

981455

Commissioner Holloway moved that the following Resolution be adopted

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO CC98-665

RE COMMUNITY RESOURCES - OPEN SPACE - OPEN SPACE POLICIES AND PROCEDURES

Resolved, that the Board of County Commissioners hereby approves the revised Open Space Policies and Procedures as proposed

Commissioner Stone seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Patricia B. Holloway	Aye
Commissioner John P. Stone	Aye
Commissioner Michelle Lawrence, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado

Dated November 12, 1998

CHAPTER 7

OPEN SPACE

7.1.1 PURPOSE OF THE OPEN SPACE ADVISORY COMMITTEE

The purpose of the Jefferson County Open Space Advisory Committee (the "Committee") is to make recommendations to the County regarding selection, development, maintenance, preservation and use of open space land in accordance with the responsibilities of the Advisory Committee as set forth in Board of County Commissioner's Resolution No. CC86-110, through the Jefferson County Open Space Program and to establish priorities therefore. The Committee may, by separate and additional resolution, recommend to the Board of County Commissioners such rules and regulations as may be required to implement the Jefferson County Open Space Program in the best interest and preservation of the public peace, health, safety, morals, and welfare of the citizens of Jefferson County. All rules and regulations are designed to assure that all proceeds from the County one-half (1/2) per cent sales tax and reimbursements, rebates, or refunds thereof, shall be used for the purposes set forth in the Resolution adopted by the Board of County Commissioners on September 26, 1972; and approved by the qualified voters of Jefferson County on November 7, 1972; and as amended and approved by the electors of the County at the election held on November 7, 1980, which established the Jefferson County Open Space Program, the "Enabling Resolutions" and to perform such other functions as authorized by law and the Board of County Commissioners.

7.1.2 COMMITTEE MEMBERS, TENURE, ATTENDANCE AND VACANCIES

7.1.2.1 Committee Members:

The Jefferson County Open Space Advisory Committee shall be composed of representatives to be appointed by the Board of County Commissioners of Jefferson County as follows:

7.1.2.1.1 Municipalities: Three (3) representatives of municipal government selected from lists of nominees submitted by individual municipalities located wholly or partly within Jefferson County.

7.1.2.1.2 County: Three (3) representatives of Jefferson County government (including one professional planner employed by Jefferson County).

7.1.2.1.3 Citizens-at-Large: Three (3) citizens-at-large.

7.1.2.1.4 Park and/or Recreation Districts. One ( 1 ) representative from recreation and/or park districts selected from lists of nominees submitted by such districts which are located wholly or partly within Jefferson County.

7.1.2.2 Alternate Members:

Alternate Members may be appointed at the discretion of the Board of County Commissioners. If the Board of County Commissioners appoints more than one alternate, the Board shall establish priority among alternates for voting purposes.

7.1.2.3 Attendance:

All Committee Members and Alternate Members are expected to attend all meetings and field trips. All Committee Members and Alternate Members shall endeavor to inform the Director in advance if they will not be attending a regularly scheduled meeting.

7.1.2.4 Tenure:

7.1.2.4.1 Each Committee Member shall be appointed for a period of three (3) years.

7.1.2.4.2 Appointment of Alternates Members shall be for a period of two years.

7.1.2.5 Vacancies:

7.1.2.5.1 Vacancies on the Committee shall be created either by the resignation of a member, expiration of a member's term or removal of the member from the Committee by the Board of County Commissioners.

7.1.2.5.2 New appointments shall be made by the Board of County Commissioners in accordance with Section 7.2 of these Policies and Procedures.

7.1.2.5.3 If a member of the Committee resigns or is removed from the Committee, a successor will be appointed as soon as possible by the Board of County Commissioners to fill the unexpired term of the member.

7.1.3 REMUNERATION

Committee Members and Alternate Members shall be compensated as authorized by the Board of County Commissioners for attendance at scheduled meetings and field trips of the total committee.

7.1.4 AMENDMENTS

Notwithstanding the provisions of Section 7.2 of these Policies and Procedures, the Committee may recommend to the Board of County Commissioners changes to these policies and procedures only upon the affirmative vote of seven (7) members at any scheduled meeting of the Committee.

CHAPTER 7

OPEN SPACE

7.2.1 OFFICERS, COMMITTEE RECOMMENDATIONS, COMMITTEE RESPONSIBILITIES, VOTING AND QUORUM

7.2.1.1 Section 1. Officers

Chairman: It shall be the responsibility of the Chairman to preside at all meetings, to appoint all standing and temporary committees, to coordinate with staff on agendas for all regular and study meetings of the Committee.

Vice-Chairman: In the case of absence or disability of the Chairman, the Vice-Chairman shall perform the functions of the office of the Chairman.

Secretary: The Secretary shall be responsible for attesting to all resolutions approved by the Committee.

Secretary Pro-Tem: In the case of absence or disability of the Secretary, the Secretary Pro-Tem shall perform the functions of the office of the Secretary.

7.2.1.2 Section 2: Committee Recommendations

The Committee shall review and make recommendations to the Board of County Commissioners regarding the following:

7.2.1.2.1 Administration and Acquisition:

7.2.1.2.1.1 Open Space Budget.

7.2.1.2.1.2 Terms of Purchase and Sale Agreements as to Real Property Interests.

7.2.1.2.1.3 All Joint Venture and Grant Requests from cities and other appropriate entities.

7.2.1.2.1.4 Purchase, sale, lease, or transfers of water rights.

- 7.2.1.2.1.5 All acquisitions, trades and gifts of interests in real property.
- 7.2.1.2.1.6 The naming of County Open Space parks.
- 7.2.1.2.1.7 When appropriate, intergovernmental agreements.
- 7.2.1.2.1.8 Such other matters as the Director deems appropriate.

7.2.1.2.2 Operations and Management:

- 7.2.1.2.2.1 Work with the Open Space staff in the periodic development of and revisions to the Open Space Master Plan.
- 7.2.1.2.2.2 Review of all new open space parks and major open space facility development conceptual plans and associated development budgets in advance of commencing development of Open Space parks and/or trails.

7.2.1.3 Section 3: Viewing Real Property

- 7.2.1.3.1 Any real property referred to the Committee shall be reviewed by its members by field trip, video or other electronic or visual media prior to any Committee vote with respect to acquiring an interest in such real property; or alternatively, the Committee may accept a recommendation of staff not to pursue such acquisition.
- 7.2.1.3.2 For purposes of voting as to acquiring an interest in real property, at least six (6) members of the committee present and voting shall have viewed the real property.

7.2.1.4 Section 4: Voting

- 7.2.1.4.1 Each Committee Member shall be entitled to and must be present to vote. No proxy votes shall be allowed.
- 7.2.1.4.2 When there are less than ten (10) Committee Members eligible to vote on any matter, the Chairman shall authorize, on a rotating basis, one or more Alternate Members to vote, until ten (10) members are eligible to vote.

7.2.1.5 Section 5: Quorum and Majority Vote

7.2.1.5.1 No official business of the Committee can be conducted without a quorum present. A quorum of the Committee shall be at least six (6) members.

7.2.1.5.2 For purposes of recommending for an acquisition of an interest in real property, all motions will be voted on as made and/or properly amended, and shall be determined by a majority of the voting members.

7.2.1.6 Section 6: Conflict of Interest

7.2.1.6.1 Purpose: As a matter of policy, the Committee Members and Alternate Members shall strive to promote public confidence in the Committee by assuring the people of the impartiality and integrity of Committee Members and Alternate Members. As such, all Committee Members and Alternate Members will ensure that their actions present neither a conflict of interest nor the appearance of a conflict with the public trust.

7.2.1.6.2 Business Interests: It shall be a conflict of interest for a Committee Member or Alternate Member to have a personal interest in any business transaction within the Committee Members' or Alternate Members' area of influence as a Committee Member or Alternate Member. In the event of such a conflict, or if for any other reason, the Committee Member or Alternate Member believes a conflict of interest or the appearance of a conflict with the public trust exists, the Committee Member or Alternate Member shall immediately disclose the interest to the Chairman of the Committee and immediately disqualify himself or herself from making any decisions involving such business transaction or other relationship.

7.2.2. MEETINGS

All Committee meetings shall be open to the public, and shall be conducted as required by law.

7.2.2.1 Section 1. Regular Meetings and Study Sessions

All regular meetings and study sessions of the Committee shall be held as determined by the Committee. No official action on any matter will be taken while in a study session.

7.2.2.2 Section 2: Special Meetings

Special meetings of the Committee may be called by the Chairman or by a majority of the members of the Committee. Notice of any special meeting of the Committee shall be given at least twenty-four (24) hours in advance of said meetings either in writing, by telephone or delivered personally to all of the members.

7.2.2.3 Section 3: Executive Session

The Committee may, by majority vote, go into executive session to consider and discuss any matters as may be provided by law. No official action on any matter may be taken while in executive session.

7.2.3 ELECTIONS AND TERM OF OFFICE

The Committee shall elect its officers on an annual basis on or before March 31. The term of all officers shall be one ( 1 ) year from April 1 until replaced on or before March 31 of the subsequent year.

7.2.4 SUB-COMMITTEES

The Chairman shall appoint all sub-committees and designate the chairman thereof.

7.2.5 ANNUAL AND BIENNIAL REVIEWS

7.2.5.1 Section 1: The Committee shall participate with the Board of County Commissioners of Jefferson County in an annual review of the expenditures of all of the net proceeds from the approved Open Space sales tax made for the preceding two (2) years, and of the proposed expenditures to be made in future years, with a view to establishing priorities therefor;

7.2.5.2 Section 2: The Committee shall review at least once annually with the Board of County Commissioners the status of the Open Space Program.

7.2.5.3 Section 3: The Committee shall meet with cities, park and recreation districts, citizen's/homeowners groups, etc., when deemed necessary, regarding matters relevant to the Open Space Program.



7.2.6            PROCEDURES

7.2.6.1            The Committee shall conduct its business according to the Agenda prepared for each meeting. The agenda may be revised or amended at any time by majority vote of the voting members present, subject to applicable public notice requirements.

7.2.6.2            At the public Committee meeting, a presentation may be made by the party submitting the proposal. Public comment may be accepted at this meeting. Before the Committee takes action on a proposal, the staff may make recommendations, and the Committee may discuss that issue prior to making a decision.

7.2.6.3            All resolutions of the Committee shall be forwarded to the Board of County Commissioners for review.

CHAPTER 7

OPEN SPACE

7.3.1 PRIORITIES

7.3.1.1 Major priorities of the Open Space Program are:

7.3.1.1.1 Acquisition of interests in real property for public open space, park or recreational purposes and/or preservation of interests in Open Space real property, trails, and improvements to Open Space real property;

7.3.1.1.2 Operation and maintenance of County Open Space real property, trails, and improvements; and

7.3.1.1.3 Development of County Open Space real property, trails, and improvements.

7.3.1.1.4 All priorities include administration and planning.

7.3.2 GENERAL POLICIES

7.3.2.1 Nothing contained in the Open Space Policies and Procedures shall limit the ultimate discretion and authority of the Board of County Commissioners on any Open Space matter and the Board of County Commissioners may, within its discretion, waive any Policy and Procedure.

7.3.2.2 Every General Policy applies to the County, the cities, and the districts unless otherwise expressly provided.

7.3.2.3 Use of Terms

7.3.2.3.1 For the purpose of these policies, the term "real property" shall include without limitation those types of real property described in the Enabling Resolutions, together with water and water rights.

7.3.2.3.2 For the purpose of these policies, the term "interests in real property" shall include, but not be limited to, the following:

7.3.2.3.2.1 Easements: trail, conservation, etc.

7.3.2.3.2.2 Leasehold interests

7.3.2.3.2.3 Options

- 7.3.2.3.2.4 Rights of First Refusal
- 7.3.2.3.2.5 Life Estates
- 7.3.2.3.2.6 Future Interests

7.3.2.3.3 For the purpose of these policies the term "district" shall include a park and recreation district and/or a metropolitan district, as may be applicable.

7.3.2.3.4 For the purpose of these policies the term "park and recreation district" shall mean a "Park and Recreation District" as that term is defined in C.R.S. §32-1-103(14), (1997), and as that term may be amended from time to time.

7.3.2.3.5 For the purpose of these policies, the term "metropolitan district" shall mean a "Metropolitan District" as that term is defined in C.R.S. §32-1-103(10), (1997), and as that term may be amended from time to time.

7.3.2.3.6 For the purpose of these policies the term "city" shall mean a "Municipality" as that term is defined in C.R.S. §131-1-101(6), (1997), and as that term may be amended from time to time.

7.3.2.4 Procedures

7.3.2.4.1 Any proposals and modifications deemed appropriate by the Director may be referred by the Director to the Committee for consideration and/or recommendation to the Board of County Commissioners.

7.3.2.4.2 Negotiations for the trade, sale or purchase of any interest in real property shall be binding upon the County only after the passage of a Board of County Commissioner resolution authorizing same and only to the extent reflected in such resolution.

7.3.2.4.3 A title commitment, survey, environmental hazard assessment and appraisal on any given parcel may be ordered by Open Space Staff only upon a recommendation for this by the Committee and after the passage of a Board of County Commissioner Resolution authorizing the same.

7.3.2.5 Acquisition By the County

7.3.2.5.1 Open Space funds may be expended for the acquisition of an interest in real property.

7.3.2.5.2 Open Space monies for acquisition purposes shall be expended only as set forth in CC86-269.

7.3.2.5.3 Real property in the platting or zoning process or a legal proceeding in which the County is a named party shall not be considered for acquisition.

7.3.2.5.4 Open Space funds, (or in the case of a real property trade, the equivalent of such funds), shall be used to purchase any interest in real property only after (1) a current title commitment, (2) survey, (3) environmental hazard assessment at least to a Level I, and (4) either an appraisal by an M.A.I. designated appraiser, or a current market value analysis performed by staff, have been obtained. A current appraisal or market value analysis is defined as one which has been performed no longer than two years prior to closing. A title policy shall be issued on all real property interests which have been funded wholly or partially by Open Space funds (or in the case of a real property trade, the equivalent of such funds).

7.3.2.5.5 Real property or interests in real property shall be purchased only for a price that is less than or equal to the value for the real property interest being considered, as set forth in a current appraisal or a current market value analysis of the real property.

7.3.2.5.6 If the County's share of Open Space funds have been used to acquire any interest in real property, such real property shall be acquired in the name of the County.

7.3.2.5.7 The County may but need not, accept gifts of any interest in real property to be used for Open Space purposes. Such gifts may be accepted only after an environmental hazard assessment and title commitment have been obtained for the real property. The County shall not establish a value of real property gifts.

7.3.2.6 Transfer From the County

7.3.2.6.1 If any Open Space funds were used to acquire any real property interest, any such real property interest may be sold or traded only after a current appraisal by an M.A.I. designated appraiser has been obtained for such real property interest and such real property interest shall be sold or traded for a price equal to or in excess of the value for the real property interest set forth in such appraisal.

7.3.2.6.2 All monies received from the sale or trade of an interest in Open Space real property shall be returned to the Open Space Account and shall be credited to the City and County attributable share accounts in the same proportion as was disbursed for the purchase of the real property interest.

7.3.2.6.3 The County may transfer its interest in Open Space real property when:

7.3.2.6.3.1 an interest in Open Space real property is no longer meeting its Open Space purpose for which it was acquired; or

7.3.2.6.3.2 when initially purchased with Open Space funds, a portion of the Open Space real property may not have been intended to be used permanently for open space purposes.

7.3.2.7 User Fees

7.3.2.7.1 If any of the County's share of Open Space funds have been used to acquire an interest in any real property or improvements, there shall be no differential in any fee which may be charged to any Jefferson County resident for the use of such real property or improvements.

7.3.2.7.2 A County-wide User Fee policy shall not be established for patrons of Jefferson County Open Space facilities. Where Open Space funds have been expended, user fees, where appropriate, shall be established on a case by case basis. This policy shall not allow any user fees differential for Jefferson County residents.

7.3.2.8 Development, Maintenance and Administration

Open Space funds may be expended for administering County Open Space real property which shall include planning, developing, operating, managing, maintaining, securing, and protecting County Open Space real property.

7.3.2.9 Joint Venture/Grant/Acquisition Program

7.3.2.9.1 The applicants must prioritize the projects they have submitted.

7.3.2.9.2 Under the Joint Venture/Grant/Acquisition Program, up to 100%, of the County's Attributable Share of Open Space Funds may be distributed to cities and/or districts.

7.3.2.9.3 When Open Space funds have been used for any interest in real property or improvements, all park/trail signage located on such real property which acknowledges cities' and/or park and recreation districts' ownership or management shall recognize the Jefferson County Open Space Program, in a form acceptable to the Director.

7.3.2.9.4 A time limit of two (2) years will be given for the completion of a project. If not completed within the two (2) calendar years from the date of distribution, the applicant shall advise the Director why the project has not been completed, and the Director may require the relinquishment of the unspent funds.

7.3.2.9.5 All funds and grants not expended pursuant to the approved proposal, plus reasonable interest, are nontransferable and must be returned to Jefferson County Open Space immediately upon completion of the project.

7.3.2.9.6 Requests for change of use of Joint Venture/Grant/Acquisition funds shall be submitted to the Director prior to the changed work being initiated by the entity. Failure to do so may result in loss of future Joint Venture/Grant/Acquisition funds.

7.3.2.9.7 No funds will be granted for operation and maintenance purposes.

7.3.2.10 Cooperative Efforts

7.3.2.10.1 It is the intent of this policy to maximize the use of public funds and facilities through cooperative efforts between the county and private individuals and entities, cities, and districts, and academic entities while maintaining the intent and purposes of the Open Space Program.

7.3.2.10.2 So long as the county, and the applicable private individual or entity, or district or academic entity have entered into a written agreement, County Open Space funds may be used to (1) acquire an interest in real property for public open space, park or recreational purposes, or (2) develop facilities for public open space, park or recreational purposes.

7.3.3 CITIES POLICES

7.3.3.1 Acquisition, Sale, Development, Maintenance, and Operation

7.3.3.1.1 The Committee may recommend use of the County's share of Open Space funds with respect to the acquisition of real property or

reimbursement for real property on behalf of a city, only upon an authorizing resolution by the appropriate city council.

7.3.3.1.2

If any of the County's share of Open Space funds have been used to acquire an interest in real property on behalf of a city, or to reimburse a city for an interest in real property which has already been purchased, such real property interest shall be deeded to the County and immediately thereafter deeded by the County to the city with a future interest clause. The clause shall read that the real property interest is deeded to the city "...so long as all of the real property is used by a public entity for public open space, park or recreational purposes. "

7.3.3.1.3

In those cases in which a city acquires a real property interest by virtue of a County deed with a future interest clause, such city shall simultaneously execute and deliver to the County an indemnification and hold harmless of the County with respect to any loss the County may incur as a result of environmental damage which may have occurred at any time subsequent to the County deed, on or about such real property.

7.3.3.1.4

The location of real property inside or outside of city boundaries shall not preclude the Committee's consideration of acquisition of that real property interest with Open Space funds.

7.3.3.1.5

In the event that Open Space real property owned by the County is annexed into a city, the County may thereafter deed such real property to the City with the standard future interest clause.

7.3.3.1.6

Open Space funds shall not be used to acquire or reimburse a city for a real property interest until such time as the city has issued written documentation that the city has reviewed and finds acceptable any title encumbrances, defects and exceptions to the real property interest.

7.3.3.1.7

All title policies issued which insure real property interests which the County purchased for the city or for which the County reimbursed the city, shall issue in the name of the city and the County, as their interests may appear.

7.3.3.2

Reimbursement Documentation

In order for a city to be eligible for reimbursement of expenditures, it must first submit all documentation as required by the Open Space Department.

7.3.4 PARK AND RECREATION/METROPOLITAN DISTRICT POLICES

7.3.4.1 Acquisition and Sale

7.3.4.1.1 Upon written request of the Board of Directors of a district, together with a statement indicating the proposed use of an interest in real property, an interest in real property may be considered by the County for acquisition and for leasing to such district. Title to such real property interest shall always be in the name of the County.

7.3.4.1.2 Only real property located within the district boundaries may be considered for acquisition and leasing to the district.

7.3.4.1.3 Open Space funds shall not be used to acquire a real property interest for lease to a district until such time as the district has issued written documentation that it has reviewed and finds acceptable any title encumbrances, defects and exceptions to the real property interest.

7.3.4.1.4 All leases of real property between the County and districts shall include the following terms:

7.3.4.1.4.1 A termination clause that provides that the lease shall terminate at any time should the real property not be used for public open space, park or recreation purposes.

7.3.4.1.4.2 A provision that all operation and maintenance for the real property shall be at the expense of the district.

7.3.4.1.4.3 A provision that all improvements shall be erected, operated and maintained at the expense of the district.

7.3.4.1.4.4 A provision that there shall be no differential in any fee which may be charged to any Jefferson County resident for the use of the real property or any improvements located thereon.

7.3.4.1.4.5 A provision that the district agrees to hold harmless and indemnify the County and to keep the County free from any liability for injury or damage occasioned by the use of the real property by the district or from any claim for injury or damage occasioned by any person or persons making use of the real property.



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7.3.4.1.4.6

A provision requiring the district to procure and maintain insurance as required by the County.

7.3.4.1.4.7

An indemnification and hold harmless of the County with respect to any loss the County may incur as a result of environmental damage which may have occurred at any time subsequent to the commencement of the lease.