

Parks, Recreation & Cultural Services
MEMORANDUM #22 - 2014

DATE: November 24, 2014
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: John Pick, City Manager *JEP*
Amanda Peterson, Director of Parks, Recreation and Cultural Services *APP*
SUBJECT: CR - 123 - Adams County Open Space Mini Grant Acceptance for the Huron Crossing Park Improvements Project

RECOMMENDATION

Staff recommends approval of the attached resolution and grant agreement, accepting funds in the amount of \$5,000 from Adams County Open Space. These funds were awarded by the Adams County Open Space Advisory Board and the Adams County Commissioners to the City of Northglenn for the Huron Crossing Park Improvements Project through a competitive grant process.

BACKGROUND

A grant application was submitted to the Adams County Open Space Advisory Board for consideration during the fall 2014 grant cycle. This application requested \$5,000 for improvements at Huron Crossing Park, including new sports goals, picnic tables, water fountain and barbeque grills. The application was funded in full.

This project was developed at the request of an adjacent business owner, Scott Pudalov, who was interested in making a donation to improve the park. He spoke with tenants in his buildings and area residents, and asked what amenities they would like to see. He offered a donation of \$6,000 to support their desires. This donation serves as matching funds for this \$5,000 mini grant, allowing all of the requested amenities to be added.

Installation of these new amenities is anticipated to occur during the spring of 2015.

TIME/BUDGET IMPLICATIONS

The attached resolution and grant agreement will allow for the formal acceptance of \$5,000 in grant funds; the grant funds will be allocated to the 2015 budget through the budget adoption process. The \$6,000 donation from Scott Pudalov will be accepted by and expended through the Northglenn Community Foundation, bringing the total available funds for the project to \$11,000.

The grant agreement must be signed and submitted to Adams County within 45 days of receipt, or prior to December 22, 2014.

STAFF REFERENCE

If any Council Members are in need of additional information, please contact Amanda Peterson, Director of Parks, Recreation, & Cultural Services at apeterson@northglenn.org, or (303) 450-8950.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-123
Series of 2014

Series of 2014

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 Huron Crossing Park Improvements Project for the purpose of providing additional amenities at Huron Crossing Park; 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 \$5,000.00 for the Huron Crossing Park Improvements Project.

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

Section 1. The Adams County Open Space Mini Grant in the amount of \$5,000.00 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 for the Huron Crossing Park Improvements Project is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED, at Northglenn, Colorado, this _____ day of _____, 2014.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

ADAMS COUNTY OPEN SPACE GRANT AGREEMENT #OSG2014-00024

The Grant Agreement ("Agreement") is made and entered into this ____ day of _____, 201__, between the 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 1, 2014, Applicant applied for an Adams County Open Space Grant to complete the Huron Crossing Park Improvements project (the "Project"); and

WHEREAS, on November 6, 2014, Adams County awarded Applicant an Adams County Open Space Grant to complete the Project; and

WHEREAS, Adams County awarded the Project 43.5% of the total Project costs, not to exceed \$5,000.00.

AGREEMENT

NOW, THEREFORE, the Parties hereto agree as follows:

1. Grant Award. Adams County hereby awards to Applicant a grant in the amount of 43.5% of the total Project costs, not to exceed \$5,000.00 (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 all application attachments. 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 on page 13 of 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 6, 2016, which is two years after the date of Adams County's approval of the Project ("Completion Date"). Project completion requires all necessary documentation be submitted to Open Space staff on or before the Completion Date. Applicant may request an extension of the Completion Date in compliance with the Extension Policy stated on page 12 of the Open Space Policies and Procedures, Exhibit B, 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 on page 22 of the Open Space Policies and Procedures, Exhibit B.
5. Policies and Procedures. Applicant shall comply with the Open Space Policies and Procedures, attached hereto as Exhibit B 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 Resolution 99-1 on page 22 of the Open Space Policies and Procedures, Exhibit B.
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. Authority. The undersigned represents and warrants that he or she is duly authorized and has legal capacity to execute this agreement on behalf of the Applicant, that the Applicant's obligations in this Grant Agreement have been authorized, and that the Grant Agreement is a valid and legal agreement binding on the Applicant in accordance with its terms.
- E. Survival. The terms and provisions of this Agreement and Applicant's obligations hereunder shall survive the funding of the Grant.
- F. 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

Chair

Deputy Clerk

APPROVED AS TO FORM:

County Attorney's Office

CITY OF NORTHGLENN, APPLICANT

By (signature)

Printed name

Title

Exhibit A



Adams County Open Space Grant Application
 Mini Grant
 Due Date: August 1, 2014

Case No. _____

The Mini Grant Application should be used for projects requesting \$5,000 or less.

Project Information	
Applicant Organization Name:	City of Northglenn
Sponsoring Jurisdiction:	N/A
Name of Project:	Huron Crossing Park Improvements

Contact Information			
Primary Contact Name:	Dana Kester	Title:	Parks Project Coordinator
Phone:	(303) 450-8838	Email:	dkester@northglenn.org
Address:	11701 Community Center Dr		
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:	Title:	Phone:	Email:
Amanda Peterson	Director Parks, Recreation&Cultural Services	(303) 450-8950	apeterson@northglenn.org
Jim Mueller	Parks Foreman	(303) 280-7810	jmueller@northglenn.org

Budget Summary	
Grant Request:	\$5,000.00
Matching Funds (cash + in-kind):	\$6,500.00
<i>Total Project Costs:</i>	<i>\$11,500.00</i>
Grant Request: 43.5 % of Total Project Costs	
Complete the Project Budget labeled Attachment A at the end of this application.	

Property Location Information	
Project Site Address:	Melody Dr & W 117th Ave Northglenn, CO 80234
Nearest cross streets:	Melody Dr & W 117th Ave Northglenn, CO 80234
Include a Location Map and label as Attachment F . Location Map should clearly identify the location of the project (including the nearest cross streets) and should provide directions to the project site.	
Is this project located within Adams County? <input checked="" type="radio"/> Yes <input type="radio"/> No	



Adams County Open Space Grant Application
 Mini Grant
 Due Date: August 1, 2014

Case No. _____

Scope of Project

1. Briefly describe this project (include explanation of purpose, need, and project components).

Huron Crossing Park is a small neighborhood playground and park consisting of just under 2 acres of turf. There is also a basketball court, a small gazebo with a picnic table and a water fountain. The playground equipment is in good condition, as it was last replaced in 2009.

The park is surrounded by residential houses on the north, east and south sides. Children and adults residents in the surrounding community use the park to play, walk and relax. There is a small business park located directly to the west side of the park. Employees use the park during the day, predominately utilizing it during their lunch and other small breaks. The owner of the business park approached the City about donating funding to add additional amenities and improve some of the existing amenities. He was excited to contribute funding that would improve the park and potentially increase active use.

The business owner's donation, along with the requested grant funding, would provide two soccer goals, replace of the existing water fountain with a frost resistant ADA compliant model, two picnic tables and two BBQ grills. The park will also benefit from the addition of new garbage cans and dog waste disposal stations.

2. Describe the goals and objectives of this project.

The goal of this project is to increase the active and passive uses within the park. The existing field does not have any soccer goals, and would benefit the neighboring residents and children by providing them the infrastructure to play soccer games. The existing water fountain does not always function properly and is not currently ADA compliant. A new water fountain would benefit all who use the park. The addition of BBQ grills and picnic tables will allow for increased use by the community and nearby businesses for gathering functions, helping to build a greater sense of community within the area. With greater use anticipated, additional garbage cans and dog waste disposal stations will allow the park to remain clean and well-kept. The City welcomes the opportunity to increase the use of this neighborhood park, by matching the generous donation by the local business-owner.

3. Briefly describe the role and contribution of each partner that is providing cash or in-kind contributions for this project.

The donor has agreed to donate \$6,500 in order to provide enough money for soccer goals and a new water fountain. He is supportive of the other amenities that the City is seeking grant funding for at this time, and excited about the opportunity for his donation to be matched with grant funding to allow for more improvements to the park than he is able to afford to donate.

4. Project Budget. Please complete **Attachment A - Project Budget**.

5. Project Timeline. Please complete **Attachment B - Estimated Project Timeline**.

6. Qualified Jurisdiction Sponsorship. If applying as an organization other than a qualified jurisdiction, please attach a letter of sponsorship from a qualified jurisdiction and label as **Attachment C**.

7. Letters of Support. Please attach at least three (3) letters demonstrating support from the community and label as **Attachment D**.

8. Letters of Commitment. 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. Label Letters of Commitment as **Attachment E**.



Adams County Open Space Grant Application
Mini Grant
Due Date: August 1, 2014

Case No. _____

Please mail **12 sets** of the application and one electronic version (either through email to rpetersen@adcogov.org or on a CD) to the Adams County Open Space Staff no later than **4:30 P.M. on February 3, 2014**. Please bind all 12 copies with either binder clips or rubber bands (no staples please). **Applicants are strongly encouraged to use both sides of the paper when printing completed applications.**

Please include the following attachments at the end of the application - not to exceed 11" x 17":

- Attachment A - Project Budget**
- Attachment B - Project Timeline**
- Attachment C - Letter of Sponsorship from Qualified Jurisdiction (if applicable)**
- Attachment D - Letters of Support**
- Attachment E - Letters of Commitment**
- Attachment F - Location Map**

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

Applicant's Signature: Amanda Peterson

Date: 7/31/14

Print Name: Amanda Peterson

Print Title: Director Parks, Recreation

Attachment A - Project Budget

Date:

Project Name:

Amount Requested:

% Total Project Costs:

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 (funds/services to be provided by applicant or partner)	Total Project Costs
Soccer Goals				\$2,500.00		\$2,500.00
ADA Compliant/Frost Free Water Fountain				\$4,000.00		\$4,000.00
BBQ Grills , ADA Picnic Tables, Garbage Cans, Dog Clean-up Stations (Inc. Concrete & Installation)	\$5,000.00					\$5,000.00
Budget Total	\$5,000.00			\$6,500.00		\$11,500.00

Attachment B - Estimated Project Timeline

Project Name:

Date:

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.

Description of Task	January 2015	February 2015	March 2015	April 2015	May 2015	June 2015	July 2015	August 2015	September 2015	October 2015	November 2015	December 2015
Purchase Equipment	X											
Obtain quotes for concrete work	X											
Obtain quotes for equipment installation	X											
Award Contracts		X										
Construction				X								
Grant Close-out					X							

Description of Task	January 2015	February 2015	March 2015	April 2015	May 2015	June 2015	July 2015	August 2015	September 2015	October 2015	November 2015	December 2015

July 24, 2014
346 W. 116th Pl.
Northglenn, Co 80231

To whom it may concern,

I am writing this letter as I am sitting at the table at Aurora Crossing Park.

I was very pleased to see that all of the amenities pictured could be added here.

I have lived in this neighborhood since its inception, and my children grew up with this park. Now, my grandson spends time here.

I sincerely hope the improvements will be added. This neighborhood deserves it!

Elizabeth Rhodes

To: Adams County Open Space Advisory Board

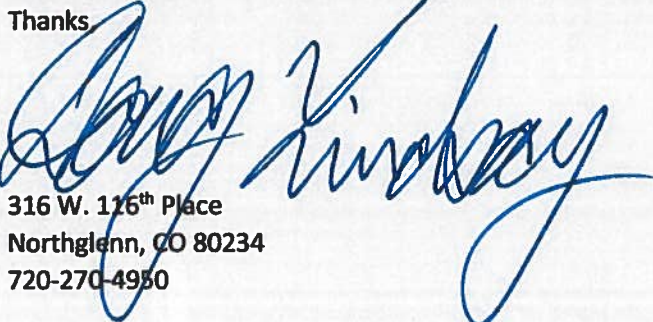
From: Doug Lindsay

Wednesday July 16, 2014

Dear Adams County Open Space Advisory Board,

We could really use some improvements at Huron Crossing Park at the corner of 117th Avenue and Melody. My family has used this park for years and it is used by kids and families on a very regular basis from what I can see walking my dogs through it or driving past it. I am not sure if fixing the water fountain is part of the upgrade plan but that would be fantastic.

Thanks


316 W. 116th Place
Northglenn, CO 80234
720-270-4930

Attachment D:
Letters of Support

Amanda Peterson - Fwd: Thank you

From: Amanda Peterson

Subject: Fwd: Thank you

From: "Grant Hall" <ghall@challengersports.com>

Date: July 10, 2014 6:10:47 AM MDT

To: "scott pudalov" <sprocks1@gmail.com>

Subject: Thank you

Good morning Scott,

I have just returned from vacation and I have heard through the office park grapevine that you were going to be buying and installing some soccer goals for the park next to the office complex. This is a wonderfully kind gesture Scott and I am sure will be greatly appreciated by the kids of the neighborhood – my lads will probably use them in their lunch breaks also!

Thanks Grant

GRANT HALL – Vice President

Challenger Sports: Camps, Training, Tours, Tournaments, Teamwear

Tel: 720-204-4053 Cell: 813-787-7428 Fax: 303-955-0900

11674 N. Huron Street, Suite 150, Northglenn, CO, 80234

www.challengersports.com [2014 Challenger Teamwear Catalog](#)



Attachment D:
Letters of Support

Amanda Peterson - In support of improvements made to park adjoining North Point Business Park - Scot Pudalov landlord

From: Katie Gates <katie@mpactproject.com>
To: "apeterson@northglenn.org" <apeterson@northglenn.org>
Date: 7/11/2014 11:22 AM
Subject: In support of improvements made to park adjoining North Point Business Park - Scot Pudalov landlord
CC: scott pudalov <sprocks1@gmail.com>

Dear Amanda,

I am an employee of Mpact Project and we lease an office in North Point Business Park. You have my vote of confidence in what our landlord, Scot Pudalov, proposes to do in the adjoining park. Scot is a very trustworthy and amenable landlord. We are working to expand our space and he has been most helpful and accommodating. I appreciate his interest in supporting the community, transforming our complex, his attentiveness to community service, and most specifically donating to the city for park improvements. I'm all for maximizing the potential of our work and play space here in Northglenn!

The park is basic with a walking path and small play set. It would be great to see improvements there to benefit the neighborhood kids and mine as well on those days when they come to work with me in the summer and need to get out and play!

If there is any further information you would need from me, please don't hesitate to get back with me.

Katie Gates
Mpact Project
Katie@MpactProject.com

Cell: [720-320-6256](tel:720-320-6256)
Office: [303-586-3343](tel:303-586-3343)

Attachment D:
Letters of Support

Amanda Peterson - Fwd: Park

From: scott pudalov <sprocks1@gmail.com>
To: Amanda Peterson <apeterson@northglenn.org>
Date: 7/11/2014 9:52 AM
Subject: Fwd: Park

Amanda, another advocate!
Scott

Begin forwarded message:

From: Brit Banks <bbanks@deancallan.com>
Date: July 11, 2014 9:50:35 AM MDT
To: Pudalov Scott <sprocks1@gmail.com>
Subject: Park

Scott
Having worked at several properties in the Northglenn area over the last 12 years I think it would be a fantastic amenity to the area to improve the park at 116th Place, just east of Huron. The park is used by many of the people who work in the area as a lunch spot and a shady place to take a break from their offices.

Brit Banks
[303-903-9775](tel:303-903-9775)

Sent from Brit's iPhone

Attachment D:
Letters of Support

From: scott pudalov <sprocks1@gmail.com>
To: Amanda Peterson <apeterson@northglenn.org>
Date: 7/9/2014 1:34 PM
Subject: adjacent business owner.

Dear Granting Board, as owner of North Point Business Park it is important that local commercial property owners give back to the community. The park to the East border of North Point is in need of rehabilitation as well as an injection of new equipment. Parks are a reflection of the people that surround them. If the tenants at North Point can enjoy the Park benefits they will more satisfied in general. Therefore, I am excited to provide a \$6500.00 charitable contribution to improve the Park. It is my understanding that Adams County will provide an additional \$5000. The \$5000 is important inasmuch as the improvement program needs approximately \$11,500 to make a significant difference.

Virtus Partners, LLC
Scott Pudalov

Attachment D:
Letters of Support

From: scott pudalov <sprocks1@gmail.com>
To: Amanda Peterson <apeterson@northglenn.org>
Date: 7/9/2014 1:15 PM
Subject: comittment letter

Dear Granting Board, as the owner of North Point Business Park, I am thoroughly enjoying the experience of interacting with the local business community.
I am agreeable to provide a \$6500.00 charitable contribution earmarked for Park improvements to my Eastern border (as discussed with Amanda Peterson).
I am hopeful Adam County will further assist in this noble project with a \$5000.00 contribution as well.
Any questions or clarifications, please let me know.
Virtus Partners, LLC.
Scott Pudalov

Attachment E:
Letters of Commitment

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-73
Series of 2014

14-72
Series of 2014

A RESOLUTION SUPPORTING A GRANT APPLICATION TO BE SUBMITTED TO THE ADAMS COUNTY OPEN SPACE FOR FUNDING FOR IMPROVEMENTS TO THE HURON CROSSING PARK

WHEREAS, the Northglenn City Council believes that additional amenities at the Huron Crossing Park will enhance recreational opportunities to users of all ages in the community;


WHEREAS, the City of Northglenn has received a donation for the addition of soccer goals and a new water fountain at Huron Crossing Park, and is requesting grant funding to complement the amenities with the addition of barbeque grills and additional tables in the park; and

WHEREAS, the City Council desires to express its support of the submission of an Adams County Open Space Mini Grant Application to obtain funding for improvements to the Huron Crossing Park.

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

Section 1. The City Council of the City of Northglenn is in full support of submitting a mini grant application to Adams County Open Space to obtain funding for improvements to the Huron Crossing Park.

DATED, at Northglenn, Colorado, this 14th day of July, 2014.


JOYCE DOWNING
Mayor

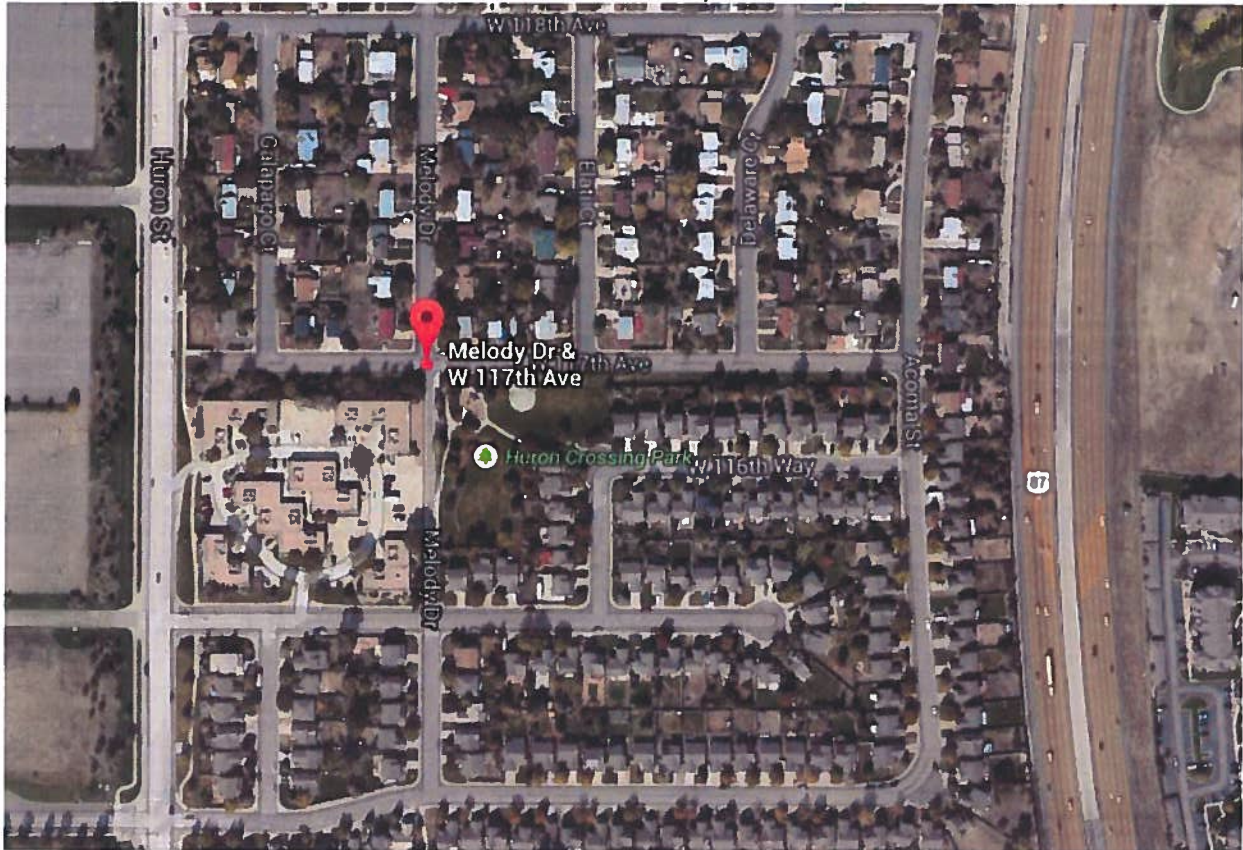
ATTEST:

APPROVED AS TO FORM:


JOHANNA SMALL, CMC
City Clerk


COREY Y. HOFFMANN
City Attorney

EXHIBIT F
Location Map

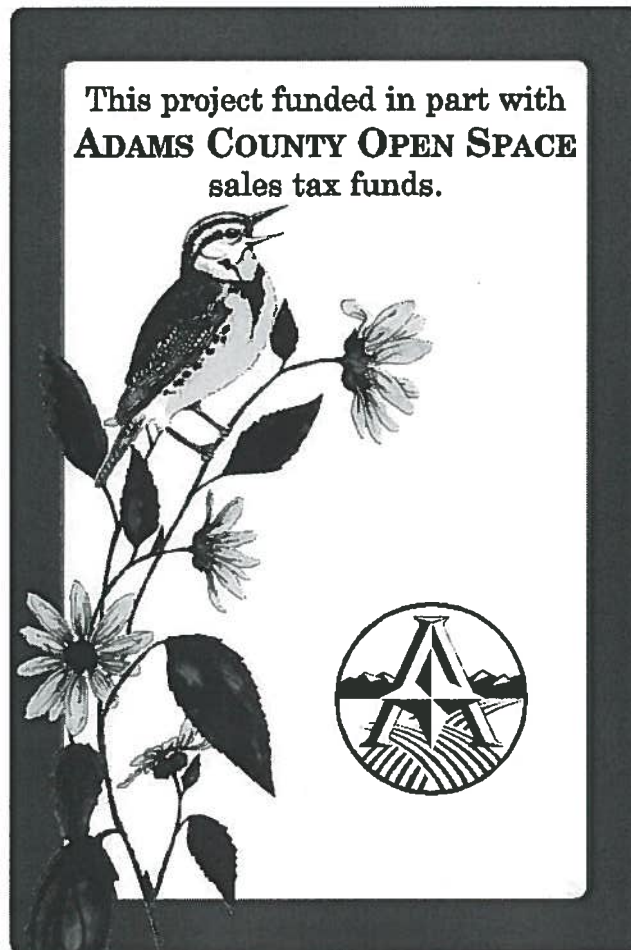


Directions to Huron Crossing Park: Take I-25 to 120th Avenue, Go west on 120th, South on Huron St, East on Melody Dr. The Park is located at southeast corner of Melody Dr and W 117th Ave in Northglenn, CO.

Exhibit B

Adams County Open Space Program

Policies and Procedures



Newly Revised and Adopted

June 24, 2013

Exhibit B

As Amended January 6, 2014

Exhibit B

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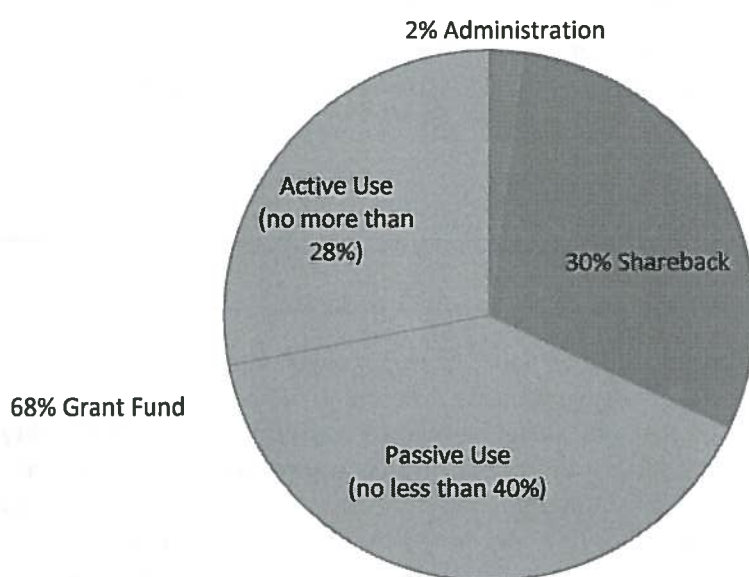
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¹ All forms are fillable pdf files. Please contact Open Space Staff for the current electronic files. Do not use the representations of the forms in this document.

Exhibit B

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.



This document is meant to provide a brief overview of each component of the Sales Tax program and provide specific guidance for use of 30% Shareback funds and the administration of the 68% Grant Fund.

2% Administration Fund

The 2% Administration Fund is the first set of funds removed from the Sales Tax revenues. These monies are used annually to fund the salaries and benefits of Open Space staff who administer the program. In addition, these funds are used for the day-to-day administration of the entire Sales Tax revenue. Major costs from this fund include public relations costs (such as promotional materials, attending local community days, and participation in the annual Report to the Public), hosting an annual Open Space Forum, and all costs associated with coordinating two grant cycles per year. The budget for these funds is developed annually by Open Space staff and is approved by the Adams County Parks and

Exhibit B

Community Resources Director, the Adams County Finance Department staff, and ultimately the Adams County Board of County Commissioners as part of the overall County budget.

Annual Report

An annual report describing projects funded with the open space funds will be made available to the residents of Adams County annually. The County will compile information based upon reporting they receive from each jurisdiction describing how 30% Shareback funds were used. The County will also compile a list of projects funded in the past year, including a brief description of each project, a contact person for the project, and the amount of funding awarded.

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.

30% Shareback Program

Purpose

The Shareback Program distributes a portion of Open Space Sales Tax revenues directly back to the taxing jurisdiction for use on either passive or active projects. The shareback is distributed as described in Section 8, b (iii) of Resolution 99-1 (Appendix A): "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".

Distributions of these funds are made twice yearly to all qualified jurisdictions, in March and September. Payments are distributed as checks to the qualified jurisdiction, or in the case of Adams County, as an internal transfer of funds.

Eligible Expenses

Shareback funds received by the qualified jurisdiction may be used for passive or active uses. However, there are some limitations to use of the shareback funds:

- As stated in Resolution 99-1 (Appendix A), "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 interests be given, without the approval of such action by the Board [of County Commissioners]".

Exhibit B

- Funds from the 30% distribution can be used to maintain active and passive projects previously funded through the Open Space Sales Tax, but may not otherwise augment existing budgets.

The Board of County Commissioners (BoCC) will annually review and approve a resolution authorizing the Parks Director to approve agreements or arrangements for land purchased with Open Space Tax dollars that either maintain the property or have only a short-term or minimal impact on the property, including but not limited to agricultural and residential leases, water and sewer easements, surface use agreements, etc. All other sales, leases, transfers or conveyances that have a larger impact on the property or effectively transfer the property must be approved by the BoCC.

Annual Reporting

In approximately February of each year, Open Space staff will distribute an annual reporting form to qualified jurisdictions. The purpose of this form is to detail how each qualified jurisdiction allocated the previous year's 30% distribution. Forms from all qualified jurisdictions must be returned to Adams County Open Space staff prior to any spring distributions being processed. The information acquired through this process will be included in the annual report.

68% Grant Fund

Purpose

The 68% Grant Fund is a competitive grant process where parks and open space projects compete for limited funds available through the Sales Tax program. Applications are reviewed by the Open Space Advisory Board (OSAB), comprised of 7 volunteer members appointed by the BoCC. The OSAB makes funding recommendations to the BoCC based on funds available and project merits. All final funding decisions are made by the BoCC.

Available Funding

The funding available in each grant cycle is comprised of the grant fund share of Open Space Sales Tax revenues for the last six months of the previous year (Spring grant cycle) or the first six months of the year (Fall grant cycle), all interest earnings on Open Space Sales Tax revenues, any unallocated monies remaining from previous revenues, and monies returned to the fund due to projects coming in under budget or projects that were unable to be completed.

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. The BoCC will review the recommendations of the OSAB and award in full, modify the amount, or deny grant funds to specific projects.

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

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grant cycles following the initial submittal, in the event the applicant deems the project worthwhile of additional funding.

Grant Cycle Timeline

Grant cycles occur twice each year in February and August. Grant applications are generally due on the First of February and August, unless those dates fall on a weekend in which case applications are due the following Monday. For a more detailed grant cycle schedule, visit www.adcogov.org/openspace or contact Open Space staff.

Applicant Eligibility

Applicants 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.

Qualified Jurisdictions

The Qualified Jurisdictions are defined as the sales tax collecting entities in the County and currently include: City of Arvada, City of Aurora, Town of Bennett, City of Brighton, City of Commerce City, City of Federal Heights, City of Northglenn, City of Thornton, City of Westminster, and Adams County. Qualified jurisdictions must have an adopted Parks and/or Open Space Plan.

Sponsored Organizations

Any organization, including, but not limited to Parks and Recreation Districts, other governmental entities and non-profit organizations are eligible to apply, provided they are sponsored by a qualified jurisdiction. These organizations must receive sponsorship from one of the qualified jurisdictions, as evidenced by documentation from the sponsoring qualified jurisdiction indicating their sponsorship of and support for the project. These organizations should contact the most appropriate qualified jurisdiction well ahead of the grant application due date to allow for enough time to navigate that jurisdiction's process. If seeking sponsorship from Adams County, please contact Open Space staff at least 6 weeks ahead of the grant application due date for additional information. If a qualified jurisdiction agrees to sponsor an application, the sponsored application does not count against the qualified jurisdiction's allowed number of applications per grant cycle.

The role of the sponsoring qualified jurisdiction is flexible, but at minimum consists of providing approval for the requesting organization to apply for the program. A more significant relationship between sponsoring qualified jurisdiction and sponsored organization is encouraged, especially for organizations new to the Open Space program, but is not required. Any additional contact between the sponsoring qualified jurisdiction and sponsored organization is optional at the will of either party.

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Eligible Projects

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

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 land acquisitions and conservation easements for agricultural preservation and habitat preservation.

Eligible Project Types

The following is a list of eligible projects for the Adams County Open Space Sales Tax Grant Program. This list comes from Resolution 99-1 (Appendix A). If a prospective project is not directly related to one of these items, please contact Open Space staff for further discussion. Adams County Open Space Sales Tax funds in the grant program can be used for:

- Purchase, construction, maintenance of:
 - Horse, bike, 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
 - Picnic facilities
- Acquisition of:
 - Fee title interest and less than fee title interest(s) in real property for open space, natural areas, wildlife habitat, agricultural and ranch lands, historical amenities, parks, and trails. Less than fee title interests include: easements (including conservation and agricultural), leases, options, future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis.
 - Water rights and water storage rights for use in connection with aforementioned purposes
 - Rights-of-way and easements for trails and access to public lands and to build and improve such trails and accessways
- Joint projects between counties and municipalities, recreation districts, or other governmental entities in the County
- To improve, protect, manage, patrol, and maintain:
 - Open space
 - Natural areas
 - Wildlife habitats

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- Agricultural and ranch lands
- Historical amenities
- Parks
- Trails
- To pay for related acquisition, construction, equipment, operation, and maintenance costs
- To implement and effectuate the purposes of the Open Space Program
- Acquisition and maintenance of:
 - Lands with significant natural resource, scenic, and wildlife habitat values
 - Lands that are buffers maintaining community identity
 - Lands that are to be used for trails and/or wildlife migration routes
 - Lands that will be preserved for agricultural or ranch purposes
 - 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
 - Lands with other important values such as scenic and historic sites that contribute to the County's and County municipalities' natural and cultural heritage
- Purchase, construction, equipping, and maintenance of:
 - Sports fields
 - Golf courses
 - Recreation centers
 - Lands for park purposes
 - Park and recreational improvements and facilities

In addition to eligible project types, the following list indicates Eligible Project Expenses. This list is meant to clarify eligible expenses, but is not a comprehensive list of eligible expenses. Please contact Open Space staff regarding expenses not otherwise included on this list. These items can appear in the project budget and be reimbursed for as a part of the project. They can be grant request, applicant/partner match, or in-kind contribution or any combination thereof. The following items are Eligible Project Expenses:

- Consultant costs for acquisition, planning, design, and/or construction of parks, trails, or open space (including natural areas, wildlife habitats, agricultural lands, ranch lands, and historical amenities)
- General volunteer time or Board member time (see Salary below)
- Organization fees including certification and accreditation fees (directly relating to project or program, or a requirement thereof)
- Training tuition for programs/certifications directly related to the project
- Staff time and expenses that are related to a specific project (see Salary below)
- Costs that directly relate to the planning activities (inventories, design, GIS/mapping, printing, etc)
- Existing operations and maintenance
- Public input costs (meeting rooms, mailings or other advertising, facilitation, surveys and web-based outreach)
- Acquisition of conservation easement or land for open space, park, or trail purposes:
 - Purchase price

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- Water rights
- Mineral rights
- Associated closing costs
- Appraisal
- Survey
- Environmental assessment and cleanup
- Baseline report
- Mineral remoteness report, etc.
- Conservation easement stewardship endowments for passive use land acquisitions (see Conservation easement stewardship endowment below)
- Park amenities, including but not limited to:
 - Athletic fields/courts
 - Track and field facilities (including projects involving artificial turf)
 - Playgrounds
 - Swings
 - Climbing structures
 - Skateparks/rinks
 - Swimming pools (indoor or outdoor)
 - Splashpads
 - Water slides
- Trails, including:
 - Bridges
 - Underpasses
 - Overpasses
- Construction and/or redevelopment of golf courses
- Development and/or redevelopment of environmental education facilities, outdoor classrooms, and natural areas intended for environmental education purposes
- Programmatic funding for environmental education
- Disc golf courses
- Whitewater parks
- Fishing piers and boat docks
- Sculptures and artwork in a park or open space, including memorials
- Outdoor amenities located at fairgrounds
- Concession stands and storage buildings located in a park or open space and used in association with activities conducted at the park or open space
- Indoor facilities, including:
 - Recreation centers
 - Buildings at fairgrounds
 - Nature Centers
- Infrastructure, including:
 - Irrigation
 - Drainage
 - Parking lot
 - Lighting

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- Utilities, etc.
- Amenities, including:
 - Restrooms
 - Drinking fountains
 - Benches
 - Landscaping
 - Picnic tables
 - Grills
 - Pavilions
 - Amphitheaters or outdoor performing arts centers when located in a park or open space
 - Signage
 - Fencing
 - Lighting
 - Historical facilities when located in a park or open space, etc.
- Eligible work completed prior to application (see Prior Completed Work below)
 - Land acquisition and design work within three (3) years of application
 - All other eligible work within one (1) year of application
- Expenses associated with on-the-ground project management
- Printing and development of parks, trails and open space related publications
- Promotional items (all to include Open Space logo, see Open Space Signage and Logo Use policy)
- Indirect costs (see Indirect Costs below)
- Non-fixed assets, including:
 - Lawnmowers
 - Snow blowers
 - Gloves
 - Shovels
 - Rakes
 - Weed eaters
 - Staff uniforms
 - Wildlife cameras, etc.
- Costs associated with volunteer programs, including:
 - Food and drink
 - Training
 - Clothing
 - Appreciation items
- Donations of the items above can be counted as in-kind match

The following are ineligible project expenses and may not appear in any form on the project budget:

- Fundraising costs
- Any meeting costs not associated with the project
- Grant writing
- Events, publications, advertising, and/or similar event items for fundraising
- Amusement parks
- Recreational program costs, including:

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- Staffing
- T-shirts or uniforms
- Trophies
- Medals, etc.

Salary

Salary is an eligible project expense if it is project and/or program specific. The salary being funded must be time-limited and for specific project-related job duties, not general job duties of the position. At the time of project completion, documentation of hours spent working on the project must be provided either through timesheets or other tracking mechanism. Please speak with Open Space staff for specific questions related to salary and the documentation required.

Conservation easement stewardship endowment

A conservation easement stewardship endowment is meant to be the principle investment into a dedicated fund for use by the easement Grantee for annual stewardship and monitoring costs. The amount of the endowment allowance is determined by multiple factors that have been agreed upon by the qualifying jurisdictions. To reflect the perpetual nature of these obligations, the amount allowed as part of a grant request may fluctuate over time to reflect current costs in staffing, etc. and current interest rates. Please contact Open Space staff regarding current conservation easement stewardship endowment practices and allowance.

Indirect Costs

Up to 10% of a project's direct costs may be requested as part of the grant request. Additional indirect costs can be included as part of the applicant match. The Open Space program strongly encourages applicants to request reasonable amounts of funding for indirect costs to ensure that the application is competitive.

Indirect costs include costs which are frequently referred to as overhead expenses (e.g., rent and utilities) and general and administrative expenses (e.g., officers' salaries, accounting department costs and personnel department costs).

Prior Completed Work

Acquisition of property and design work previously completed and related to a specific project are eligible expenses, as long as the work is completed within three years of the application date. All other expenses, as listed in the Eligible Project Expenses section, are eligible as long as the work is completed within one year of the application date. Individual expenses may be older than the deadline only if the final work is completed within the deadline timeframe. All previously incurred expenses will be expected to submit the same documentation at project closeout as work completed directly as a part of the grant project (including invoices and proof of payment).

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Specific Requirements of Land Acquisitions

To meet the intent of Resolution 99-1 (Appendix A), land purchased with Open Space sales tax dollars with passive funds will be encumbered to perpetually protect the passive uses of the property. Primarily, this encumbrance will take the form of a conservation easement. In some instances, a conservation easement may not be the best tool for land preservation and a declaration of covenants, conditions and restrictions may be placed on the land in lieu of the conservation easement. These situations may include, but are not limited to: property where there is less than five acres of habitat or preservable land, sites where there are no easily identified conservation values, a redevelopment site or site where significant changes to the property are anticipated, or land purchased solely for use as a trail corridor. In all situations, it is at Open Space staff's sole discretion whether a conservation easement or declaration of covenants, conditions and restrictions will be used to protect the land's passive uses.

The negotiation, approval, and full execution of a conservation easement or a declaration of covenants, conditions and restrictions are required before such a project will be closed out. Additional information on project closeout can be found in subsequent sections. Land purchased using active funds will not be required to have an encumbrance on the property. If the acquiring organization desires to place a conservation easement on a portion of a property purchased with active funds, please contact Open Space staff for additional information.

Applying to the Program

Application Types

- Passive Project applications are for uses defined in Resolution 99-1, Section C, (ii), see Glossary of Terms, page 22.
- Active Project applications are for uses defined in Resolution 99-1, Section C, (iii), see Glossary of Terms, page 22.
- Mini Grant applications are for uses defined in either of the above sections but are geared towards smaller scale projects. A project 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 one application per applicant, per grant cycle. Mini Grants are subject to the same requirements as both the Active and Passive Grants.

Submission Requirements

Each qualified jurisdiction or sponsored organization applying to the Open Space Program may only submit up to three (3) grants per grant cycle, up to two (2) of which may be full project applications (i.e., not mini-grants). For sponsored organizations, each project in a single grant cycle must be sponsored by a different qualified jurisdiction. Each qualified jurisdiction may only sponsor one project per grant cycle from any given sponsored organization, but there is no limit on the total number of applications a qualified jurisdiction may sponsor in any grant cycle. Sponsored applications do not count against a qualified jurisdiction's allowed number of applications per grant cycle. Qualified jurisdictions and sponsored organizations must prioritize the projects they submit. For qualified jurisdictions sponsoring other organizations, those projects are not included in their own project prioritization.

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Applications must be made on the pertinent Application Form. See the current Application Form for the number of completed application and all attachments that are required for submittal. Mail application to: Adams County Open Space, 9755 Henderson Road, Brighton, Colorado 80601. Applications must arrive no later than 4:30 p.m. of the specified grant application deadline date. 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.

The primary contact person(s) identified in the Open Space Application will be used for all official correspondence for each submitted project, including all correspondence regarding project status reports and closeout information. Please contact Open Space staff as soon as it becomes necessary to change the primary contact person.

Matching Funds

All projects must leverage the funds being requested of the Open Space Grant Program. For passive applications, applicants must provide a minimum of 30% of the total project costs toward the project. For active applications, a minimum of 40% must be provided. Any additional funds brought toward the project will be considered favorably by the OSAB during their evaluation.

In-kind sources of funds, such as donations of goods or services or volunteer hours are acceptable forms of match. All donations of goods or services must be documented in the application with a letter from the donor describing the donation and its estimated value. The use of volunteer hours is acceptable. Applicants must estimate the number of volunteer hours anticipated for completion of the project and include in the project narrative a description of the work to be completed by those volunteers. Volunteer time should be valued at the standard rate for the state of Colorado as found at http://www.independentsector.org/volunteer_time. Please see the Glossary of Terms for additional information about what constitutes in-kind contributions.

Application Components Specific to Real Estate Transactions

For real estate transactions, applicants should obtain a qualified buyer's appraisal, see Glossary of Terms, page 22. When a qualified appraisal is not available at the time of application, applicants should provide additional information with their application verifying the purchase price they are estimating. Additional information can include, but is not limited to, recent purchases by the organization of similar land, comparable listings or sales in the area, and other information used by the applicant to determine the cost included in the application. A qualified appraisal will be required prior to project closeout, or prior to closing if funds are to be wired at the time of closing. When the applicant is seeking to buy property for a price that exceeds the qualified appraisal value, the OSAB will make recommendations on a case by case basis to the BoCC for final approval. If no appraisal was available to the OSAB and more is paid for the property than the appraised value, unless specifically requested by the grantee from the BoCC, no reimbursement will be made for a purchase price exceeding the appraised value. If the grantee wishes to be reimbursed for that additional amount, a request will be sent to the BoCC for approval prior to reimbursement.

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Application Criteria and Scoring

OSAB will request presentations by applicants for all active and passive applications. Presentations for mini-grant applications are welcomed but not required. Presentations will not be scored and are for informational purposes only.

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 categories:

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

The OSAB utilizes standard score sheets while reviewing projects. Examples of the most recent score sheets can be requested from Open Space staff at any time. Each OSAB member categorizes the applications as "Yes, definitely fund," "Maybe fund," or "No, definitely do not fund" based on their impressions of the project. These groups of projects are then discussed by the OSAB as a whole as they make funding recommendations.

Note: Current scoring practice is described. This process may be changed as the OSAB changes and as projects change. Any changes to OSAB scoring of projects will be shared with applicants prior to the grant cycle in which the changes will be instituted.

After Grant Award

If a press release is issued, include the following statement:

"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."

Grant Agreement

The BoCC will publically award the grants at a public hearing. At the public hearing, Open Space staff will distribute three (3) copies of the grant agreement to each successful applicant. Signed grant agreements are due back to Open Space staff within 45 days of the public hearing. Once they are received back, Open Space staff will have the agreements signed by the BoCC and will return one fully executed copy to the applicant. 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.

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Project Due Date

All projects must be completed within two years of the grant award date. All documentation necessary to close out the project must be submitted to Open Space staff or an extension must be requested by this date. If no documentation is received by Open Space staff by the project due date, this may result in non-compliance. Please see the Grant Non-compliance section below.

Project Extension Policy

Requests for extension must be received prior to the project due date, preferably one month prior to the project due date. A sample Extension Request form is included as Appendix , but may be updated at any time. As such, Grantee should confirm with Open Space staff the correct form to submit for their request. Project extension requests may be approved for up to 6 months at a time by Open Space staff. Grantee should include in their request progress made to date on the project, barriers to completion of the project and plans to overcome said barriers, and a timeline for project completion. If, at Open Space staff's discretion, no significant progress towards completion has been made, the extension request may be denied.

If a request for an extension is denied, Grantee will be promptly notified by Open Space staff. Upon receiving this notification, the Grantee must notify Adams County Open Space in writing 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 deauthorize awarded funds or 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 such a notification will result in an automatic de-authorization of the grant and may result in non-compliance. Please see Grant Non-compliance section below.

Project Modification Policy

If a change to an awarded project is anticipated, Grantee should contact Open Space staff to discuss the proposed change. At that time, Open Space staff will determine whether a formal project modification should be requested. Most change requests will likely fall into one of three categories: 1) minor material change, no request necessary; 2) more significant change to project described in the application, but no change to the budget, staff approval possible, and 3) significant change that impacts the intent of the project and/or the project budget, BoCC approval necessary. If there is any question of which category the request falls into, it will be elevated to the next level for approval.

If it is deemed necessary, the Grantee must submit a Modification Request form to Adams County Open Space staff. A sample Modification Request form is included as Appendix , but may be updated at any time. As such, Grantee should confirm with Open Space staff the correct form to submit for their request.

If necessary, this information will be forwarded to the BoCC along with a full staff report for the BoCC's consideration. If the modification request is rejected and the project cannot be completed as originally

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approved, the Grantee may request deauthorization of the grant award and submit a new application for the revised project for consideration in future grant cycles.

Failure to notify Adams County Open Space staff of changes to an awarded project may result in non-compliance. Please see Grant Non-compliance section below.

Grant Non-compliance

A non-compliance issue may arise due to a failure to adhere to the project due date policy, extension policy, modification policy, or at Open Space staff's discretion. At such time that Open Space staff feels a non-compliance issue has arisen, staff will forward the information and a full staff summary to the BoCC. The BoCC will review the issue and determine what if any remedy will be required. Potential consequences of non-compliance include 1) deauthorization of the current grant award, with a request to repay any funds plus interest already disbursed for the award, 2) suspension of the Grantee from participating in the Open Space Grant program as an applicant, partner, or sponsor, or 3) any other consequence deemed appropriate by the BoCC.

Open Space Signage and Logo Use

An Adams County Open Space Sign provided or approved by Open Space staff will be posted in a prominent place at the project site once the project is completed. This does not apply to projects that will not have public access (i.e. conservation easement projects or planning projects). Signs provided by the County must remain up at the project site through the reporting period (i.e., 10 years). For acquisitions funded through the Open Space program, signs must remain up on the property through the life of the sales tax. Open Space staff will periodically do audits of signs at project locations and will offer replacement signs when needed. Grantee may also ask for replacement signs at any time when a sign becomes damaged or otherwise in poor condition. Following the expiration of the Open Space Sales Tax, signs shall remain in place until damaged or otherwise in poor condition at which time the sign may be removed and not replaced.

If the Grantee wishes not to place a separate Adams County Open Space sign, but rather to use the logo as a part of new signage to be produced for the project, a high quality digital design file of the Adams County Open Space logo can be provided by Open Space staff. Use of the Adams County Open Space logo on other permanent signage must be approved by Open Space staff prior to final production of said signage. The program logo can also be provided for other uses via digital image files at the sole discretion of Open Space staff. Any additional usage of the program logo must be approved by Open Space staff.

Reimbursement and Closeout Process

Funds will be disbursed:

- Once the project has been both physically and contractually completed as funded, unless the grant agreement has been negotiated to include periodic reimbursements.

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- The documentation requested in the reimbursement process has been received and verified by staff. Documentation should indicate that all work has been completed, invoiced, and paid on the project contract, including payment of retainage, as necessary.
- If the final product of a project is a document, including but not limited to a plan, design, or construction documents, those documents must be sent to Open Space staff for inclusion in the project file and for project closeout. In addition, if a document is being developed in association with a land purchase including but not limited to surveys, baseline assessments, or environmental analysis, those documents must be forwarded to Open Space staff for project closeout.

The amount of funds disbursed will correspond to the submitted 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. All reimbursements will be based on the award percentage of the total project costs, up to the full award amount. At no time will the amount of reimbursement, whether periodic or final, exceed the project expenditures when in-kind contributions are used as match. Unused grant funds will be returned to the grant fund. For example, if a project is under budget the leverage amount will be based on the final cost of the awarded project and the remaining award amount will be returned to the grant fund for future reallocation. Under no circumstances will the amount of funds reimbursed by Adams County Open Space Sales Tax increase over the awarded amount represented in the Grant Agreement. An increased percentage of project costs will only be allowed if approved by the BoCC in a modification requesting such a change (see Project Modification Policy, page 13).

In some cases, Open Space staff may negotiate with a Grantee to allow for periodic reimbursements for a specific project. This will be written into the grant agreement. It is at Open Space staff's discretion to negotiate these terms when either a project is large or the Grantee is small enough that it is not financially feasible for the applicant to only receive reimbursement for the entire project at close out. In the case of periodic reimbursements, all procedures for reimbursement remain the same, see All Other Projects Reimbursement Process section below. The reimbursement will be for the awarded percentage for the project for that time period. Open Space staff will keep records of all periodic reimbursements to ensure that the total never exceeds the maximum award stated in the grant agreement.

Failure to provide requested documents may result in non-compliance. All forms related to the closeout process can be found in Appendix . Please contact Open Space staff for the most up-to-date files.

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
- Full Qualified Appraisal
- Preliminary Buyers Settlement Agreement

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- Title Commitment

It is the applicant's responsibility to ensure that Open Space staff is kept informed of any changes to the date, time or location of the closing. Adams County Open Space must have the wiring instructions at least five (5) business days ahead of the scheduled closing to forward to the Adams County Treasurer's Office to set up the wire transfer. All other documents should be to Open Space staff a minimum of two (2) business days before closing to have funds wired to closing. After closing, copies of the following documents must be forwarded to the Open Space Office prior to the project being closed out:

- Grant Closeout Request Form
- Recorded Deeds specific to this transaction
- Signed Settlement Statement
- Title Policy
- Fully executed Conservation Easement must be on file with Open Space staff (for passive acquisitions)
- Associated invoices and checks
- Other applicable items

All Other Projects Reimbursement Process

For all other projects, to close out a project the applicant must submit to the Open Space Office copies of the following documentation:

- Grant Closeout Request Form
- Completed Grant Closeout Worksheet
- Copies of ALL invoices listed on Grant Closeout Worksheet
- Copies of cancelled checks (front and back) for all costs indicated on Grant Closeout Worksheet
OR
Signature of authorized Financial Officer on Grant Closeout Worksheet certifying all payments have been made
- Documentation for all in-kind donations (e.g., letter from donor stating value, invoice from business indicating value)

Reporting Following Closeout

As stated in Resolution 99-1, "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 interests be given, without the approval of such action by the Board [of County Commissioners]". The BoCC will annually review and approve a resolution authorizing the Parks Director to approve agreements or arrangements for land purchased with Open Space Tax dollars that either maintain the property or have only a short-term or minimal impact on the property, including but not limited to agricultural and residential leases, water and sewer easements, surface use agreements, etc. All other sales, leases, transfers or conveyances that have a larger impact on the property or effectively transfer the property must be approved by the BoCC.

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At the 5- and 10-year anniversaries of project closeout, Open Space staff will send Grantee a reporting form for all projects closed out during that timeframe, not including planning projects or environmental education programs. This form will request basic information about all closed out projects specifically what, how and why anything has changed on the project. Grantee will include dated photos of the project for Open Space staff review. If in Open Space staff's opinion, the intent of the original project has been changed, a full report will be forwarded to the BoCC. At that time, the BoCC will review the information and determine what, if any, action will be taken, including but not limited to the return of all grant funds plus interest.

Ethics Policy

The following ethics policy is taken from the Adams County Employee Manual, newly revised and adopted in January 2013, and applies to all employees and officials of Adams County, including the Open Space Advisory Board.

Mission, Governing Principles & Values

The citizens of Adams County, Colorado, are entitled to have a fair, ethical, and accountable local government that has earned the public's full confidence for integrity. We adopt this Code of Ethics to assure public confidence in local government and its effective and fair operation and to ensure that we comply with all applicable State and local laws relating to conflicts of interest and ethics.

Integrity in government requires that decision-makers be independent, impartial, and accountable to those they serve, to that end, all officials and employees of Adams County, Colorado, must carry out their job responsibilities in accordance with the following principles:

- A. As public servants, Adams County officials and employees are stewards of the public trust, entrusted with and responsible for the property and resources of Adams County, and shall carry out their duties for the benefit of the people of Adams County.
- B. The citizens of Adams County expect and deserve their public servants to act with courtesy, impartiality, honesty, and openness in the performance of their duties.
- C. Officials and employees must always perform their duties with the best interests of Adams County in mind, and not for any personal interest or for the interest of family, friends, or business and political associates.
- D. Governmental decisions and policies are made utilizing the proper channels of the government structure, free of coercive or other improper influence.
- E. To gain and retain public confidence in government operations, County officials and employees must avoid even the appearance of impropriety.

Intent

The purpose of this Code of Ethics is to provide the officials and employees of Adams County the tools and resources necessary to conduct themselves in the most ethical and appropriate manner possible

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and to ensure that Adams County government operates in accordance with its mission, governing principles, and values.

It is the intent of Adams County that its officials and employees adhere to high levels of ethical conduct so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. Officials and employees should comply with both the letter and spirit of this Code of Ethics and strive to avoid situations which create impropriety or the appearance of impropriety.

Ethical issues will arise in the course of public service. It is the intent of this Code of Ethics to clarify which actions constitute a breach of the public trust.

Definitions

“Employee” shall mean all members of the Adams County workforce, including but not limited to full-time and part-time employees, and appointed or elected officials and their employees.

“Gift” shall mean anything of monetary value for which consideration of equal or greater value is not made. The term includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person’s status as a County employee. The term “gift” shall not include tokens of award (such as a plaque, memento, or trophy), informational materials related to the recipient’s performance of official duties (such as a book, pamphlet, or periodical), or unsolicited items of nominal or trivial value (such as a pen, note pad, or calendar).

“Official” shall mean a person in an elected or appointed position in Adams County, Colorado, including members of County boards appointed by the Board of County Commissioners.

“Relative” shall mean a spouse, domestic partner, fiancé/fiancée, parent(s), child(ren), brother(s), sister(s), aunt(s), uncle(s), grandparent(s), or grandchild(ren), including “in-law” and “step” relatives. The term “relative” also applies to any person who is a member of the household of an employee regardless of family relationship.

Applicability

This Code of Ethics applies to the officials and employees of Adams County, to the extent that the official has adopted the Code, and shall supersede the prior Code of Ethics adopted by the Board of County Commissioners on November 10, 2008. The provisions of this Code of Ethics shall apply in addition to all applicable federal, State and local laws relating to conflicts of interest and ethics including, but not limited to, the Colorado Constitution, Article XXIX, Colorado Revised Statutes § 24-18-101, *et seq.*, and all rules, regulations, policies and procedures of Adams County, including any ethical code or policy adopted by any elected official that is applicable to employees of that elected official.

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Conflicts Of Interest

No official or employee should have any direct or indirect interest, financial or otherwise, engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his or her duties in the public interest.

- A. **Misappropriation of County Resources:** No official or employee shall misappropriate to himself, herself or to others the property, services or other resources of the County for private purpose or other compensated non-governmental purposes.
- B. **Favoritism:** An official or employee shall guard against any relationship that creates conflicts of interest or which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion.
- C. **Improper Influence:** An official or employee should not act in a manner that creates by his or her conduct a reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
- D. **Privileges or Exemptions:** No official or employee should use or attempt to use his or her official position to secure privileges or exemptions for himself, herself or others.
- E. **Protection of Public Trust:** An official or an employee should endeavor to pursue a course of conduct which will not raise suspicion among the members of the public that he or she is likely to be engaged in acts that are in violation of the public trust.
- F. **Official Actions:**
 - a. An official or employee shall not take any direct or official action on any matter in which the official, employee or a relative or business associate has any substantial employment, contractual, or financial interest.
 - b. An official or employee shall not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking.
- G. **Contracting & Transacting Business:**
 - a. **Sale or Purchase of Goods or Services:**
 - i. No official or employee shall, in his or her official or private capacity, offer for sale or sell goods or services to the County. A waiver may be granted by the Independent Ethics Officer where the circumstances clearly demonstrate that there is no conflict of interest or appearance of a conflict presented by the proposed sale of goods or services to the County.
 - ii. No official or employee shall, for his or her own private purposes, directly or indirectly obtain goods or services for anything less than fair market value from any contractor or vendor that performs work for Adams County.
 - iii. **Transactions on behalf of Adams County:** No official or employee should engage in any transaction as representative or agent of Adams County with any relative, business associate, or business entity in which he or she has a direct or indirect financial interest.
- H. **Personal Investments & Business Ventures:** An official or employee should not acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly

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involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest.

Confidential Information

- A. No official or employee shall use any confidential information received by virtue of that person's office or employment for any private purpose, including but without limitation to commercial purposes, financial gain, or present or future employment.
- B. An official or employee may only use confidential information in the conduct of his or her official County duties.

Political Solicitations

- A. Elected officials and candidates shall not engage in political campaigning at County meetings or public hearings. No official, candidate, or employee shall use public resources for political campaigning.
- B. County officials or employees may in their private capacity give financial or other support to political parties and candidates for elected office, unless otherwise restricted.
- C. No official or employee shall directly or indirectly compel or induce a subordinate employee to make or promise to make any political contribution, whether by gift of money, service or other thing of value.
- D. No official or employee may make any employment recommendation or decision based on political affiliation, participation or contribution.

Hiring Of Relatives

The purpose of this section is to avoid favoritism and the appearance of favoritism by officials or employees.

- A. No official or employee shall appoint, hire, or advocate for the appointment or hiring of any person who is the employee's relative.
- B. No official or employee shall participate directly or indirectly in the recruitment and selection process that involves a relative.
- C. No official or employee shall directly or indirectly exercise supervisory, appointment or dismissal or disciplinary authority over any relative of the employee.
- D. No official or employee shall audit, verify, receive or be entrusted with monies received or handled by a relative.
- E. No relative of an official or employee shall have access to that person's confidential information, including payroll processing and personnel records within his or her organization.

Gift Ban Policy

- A. In accordance with the Colorado Constitution, no official or employee may directly or indirectly solicit, accept or receive any gift or other thing of greater than fifty-three dollars (\$53) in any calendar year, without providing consideration of equal or greater value. Gifts include but are

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not limited to loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, and special discounts. Exceptions recognized by Colorado law are recognized by the County.

- B. No official or employee shall directly or indirectly receive a gift regardless of the value where such gift is given with the intent or appearance of influencing the person's official actions or duties for Adams County.
- C. No department, office, or agency shall accept any gift from any vendor, applicant for a license, applicant for a land use approval, or any other person having pending or regular business being handled by that department, office, or agency. A department, office or agency may accept a gift from a person or entity

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Glossary of Terms

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, Appendix A)

DEAUTHORIZATION OF FUNDS: In cases where funds are deauthorized (i.e., non-compliance, project completed under budget) remaining funds are returned to the grant fund for future allocation to projects. When funds have been paid, either for a completed project or for periodic reimbursements, and the BoCC requests those funds be returned to the grant fund, it is at the BoCC's discretion to also request payment of interest on those funds being returned.

IN-KIND SOURCES OF FUNDS: In-kind sources of funds are donations of time, services, or goods. At no time is the applicant paying for this contribution to the project, whether directly from the project proceeds or indirectly from other funding. These sources must be documented through timesheets, invoices, or other means for project closeout purposes.

PASSIVE USE: Passive uses shall include, but not be limited to 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, Appendix 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 before and after easement values are not required.)
- effective within one year prior to closing, the grantee will be required to have an appraiser update the appraisal.

QUALIFIED JURISDICTIONS: The qualified jurisdictions are defined as the taxing entities within the county and include, but are not limited to: City of Arvada, City of Aurora, Town of Bennett, City of

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Brighton, City of Commerce City, City of Federal Heights, City of Northglenn, City of Thornton, City of Westminster, and Adams County.

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Appendix A

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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
Elaine T. Valente Commissioner
Martin J. Flaum Commissioner
Rita Connerly County Attorney
Lucy Trujillo, Deputy Clerk of the Board

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CAROL SNYDER 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

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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 1ST 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:

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ISSUE _____

SHALL ADAMS COUNTY TAXES BE INCREASED \$5.5 MILLION, AND WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER, 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.,

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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 so 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.

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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:

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- (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;

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- (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

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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 1st day of SEPTEMBER, A.D. 1999.

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

By 
Deputy



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Appendix B

Exhibit B



Adams County Open Space Extension Request Form Revised 12/2011

Must be received by Adams County Open Space staff a minimum of 90 days prior to project due date.

Date of Request:	_____
Grantee Name:	_____
Project Name:	_____
Contact Person:	_____
Phone Number:	_____
Email:	_____

Original Project Due Date:	_____	Requested Due Date:	_____
		(No longer than 6 months)	
Please explain in detail the reason(s) for extending this project. Include information regarding progress made to date, items remaining to be completed and estimated timeline for completing all work.			
_____ _____ _____			

Attach the following:

- Copy of original timeline submitted with grant application
- Revised timeline
- Evidence of progress (Photos of project or in narrative above)

Prepared by: _____ Date: _____

Print name: _____ Title: _____

Appendix C

Exhibit B



Adams County Open Space Modification Request Form Revised 12/2011

Must be received by Adams County Open Space staff a minimum of 90 days prior to project due date.

Date of Request:	_____
Grantee Name:	_____
Project Name:	_____
Contact Person:	_____
Phone Number:	_____
Email:	_____
Project Due Date:	_____

Previously Submitted Leverage Summary: Grant Total: _____ Total Project Costs: _____ % of Funding Requested: _____	Proposed Revision to Leverage Summary: Grant Total: _____ Total Project Costs: _____ % of Funding Requested: _____
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Please provide a description of the changes to the project as well as an explanation for the changes. Please provide specific details.

Are you also requesting an extension? <input type="radio"/> Yes <input type="radio"/> No	Requested Due Date: (No longer than 6 months) _____
--	--

Attach the following:

- Copy of original budget submitted with grant application
- Revised budget
- Copy of original timeline submitted with grant application
- Revised timeline
- Evidence of progress (Photos of project or in narrative above)

Prepared by: _____	Date: _____
Print name: _____	Title: _____

Exhibit B

Appendix D

Exhibit B



Adams County Open Space Grant Closeout Request Form

Revised 12/2011

Project Name:	_____
Contact Person:	_____
Phone Number:	_____
Email:	_____
Reimbursement Request:	_____
For land acquisitions only:	
Has money already been wired to closing? <input type="radio"/> Yes <input type="radio"/> No	
Are additional funds being requested to closeout the project? <input type="radio"/> Yes <input type="radio"/> No	

Please review the appropriate project closeout checklist. Submit all documentation described on the checklist to:

Adams County Open Space
Attn: Regina Elsner or Shannon McDowell
9755 Henderson Rd.
Brighton, CO 80601

If you have questions or need assistance please contact Regina Elsner at 303.637.8072 or relsner@adcogov.org or Shannon McDowell at 303.637.8039 or smcdowell@adcogov.org.

I certify that all required documentation is attached or has been sent to Adams County Open Space to close out this project.

Prepared by: _____ Date: _____

Print name: _____ Title: _____

Exhibit B



Adams County Open Space Grant Closeout Checklist

Revised 12/2011

Project Name: _____

Contact Person: _____

Use this checklist when closing out **ALL** projects, except land acquisitions. Provide copies of all documentation described below and this checklist to Open Space staff to begin the closeout process.

Please submit the following:

- Grant Closeout Request Form
- Completed Grant Closeout Worksheet
- Copies of **ALL** invoices listed on Grant Closeout Worksheet
- Copies of cancelled checks for all costs indicated on Grant Closeout Worksheet

OR

Signature of authorized Financial Officer on Grant Closeout Worksheet certifying all payments have been made

- Documentation for all in-kind donations (e.g., letter from donor stating value, invoice from business indicating value)

Exhibit B

Exhibit B



Adams County Open Space Grant Closeout Checklist - Land Acquisition Revised 12/2011

Project Name: _____

Contact Person: _____

Use this checklist when closing out land acquisitions. Use page 1 when funds are to be wired to closing. Use page 2 if being reimbursed after closing. Provide copies of all documentation described below and this checklist to Open Space staff to begin the closeout process.

For money to be wired directly to closing, please submit the following:

- All Easements/Encumbrances
- Final Contract
- Preliminary Buyers/Sellers Settlement Statement
- Title Commitment

Following closing when money has already been wired, submit the following additional documentation to closeout the project:

- Grant Closeout Request Form
- Final Title Policy
- Recorded Deeds specific to this transaction
- Signed Settlement Statement
- A fully executed Conservation Easement must be on record with Open Space staff (for passive acquisitions)

If additional funds are being requested at the time of closeout, submit the following:

- Completed Grant Closeout Worksheet
- Copies of all invoices for additional expenses requested for the acquisition (e.g., survey, Phase I Environmental Report)
- Copies of cancelled checks for additional costs indicated on Grant Closeout Worksheet

OR

Signature of authorized Financial Officer on Grant Closeout Worksheet certifying all payments have been made

- Copies of all reports or documents (e.g., Baseline, Phase I Environmental) for which additional funds are being requested.
- Documentation for all in-kind donations (e.g., letter from donor stating value, invoice from business indicating value)

Exhibit B

Exhibit B



Adams County Open Space Grant Closeout Checklist - Land Acquisition

Revised 12/2011

Project Name: _____

Contact Person: _____

Please submit the following documentation to closeout the project if no funds have previously been received:

- Grant Closeout Request Form
- Completed Grant Closeout Worksheet
- Final Title Policy
- Final Contract
- Recorded Deeds specific to this transaction
- Signed Settlement Statement
- A fully executed Conservation Easement must be on record with Open Space staff (for passive acquisitions)
- Copies of all invoices for any additional expenses requested for the acquisition (e.g., survey, Phase I Environmental Report)
- Copies of cancelled checks for additional costs indicated on Grant Closeout Worksheet

OR

- Signature of authorized Financial Officer on Grant Closeout Worksheet certifying all payments have been made
- Copies of all reports or documents (e.g., Baseline, Phase I Environmental) for which additional funds are being requested.
- Documentation for all in-kind donations (e.g., letter from donor stating value, invoice from business indicating value)

