

Council Request Update

January 21, 2016

Council Request 16-010 (Noise Ordinance Amendment – Construction Hours)

Requested by: Council Member Yates

Assigned to: City Manager's Office

Request: Request for a discussion regarding amending the City's noise ordinance to change the allowed construction hours.

Response: This topic has been tentatively scheduled for discussion at the February 8, 2016, Study Session.

Council Request 16-017 (Acoma 4-Way Stop Feasibility)

Requested by: Mayor Jefferson

Assigned to: Public Works

Request: Resident concerns regarding traffic on South Acoma Street between Floyd and Dartmouth.

Response: The attached memo from Traffic Engineer Ladd Vostry responds.

Council Request 16-019 (EHA Agreement – The Foundry)

Requested by: Council Member Barrentine

Assigned to: City Manager's Office

Request: Request for information on any agreement between the Englewood Housing Authority and SW Development, developer of The Foundry (GIW redevelopment).

Response: EHA Executive Director Renee Tullius provides the following response:

Our Minutes have not yet been transcribed or approved by our Board. I have returned to the office this morning and as you can imagine I have a number of this to attend to. EHA does not have an agreement with SW Development. The Board supports the project and Scott Yates and I are in the middle of the discussion of possible business terms but there is no agreement. Any agreement would be as a special limited partner. These agreements provide the project with a real estate tax exemption.

Council Request 16-021 (Planning & Zoning/EURA Membership Inquiry)

Requested by: Council Member Barrentine

Assigned to: City Attorney's Office

Request: Inquiry regarding whether a resident can be appointed to both the Planning and Zoning Commission and the Urban Renewal Authority.

Response: The attached memo from Acting City Attorney Dugan Comer indicates that citizens are not prohibited from serving on both and that any potential conflicts of interest would be governed by the bylaws for each board.

Council Request 16-023 (EURA Trolley Square Project Plans)

Requested by: Council Member Barrentine

Assigned to: Community Development

Request: Request for a copy of the original plan for the Trolley Square URA project.

Response: The attached memo from Senior Planner Harold Stitt provides background on the Trolley Square project.

Council Request 16-027 (Local Government Historic Preservation Info)

Requested by: Council Member Barrentine

Assigned to: Community Development/City Manager's Office

Request: Request for information on the Certified Local Government status related to historic preservation

Response: The attached memo from Deputy City Manager Michael Flaherty provides a response.

Council Request 16-032 (City Ditch – Oxford Repairs)

Requested by: Council Member Russell

Assigned to: Public Works

Request: Resident concerns regarding street repairs on Oxford Avenue near the City Ditch.

Response: Right-of-Way Services Manager Larry Nimmo provides the following response:

Right-of-Way staff met with the resident in question on January 20, 2016 to discuss the hump across Oxford Avenue, which is possibly over the sewer service for 769 W Oxford Avenue; we will need to verify with the Utilities Department. Mr. Prado indicated this hump only shows up in the winter months demonstrating that it is directly related to frost heave. Right-of-Way staff will return this spring, once frost comes out of the ground, to review the status of the hump. If this hump has returned to normal roadway conditions, staff will evaluate possible long-term solutions to address the condition.

2016 COUNCIL REQUESTS

Number	Request Date	Request Type	Requested by	Request	Assigned To	Due Date	Follow-up Date	Date Completed
16-001	1/4/2016	I	Olson	Parks & Recreation Grant Totals (2005-2015)	PRL	1/7/2016		1/8/2016
16-002	1/4/2016	I	Jefferson	Denver Fire Response Time (S. Lincoln)	CMO	1/7/2016		
16-003	1/4/2016	I	Gillit	Miller Field Inquiry re: Library Feasibility	CAO	1/7/2016		
16-004	1/4/2016	I	Gillit	Streaming Video Update/Cost Estimate	CMO	1/7/2016		1/6/2016
16-005	1/4/2016	I	Gillit	Platte River Trail Construction Costs	PRL	1/7/2016		1/8/2016
16-006	1/4/2016	I	Yates	Ordinance Enforcement Inquiry	CD etc.	1/7/2016		1/7/2016
16-007	1/4/2016	I	Yates	Fire Authority Inquiry	CMO	1/7/2016		
16-008	1/4/2016	I	Barrentine	Study Session: Colorado Freedom of Info Assn.	CMO	1/7/2016		1/8/2016
16-009	1/4/2016	S	Jefferson	Study Session: Denver Fire Department	CMO	1/7/2016		1/8/2016
16-010	1/4/2016	I	Yates	Noise Ordinance Amendment - Construction Hours	CD/CAO	1/7/2016		1/20/2016
16-011	1/4/2016	I	Barrentine	Letkomiller Code Enforcement Requests/Outcomes	PD	1/7/2016		1/7/2016
16-012	1/4/2016	I	Martinez	Green Initiatives Update	CMO	1/7/2016		1/7/2016
16-013	1/4/2016	I	Jefferson	EPD Response to recent Business Burglaries	PD	1/7/2016		1/6/2016
16-014	1/4/2016	I	Yates	Response to Concerns Raised by Mr. Letkomiller	PD/CD/PW	1/7/2016		1/8/2016
16-015	1/6/2016	I	Gillit	Englewood Housing Authority Inquiries	CAO	1/12/2016	2/3/2016	
16-016	1/11/2016	S	Yates	Meeting Audio Solution	CMO	1/13/2016	1/27/2016	
16-017	1/12/2016	I	Jefferson	Acoma 4-Way Stop Feasibility	PW	1/14/2016		1/20/2016
16-018	1/14/2016	S	Yates	Board & Commission Mission Statements - Web	CMO etc.	1/19/2016		1/15/2016
16-019	1/14/2016	I	Barrentine	EHA Agreement - SW Development (The Foundry)	CMO	1/19/2016		1/18/2016
16-020	1/14/2016	I	Barrentine	EHA Meeting Recordings	CMO	1/19/2016		
16-021	1/14/2016	I	Barrentine	Planning & Zoning/EURA Membership Inquiry	CAO	1/19/2016		
16-022	1/14/2016	I	Barrentine	Establishing Ordinance - EURA	CD/CAO	1/19/2016		1/15/2016
16-023	1/14/2016	I	Barrentine	URA Trolley Square Project Plans	CD	1/19/2016		1/19/2016
16-024	1/14/2016	I	Barrentine	Board & Commissions - Council Liaison Roles/Duties	CMO/CAO	1/19/2016		
16-025	1/19/2016	I	Olson	Flood Hazard Area Study Addresses	PW	1/22/2016		
16-026	1/19/2016	I	Olson	Study Session: Flood Hazard Area Study	PW/CMO	1/22/2016		1/20/2016
16-027	1/19/2016	I	Barrentine	Local Government Historic Preservation Info	CMO	1/22/2016		1/21/2016
16-028	1/19/2016	I	Olson	Study Session - Historic Colorado	CMO	1/22/2016		1/20/2016
16-029	1/19/2016	I	Barrentine	Inquiry re: Tom Burns' Water Board Term	CAO/CMO	1/22/2016		
16-030	1/19/2016	I	Martinez	Annual Council Meetings w/ Boards & Commissions	CMO	1/22/2016		
16-031	1/19/2016	I	Barrentine	Legal Opinion - EURA Council Representative	CAO	1/22/2016		
16-032	1/12/2016	I	Russell	City Ditch - Oxford Repairs	PW	1/14/2016		1/21/2016

S = Service
I = Information

CA - City Attorney; CMO - City Manager's Office; CD - Community Development; EEF - Englewood Environmental Foundation
FAS - Finance and Administrative Services; PRL - Parks, Recreation Library; MC - Municipal Court; PW - Public Works; PD - Police Department; UT-
Utilities; WW - Wastewater Treatment Plant

TO: City Council

THROUGH: Eric A. Keck, City Manager

THROUGH: Rick Kahm, Public Works Director

FROM: Ladd Vostry, Traffic Engineer

DATE: January 20, 2016

**SUBJECT: ACOMA 4-WAY STOP FEASIBILITY
COUNCIL REQUEST NO. 16-017**

Due to residents' concerns regarding cut-through traffic and speeding vehicles in the 3100 block of S. Acoma Street, Council requested information regarding the feasibility of changing the current two-way stop traffic control to all-way stop traffic control at two intersections - Acoma and Cornell, and Acoma and Eastman.

All-way stop control can be useful as a safety measure if certain traffic conditions exist. The Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) defines the standards commonly used for the application of all-way stops. According to the MUTCD, an all-way stop is recommended when studies determine that minimum traffic volume and/or safety criteria are met.

The main reason for use of stop signs is safety. However, given alternative methods of intersection control along with disadvantages of all-way stops, the least restrictive appropriate traffic control should be always considered. Some of the disadvantages associated with all-way stops are increased emissions and noise, increased average delay, discouraging bicycling, and cutting into available on-street parking (in this case, on-street parking on Acoma would be eliminated for the properties at the northwest corner of the Eastman intersection, and at the northwest and southeast corners of the Cornell intersection).

All-way stop controls are already in place at the Eastman intersections between Broadway and Fox Street – at Bannock and at Fox due to past crash history, and at Delaware and at Elati as part of the overall Bishop Elementary School traffic safety plan.

The latest Acoma traffic study was completed in September, 2014. The average volume of traffic in the 3000 block (north of Dartmouth) is approximately 1,000 vehicles per day, and in the 3100 block (south of Dartmouth), approximately 900 vehicles per day. The other part of this study was to collect speed data for the 3000 and 3100 blocks of S. Acoma Street. Following are the speed study results.

	<u>3000 S. Acoma</u>		<u>3100 S. Acoma</u>	
	<u>Northbound</u>	<u>Southbound</u>	<u>Northbound</u>	<u>Southbound</u>
Average speed	24 MPH	24 MPH	22 MPH	25 MPH
*Mode speed	20 MPH	25 MPH	20 MPH	25 MPH
**85 th percentile speed	28 MPH	28 MPH	25 MPH	29 MPH

*Mode speed: speed at which the most of vehicles travel.

**85th percentile speed: speed at which or below 85 percent of all vehicles travel.

For the time period from 2010 to 2015, our records show only one crash in 2010, one in 2011, one in 2012, and two crashes in 2015 at the Acoma and Cornell intersection; and at the Acoma and Eastman intersection, one crash in 2010, and two crashes in 2012.

Based on the available data and results of this traffic study indicating that none of the criteria for requested traffic control is satisfied at either location, it is not recommended to alter the present traffic control at these intersections. Staff believes that the existing stop control operation on the Cornell Avenue and Eastman Avenue approaches are appropriate at this time; however, staff plans to upgrade this study in the future to address impacts from the Chick-fil-A development on Acoma Street.

All-way stop signs are among more frequently requested traffic control devices by residents to deal with neighborhood speeding and cut-through traffic issues. While all-way stop signage may not be the best solution to address these specific concerns, staff believes that it would be beneficial to meet with the concerned residents to talk about and implement feasible solutions tailored to those issues.

MEMORANDUM



To: Laurette Barrentine, Council Member
Mayor Jefferson
City Council
City Manager's Office

From: Dugan Comer, Acting City Attorney

Re: Council Short Term No. 16-021 – Planning & Zoning/EURA Membership

Date: January 19, 2016

There has been a question put forth whether there exists a conflict of interest for a resident to be appointed to both the Planning & Zoning Commission and the Englewood Urban Renewal Authority.

The Planning & Zoning Commission is created by Part II, Section 56 of the Englewood Charter. The establishment language for the Planning & Zoning Commission as to appointments reads as follows:

The Council shall establish by ordinance a City Planning and Zoning Commission consisting of nine (9) members appointed by Council, who shall be citizens-at-large with overlapping four (4) year terms. The City Manager shall appoint an ex officio nonvoting member of the Commission. Members shall be qualified electors, residents of the City at least one (1) year immediately prior to the day of their appointment, and shall hold no paid office or position in the City Administration. The recording secretary shall sign any documents or communications from the Board, "by order of the City Planning and Zoning Commission".

The conflict of interest issue is also addressed in section six (6) of the Commissions bylaws:

In case of conflict of interest between a Commission member and any business under consideration by the Commission, the Commissioner shall notify the Commission as soon as such conflict becomes apparent. If, in the opinion of the Commission, a conflict does exist, the member should disqualify herself or himself from voting on the matter.

In 1972 the Englewood Urban Renewal Authority was created by Resolution number 49, pursuant to section 31-25-104 of the Colorado Revised Statutes. The Authority consists of seven members that are appointed by the Mayor, and traditionally subject to approval by Council. The Mayor's authority to appoint the commissioners arises from the statute.

As with the Planning and Zoning Commission the Englewood Urban Renewal Authority has a set of bylaws, with Section 8 of those bylaws addressing the issue of conflicts of interest, and states as follows:

No Commissioner, other officer, or employee of an Authority nor any immediate member of the family of such commissioner, officer, or employee shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any commissioner, other officer, or employee of an Authority owns or controls an interest, direct or indirect, in property included or planned to be included in any project, he shall immediately disclose the same in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority. Upon such disclosure, such commissioner, officer, or other employee shall not participate in any action by the Authority affecting the carrying out of the project planning or the undertaking of the project unless the Authority determines that, in the light of such personal interest, the participation of such member in any such act would not be contrary to the public interest. Acquisition or retention of any such interest without such determination by the Authority that is not contrary to the public interest or willful failure to disclose any such interest constitutes misconduct in office. (See also, §31-25-104(3) C.R.S.)

Neither the enabling language of the Charter for the Planning and Zoning Commission, nor the enabling language of the Colorado Revised Statutes creating the Englewood Urban Renewal Authority, prohibits a citizen from serving simultaneously on each of the respective Boards. In reviewing both the Englewood Municipal Code and Colorado Statutes, again there is no prohibition of a citizen sitting on both the Planning and Zoning Commission and the Englewood Urban Renewal Authority.

Both sets of bylaws, as outlined above, require a member who may have a conflict of interest in a matter appearing before the Commission or Authority, to reveal the conflict, and to abstain from any action that may be taken by the Commission or Authority, including casting any votes on the matter.

Attachments

PLANNING COMMISSION BYLAWS

Meetings:

1. The Planning Commission shall choose its own Chairperson and Vice-Chairperson from the membership for a term of one year, with the provision for one consecutive re-election. The Commission shall operate in accordance with the Robert's Rules of Order.
2. Five members of the Commission shall constitute a quorum.
3. The regular meeting of the Commission shall be held on the Tuesday following the first and third Monday of each month, and such meeting shall commence at 7:00 p.m. If the regular meeting of the Planning Commission should fall on a legal holiday, the Commission shall set another date for such meeting. All members of the Commission shall be notified, either by telephone or in writing, of the time and date of said meeting, and notice shall be given in the official newspaper of the City of Englewood in time for at least one publication of such change in date.
4. Special meetings may be called by the Commission or by a majority of the members of the Commission. All members shall be notified by telephone or in writing of any such special meetings.
5. Each Commission member shall be obligated to attend each regularly scheduled and special meeting of the Commission in order to assure the efficient operation of the Commission. If for any reason, a member knows he will not be able to attend a meeting, he will notify the Department of Neighborhood & Business Development in advance.
6. In case of a conflict of interest between a Commission member and any business under consideration by the Commission, the Commissioner shall notify the Commission as soon as such conflict becomes apparent. If, in the opinion of the Commission, a conflict does exist, the member should disqualify herself or himself from voting on the matter.
7. Where any Charter provision, statute, ordinance, or other law requires a Hearing before the Planning and Zoning Commission, voting on such matter shall only be by those members present at the Hearing or examining verbatim the record of the Hearing.
8. When a meeting has been set to consider a request which involves property at a specific location, the members shall make an effort to view the location prior to the specified meeting. The Commission members shall also be thoroughly familiar with any special materials, maps, or reports they may have received prior to the meeting.

for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the Commissioners present.

Section 5. Attendance of Members. It is the policy of the Englewood Urban Renewal Authority that absence from three consecutive meetings with prior notice, or two consecutive meetings without prior notice, is grounds for communication from the Authority to City Council.**

Members of the Authority shall attend at least 75% of the meetings on a yearly basis.**

The Recording Secretary shall announce, at the time of initial roll call, whether an absence is with prior notice, or without prior notice.**

Section 6. Order of Business. At the regular meetings of the Authority the following shall be the order of business.

1. Roll call.
2. Reading and approval of the minutes of the previous meeting.
3. New Business.
4. Old Business.
5. Reports of Committees.
6. Report of the Secretary/Director.
7. Commissioner's Choice.
8. Public Forum.
9. Adjournment.

All resolutions shall be reduced to writing and shall be copied in the official minute book or journal of the proceedings of the Authority.

Section 7. Manner of Voting. The voting on all questions coming before the Authority shall be roll call, and the ayes, nays, and abstentions shall be entered upon the minutes of each meeting, except on the election of officers, which may be by ballot. Every member of the Authority, when present, must vote, except he shall be excused from voting on matters involving the consideration of his own official conduct or when his personal or financial interest is involved. Any member of the Authority must state at the time of abstention the reason for abstention.

Section 8. Conflict of Interest. No Commissioner, other officer, or employee of an Authority nor any immediate member of the family of such commissioner, officer, or employee shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any commissioner, other officer, or employee of an Authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any project, he shall immediately disclose the same in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority. Upon such disclosure, such commissioner, officer, or other employee shall not participate in any action by the Authority affecting the carrying out of the project planning or the undertaking of the project unless the Authority determines that, in the light of such personal interest, the participation of such member in any such act would not be contrary to the

public interest. Acquisition or retention of any such interest without such determination by the Authority that it is not contrary to the public interest or willful failure to disclose any such interest constitutes misconduct in office.

ARTICLE IV - AMENDMENTS

Amendments to Bylaws. The bylaws of the Authority shall be amended only with the approval of at least four of the members of the Authority at a regular or a special meeting, but no such amendment shall be adopted until at least seven days written notice thereof has been previously given to all of the members of the Authority.

*Amendment approved 9/13/00

**Amendment approved 4/18/01

31-25-104. Urban renewal authority. (1) (a) Any twenty-five registered electors of the municipality may file a petition with the clerk, setting forth that there is a need for an authority to function in the municipality. Upon the filing of such a petition, the clerk shall give notice of the time, place, and purpose of a public hearing, at which the local governing body will determine the need for such an authority in the municipality. Such notice shall be given at the expense of the municipality by publishing a notice, at least ten days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the municipality or, if there is no such newspaper, by posting such a notice in at least three public places within the municipality at least ten days preceding the day on which the hearing is to be held.

(b) Upon the date fixed for said hearing held upon notice as provided in this section, a full opportunity to be heard shall be granted to all residents and taxpayers of the municipality and to all other interested persons. After such a hearing, if the governing body finds that one or more slum or blighted areas exist in the municipality, and finds that the acquisition, clearance, rehabilitation, conservation, development, or redevelopment, or a combination thereof of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality, and declares it to be in the public interest that the urban renewal authority for such municipality created by this part 1 exercise the powers provided in this part 1 to be exercised by such authority, the governing body shall adopt a resolution so finding and declaring and shall cause notice of such resolution to be given to the mayor, who shall thereupon appoint, as provided in paragraph (a) of subsection (2) of this section, commissioners to act as an authority. A certificate signed by such commissioners shall then be filed with the division of local government in the department of local affairs and there remain of record, setting forth that the governing body made the findings and declaration provided in this paragraph (b) after such hearing and that the mayor has appointed them as commissioners. Upon the filing of such certificate, the commissioners and their successors are constituted an urban renewal authority, which shall be a body corporate and politic. The boundaries of such authority shall be coterminous with those of the municipality.

(c) If the governing body, after a hearing, determines that the findings and declaration enumerated in paragraph (b) of this subsection (1) cannot be made, it shall adopt a resolution denying the petition. After six months have expired from the date of the denial of such petition, subsequent petitions may be filed and new hearings and determinations made thereon; except that there shall be at least six months between the time of filing of any subsequent petition and the denial of the last preceding petition.

(d) In any suit, action, or proceeding involving the validity or enforcement of any bond, contract, mortgage, trust indenture, or other agreement of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this part 1 upon proof of the filing of said certificate. A copy of such certificate, duly certified by the director of the division of local government, shall be admissible in evidence in any such suit, action, or proceeding.

(2) (a) An authority shall consist of any odd number of commissioners which shall be not less than five nor more than eleven, each of whom shall be appointed by the mayor, who shall designate the chairman for the first year. Such appointments and designation shall be subject to approval by the governing body. Not more than one of the commissioners may be an official of the municipality. In the event that an official of the municipality is appointed as commissioner of an authority, acceptance or retention of such appointment shall not be deemed a forfeiture of his office, or incompatible therewith, or affect his tenure or compensation in any way. The term of office of a commissioner of an authority who is a municipal official shall not be affected or curtailed by the expiration of the term of his municipal office.

(b) The commissioners who are first appointed shall be designated by the mayor to serve for staggered terms so that the term of at least one commissioner will expire each year. Thereafter, the term of office shall be five years. A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies other than by reason of expiration of terms shall be filled by the mayor for the unexpired term. A majority of the commissioners shall constitute a quorum. The mayor shall file with the clerk a certificate of

the appointment or reappointment of any commissioner, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to all necessary expenses, including traveling expenses, incurred in the discharge of his duties.

(c) When the office of the first chairman of the authority becomes vacant and thereafter, the authority shall select a chairman from among its members. An authority shall select from among its members a vice-chairman, and it may employ a secretary, who shall be executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and it shall determine their qualifications, duties, and compensation. An authority may call upon the municipal counsel or chief legal officer of the municipality for such legal services as it may require, or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such duties as it deems proper.

(3) No commissioner, other officer, or employee of an authority, nor any immediate member of the family of any such commissioner, officer, or employee, shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract proposed, contract for materials or services to be furnished or used in connection with any project. If any commissioner, other officer, or employee of an authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any project, he shall immediately disclose the same in writing to the authority, and such disclosure shall be entered upon the minutes of the authority. Upon such disclosure, such commissioner, officer, or other employee shall not participate in any action by the authority affecting the carrying out of the project planning or the undertaking of the project unless the authority determines that, in the light of such personal interest, the participation of such member in any such act would not be contrary to the public interest. Acquisition or retention of any such interest without such determination by the authority that it is not contrary to the public interest or willful failure to disclose any such interest constitutes misconduct in office.

(4) The mayor, with the consent of the governing body, may remove a commissioner for inefficiency or neglect of duty or misconduct in office but only after the commissioner has been given a copy of the charges made by the mayor against him and has had an opportunity to be heard in person or by counsel before the governing body. In the event of the removal of any commissioner, the mayor shall file in the office of the clerk a record of the proceedings, together with the charges made against the commissioner and a report thereon.

Source: L. 75: Entire title R&RE, p. 1161, § 1, effective July 1, L. 76: (D) (6) and amended, p. 597, § 11, effective July 1.

Editor's note: This section is similar to former § 31-25-104 as it existed prior to 1975.

ANNOTATION

Standard on review. The reviewing court's task is to exercise an independent determination to insure that a city council's decisions are based on evidence presented at council hearings, that any ordinance is supported by fact findings, and

that the council applied the legislative intent set out in this part. Tracy, City of Boulder, P.2d 907 (Colo. App. 1981).
Applied in James v. Bd. of Comm., Colo. App. 27, 595 P.2d 262 (1978).

31-25-105. Powers of an authority. (1) Every authority has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including, but not limited to, the following powers in addition to others granted in this part:

- (a) To sue and to be sued; to adopt and have a seal and to alter the same; to apply to have perpetual succession; to make, and from time to time, amend and repeal, orders, rules, and regulations to effectuate the provisions of this part;
- (b) To undertake urban renewal projects and to make and execute any and all contracts



TO: Mayor Jefferson and Council Members

THRU: Eric Keck, City Manager
Michael Flaherty, Deputy City Manager

FROM: Harold J. Stitt, Senior Planner

DATE: January 14, 2016

SUBJECT: Council Request 16-022 (Establishing Ordinance - EURA)

The Englewood Urban Renewal Authority was established by Resolution No. 49, Series of 1972 on September 18, 1972. Attached is a copy of the authorizing resolution.

RESOLUTION NO. 49, SERIES OF 1972

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND ESTABLISHING AN URBAN RENEWAL AUTHORITY FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, on the 17th day of July, 1972 there were presented to the City Clerk of the City of Englewood, Colorado, petitions containing the signatures of more than twenty-five (25) electors of the City of Englewood, Colorado, setting forth that there is a need for an Urban Renewal Authority to function in the City; and

WHEREAS, the City Clerk has published notice of the time, place, and purpose of a public hearing before the City Council, which notice was published in the Englewood Herald, the official newspaper of the City of Englewood, Colorado, a newspaper having a general circulation in the City, on the 20th day of July, 1972, and on the 27th day of July, 1972; and

WHEREAS, a public hearing was held before the Englewood City Council on the 21st day of August, 1972.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, as follows:

Section 1.

It is the opinion and determination of the City Council that there is need for the establishment of an Urban Renewal Authority in the City of Englewood, Colorado.

Section 2.

One or more blighted areas exist in the municipality; and the acquisition, clearance, rehabilitation, conservation, development, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the City of Englewood, Colorado.

Section 3.

It is hereby declared to be in the public interest that an Urban Renewal Authority for the City of Englewood, Colorado, be created to exercise the powers provided for in Chapter 139, Article 62, Colorado Revised Statutes, 1963, as amended.

BE IT FURTHER RESOLVED that the Mayor of the City of Englewood is hereby notified and directed to appoint members to an Urban Renewal Authority consisting of an odd number of commissioners of not less than five (5) nor more than eleven (11), subject to the approval of the Englewood City Council and as provided for in Chapter 139-62-4 (2) (a) Colorado Revised Statutes, 1963, as amended.

ADOPTED AND APPROVED this 18th day of September, 1972.

Mayor

Attest:
,

ex officio City Clerk-Treasurer

I, Karl F. Nollenberger, ex officio City Clerk-Treasurer of the City of Englewood, Colorado, do hereby certify that the above and foregoing is a true, accurate and complete copy of Resolution No. 49, Series of 1972.

ex officio City Clerk-Treasurer



TO: Mayor Jefferson and Council Members

THRU: Eric Keck, City Manager
Michael Flaherty, Deputy City Manager

FROM: Harold J. Stitt, Senior Planner

DATE: January 14, 2016

SUBJECT: Council Request 16-023 (EURA Trolley Square Project Plans)

In 1982, City Council adopted Resolution No. 39, Series of 1982, a resolution approving the Englewood Downtown Redevelopment Plan prepared pursuant to Part 1, Article 25, Title 31, Colorado Revised Statutes, 1972, as amended, and authorized implementation prescribed therein.

Implementing the Plan began in 1983 when the EURA requested proposals for redevelopment consistent with the adopted Plan. Brady Development Corporation was selected as the prime developer and an Agreement was signed between the EURA and Brady in November, 1983 outlining mutual responsibilities. Soon after, Brady announced the signing of a lease with King Soopers, to relocate to a new store at Englewood Parkway and South Broadway. The Trolley Square development also included ancillary retail development along the west side of the 3300 block of South Broadway and the north side of the 100 block of Englewood Parkway.



TO: Eric Keck, City Manager

FROM: Michael Flaherty, Interim Director, Community Development Department

DATE: January 21, 2016

SUBJECT: City Council Requests 16-027

During the City Council meeting on January 19, 2016, Diane Wray-Tomasso proposed that the City of Englewood pursue Certified Local Government (CLG) status for protection of historic properties through design review. At least part of Ms. Wray-Tomasso's motivation relates to a recent plan by an owner of a structure in Arapahoe Acres that may be out of character with the architecture of the district, which is on both the state and national historic registers and is the only such designated historic district within the City.

By way of background, when the City of Englewood adopted the Unified Development Code, an Historic Preservation section (16-6-11) was included. This section provides for the establishment of historic areas and landmarks. The section provides that a property owner may apply for historical (local landmark) designation of his/her property. Designation application is not available to anyone other than the property owner. In addition, a district landmark nomination may be applied for with the written approval from owners of at least two-thirds of the properties within the district boundaries. When districts are designated, design standards and appropriate restrictions may be included as part of the designation. The establishment of design standards and restrictions with a district application is the only enforcement mechanism provided in the code. Since the adoption of the Unified Development Code, there have been no applications for local landmark designation, either by owners of structures or any group of owners within an existing or potentially qualified historic district.

In my prior response regarding the Arapahoe Acres issue, due to the stated urgency of the inquiry, my suggestion was for affected owners to seek legal advice. The option of local landmark designation, with the imposition of design standards and restrictions, remains available, but it is not a timely solution, given the stated urgency of the situation.

Regarding the Colorado Certified Local Governments (CLG) program, the City of Englewood has not previously pursued this designation. The Colorado Office of Archaeology and Historic Preservation (OAHP) is available to assist with creation of a CLG. I have attached an Overview of the CLG program and the Colorado Certified Local Government Handbook. I have spoken with Mark Rodman, Preservation Technical Services Manager for the OAHP, and he said he would be pleased to present information to Council on the CLG program at a future Council study session.

If Council chooses to enter the CLG program, please be aware that the related responsibilities will have an impact on staff the Community Development Department, and depending on the amount of activity, may

require additional City personnel resources. I would also caution that the use of the historic preservation ordinance to control development, as suggested by Ms. Wray-Tomasso, will be limited to locally designated historic districts. While Arapahoe Acres is a state and national registered historical district, the eclectic architectural nature of most of the Englewood neighborhoods may not meet the requirements for historic designation. If Council has interest in creating design standards or otherwise restricting the size of scale of development, adjustments to the UDC provide a more direct approach.

OVERVIEW

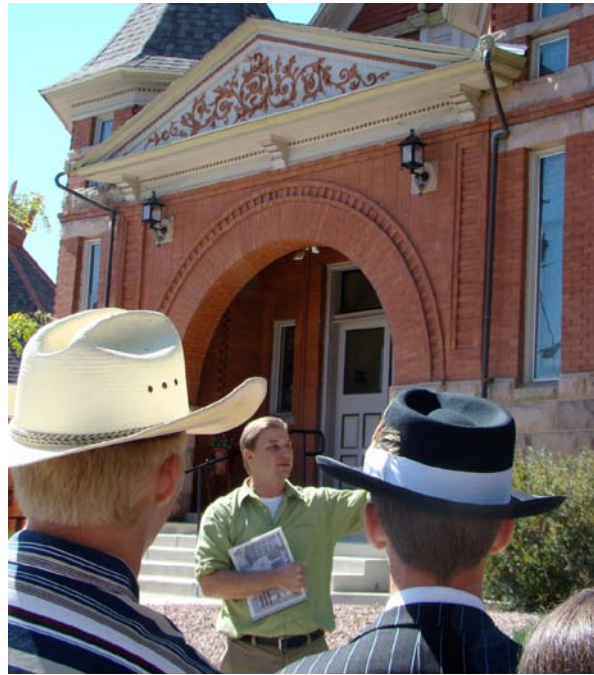
The Certified Local Government (CLG) Program seeks to encourage and expand local involvement in historic preservation activities through a partnership between local governments, the State Historic Preservation Office (SHPO), and the National Park Service (NPS).

BENEFITS

- ▶ CLG communities have access to grant funds available only to CLGs. These grants do not require a cash match and can be used for survey, planning, nomination, or educational activities.
- ▶ CLG communities receive technical support from SHPO and National Park Service staff in order to advance local preservation objectives.
- ▶ CLG communities have the ability to join national organizations, such as the National Alliance of Preservation Commissions, that provide informational resources and access to a 50-state preservation network.
- ▶ The SHPO offers CLG-exclusive training and networking opportunities throughout the state.
- ▶ The opportunity to participate in the review of tax credit projects.
- ▶ Local designation qualifies property owners for the 20 percent State Historic Preservation Tax Credit and provides access to the State Historical Fund preservation grant program.
- ▶ A strong local preservation program can increase property values, assist in promoting heritage tourism, and promote community heritage and identity.



St. James Episcopal Church, Lake City, CLG grant recipient



North Side Historic District, Pueblo

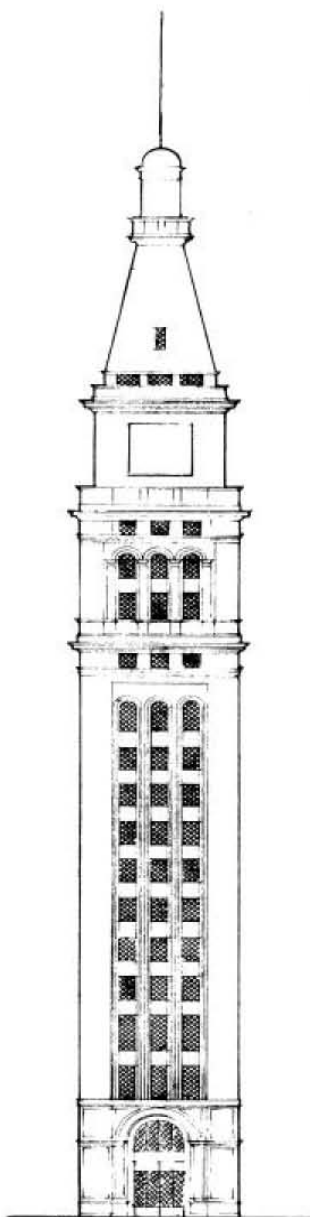
OBLIGATIONS

- ▶ Each CLG must enact and enforce a local ordinance that provides a legal framework for a preservation program that will achieve the purpose of designating and protecting significant historic buildings, sites, structures and districts.
- ▶ Each CLG must create a commission of at least five members that have a demonstrated interest, competence, or knowledge of preservation, and the commission must meet at least four times a year.
- ▶ At least one commission member must attend a SHPO-approved educational/training event each year.
- ▶ CLGs must maintain a system for survey and inventory of historic properties.
- ▶ CLGs must provide opportunities for public participation in local preservation efforts.
- ▶ CLGs must review and provide comment on National Register nominations submitted for properties within their jurisdiction.

For more information on the CLG program contact **Patrick Eidman** at patrick.eidman@state.co.us

Last updated October 2014

Colorado Certified Local Government Handbook



History Colorado

HISTORY COLORADO

Office of Archaeology and Historic Preservation
1200 Broadway
Denver, Colorado 80203

COLORADO CERTIFIED LOCAL GOVERNMENT HANDBOOK

1985

Revised:
June, 1989
July, 1990
February, 1993
December, 1999
July, 2000
June, 2009

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PREFACE

In 1966, Congress passed the National Historic Preservation Act, giving preservation a high national priority and establishing programs to encourage the preservation of historic properties. One of these programs was the establishment of State Historic Preservation Offices, administered by gubernatorially appointed State Historic Preservation Officers (SHPOs) and funded by the Department of the Interior through the National Park Service. Each state developed an integrated program to address state and national preservation concerns. In Colorado, the state program is administered through History Colorado's Office of Archaeology and Historic Preservation which:

- Surveys and maintains an inventory of historic properties.
- Nominates properties to the National and State Register of Historic Places.
- Maintains a State Historic Preservation Plan.
- Reviews federally funded or licensed projects for impact upon historic properties.
- Certifies historic rehabilitation work for federal and state tax credits.
- Provides technical assistance and guidance to federal, state, and local government agencies, organizations and individuals.
- Administers historic preservation covenants.

The success of the federal-state relationship prompted Congress to expand the partnership to include local governments in 1980. Both the SHPO and the National Park Service certify local governments to participate in this partnership if they meet certain requirements. In 1992, Congress passed additional amendments that relate to local government programs.

The purpose of this document is to outline how Colorado implements the Certified Local Government (CLG) partnership.



I. PURPOSE OF THE CLG PROGRAM

The CLG program seeks to encourage and expand local involvement in preservation issues through a partnership between the CLG and the SHPO. To strengthen existing local preservation programs and to catalyze the development of new ones, CLGs are eligible to apply annually for no-match grants from a designated CLG fund. Also, local landmarks of CLGs are eligible for Colorado's state historic income tax credit of 20% or \$50,000, whichever is less, of the cost of qualified rehabilitation. CLGs assume a leadership role by identifying, evaluating, and protecting historic resources within their communities; receiving technical advisory services from the SHPO; and having a formal role in the National Register process.

CLGs can opt to assume other responsibilities such as participating in the review of federal projects, reviewing state tax credit projects, and administering covenants. If they wish, CLGs can terminate these responsibilities in an orderly way or terminate their CLG status altogether.

The five CLG Program Goals are:

- Historic preservation issues should be understood and addressed at the local level and then integrated into the local planning and decision-making process at the earliest possible opportunity.
- The interests of local governments should be integrated into the identification, evaluation, nomination, and protection processes of the SHPO.
- Local governments should develop local preservation efforts that contribute toward and benefit from state and federal preservation programs.
- Participation by local governments should enable federal and state governments to recognize and support local preservation efforts and to use and communicate information developed by them.
- Participation by local governments should result in an increase in awareness of local preservation issues, programs, policies, and procedures by federal and state government agencies.



II: ELIGIBILITY

Any general purpose subdivision of the state, such as a city, town, or county, which meets the criteria set forth in this document, is eligible to apply for certification.

III. REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENTS IN COLORADO

Five broad federal standards, all of which must be met by a local government seeking certification, are amplified by the specific Colorado CLG requirements. National Park Service requirements are listed below by letter and Colorado requirements by number.

A. THE LOCAL GOVERNMENT MUST ENFORCE APPROPRIATE STATE AND LOCAL LEGISLATION FOR THE DESIGNATION AND PROTECTION OF HISTORIC PROPERTIES.

1. Each CLG must enact a local ordinance or resolution which provides a legal framework for a preservation program that substantially achieves the purpose of designating and protecting buildings, sites, structures and districts of historic, architectural and archaeological significance in conformance with definitions set forth in Section 101 (c) (4) of the National Historic Preservation Act of 1966, as amended, and 36 CFR 61 (e) (1).
2. The local ordinance or resolution shall meet the statutory requirements of all applicable Colorado laws which authorize local governments to designate and protect historic, architectural and archaeological resources (CRS 24-65.1-101 et seq.; CRS 29-20-101 et seq.; and CRS 30-11-107 (1) (bb)).
3. Minimum requirements for the local ordinance or resolution are as follows:
 - A Statement of Purpose.
 - Establishment of a historic preservation commission including membership, duties, and terms of appointment.
 - Criteria and procedures for designation of buildings, sites, structures, and districts.
 - Definition of actions that require review by the historic preservation commission.
 - Standards, criteria, and procedures for review of alterations, demolitions, or new construction in the jurisdiction of the CLG which must be consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties.



B. THE LOCAL GOVERNMENT MUST ESTABLISH AN ADEQUATE AND QUALIFIED HISTORIC PRESERVATION COMMISSION ESTABLISHED BY LOCAL ORDINANCE.

1. Each CLG shall have a commission with a minimum of five members. The commission's geographic area of authority shall be coterminous with the boundaries of the local government's jurisdiction. All commission members must have a demonstrated interest, competence, or knowledge in historic preservation.
2. The commission shall be composed of both professional and lay members and shall be selected, as much as possible, from fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate, or law. Information on the credentials of the commission members should be kept on file and available to the public.
3. At least 40% of commission members shall be professionals in preservation-related disciplines such as architecture, landscape architecture, architectural history, archaeology, history, planning, American studies, American civilization, cultural geography, or cultural anthropology. Recognizing that professionals may not be available in some communities, this requirement can be waived if the local government makes a good faith effort to recruit professionals and demonstrates that it is capable of carrying out commission responsibilities.
4. When the discipline of architecture, history, architectural history or archaeology is not represented in the commission membership, the commission shall seek additional expertise in the appropriate area when considering National Register nominations and any other delegated actions that will effect properties that are normally evaluated by a professional in that discipline. Local governments are required to adopt professional qualification standards for each discipline as general guidelines for National Register review, as appropriate, and any of the delegated actions that will affect properties that are normally reviewed by historic preservation professionals. These standards are set forth by the National Park Service and are found in Appendix 1. Obtaining additional expertise in the above-mentioned fields can be accomplished through consultations with professionals and with written reports of the results of such consultations submitted with the National Register nomination or other report of action. The commission can also work with the SHPO to explore other ways of obtaining additional expertise.
5. Terms of office of commission members shall be staggered and shall be of at least one year in duration.



6. The commission shall adopt rules of procedure or by-laws which shall be made available to the public.
7. All meetings of the commission shall be open to the public. Minutes shall be kept of each meeting and shall be available for public inspection. (If public disclosure could result in a substantial risk of harm, theft or destruction to the historic or archaeological resource, an exception to the public meeting and public records policy may apply pursuant to federal and state statutes. Section 304 of the National Historic Preservation Act of 1966, as amended; Section 9 (a) of the Archaeological Resources Protection Act; Section 552 (b) of the Freedom of Information Act; CRS 24-72-203 and 204, CRS 24-80-405 and 406.)
8. A copy of the minutes of each meeting shall be sent to the SHPO at the same time that copies are distributed to commission members.
9. Commission meetings shall be held at regular intervals at least four times each year.
10. An Annual Report of the commission's activities shall be submitted to the SHPO. These reports shall include at a minimum the number and types of cases reviewed and their dispositions, new designations made, progress on survey activities, educational activities, and credentials of new commission members and staff (if any).
11. The SHPO shall make available to local commissions orientation materials and training workshops designed to provide a working knowledge of the roles and operations of federal, state, and local preservation programs and historic preservation in general. At least one commission member must attend a SHPO-approved educational session each year.
12. All survey and planning activities as well as other preservation responsibilities shall be carried out by the CLG in a manner consistent with Colorado's historic preservation planning process.



C. THE LOCAL GOVERNMENT MUST MAINTAIN A SYSTEM FOR SURVEY AND INVENTORY OF HISTORIC PROPERTIES.

A city or county-wide survey of historic properties is the ongoing process of locating and describing buildings, sites, structures, and districts of potential local, state, or national importance. It is organized, accessible, up-to-date, and usable.

1. The CLG shall initiate and/or continue a process for survey and inventory under local law of buildings, sites, structures, and districts within the local jurisdiction. The local survey and inventory system shall be compatible with federal and state established methods and consistent with Colorado's historic preservation planning processes. The SHPO will provide the CLG with state survey and inventory guidelines, instructions, and forms to ensure that survey data produced can be readily integrated into the statewide cultural resources data bank. All surveys shall be conducted according to the Historic Survey Manual produced by the SHPO.
2. The CLG must maintain a detailed inventory of the buildings, sites, structures, and districts that it has designated under local law. Alternatively, the CLG may combine the designation data with the inventory data.
3. Duplicate copies of materials from all survey efforts conducted by the CLG shall be provided to the SHPO unless already in the files of that office. Duplicate copies shall be submitted with original 3" by 5" black and white photographs.
4. All inventory materials shall be updated periodically to reflect alterations and demolitions.
5. All inventory materials shall be accessible to the public (excluding restrictions on locations of archaeological sites).



D. THE LOCAL GOVERNMENT SHALL PROVIDE FOR ADEQUATE PUBLIC PARTICIPATION IN LOCAL HISTORIC PRESERVATION PROGRAMS (including the process of recommending properties for nomination to the National Register).

1. CLGs should encourage public participation in all facets of their preservation programs.
2. All commission meetings must follow the provisions of the Colorado Open Meetings Law (CRS 24-67-401, et seq.).
3. Minutes of all commission decisions and actions, which include the reasons for making those decisions, must be kept on file and available for public inspection.
4. All commission decisions shall be made in a public forum [except as provided in Section III (B) (7)], and applicants shall be given written notification of those decisions.
5. CLGs are encouraged to develop educational programs to ensure public awareness of their historic preservation activities.

E. LOCAL GOVERNMENTS MUST SATISFACTORILY PERFORM THE RESPONSIBILITIES LISTED IN POINTS A THROUGH D AND THOSE OTHERS SPECIFICALLY DELEGATED TO THEM.

The only responsibility which CLGs must assume is participation in nominating properties to the National Register. CLGs may and are encouraged to assume additional responsibilities. The SHPO will monitor and review the CLGs carrying out of these delegated responsibilities. See Appendix 2 for a list of possible delegated responsibilities.



IV. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS IN COLORADO

A. THE CHIEF ELECTED OFFICIAL OF THE LOCAL GOVERNMENT SHALL REQUEST CERTIFICATION FROM THE SHPO. THE REQUEST FOR CERTIFICATION SHALL INCLUDE THE FOLLOWING:

1. A written assurance by the chief elected official that the local government fulfills the requirements of Sections II and III, above.
2. The name and address of the CLG representative who has been or will be appointed to be responsible for carrying out program responsibilities.
3. A copy of the local historic preservation ordinance, and, if one exists, the local preservation plan.
4. A listing of buildings, sites, structures and districts, including addresses, designated under the local ordinance.
5. A list of members of the historic preservation commission. For all members, include a statement of the demonstrated interest or knowledge in historic preservation. Specifically call out the professional qualifications of commission members in fields related to historic preservation.
6. If the commission does not include 40% professional members, a statement demonstrating that the local government has made a reasonable effort to appoint such members by newspapers advertisements, communications with a local university, or other means.
7. A proposal on how the local commission will review National Register nominations if the discipline of history, architectural history, architecture, or archaeology is not represented in the commission membership.
8. A description of any other delegated responsibilities which the CLG wishes to assume.

B. THE SHPO SHALL RESPOND TO THE CHIEF ELECTED OFFICIAL WITHIN FORTY-FIVE (45) WORKING DAYS OF RECEIPT OF AN ADEQUATELY DOCUMENTED WRITTEN REQUEST.

During that time, the SHPO may request an on-site visit to meet with the chief elected official or CLG representative, representatives of the preservation review commission, and the prospective local CLG grant administrator.



C. IF THE SHPO DETERMINES THAT THE LOCAL GOVERNMENT FULFILLS THE REQUIREMENTS FOR CERTIFICATION, A CLG AGREEMENT SHALL BE SIGNED WITH THE LOCAL GOVERNMENT.

D. THE CLG AGREEMENT WILL SPECIFY THAT IT SATISFIES THE FOLLOWING MINIMUM REQUIREMENTS:

1. The local government must enforce appropriate state and local legislation for the designation and protection of historic properties.
2. The local government must continue to maintain a qualified historic preservation commission.
3. The local government must establish and/or maintain a system for the survey and inventory of historic properties.
4. The local government must provide for adequate public participation in the local historic preservation program, including the process of recommending properties to the National Register.

E. THE CERTIFICATION AGREEMENT SHALL SPECIFY THE ROLE OF THE LOCAL GOVERNMENT IN THE NATIONAL REGISTER NOMINATION PROCESS.

It shall also enumerate any other responsibilities that have been mutually agreed upon by the SHPO and the local government.

F. COPIES OF THE REQUEST AND THE SIGNED AGREEMENT CERTIFIED BY THE SHPO SHALL BE FORWARDED BY THE SHPO TO THE SECRETARY OF THE INTERIOR, OR HIS DESIGNEE, FOR REVIEW.

If the request for concurrence cannot be affirmed as submitted, the National Park Service will notify the SHPO prior to 15 working days after receipt of the request. The National Park Service shall provide written notice of what is necessary for the request for concurrence to be approved.

G. THE CERTIFICATION AGREEMENT CAN BE AMENDED TO CHANGE THE DELEGATION OF RESPONSIBILITIES TO THE CLG.

H. CONTINUED CERTIFICATION SHALL BE BASED ON PERFORMANCE.



V. PROCESS FOR MONITORING AND DECERTIFYING CLGS

A. THE SHPO SHALL REVIEW AND MONITOR THE PERFORMANCE OF EACH CLG NO LESS OFTEN THAN ONCE EVERY FOUR YEARS.

1. The SHPO shall review the Annual Reports submitted by the CLG, minutes of commission meetings, records of administration of federal grant funds and other documents as necessary.
2. The CLG shall make all pertinent records available to the SHPO on request.
3. The SHPO may also send staff representatives to CLG commission meetings.

B. THE SHPO WILL USE THE FOLLOWING FACTORS IN REVIEWING CLG PERFORMANCE:

1. Maintaining qualified commission members.
2. Number and frequency of commission meetings.
3. Number of additional local properties surveyed.
4. Number of additional local properties inventoried.
5. Number of additional local properties designated.
6. Number of reviews and alterations, new construction or demolition requests.
7. Consistency of design review decisions with the Secretary of the Interior's Standards for Treatment of Historic Properties.
8. Number of National Register nominations reviewed.
9. Educational activities or programs conducted or sponsored.
10. Compliance with the CLG agreement.
11. Delegated responsibilities carried out according to program requirements.
12. Timely filing of a complete Annual Report.
13. Timely completion of work pursuant to CLG grants.
14. Submittal of minutes to the SHPO.



15. Attendance of commission members at educational sessions.

C. IF THE SHPO'S EVALUATION INDICATES THAT THE CLG IS DEFICIENT IN FULFILLING ITS RESPONSIBILITIES, THE SHPO SHALL DOCUMENT THE ASSESSMENT AND RECOMMEND IN WRITING TO THE LOCAL GOVERNMENT SPECIFIC STEPS TO BRING PERFORMANCE TO AN ACCEPTABLE LEVEL.

1. The CLG shall have a period of not less than nine months nor more than one year to implement improvements and correct deficiencies. During the period, CLGs will not be permitted to exercise delegated responsibilities in the inadequate areas of performance. The SHPO shall provide technical advice and assistance in the areas needing assistance.
2. If the SHPO determines that sufficient improvement has not occurred, the SHPO shall recommend decertification of the CLG to the Secretary of the Interior citing specific reasons for the recommendation. The SHPO shall notify the local government of the actions of the Secretary.
3. After decertification, the SHPO shall suspend or terminate the Historic Preservation Fund (HPF) assistance, if any, to the local government except that assistance which may be necessary for the CLG to complete a CLG sub grant project. The SHPO may conclude normal sub grant closeout procedures, unless the terms of the sub grant agreement can no longer be met, in which case the SHPO shall terminate the sub grant.
4. The CLG may file with the SHPO requests to be voluntarily decertified without prejudice. A letter from the chief elected official shall include the following information:
 - The reason for seeking decertification.
 - The steps that the CLG will take to notify all affected parties with which it has worked of decertification.
 - A tentative schedule for decertification.
 - How the CLG intends to assist the SHPO in closing out any projects using HPF grants.



VI. CLG PARTICIPATION IN THE NATIONAL REGISTER PROCESS

The CLG program establishes a partnership between the CLG and the SHPO as nominating authorities for Colorado's National Register Program. It does not delegate to CLGs the sole authority to nominate properties directly to the Register. The following procedures explain the shared role:

1. Nominations of Colorado properties to the National Register of Historic Places shall be made directly to the SHPO. Nominations may be made by any party, including a CLG.
2. Upon receipt of an adequately documented nomination of a property within the jurisdiction of a CLG, the SHPO shall notify the property owner, the CLG's chief elected official and the local historic preservation commission of the proposed nomination. The SHPO shall submit the nomination to the commission for comment.
3. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register.
4. Within sixty (60) days of receipt of the nomination from the SHPO, the chief elected official shall transmit the report of the commission and his or her recommendation to the SHPO. The report should concentrate on the property's eligibility under the National Register eligibility criteria.
 - a. In the event that the historic preservation commission and the chief elected official agree that the proposed nomination meets the criteria for listing the property in the National Register, the SHPO will transmit the proposed nomination and the CLG's comments to the Colorado Historic Preservation Review Board for consideration. The Review Board is an independent advisory board appointed by the Governor and the SHPO that evaluates and recommends sites for nomination to the National Register.
 - b. In the event that the historic preservation commission and the chief elected official disagree as to whether the proposed nomination meets the criteria for listing in the National Register, both opinions shall be forwarded to the SHPO, who will transmit the proposed nomination with both opinions to the Review Board for consideration.
 - c. In the event the historic preservation commission and the chief elected official agree that the proposed nomination does not meet the criteria for listing in the National Register, the CLG shall inform the owner of the property and the applicant of its recommendation and shall inform them that within thirty (30) days an appeal of this recommendation may be made by letter directly to the SHPO. The historic preservation commission shall forward the CLG's recommendation and the nomination to the SHPO, who will take no further



action unless within thirty (30) days of the receipt of such recommendations by the SHPO, an appeal is filed by any person with the SHPO. If such an appeal is filed, the SHPO shall transmit the nomination and the CLG's recommendations to the Review Board for consideration.

5. If no report is received by the SHPO from the chief elected official within the allotted sixty (60) days, the state shall make the nomination pursuant to section 101 (a) of the National Historic Preservation Act, as amended. Failure of the CLG to submit reports on proposed nominations within its jurisdiction will be considered by the SHPO in its review of the CLG.
6. Appeals of the SHPO's decisions may be made directly to the Keeper of the National Register in accordance with federal regulations (36CFR60).
7. For proposed nominations of historic districts to the National Register of Historic Places, the CLG shall assist the SHPO in:
 - a. Aiding the preparer of the form in verifying the names and addresses of the owners of properties within the proposed districts, if necessary.
 - b. Providing for public information meetings at times and places agreeable to the SHPO and the CLG.
 - c. Providing formal notification of pending nominations to the owners of property, if directed to by the SHPO and agreed to by the CLG.
8. The SHPO will notify the CLG, the property owner and the applicant when a property within the CLG's jurisdiction is listed in the National Register.
9. The historic preservation commission shall be responsible for providing oversight and monitoring of historic properties and historic districts listed in the National Register of Historic Places. The commission is responsible to recommend in writing to the SHPO removal from the National Register of any property or district which has lost its integrity because of the demolition or alteration of structures.

NOTE: This section addresses only properly completed National Register nomination forms which have been prepared in accordance with the Secretary of the Interior's Standards for Registration and Guidelines for Registration (Federal Register, v. 48, no. 190, September 29, 1983, pp. 44726-44728) and the National Park Service's technical publication How to Complete National Register Registration Forms. Requests for National Register nomination information, for preliminary opinions by the State Historic Preservation Officer on a property's eligibility, for Part I Certifications for the preservation tax incentives, etc., will continue to be handled by the OAHF as they have been in the past.



VII. PROCESS FOR TRANSFERRING CLG GRANT FUNDS TO CLGS

A minimum of 10% of a state's annual apportionment from the Historic Preservation Fund (HPF) must be designated for CLG grants. In Colorado, this amount is currently approximately \$60,000 per year. In addition, funds from the State Historical Fund derived from gaming revenues match the 10% HPF set-aside, providing a total CLG grant pool of approximately \$120,000. At this time, CLG grants do not require a match. CLG grants are considered sub grants by the state from its grant from the federal government.

1. CLG grants are awarded annually on a competitive basis. Grant applications are currently due on November 15th of each year.
2. Application forms and instructions will be provided by the SHPO.
3. The SHPO will provide advice and information to CLGs to implement financial management systems which meet the standards of the Office of Management and Budget Circular A-102, Attachment G, as required by the National Park Service.
4. If the grant involves National Register nominations, the CLG shall adhere to all requirements of the Historic Preservation Fund Grants Manual prepared by the National Park Service.
5. Guidelines for review and selection of grant applications are as follows:
 - a. Applications will be ranked by the SHPO. See Appendix 3 for selection criteria.
 - b. The amount awarded shall be sufficient to produce a specific impact and to generate effects directly.
 - c. No single CLG should receive a disproportionate share of the allocation.
 - d. Eligible projects include the identification, evaluation, designation, and protection of the locality's cultural resources by completing or updating the survey and inventory of historic resources; nomination of properties to the National Register; development of a historic preservation plan; and educational activities, programs and publications.
 - e. The rationale for selection of applicants and the amounts awarded will be made available to the public upon request.
6. A CLG which receives HPF assistance will be considered a sub grantee of the state and will be required to sign a project agreement. That agreement will specify the management and use of funds. The CLG may be required to file interim and final reports and any other documents spelled out in the project agreement.



7. The use of federal funds will be governed by all current guidelines and regulations imposed by the federal government. Any state-directed specific uses of funds are to be for activities that are eligible for HPF assistance.
8. CLGs may participate in review and approval of National Register nominations and other activities whether or not they elect to apply for grants from the Historic Preservation Fund.
9. The SHPO shall be responsible through financial audit for the proper accounting of HPF-CLG funds in accordance with OMB Circular A-128, "Audit Requirements".
10. The SHPO's evaluation of a CLG will include an assessment of the CLG's fiscal management of HPF funds.



APPENDIX 1

Historic Preservation Professional Qualifications

In the following definitions, a year of full-time, professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

1. **History.** The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:
 - a. at least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum or other professional institution; or
 - b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.
2. **Archaeology.** The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:
 - a. at least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
 - b. at least four months of supervised field and analytic experience in general North American archaeology; and
 - c. demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

3. **Architectural history.** The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field, plus one of the following:



- a. at least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 - b. substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
4. **Architecture.** The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a license to practice architecture.
5. **Historic architecture.** The minimum professional qualifications in historic architecture are a professional degree in architecture or state license to practice architecture, plus one of the following:
- a. at least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
 - b. at least one year of full-time professional experience on historic preservation projects. (Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.)



APPENDIX 2

CLG DELEGATED RESPONSIBILITIES PROGRAM

CLGs are eligible to assume any or all SHPO responsibilities related to implementation of the National Historic Preservation Act. CLGs assuming these responsibilities will be obligated to meet all public participation and program standards attendant to them. SHPO responsibilities which may be delegated to CLGs are:

1. **Review and Compliance (Section 106)**: For federal or state actions, including use of federal or state funds, advise and assist, in cooperation with the National Park Service and the Advisory Council on Historic Preservation, federal and state agencies to ensure that historic properties are taken into consideration at all levels of planning and development.
2. **National Register**: Identify and recommend properties to the National Register and administer applications for listing properties on the National Register. Note: CLGs are *required* to assume these responsibilities, more fully described in Section VI.
3. **Planning**: Prepare and implement a comprehensive historic preservation plan.
4. **Covenants Administration**: Participate in the administration of historic preservation covenants granted to the state by recipients of Historic Preservation Fund (HPF) sub grant awards for acquisition and development projects.
5. **Federal Income Tax Credit**: Participate in the administration of the historic preservation tax incentives program for evaluation and certification of income-producing historic properties seeking to take advantage of the federal incentives.
6. **State Income Tax Credit**: A CLG may opt to be the reviewing entity for Colorado's state historic income tax credit, which applies to residential as well as income-producing properties.
7. **Information and Assistance**: Provide public information, education, training and technical assistance about federal and state historic preservation programs, and otherwise fulfill a liaison responsibility.



APPENDIX 3

SELECTION CRITERIA FOR CERTIFIED LOCAL GOVERNMENT SUBGRANTS

The following selection criteria will be used to determine CLG grant awards. Applications received by the deadline will be evaluated based upon the below criteria and scored according to the indicated point assignments.

1. **Project Description and Strengthening Local Preservation Efforts (15 Points)**
 - Does the applicant demonstrate a clear understanding of preservation needs?
 - Is the description of the project understandable and does it provide background information?
 - Does the proposal form or strengthen partnerships or networks?
 - Does the project further existing local, regional, or state preservation planning?

2. **Statement of Need for Assistance (15 points)**
 - Is there evidence of responsiveness to community needs?
 - How will members of the public benefit from this project?
 - Is the stated need verifiable with documented factual information?
 - Does the applicant describe how grant funds will assist in achieving preservation work that cannot be solely accomplished with applicant funds?

3. **Project Scope of Work, Objectives and Outcomes (20 Points)**
 - Will the scope of work planned accomplish the stated objectives?
 - Are the objectives quantifiable?
 - Will the outcomes and/or products provide beneficial preservation results?
 - Does the project seem likely to be completed in a timely fashion and succeed in its goals?

4. **Significance and Impact of Project (15 Points)**
 - Does the project deal with a threatened resource?
 - Will the project result in a National Register nomination?
 - Does the product address buildings, structures, sites or districts listed on the National Register or State Register?
 - Does the project have a significant impact on the local community?
 - Does the project develop historic contexts or educate and inform broad sectors of the public?



5. **Applicant Commitment to the Project (15 Points)**

What are the continuation plans for the project?

If applicable, what is the applicant source and commitment of matching funds?

Is the project part of an overall community, governmental or organizational plan?

Are the applicant resources sufficient to successfully accomplish the project as proposed?

6. **Innovative Methodology (10 Points)**

Does the project involve the application or development of new preservation methods, tools or technologies which have potential for broad applications beyond the specific project?

Can the results be used as a model for other CLGs?

7. **Budget and Cost Effectiveness (10 points)**

Is the budget consistent with the planned objectives?

Are the costs reasonable compared with the products?

Are costs within allowable categories for funding per federal regulations?



REQUEST FOR CERTIFIED LOCAL GOVERNMENT STATUS

Date:

To: Edward C. Nichols, State Historic Preservation Officer

History Colorado
1200 Broadway
Denver CO, 80203

From: _____
(Chief Elected Official of the Local Government)

In accordance with the National Historic Preservation Act of 1966, as amended, and “Procedures for the Certification of Local Governments in Colorado,” I hereby request Certified Local Government Status for the:

(Town, City, or County of _____)

Enclosed are:

- _____ 1. A copy of the local historic preservation or landmarks ordinance or resolution, including any amendments.
- _____ 2. A copy of the standards, criteria, and procedures used for the review of alterations, demolition, and new construction affecting historic properties.
- _____ 3. A listing of building, sites, structures, and districts, including addresses, designated under the local ordinance.
- _____ 4. A list of the members of the historic preservation commission with qualifications of all commission members.
- _____ 5. A copy of the local preservation plan, if extant, or a statement describing the local preservation plan.
- _____ 6. A sample copy of the minutes of a commission meeting.
- _____ 7. A sample notice of a public meeting of the commission.
- _____ 8. A sample notice to an applicant of the decision of the commission.
- _____ 9. A description of any other delegated responsibilities which the local government wishes to assume.



The requirements for certification of local governments, as described in Section III of "Procedures for the certification of Local Governments in Colorado" are

currently fulfilled by _____.

(City, Town, or County of _____)

(OR, with the exception(s) as described below. Indicate the appropriate item and provide the requested information if there are exceptions to the requirements.)

1. The historic preservation commission does not include professional member(s) from the disciplines of:

However, a reasonable effort to appoint such member(s) was made as follows (include a brief statement describing the efforts to appoint such professionals):

In the absence of such professionals on the commission, the local commission proposes to obtain such professional expertise, when required, as follows (include a brief statement describing the proposal):



2. Other exceptions to the requirements of Section III include (briefly explain the exceptions and describe plans to fulfill the requirements):

3. Description of other delegated responsibilities the local government wishes to assume:

4. Name and address of CLG representative who will be responsible for carrying out program responsibilities:

Name _____

Address _____

Phone _____ Fax _____ E-mail _____

I understand that, if certified, a written certification agreement specifying the responsibilities of the local government will be required and that the _____ will be eligible to apply for special (City, Town, or County of) Certified Local Government grants to be used for eligible local historic preservation projects.

Signed, Chief Elected Official

Name of CEO
(type or print) _____

Date: _____



MODEL LOCAL GOVERNMENT CERTIFICATION AGREEMENT

Pursuant to the provisions of the National Historic Preservation Act, as amended, to applicable federal regulations (36 CFR 61), and to the "Process for Certification of Local Governments in Colorado," the _____ of _____
[insert the proper name of the local government] agrees to:

- (1) Enforce appropriate legislation for the designation and protection of historic properties, including, but not limited to CRS 24-65.1-101 et seq.; CRS 29-20-101 et seq.; and CRS 30-11-107 (1) (bb).
- (2) Maintain an adequate and qualified historic preservation review commission composed of professional and lay members pursuant to the "Requirements for Certification of Local Governments in Colorado."
- (3) Maintain a system for the survey and inventory of historic properties pursuant to the "Requirements for Certification of Local Governments in Colorado."
- (4) Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register.
- (5) Adhere to all Federal requirements for the Certified Local Government Program.
- (6) Adhere to requirements outlined in the Colorado Certified Local Government Handbook issued by the State Historic Preservation Office.

Upon its designation as a Certified Local Government, the _____ of _____
[enter the local government name] shall be eligible for all rights and privileges of a Certified Local Government (CLG) specified in the National Historic Preservation Act, Federal procedures, and procedures of Colorado. These rights include eligibility to apply for available CLG grant funds in competition only with other certified local governments.

STATE:

LOCAL GOVERNMENT:

SHPO or Designee

Chief Elected Local Official

Edward C. Nichols, SHPO
Typed Name and Title

Typed Name and Title

Date

Date



The activity that is the subject of this material has been financed in part with Federal funds from the National Historic Preservation Act, administered by the National Park Service, U.S. Department of the Interior and for History Colorado. However, the contents and opinions do not necessarily reflect the views or policies of the commercial products constitute an endorsement or recommendation by the Department of the Interior or History Colorado.

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