vote of the registered electors of the County for their approval or rejection. Other provisions of this Resolution may be amended as necessary to effectuate the purposes of this Resolution by resolution adopted by the Board of County Commissioners in accordance with law.
- 13. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.
- 14. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this resolution are hereby repealed, except that this repealer shall not be

construed to revive any act, order or resolution, or part thereof, heretofore repealed.

15. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.
16. The cost of the election shall be paid from the County's general fund.
17. This Resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Strickland	_____	Aye
Valente	_____	Aye
Flaum	_____	Aye
Commissioners		

STATE OF COLORADO     )  
County of Adams         )

I, Carol Snyder, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 1<sup>st</sup> day of SEPTEMBER, A.D. 1999.

County Clerk and ex-officio Clerk of the Board of County  
Commissioners  
Carol Snyder:

By \_\_\_\_\_

*John Stuebel*  
Deputy



# *Adams County Open Space*

## *Policy and Procedures*



*December 2007*

**RESOLUTION AMENDING THE ADAMS COUNTY OPEN SPACE POLICIES AND PROCEDURES**

WHEREAS, Adams County voters approved an Open Space Sales Tax on November 2, 1999 to be used in accordance with Resolution 99-1 placing the Open Space Sales Tax on the ballot; and

WHEREAS, Adams County voters authorized an increase in an existing countywide sales tax from one-fifth of one percent to one-fourth of one percent, and extending the sales tax through December 31, 2026, in accordance with Resolution 99-1 and 2004-1; and

WHEREAS, Resolution 99-1 specifies that officers and employees of the county are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution; and

WHEREAS, on December 3, 2007, the Board of County Commissioners adopted the Adams County Open Space Policies and Procedures, which set forth the process and policies governing the administration of the Open Space Sales Tax program; and

WHEREAS, the Board of County Commissioners would like to amend paragraph 12 of Section IV, page 7, of the adopted Adams County Open Space Policies and Procedures as follows:

Applicants for projects or phases of projects that were not awarded Open Space Sales Tax funds in the full amount requested in the initial grant proposal are encouraged to reapply for up to two additional grant cycles following the initial submittal, in the event the applicant deems the project worthwhile of additional funding.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the paragraph 12 of Section IV, page 7, of the Adams County Open Space Policies and Procedures be amended as set forth above.

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### **Attachments:**

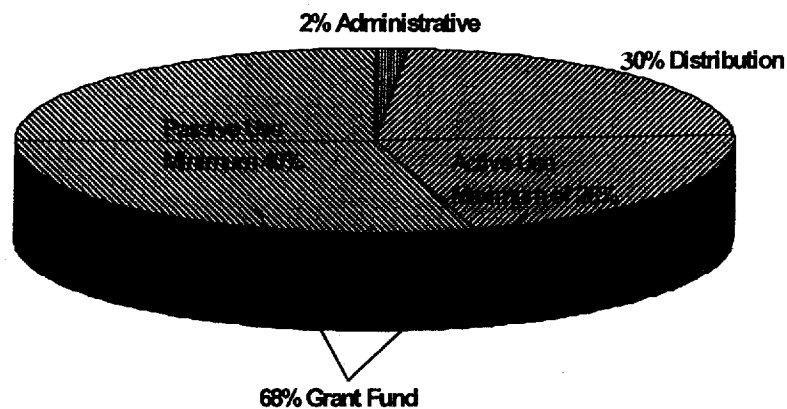
- Exhibit A** – Resolution 99-1
- Exhibit B** – Open Space Sales Tax 30% Distribution Form
- Exhibit C** – Passive Use Application
- Exhibit D** – Active Use Application
- Exhibit E** – Grant Agreement
- Exhibit F** – Conservation Easement
- Exhibit G** – Modification Form
- Exhibit H** – Extension Form
- Exhibit I** – Budget Form
- Exhibit J** – Project Timeline



## I. Introduction

Adams County citizens passed an Open Space Tax on November 2, 1999, and reauthorized it on November 2, 2004, to be extended until December 31, 2026. The voter approved issue called for 68% of the proceeds from the tax to be distributed to eligible jurisdictions by a grant process. The Open Space "Tax Issue" also provides for 30% of the funds to be returned to the Cities and County based on a formula of where the tax is collected. Two percent may be used for administrative purposes. Adams County Open Space Sales Tax funds are subject to an annual independent audit.

**Open Space Sales Tax Pie Chart**



## II. Open Space Definitions

**PASSIVE USE:** The definition of passive use includes: the purchase, construction and maintenance of: horse, bike or running trails; natural areas with limited development for fishing, hiking, walking or biking; wildlife preserves; lakes for fishing with accessible walks, docks, picnic areas and restrooms; conservation easements on agricultural land; environmental education programs; lands and waterways as community buffers; river and stream corridor land; unimproved flood plains; wetlands; preservation of cemeteries; and picnic facilities. (Source: Resolution 99-1, Section C, item ii) Exhibit A

There are no limitations to funding of passive uses as defined in Resolution 99-1.

**ACTIVE USE:** The definition for active use: lands for park purposes and other recreational uses such as sports fields, golf courses and recreation centers. Park purposes shall be defined as the construction, equipping, acquisition and maintenance of park and recreational improvements and facilities for the use and benefit of the public. (Source: Resolution 99-1, Section C, item iii) Exhibit A

### QUALIFIED APPRAISAL:

- commissioned by the purchaser, another project partner that does not have an ownership interest in the property being acquired, or jointly by the seller and the purchaser;
- prepared by an experienced independent appraiser and in accordance with the IRS definitions of a qualified appraisal and of highest and best use, as defined in Treas. Reg. 1.170A-13(c)(3); and
- based upon the sales comparison method, which determines the value of the subject property by comparing sale prices of comparative properties. Adjustments are made to the sale price of each comparative property to reflect the differences between the comparison property and the subject property.
- specific about the easement value of the property, and the value of the property before and after an easement is placed on it. Information about these values is necessary to determine ability to fund the project. (If funding is for a fee acquisition, only the full fee fair market value is needed; the after and easement values are not required.)
- effective within one year prior to closing, the grantee will be required to have an appraiser update the appraisal.

### **III. 30% Distribution**

#### **Source: Resolution 99-1**

**Section 8, b (iii)** – “After payment of the administrative fee, thirty percent (30%) of the remaining Open Space Sales Tax collected shall be automatically returned to the cities, towns and unincorporated area of Adams County in the same proportion as is the ratio of Open Space Sales Tax collected within the city, town or unincorporated area to the total County sales tax collections, as computed from information provided by the Colorado Department of Revenue. This money may be used by the jurisdiction for either active or passive uses but shall not be used to augment existing parks and open space budgets”.

**Policy:** The 30% monies collected from the Open Space Sales Tax are distributed twice annually to qualified jurisdictions. Jurisdictions will receive an Open Space Sales Tax Distribution Form (Exhibit B) 30 days prior to the release of funds. Jurisdictions are required to report to Adams County on how they used their previous fund distributions.

**Procedure:** Adams County Open Space staff will send out a reporting form to all qualified jurisdictions requesting information on how previous funds received had been used. Information acquired through this process will be included in the Adams County Annual Report to the Public.

## **IV. Open Space Grant Program (68% Grant Fund)**

### **Grant Cycles**

There are two grant cycles each year. Typically, applications for grants are due on February 1<sup>st</sup> and August 1<sup>st</sup>. Qualified jurisdictions will be notified in the event that a grant cycle is delayed. Staff will hold grant-training sessions with interested cities and other parties.

### **Eligibility**

Staff will review the application and project for conformance with the voter-approved "Tax" and the Open Space Policy and Procedures.

### **Clarification of Eligibility Criteria:**

1. Qualifying Jurisdictions:

Aurora\*  
Arvada\*  
Bennett\*  
Brighton\*  
Commerce City  
Federal Heights  
Northglenn  
Thornton  
Unincorporated Adams County  
Westminster\*

Others that Partner with above Jurisdictions:

Parks and Recreation Districts\*\*

Other Governmental Entities\*\*

\* Must be project within Adams County

\*\* Must be in conformance with City or County Adopted Parks or Open Space Plan and sponsored by qualifying jurisdictions. Applicants that are sponsored by qualifying jurisdictions are limited to one project per grant cycle, per sponsor.

2. Qualifying jurisdictions must have an adopted Parks and/or Open Space Plan. Note: only provide paragraph(s) describing how this project fits within the scope of your adopted plan and/or an 8 ½ X 11 map, not to exceed 3 pages.
3. Applications and required attachments must be complete and received in the Open Space Office by 4:00 p.m. of the established deadline for that grant cycle.
4. Contact person(s) identified in the Open Space Application will be used for all official contact for each submitted project.
5. Sponsoring jurisdictions are responsible for compliance with Tax Issue requirements. For jurisdictions partnering with districts or other governmental entities, the sponsoring jurisdiction is responsible for a written final report.
6. For real estate transactions, sponsoring jurisdictions should obtain a qualified buyer's appraisal. When the applicant is seeking to buy property for a price that exceeds the buyer's appraised value, the OSAB will make recommendations on a case by case basis to the BoCC for final approval.
7. Facilities, including but not limited to parks, sports fields, golf courses, and recreation centers, or land must be accessible to the public, inclusive of those with disabilities, except for conservation easements for agricultural preservation and habitat preservation.

8. Applicant must not have any unresolved compliance issues. The applicant must be in compliance on projects previously funded with Adams County Open Space Sales Tax Funds, including funds received from the 30% Open Space Sales Tax distributions. Compliance includes but is not limited to completion of projects as funded and provision of information when requested or due.

### **Grant Application Types:**

- Passive Project applications are for uses defined in Resolution 99-1, Section C, (ii), see Policy and Procedures, Section II Open Space Definitions for Passive and Active Use.
- Active Project applications are for uses defined in Resolution 99-1, Section C, (iii), see Policy and Procedures, Section II Open Space Definitions for Passive and Active Use.
- Mini Grant applications are for uses defined in either of the above sections but are geared towards smaller communities, neighborhoods and joint projects with youth and non-profit organizations. A Passive or Active grant application is determined to be a Mini-Grant if the total amount of the grant request does not exceed \$5,000. Funding for mini-grants is limited to \$50,000 per year. The Mini Grant is also limited to two applications per applicant, per grant cycle. Mini Grants are subject to the same requirements as with both the Active and Passive Grants.

### **Process for Applying for Adams County Open Space Grants (Active/Passive/Mini):**

1. Applications must be made on the applicable Application Form, Exhibits C & D. ***Twelve (12) unbound copies of the completed application and required attachments are required at the time of submittal. Mail application to: Adams County Open Space Dept., 9755 Henderson Road, Brighton, Colorado 80601. Applications must arrive no later than 4:00 p.m. of the specified grant application deadline date.***
2. No material will be accepted after the deadline date with the exception of additional materials or documentation requested by the Open Space staff, the OSAB or the BoCC.
3. If you have multiple documents in an attachment, provide headers and footers containing the applicant name, project name, date, and page number on each page of the document.
4. All Applications must be in accordance with Resolution 99-1, which accompanies the distribution of all open space grant packets.
5. Jurisdictions must prioritize each project they submit. Jurisdictions sponsoring projects with other entities (community groups, non-profit organizations, etc.) must prioritize joint projects separately. Sponsored applicants are limited to one project per grant cycle.
6. Part I of an Application will be reviewed by staff for conformance with the Tax Issue, and approved Adams County Open Space Policies and Procedures.
7. Part II of an Application will be scored by the OSAB to be included with their recommendations to the BoCC.

8. OSAB will request presentations by applicants. Presentations will not be scored and are for informational purposes only.
9. Funding is limited for each grant cycle. The OSAB can elect to recommend a project be funded in full, part, or may choose not to recommend funding for the project.
10. The BoCC will review the recommendations of the OSAB and award in full, modify the amount, or deny grant funds to specific projects.
11. All projects must be completed within two years of the grant award date.
12. Applications for specific projects or phases of projects which were previously awarded Adams County Open Space Sales Tax Grant funds are strongly discouraged.

## **Criteria/Rating**

**For use by the OSAB in making recommendations for funding to the BoCC.**

The OSAB will review projects and make funding recommendations to the BoCC based on criteria and information provided by the applicant in Part II of the Passive or Active Applications in the following three categories:

- Grant Fund Use
- Project Funding and Support
- Project Management and Applicant's Past Performance of Awarded Projects

**OSAB Recommendations**

The OSAB will make a determination to fund a project in full, in part, or choose to not fund any submitted projects. The OSAB recommendations are forwarded to the BoCC for final approval.

**Notification of Grant Award by Commissioners**

The BoCC will notify all applicants of grant awards, at which time the Adams County Open Space Grant Agreement (Exhibit E) will be signed by the applicant and representatives from Adams County. In the case of land acquisitions an execution of a conservation easement (Exhibit F) will also be required. The BoCC reserves the right to add specific conditions as part of the Grant Agreement and/or Conservation Easement. A revised budget sheet shall be requested if awarded funds differ from the original grant request.

**Within 30 days of receiving the award from the BoCC, the following must occur.**

**Issue a press release that must include the following information:**

Funds were awarded from proceeds of the Adams County Open Space Sales Tax which was passed by Adams County voters in 1999, and reauthorized in November, 2004 to be extended until December 31, 2026."

- Amount of the Award.
- Date of the Award
- Project Name and description of the project.
- Name of your organization (City, Town, Rec. District, etc.)

**Post Open Space Sign**

An Adams County Open Space Sign provided or approved by Adams County will be posted in a prominent place at the project site once project is awarded. This does not apply to projects that will not have public access (i.e. conservation easement projects).

**Distribution of Funds**

Funds will be dispersed:

1. Once the project has been completed as funded.
2. The documentation requested in the reimbursement process has been received and verified by staff.



#### **IV. Grant Compliance Policy**

The Grantee understands that Adams County reserves all rights to reassess the grant award if the Grantee is found not to be in compliance with the Tax Issue, the Open Space Policies and Procedures and/or the Grant Agreement.

If the Grantee is found to be non-compliant on a previously awarded project, the BoCC may suspend the Grantee (for a time period determined by the BoCC) from participating in the Adams County Open Space Grant program as an applicant, partner or sponsor.

Failure to comply with approved Adams County Policies and Procedures shall result in non-compliance.

Examples of non-compliance include but are not limited to:

1. Failure to provide complete information or documentation, on applications, grant close-out reporting, modification requests, extension requests, 30% distribution reports, etc..
2. Failure to complete the project as represented.
3. Failure to complete the project within the approved time frame.
4. Modification of the project without prior approval. This includes modification of a project after funds have been received.
5. The uses and/or appearances of an awarded project have changed.
6. Failure to comply with the Open Space Program signage requirements.

## **VI. Open Space Grant Reimbursement Process**

The amount of funds disbursed will correspond to the final project budget. The amount of disbursement will be adjusted as necessary to maintain the level of funding originally awarded and specified in the Grant Agreement. Unused grant funds will be returned to the grant fund. For example, if an item is excluded from a project, the funds allocated for that item will be deducted from the final reimbursement amount and/or if a project is under budget the leverage amount will be based on the final cost of the awarded project. Under no circumstances will the amount of funds or the percent leveraged by Adams County Open Space Sales Tax increase over the awarded amount represented in the Grant Agreement.

Failure to provide requested documents shall create a compliance issue for the Grantee that could effect participation in future grant cycles (See Grant Compliance Policy, page 11).

### **Land Acquisition/Conservation Easement Reimbursement Process**

The awarded funds can be disbursed to the Grantee after closing or directly to the title company at the time of closing. The Grantee will need to provide Adams County Open Space with copies of the following documents within 30 days of the scheduled closing:

- All Easements/Encumbrances
- Final Contract
- Appraisal Summary (required at application)
- Preliminary Buyers/Sellers Settlement Agreement
- Fully executed Conservation Easement
- Revised Budget Sheet, if applicable

It is the applicant's responsibility to ensure that the open space staff is kept informed of any changes to the date, time or location of the closing. Adams County Open Space must have a minimum of 7 business days notice in order to place a request with the treasurers office to wire funds to a closing.

Within six weeks after the closing, copies of the following documents must be forwarded to the Open Space Office.

- Recorded Deeds specific to this transaction
- Signed Settlement Statement
- Title Policy
- Associated invoices and checks
- Other applicable items

### **Reimbursement Process**

At the time of completion the applicant must submit to the Open Space Office copies of the following documentation:

- All invoices
- Cancelled checks (front and back)
- Supportive documentation for all in-kind matches (this includes invoices for both materials and labor).
- Revised Budget Sheet, if applicable

## **VII. Modification Policy**

If it is necessary for a Grantee to modify an awarded project prior to completion of the project and distribution of funds, the Grantee must submit a Modification Request Form (Exhibit G) to Adams County Open Space staff.

Based on the information provided by the Grantee at that time, staff will determine whether or not the modification request can be facilitated through an Administrative Review. Listed below is the minimum qualifying criteria used for the Administrative Review:

1. The request for modification is received a minimum of 90 days prior to the project completion due date.
2. The documentation provided by the Grantee must include a completed request form and shows evidence of progress on the project.
3. The percentage of the project that is Active Use cannot increase. (See Section II, Open Space Definitions for Passive and Active Use.)
4. The amount of funds and/or the percentage of the project funded by Adams County Open Space does not increase over the funds and/or the percentage originally awarded.
5. The Grantee Has No Unresolved Compliance Issues. (See Section V. Compliance Policy.)

If a material change occurs to a project as a result of construction by adding or removing features and the modification requested does not meet the above criteria and is ineligible for an Administrative Review, the Grantee will be asked to submit additional information as directed by staff regarding the modification. This information will be forwarded to the BoCC along with a full staff report containing comments from the OSAB for the BoCC's consideration.

In reviewing a request for modification, the BoCC will consider whether the use, appearance and funding of the modified project is similar to the use, appearance and funding for the project as originally awarded. The BoCC will also consider whether the percentage of Active use in the modified project has increased.

If the BoCC determines that the modified project has materially changed in use, appearance or funding, the BoCC may reject the modification request and direct the Grantee to return the awarded funds, or approve the request with such conditions as may be determined by the BoCC. If the modification request is rejected, and the requested funds are returned, the Grantee may submit a new application for the revised project for consideration in future grant cycles.

Failure to notify Adams County Open Space staff of material changes to an awarded project may result in a violation of the Grant Agreement.

## **VIII. Reporting Requirements**

### Active Use Projects:

For a period of 10 years from the date of the award, Grantees are required to notify Adams County Open Space Staff in writing in the event material changes are proposed or made to a project for which Grantee has received Adams County Open Space Sales Tax Grant Funds. A material change to a project is any change that is inconsistent with the original intended use of the project as set forth in the grant application. If the new change is found to be inconsistent with the original intended use, the Grantee may be asked to return all funds awarded to this project.

### Passive Use Projects:

Passive projects for acquisition of land are subject to conservation easements and must remain in compliance with all terms and conditions as set forth in the conservation easement. Grantees of projects not subject to conservation easements, such as projects for trails and fishing amenities, are required to notify Adams county Open Space Staff in writing of any material changes to such passive projects. A material change to a project is any change that is inconsistent with the original intended use of the project as set forth in the grant application.

## IX. Extension Policy

Requests for Extension must be received a minimum of 90 days prior to the project due date. Requests for a one time Extension of 90 days or less will be approved or denied by staff. Requests for longer than 90 days up to 6 months must be approved by the BoCC. Requests for Extensions of more than 6 months will not be allowed. (See Exhibit H)

If a Request for Extension does not meet all of the eligibility requirements, it will be returned to the Grantee along with a Notice of Denial outlining the eligibility criteria that was not met. Upon receiving the Notice of Denial, the Grantee will have 30 days to respond in writing to Adams County Open Space as to whether or not they will complete the project as originally funded. If the Grantee is unable to complete the project as originally funded, a termination of Grant Agreement will be executed by Adams County and the Grantee will be required to return all previously awarded funds for that project along with accrued interest and applicable market value adjustment within 30 days of receiving the Termination of Grant Agreement. Failure to respond to a Notice of Denial will result in an automatic de-authorization of the grant and will result in suspension of eligibility for that applicant in any pending or future grant cycles as determined by the BoCC. ← Is this still applicable in the era of reimbursement

### Eligibility Requirements for Extension of a Project:

1. **Received by Deadline** – Requests for Extension should be received a minimum of 90 days prior to the project due date.
2. **Documentation is Complete** – Documentation provided by the Grantee must include a completed request form, budget, original and revised timeline and evidence of progress. (Copies of: invoices, cancelled checks, in-kind documentation, photos, etc.)
3. **Request for Extension is for an Allowable Time Period** – Extension requests cannot be for a period of more than 6 months from the due date.
4. **Grantee Has No Unresolved Compliance Issues** – The Grantee must be in compliance on the project they are requesting an extension for, or any other project that has received funding from Adams County Open Space Sales Tax, including funds received from the 30% Open Space Sales Tax distributions, if applicable.

## **X. Reporting on Grants**

### **Annual Report:**

An annual report describing projects funded with the open space funds will be made available to the residents of Adams County in the County's annual "Report to the Public". The County will compile information based upon reporting they receive from each jurisdiction describing how open space funds were used. Jurisdictions will be asked to report on money spent to date, project timelines, activities associated with the project, project records, community benefit along with digital images and a brief description of all projects funded by the Open Space Tax Issue.

### **Annual Audits:**

All expenditures of Open Space Sales Tax funds are subject to an annual audit. This includes projects awarded grant funds as well as funds disbursed from the 30% portion of the Sales Tax Fund.