

1
2 **PARKS AND RECREATION DEPARTMENT**

3
4 **DIVISION 6**

5
6 **DISTRIBUTION OF STATE FUNDING ASSISTANCE TO UNITS**
7 **OF LOCAL GOVERNMENT FOR PUBLIC PARKS AND RECREATION**

8
9 **736-006-0110**

10
11 **Definitions**

12
13 As used in this division, unless the context requires otherwise:

14
15 (1) "Acquisition" -- Means the gaining of property rights, including but not limited to fee title or
16 easements, for public use.

17
18 (2) "Bicycle Recreation" -- Means the use of bicycles for enjoyment, social interaction, education, or
19 physical well-being while on recreational trails or paths that are not along or adjacent to public roads
20 or streets, and that are primarily recreational rather than transportation in nature.

21
22 (3) "Commission" -- Means the Oregon Parks and Recreation Commission.

23
24 (4) "Committee" -- Means the Local Government Grant Advisory Committee appointed by the
25 Director to prioritize local government project applications.

26
27 (5) "Conversion" -- Means the act of utilizing property acquired or developed using either Local
28 Government Grant Program funds or Land and Water Conservation Funds for purposes other than
29 public outdoor recreation uses.

30
31 (6) "Current Master Plan" -- Means a site-specific resource-based plan guiding recreational site
32 acquisition, development, protection, and management of park areas and facilities.

33
34 (7) "Department" -- Means the Oregon Parks and Recreation Department (OPRD).

35
36 (8) "Development" -- Means the construction or rehabilitation of facilities necessary for the use and
37 enjoyment of public outdoor recreation resources.

38
39 (9) "Director" -- Means the Director of the Oregon Parks and Recreation Department.

40
41 (10) "Eligible Project" -- Means an acquisition, development, major rehabilitation undertaking, or
42 planning or feasibility studies which satisfies the requirements of the Local Government Grant
43 Program.

44
45 (11) "Force Account" -- Means the governmental entity's own work force performing project work
46 rather than contracting out for the services.

47
48 (12) "LWCF or Land and Water Conservation Fund" -- Means those funds made available to the state
49 through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).

50
51 (13) "Local Comprehensive Plan" -- Means the acknowledged comprehensive land use plan prepared
52 by each local jurisdiction within the state, as required by ORS chapter 197.
53

54 (14) "Local Governments" -- Means cities, municipal corporations, counties, political subdivisions,
55 park and recreation districts, port districts, and metropolitan service districts.

56
57 (15) "Local Government Grant Policies and Procedures Manual" -- Means a manual prepared by the
58 Department containing state and federal policies, procedures and instructions to assist local
59 government agencies wishing to participate in the Local Government Grant Program.

60
61 (16) "Local Government Grant Program" -- Means the program and process for distributing state
62 monies to eligible local governments for outdoor park and recreation areas and facilities located on
63 properties controlled or managed by the eligible local government.

64
65 (17) "Major Rehabilitation" -- Means the repair, restoration, or reconstruction of facilities, which is
66 necessitated by obsolescence, building code changes, or normal wear and tear not attributed to lack of
67 maintenance.

68
69 (18) "OPRD" -- Means the Oregon Parks and Recreation Department.

70
71 (19) "Outdoor Recreation" -- Means structured and unstructured leisure and fitness activities that
72 occur in open air and are not provided in a roofed and enclosed facility.

73
74 (20) "Project" -- Means the planning or feasibility study documents or the site and associated
75 improvements where acquisition, development, or major rehabilitation will occur.

76
77 (21) "Project Authorization" -- Means the State/Local Agreement that authorizes the project to begin
78 effective on or after the date signed by both the Director and Project Sponsor or their designee.

79
80 (22) "Project Sponsor" -- Means the recipient of the grant funds and the entity responsible for
81 implementation of the project and the maintenance and operation of the site.

82
83 (23) "SCORP" -- Means the Statewide Comprehensive Outdoor Recreation Plan that is Oregon's basic
84 five-year plan for outdoor recreation and that provides the state with an up-to-date regional
85 information and planning tool serving as the basis by which all Oregon recreation providers (state,
86 federal, local, and private) catalogue and rank their recreation needs, obtain funding through
87 partnerships and grants, and affirm their respective roles.

88
89 (24) "State/Local Agreement" -- Means the signed agreement between the Department and Project
90 Sponsor, which authorizes the project to begin on, or after the date signed by both the Director and
91 the Project Sponsor and that describes the contractual relationship and responsibilities of the parties to
92 the Project.

93
94 (25) "Sustainability" -- Means using, developing, protecting, and managing the resource in a manner
95 that enables people to meet current and future generation needs from the multiple perspective of
96 environmental, economic, and community objectives.

97
98 Stat. Auth.: ORS 390.180

99 Stats. Implemented: ORS 390.180

100 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99; PRD 6-2004, f. & cert. ef. 5-5-04; PRD 1-2008(Temp), f.
101 2-15-08, cert. ef. 3-1-08 thru 8-1-08; PRD 5-2008, f. & cert. ef. 5-15-08

102
103 **736-006-0115**

104
105 **Apportionment of Monies between Small and Large Grants**

106

- 107 (1) Up to 15 percent of available funds shall be set aside for small grants. Small grants are projects
108 with a maximum \$75,000 grant request.
109
110 (2) Other than for land acquisitions, the remainder of available funds shall be for large projects with a
111 maximum \$750,000 grant request.
112
113 (3) A Project Sponsor may request grant funding for land acquisitions in an amount not to exceed
114 \$1,000,000.
115
116 (4) In consultation with the Committee, the Commission and the Director may set the maximum at
117 less than that above amounts based upon the availability of funds.
118
119 (5) Based on the quality and quantity of Eligible Projects, the Committee, with concurrence of the
120 Director, may dedicate a portion of the funds for projects expected to be completed within 12 months
121 of grant award.
122

123 Stat. Auth.: ORS 390.180

124 Stats. Implemented: ORS 390.180

125 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-
126 08, cert. ef. 3-1-08

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128 **736-006-0125**

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130 **Application Procedure**

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132 The purpose of this rule is to set forth requirements that must be met by local government applicants
133 in submitting an application for Local Government Grant Program funding assistance.
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135 (1) Eligibility for Funding Assistance. Public agencies eligible for state funding assistance are:

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137 (a) Cities, Municipal Corporations;

138

139 (b) Counties, Political Subdivisions;

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141 (c) Park and Recreation Districts;

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143 (d) Port Districts;

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145 (e) Metropolitan Service Districts.
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147

148 (2) Matching Requirements:

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

152

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

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156 (c) Cities and districts with a population of less than 5,000 and counties with a population of less than
157 30,000 must provide a match of at least 20 percent of total project costs.

158

159 (d) If an applicant established that a situation of extreme economic hardship impacts a project, the
160 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

161 subsection based on consideration of the applicant's request, the project, and the project's eligible
162 match; the availability of funds; the scope and need of projects available for funding; and the urgency
163 and statewide importance of prospective projects.

164

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

171

172 (3) Eligible Projects:

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

182

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

186

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

189

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

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

194

195 (c) The project request is for planning assistance.

196

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

201

202 (a) Program narrative;

203

204 (b) Environmental assessment;

205

206 (c) Vicinity map;

207

208 (d) Project boundary map;

209

210 (e) Civil Rights compliance;

211

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

- 215
216 (g) Preliminary plans and specifications for construction projects;
217
218 (h) Estimate of development costs and project construction schedule;
219
220 (i) Copy of property Purchase Agreement (for acquisitions only);
221
222 (j) Local/County Planning Department Certification/Review;
223
224 (k) All required permits and certifications as identified in the Local Government Grant Policies and
225 Procedure Manual;
226
227 (l) Government-to-Government Inquiries (Tribal) -- Certification to the Department that the Project
228 Sponsor has communicated their grant proposal to the appropriate federally recognized tribe for the
229 review and determination of tribal interest or concern for those areas of known or suspected tribal
230 archeological resources.
231
232 (m) Other documentation that may be required by the Department.
233
234 (6) Project Award Procedure:
235
236 (a) Upon receipt of the application by the Department, the Grants Program staff shall perform a
237 technical review of all applications and forward eligible large grant applications to the Committee.
238 The Committee will meet to evaluate the applications and make recommendations to the Director for
239 Commission approval. The Commission may deny any or all recommendations of the Committee.
240
241 (b) Project Sponsors with large project grant requests may be expected to provide a presentation to
242 the Committee under a procedure established by the Department.
243
244 (c) Project Sponsors whose projects have been approved by the Commission and are scheduled for
245 funding assistance must submit to the Department the following project information:
246
247 (A) Certification by project sponsor of availability of local match;
248
249 (B) Preliminary plans and specifications (for construction projects);
250
251 (C) Appraisal for acquisition projects. Appraisals must conform to the Uniform Appraisal Standards
252 for Federal Land Acquisitions;
253
254 (D) Preliminary title report for acquisitions;
255
256 (E) Verification that the applicant has a Compliance Plan that meets the requirements of the
257 Americans with Disabilities Act of 1990 and its 2010 regulations.
258
259 (d) The Department will remove those project applications from the Commission approved list that
260 are unable to provide the required documentation required in subsection (c) of this section.
261
262 (e) In the event that the funding assistance available cannot fully fund the last priority project, a
263 Project Sponsor may be given the option of reducing the scope of the project. The Department, at its
264 discretion, may pass the available funds to another priority project or hold the remaining funds and
265 combine them with the next planned distribution of funds.
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267 (f) Projects that do not receive funding assistance for the fiscal year submitted will be returned to the
268 applicant without prejudice.

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(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;

323
324 (d) Cities over 15,000 people;
325
326 (e) Park and Recreation Districts, Metropolitan Service Districts or Port Districts;
327
328 (f) Oregon Parks and Recreation Department;
329
330 (g) People with Disabilities; and
331
332 (h) Three members of the public at large, with at least one member who represents the ethnic
333 diversity of the state's population;
334
335 (i) The chair shall be appointed by the Director from the Committee membership, considering the
336 recommendations of the Committee.
337
338 (2) Committee members shall be selected for each position by:
339
340 (a) County representation shall be from lists supplied by the Oregon Parks Association and the
341 Association of Oregon Counties;
342
343 (b) City representation shall be from lists supplied by the Oregon Recreation and Park Association
344 and the League of Oregon Cities;
345
346 (c) Park and Recreation Districts, Port Districts, or Metropolitan Service Districts representation shall
347 be from a list supplied by the Special Districts Association of Oregon;
348
349 (d) Representatives for Public at Large, People with Disabilities, and the Department shall be selected
350 by the Director.
351
352 (3) The travel, meals and lodging expenses of all members of the Committee will be reimbursed by
353 the Department according to the rates established by the Department of Administrative Services and
354 approved by the Director.
355
356 (4) Function of Local Government Grant Advisory Committee:
357
358 (a) The Committee shall meet upon the call of the Director. The Committee will establish a priority
359 order of eligible local government projects for state funding assistance and provide other assistance as
360 requested by the Department. The meeting will assure full and open project selection processes that
361 will include an outreach to citizens of the state.
362
363 (b) The Department will provide public notice of all projects to be presented to the Committee at least
364 30 days prior to their meeting.
365
366 (5) Priority Selection Criteria. Large projects shall be prioritized by the Committee based on at least
367 the following:
368
369 (a) Department review and recommendations, including a technical review of each project to confirm
370 eligibility of the local government and the proposed project.
371
372 (b) The Committee shall score all applications using project selection criteria, including but not
373 limited to the following:
374
375 (A) Extent the project demonstrates user benefits, public interest and support;
376

377 (B) Extent the project demonstrates conformance with local and state planning guidelines, the
378 Statewide Comprehensive Outdoor Recreation Plan (SCORP) and local Park Master Plans; all
379 projects must be identified in local comprehensive plans and current master plans;

380
381 (C) Financial considerations, including cost/benefit ratio;

382
383 (D) Environmental assessment as defined in the Local Government Grant Procedure Manual;

384
385 (E) Extent the project increases outdoor recreation opportunity in the service area;

386
387 (F) Extent the Project Sponsor employs the principles of sustainability in their project(s);

388
389 (G) How well the project's design accommodates people with disabilities.

390
391 (c) Small project requests will be scored and prioritized for funding by a committee appointed by the
392 Director using the above criteria in subsection (b) of this section.

393

394 Stat. Auth.: ORS 390.180

395 Stats. Implemented: ORS 390.180

396 Hist.: PRD 7-1999, f. & cert. ef. 11-23-99 ; Renumbered from 736-006-0130, PRD 6-2004, f. & cert.
397 ef. 5-5-04

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399 **736-006-0150**

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401 **Emergency Procedure**

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

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

413

414 Stat. Auth.: ORS 390.180

415 Stats. Implemented: ORS 390.180

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