DISTRIBUTION OF STATE FUNDING ASSISTANCE TO UNITS OF LOCAL GOVERNMENT FOR PUBLIC PARKS AND RECREATION

736-006-0110

Definitions

As used in this division, unless the context requires otherwise:

(1) "Acquisition" -- Means the gaining of property rights, including but not limited to fee title or easements, for public use.

(2) "Bicycle Recreation" -- Means the use of bicycles for enjoyment, social interaction, education, or physical well-being while on recreational trails or paths that are not along or adjacent to public roads or streets, and that are primarily recreational rather than transportational in nature.

(3) "Commission" -- Means the Oregon Parks and Recreation Commission.

(4) "Committee" -- Means the Local Government Grant Advisory Committee appointed by the Director to prioritize local government project applications.

(5) "Conversion" -- Means the act of utilizing property acquired or developed using either Local Government Grant Program funds or Land and Water Conservation Funds for purposes other than public outdoor recreation uses.

(6) "Current Master Plan" -- Means a site-specific resource-based plan guiding recreational site acquisition, development, protection, and management of park areas and facilities.

(7) "Department" -- Means the Oregon Parks and Recreation Department (OPRD).

(8) "Development" -- Means the construction or rehabilitation of facilities necessary for the use and enjoyment of public outdoor recreation resources.

(9) "Director" -- Means the Director of the Oregon Parks and Recreation Department.

(10) "Eligible Project" -- Means an acquisition, development, major rehabilitation undertaking, or planning or feasibility studies which satisfies the requirements of the Local Government Grant Program.

(11) "Force Account" -- Means the governmental entity's own work force performing project work rather than contracting out for the services.

(12) "LWCF or Land and Water Conservation Fund" -- Means those funds made available to the state through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).

(13) "Local Comprehensive Plan" -- Means the acknowledged comprehensive land use plan prepared by each local jurisdiction within the state, as required by ORS chapter 197.
(14) “Local Governments” -- Means cities, municipal corporations, counties, political subdivisions, park and recreation districts, port districts, and metropolitan service districts.

(15) "Local Government Grant Policies and Procedures Manual" -- Means a manual prepared by the Department containing state and federal policies, procedures and instructions to assist local government agencies wishing to participate in the Local Government Grant Program.

(16) "Local Government Grant Program" -- Means the program and process for distributing state monies to eligible local governments for outdoor park and recreation areas and facilities located on properties controlled or managed by the eligible local government.

(17) "Major Rehabilitation" -- Means the repair, restoration, or reconstruction of facilities, which is necessitated by obsolescence, building code changes, or normal wear and tear not attributed to lack of maintenance.

(18) "OPRD" -- Means the Oregon Parks and Recreation Department.

(19) “Outdoor Recreation” -- Means structured and unstructured leisure and fitness activities that occur in open air and are not provided in a roofed and enclosed facility.

(20) "Project" -- Means the planning or feasibility study documents or the site and associated improvements where acquisition, development, or major rehabilitation will occur.

(21) "Project Authorization" -- Means the State/Local Agreement that authorizes the project to begin effective on or after the date signed by both the Director and Project Sponsor or their designee.

(22) "Project Sponsor" -- Means the recipient of the grant funds and the entity responsible for implementation of the project and the maintenance and operation of the site.

(23) "SCORP" -- Means the Statewide Comprehensive Outdoor Recreation Plan that is Oregon's basic five-year plan for outdoor recreation and that provides the state with an up-to-date regional information and planning tool serving as the basis by which all Oregon recreation providers (state, federal, local, and private) catalogue and rank their recreation needs, obtain funding through partnerships and grants, and affirm their respective roles.

(24) "State/Local Agreement" -- Means the signed agreement between the Department and Project Sponsor, which authorizes the project to begin on, or after the date signed by both the Director and the Project Sponsor and that describes the contractual relationship and responsibilities of the parties to the Project.

(25) "Sustainability" -- Means using, developing, protecting, and managing the resource in a manner that enables people to meet current and future generation needs from the multiple perspective of environmental, economic, and community objectives.

Stat. Auth.: ORS 390.180
Stats. Implemented: ORS 390.180
Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 1-2008(Temp), f. 2-15-08, cert. ef. 3-1-08 thru 8-1-08; PRD 5-2008, f. & cert. ef. 5-15-08

736-006-0115

Apportionment of Monies between Small and Large Grants
(1) Up to 15 percent of available funds shall be set aside for small grants. Small grants are projects
with a maximum $75,000 grant request.

(2) Other than for land acquisitions, the remainder of available funds shall be for large projects with a
maximum $750,000 grant request.

(3) A Project Sponsor may request grant funding for land acquisitions in an amount not to exceed
$1,000,000.

(4) In consultation with the Committee, the Commission and the Director may set the maximum at
less than that above amounts based upon the availability of funds.

(5) Based on the quality and quantity of Eligible Projects, the Committee, with concurrence of the
Director, may dedicate a portion of the funds for projects expected to be completed within 12 months
of grant award.

Stat. Auth.: ORS 390.180
Stats. Implemented: ORS 390.180
Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 4-2008, f. 2-15-08,
cert. ef. 3-1-08

736-006-0125

Application Procedure

The purpose of this rule is to set forth requirements that must be met by local government applicants
in submitting an application for Local Government Grant Program funding assistance.

(1) Eligibility for Funding Assistance. Public agencies eligible for state funding assistance are:

(a) Cities, Municipal Corporations;

(b) Counties, Political Subdivisions;

(c) Park and Recreation Districts;

(d) Port Districts;

(e) Metropolitan Service Districts.

(2) Matching Requirements:

(a) Cities and districts with a population greater than 25,000 and counties with a population greater
than 50,000 must provide a match of at least 50 percent of total project costs.

(b) Cities and districts with a population between 5,000 and 25,000 and counties with a population
between 30,000 and 50,000 must provide a match of at least 40 percent of total project costs.

(c) Cities and districts with a population of less than 5,000 and counties with a population of less than
30,000 must provide a match of at least 20 percent of total project costs.

(d) If an applicant established that a situation of extreme economic hardship impacts a project, the
applicant may request that the Director authorize a reduced match down to a minimum of 20 percent
of total project costs. The Director has sole discretion to authorize a reduced match under this
subsection based on consideration of the applicant’s request, the project, and the project’s eligible match; the availability of funds; the scope and need of projects available for funding; and the urgency and statewide importance of prospective projects.

(e) The eligible match by the Project Sponsor may include local budgeted funds, local agency labor or equipment, federal revenue sharing, other eligible grants, state and county inmate labor, donated funds, the value of private donated property, equipment, materials, labor, the value of land acquired within the past six year period, cost of appraisals, pre-development costs within the past two year period or any combination thereof. Engineering and administration costs and costs incurred prior to the State/Local Agreement cannot exceed 15 percent of the total project costs.

(3) Eligible Projects:

(a) Acquisition, development, major rehabilitation, planning, or feasibility study projects that are consistent with the outdoor recreation goals and objectives contained in the SCORP, the recreation elements of local comprehensive plans and local master plans or both. Projects may support traditional outdoor recreation settings such as parks, or funds may be provided for: projects that ensure natural and cultural resource protection while maintaining public access for recreation; projects that protect public open space; bicycle recreation; non-motorized water recreation; trails for non-motorized recreation; or emerging new outdoor recreation trends. Only outdoor park and recreation areas and facilities are eligible.

(b) Water based outdoor recreation facilities such as short-term transient moorages and non-motorized boat and watercraft projects, trails, support facilities for non-motorized water recreation, and water access.

(4) Planning Requirements. Project Sponsors participating in the funding assistance program must show that:

(a) There is a current master plan in effect and that the project is consistent with the local comprehensive land use plan and SCORP,

(b) There is not a current master plan in effect, but the project is consistent with the local comprehensive land use plan and SCORP, or

(c) The project request is for planning assistance.

(5) Application Form. All applications for funding assistance for outdoor park and recreation program projects must be submitted on forms as prescribed and supplied by the Department. All applications must be consistent with the Local Government Grant Policies and Procedures Manual and contain the following information:

(a) Program narrative;

(b) Environmental assessment;

(c) Vicinity map;

(d) Project boundary map;

(e) Civil Rights compliance;

(f) Copy of property deed or lease or formal and binding control and tenure agreement showing cooperation with the landowner to ensure long-term use, generally not less than 25 years, of facilities for public recreation;
(g) Preliminary plans and specifications for construction projects;

(h) Estimate of development costs and project construction schedule;

(i) Copy of property Purchase Agreement (for acquisitions only);

(j) Local/County Planning Department Certification/Review;

(k) All required permits and certifications as identified in the Local Government Grant Policies and Procedure Manual;

(l) Government-to-Government Inquiries (Tribal) -- Certification to the Department that the Project Sponsor has communicated their grant proposal to the appropriate federally recognized tribe for the review and determination of tribal interest or concern for those areas of known or suspected tribal archeological resources.

(m) Other documentation that may be required by the Department.

(6) Project Award Procedure:

(a) Upon receipt of the application by the Department, the Grants Program staff shall perform a technical review of all applications and forward eligible large grant applications to the Committee. The Committee will meet to evaluate the applications and make recommendations to the Director for Commission approval. The Commission may deny any or all recommendations of the Committee.

(b) Project Sponsors with large project grant requests may be expected to provide a presentation to the Committee under a procedure established by the Department.

(c) Project Sponsors whose projects have been approved by the Commission and are scheduled for funding assistance must submit to the Department the following project information:

(A) Certification by project sponsor of availability of local match;

(B) Preliminary plans and specifications (for construction projects);

(C) Appraisal for acquisition projects. Appraisals must conform to the Uniform Appraisal Standards for Federal Land Acquisitions;

(D) Preliminary title report for acquisitions;

(E) Verification that the applicant has a Compliance Plan that meets the requirements of the Americans with Disabilities Act of 1990 and its 2010 regulations.

(d) The Department will remove those project applications from the Commission approved list that are unable to provide the required documentation required in subsection (c) of this section.

(e) In the event that the funding assistance available cannot fully fund the last priority project, a Project Sponsor may be given the option of reducing the scope of the project. The Department, at its discretion, may pass the available funds to another priority project or hold the remaining funds and combine them with the next planned distribution of funds.

(f) Projects that do not receive funding assistance for the fiscal year submitted will be returned to the applicant without prejudice.
(7) Project Agreement:

(a) A signed State/Local Agreement shall constitute project authorization. No grant funds may be disbursed without a signed State/Local Agreement from the Department.

(b) The Project Sponsor shall have six months from the date of authorization to begin substantial work (e.g. the award of contracts or completion of at least 25 percent of the work, if done by force account). The Department may cancel a grant when the Project not conforming to this schedule, unless the Project Sponsor provides substantial justification to warrant an extension.

(c) The Project Sponsor shall complete and bill all projects by the dates as specified in the State/Local Agreement.

(d) The Department may inspect all projects.

(e) Partial payments up to 90 percent of the grant amount may be billed during the project for work completed. Final payment will be made upon certification of project completion by the Project Sponsor. Real property acquisitions may receive the full grant amount if the funds are to be dispersed in escrow for the closing of a property acquisition.

(f) The Department may provide the Project sponsor partial payments of up to 25 percent of the grant amount after the Department issues the Notice to Proceed and in advance of work completed if a general contractor requires advanced funding prior to construction/development work or ordering materials/supplies.

(g) Project amendments that increase the Local Government Grant award amount will generally not be allowed.

(h) The Project Sponsor must submit requests for time extensions to complete work to the Department in writing and must be approved prior to the expiration of the approved project period as set forth in the State/Local Agreement.

(8) The Project Sponsor shall install and maintain throughout the life of the agreement appropriate signage for each project indicating the Oregon Parks and Recreation Department Grant Program's assistance and shall certify that signage is in place prior to requesting final payment.

Stat. Auth.: ORS 390.180
Stats. Implemented: ORS 390.180
Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08

736-006-0145

Local Government Grant Advisory Committee

(1) The Committee shall be composed of ten (10) members appointed by the Director to four-year terms and shall represent the following interests:

(a) Counties east of the Cascade Mountains;

(b) Counties west of the Cascade Mountains;

(c) Cities under 15,000 people;
(d) Cities over 15,000 people;

(e) Park and Recreation Districts, Metropolitan Service Districts or Port Districts;

(f) Oregon Parks and Recreation Department;

(g) People with Disabilities; and

(h) Three members of the public at large, with at least one member who represents the ethnic diversity of the state's population;

(i) The chair shall be appointed by the Director from the Committee membership, considering the recommendations of the Committee.

(2) Committee members shall be selected for each position by:

(a) County representation shall be from lists supplied by the Oregon Parks Association and the Association of Oregon Counties;

(b) City representation shall be from lists supplied by the Oregon Recreation and Park Association and the League of Oregon Cities;

(c) Park and Recreation Districts, Port Districts, or Metropolitan Service Districts representation shall be from a list supplied by the Special Districts Association of Oregon;

(d) Representatives for Public at Large, People with Disabilities, and the Department shall be selected by the Director.

(3) The travel, meals and lodging expenses of all members of the Committee will be reimbursed by the Department according to the rates established by the Department of Administrative Services and approved by the Director.

(4) Function of Local Government Grant Advisory Committee:

(a) The Committee shall meet upon the call of the Director. The Committee will establish a priority order of eligible local government projects for state funding assistance and provide other assistance as requested by the Department. The meeting will assure full and open project selection processes that will include an outreach to citizens of the state.

(b) The Department will provide public notice of all projects to be presented to the Committee at least 30 days prior to their meeting.

(5) Priority Selection Criteria. Large projects shall be prioritized by the Committee based on at least the following:

(a) Department review and recommendations, including a technical review of each project to confirm eligibility of the local government and the proposed project.

(b) The Committee shall score all applications using project selection criteria, including but not limited to the following:

(A) Extent the project demonstrates user benefits, public interest and support;
(B) Extent the project demonstrates conformance with local and state planning guidelines, the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and local Park Master Plans; all projects must be identified in local comprehensive plans and current master plans;

(C) Financial considerations, including cost/benefit ratio;

(D) Environmental assessment as defined in the Local Government Grant Procedure Manual;

(E) Extent the project increases outdoor recreation opportunity in the service area;

(F) Extent the Project Sponsor employs the principles of sustainability in their project(s);

(G) How well the project's design accommodates people with disabilities.

c) Small project requests will be scored and prioritized for funding by a committee appointed by the Director using the above criteria in subsection (b) of this section.

Stat. Auth.: ORS 390.180
Stats. Implemented: ORS 390.180
Hist.: PRD 7-1999, f. & cert. ef. 11-23-99 ; Renumbered from 736-006-0130, PRD 6-2004, f. & cert. ef. 5-5-04

Emergency Procedure

(1) Under certain conditions such as, but not limited to, reduction or increase of these funds, an emergency procedure for awarding or canceling grants may be initiated at the discretion of the Director.

(2) In implementing the emergency procedure, the Director shall consider the availability of funds; the scope and need of projects available for funding; the urgency and statewide importance of prospective projects; and the need to expend additional funds that may become available in a timely manner. The Director may propose projects to the Commission for funding under this section and the Commission may waive other requirements of this rule for the purpose of obligating funds in a timely manner.

Stat. Auth.: ORS 390.180
Stats. Implemented: ORS 390.180
Hist.: PRD 7-1999, f. & cert. ef. 11-23-99 ; Renumbered from 736-006-0135, PRD 6-2004, f. & cert. ef. 5-5-04; PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08