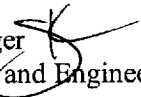



**CIP DESIGN AND ENGINEERING MEMORANDUM**  
**#08-07**

February 28, 2008

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

**FROM:** A.J. Krieger, City Manager   
Kurt Kowar, CIP Design and Engineering Manager 

**SUBJECT:** CR-42-2008 – Adams County Open Space Grant Agreement for Sensory Park

**RECOMMENDATION:**

Attached to this memorandum is a Resolution which, if approved, would authorize the Mayor to execute an Agreement between the City of Northglenn and Adams County, Colorado for acceptance of \$65,000 in Adams County Open Space Grant funding. Staff recommends approval of this agreement.

**BACKGROUND:**

In early 2007 during City Council goal discussions, parks replacement equipment was identified as one of the City's priorities. Specifically, Sensory Park, located in E.B. Raines Jr. Memorial Park, was identified as a high use playground that was deteriorating due to the high use and vandalism. Additionally, in 2003, at the time when the park was installed, several components were not finished due to lack of funding.

City Staff began the process of replacing worn equipment and identifying unfinished areas of the park in late 2007. Since that time, climbing boulders have been installed, miscellaneous minor repairs have taken place, and replacement equipment has been ordered and scheduled to address larger needs. Components left to be completed from the original 2003 installation include shade structures, planting beds, plant materials, and finishing of a climbing/slide wall.

This Grant will provide funding to address installation of shade structures and planting beds and materials.

**POTENTIAL OBJECTION:**

City Staff is not aware of any specific opposition to this Agreement to accept \$65,000.

**BUDGET/TIME IMPLICATIONS:**

There are no adverse budget or time implications.

**STAFF REFERENCE:**

Please contact Kurt Kowar, CIP Design and Engineering Manager, at [kkowar@northglenn.org](mailto:kkowar@northglenn.org) or 303.450.8774.

SPONSORED BY: COUNCIL MEMBER MONROE

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-42  
Series of 2008

\_\_\_\_\_  
Series of 2008

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 for the E. B. Rains Park & Sensory Playground Completion 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 \$65,000.00 for the 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 an amount not to exceed \$65,000.00 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 \_\_\_\_\_, 2008.

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DIANA L. LENTZ, CMC  
City Clerk

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



# *Certificate of Award*

*Adams County*

*Hereby Awards*

*The City of Northglenn*

*\$65,000*

*From The Open Space Sales Tax Fund*

*For E. B. Rains Park & Sensory Playground Completion Project*

*Presented This 13th Day of February, 2008*

*"The goal of life is living in agreement  
with nature."*

*Zeno*



*Alice J. Nichol*  
Alice J. Nichol, Chairman  
Board of County Commissioners



Adams County Open Space  
Grant Agreement

By and Between

Grant Applicant  
and

Adams County Board of County Commissioners



THIS AGREEMENT is between the City of Northglenn hereinafter called “Applicant,” and the County of Adams acting through the Board of County Commissioners, hereinafter called “Adams County,” regarding:

Project Name: E.B. Rains Park - Sensory Playground Completion Project

Amount Awarded is no more than 68% of the funded project up to \$65,000.

Applicant’s Responsibilities

- The Applicant agrees that any sums received from the Adams County Open Space Sales Tax will be used in accordance with the Open Space Sales Tax Issue passed in November, 1999, and reauthorized in November, 2004 to be extended until December 31, 2026, (“Tax Issue”) and in accordance with the submitted Grant Application by the Applicant (Attachment A).
- The Applicant understands that Adams County reserves all rights to reassess the grant award if the grant is found not to be in compliance with the Tax Issue (Attachment B), the Adams County Open Space Policy and Procedures (Attachment C), or the Grant Application as may be amended from time to time.
- All documents and records including but not limited to copies of invoices, checks, and land documents requested for the above project shall be kept in accordance with generally accepted accounting principles and available upon request for review by Adams County.
- The Applicant understands that it is responsible for securing the matching or leveraged funds required for completion of the project, and that failure to obtain the required funds for completion of the project will nullify the award of Adams County Open Space funds.

### Extent of Agreement

- The terms of this Agreement shall begin upon the date of the grant award, which is the date first set forth below.
- The Applicant agrees not to sell or convey any lands purchased fully or in part with Open Space grant funds, without the written approval of Adams County.
- Land acquisitions must be protected by conservation easements granted to Adams County, or an alternate qualified party as approved by Adams County, as the holder.
- This Agreement may be amended only by written instrument signed by both Adams County and the Applicant.
- Prior to the distribution of Open Space funds, this Agreement may be terminated by the Applicant upon written notice to Adams County.
- An Adams County Open Space Sign will be posted in a prominent place at the project site, unless the project will not have public access.
- In all press releases regarding this project the following statement must be included: “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 Adams County voters in 1999, and reauthorized in November, 2004 to be extended until December 31, 2026.”

IN WITNESS WHEREOF, the parties by signature below of their authorized representatives execute this Agreement effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ADAMS COUNTY BOARD OF  
COUNTY COMMISSIONERS

APPLICANT:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
By: Kathleen M. Novak

\_\_\_\_\_  
Mayor  
Title:

\_\_\_\_\_  
Witness: Diana L. Lentz, CMC, City Clerk

SPONSORING JURISDICTION:

\_\_\_\_\_  
By:

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Witness:

# Adams County Open Space Grant Application Capital Improvement



## Part I Eligibility Criteria

**Sponsoring Jurisdiction:** City of Northglenn

**Applicant Name:** City of Northglenn

**Application Due:** August 1, 2007

**Name of Project:** E. B. Rains Park – Sensory Playground Completion Project

**This project priority is 1 of 1 project(s) submitted.** Prioritize projects separately if you are submitting joint projects with another jurisdiction or non-profit organization.

<b>Summary of funding:</b>	
Request for Adams County Open Space Fund	<b>\$65,000.00</b>
Additional Sources	\$30,305.00
Total Project	<b>\$95,305.00</b>
If the sponsoring jurisdiction is using their 30% distributions collected from the Open Space Sales Tax as leverage for this project, please include that amount?	\$0
Grant request % of Total Project Cost	68%
<b>Project summary:</b>	
Parcel ID # 171903108002	
Are there any existing easements on this project site? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, please attach a copy of the easement.	
Will the applicant have full ownership and be responsible for long term management of this project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If no, please explain:	
<b>Contact Information:</b>	
Applicant: City of Northglenn	
Contact: A. J. Krieger – City Manager	
Address: 11701 Community Center Drive	
City: Northglenn State: CO Zip: 80233 Email: akrieger@northglenn.org	

Contact will be used for all official correspondence. If contact is not available please list additional contact(s) for this project.

Name	Phone Number	Email Address
Nicholas DiFrank – [REDACTED]	303-450-8840	ndifrank@northglenn.org
Steve Zoet – Director Parks & Recreation	303-450-8725	szoet@northglenn.org

Will this project be open to the public? Yes  No

If no, please explain:

# Adams County Open Space Grant Application Capital Improvement

Once completed, will the applicant have full ownership and be responsible for the management of this facility? Yes  No  If no, please explain:

**1. Fill in amount requested for the following uses (see guidelines for definitions):**

Amount of OS funds requested for Passive Use	\$65,000.00
Amount of OS funds requested for Active Use	\$0

**2. Summary description of the project:** (Summary not to exceed 100 words): Please provide a project site plan that includes future use and improvements to this project, label as **Attachment A**. Include statement regarding public access as part of this summary.

The Sensory Playground is located in the E.B. Rains, Jr. Memorial Park. It is a playground designed for disabled and able-bodied children to interact and play together. The project will complete the playground (Phase I was completed in July 2003) features and landscaping: installation of two climbing boulders to finish the teen/adolescent play areas, installation of two shade structures over play areas, planting zones and sensory garden will be completed, and specific existing playground equipment will be repaired/replaced due to vandalism and wear and tear.

Property is open to the public and will continue to be in the future.

- 3. Attach page(s) from an approved parks and open space plan** from the sponsoring jurisdiction showing that this project is within the scope of the approved plan. Label approved parks/open space plan as **Attachment B**, do not exceed 3 pages.
- 4. Attach location map showing location of project** with statement that project is within the boundaries of the County of Adams. Label location map as **Attachment C**. Include on this attachment directions to the project location.
- 5. The Applicant of City of Northglenn** understands that no land or interests acquired with the revenue 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 BoCC; refer to 8C(iv): initial SK
- 6. Applicant Compliance:** Applicant must ensure compliance with the Tax Issue and Open Space Policy and Procedures. All jurisdictions partnering with Special Districts or Non-profit organizations are required to provide a statement verifying applicant compliance. All sponsored applicants will be limited to one application per grant cycle.: initial SK
- 7. All facilities or land must be accessible to the public except for conservation easements for agriculture and habitat preservation. All accessible facilities and land must be in compliance with the Americans with Disabilities Act (ADA) and any applicable state or local disability regulations.**

**All information on Grant Application must be complete.**  
*Attachments not to exceed 11 X 17 inches.*

**Please include the following attachments:**

**Attachment A – Project Site Plan**

**Attachment B – Approved Parks/Open Space Plan**

**Attachment C – Location Map – Project Location, include directions to project location**



# Adams County Open Space Grant Application

## Capital Improvement

### **PART II (Please note; All criteria listed below will be ranked by the Open Space Advisory Board)**

- 1. Project Funding and Quality of Leverage Summary: 0 - 30 points** In-kind can include volunteer hours but can't exceed 25% of additional sources and must be reasonably verifiable. Contributions of goods at market rate allowed.

Total Grant Request:	\$65,000
Total Project Cost:	\$95,305
Grant request % of Total Project Cost	68%

	Cash \$	In-kind \$	Matching \$	Remarks:
Applicant	\$27,805	\$0		City of Northglenn
Partner(s)		\$0	\$2,500	Northglenn Community foundation
Other(s): <i>specify</i>		\$0		
<b>Grant Request</b>	<b>\$65,000</b>			
Total	\$95,805	\$0	\$2,500	<b>\$95,305.00</b>

- 2. Partnership(s): 0 - 20 points** If you have more than 3 partners attach another page.

Partner (1)	Northglenn Parks and Recreation Advisory Board
Contact Name:	Dwight W. Kimsey, President
Phone:	303-452-1125
Explain Partner role:	City Council appointed citizen group that provides advice to staff and Council about park plans, facilities and programs. They make recommendations to Council on contracts and expenditures for projects and hold public hearings for capital improvements projects and recreation services. They also assist in budget and Master Plan development.
Partner (2)	Colorado State University Extension Service
Contact Name:	Janet Benavente
Phone:	303-637-8113
Explain Partner role:	The Extension provides linkages for families in Adams County for healthy living, recreational and nutrition programs, and horticulture planning and education. The Extension will provide horticulture and planning resources for the Sensory Garden.
Partner (3)	Northglenn Community Foundation
Contact Name:	Mia Voss, President
Phone:	303-927-6578
Explain Partner role:	The Foundation will contribute funds that have been collected to assist in the completion of the teen/adolescent play areas in the playground. The Foundation works with residents and City staff to encourage the acquisition, retention, development and use of parks, open space, recreational, cultural and leisure facilities in Northglenn.

- 3. Support for this project: 0 - 10 points** Demonstrate support for the project. You may attach letters from partners, conservation groups, community surveys and comprehensive plans. Label attachments as ***Attachment D***.

# Adams County Open Space Grant Application

## Capital Improvement

4. **Project Budget: 0 – 10 points** Submit a project budget on the **Project Budget Form (Attachment E)**. Itemize (in detail) all expenditures you are requesting with this grant submittal. *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.*
5. **Estimated Project Timeline: 0 – 10 points** Provide a good faith estimate of the date of commencement and completion for the project. Submit a **Project Timeline Form (Attachment F)**. If project is part of a phased plan, please explain: (Not exceed 100 words):

The repair and replacement of affected playground equipment will begin in late summer or early fall of this year. The boulders are planned for installation this fall so that the work will be completed before inclement weather begins. The remaining schedule is summarized below:

- Bid Process – January 2008 – May 2008
- Notice to Proceed – May 2008
- Mobilization – May 2008 – June 2008
- Installation of Shade Structures – July 2008 – August 2008
- Landscaping – September 2008 – October 2008
- Project Close Out – November 2008
- Punch List – December 2008

6. **Proposed Grant Fund Use(s): 0 – 10 points** Describe how the grant funds will be used.

The grant funds will be used to complete the unfinished portions of the playground. This includes the installation of two climbing boulders, two shade structures that will provide protection from Colorado's hash sun, completion of landscape surrounding the playground (different planting zones and vegetative shade areas) and for installation of a sensory garden that will have plants chosen with the visually and physically challenged in mind with selected plants offering easily sensed characteristics such as scent, color, texture, taste and touch.

7. **Long-term Maintenance: 0 - 10 points** Does the project have commitment from local jurisdiction for operation and maintenance? (Not to exceed 100 words)

The City of Northglenn has 25 unique neighborhood parks, located throughout the community with a variety of amenities. The City's Department of Parks & Recreation is responsible for the maintenance of the park system. This includes general care and maintenance for all park grounds, weed management, mowing, planting and maintenance of trees, shrubs, flower beds, turf and installation, maintenance, repair and replacement of park equipment and amenities. The Sensory Playground is located in the E. B. Rains Jr. Memorial Park. It is operated and maintained by the City under the 2005 Parks and Recreation Master Plan.

8. **Connectivity: 0 – 10 points** Is proposal part of a larger or regional plan? Does project link to applicant's or other entity's trails or plans? (Not to exceed 100 words)

Northglenn's "Greenway Trail System" is a vital component of the north metro area's regional trail system, with 33 miles of trails that wander through Northglenn, ultimately connecting to Standley Lake on the west and to South Platte River on the east. Linkages include Big Dry Creek, Church Ranch/104th Avenue and the Farmers' Highline Canal Trail in Westminster and Northglenn on the west and Grange Hall Creek Trail in Northglenn, Thornton and unincorporated Adams County on the east. The Sensory Playground is located in the E. B. Rains Jr. Memorial Park, which is the focal point for the Greenway Trail System.

# Adams County Open Space Grant Application

## Capital Improvement

**9. Fulfilling the Needs of the Community. 0 – 20 points** Please describe how your proposal meets the needs of your community and the open space tax goals. (Not to exceed 250 words)

Every child should have public play areas that are both challenging and fun. However, because there are so few opportunities for children with disabilities to interact with their able-bodied peers, many children spend their lives isolated and stigmatized. Studies have shown that integrated play helps disabled children develop fine and gross motor skills; receptive communication skills; cerebral functions; physical strength; and social skills, including independence and self esteem. Equally important is that integrated play also gives able-bodied children the opportunity to experience and accept disabled children as equals.

The original goal of the Sensory Playground was to create a playground that was accessible not only for children with disabilities, but also also for parents and grandparents with disabilities who wished to play with their able-bodied children. The playground equipment was chosen to provide intergenerational activities that addressed the varying abilities and needs of toddlers to teens to the elderly. The completion of the playground will finally achieve this goal.

The needs are great and only a few playgrounds in the metro area have been planned and designed to enable all children to experience independent, self-directed play. According to the 2005 American Community Survey there are approximately 41,191 individuals with a disability in Adams County and 3,316 of those are aged 5 to 15.

The completion of the Sensory Playground meets Open Space Tax goals: creating, improving and maintaining parks for use and benefit of the public.

**10. Project Management and Performance: 0 – 10 points**

Project Name	Manager	Award Date	Completion Date
E. B. Rains Jr. Memorial Park/Webster Lake Improvement	Nestor Fedak	2000	2001
Tot Lot & Outdoor Learning Center Project	Nestor Fedak	2001	2002
E. B. Rains Jr. Memorial Park Sensory Playground Improvements Phase 1	Nestor Fedak	2002	2003
Veterans Memorial Project	Nestor Fedak	2003	2005
Niver Canal Greenway Trail Replacement	Nestor Fedak	2001	2002
Grange Hall Creek Trail Connection Project	Curt Childress	2002	2004

**11. Please list all projects that have received open space funding that are not complete.**

Project Name	Amount Awarded	Due Date
Sensory Playground Phase II (money returned) project was delayed	\$45,000	
Northwest Open Space (money returned) project has been delayed for further public input for final design	\$87,500	
Trail Replacement Program – <b>completed by August 2007</b>	\$214,610	2/2008
Croke Reservoir Nature Area Improvement Project	\$470,500	6/14/2009

# Adams County Open Space Grant Application Capital Improvement


**12. Urgency:** You must explain why this project is urgent: (Not to exceed 100 words)

The completion of the Sensory Playground has been delayed for several years because of staff shortages and severe budget constraints. The playground currently functions at a completion level of approximately 85%. The unfinished adolescent play areas has resulted in excessive abuse and increased wear and tear to the younger play areas. The City would like to be able to finish the playground so that all ages and abilities can enjoy it. Applicable staff positions have been replaced and funding is available. This is the best opportunity to complete the playground without further delays.

**13. Support or Opposition:** Is there support or opposition to this project, please explain:  
(Not to exceed 100 words)

The original concept and subsequent construction has had overwhelming support from the local community, from service providers, Adams 12 School District and other interested parties. This final project fulfills the vision of the playground and will complete the bridge between special needs children and abled-bodied children so that all will have a rich and stimulating play environment full of attractive equipment. We are not aware of any opposition to this project.

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

  
\_\_\_\_\_  
Applicant's Signature

7/30/07  
\_\_\_\_\_  
Date

Please type name and title of signature:

A. J. Krieger  
Printed Name

City Manager  
Title

**Please include with Part II of this application the following attachments:**

**Attachment D - Support for this project**

**Attachment E - Project Budget Form** – *Include letter(s) of commitment for in-kind services reflected in your budget*

**Attachment F - Project Timeline Form**

# Project Budget

# Attachment E

## CITY OF NORTHGLENN

Project Name: Sensory Playground Completion Project

Date: 8/1/07

Please identify all budget items in detail.

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	Quantity	Unit Rate (\$)	Unit Type (ft., acres, etc)	Total Cost (\$)	In-Kind (\$)	Matching Funds (\$)	Grant Request (\$)
<b>Manufactured Climbing Boulders</b>							
Large Hueco Tanks Boulder	1	23,280.00	EA.	23,280.00		4,656.00	18,624.00
Small City Shpere Boulder	1	4,750.00	EA.	4,750.00		950.00	3,800.00
Installation and delivery	1	11,565.00	EA.	11,565.00		2,313.00	9,252.00
<b>Canvas Shade Structures (incl. delivery &amp; installation)</b>							
	2	10,000.00	EA.	20,000.00		11,674.00	8,326.00
<b>Landscape Plantings</b>							
Shrubs	365	50.00	EA.	18,250.00		5,475.00	12,775.00
Perennials	427	10.00	EA.	4,270.00		1,281.00	2,989.00
Grasses	197	15.00	EA.	2,955.00		886.00	2,069.00
Groundcovers	93	10.00	EA.	930.00		279.00	651.00
Western Red Cedar Mulch	90	50.00	CY	4,500.00		1,350.00	3,150.00
Weed Fabric	8700	0.15	SF	1,305.00		391.00	914.00
Premium Soil Amendment	100	35.00	CY	3,500.00		1,050.00	2,450.00
<b>Budget Total</b>				<b>95,305.00</b>		<b>30,305.00</b>	<b>65,000.00</b>



# Estimated Project Timeline

**Project Name:** City of Northglenn - Sensory Playground Completion Project Attachment F

Description of Task	1/1/2008	Feb 2008	March 2008	April 2008	May 2008	June 2008	July 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008
Installation of Boulders - Fall 2007												
Bid Process	X	X	X	X	X							
Notice To Proceed					X							
Mobilization					X	X						
Shade Structures Installation							X	X				
Landscaping Installation									X	X		
Project Close Out											X	
Punch List												X

Description of Task	Jan 2009	Feb 2009	March 2009	April 2009	May 2009	June 2009	July 2009	Aug 2009	Sept 2009	Oct 2009	Nov 2009	Dec 2009

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.

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 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	0.00 DOC FEE 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

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



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

- (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

- (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.

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 *Sylvia Spuehl*  
 Deputy



***Adams County Open Space  
Policies and Procedures***



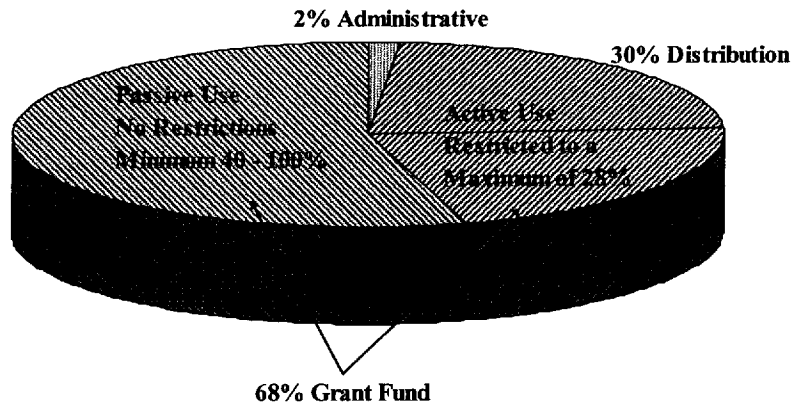
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## I. Introduction

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 for Passive and Active Use**

**Source: Resolution 99-1**

**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.

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

**The definition for active open space lands includes:** 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.

### **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 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.

### **Process for Applying for Adams County Open Space Grants (Capital/Land):**

1. Applications must be made on the applicable Application Form. *Twelve (12) unbound copies of the completed application are required at the time of submittal. Mail application to: Adams County Open Space Dept., 9755 Henderson Road, Brighton, Colorado 80601.*
2. 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.
3. All Applications must be in accordance with Resolution 99-1, which accompanies the distribution of all open space grant packets.
4. All Applications must be turned in by the established deadlines. 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.
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 application 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 or deny grants.
11. All projects must be completed within two years of the grant award date.

## 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 application per grant cycle.

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. Contact person(s) identified in the Open Space Application will be used for all official contact for each submitted project.
4. 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.
5. For real estate transactions in which 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.
6. Facilities or land must be accessible to the public, inclusive of those with disabilities, except for conservation easements for agricultural preservation and habitat preservation.
7. 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.

## 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 listed in Part II of the Capital or Land Acquisition Applications:

1. **Project funding and quality of leverage summary:** If the local jurisdictions, including partners, contribute financial support, the project will be rated high. If the project includes funds from other grants the project will be rated high. Bargain sales and contributions by non-profit organizations will count towards leverage. In-kind can include volunteer hours but the total amount of in-kind can't exceed 25% of match and must be verifiable in a letter of commitment. Contributions of goods at market rate are allowed. If land is part of the leverage on this project, a copy of all land documentation must be included with the application. 0 – 30 points
2. **Partnership(s):** Projects that include partnerships with other cities, the County, non-profit organizations, other agencies, or citizen groups are encouraged. 0 - 20 points
3. **Support for the project:** Please demonstrate support for this project. You may attach letters from partners, conservation groups, surveys or members of the community. 0- 10 points
4. **Project budget:** Please provide a *detailed* itemization for all expenditures being requested for this project. 0 - 10 points
5. **Estimated project timeline:** Please provide a good faith estimate of the date of commencement and completion for your project. 0 - 10 points
6. **Proposed grant fund use(s):** Is this a capital development or land acquisition project 0 - 10 points, or is this routine maintenance? 0 points. Capital development and land projects are favored over routine maintenance.
7. **Long-term maintenance:** Does the project have a commitment from the local jurisdiction for operation and maintenance. 0 - 10 points
8. **Connectivity:** Is the proposal part of a larger or regional plan involving two or more entities or does this project link to other applicants or other entity's trails or plans? 0 - 10 points
9. **Fulfilling the needs of the community and meeting the open space tax goals:** Please describe how your proposal fulfills the needs of your community and meets the open space tax goals. 0 - 20 points
10. **Project management:** Please indicate other similar projects that have been successfully completed in the last four years and list the project management team. If this project is a new venture for your organization, please contact another organization with experience in this area to serve as a mentor. This mentor should review your plans and progress. Please list the mentor's name, organization, address and phone number. 0 - 10 points
11. **Ability to complete the project:** Describe grants you have received through the Open Space Grant Program that have passed their deadline date or extended completion date. Provide an explanation for the delay and explain the anticipated completion timeline for each project. 0 – 10 points
12. **Urgency 0 - 10 points:** Why is it urgent for this project to get funded at this time, you must explain the urgency.

13. **If there is opposition to this project, you need to explain the opposition.**

*Incomplete applications will not be accepted*



## **Mini Grant Process**

The OSAB supports and encourages the use of the Mini Grant. The purpose of the Mini Grant process is to provide grants up to \$50,000 total each year with a maximum award of \$5,000 for each project. In-kind contributions will be considered as leverage. Grant awards will be directed towards smaller communities, neighborhoods and joint projects with youth and non-profit organizations. The Mini Grant is limited to two applications per applicant, per grant cycle. Mini Grants are subject to the same requirements as with both the Land Acquisition/Conservation Easement Grant and Capital Improvement Grants.

***Process for Applying for Adams County Open Space Mini Grants:***

1. Applications must be made on the applicable Application Form (copies attached). *Twelve (12) unbound copies* of the completed application are required at the time of submittal. *Mail application to: Adams County Open Space Dept., 9755 Henderson Road, Brighton, Colorado 80601.*
2. 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.
3. All Applications must be in accordance with Resolution 99-1, which accompanies the distribution of all open space grant packets.
4. All Applications must be turned in by the established deadlines. 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.
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.
6. The Application will be reviewed by staff for conformance with the Tax Issue, and approved Adams County Open Space Policies and Procedures.
7. The Application will be reviewed by the OSAB to be included with their funding recommendations to the BoCC.
8. Although usually not required, the OSAB may request presentations by mini grant 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 shall choose not to recommend funding for the project.
10. The BoCC will review the recommendations of the OSAB and award or deny grants.
11. All projects must be completed within two years of the grant award date.

## **OSAB Recommendations**

The OSAB and will make a determination to fund a project in full, in part, or choose to not fund any recommended 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 will be signed by the applicant and representatives from Adams County. In the case of land acquisitions an execution of a conservation easement 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.**

### **Press Release 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 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 once the project is complete and the documentation requested in the reimbursement process outlined 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.

## **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. 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. 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 Grantee to modify a previously funded project, the Grantee should submit a Modification Request Form to Adams County Open Space staff a minimum of 90 days prior to the project completion due date.

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 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 the modification 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 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 substantially 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 substantially 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, the Grantee may submit a revised project for consideration in future grant cycles.

## VIII. 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. 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.

## **IX. 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 projects awarded Open Space Sales Tax funds are subject to an annual audit.