



# ADAMS COUNTY

**COLORADO**

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry - District #1  
Charles "Chaz" Tedesco - District #2  
Erik Hansen - District #3  
Steve O'Dorisio - District #4  
Jan Pawlowski - District #5

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## STUDY SESSION AGENDA TUESDAY November 10, 2015

*ALL TIMES LISTED ON THIS AGENDA ARE SUBJECT TO CHANGE.*

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12:00 P.M.	<b>ATTENDEE(S):</b>	<b>Sheriff McIntosh, Undersheriff Lawson, Patti Duncan &amp; Marc Osborne</b>
	<b>ITEM:</b>	<b>Accelerated Deputy Pay Plan for 2016 Budget</b>
1:00 P.M.	<b>ATTENDEE(S):</b>	<b>Jim Harrington &amp; Kathy Imel CATZ/SCFD</b>
	<b>ITEM:</b>	<b>Re-authorization of SCFD funding</b>
1:30 P.M.	<b>ATTENDEE(S):</b>	<b>Jeff Maxwell</b>
	<b>ITEM:</b>	<b>Traffic Calming Measures</b>
2:00 P.M.	<b>ATTENDEE(S):</b>	<b>Todd Leopold</b>
	<b>ITEM:</b>	<b>Animal Shelter Operational Update and Facility Improvement Plan</b>
2:30 P.M.	<b>ATTENDEE(S):</b>	<b>Mike Goins</b>
	<b>ITEM:</b>	<b>Justice Center and Human Services Building update</b>
3:00 P.M.	<b>ATTENDEE(S):</b>	<b>Mike Goins</b>
	<b>ITEM:</b>	<b>Capital Facilities Plan</b>
4:00 P.M.	<b>ATTENDEE(S):</b>	<b>Todd Leopold</b>
	<b>ITEM:</b>	<b>Administrative Item Review / Commissioner Communications</b>

**(AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE)**

\*\*\*AGENDA IS SUBJECT TO CHANGE\*\*\*



## STUDY SESSION AGENDA ITEM

<b>DATE OF STUDY SESSION:</b> Tuesday November 10, 2015
<b>SUBJECT:</b> Accelerated Deputy Pay Program
<b>FROM:</b> Sheriff Michael McIntosh
<b>AGENCY/DEPARTMENT:</b> Sheriff's Office
<b>ATTENDEES:</b> Sheriff McIntosh, Undersheriff Lawson, Director Patti Duncan, Finance Manager Marc Osborne
<b>PURPOSE OF ITEM:</b> To accelerate pay for Deputy Sheriffs through their salary range in 7-10 years.
<b>STAFF RECOMMENDATION:</b>

### **BACKGROUND:**

Currently it takes an Adams County Deputy up to 18 years to reach the maximum of the salary range. By comparison, the average time for police officers/deputies in other agencies to reach the top of their salary ranges is 7.5 years. The Accelerated Deputy Pay Program is a merit-based plan designed to accelerate the salaries of Deputies and Senior Deputies through the 40% salary range within 7 to 10 years based upon their work performance and years of service.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Sheriff's Office

### **ATTACHED DOCUMENTS:**

PowerPoint presentation has been provided.

**FISCAL IMPACT:**

Either mark X  if there is no fiscal impact or provide the following information for the recommended action:

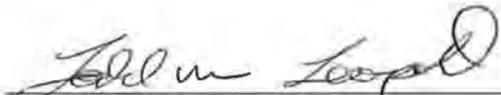
Cost to Implement - \$2,077,829 (salaries only)

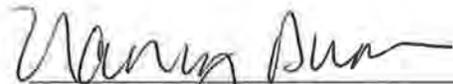
- 2016 Budget already includes 3% (\$583,832) for merit increases for Deputies and Senior Deputies.
- By implementing on employee anniversary date, actual cost for 2016 will be \$1,038,915.

Fund(s):	
Cost center(s):	
Self-generated / dedicated revenues:	\$
Annual operating costs:	\$
Annual net operating (cost) / income:	\$
Capital costs:	\$
Expenditure included in approved operating budget:	\$
Expenditure included in approved capital budget:	\$
New FTEs requested:	

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Todd Leopold, County Manager

  
\_\_\_\_\_  
Budget / Finance

\_\_\_\_\_  
Raymond H. Gonzales, Deputy County Manager

\_\_\_\_\_  
Ed Finger, Deputy County Manager

# ACCELERATED DEPUTY PAY PROGRAM



**Adams  
County  
Sheriff's  
Office**

*BOCC Study Session  
November 10, 2015*

# FACTS ABOUT TURNOVER AT ACSO

- Average turnover rate for certified deputies (4 years) – 5.74%
- 43% of resignations left to work for another LE agency.
- Actual Deputy Pay is currently 15.19% below market.
- Average time to top out at other LE Agencies – 7.5 years.
- Average time to top out at ACSO – 15 to 18 years.
- 50% (46 Deputies) have less than 4 years of Patrol experience.
- 92 employees at ACSO are eligible to retire today
  - 49 are certified employees

***High turnover requires constant training resulting in safety concerns, increased liability, impact to quality of service, staffing issues, morale issues and increased expense.***

# THE COST OF TURNOVER

- Cost to Recruit and Equip a Cadet - \$4,460
- Time to Recruit a Cadet - 16 weeks
- Cost and Time to Train:
  - \$16,835 - Salary during 22 weeks in Academy.
  - \$15,381 - Salary during 12 weeks of training at the Jail.
  - \$24,450 - Salary during 17 weeks of training in Patrol.
  - \$56,666 - Salary for Cadet to Patrol Deputy after 51 weeks of training.

**Total Cost to Recruit, Equip & Train = \$61,126 over 67 weeks (16.75 months)**

**The FTOs in Patrol and at the Jail are training year round which requires the use of overtime and operating at short staffing levels.**

# PROPOSED ACCELERATED DEPUTY PAY PROGRAM

- Merit-based pay program that moves Deputies and Senior Deputies through the 40% salary range in 7-10 years.
- Deputies will receive 3-6% merit increases based on performance ratings and time in position.
- Average time to top out will be 8 years – *based on analysis of performance rating for past several years.*
- Cost to Implement - \$2,077,829 (salaries only)
  - 2016 Budget already includes 3% (\$583,832) for merit increases for Deputies and Senior Deputies.
  - By implementing on employee anniversary date, actual cost for 2016 will be \$1,038,915.
- Cost of program in 2017 - \$758,777

# ACCELERATED DEPUTY PAY PROGRAM MERIT TABLE

**Deputy & Senior Deputy - Accelerated Pay Schedule**

## Merit Increase Table based on Performance Ratings

**Entry to Max 7-10 Years** The average time to reach the maximum will be 8 years as performance scores tend to increase over time in position.

Range % 40%

Range \$

Entry      Mid      Max  
\$ 50,580.00    \$ 60,660.00    \$ 70,728.00 (2015 Deputy Salary Range)

Performance Rating	YEAR 1 4-6%	YEAR 2 4-6%	YEAR 3 4-6%	YEAR 4 4-5%	YEAR 5 4-5%	YEAR 6 3-5%	YEAR 7 3-5%	YEAR 8 3-4%	YEAR 9 3%	YEAR 10 3%
MEETS	4.0%	4.0%	4.0%	4.0%	4.0%	3.0%	3.0%	3.0%	3.0%	3.0%
EXCEEDS	5.0%	5.0%	5.0%	4.5%	4.5%	4.0%	4.0%	4.0%		
EXCEPTIONAL	6.0%	6.0%	6.0%	5.0%	5.0%	5.0%	5.0%			

Increases are based on merit using annual performance rating. Employees must score at least a "3" (Meets Standards) to receive a merit increase.

# COST OF CURRENT REALITY

- Currently spending \$1,334,772 (\$61,126/vacancy) to recruit, equip and train replacements.
- Currently lose at least 22 certified employees each year.
- 50% of turnover (11 employees) is due to resignations.
- If this program reduces resignations by 5 it would result in a savings of \$305,630 that could be used to offset the cost of the program.

*If this program is successful, we will RETAIN more certified deputies instead of spending approximately \$1.3M/year to hire and train them for other LE Agencies.*



## STUDY SESSION AGENDA ITEM

<b>DATE:</b> November 10, 2015
<b>SUBJECT:</b> SCFD Reauthorization of funding overview
<b>FROM:</b> Raymond H. Gonzales <i>RHG</i>
<b>AGENCY/DEPARTMENT:</b> Deputy County Manager of External Services/ Office of Cultural Affairs
<b>ATTENDEES:</b> Jim Harrington and Kathy Imel
<b>PURPOSE OF ITEM:</b> To discuss the SCFD Reauthorization of funding overview
<b>STAFF RECOMMENDATION:</b>

### **BACKGROUND:**

While celebrating 25 years of serving the public, and looking to the future, the SCFD board of directors implemented a multi-year stakeholder engagement process to prepare for the third reauthorization of the SCFD statute, which will sunset in 2018. The primary goal of this process was to determine the statutory updates required to best serve residents into at least 2030.

The board-appointed Reauthorization Task Force commenced in January 2015. The task force met four times between January and April 2015. Working from the set of options produced by the 2014 work groups, the task force was charged with forwarding a set of recommendations for the future SCFD to the board, specifically focusing on those 16 options requiring legislative change and, in some cases, voter approval. The board also asked the task force to consider three other issues not addressed by the work groups. The task force was asked to make recommendations regarding any potential changes to the statute, considering the ideas identified by the work groups, and any new or novel recommendations to address unintended consequences and known limitations.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Deputy County Manager of External Services  
Office of Cultural Affairs  
Citizens for Arts to the Zoo  
SCFD

### **ATTACHED DOCUMENTS:**

Power Point  
Reauthorization Task Force Report

**FISCAL IMPACT:**

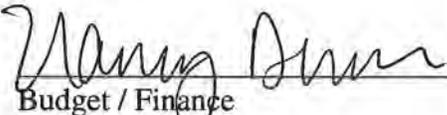
Either mark (X) \_\_\_ if there is no fiscal impact or provide the following information for the recommended action:

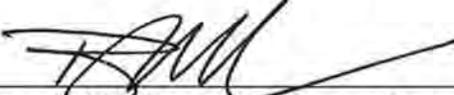
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**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Todd Leopold, County Manager

  
\_\_\_\_\_  
Budget / Finance

  
\_\_\_\_\_  
Raymond H. Gonzales, Deputy County Manager

\_\_\_\_\_  
Ed Finger, Deputy County Manager

**Citizens for Arts to the Zoo**

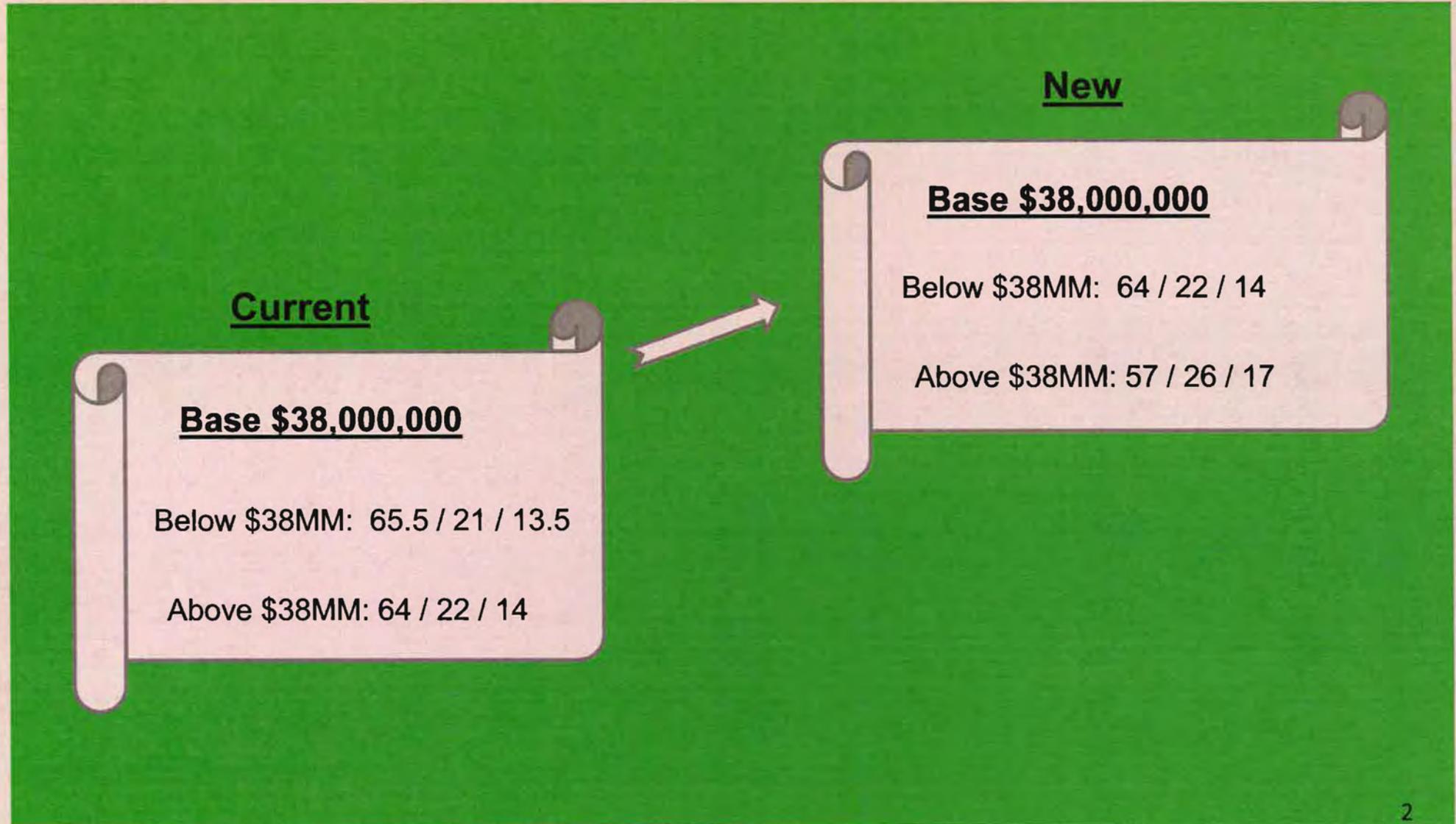
**SCFD Tier Funding Decision**

**October 2015**

**United for SCFD**

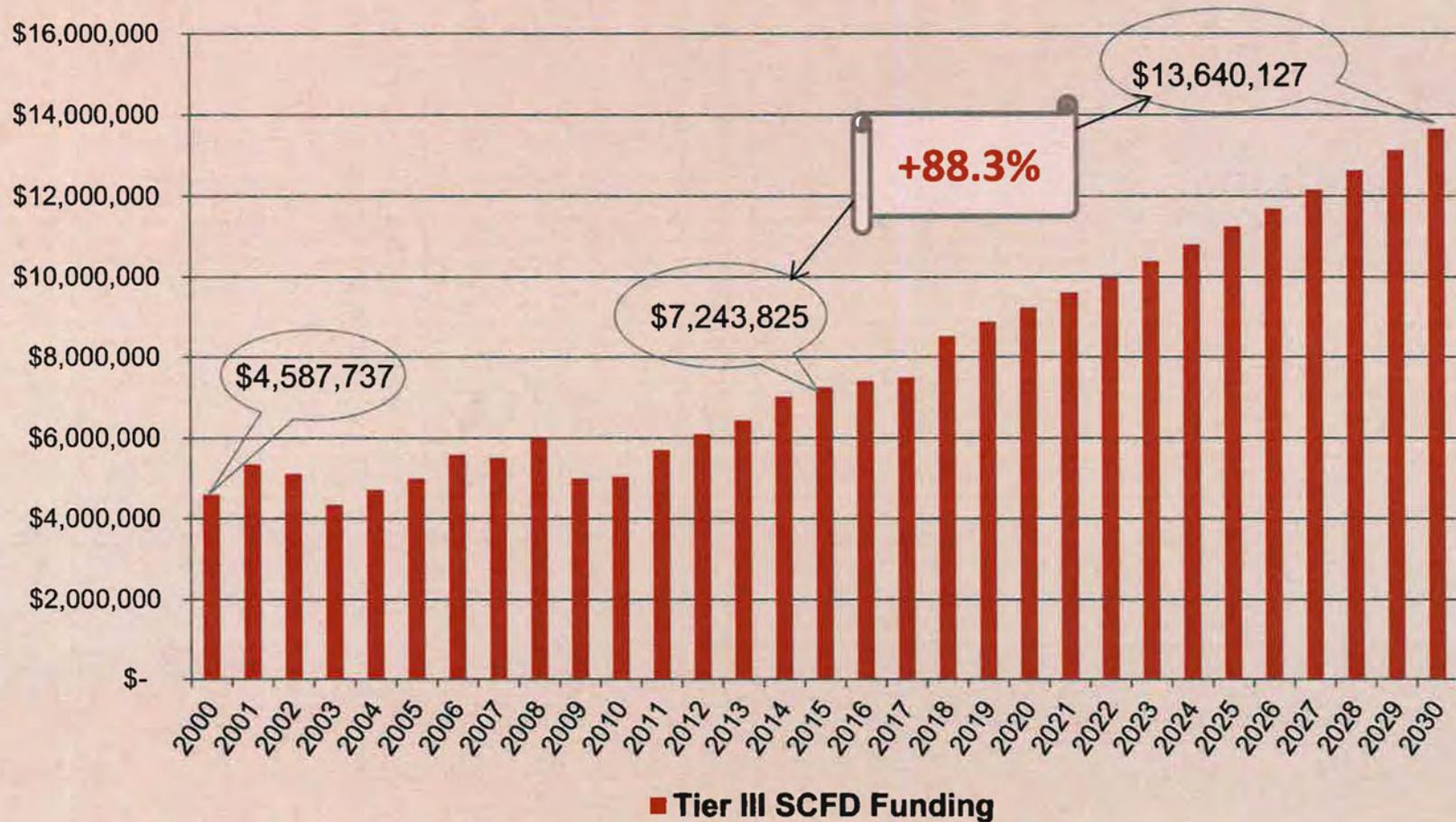
# Citizens for Arts to the Zoo

## SCFD Tax Levy Change



# Citizens for Arts to the Zoo

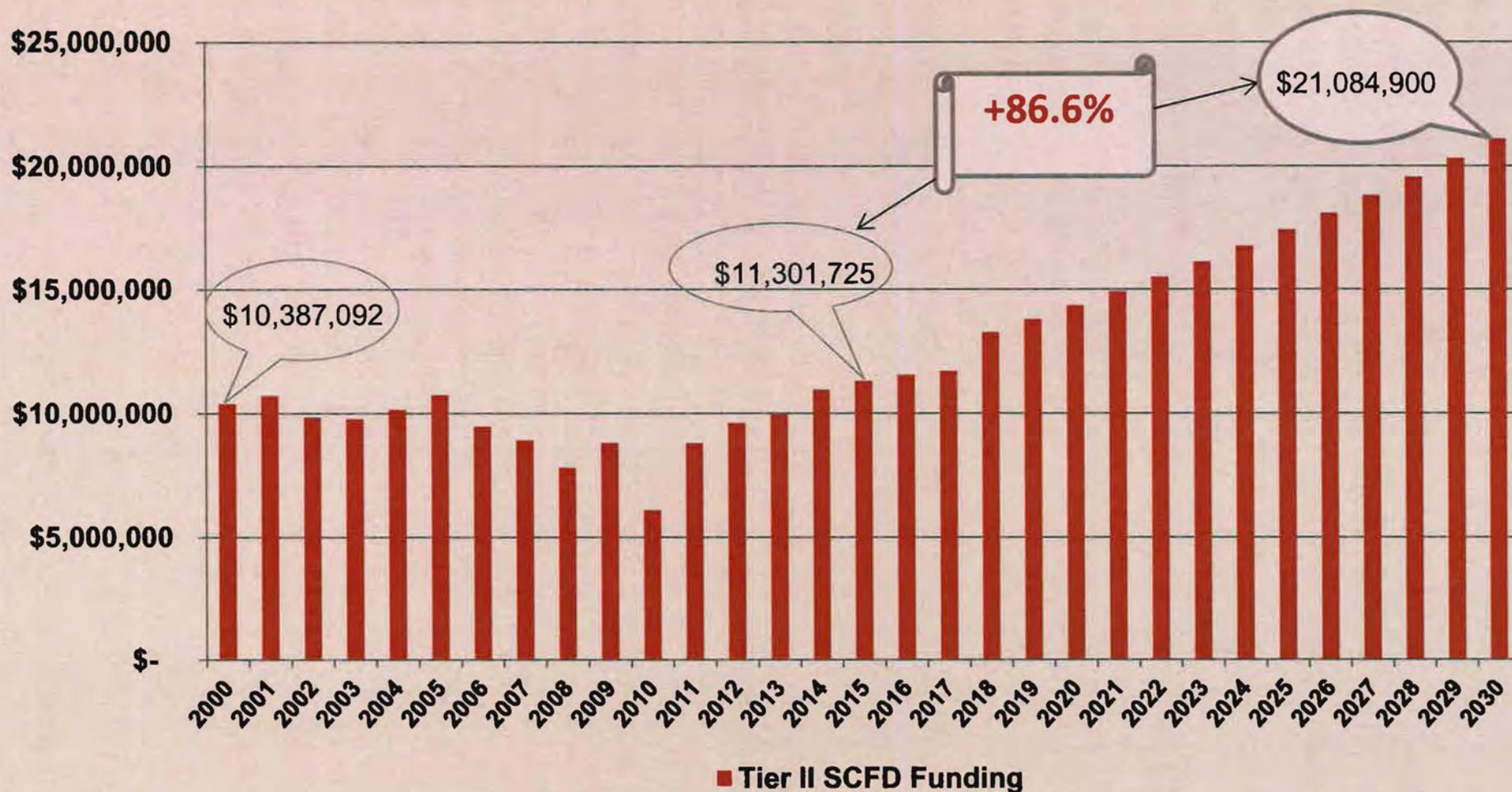
## Tier III Distributions



From 2000 to 2015, Tier III Annual Distributions grew by 58%  
From 2015 to 2030, Tier III Annual Distributions projected to grow by 88.3%

# Citizens for Arts to the Zoo

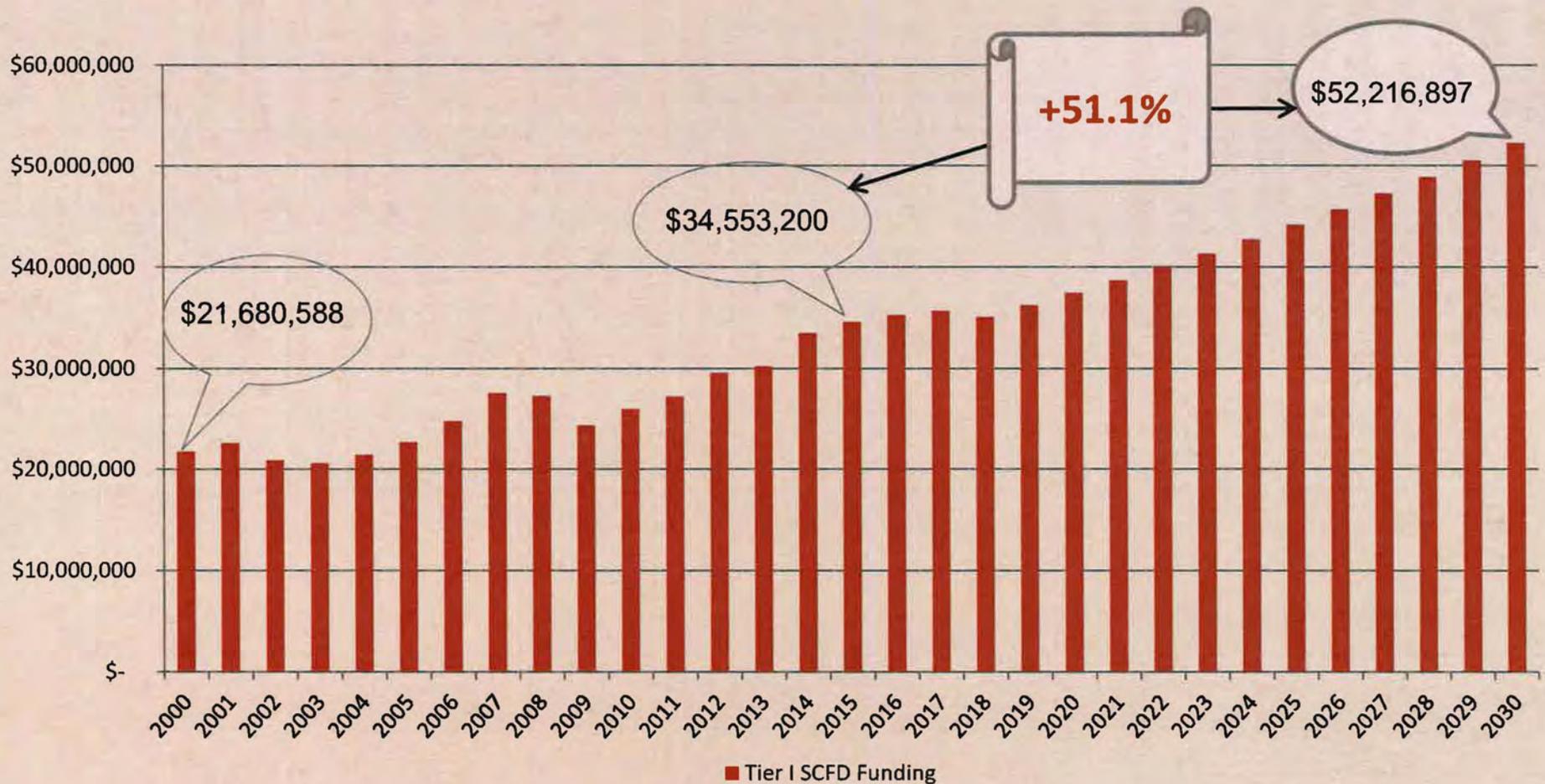
## Tier II Distributions



From 2000-2015, Tier II Annual Distributions grew by 8.8%. DCPA moved in 2006.  
From 2015 to 2030, Tier II Annual Distribution projected to grow by 86.6%.

# Citizens for Arts to the Zoo

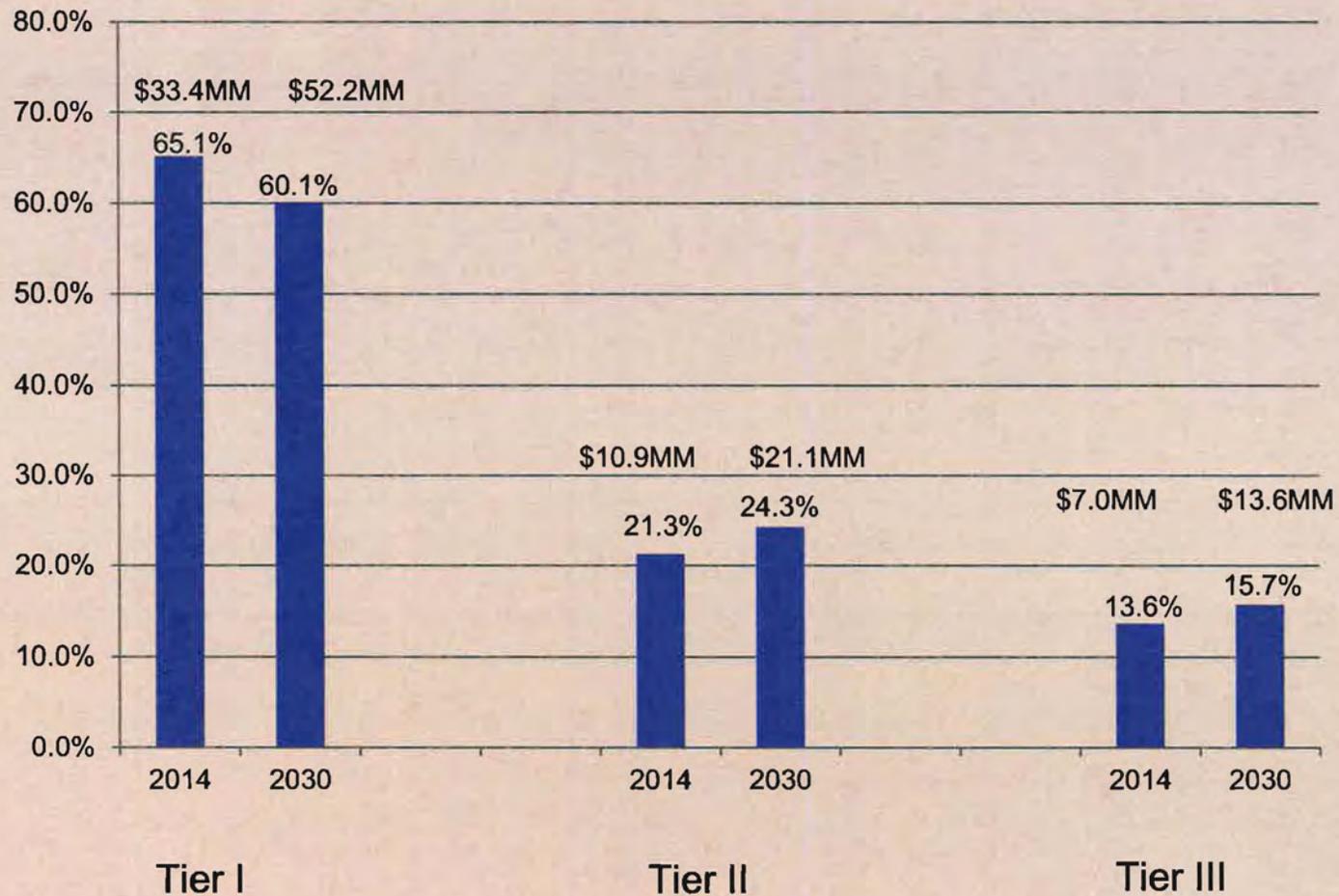
## Tier I Distributions



From 2000-2015, Tier I Annual Distributions grew by 59.4%. DCPA added in 2006.  
From 2015 to 2030, Tier I Annual Distribution projected to grow by 51.1%.

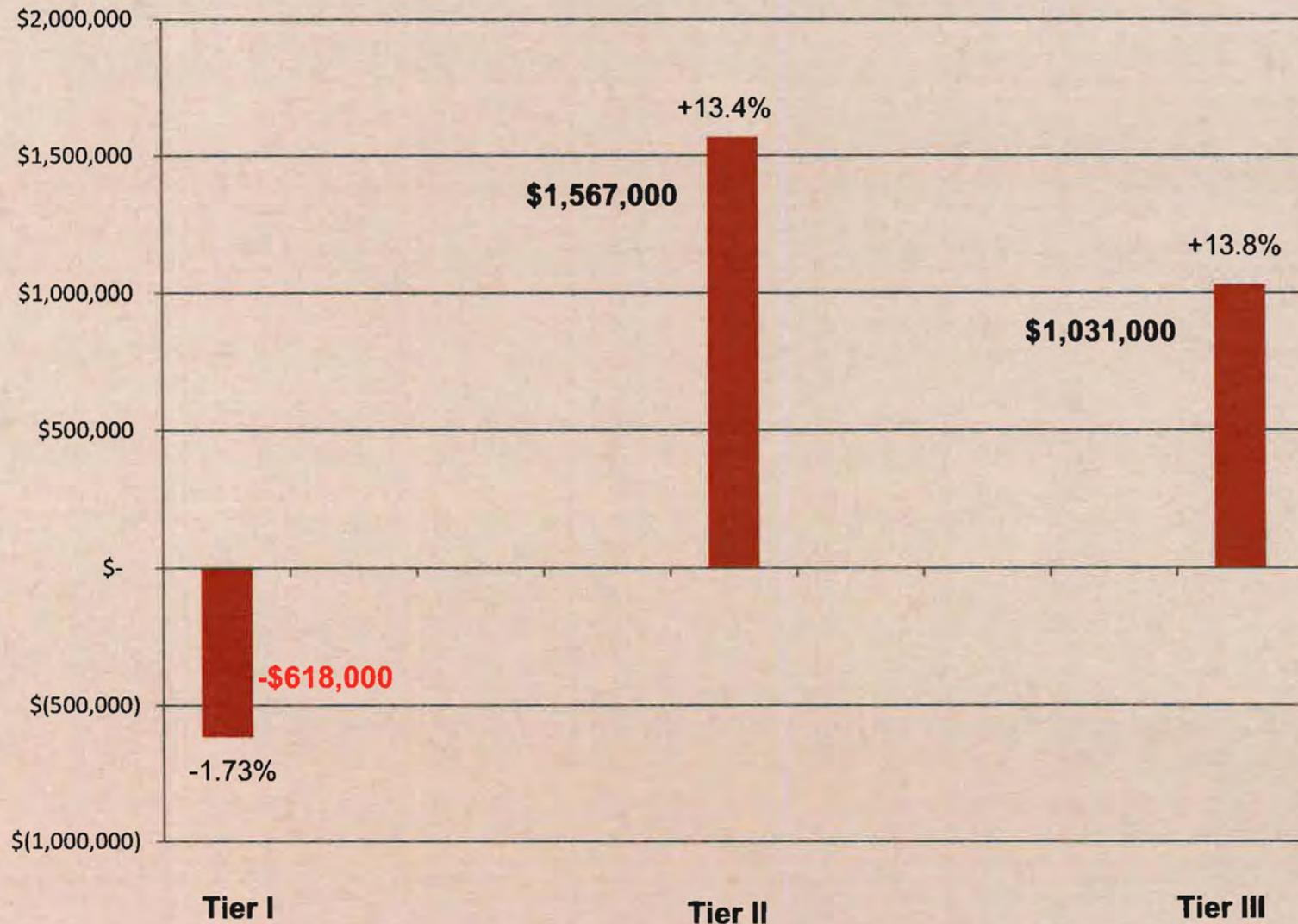
# Citizens for Arts to the Zoo

## Percent of SCFD Distribution by Tier



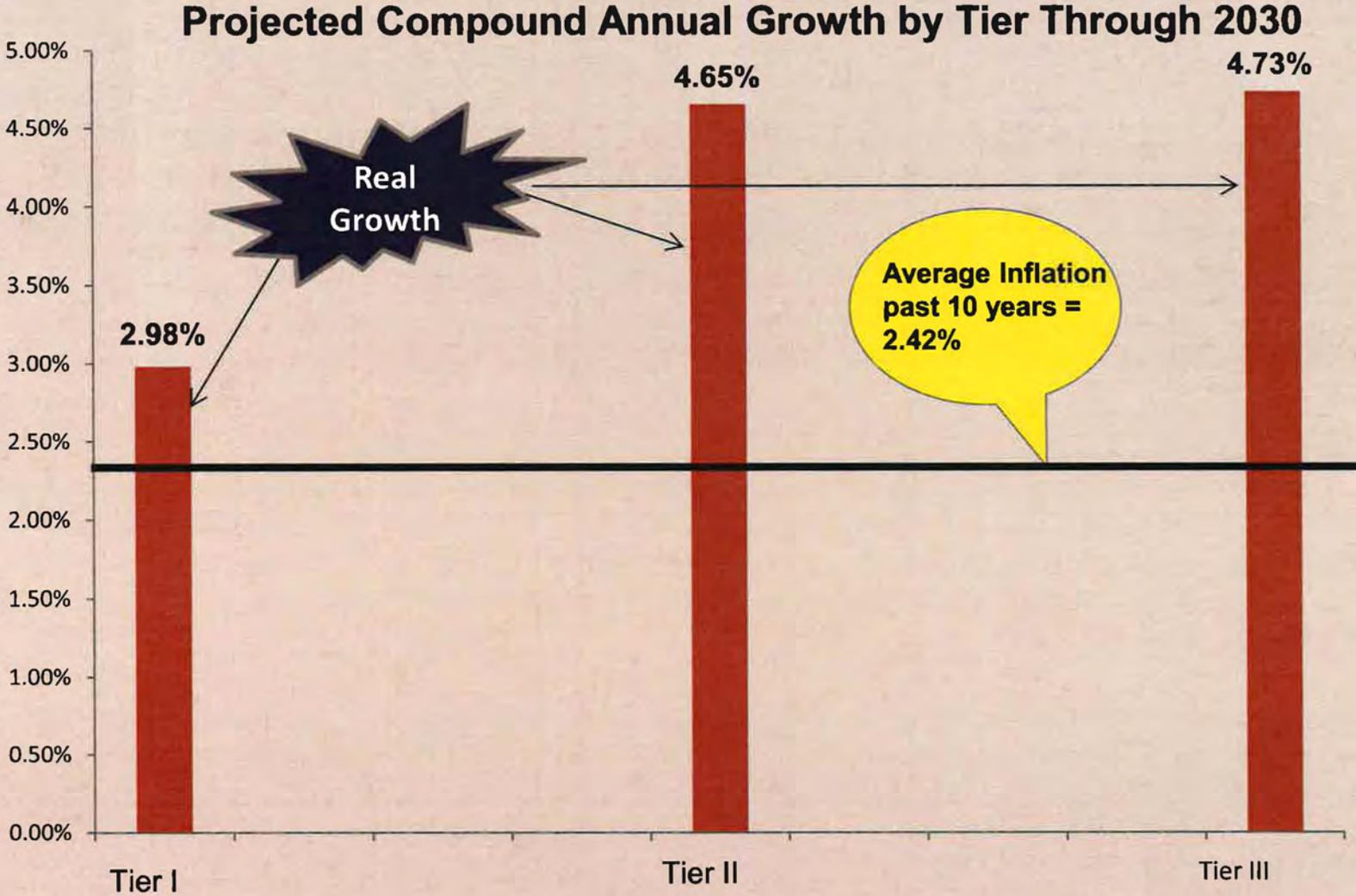


## First Year Change 2017 to 2018



# Citizens for Arts to the Zoo

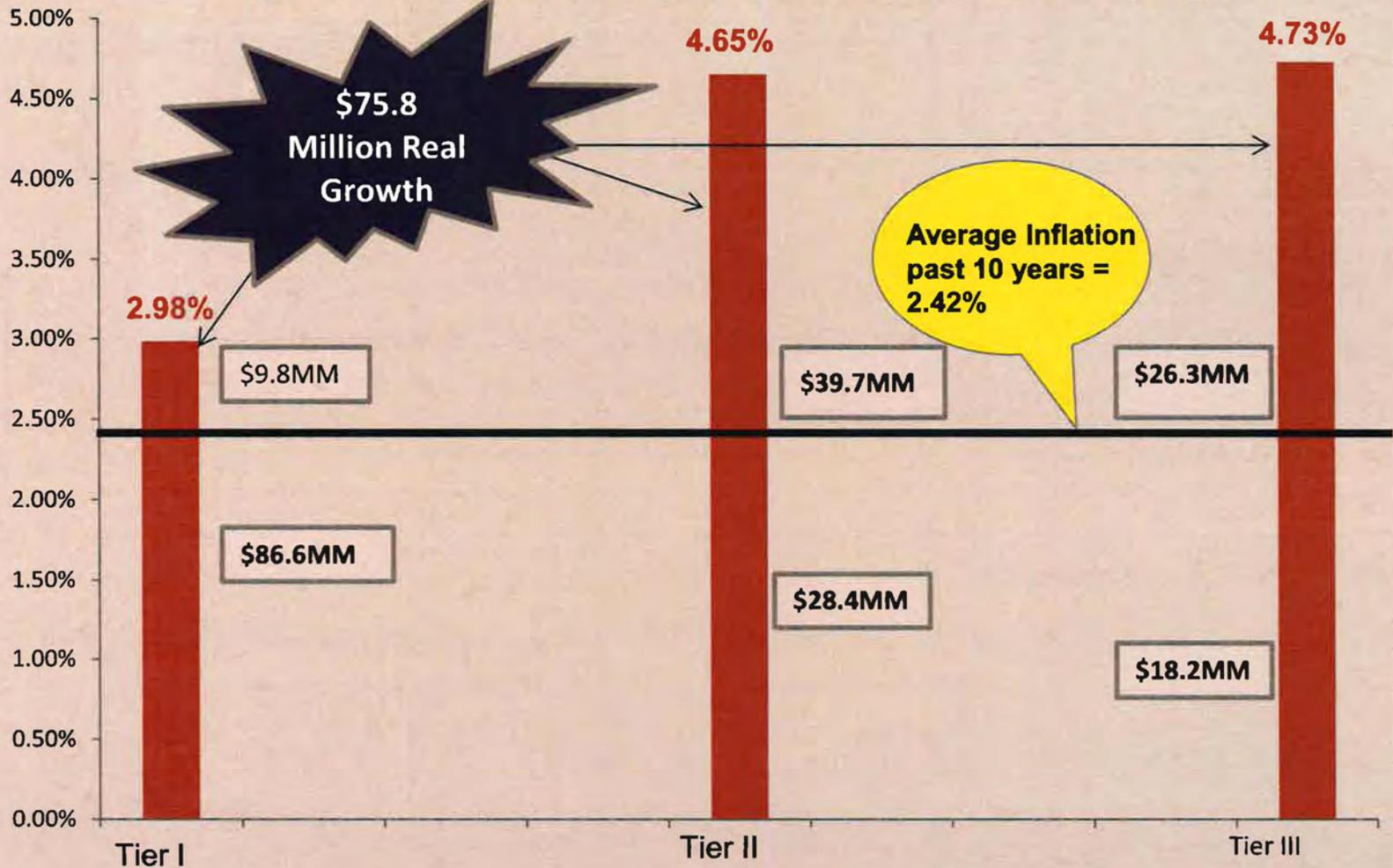
## Growth Comparison



# Citizens for Arts to the Zoo

## Growth Comparison

### Projected Compound Annual Growth by Tier Through 2030



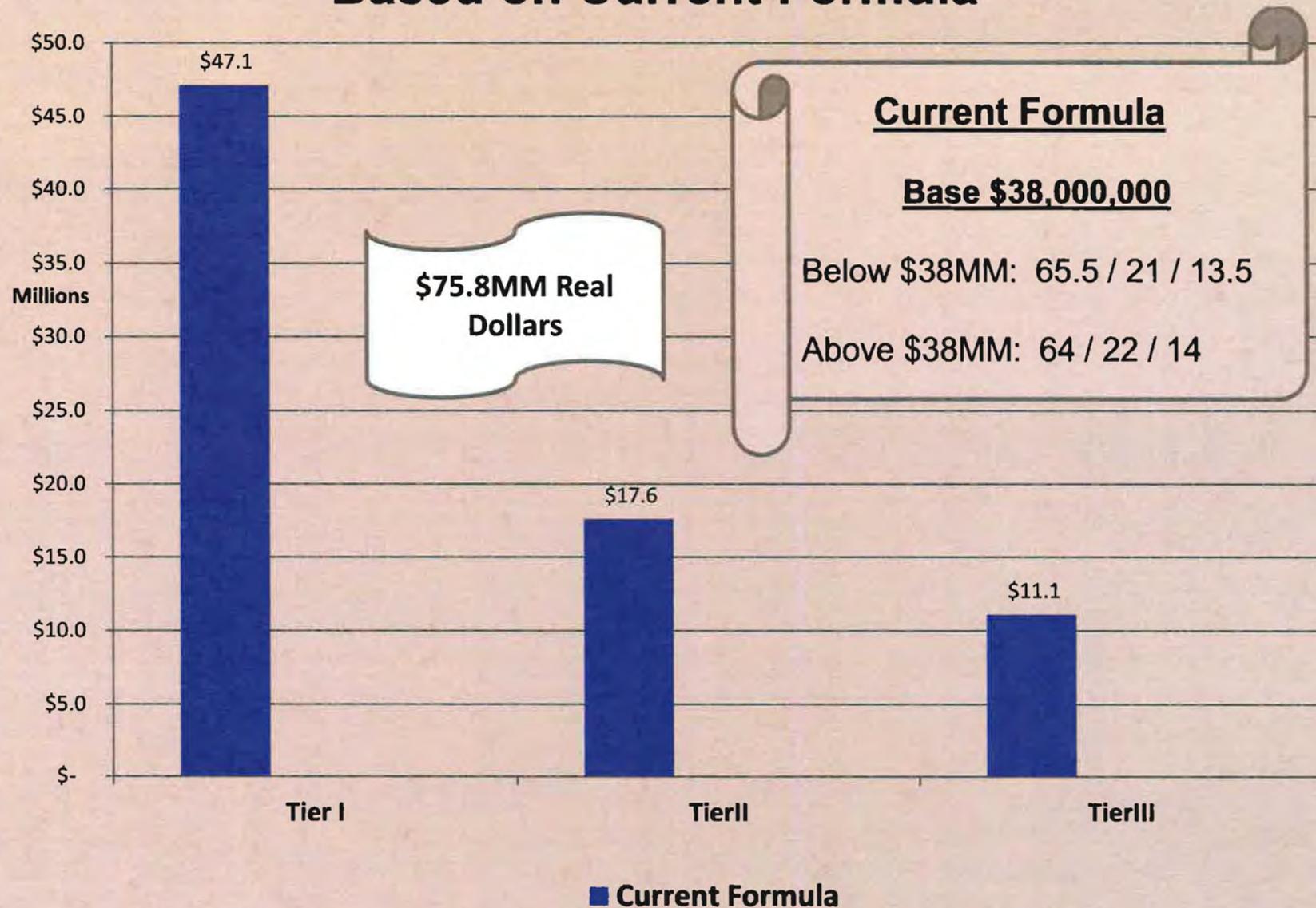
# Citizens for Arts to the Zoo

## 2018-2030 Cumulative Revenue Increase

	<u>Inflation</u>	<u>Real</u>	<u>Total</u>
Tier I	\$86.6MM	\$9.8MM	\$96.4MM
Tier II	\$28.4MM	\$39.7MM	\$68.1MM
Tier III	<u>\$18.2MM</u>	<u>\$26.3MM</u>	<u>\$44.5MM</u>
Total	\$133.2MM	\$75.8MM	\$209.0MM

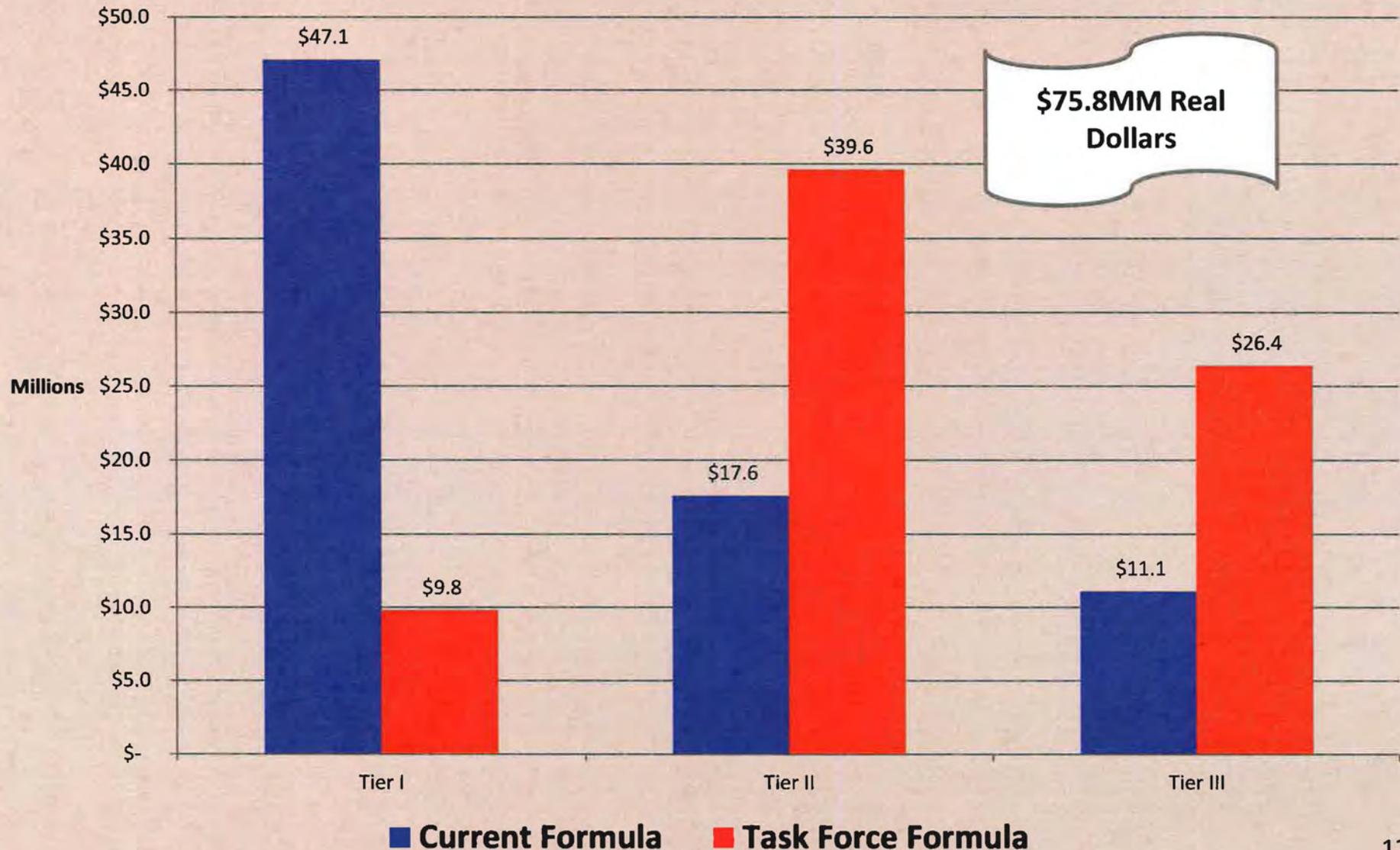
# Citizens for Arts to the Zoo

## Cumulative Real Dollars (Millions) 2018-2030 Based on Current Formula



# Citizens for Arts to the Zoo

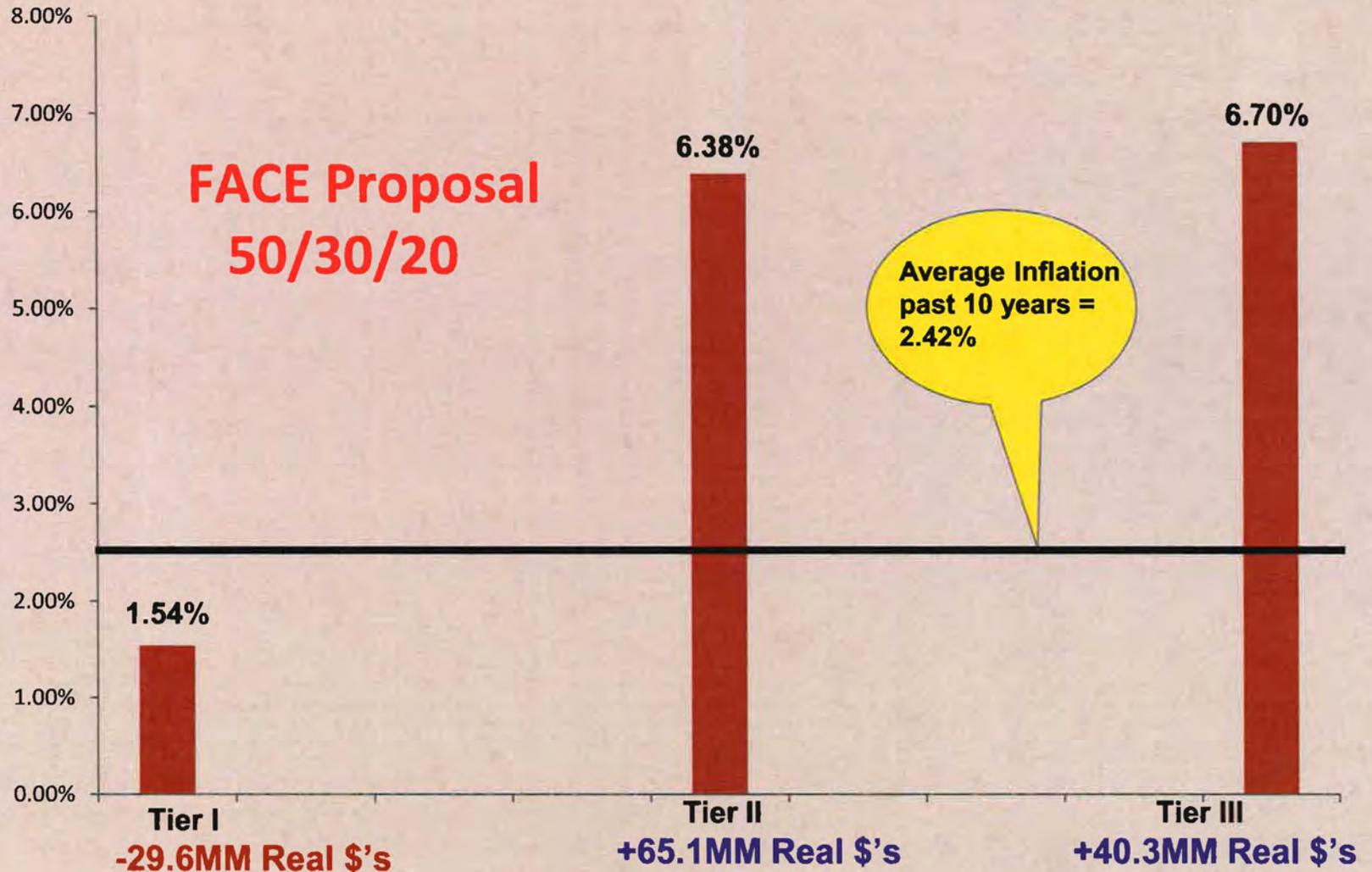
## Cumulative Real Dollars (Millions) 2018-2030 Comparing Current Formula vs. Task Force Formula



# Citizens for Arts to the Zoo

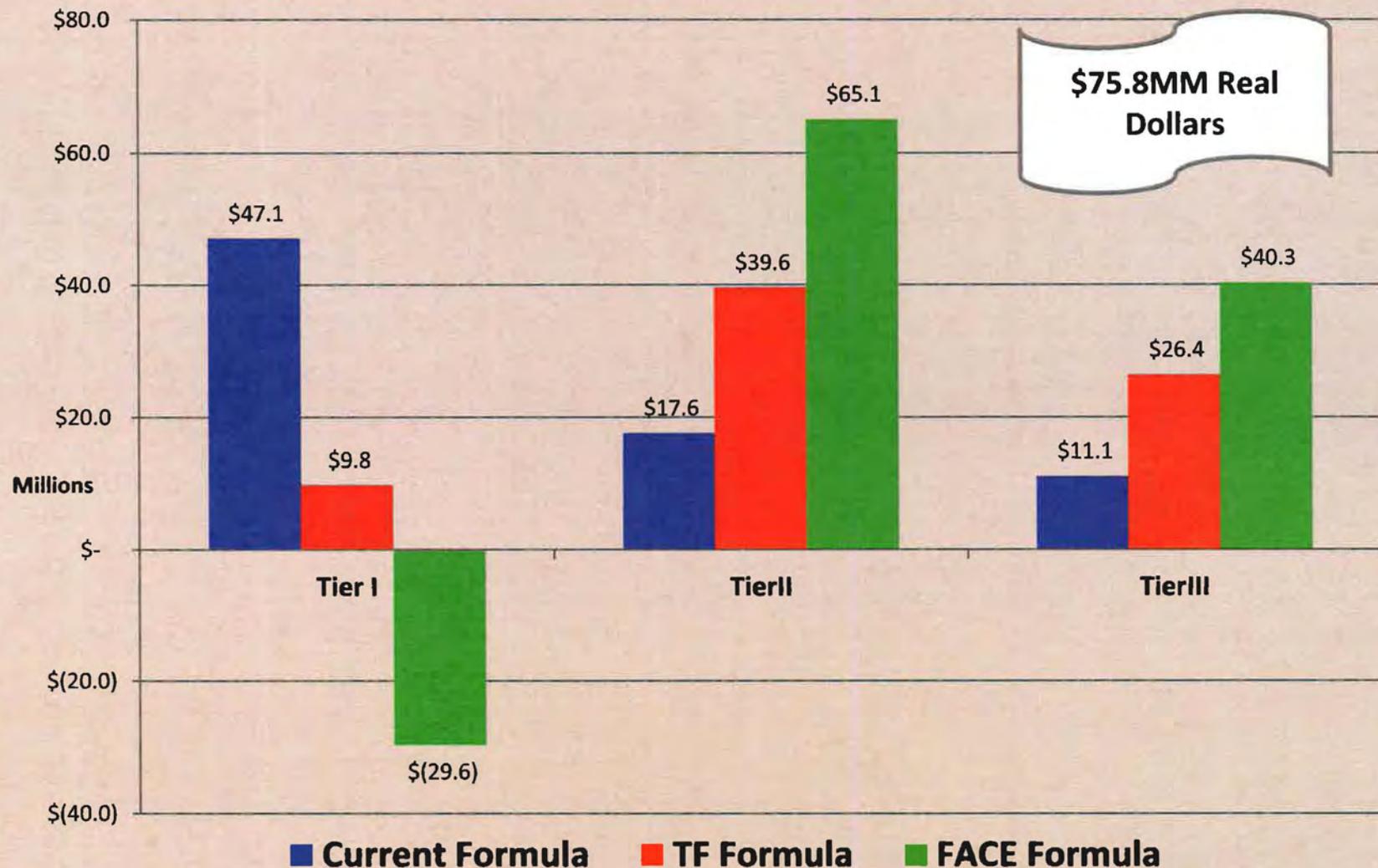
## Cumulative Real Dollars (Millions) 2018-2030

### Projected Compound Annual Growth by Tier Through 2030



# Citizens for Arts to the Zoo

## Cumulative Real Dollars (Millions) 2018-2030 Comparing all 3 Formulas



# Citizens for Arts to the Zoo

## Conclusions

- The formula change recommended by the Task Force is a sound compromise.
- The Task Force recommendation allows all Tiers to cover inflation.
- The Task Force recommendation provides significant real dollar growth totaling \$66 million for Tiers II and III.
- The Task Force recommendation provides a significant increase totaling \$2.5 million in Tier II and Tier III funding in the very first year.
- The FACE formula would cause significant cuts in Tier I programs and citizen access to the Tier I's.
- The Task Force recommendation avoids extreme changes which would be harmful to our iconic institutions.

# **2015 Reauthorization Task Force SUMMARY REPORT**

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**A Collaborative Process on the Future of SCFD**

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Second, the public has had an opportunity to offer input at each stage of the process to ensure that those who financially support the SCFD have a chance to offer their feedback. A more detailed description of the reauthorization process to date, including the composition of stakeholders involved at each stage, can be found in Appendix A.

### *2011- 2016 Reauthorization Process Diagram*



### **2015 Reauthorization Task Force**

As illustrated above, the task force was preceded by a work group process in 2014. (For more detail on the work groups, please see Appendix A.) The seven work groups identified issues or features that could impact SCFD organizations' collective future service to the public. Each work group was asked to address two goals:

- ⇒ Serve the public well.
- ⇒ Ensure a strong and sustainable SCFD.

Work groups then identified options to address these issues. The full report of work group options was made available to the public in fall 2014 and is available on the website: <http://scfd.org/p/reauthorization.html>.

The board-appointed Reauthorization Task Force commenced in January 2015. (See Appendix B for a list of members.) The task force met four times between January and April 2015. Working from the set of options produced by the 2014 work groups, the task force was charged with forwarding a set of recommendations for the future SCFD to the board, specifically focusing on those 16 options requiring legislative change and, in some cases, voter approval. The board also asked the task force to consider three other issues not addressed by the work groups. The task force was asked to make recommendations regarding any potential changes to the statute, considering the ideas identified by the work groups, and any new or novel recommendations to address unintended consequences and known limitations. The task force followed a set of guiding principles in its deliberations and decision making, building upon those adopted by the board to guide the overall reauthorization process:

- ⇒ Serve the public well / Remember voter intent
- ⇒ Incremental change
- ⇒ Clarify
- ⇒ Simplify
- ⇒ Transparency
- ⇒ Accountability
- ⇒ Nonprofit best practice

valuable; and the collective value is far greater than the sum of the parts. Nonetheless, organizations must demonstrate their on-going viability and relevance, with not all likely to survive in perpetuity.

## **Issues and Recommendations**

Each of the issues addressed by the task force is presented below accompanied by a brief problem statement, recommendation, vote tally, and recommended statutory language with citation. Where appropriate, board policy recommendations are also included.

### **1. Update Statutory language to exclude the ability of Tier II's to apply for Tier III funding.**

Problem Statement: Current statutory language excludes Tier I organizations from receiving Tier III funds from county cultural councils but does not exclude Tier II organizations from receiving Tier III funds. At SCFD's inception, it was unknown how many organizations might qualify for Tier III funding, and thus it was possible that the funds available for eligible organizations might exceed the funds requested. Additionally, this lack of exclusion permitted councils to bring Tier II organization programming into the county. Today there are many more Tier III organizations and councils struggle with more demand than they have funds available for distribution.

Recommendation: Tier II organizations, like Tier I organizations, should be excluded from receiving Tier III funds from county cultural councils.

Vote: 18-0 in favor

Recommended statutory language:

Said moneys shall be distributed to scientific and cultural facilities within the district which are not receiving moneys pursuant to paragraphs (a) or (b) of this subsection (3).

Implementation: Statutory change to C.R.S. §32-13-107(3)(c)(I)

### **2. Allow a maximum of two SCFD eligible organizations per local government Taxpayer Identification Number/ Federal Employee Identification Number, which the IRS issues to every employer and uses as a unique identifier.**

Problem Statement: A local government could potentially create multiple agencies or divisions within the entity, each of which could seek SCFD grant funds. The public can be confused with the lack of transparency when SCFD funds multiple sub-entities within the same municipality.

Recommendation: A local government entity should be limited to no more than two divisions or other entities that are eligible to receive SCFD funds.

Vote: 18-0 in favor

Recommended statutory language:

A maximum of two eligible entities per local government may receive funding under a single Federal Employer Identification Number or Taxpayer Identification Number.

Implementation: Statutory change to C.R.S. §§32-13-107(3)(b) (I)(A) and(C) and §32-13-107(3)(c)(I)(A)

**4. Update statutory language to state that Council Members may consider financial and organizational capacity in funding decisions.**

Problem Statement: County Cultural Council members would like to have the statutory authority to take into consideration a grant applicant's financial and organizational capacity to expend grant funds, using the same statutory language that allows the SCFD board to apply a financial and organizational capacity standard to eligibility determinations. Many council members already consider financial viability, so this puts into statute what is already in practice to some extent and might encourage council members to further consider financial viability.

Recommendation: Councils should have the statutory authority to consider financial and organizational capacity.

Vote: 18-0 in favor

Recommended statutory language:

In creating a funding plan, a county cultural council may take into consideration an applicant's financial and organizational capacity to expend tax dollars to serve the public and achieve the mission of the organization.

Implementation: Statutory change to §32-13-107(3)(c)(II)

**5. Lower the Tier II income threshold to include large Tier III organizations.**

Problem Statement: Tier III organizations are required to apply for SCFD funding from county cultural councils through a grant application process. Tier III looks very different in each of the seven (7) counties. This is in large part due to the relationship between the county tax base and the number of organizations applying for grant funds. Two counties have implemented funding caps. There is more of a state of equilibrium in three counties. In the other two counties there are sufficient funds to adequately fund larger organizations and invite applicants from outside the county to apply.

Whether due to funding caps or other county grant guidelines, many larger Tier III organizations receive a much lower percentage ( $\leq 5\%$ ) of their operating revenue from county cultural councils than do smaller organizations and the majority of their larger counterparts in Tiers II and I. Large Tier III organizations might receive more funding if they could move into Tier II. To accomplish this, the 2015 Tier II annual operating income threshold of \$1.56 million, currently adjusted annually by the most recent Denver/Boulder/Greeley Consumer Price Index (D/B/G CPI), would have to be statutorily lowered.

This is a complex issue that is not a seven-county-wide issue nor a broad Tier III issue.

The task force spent significant time deliberating on this issue, revisiting it over the course of three meetings. The final recommendation was agreed upon after its vote on Issue 13 - Tax Levy Distribution Allocation Between Tiers. Although the Task Force did not vote in favor of lowering the Tier II threshold for a number of reasons, members did voice serious concerns over the inequity of funding for some of the largest Tier III organizations. The Task Force would recommend each County Cultural Council carefully review its internal policies, and that those counties with dollar amount funding caps re-evaluate their funding and consider the impact those caps may have on large Tier IIIs' ability to provide adequate programming for the public.

groups of participants that studied the formula believed the current 50/50 weighting did not function as originally intended and should not be retained, citing not only the disparate weight the formula attributes to attendance but also the fact that the paid attendance factor operates as a disincentive to offering free programming. The Tier II work group unanimously voted not to advance to the Task Force or Board the option of retaining the current 50/50 formula, but supported distribution of the funds according to a revenue only formula or a formula that modified the weighting of each factor to correct the disparate weight.

Recommendation: The Tier II intra-tier distribution formula should be adjusted to encourage, rather than discourage, free attendance and to reduce the disparate impact the attendance factor has on funds distributed. Reduce the period of time the board is bound to its change in weighting from five (5) years to two (2) years.

Vote: 18-0 in favor

Recommended statutory language:

Distribution of moneys pursuant to subparagraph (I) of this paragraph (b) shall be based upon a formula to be applied annually that allows the SCFD board to determine the weight ascribed to operating income, audited paid attendance and documented free attendance, as defined by the SCFD board.

The task force wishes to give the board guidance around implementing the formula consistent with incremental change.

Implementation: Statutory change to §32-13-107(3)(b)(II)(A)

## 8. Tier II Regional Service Requirement.

Problem Statement: The Tier II tax levy is collected from all seven counties; thus, Tier II organizations' programs and activities should serve residents of the entire region. There is thus an explicit expectation that Tier II organizations will serve regional audiences.

Recommendation: Tier II organization should demonstrate regional service, as defined by the SCFD board.

Vote: 18-0 in favor

Recommended statutory language:

Any such facility shall demonstrate its regional service and impact as defined in board policy.

Implementation: Statutory change to §32-13-107(3)(b)(I)(B)

Board policy could ascribe a minimum percentage of attendance that must be from outside the organization's home county, or the board could require that collectively the organizations receiving Tier II funds serve the residents of all counties.

## 9. Should there be a fourth tier?

Problem Statement: County cultural council grants to larger Tier III organizations constitute a much lower percentage of their operating budgets than awards to mid-size and small Tier III organizations.

used to determine whether an eligibility applicant meets all of the statutory criteria, including financial and organizational capacity.

Upon obtaining SCFD eligibility, some small organizations struggle with the grant application and decide not to apply for funds while others find they are too small to meet their county cultural council's minimum grant request requirements. The nonprofit organization and SCFD staff invest a considerable amount of time on the eligibility process prior to this result. The combination of relaxed IRS requirements and viability challenges for new nonprofits could result in an influx of small organizations seeking eligibility and Tier III funding from the county cultural councils. The same issues may exist for organizations seeking Tier II status after just five years of operations.

Recommendation: Organizations seeking Tier III eligibility must have been serving the public as a 501(c)(3) organization for a minimum of five years prior to submitting an eligibility application. Organizations seeking Tier II eligibility must have been serving the public as a 501(c)(3) organization for a minimum of seven years prior to submitting an eligibility application.

Vote: 16 in favor with 1 against and 1 absent

Recommended statutory language:

Tier III:

Any such facility that applies to receive district moneys for the first time on or after January 1, 2017, shall have been in existence, operating as a 501(c)(3) and providing service to the public for at least five years prior to seeking eligibility for funding.

Tier II:

Any such facility that applies to receive district moneys for the first time on or after January 1, 2017, shall have been in existence, operating as a 501(c)(3) and providing service to the public for at least seven years prior to seeking eligibility for funding.

Implementation: Statutory changes to C.R.S. §13-107(3)(b)(I)(A) and (D); C.R.S. §32-13-107(c)(I)(A) and (C)

## **12. Tier II Eligibility Criteria Tightened--Addressed by numbers 8 and 11 above.**

## **13. Tax Levy Allocations Between Tiers.**

Problem Statement: Public demand for and attendance in arts, cultural and scientific offerings is expected to grow across Tiers I, II and III. While Tier I is a closed tier, Tiers II and III are open tiers. Tier II has grown by a net 271% since 1988; Tier III by a net 83%. Growth in both of the open tiers will continue as it becomes easier to obtain tax exempt status and as metropolitan area demographics change, impacting the residents of the District and the SCFD organizations. Trends driving expansion of the open tiers and change include: 1) greater availability of programming outside of Denver in suburban areas; 2) resident demand for more programming in local communities; 3) patron and visitor sensitivity to cost: price points, travel costs and travel time; 4) population growth in the historically more rural counties, especially Adams and Douglas; 5) aging and increased ethnic diversity in the population across the District, and 6) desire for more culturally-focused programs and activities.

Additional funding should be adjusted as follows:

demands; ethnic groups will constitute 31% of the population; Hispanic/Latino population will be 1 million; 1 in 4 adults will be living below the self-sufficiency level; travel time and cost barriers will require organizations to serve and engage the public in a greater variety of ways, with more flexible scheduling and more free and reduced cost options.

Recommendation: No action required.

This is a general policy statement of importance but should not be incorporated in statute.

Vote: 18-0 in favor

Implementation: No statutory change

## 16. SCFD Administrative Percentage.

Problem Statement: In its 25+-year history, the .75% of revenue allocated to administration has not, in any year, been sufficient to cover actual operating costs which are very reasonable, especially given the increase in the number of counties, councils, funded organizations and funds to be distributed. Reliance on interest income as a supplement to the allocation has proven to be an unsustainable model.

Recommendation: The administrative percentage should be increased to 1.5%.

Vote: 18-0 in favor Recommended statutory language:

After deducting costs, not exceeding one and one-half percent of the sales and use tax annually collected, which are incurred by the district for the administration of such moneys, and after deducting an amount necessary to pay the district's actual and anticipated reasonable costs related to a coordinated election, distributions by the board to the scientific and cultural facilities shall be made as follows: after the administrative costs are deducted, the language of this section of the SCFD statute addresses specifically how each tier's tax levy will be distributed within the tier.

Implementation: Statutory change to C.R.S. §32-13-107(3); conforming ballot language

### A. Sunset provisions (Number of Years).

Problem Statement: The current sunset (expiration) date for the SCFD is June 2018. Prior sunset dates were: 1996 for the 1988 vote (8 years); 2006 for the 1994 vote (10 years) and 2018 for the 2004 vote (12 years). The board has discussed but not decided whether to request a 12-year extension, making the next sunset date 2030, or a 16-year extension, making the next sunset date 2034. There are pros and cons to each, but both would allow for the reauthorization vote to be conducted two years prior to the sunset year, during a presidential election year. Although the SCFD board gave some previous consideration to making the tax permanent, this option was deemed to be unpopular and could operate to support complacency and a strong sense of entitlement, neither of which would serve the public well.

Recommendation: The task force did not have time to address this issue. SCFD board should address this issue.

Vote: No vote taken.

Implementation: Statutory change to C.R.S. §32-13-105; conforming ballot language

Because voters approve the percentage assigned to each of the three tax levies, funds from one levy, i.e., “tier”, cannot be moved to another tier without a public vote. Thus this change cannot be effected.

Vote: consensus was this could not be done; money cannot be moved between tiers as these are allocated by the tax levy and the public votes on each tax levy.

Implementation: No statutory change.

## Appendix A

### Detailed 2011- 2016 Reauthorization Process To Date

#### Large Internal Stakeholder Engagement

In 2011 the SCFD board of directors hired Engaged Public, a public policy strategy firm, to undertake a major initiative designed to educate and involve SCFD organizations in a discussion of issues that are critical to the future success of the district. These internal engagement sessions were held with each group of organizations at each tier within the SCFD and county cultural councils and included participation from more than 200 organizational and council representatives. Issues identified and feedback from internal stakeholders during these six in-depth meetings later became the basis of the 2014 work group process.

Also in 2013, Decatur and Company conducted one-on-one interviews with each member of the SCFD board and staff to gain information on key issues of importance regarding reauthorization from these two additional perspectives.

#### Internal Survey & Volunteer Opportunity

In preparation for the 2014 work groups, in January 2014, SCFD sent 1,026 email survey links to contacts at Tier I, II and III organizations and all county cultural council members asking for further feedback regarding the reauthorization process and soliciting volunteers for the 2014 work groups. The survey was sent to all SCFD eligible organizations and county cultural council members to ensure broad representation. There were a total of 151 survey responses and 104 survey respondents who volunteered their service for a work group(s).

#### Work Groups

The SCFD board of directors selected the participants for seven 2014 work groups from a pool of internal stakeholders who responded to a January 2014 survey, sent to over 1,000 internal stakeholders, and who also volunteered to serve. Each work group reflected: 1) SCFD's diversity of organizations by discipline, i.e., visual arts, performing arts, botany, zoology, cultural history and natural history; 2) all seven counties in the District, and 3) a variety of budget sizes. Additionally, two SCFD board members participated in all but one work group to ensure open communication between the board and internal SCFD stakeholders.

*SCFD Work Groups and Board Relationship Chart*



## **Appendix B - List of 2015 Reauthorization Task Force Members**

1. Kristy Bassuener, Denver Art Museum
2. Susan Beyda, Adams County Cultural Council
3. Susan Connelly, Colorado Chautauqua Association
4. Karen Douglass, Broomfield County Cultural Council
5. Tony Garcia, Su Teatro
6. Jim Harrington, former SCFD Board Chair (Task Force Chair)
7. Andrea Malcomb, Molly Brown House Museum
8. Dave Montez, former SCFD Board Member
9. Shepard Nevel, SCFD Board Member
10. Michelle Nierling, City of Lakewood Heritage, Culture and Arts
11. Lisa Rigsby Peterson, Lone Tree Arts Center
12. Dan Ritchie, Denver Center for the Performing Arts
13. Deven Shaff, Tier III
14. Rhetta Shead, Arapahoe County Cultural Council
15. George Sparks, Denver Museum of Nature and Science
16. Gary Steuer, Bonfils-Stanton Foundation
17. Elaine D. Torres, SCFD Board Member
18. Steve Wilson, Mizel Arts and Cultural Center

### Staff

Peg Long, Executive Director

Nancy McCamey, Senior Program Manager

### Consultant

Karla Raines, Principal, Corona Insights

# **2015 Reauthorization Task Force SUMMARY REPORT**

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**A Collaborative Process on the Future of SCFD**

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## **REPORT AND RECOMMENDATIONS TO THE SCFD BOARD OF DIRECTORS BY THE 2015 REAUTHORIZATION TASK FORCE**

The 2015 Reauthorization Task Force (“task force”) is pleased to present its report and recommendations to the SCFD board of directors (“board”). The Scientific and Cultural Facilities District (SCFD) has a long and deep history of service to the public. Readers are encouraged to visit the district’s website ([www.scfd.org](http://www.scfd.org)) for more detailed information about the nature, structure, and impact of SCFD.

### **INTRODUCTION**

#### **A History of Serving the Public**

In the mid 1980s a group of forward-thinking community and arts leaders came together to suggest the creation of a funding model to support arts, cultural and scientific organizations dedicated to serving the public. SCFD is a voter-created special tax district that distributes revenue generated by a 1¢ on \$10 retail sales and use tax to more than 270 scientific and cultural organizations in the seven-county Denver metro area. The primary purpose of the SCFD is “to provide for the enlightenment and entertainment of the public.”

Since the SCFD statute was passed in 1988, the multi-county metro area has experienced considerable change, including the expansion of arts, cultural and scientific offerings made possible by the SCFD. With the valuable contributions of the SCFD, residents of the district benefit from a larger number of organizations providing a greater variety of scientific and cultural offerings for more diverse communities in more geographic locations than in 1988. Residents of the SCFD participate in the arts and culture at a level far above the national average.<sup>1</sup> They value arts, cultural and scientific programs and have manifest their collective commitment over the past 25 years through public investment in District-based organizations, twice extending the statute’s sunset date.

During that time the seven-county Denver metro area has achieved national and international prominence thanks in part to its arts and cultural offerings. A unique identity and vibrant economic environment have fueled arts and culture - and arts and cultural growth have contributed significantly to the area’s vitality and economic well-being.

#### **Reauthorization Process Overview**

While celebrating 25 years of serving the public, and looking to the future, the SCFD board of directors implemented a multi-year stakeholder engagement process to prepare for the third reauthorization of the SCFD statute, which will sunset in 2018. The primary goal of this process was to determine the statutory updates required to best serve residents into at least 2030.

The SCFD board has been committed to a thoughtful, inclusive, diverse and transparent process leading up to reauthorization, focusing on ways to best serve the public. The visual below shows each phase of the reauthorization process. There are two components that have been incorporated at each stage of the reauthorization process to date. First, each stage has included stakeholders who represent the seven counties, the variety of budget sizes, and the diversity of scientific and cultural disciplines currently supported by the SCFD to ensure that the work reflects the rich variety of people and organizations involved with the SCFD.

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<sup>1</sup> According to a recent study conducted by the National Endowment for the Arts, the Denver metro area ranks among the top four metropolitan areas in performing arts attendance.

Second, the public has had an opportunity to offer input at each stage of the process to ensure that those who financially support the SCFD have a chance to offer their feedback. A more detailed description of the reauthorization process to date, including the composition of stakeholders involved at each stage, can be found in Appendix A.

### *2011- 2016 Reauthorization Process Diagram*



### **2015 Reauthorization Task Force**

As illustrated above, the task force was preceded by a work group process in 2014. (For more detail on the work groups, please see Appendix A.) The seven work groups identified issues or features that could impact SCFD organizations’ collective future service to the public. Each work group was asked to address two goals:

- ⇒ Serve the public well.
- ⇒ Ensure a strong and sustainable SCFD.

Work groups then identified options to address these issues. The full report of work group options was made available to the public in fall 2014 and is available on the website: <http://scfd.org/p/reauthorization.html>.

The board-appointed Reauthorization Task Force commenced in January 2015. (See Appendix B for a list of members.) The task force met four times between January and April 2015. Working from the set of options produced by the 2014 work groups, the task force was charged with forwarding a set of recommendations for the future SCFD to the board, specifically focusing on those 16 options requiring legislative change and, in some cases, voter approval. The board also asked the task force to consider three other issues not addressed by the work groups. The task force was asked to make recommendations regarding any potential changes to the statute, considering the ideas identified by the work groups, and any new or novel recommendations to address unintended consequences and known limitations. The task force followed a set of guiding principles in its deliberations and decision making, building upon those adopted by the board to guide the overall reauthorization process:

- ⇒ Serve the public well / Remember voter intent
- ⇒ Incremental change
- ⇒ Clarify
- ⇒ Simplify
- ⇒ Transparency
- ⇒ Accountability
- ⇒ Nonprofit best practice

## RECOMMENDATIONS

### The Future SCFD

As the district prepares for the future it is time to be forward-thinking once again. The SCFD envisions widespread offerings that reflect, serve and impact the District's diverse residents and their communities. Public engagement with arts, cultural and scientific organizations expands as more District residents benefit from the array of experiences available to them.

The future SCFD will need to be both stable and adaptable, providing sufficient structure to steward public investment while it adjusts to meet changing public needs. Many of those needs are reflected in national trends, such as the increased consumption of cultural programming online, widespread availability of free programs, and the public's desire to curate their own experiences.

Goal - To serve the public well through 2030 the SCFD will need to be flexible. It will need to adapt as public needs and tastes change, as population shifts occur, and as artistic and scientific fields evolve.

- ⇒ Enhance public access - Public access to arts, cultural and scientific offerings is enhanced when a variety of programs are made available and ease of access is facilitated by programs that are easy to find, user-friendly, affordable and engaging. This is especially important for young people, and the SCFD board is committed to ensuring the metro area's children and youth have ready access to, and strong participation in arts, cultural and scientific offerings supported by SCFD funds. Access is also enhanced when the District's diverse residents benefit from culturally relevant programs and services.
- ⇒ Support increased variety - The public values variety in the form of numerous offerings in an assortment of geographic locations that are easy to access in terms of transportation, scheduling, cost and cultural relevance. Over the next 25 years it is anticipated that new art forms will emerge, different scientific disciplines will come to the forefront and distinctive cultural practices will flourish in the district. As the public embraces variety - and expects more - the SCFD must support it.
- ⇒ Offer more free and reduced-cost programs - The public is well served when free programs as well as fee-based programs are offered. Some organizations locally and nationally are shifting their models towards more free programs to expand attendance and engagement.

Goal - The SCFD will need to be sustainable and strong. It is important that public confidence in the district remain high as organizational eligibility is determined and tax funds are allocated.

- ⇒ Local control - Coloradans have demonstrated their belief in a decentralized, local-control form of government, in which decisions are made at the lowest level of government whenever possible. They insist on having a clear line of sight between the programs they authorize and the use of tax payer dollars to support those in their local area. SCFD continues to honor local control and the interests of tax payers. Engaged County Cultural Councils provide an important link between the SCFD and the public.
- ⇒ Public accountability for appropriate use of tax payer funds - The SCFD is accountable for ensuring tax dollars are granted to arts, cultural and scientific organizations whose primary purpose is enlightening and entertaining the public through missions that align with the SCFD statute.
- ⇒ Equity of opportunity - Arts, cultural and scientific organizations thrive when there is a level playing field on which to compete. All arts, cultural and scientific organizations within the District are

valuable; and the collective value is far greater than the sum of the parts. Nonetheless, organizations must demonstrate their on-going viability and relevance, with not all likely to survive in perpetuity.

## **Issues and Recommendations**

Each of the issues addressed by the task force is presented below accompanied by a brief problem statement, recommendation, vote tally, and recommended statutory language with citation. Where appropriate, board policy recommendations are also included.

### **1. Update Statutory language to exclude the ability of Tier II's to apply for Tier III funding.**

Problem Statement: Current statutory language excludes Tier I organizations from receiving Tier III funds from county cultural councils but does not exclude Tier II organizations from receiving Tier III funds. At SCFD's inception, it was unknown how many organizations might qualify for Tier III funding, and thus it was possible that the funds available for eligible organizations might exceed the funds requested. Additionally, this lack of exclusion permitted councils to bring Tier II organization programming into the county. Today there are many more Tier III organizations and councils struggle with more demand than they have funds available for distribution.

Recommendation: Tier II organizations, like Tier I organizations, should be excluded from receiving Tier III funds from county cultural councils.

Vote: 18-0 in favor

Recommended statutory language:

Said moneys shall be distributed to scientific and cultural facilities within the district which are not receiving moneys pursuant to paragraphs (a) or (b) of this subsection (3).

Implementation: Statutory change to C.R.S. §32-13-107(3)(c)(I)

### **2. Allow a maximum of two SCFD eligible organizations per local government Taxpayer Identification Number/ Federal Employee Identification Number, which the IRS issues to every employer and uses as a unique identifier.**

Problem Statement: A local government could potentially create multiple agencies or divisions within the entity, each of which could seek SCFD grant funds. The public can be confused with the lack of transparency when SCFD funds multiple sub-entities within the same municipality.

Recommendation: A local government entity should be limited to no more than two divisions or other entities that are eligible to receive SCFD funds.

Vote: 18-0 in favor

Recommended statutory language:

A maximum of two eligible entities per local government may receive funding under a single Federal Employer Identification Number or Taxpayer Identification Number.

Implementation: Statutory change to C.R.S. §§32-13-107(3)(b) (I)(A) and(C) and §32-13-107(3)(c)(I)(A)

### 3. Re-define Cultural and Scientific Facilities in Statute

Problem Statement: The statutory eligibility definitions reflect and generally specify types of programs and institutions that were operating in 1987. These definitions do not reflect the significant changes that have subsequently occurred in the arts and in fields of science. As we look to a future SCFD sunset date of at least 2030, it is impossible to predict the impact of changes in technology, new discoveries, emerging arts or scientific advances, and how these might further evolve. Broader, more flexible eligibility categories are required that uphold the original statutory intent while providing the flexibility to adjust for future changes, as well as new ways of serving and engaging the public, are required.

Recommendation: Broader, more flexible statutory language should replace current definitions and eligibility criteria. Board policy should define conditions for inclusion of literary arts and specific exclusions.

Vote: 18-0 in favor

Recommended statutory language:

A cultural or scientific facility is one whose primary purpose enlightens and entertains the public through the production, presentation, exhibition, advancement or preservation of visual arts; performing arts; cultural history; natural history; natural sciences, e.g., earth, life or physical sciences; as these terms are defined by the SCFD board.

Implementation: Statutory change to §32-13-103(4) and §32-13-103(7)(a) and (c)

Recommended Board Policy:

Performing Arts may encompass literary arts if there is a clear public performance component, e.g., spoken word, and all other eligibility criteria are met, i.e., the organization's primary purpose must be to enlighten and entertain the public through production, presentation, exhibition, advancement or preservation of scientific and cultural facilities.

Scientific organizations may encompass science, technology, engineering, or math if there is a clear public component, and all other eligibility criteria are met, i.e., the organization's primary purpose must be to enlighten and entertain the public through production, presentation, exhibition, advancement or preservation of scientific and cultural facilities.

Recommended Board Policy for Specific Exclusions:

Libraries (already implied by excluding agencies of the state but this would clarify exclusion)

Organizations primarily engaged in virtual programming

Agriculture and agribusiness

Social or community service clubs

Organizations that primarily serve their members

Implementation: C.R.S. §32-13-103(4) & (7)(a)(I) primary purpose requirement; C.R.S. § 32-13-103(2)(k) board authority re: eligibility determination.

**4. Update statutory language to state that Council Members may consider financial and organizational capacity in funding decisions.**

Problem Statement: County Cultural Council members would like to have the statutory authority to take into consideration a grant applicant's financial and organizational capacity to expend grant funds, using the same statutory language that allows the SCFD board to apply a financial and organizational capacity standard to eligibility determinations. Many council members already consider financial viability, so this puts into statute what is already in practice to some extent and might encourage council members to further consider financial viability.

Recommendation: Councils should have the statutory authority to consider financial and organizational capacity.

Vote: 18-0 in favor

Recommended statutory language:

In creating a funding plan, a county cultural council may take into consideration an applicant's financial and organizational capacity to expend tax dollars to serve the public and achieve the mission of the organization.

Implementation: Statutory change to §32-13-107(3)(c)(II)

**5. Lower the Tier II income threshold to include large Tier III organizations.**

Problem Statement: Tier III organizations are required to apply for SCFD funding from county cultural councils through a grant application process. Tier III looks very different in each of the seven (7) counties. This is in large part due to the relationship between the county tax base and the number of organizations applying for grant funds. Two counties have implemented funding caps. There is more of a state of equilibrium in three counties. In the other two counties there are sufficient funds to adequately fund larger organizations and invite applicants from outside the county to apply.

Whether due to funding caps or other county grant guidelines, many larger Tier III organizations receive a much lower percentage ( $\leq 5\%$ ) of their operating revenue from county cultural councils than do smaller organizations and the majority of their larger counterparts in Tiers II and I. Large Tier III organizations might receive more funding if they could move into Tier II. To accomplish this, the 2015 Tier II annual operating income threshold of \$1.56 million, currently adjusted annually by the most recent Denver/Boulder/Greeley Consumer Price Index (D/B/G CPI), would have to be statutorily lowered.

This is a complex issue that is not a seven-county-wide issue nor a broad Tier III issue.

The task force spent significant time deliberating on this issue, revisiting it over the course of three meetings. The final recommendation was agreed upon after its vote on Issue 13 - Tax Levy Distribution Allocation Between Tiers. Although the Task Force did not vote in favor of lowering the Tier II threshold for a number of reasons, members did voice serious concerns over the inequity of funding for some of the largest Tier III organizations. The Task Force would recommend each County Cultural Council carefully review its internal policies, and that those counties with dollar amount funding caps re-evaluate their funding and consider the impact those caps may have on large Tier IIIs' ability to provide adequate programming for the public.

Recommendation: The current Tier II threshold and annual adjustment process should be maintained.  
Vote: 16 in favor with 2 abstentions

Statutory language:

Retain current language as recommendation is to maintain current threshold.

Implementation: No change to C.R.S. §32-13-107(3)(b)(I)(C)

**6. Tier II Threshold Change Factor (i.e. CPI or fixed percent or other).**

Problem Statement: The required minimum annual operating income threshold to qualify for Tier II funding is currently adjusted annually by the most recent Denver-Boulder-Greeley Consumer Price Index, which is not published until late in February following the close of all organizations' most recently completed fiscal year. Thus organizations at the lower end of the tier do not know what the required qualifying threshold is until after they have closed the fiscal year upon which their qualifying income is based. Because of the timing, this retroactive application of the CPI makes it difficult for both small Tier II organizations and prospective Tier II organizations, i.e., those moving from Tier III to II, to predict and to budget for the annual qualifying threshold each year.

Recommendation: The annual threshold adjustment factor should be changed to a two-year trailing average of the Denver-Boulder-Greeley CPI.

Vote: 18-0 in favor

Recommended statutory language: (Same as Item 5 above)

For distributions made pursuant to this paragraph (b), in 2017 and in each year thereafter, the board shall annually adjust the amount specified in this paragraph (C) by a 2-year trailing average of the Denver-Boulder-Greeley Consumer Price Index, e.g., the average of the 2014 and 2015 CPIs (as reported in February 2015 and 2016) would be used to calculate the 2017 threshold.

Implementation: Statutory change to §32-13-107(3)(b)(I)(C)

**7. Tier II Intra Tier Distribution (Attendance/Revenue Formula).**

Problem Statement: Beyond the general SCFD eligibility criteria, an organization seeking to qualify for Tier II status is required to have annual operating income above an established dollar threshold, which is \$1.56 million in 2015. The current method for calculating the distribution of Tier II funds to those organizations that have qualified is then by application of a formula that gives equal weight, i.e., 50%, to each of two factors: qualifying annual operating income and audited paid attendance. The statute currently permits the SCFD board of directors to modify the weighting of each factor, but requires any modification to be binding for a period of five (5) years thereafter. Extensive data studied, including an independent sensitivity analysis of each factor, confirmed to participants in a 2013 attendance task force and to the 2014 Tier II work group that the attendance factor has a disproportionately greater mathematical impact on the dollars awarded to organizations than does the qualifying operating income factor. Additionally, the 50% paid attendance factor operates as a disincentive to provide free programming because only paid attendance increases an organization's share of SCFD funds. Both prior

groups of participants that studied the formula believed the current 50/50 weighting did not function as originally intended and should not be retained, citing not only the disparate weight the formula attributes to attendance but also the fact that the paid attendance factor operates as a disincentive to offering free programming. The Tier II work group unanimously voted not to advance to the Task Force or Board the option of retaining the current 50/50 formula, but supported distribution of the funds according to a revenue only formula or a formula that modified the weighting of each factor to correct the disparate weight.

Recommendation: The Tier II intra-tier distribution formula should be adjusted to encourage, rather than discourage, free attendance and to reduce the disparate impact the attendance factor has on funds distributed. Reduce the period of time the board is bound to its change in weighting from five (5) years to two (2) years.

Vote: 18-0 in favor

Recommended statutory language:

Distribution of moneys pursuant to subparagraph (I) of this paragraph (b) shall be based upon a formula to be applied annually that allows the SCFD board to determine the weight ascribed to operating income, audited paid attendance and documented free attendance, as defined by the SCFD board.

The task force wishes to give the board guidance around implementing the formula consistent with incremental change.

Implementation: Statutory change to §32-13-107(3)(b)(II)(A)

## 8. Tier II Regional Service Requirement.

Problem Statement: The Tier II tax levy is collected from all seven counties; thus, Tier II organizations' programs and activities should serve residents of the entire region. There is thus an explicit expectation that Tier II organizations will serve regional audiences.

Recommendation: Tier II organization should demonstrate regional service, as defined by the SCFD board.

Vote: 18-0 in favor

Recommended statutory language:

Any such facility shall demonstrate its regional service and impact as defined in board policy,

Implementation: Statutory change to §32-13-107(3)(b)(I)(B)

Board policy could ascribe a minimum percentage of attendance that must be from outside the organization's home county, or the board could require that collectively the organizations receiving Tier II funds serve the residents of all counties.

## 9. Should there be a fourth tier?

Problem Statement: County cultural council grants to larger Tier III organizations constitute a much lower percentage of their operating budgets than awards to mid-size and small Tier III organizations.

Smaller Tier II organizations with annual operating incomes close to the Tier II income threshold may struggle to stay in the tier but may be right-sized for their missions. Does combining these two groups into a separate tier make sense?

Recommendation: There should be no expansion in the number of tiers.

Vote: 18-0 in favor

Implementation: No statutory change

#### **10. SCFD Tier III Eligibility operating income/years in existence minimum requirements.**

Problem Statement: Organizations with annual revenue below \$25,000 generally have difficulty complying with the SCFD's organizational and financial capacity eligibility requirements. Accountability for public funds may also be an issue. Organizations with revenue below \$25,000 that are stable and have demonstrated their service to the public should not arbitrarily be excluded; therefore there would be an exception for any organization that has been operating for at least 10 years.

Recommendation: Organizations seeking SCFD eligibility must meet a minimum operating threshold of \$25,000 or have been operating as a 501(c)(3) for a minimum of ten years. Existing organizations will be grandfathered in.

Vote: 17 in favor with 1 absent

Recommended statutory language:

Add new paragraph to C.R.S. 32-13-107(3)(c)(I) reads:

(D) On and after January 1, 2017, any such facility not previously eligible to receive funds according to this subparagraph (I), shall have had an annual operating income of \$25,000 for the previous year, as adjusted annually thereafter by the trailing two-year average Denver-Boulder-Greeley Consumer Price Index, or shall have been in existence, operating and providing service to the public for at least ten years prior to seeking eligibility for funding.

Implementation: Statutory addition to §C.R.S. 32-13-107(3)(c)(I)

#### **11. SCFD Tier II and Tier III Eligibility Requirements for Years of Serving the Public.**

Problem Statement: Driven by budget reductions and longer processing times, the IRS has implemented reduced IRS Form 1023 criteria for obtaining 501(c)(3) tax exempt status and has reduced IRS Form 990 annual reporting requirements. The 2-½ page IRS Form 1023-EZ application for organizations with annual revenue below \$50,000 consists of several check boxes and requires no financial documentation. The IRS 1023 core application is 12 pages long and requires information that includes mission, organizing documents, financial documents, related parties, compensation, programs and activities, and sources of revenue.

Processing an eligibility application requires a considerable amount of SCFD staff time, much of it spent verifying and analyzing information submitted and researching independent resources. The 1023 application and the 990 or 990EZ have historically been important independent sources of information

used to determine whether an eligibility applicant meets all of the statutory criteria, including financial and organizational capacity.

Upon obtaining SCFD eligibility, some small organizations struggle with the grant application and decide not to apply for funds while others find they are too small to meet their county cultural council's minimum grant request requirements. The nonprofit organization and SCFD staff invest a considerable amount of time on the eligibility process prior to this result. The combination of relaxed IRS requirements and viability challenges for new nonprofits could result in an influx of small organizations seeking eligibility and Tier III funding from the county cultural councils. The same issues may exist for organizations seeking Tier II status after just five years of operations.

Recommendation: Organizations seeking Tier III eligibility must have been serving the public as a 501(c)(3) organization for a minimum of five years prior to submitting an eligibility application. Organizations seeking Tier II eligibility must have been serving the public as a 501(c)(3) organization for a minimum of seven years prior to submitting an eligibility application.

Vote: 16 in favor with 1 against and 1 absent

Recommended statutory language:

Tier III:

Any such facility that applies to receive district moneys for the first time on or after January 1, 2017, shall have been in existence, operating as a 501(c)(3) and providing service to the public for at least five years prior to seeking eligibility for funding.

Tier II:

Any such facility that applies to receive district moneys for the first time on or after January 1, 2017, shall have been in existence, operating as a 501(c)(3) and providing service to the public for at least seven years prior to seeking eligibility for funding.

Implementation: Statutory changes to C.R.S. §13-107(3)(b)(I)(A) and (D); C.R.S. §32-13-107(c)(I)(A) and (C)

## **12. Tier II Eligibility Criteria Tightened--Addressed by numbers 8 and 11 above.**

## **13. Tax Levy Allocations Between Tiers.**

Problem Statement: Public demand for and attendance in arts, cultural and scientific offerings is expected to grow across Tiers I, II and III. While Tier I is a closed tier, Tiers II and III are open tiers. Tier II has grown by a net 271% since 1988; Tier III by a net 83%. Growth in both of the open tiers will continue as it becomes easier to obtain tax exempt status and as metropolitan area demographics change, impacting the residents of the District and the SCFD organizations. Trends driving expansion of the open tiers and change include: 1) greater availability of programming outside of Denver in suburban areas; 2) resident demand for more programming in local communities; 3) patron and visitor sensitivity to cost: price points, travel costs and travel time; 4) population growth in the historically more rural counties, especially Adams and Douglas; 5) aging and increased ethnic diversity in the population across the District, and 6) desire for more culturally-focused programs and activities.

Additional funding should be adjusted as follows:

Recommendation: The three tax levy formulas should be adjusted as follows:

Base amount of \$38 million remains the same

Below the base the allocations shall be Tier I - 64% / Tier II - 22% / Tier III - 14%

Above the base the allocations shall be Tier I - 57% / Tier II - 26% / Tier III - 17%

Vote: 16 in favor with 2 against

Recommended statutory language:

The district shall be authorized to continue the levy and collection of the aggregated one-tenth of one percent sales and use tax as follows:

- (I) A uniform tax at the rate of sixty-four one-thousandths of one percent up to and including thirty-eight million dollars and a rate of fifty-seven one-thousandths after total revenue exceeds thirty-eight million dollars
- (II) A uniform tax at the rate of twenty-two one-thousandths of one percent up to and including thirty-eight million dollars and a rate of twenty-six one-thousandths after total revenue exceeds thirty-eight million dollars
- (III) A uniform tax at the rate of fourteen one-thousandths of one percent up to and including thirty-eight million dollars and a rate of seventeen one-thousandths after total revenue exceeds thirty-eight million dollars

Implementation: Statutory changes to C.R.S. §32-13-105(5); C.R.S. §32-13-107(3)(a), (b) and (c); conforming ballot language

#### **14. Tier I Intra-Tier percentages.**

Problem Statement: The intra-tier distribution of Tier I funds should reflect the growth of each organization as measured by several factors that include: attendance, programs, activities, cultural diversity, and service to the public. Tier I organizations should collectively make this recommendation to the SCFD board.

Recommendation: The Task Force chose to not make a recommendation regarding Tier I Intra-Tier percentages, preferring instead to recommend that the Board accept the collective recommendation of the Tier I organizations.

Vote: 18-0 in favor

#### **15. Develop New Audiences and Enhanced Services for underserved populations and youth.**

Problem Statement: The metro area's population has grown and changed significantly since 1988. According to the Denver Regional Council of Governments and the State Demographer's office, projected changes by 2028 include: a District population of 4 million (currently 2.7M); 1 in 4 residents will be over age 60; the millennial generation (born 1975-2000) will dominate the work force and experience increasing demands on time due to increased work and commuting hours and family

demands; ethnic groups will constitute 31% of the population; Hispanic/Latino population will be 1 million; 1 in 4 adults will be living below the self-sufficiency level; travel time and cost barriers will require organizations to serve and engage the public in a greater variety of ways, with more flexible scheduling and more free and reduced cost options.

Recommendation: No action required.

This is a general policy statement of importance but should not be incorporated in statute.

Vote: 18-0 in favor

Implementation: No statutory change

#### 16. SCFD Administrative Percentage.

Problem Statement: In its 25+-year history, the .75% of revenue allocated to administration has not, in any year, been sufficient to cover actual operating costs which are very reasonable, especially given the increase in the number of counties, councils, funded organizations and funds to be distributed. Reliance on interest income as a supplement to the allocation has proven to be an unsustainable model.

Recommendation: The administrative percentage should be increased to 1.5%.

Vote: 18-0 in favor Recommended statutory language:

After deducting costs, not exceeding one and one-half percent of the sales and use tax annually collected, which are incurred by the district for the administration of such moneys, and after deducting an amount necessary to pay the district's actual and anticipated reasonable costs related to a coordinated election, distributions by the board to the scientific and cultural facilities shall be made as follows: after the administrative costs are deducted, the language of this section of the SCFD statute addresses specifically how each tier's tax levy will be distributed within the tier.

Implementation: Statutory change to C.R.S. §32-13-107(3); conforming ballot language

#### A. Sunset provisions (Number of Years).

Problem Statement: The current sunset (expiration) date for the SCFD is June 2018. Prior sunset dates were: 1996 for the 1988 vote (8 years); 2006 for the 1994 vote (10 years) and 2018 for the 2004 vote (12 years). The board has discussed but not decided whether to request a 12-year extension, making the next sunset date 2030, or a 16-year extension, making the next sunset date 2034. There are pros and cons to each, but both would allow for the reauthorization vote to be conducted two years prior to the sunset year, during a presidential election year. Although the SCFD board gave some previous consideration to making the tax permanent, this option was deemed to be unpopular and could operate to support complacency and a strong sense of entitlement, neither of which would serve the public well.

Recommendation: The task force did not have time to address this issue. SCFD board should address this issue.

Vote: No vote taken.

Implementation: Statutory change to C.R.S. §32-13-105; conforming ballot language

## **B. Elimination of 5% Discretionary Provision.**

Problem Statement: Since its inception, the SCFD statute has provided for two components of the distribution of tax revenue to eligible organizations: 1) general operating support (GOS) funds and 2) discretionary funds. General operating support typically covers expenses related to the day-to-activities, programs and on-going costs of implementing the organization's mission. Discretionary funds have been statutorily limited to one or more of 7 prescribed uses: accessibility, regional impact, quality, need, enhanced or innovative programs, or collaboration with one or more other SCFD organizations. The statutory split between GOS and discretionary was initially 90%/10%, and was reduced to 95%/5% in 2004.

Recommendation: There was not enough time for adequate discussion of this issue and therefore consensus was not reached.

Vote: 5 in favor with 5 against and 8 with no opinion

Statutory Language:

If this change is adopted by the board, the language would need to meet as follows:

### Tier I

Delete C.R.S. §§32-13-107(3)(a)(II) and (III)

Modify C.R.S. 32-13-107(3)(a)(I) to read "One hundred percent of said sales and use tax revenue shall be distributed for annual operating expenses as follows:"

### Tier II

Delete C.R.S. §§32-13-107(3)(b)(II) and (III)

Modify C.R.S. §32-13-107(3)(b)(I) to read: "One hundred percent of said sales and use tax revenue shall be distributed for annual operating expenses as follows:"

### Tier III

Delete §32-13-107(3)(c)(II) and (III)

Modify C.R.S. §32-13-107(3)(c)(I) to read: "One hundred percent of said sales and use tax revenue shall be distributed for annual operating expenses as follows:"

NOTE: This recommendation does not prevent County Cultural Council's ability to fund both general operating support and project support.

Implementation: Statutory changes to C.R.S. §32-13-107(3)(a)(I) and (III); C.R.S. §32-13-107(3)(b)(I) and (III); C.R.S. §32-13-107(3)(c)(I) and (III)

## **C. Movement of money when a Tier III organization becomes a Tier II, and vice versa.**

Problem Statement: When a Tier III organization grows sufficiently to meet the qualifying threshold to move into Tier II, there is no mechanism for increasing Tier II funds to accommodate the expansion. Conversely, when a Tier II organization fails to meet the qualifying threshold and is limited to applying for Tier III funding from one or more county cultural councils, there is no mechanism for increasing county funds to accommodate the expanded demand for funds.

Recommendation: No action required.

Because voters approve the percentage assigned to each of the three tax levies, funds from one levy, i.e., “tier”, cannot be moved to another tier without a public vote. Thus this change cannot be effected.

Vote: consensus was this could not be done; money cannot be moved between tiers as these are allocated by the tax levy and the public votes on each tax levy.

Implementation: No statutory change.

### Summary Table with Recommendations

Issue	Recommendation
1. Update statutory language to exclude the ability of Tier II's to apply for Tier III funding.	This change should be made.
2. Allow maximum of two SCFD eligible organizations per local government TIN or FEIN.	This change should be made.
3. Redefine <i>cultural</i> and <i>scientific</i> facilities in statute to allow broader, more flexible eligibility categories that uphold original statutory intent while providing flexibility to adjust for future changes and ways of serving and engaging the public.	This change should be made.
4. Update statutory language to state that Council members may consider financial and organizational capacity in funding decisions.	This change should be made.
5. Lower the Tier II income threshold to include large Tier III organizations.	This change should <u>not</u> be made.
6. Modify Tier II Threshold Adjustment Factor by using trailing two-year CPI.	This change should be made.
7. Modify Tier II Intra-Tier Distribution by adding free attendance to current formula. Give board ability to determine the weighting of the three factors (paid attendance, free attendance, revenue).	This change should be made.
8. Add Regional Service Requirement to eligibility criteria for Tier II.	This change should be made.
9. Should there be a fourth tier?	This change should <u>not</u> be made.
10. Add SCFD Tier III Eligibility operating income threshold of \$25,000 or 10 years of existence as 501(c)(3) for newly eligible organizations	This change should be made.
11. Modify SCFD Tier II and Tier III Eligibility Requirements to increase years of existence serving the public as a 501(c)(3) from 5 to 7 years for Tier II and from 3 to 5 years for Tier III.	This change should be made.
12. Tighten Tier II Eligibility Criteria.	N/A. Addressed by Items 8 and 11 above.
13. Modify Tax Levy Allocations Between Tiers to 64/22/14 up to \$38m and 57/26/17 above \$38m.	These changes should be made.
14. Modify Tier I Intra-Tier percentages per Tier I agreement.	This change should be made if the organizations agree to a change.
15. Develop new audiences and enhanced services for underserved populations and youth.	No action required.
16. Increase SCFD Administrative Percentage to 1.5.	This change should be made.
A. Sunset provisions (Number of Years).	Issue was not addressed.
B. Elimination of 5% Discretionary Provision.	Inadequate time to address the issue.
C. Movement of money when a Tier III organization becomes a Tier II, and vice versa.	No action required.

## Appendix A

### Detailed 2011- 2016 Reauthorization Process To Date

#### Large Internal Stakeholder Engagement

In 2011 the SCFD board of directors hired Engaged Public, a public policy strategy firm, to undertake a major initiative designed to educate and involve SCFD organizations in a discussion of issues that are critical to the future success of the district. These internal engagement sessions were held with each group of organizations at each tier within the SCFD and county cultural councils and included participation from more than 200 organizational and council representatives. Issues identified and feedback from internal stakeholders during these six in-depth meetings later became the basis of the 2014 work group process.

Also in 2013, Decatur and Company conducted one-on-one interviews with each member of the SCFD board and staff to gain information on key issues of importance regarding reauthorization from these two additional perspectives.

#### Internal Survey & Volunteer Opportunity

In preparation for the 2014 work groups, in January 2014, SCFD sent 1,026 email survey links to contacts at Tier I, II and III organizations and all county cultural council members asking for further feedback regarding the reauthorization process and soliciting volunteers for the 2014 work groups. The survey was sent to all SCFD eligible organizations and county cultural council members to ensure broad representation. There were a total of 151 survey responses and 104 survey respondents who volunteered their service for a work group(s).

#### Work Groups

The SCFD board of directors selected the participants for seven 2014 work groups from a pool of internal stakeholders who responded to a January 2014 survey, sent to over 1,000 internal stakeholders, and who also volunteered to serve. Each work group reflected: 1) SCFD's diversity of organizations by discipline, i.e., visual arts, performing arts, botany, zoology, cultural history and natural history; 2) all seven counties in the District, and 3) a variety of budget sizes. Additionally, two SCFD board members participated in all but one work group to ensure open communication between the board and internal SCFD stakeholders.

*SCFD Work Groups and Board Relationship Chart*



## **Task Force**

The SCFD board established similar representation criteria for appointees to the 2015 Reauthorization Task Force: 1) SCFD's diversity of organizations by discipline, *i.e.*, visual arts, performing arts, botany, zoology, cultural history and natural history; 2) all seven counties in the District, and 3) a variety of budget sizes. However, the board wanted the majority of appointees to be drawn from the 2014 work groups so that they could assist their colleagues in understanding the complex issues and the discussions that occurred in each work group. In order to maintain a manageable size, the task force was limited to 18 participants. The Task Force included three representatives from each of the three tiers and three from the county cultural councils. Added to this core of 12 stakeholders were two current SCFD board members, two former SCFD board members, a government entity from a county otherwise not represented, and the president of a foundation that also funds cultural organizations. The board also wanted the task force members to represent leadership from each tier. The final list of 2015 *Task Force Members Appointed* complied with all of the SCFD board's requirements, and achieved gender balance, with 9 men and 9 women. At its first meeting the group unanimously elected Jim Harrington to serve as its Chair.

The board charged the task force with making recommendations only, not decisions, regarding any potential changes to the statute. This task force report and recommendations are to be presented at the April 23, 2015 board meeting/planning session at which time Task Force members and the SCFD board will meet jointly to discuss Task Force recommendations and implementation.

## **Ongoing Public Input**

Throughout the multi-year process the SCFD board of directors has encouraged stakeholders and the general public to submit questions, feedback and input regarding the SCFD's reauthorization process. All feedback has been shared with the SCFD board of directors and the task force members. The SCFD board has encouraged both written feedback and verbal feedback. Public comment is a standing agenda item and is always welcomed at every SCFD board meeting. Information regarding the multi-year process may be found at: <http://scfd.org/p/reauthorization.html>. Comments or questions regarding this document or the broader process may be emailed to: [Comment@scfd.org](mailto:Comment@scfd.org) or presented to the SCFD board of directors during the public comment phase of every SCFD board meeting. Meeting dates and agendas of the SCFD board of directors are published on the SCFD website, [www.scfd.org](http://www.scfd.org), under the About/Governance section.

## **Appendix B - List of 2015 Reauthorization Task Force Members**

1. Kristy Bassuener, Denver Art Museum
2. Susan Beyda, Adams County Cultural Council
3. Susan Connelly, Colorado Chautauqua Association
4. Karen Douglass, Broomfield County Cultural Council
5. Tony Garcia, Su Teatro
6. Jim Harrington, former SCFD Board Chair (Task Force Chair)
7. Andrea Malcomb, Molly Brown House Museum
8. Dave Montez, former SCFD Board Member
9. Shepard Nevel, SCFD Board Member
10. Michelle Nierling, City of Lakewood Heritage, Culture and Arts
11. Lisa Rigsby Peterson, Lone Tree Arts Center
12. Dan Ritchie, Denver Center for the Performing Arts
13. Deven Shaff, Tier III
14. Rhetta Shead, Arapahoe County Cultural Council
15. George Sparks, Denver Museum of Nature and Science
16. Gary Steuer, Bonfils-Stanton Foundation
17. Elaine D. Torres, SCFD Board Member
18. Steve Wilson, Mizel Arts and Cultural Center

### Staff

Peg Long, Executive Director

Nancy McCamey, Senior Program Manager

### Consultant

Karla Raines, Principal, Corona Insights



## STUDY SESSION AGENDA ITEM

<b>DATE OF STUDY SESSION:</b> November 10, 2015
<b>SUBJECT:</b> Traffic Calming
<b>FROM:</b> Jeffery Maxwell, PE, PTOE, Director of Transportation
<b>AGENCY/DEPARTMENT:</b> Transportation Department
<b>ATTENDEES:</b> Jeffery Maxwell, Scot Lewis, Scott Wells
<b>PURPOSE OF ITEM:</b> Discuss current national and local traffic calming practices and determine if the BOCC wishes to pursue a formal traffic calming policy.
<b>STAFF RECOMMENDATION:</b> That the Board provide feedback regarding the development of a formal traffic calming policy for the county.

### **BACKGROUND:**

The Transportation Department will present background on several traffic calming ideas, methods and options and gather input from the Board of County Commissioners regarding .

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Sheriff's Office

### **ATTACHED DOCUMENTS:**

PowerPoint Presentation

**FISCAL IMPACT:**

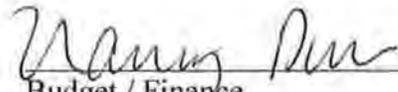
Either mark X  if there is no fiscal impact or provide the following information for the recommended action:

Fund(s):	
Cost center(s):	
Self-generated / dedicated revenues:	\$
Annual operating costs:	\$
Annual net operating (cost) / income:	\$
Capital costs:	\$
Expenditure included in approved operating budget:	\$
Expenditure included in approved capital budget:	\$
New FTEs requested:	

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

\_\_\_\_\_  
Todd Leopold, County Manager

  
\_\_\_\_\_  
Nancy Ann  
Budget / Finance

  
\_\_\_\_\_  
Raymond H. Gonzales, Deputy County Manager

\_\_\_\_\_  
Ed Finger, Deputy County Manager

# TRAFFIC CALMING Discussion

Adams County Transportation Department  
November 10th, 2015



# INSTITUTE OF TRANSPORTATION ENGINEERS DEFINITION OF TRAFFIC CALMING



*"Traffic Calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users."* Lockwood, Ian. *Institute of Transportation Engineers Traffic Calming Definition*. ITE Journal, July 1997, pg. 22.

# TRAFFIC CALMING MEASURES

- Speed Radar Signs
- Speed Humps
- Residential Traffic Circles
- Roundabouts
- Chicanes

# SPEED RADAR SIGN



## Advantages

Does not slow trucks and emergency vehicles

Does not require much time for design

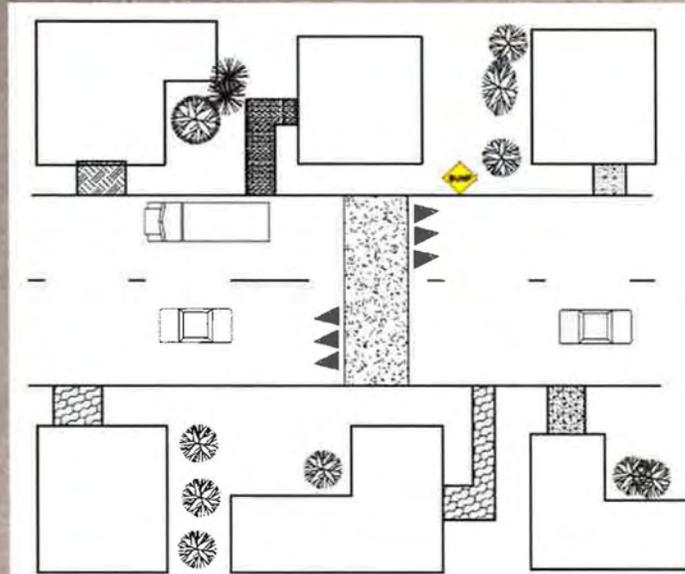
Can mount to existing poles

## Disadvantages

Has not been shown to significantly reduce travel speeds

High cost of long-term maintenance

# SPEED HUMP



## Advantages

Relatively inexpensive

Relatively easy for bicyclists to cross at taper if designed properly

Very effective at slowing travel speed

## Disadvantages

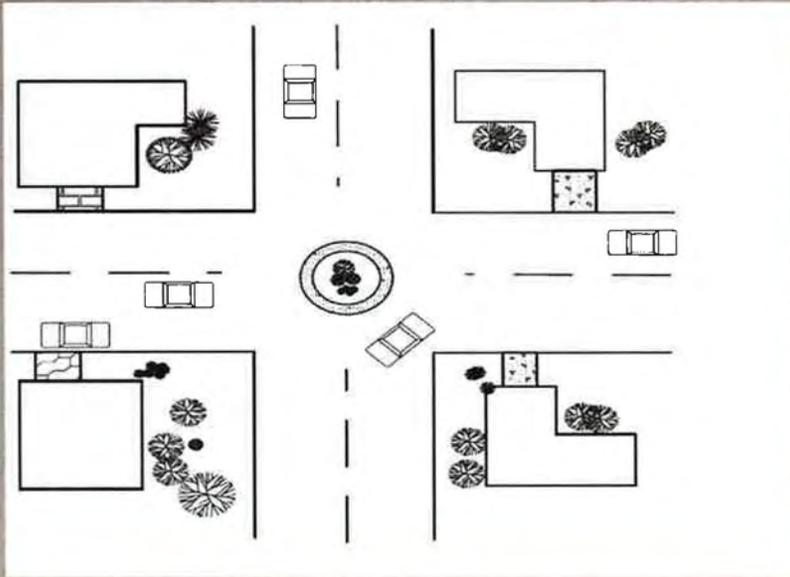
Causes a rough ride for drivers

Slows and may damage emergency vehicles

Increase noise and air pollution

Poor aesthetics

# RESIDENTIAL TRAFFIC CIRCLE



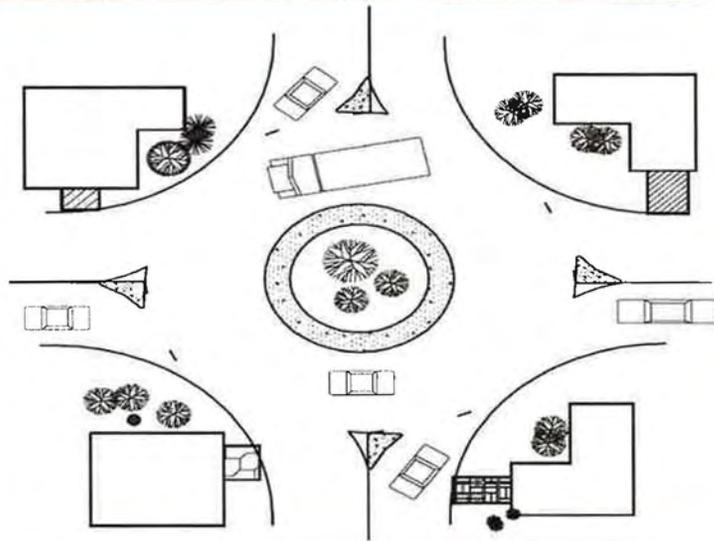
## Advantages

- Provides increased access to street from side street
- Breaks up sight-lines on straight street
- Effective at slowing travel speed

## Disadvantages

- Landscaping must be maintained
- Difficult for large vehicles (e.g., fire truck) to circumnavigate
- Potential loss of on-street parking
- May require modifications to curb, gutter and sidewalks

# ROUNDAABOUT



## Advantages

Enhanced safety compared to traffic signal

Minimizes queuing at approaches

May be effective at slowing travel speed

## Disadvantages

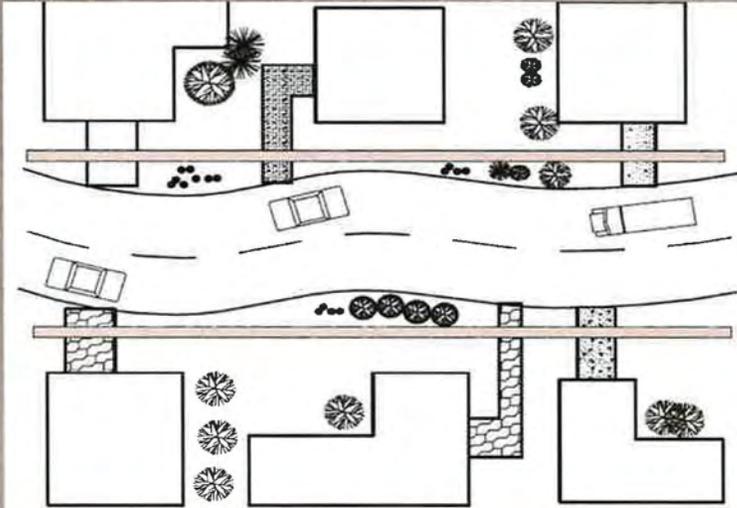
Landscaping must be maintained

May require major reconstruction and extensive right-of-way

Potential loss of on-street parking

Increases pedestrian distance and travel time on crosswalks

# CHICANE



## Advantages

Discourages high speeds by forcing horizontal deflection

Negotiable by large vehicles (e.g., fire truck)

## Disadvantages

Landscaping must be maintained

Require major reconstruction and extensive right-of-way

Potential loss of on-street parking

# ADAMS COUNTY SPEED RADAR SIGNS



- Installed September 2015 on W. 66<sup>th</sup> Avenue near Perry Ct. and Newton Ct.
- Posted speed limit: 25mph
- 85<sup>th</sup> percentile speed before installation: 52mph
- 85<sup>th</sup> percentile speed after installation: 32mph
  
- Installed August 2015 on 136<sup>th</sup> Avenue near Sable Blvd.
- Posted speed limit: 45mph
- 85<sup>th</sup> percentile speed before installation: 53mph
- 85<sup>th</sup> percentile speed after installation: 48mph

# ADAMS COUNTY SHERIFF'S DEPT. COMMENTS

- Speeding was cited as the #1 complaint at neighborhood meetings
- Concerned that the implementation of physical barriers, speed humps in particular, will add to response times.
- Use of other traffic calming devices such as roundabouts, chicanes and intersection treatments are preferred.
- If used, it is recommended to clearly mark the locations of devices to minimize damage to vehicles.

# ADDRESSING STREET MAINTENANCE CONCERNS

In communities surveyed by ITE, speed humps and traffic circles have not been found to:

- prevent snow clearance
- leave streets unsafe due to residual snow and ice
- damage snowplows
- suffer serious damage themselves
- However, traffic calming measures may add to workload and expense of snow clearance

# AREA POLICIES: CITY OF WESTMINSTER

- No formal program...rely on Enforcement.
- 25 raised crosswalks in place
- "Speed Awareness" Radar signs will be temporarily deployed where appropriate
- Opportunities to incorporate curvilinear street design, narrower streets and entry features into new subdivisions are taken

## AREA POLICIES: CITY OF AURORA

- Must be a local or 2-lane collector roadway
- Fire Dept must agree the street is not a critical run route
- Must have a minimum of 1,000 vehicles per day
- Must have a bona fide speeding problem, defined as the 85th percentile speed to be 10 mph or more over the posted speed limit

If all of those criteria are met, a petition may be provided—the petition must be signed by all property owners directly adjacent to the proposed device location(s) as well as by at least 75% of property owners located within 600' of the proposed device location(s). If the petition is completed and verified, the street would then be potentially available for device construction—there is currently no budget available for traffic calming.

# AREA POLICIES: JEFFERSON COUNTY

- Any speed bump(s) installed through this program shall be paid for on a 50/50 cost-sharing basis.
  - a. One-half of the cost shall be paid for by the property owners or residents in the Installation Evaluation Area.
  - b. One-half of the cost shall be paid for by the County.
  - c. A fixed cost shall be established by the County, which shall include the cost of labor and materials to install the bumps, related signs, and pavement markings.
- The citizen(s) requesting the bumps shall be responsible for collecting the required 50% matching funds.
- A privately funded speed bump(s) is permitted provided that all criteria and guidelines are met and approval is obtained from the Transportation and Engineering Division.

## RECOMMENDED NEXT STEPS

- Continue utilizing Speed Radar signs
- Work with Sheriff's Office to establish a Traffic Calming Task Force
- Install traffic calming measures (such as speed humps) in a limited number of neighborhoods and collect speed data, collision data and resident satisfaction survey data. Installations would be limited to roadways classified as Local Roads.
- Develop a comprehensive Traffic Calming Manual to establish:
  - Traffic calming warrants
  - Processes for requests
  - Measures of effectiveness
  - Design principles
  - Design standards



## PUBLIC HEARING AGENDA ITEM

<b>DATE OF PUBLIC HEARING:</b> November 10, 2015
<b>SUBJECT:</b> Animal Shelter Operational Update and Facility Improvement Plan
<b>FROM:</b> Todd Leopold, County Manager; Stephanie Wilde, Executive Director of ACAS
<b>AGENCY/DEPARTMENT:</b> County Manager Office / Animal Shelter
<b>RECOMMENDED ACTION:</b> That the Board of County Commissioners

### **BACKGROUND:**

Following a presentation to the Board of County Commissioners regarding the assessment of the Adams County Animal Shelter (ACAS) county staff have evaluated both the near term operational needs of the Shelter as well as the future facility needs of the operation moving forward.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Animal Shelter

### **ATTACHED DOCUMENTS:**

PowerPoint Presentation

**FISCAL IMPACT:**

Either mark X  if there is no fiscal impact or provide the following information for the recommended action:

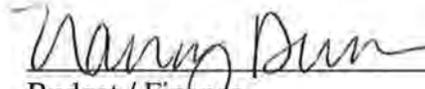
Fund(s): Capital Facilities Fund	
Cost center(s):	
Self-generated / dedicated revenues:	\$
Annual operating costs:	\$
Annual net operating (cost) / income:	\$
Capital costs:	\$12-\$14M
Expenditure included in approved operating budget:	\$
Expenditure included in approved capital budget:	\$
New FTEs requested:	

**Additional Note:**

**APPROVAL SIGNATURES:**

  
\_\_\_\_\_  
Todd Leopold, County Manager

**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Budget / Finance

\_\_\_\_\_  
Raymond H. Gonzales, Deputy County Manager

\_\_\_\_\_  
Ed Finger, Deputy County Manager

# Animal Shelter Operational Update and Facility Improvement Plan

November 10, 2015  
Study Session

# Agenda

- Operational Improvements
- Facility Recommendation
- Financial Assessment
- Next Steps

## Metro Denver Animal Shelter Public Hours

	ACAS	Aurora	Denver	DFL	FAS
Sun.	10 – 4 (6)	CLOSED	11 – 5 (6)	10 – 5 (7)	10 – 6 (8)
Mon.	12 – 6 (6)	11 – 6 (7)	10:30 – 6:30 (8)	11 – 7 (8)	11 – 7 (8)
Tues.	12 – 6 (6)	11 – 6 (7)	10:30 – 6:30 (8)	11 – 7 (8)	11 – 7 (8)
Wed.	<b>CLOSED</b>	11 – 6 (7)	10:30 – 6:30 (8)	11 – 7 (8)	11 – 7 (8)
Thurs.	12 – 6 (6)	11 – 6 (7)	10:30 – 6:30 (8)	11 – 7 (8)	11 – 7 (8)
Fri.	12 – 6 (6)	11 – 6 (7)	10:30 – 6:30 (8)	11 – 7 (8)	11 – 7 (8)
Sat.	10 – 5 (7)	10 – 4 (6)	11 – 5 (6)	10 – 5 (7)	10 – 6 (8)
	<b>37 hrs</b>	<b>41 hrs</b>	<b>52 hrs</b>	<b>54 hrs</b>	<b>56 hrs</b>

# Operational Recommendations

- Reopen 7 days a week as of January 1, 2016.
- Adjust hours of operation to address citizen demand (address seasonality/Citizen Demand)
- Reallocate Existing County Positions to address operational needs
- Improve the Technology – Phone System / ACO Communication Improvements

# Additional Focus Areas

- Ordinance Alignment Taskforce
  - Regional Licensing Review Committee
  - Rate Structure Review
- 

Adams County Animal Control Radio Dispatching  
will be moved under the Sheriff Office.

# Animal Shelter Facility Assessment



# Animal Shelter – Facility Interior Assessment

## Building Deficiencies

- **Air circulation**
  - Standard = 10 – 12 exchanges per hour
- **Noise**
  - No noise abatement. Excess of allowable limits. Increased stress for animals & people
- **Open ceiling**
  - Surfaces above 7 ft. contributing to bacterial contamination and disease outbreaks
- **Heating & Cooling systems**
  - Uneven temps throughout building

# Animal Shelter – Facility Interior (continuation)

## Building Deficiencies

- **Lighting**
  - Below industry standards
- **Ambiance**
  - Lack of visual appeal. “Pound–like”
- **Kennel Floors**
  - Uneven, do not drain properly and inadequate
- **Physical Environment**
  - Physical environment makes attracting, retaining volunteers difficult

# Animal Shelter – Facility Interior (continuation)

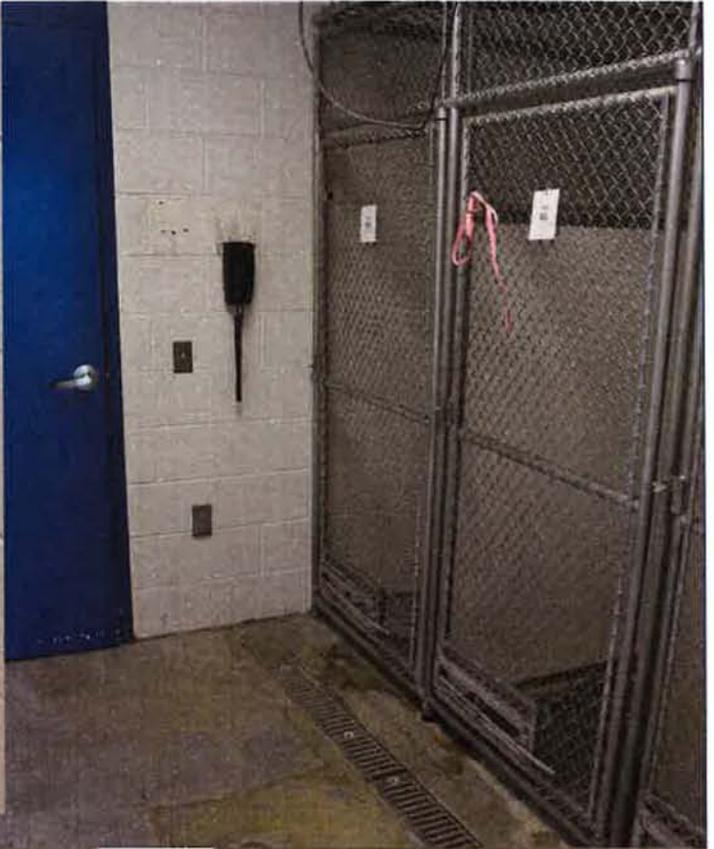
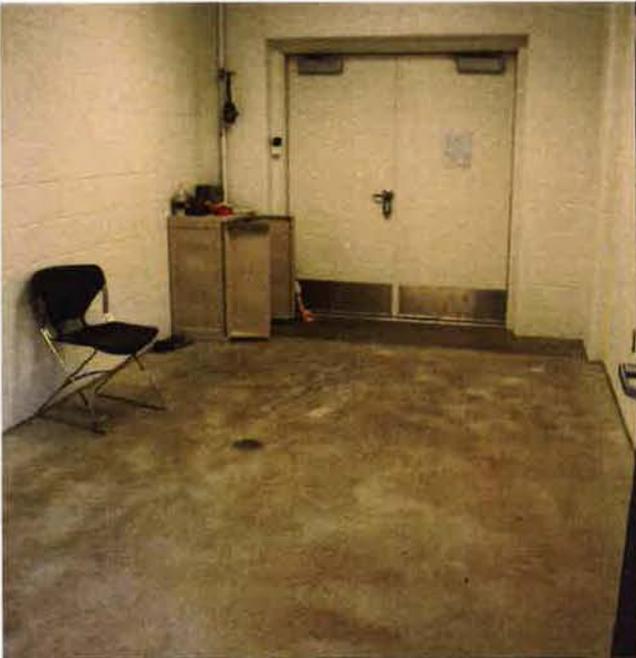
## Health Care Space

- Single room serves as both surgery and healthcare.
  - PACFA: *“At any facility where surgical procedures occur, there must be a room whose purpose is exclusively for surgery.”*

# Animal Shelter – Facility Interior (continuation)

## Housing Design PACFA Findings

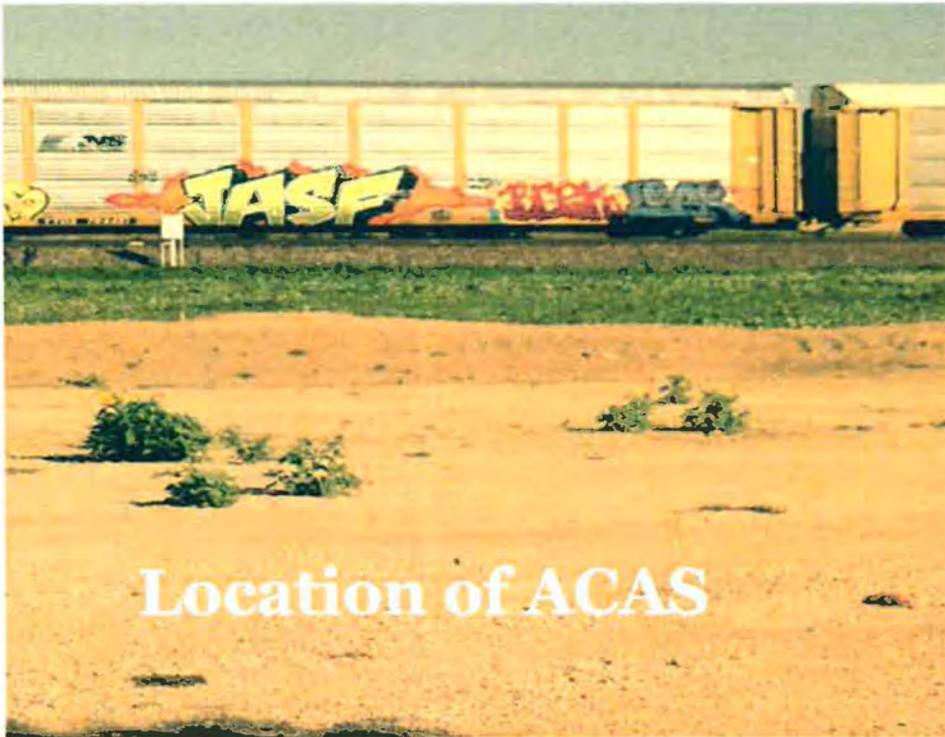
- ❑ Dog kennels face each other creating barking, stress.
- ❑ Cats close to barking dogs creating stress, illness.
- ❑ Outdated cat kennel design.
- ❑ Lack of adequate space for small mammals, birds etc.
- ❑ Parvo kennels located in euthanasia room.
- ❑ Court-hold kennels have no access to outdoor space.



# Location Challenges

- Difficult to access and find
- Not people or pet friendly
- Lack of visibility
- Breed Ban
- Safety
- Noise





Location of ACAS



# Capital Maintenance / Repair Needs at Existing Facility

Projects
Carpet Removal
Flooring Drainage Repair/ Expansion
Medical Unit Expansion
Intake Unit Expansion
Crematorium Replacement
HVAC System Upgrade
Animal Kennel Improvement/Replacement
External Dog Runs
Concrete Damage / Sealant

# Facility Recommendation

Replace the existing facility with a  
new facility and  
dispose of the current one.

# New Shelter Cost Estimate Summary

35,000/40,000 Sq. Ft. x \$345/sq. ft. = \$12 – \$14 million

Est. sale of current facility = (\$3 million+)

Estimated Overall Project Cost = \$9 - \$11 million

Cost estimate based on previous animal shelter construction projects recently completed in last five years excluding any land purchase.

FAS (2010) - \$293/sq.ft., Denver (2012) - \$310/sq.ft., Larimer County (2015) - \$368/sq.ft.

# Return On Investment

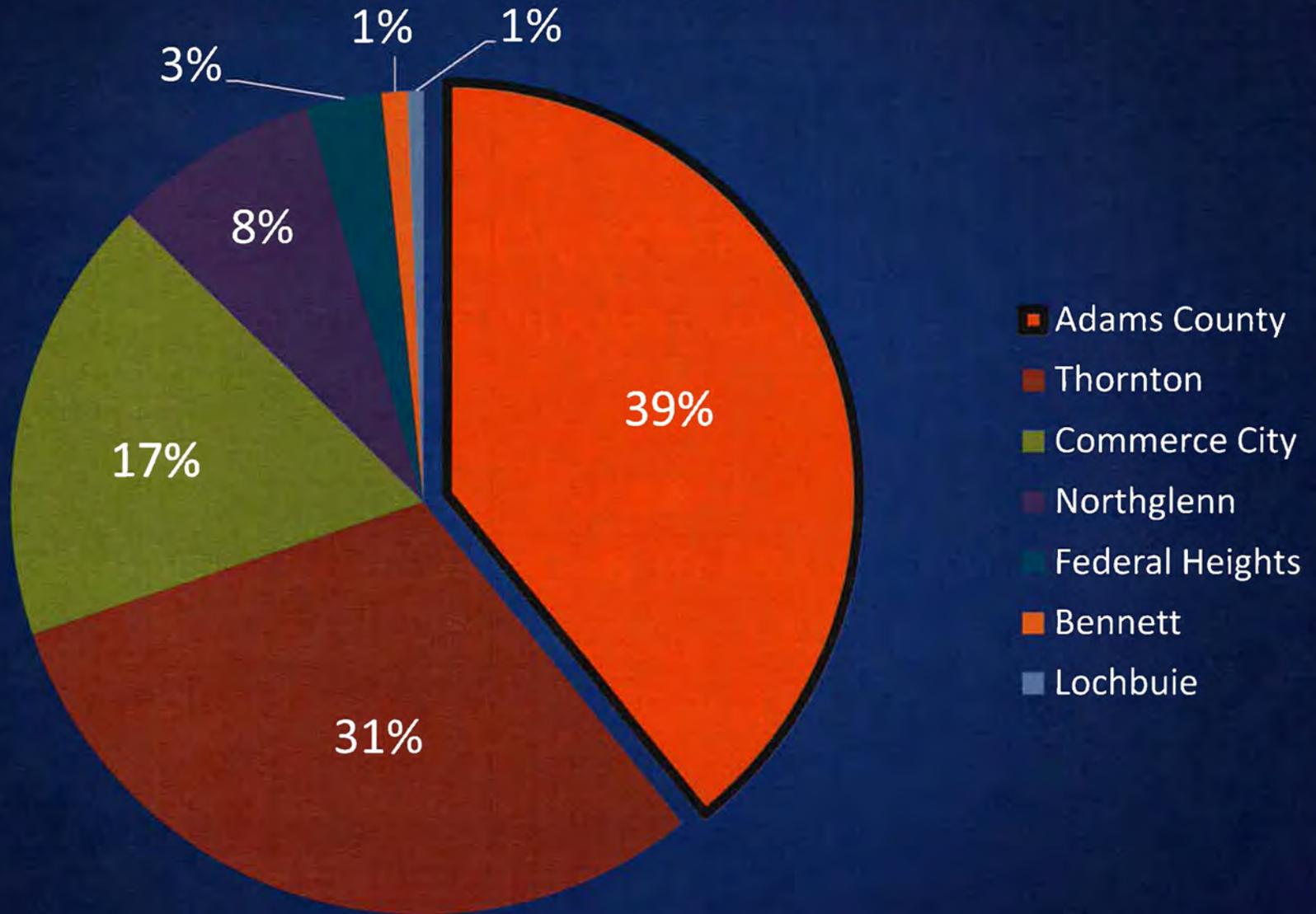
Partner Jurisdictions understand the current expense inequity of the existing Shelter operations and the need to pay their operational share.

Redistributed operational costs = (\$850,000)

Annualize Property Tax Addition = \$25,000

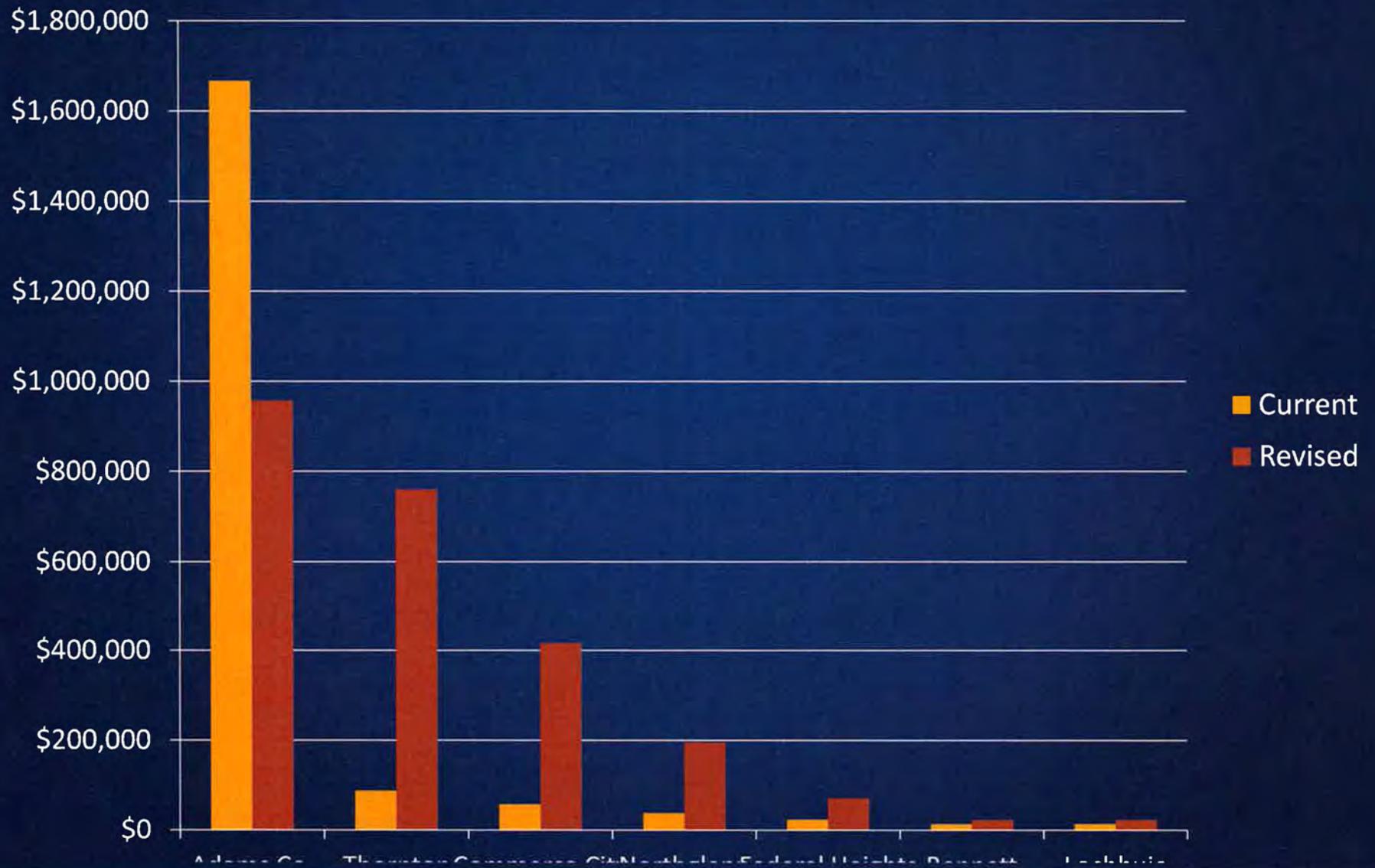
Estimated 13.7 year ROI

# Animal Intake (Avg. 2012 -2014)



# Financial Assessment Overview

(Based on Avg. Intake FY2012-FY2014)



# Key Improvements

- 1) Addresses PACFA Facility Concerns to ensure compliance
- 2) Improves Animal Medical and Healthcare
  - Improved Save Rate
- 3) Provides Animal Welfare and Adoption Services to the Public and Low Income Residents
- 4) Will enhance services for low income animal care assistance (spay/neuter, vaccinations, etc. services)

# Key Improvements

## 4) Significantly Improved Location

- ACO Accessibility
- Improved Court Holding Facility
- Community Accessibility
- Return to Owner

5) Improved integration with our existing public safety entities and the court system.

6) Transition to a community-based Shelter operation

# Estimated Construction Timeline\*

- Location Recommendations – January, 2016
- Design RFP / Selection – January, 2016
- Program Design Complete – July, 2016
- Construction Begin – October, 2016
- Facility Completion – December, 2017

\*Timeframes subject to revision

Questions



## STUDY SESSION AGENDA ITEM

<b>DATE:</b> November 10, 2015
<b>SUBJECT:</b> Project Updates for: Justice Center Phase II Build Out & Human Services Center
<b>FROM:</b> Seán Braden, Project Manager
<b>AGENCY/DEPARTMENT:</b> Facility Planning & Operations
<b>ATTENDEES:</b> Mike Goins, Facility Operations Director Saunders Construction, Inc.
<b>PURPOSE OF ITEM:</b> Project Updates & CM/GC Approvals
<b>STAFF RECOMMENDATION:</b> Approve direction to proceed with CM/GC

### **BACKGROUND:**

The Justice Center Phase II Build Out is currently in design. Design concepts are complete by the architect (DLR Group). Following Policy 1071 for procurement of construction contracts, a Study Session review for pre-qualifying contractors is required. This presentation is intended to fulfill this requirement.

The Human Services Center has completed the Design Development phase and is preparing for a Guaranteed Maximum Price (GMP) with Saunders Construction, Inc. The presentation will update status and GMP elements.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

County Manager's Office  
Purchasing Department  
17<sup>th</sup> District Court (for the Justice Center)  
Human Services Department (for the Human Services Center)

### **ATTACHED DOCUMENTS:**

Power Point presentation for the Justice Center design progress.

**FISCAL IMPACT:**

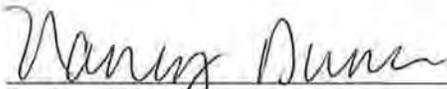
Either mark X  if there is no fiscal impact or provide the following information for the recommended action:

Fund(s):	
Cost center(s):	
Self-generated / dedicated revenues:	\$
Annual operating costs:	\$
Annual net operating (cost) / income:	\$
Capital costs:	\$
Expenditure included in approved operating budget:	\$
Expenditure included in approved capital budget:	\$
New FTEs requested:	

**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Todd Leopold, County Manager

  
\_\_\_\_\_  
Budget / Finance

\_\_\_\_\_  
Raymond H. Gonzales, Deputy County Manager

  
\_\_\_\_\_  
Ed Finger, Deputy County Manager



# JUSTICE CENTER PHASE II BUILD OUT



Project Update

November 10, 2015

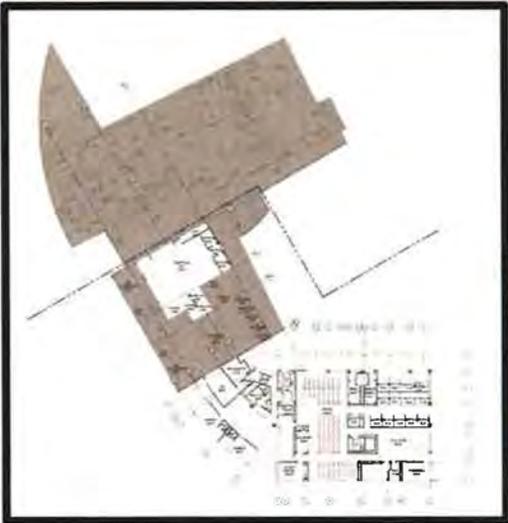
# Project Overview

- Project Scope:
  - Build Out Existing Vacant Space (2<sup>nd</sup> & 3<sup>rd</sup> Floor)
    - Located in “Phase II” (South East Wing)
    - Approx. 30,000 Square Feet Total Planned
  - Second Floor Scope:
    - New ‘First Appearance Center’
    - Renovate current Division R Waiting into Courtroom
  - Third Floor Scope:
    - One New Courtroom
    - Two New Hearing Rooms
  - Estimated at \$8.5M Total (County Share)
    - Design is Funded (2015 CIP)
    - Construction is in 2016 Budget (still to be approved)

# Second & Third Floor

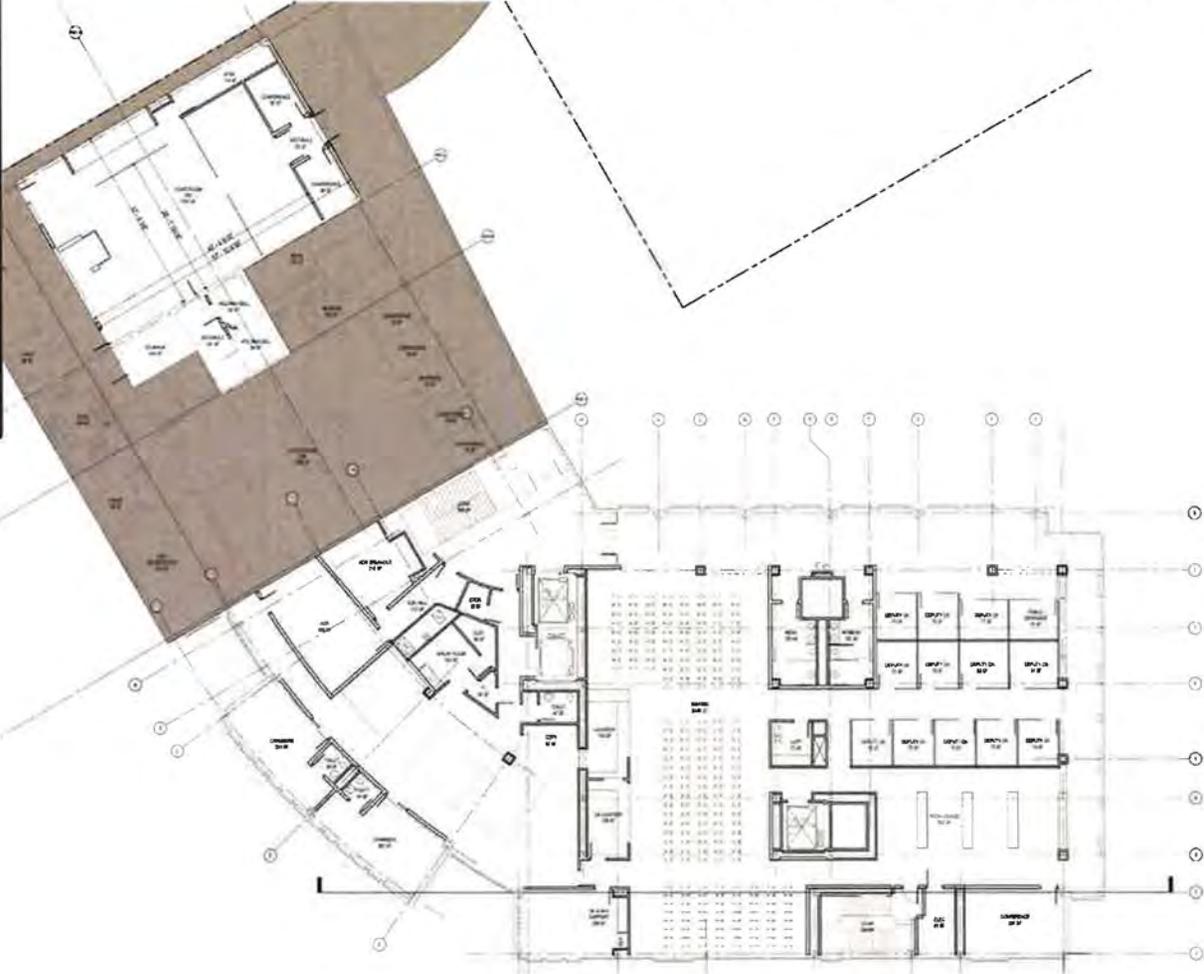


# Second Floor - Concept

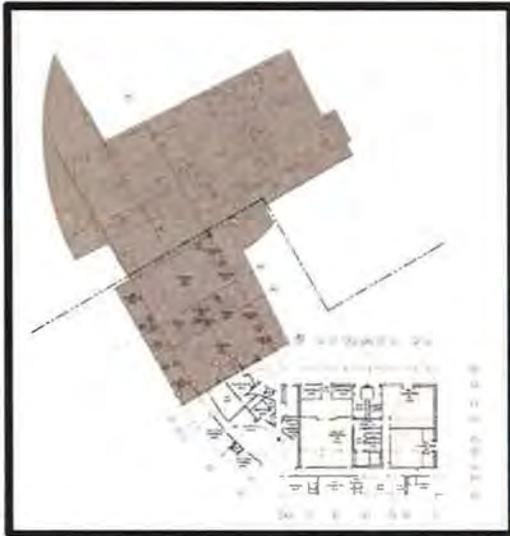


2<sup>nd</sup> Floor

## New First Appearance Center & Courtroom

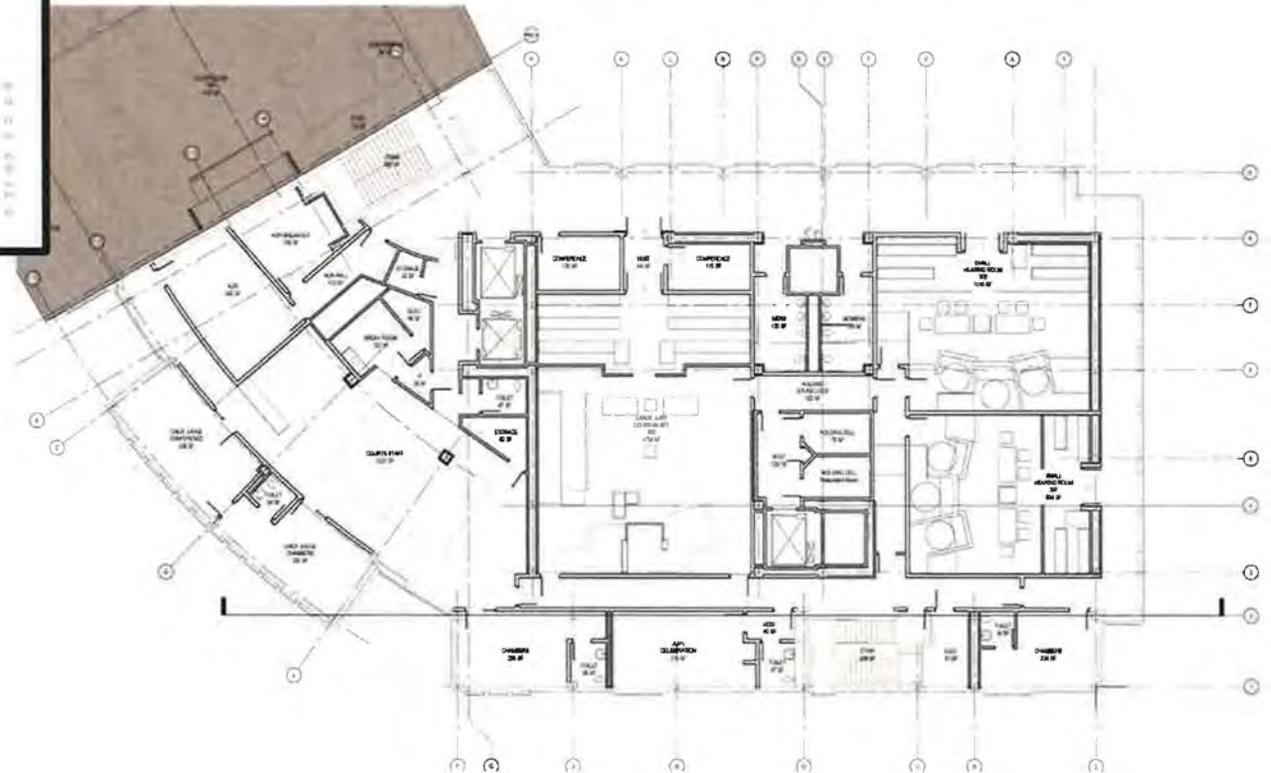


# Third Floor - Concept



3<sup>rd</sup> Floor

## New Courtroom & 2 Hearing Rooms



# Project Schedule

- ❑ Programming Complete (October 2015)
- ❑ Design Development (DD) Ongoing
  - ❑ Anticipated end December 2015
- ❑ Construction Documents
  - ❑ Follows DD Documents & CM/GC Procurement
- ❑ Construction Manager / General Contractor
  - ❑ Statement of Qualifications Approval
  - ❑ Construction Start – Anticipated Spring 2016
  - ❑ Construction Complete – Anticipated Late 2016 or Early 2017

# CM/GC - Qualifications

## □ **Purchasing Policy #1071**

- “The policy is intended to assure quality in construction, transparency in the purchasing process, and fair competition between vendors.”
- Adopted in August 2014
- For Projects \$1M larger in contractor cost
- Requires Statement of Qualifications of Contractors
- Requires Study Session review

# CM/GC - Qualifications

- Statement of Interest
  - ▣ From CM/GC previously approved for the Human Services Center
- Qualifications Statement and Evaluation
  - ▣ For Vendors not previously approved for the Human Services Center
  - ▣ New Vendors

# CM/GC - Qualifications

- **Pre-Qualification Criteria (6 required):**
  - Past Performance and Experience
    - Including timeliness, budget, & quality
  - Project Management Capabilities and Experience
  - Contractor Responsibility
    - Including safety, bonding, insurance, legal, & business practices
  - Workforce Availability
    - Including local labor, recruitment & training and development
  - Contractor Employee Compensation
    - Including retirement & benefits
  - Project Specific Criteria

# Recommendations

- Approval to Proceed with Statement of Qualifications for Interested Construction Manager / General Contractors

# The End





## STUDY SESSION AGENDA ITEM

<b>DATE:</b> November 10, 2015
<b>SUBJECT:</b> Capital Facilities Plan
<b>FROM:</b> Mike Goins, Director of Facilities Operations Seán Braden, Project Manager
<b>AGENCY/DEPARTMENT:</b> Facilities Planning and Operations
<b>ATTENDEES:</b> Ben Dahlman, Director of Finance
<b>PURPOSE OF ITEM:</b> To present to the BoCC the history and status of the facilities master plan and to receive direction on prioritization of facility capital projects
<b>STAFF RECOMMENDATION:</b> That the BoCC provide direction to staff on facility prioritization based on the attached plan.

### **BACKGROUND:**

The County has completed most, but not all, of the elements recommended under the previous facilities master plan. The County faces several facility and program needs and staff intends to present a report on those needs and opportunities and seeks direction on BoCC prioritization.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

- County Manager's Office
- Finance Department
- Transportation
- Fleet
- Probation
- Animal Shelter
- Parks and Recreation
- Human Services
- Courts
- Probation
- District Attorney
- Sherriff's Office
- Community Corrections

**ATTACHED DOCUMENTS:**

PowerPoint report

**FISCAL IMPACT:**

Either mark X      if there is no fiscal impact or provide the following information for the recommended action:

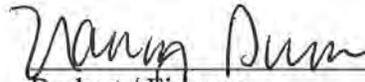
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Capital costs:	\$
Expenditure included in approved operating budget:	\$
Expenditure included in approved capital budget:	\$
New FTEs requested:	

The fiscal impact is described in the attached report.

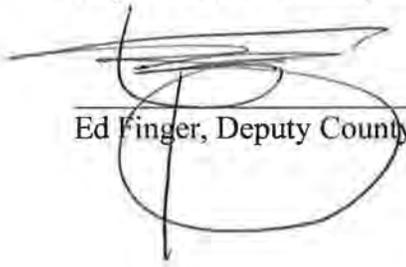
**APPROVAL SIGNATURES:**

**APPROVAL OF FISCAL IMPACT:**

\_\_\_\_\_  
Todd Leopold, County Manager

  
\_\_\_\_\_  
Budget / Finance

\_\_\_\_\_  
Raymond H. Gonzales, Deputy County Manager

  
\_\_\_\_\_  
Ed Finger, Deputy County Manager

# **ADAMS COUNTY FACILITY PLANNING & OPERATIONS**

## **CAPITAL FACILITIES PLAN**

**NOVEMBER 10 , 2015**

# Capital Facilities Plan

- “Where We Are”
  - 2002 Master Plan Update
    - Completed and Incomplete Projects
  - Long Range Facility Planning
    - Properties / Options
    - Financing Analysis
  - Land Management
  
- Recommendations
  - Priority / Planning of Upcoming Projects
  - Timeline for Each Project

# 2002 Master Plan Update

- ④ In 2002 Adams County contracted with RNL Design Group for approximately \$190,000 to develop a comprehensive Facilities Master Plan, which included a physical assessment of all existing county owned facilities and sites.

The plan indicated the facilities below had insufficient space, no growth opportunities, building infrastructures were inadequate and the need for new facilities.

- Administration Building
- Human Services Building
- Children and Family Services Building
- Fleet & Probation
- Sheriff's Headquarters
- Coroner's Building

In 2003 the BOCC approved moving forward with the Master Plan

## New Facilities



DA Building Completed 2004



Sheriff HQ / Coroner Bldg  
Completed 2006

# New Facilities



Government Center  
Completed 2011



Justice Center (Addition)  
Completed 2011



Strasburg Sand/Salt Building  
Completed 2015



Human Services Center  
Design 2015

# Completion of these New Facilities resulted in:

- Reduction in number of leased facilities (7)
  - Annual Operational Savings estimated at \$1M per year
- Consolidation of County Functions / Improved Operations and County Services

There are 2 Facilities identified in the Master Plan that have not been completed:



Transportation / Probation-Built in 1979

Design and Programming was Approved in the 2015 Budget. Rough Estimated Cost for New Transportation Facility - \$11M to \$16M



Honnen Building - Built in 1976

Head Start Administration will move to the new Human Services Center in 2017

Food Bank Of the Rockies & Head Start Classrooms – Meeting with Commerce City & HS Director on relocation of these services

# Facility Project - Not in Master Plan

## Justice Center - Phase II Court Room Build out

- \$575K Approved in 2015 Budget. Currently in Design phase
- Planned Construction 2016: \$8M in 2016 CIP Budget + (No FFE included as this is state cost)
- Will be a 12 month + project

# Long Range Facility Projects

## Other Known “Potential” Projects:

*(All Costs are Rough Estimates – Order of Magnitude Only)*

- **Community Corrections** - \$8M to \$10M (\$4M purchase + \$4M construction / No FFE included) Likely a 18 month + project
  - Cost Recovery Opportunity
  - FF&E to be Operators Responsibility
- **Animal Shelter** - \$12.2M total based on Study Session
- **Ralston House** - \$30,000 for Design (County share) & will Review Total Cost in 2016
- **Mental Health Unit** - (Detention Facility) \$3.2M (**currently in 2016 budget**)
- **Regional Park** - \$22.4M (Future Study Session)
  - Indoor Arena \$5,750,000 (Design-\$250,000/Construction \$5,500,000)
  - Grandstand Arena \$6,850,000 (Design-\$350,000/Construction \$6,500,000)
  - 4 new Barns \$6,300,000 (Design-\$300,000/Construction \$6,000,000)
  - Mann Lakes Plan Phase I \$3,500,000 (Roadway, trail, park lot lighting & landscaping)

# Property / Options

## ● Facilities & Land

- Honnen Building (Valued as vacant property - \$1.0M)
- Old HSB (Valued as vacant property - \$3.5 M )
- Old CFC (Valued as vacant property - \$2.4M)
- Animal Shelter (TBD)
- 20 Acres in Brighton (Purchased for a Juvenile Detention Facility) (Valued at \$1.74M)

## ● Transportation / Probation:

- Use Existing Location – Possible Operational Impact

## ● What do we do with Probation?

- Locate in New Transportation Bldg
- Possible Lease: Very difficult with this type of Use / Clientele
- Potential Re-use CFC?

# Long Range Facility Priority and Financing Analysis

Building	Date	ESTIMATED Cost	ROI/Cost recovery	Potential Financing Source
Human Services Center	2015-17	\$85M-\$89.5M		Cash/COP Financing/Paid with Sales Tax/HS Building Charge
Justice Center Buildout Design & Construction	2015-16	\$8.6M		General Fund Cash
Mental Health Unit Design & Construction	2016-17	\$3.2M		General Fund Cash
Animal Shelter Design & Construction	2016-17	\$12.2 M	\$850k/year – 10 year ROI	General Fund Cash
Community Corrections	2016	\$8M-10M	Est. 100% - 25 yrs (rent)	General Fund Cash
Fleet/Trans/Prob Facility Design & Construction	2015-2016	\$11-16M		Fleet /GF Fund Cash
Regional Parks Master Plan	TBD	\$22.4M		Open Space Sales Tax / TBD

## Other Potential Financing Sources:

-Sale of surplus property and buildings

## Assumptions

-Does not factor in incremental operational costs

-Estimates are based on rough square footage with additional required definition of scope/size/needs/growth etc.

-That cash is not allocated for other purposes besides a building program

-Does not factor in the approximately \$500,000-\$1,000,000 in annual general fund misc. facility projects

## Notes:

HSC Center Design and Purchase budgeted

JC Design and Construction budgeted

Fleet/Trans/Prob design budgeted

# Recommendations (Facilities):

- Need to Prioritize Up and Coming Facility Projects
  - Expected Completion Timeline for Each
- Based on Priority and Timelines, Facility Operations can provide New Master Plan with anticipated Resource Needs (Cost, Schedule, Staffing, etc.)

# Land Management - Update

- Completed Maps of Vacant County Owned Land
- Currently Developing Database of Vacant County Owned Land:
  - Coordinating with all “Land Use” departments
- Currently Assessing Information associated with each Land Parcel

# Thank You!