

**CITY OF CENTENNIAL, COLORADO
CITY COUNCIL POLICY NO. 2020-CCP-04**

OPEN SPACE AND CONSERVATION TRUST FUND POLICY

DATE OF POLICY/REVISION:	June 15, 2020, amending and restating City Council Policy 2018-CCP-01 to amend the definition of an Eligible Partner. Upon its effectiveness, this Policy shall supersede and replace all policies of the City that address the same subject matter, including, without limitation, City Council Policy 2018-CCP-01 and Administrative Policy No. 2011-AP-01, and all amendments and revisions thereof.
PURPOSE AND INTENT:	To provide guidance to City Staff, City Council and the Open Space Advisory Board (“OSAB”) regarding the City’s budgeting process for Open Space Funds and Conservation Trust Funds, and the City’s criteria for entering into partnership agreements with third parties for City grants of such funds.
SCHEDULED REVIEW AND REVISION:	As deemed necessary or desired by the City Council or upon recommendation of the City Manager or City Attorney.
ATTACHMENT(S):	None
REFERENCE(S):	Centennial Charter Section 2.10. - Powers of City Council. Grants to City Council as the legislative and governing body of the City all legislative powers and functions of municipal government, except as otherwise provided in the Constitution of the State of Colorado or the Charter. Centennial Charter Article XI - Financial Management. Governs the annual budgeting process by the City Council.

OPEN SPACE AND CONSERVATION TRUST FUND POLICY

I. SCOPE:

This policy will provide guidance to decisions regarding the budgeting of Open Space Funds and Conservation Trust Funds and entering into partnership agreements with third parties for City grants of Open Space Funds.

II. DEFINITIONS:

Allowable uses means preserving urban and rural open space and natural areas; protecting lands that preserve water quality in rivers, lakes and streams; purchasing, developing, improving, providing, and maintaining new and existing neighborhood and regional parks, open space, sports fields, picnic facilities and multi-use trails; protecting wildlife habitat and corridors; protecting views, vistas and ridgelines; preserving agriculture and ranch lands; and enhancing and maintaining designated heritage areas.

Conservation Trust Funds or *CTF* means funds that the City receives from the State of Colorado Conservation Trust Fund, which receives and distributes to eligible local governments on a per capita basis a percentage of net state lottery proceeds to be used for acquisition, development, and maintenance of new conservation sites or for capital improvements or maintenance for recreational purposes on any public site.

Eligible Partner means a third party (a) governmental or quasi-governmental entity that provides park and recreation services to include Title 32 recreation districts and school districts, only to the extent that any school district uses City-provided funding pursuant to this policy for Allowable Uses, and which owns the property or has a right to use the property on which the Eligible Partner Project is located, and (b) a 501(c)(3) that provides recreational amenities and uses within the City that qualify as an Eligible Partner Project.

Eligible Partner Funding Agreement means an agreement between the City and an Eligible Partner pursuant to which the City provides funding in accordance with this policy for Eligible Partner Project(s).

Eligible Partner Project(s) means a project for which the City provides funding pursuant to this policy and an Eligible Partner Funding Agreement and must:

- involve any of design, construction or renovation of a park, recreation facility, open space or trail;
- be open for use by the public;
- be in a location meets the following in this order of preference:
 - within the City
 - on land intended for annexation by the City
 - in an area that significantly serves Centennial residents;
- meet one or more of the recommendations in the TRP;
- include provisions to ensure ongoing maintenance to include upkeep and replacement will be performed by other than the City; and

- be also funded with:
 - a minimum of matching cash funds by the Eligible Partner of 10% for Eligible Partner Projects costing up to \$100,000.00 and 25% for Eligible Partner Projects, the cost of which exceeds \$100,000.00, such matching funds not to include:
 - Arapahoe County Open Space grant funding or
 - in-kind services.

Grant Application means an application from an Eligible Partner for a City grant of Open Space Funds for Eligible Partner Projects.

Open Space Funds means the funds that the City receives from its share of the Arapahoe County countywide .25 percent sales and use tax approved by the voters in 2003 and again in 2012, 50% of which is shared with incorporated municipalities within the County subject to an intergovernmental agreement with Arapahoe County.

Open Space Capital Improvement Program or *OS CIP* means that portion of the City's ten-year plan developed to meet the needs for new infrastructure, replacement of existing infrastructure, and capital projects throughout the City that addresses use of funds from the Open Space Fund to fund enhancement of the City's network of parks, open spaces, and trails.

OSAB means the City's Open Space Advisory Board composed of City Council appointees which assists the City in setting priorities for the use of Open Space Funds and reviews and comments on individual open space, park, recreation, and trail projects.

Trails and Recreation Plan or *TRP* means the Centennial Trails and Recreation Plan adopted by Planning and Zoning Commission by Resolution 2017-PZ-R-22 and ratified by City Council by Resolution No. 2017-R-44, which identifies, among other things, the need for upgrades and continued maintenance to existing parks and recreational facilities, acquisition of open space, and completion of trail connections to enhance neighborhood access to the regional trail network within, surrounding and along the City.

Universal Design means design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of age, size, ability, or disability.

III. POLICY:

A. Annual Budgeting and Reserve.

The City's Open Space Funds and CTF will be included within the City's annually adopted budget.

B. OSAB Recommendations.

Annually, OSAB will review and make recommendations to the City Council on projects to be included in the Open Space Capital Improvement Program based on the criteria and priorities set forth in the TRP.

C. Conservation Trust Fund Prioritization

The City's annual allocation of Conservation Trust Funds shall be utilized primarily for the maintenance and operation of City owned and operated facilities, with remaining funding, if any, allocated for capital improvements to City owned facilities.

D. Open Space Fund Priorities and Reserves

(1) Annually, the City shall reserve 10% of its Open Space Funds received for future capital projects as and until identified by City Council.

(2) The City shall allocate its Open Space Funds not dedicated to reserve as follows:

a) Level 1 - City Owned Facilities – Open Space Funds not dedicated to reserve shall first be budgeted and appropriated for Allowable Uses for all City-owned recreation and open space facilities and amenities.

b) Level 2 - City Priority Projects – Open Space Funds not dedicated to reserve shall next be budgeted and appropriated for Allowable Uses that are City-identified projects for which City Council has provided direction. OSAB will review the identified projects and provide a recommendation. Council will formally approve projects via the budget process.

c) Level 3 – Eligible Partner Projects – Open Space Funds not dedicated to reserve shall next be budgeted and appropriated for Eligible Partner Projects not to exceed 25% of the annual Open Space Funds funding and only after Level 1 and Level 2 funding needs are met.

E. Eligible Partner Project(s) Funding from Open Space Fund.

1. Annually, on or before April 30 of each year, the City, through its Community Development Department, will accept Grant Applications for possible funding in the next ensuing fiscal year.

2. City staff will review all timely received Grant Applications and will make recommendations to OSAB on which Eligible Partner Projects should be awarded Open Space Fund grants based on the criteria set forth in paragraph 5 of this Subsection E.

3. Annually, OSAB will review all timely received Grant Applications and staff recommendations and will make recommendations to the City Council on which Eligible Partner Projects should be awarded Open Space Fund grants based on the criteria set forth in paragraph 5 of this Subsection E.

4. City Council will approve all Eligible Partner Funding Agreements.

5. Staff, OSAB and the City Council will consider the following criteria in ranking and determining which Grant Applications should be awarded Open Space Fund grants:
 - a. Number of citizens served by the Eligible Partner Project;
 - b. Whether the proposed Eligible Partner Project is in a location that is currently underserved;
 - c. Number of similar recreational facilities in the area of the Eligible Partner Project;
 - d. Variety of users that will be served by the Eligible Partner Project (e.g. children, adults, seniors);
 - e. Incorporation of Universal Design principles;
 - f. Number of different types of recreational features included in the Eligible Partner Project;
 - g. Educational features of the Eligible Partner Project;
 - h. Unique recreational features of the Eligible Partner Project;
 - i. Efficiency of water use of the Eligible Partner Project;
 - j. For trails, the number of regional public facilities/amenities connections to and with the Eligible Partner Project;
 - k. Alignment with the City's TRP; and
 - l. Availability of other sources of funding for the Eligible Partner Project, including private funds and grant funds.

F. Eligible Partner Funding Agreements: Eligible Partner Funding Agreements will include provisions addressing:

- a. Responsibility of the Eligible Partner to complete the Eligible Partner Project in a timely manner;
- b. Responsibility of the Eligible Partner to provide the necessary financial reporting and accounting to document that City provided Open Space Funds have been spent as stipulated by the Eligible Partner Funding Agreement;
- c. Project signage to recognize the City's contribution;
- d. Matching funds and in-kind services to be provided by the Eligible Partner;
- e. Maintenance/ownership obligations of the Eligible Partner; and
- f. Other provisions that the City deems necessary.

VI. EFFECTIVE DATE:

This policy shall be effective upon June 15, 2020, the effective date of Resolution 2020-R-28, approving this policy.