

AGENDA  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LAKEWOOD, COLORADO  
**HYBRID MEETING**  
LAKEWOOD CIVIC CENTER  
480 SOUTH ALLISON PARKWAY  
MARCH 28, 2022  
7:00 P.M.  
COUNCIL CHAMBERS & ZOOM

To watch the Council meeting live, please use either one of the following links:

City of Lakewood Website: <https://www.Lakewood.org/CouncilVideos>

or

Lakewood Speaks: <https://lakewoodspeaks.org/>

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To join the City Council Meeting for Public Comment:

**By Computer:** <https://lakewood.zoom.us/j/87017960123>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: 870 1796 0123

By Telephone: **720-707-2699**

Webinar ID: **870 1796 0123, #**

Participant ID: **#**

Press \*9 to Request to Speak, you will be prompted when to speak.

Press \*6 to Unmute

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**ITEM 1 – CALL TO ORDER**

**ITEM 2 – ROLL CALL**

**ITEM 3 – PLEDGE OF ALLEGIANCE**

**ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**

**ITEM 5 – PUBLIC COMMENT**

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

**CONSENT AGENDA  
ORDINANCES ON FIRST READING**

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(Ordinances are on first reading for notice and publication only; public hearings are held on second reading)

**ITEM 6 – RESOLUTION 2022-23 – REAPPOINTING LAURA KROEGER TO THE METRO WATER RECOVERY BOARD OF DIRECTORS**

**ITEM 7 – RESOLUTION 2022-24 – UPDATING THE CITY OF LAKEWOOD THREE-MILE PLAN FOR ANNEXATIONS**

**ITEM 8 – ORDINANCE O-2022-3 – ENDORSING THE PROJECTS AND PROJECT FUNDING LEVELS IN THE CITY OF LAKEWOOD 2022 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**ITEM 9 – ORDINANCE O-2022-4 – AUTHORIZING UNBUDGETED EXPENDITURE OF GRANT FUNDS IN EXCESS OF \$50,000 FROM COLORADO DEPARTMENT OF LOCAL AFFAIRS AFFORDABLE HOUSING PLANNING GRANT PROGRAM FOR STRATEGIC HOUSING STRATEGY AND ACTION PLAN**

**ITEM 10 – APPROVING MINUTES OF CITY COUNCIL MEETINGS**

Regular Meeting

February 14, 2022

**ITEM 11 – ACCEPTING MINUTES OF THE BOARDS AND COMMISSIONS**

Lakewood Advisory Commission  
Executive Committee Meeting

February 8, 2022

Lakewood Advisory Commission  
Full Commission Meeting

January 19, 2022

**END OF CONSENT AGENDA**

**RESOLUTIONS**

**ITEM 12 – RESOLUTION 2022-25 – EXPANDING THE NUMBER OF SEATS ON AND CREATING A NEW LAKEWOOD REINVESTMENT AUTHORITY BOARD OF COMMISSIONERS FOR THE LAKEWOOD REINVESTMENT AUTHORITY IN COMPLIANCE WITH THE COLORADO URBAN REDEVELOPMENT FAIRNESS ACT**

**ITEM 13 – RESOLUTION 2022- 26 – RECREATING A CITY COUNCIL AD HOC ADVISORY COMMITTEE TO REVIEW AND RECOMMEND AMENDMENTS TO THE PROVISIONS OF THE LAKEWOOD MUNICIPAL CODE REGARDING CAMPAIGN FINANCE**

**ITEM 14 – RESOLUTION 2022-27 – RECREATING A CITY COUNCIL ADVISORY AD HOC COMMITTEE REGARDING THE DEVELOPMENT DIALOGUE**

**ORDINANCES ON SECOND READING AND PUBLIC HEARINGS**

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**ITEM 15 – ORDINANCE O-2022-2 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2022 ANNUAL BUDGET IN THE AMOUNT OF \$199,992 AND AUTHORIZING THE EXPENDITURE OF GRANT FUNDS FROM DIVISION OF CRIMINAL JUSTICE FOR THE PAYMENT OF TREATMENT AND INTERVENTION SERVICES ASSOCIATED WITH THE IMPLEMENTATION OF THE MUNICIPAL OPPORTUNITY TO SECURE AND SUSTAIN TREATMENT (MOSST) PROGRAM**

**ITEM 16 – GENERAL BUSINESS**

**ITEM 17 – EXECUTIVE REPORT**

CITY MANAGER

**ITEM 18 – MAYOR AND CITY COUNCIL REPORTS**

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

**ITEM 19 – ADJOURNMENT**

# STAFF MEMO

**DATE OF COUNCIL MEETING: MARCH 28, 2022 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From: Jay N. Hutchison, Public Works Director, 303-987-7901

**Subject: A RESOLUTION RE-APPOINTING LAURA KROEGER TO THE METRO WATER RECOVERY DISTRICT BOARD OF DIRECTORS**

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**SUMMARY STATEMENT:** The City Council of Lakewood appoints two members to the board of Metro Water Recovery. This resolution would appoint Laura Kroeger to a second two-year term on the board.

Public Works recommends City Council approval of the resolution re-appointing Ms. Kroeger.

**BACKGROUND INFORMATION:** The City of Lakewood, like most cities in the Denver metropolitan area and many special districts, sends its sewage flow to Metro Water Recovery (MWR), which owns and operates two major sewage treatment plants. MWR is governed by a board of directors appointed by MWR member organizations, including Lakewood and various districts such as the Bancroft Clover Water and Sanitation District and the Alameda Water and Sanitation District.

Specific technical expertise in areas related to water, water quality and utilities is desirable when serving on the MWR board. Experience working with MWR and its regulatory environment is also valuable. Metro Water Recovery operates under a complex set of bylaws, rules and regulations governing the operation, use and service of the system, including Colorado Statutes, the Sewage Treatment and Disposal Agreement between MWR and users of the system as well as federal environmental regulations.

Laura Kroeger is a 24-year Lakewood resident with three children in or graduated from Lakewood schools. She is a professional engineer with more than 26 years' experience in the industry and a Master of Science degree in civil engineering. Earlier in her career, Ms. Kroeger worked for a Lakewood-based consulting engineering firm managing and designing projects including for special districts in the water industry.

She currently serves as the Executive Director of the Mile High Flood District (MHFD). The MHFD is a multi-county, Denver metropolitan area agency created by the state legislature. She has been with the MHFD for 18 years.

During an earlier portion of her career with MHFD, Ms. Kroeger managed the MHFD's South Platte River program for several years. This experience is particularly relevant to this appointment because a key component was collaborating with MWR due to its treatment plant discharge being to the South Platte River. In all of these roles, she has had experience with the complex regulatory environment in which the MWR also works. She also deals with the significant overlap between the MHFD's and the MWR's shared interest in water quality.

Ms. Kroeger was recently selected to serve as chair of the MWR Strategic Plan Committee of the Board of Directors. She served for a number of years on the Colorado APWA chapter board. Her experiences will continue to benefit the Lakewood community as she represents Lakewood on the Metro Water Recovery board.

**BUDGETARY IMPACT:** This appointment has no budgetary impacts.

**STAFF RECOMMENDATION:** Public Works recommends adoption of the resolution re-appointing Ms. Laura Kroeger to the Metro Water Recovery board for a term ending on June 30, 2024.

**ALTERNATIVES:** City Council may adopt the resolution or reject the resolution.

**PUBLIC OUTREACH:** Normal City Council agenda publication has included this resolution

**NEXT STEPS:** None.

**ATTACHMENTS:** Resolution 2022-23

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

2022-23

A RESOLUTION

REAPPOINTING LAURA KROEGER TO THE METRO WATER RECOVERY BOARD OF DIRECTORS

WHEREAS, the City of Lakewood is a member municipality of Metro Water Recovery (“MWR”) and as such appoints a director to the MWR board of directors (the “Board”);

WHEREAS, technical expertise in areas related to water resources is particularly desirable for directors serving on the Board;

WHEREAS, Ms. Laura Kroeger’s decades of experience in the water resources industry in the Denver metro area including technical and regulatory aspects make her well qualified to serve as a City appointed director on the Board; and

WHEREAS, the City Council hereby finds and determines that re-appointing Ms. Laura Kroeger to the Board is and shall be in the best interest of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Laura Kroeger is hereby re-appointed as a director on the Metro Water Recovery Board, to serve the term from July 1, 2022, to June 30, 2024.

SECTION 2. This Resolution shall become effective immediately upon signature after its adoption.

INTRODUCED, READ AND ADOPTED, by a vote of \_\_\_ for and \_\_\_ against, at a hybrid regular meeting of the Lakewood City Council held on March 28, 2022, at 7 o’clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

\_\_\_\_\_  
Adam Paul, Mayor

ATTEST:

\_\_\_\_\_  
Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF COUNCIL MEETING: MARCH 28, 2022 / AGENDA ITEM NO. 7**

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

Subject: **CITY OF LAKEWOOD 2022 THREE-MILE PLAN**

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**SUMMARY STATEMENT:** Section 31-12-105(1)(e)(I) of the Colorado Revised Statutes requires that prior to the completion of any annexation within the three-mile area beyond the existing municipal boundary, the municipality shall have in place a plan for that area, which generally describes such things as streets, waterways, utilities, parks, proposed land uses, etc. The Statute further requires that the plan be updated at least once a year.

**BACKGROUND INFORMATION:** The City's Three-Mile Plan consists of a description of the Three-Mile Plan, applicable land use plans that make up the Three-Mile Plan, an explanation of how the plan addresses state requirements and a three-mile area map. Consistent with previous practice, the land use component of the 2022 Three-Mile Plan relies on the City's Comprehensive Plan and the Jefferson County Comprehensive Master Plan, which includes area specific plans within the Three-Mile Plan boundary, as adopted by Jefferson County. The 2022 Three-Mile plan is an update to the 2018 Plan, which City Council approved by resolution in 2018. The Three-Mile Annexable Area Boundary changed from the 2018 plan to include the annexation of the William Frederick Hayden Park enclave, Annexation case AX-18-001. The 2022 Plan provides reference to all existing and new Citywide Plans, Implementation Plans and Area Specific Plans that have been adopted or accepted by the Lakewood City Council. It also references the current Jefferson County Comprehensive Master Plan and Area Plans, as they provide relevant planning information related to the unincorporated areas within the Three-Mile Annexable Area Boundary.

**BUDGETARY IMPACTS:** The approval of the Three-Mile Plan update will not result in a financial impact to the City of Lakewood.

**STAFF RECOMMENDATIONS:** The Lakewood Planning Commission recommends that the City Council approve Case No. PL22-0001 Three-Mile Plan.

The Planning Commission further recommends that staff explore the annexation of the areas surrounded entirely by the City of Lakewood Municipal boundary, otherwise referred to as "enclaves", by first consulting the inhabitants and landowners thereof to determine the advantages and burdens of such annexations.

**ALTERNATIVES:** City Council may APPROVE, APPROVE WITH MODIFICATIONS or DENY the request. Failure to approve the updated Plan may preclude the City from undertaking future annexations, including the proposed annexation of the Stevinson Automotive Campus Annexation, Case number AX-21-001.

**PUBLIC OUTREACH:** Notification of the Planning Commission public hearing was published and posted. Additionally, the City of Lakewood and Jefferson County Plans that are referenced within the 2022 Three-Mile Plan each had an extensive public outreach process prior to the adoption of the respective plan.

**NEXT STEPS:** City Staff is requesting City Council approval of the 2022 Three-Mile Plan update.

**ATTACHMENTS:** Resolution 2022-24  
2022 Three-Mile Plan  
Draft Planning Commission Resolution  
Draft Planning Commission Minutes  
Planning Commission Staff Report

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

2022-24

A RESOLUTION

UPDATING THE CITY OF LAKEWOOD THREE-MILE PLAN FOR ANNEXATIONS

WHEREAS, Colorado law requires that prior to the completion of any annexation, a municipality shall have a plan for the area within three miles of the municipality's boundary;

WHEREAS, Colorado Statutes state that such a Three-Mile Plan shall be updated at least once annually;

WHEREAS, the City of Lakewood Planning Commission has adopted the 2022 Three-Mile Plan and recommended City Council approval thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado that:

SECTION 1. The 2022 Three-Mile Plan, attached hereto as Exhibit A, is hereby approved.

SECTION 2. The City Clerk shall maintain a copy of the 2022 Three-Mile Plan and make the Plan available for public inspection during regular business hours.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_\_ for and \_\_\_\_ against at a hybrid regular meeting of the Lakewood City Council held on March 28, 2022, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

\_\_\_\_\_  
Adam Paul, Mayor

ATTEST:

\_\_\_\_\_  
Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Allison McKenney Brown, City Attorney

# CITY OF LAKEWOOD

## 2022 THREE-MILE PLAN



Prepared By | Lakewood Planning Department

470 S Allison Parkway  
Lakewood CO, 80226

## SECTION 1 | INTRODUCTION

This document constitutes the City of Lakewood’s Three-Mile Plan for the unincorporated area within three miles of the City’s perimeter boundary, as required by and in conformance with section 31-12-105(1)(e) of the Colorado revised statutes (C.R.S.). The City of Lakewood’s Three-Mile Plan consists of a description of the Three-Mile Plan, a compilation of independent and applicable land use plans, an explanation of how the plan addresses state requirements, and an annexation area map.

## SECTION 2 | LAND USE PLANS

The City of Lakewood’s Three-Mile Plan provides reference to the City of Lakewood Comprehensive Plan, Citywide and Implementation Plans, the Jefferson County Comprehensive Master Plan, and applicable Area Plans. The plans listed in the table below have been grouped by jurisdiction and type of plan in a hierarchal order; the plans most relevant to a proposed annexation are at the top, while secondary reference plans are at the bottom.

	PLAN TITLE	DETAILS
COMPREHENSIVE PLANS	<a href="#"><u>Lakewood 2025: Moving Forward Together Comprehensive Plan</u></a>	A policy document providing guidance to residents, businesses, developers, elected officials and appointed boards regarding decisions about the current and future needs of the community. Any future amendments to the Comprehensive Plan adopted by the City will also be incorporated into the Three-Mile Plan.  Adopted by   Lakewood City Council Date   April 27, 2015
	<a href="#"><u>Plan Rooney Valley</u></a>	A joint community vision to guide land use decisions in the Rooney Valley. The Plan was adopted by the Town of Morrison and the City of Lakewood  Adopted by   Lakewood City Council Date   February 7, 2017
CITYWIDE PLANS	<a href="#"><u>City of Lakewood Sustainability Plan 2015</u></a>	Citywide Plan that identifies strategies related to the community’s sustainable planning goals.  Adopted by   Lakewood City Council Date   May 11, 2015
	<a href="#"><u>Historic Preservation Plan</u></a>	Citywide Plan and guiding document in planning for the future of Lakewood’s historic resources.  Adopted by   Lakewood City Council Date   May 11, 2015
	<a href="#"><u>Lakewood Public Art Master Plan</u></a>	Citywide Plan to address public art and explore innovated methods to bring public art and arts activities to all areas of the City.  Adopted by   Lakewood City Council Date   May 11, 2015

	PLAN TITLE	DETAILS
CITYWIDE PLANS	<b>Community Resources Master Plan <a href="#">Imagine Lakewood!</a></b>	Citywide Community Resources Master Plan to guide the development of the City’s parks, recreations and arts.  Adopted by   Lakewood City Council Date   October 23, 2017
	<b>2018 <a href="#">Bicycle System Master Plan</a></b>	Citywide Plan outlining the proposed bicycle facility improvements and goals to address education, encouragement, enforcement and safety for cyclists.  Adopted by   Lakewood City Council Date   April 23, 2018
IMPLEMENTATION PLANS	<b>The Federal Center/Union Boulevard <a href="#">Corridor Connectivity Plan</a></b>	Implementation Plan  Adopted by   Lakewood City Council Date   May 11, 2015
	<b>Union Boulevard <a href="#">Urban Design Plan</a></b>	Implementation Plan  Adopted by   Lakewood City Council Date   May 11, 2015
	<b>40 West Arts District <a href="#">Urban Design and Mobility Concepts</a></b>	Implementation Plan  Adopted by   Lakewood City Council Date   May 11, 2015
	<b>Downtown Lakewood <a href="#">Connectivity and Urban Design Plan</a></b>	Implementation Plan  Adopted by   Lakewood City Council Date   May 11, 2015
	<b>Sheridan Station 20-Minute Neighborhood <a href="#">Implementation Strategy</a></b>	Adopted by   Lakewood City Council Date   June 22, 2015
	<b>West Colfax Vision 2040 <a href="#">Action Plan</a></b>	Adopted by   Lakewood City Council Date   September 28, 2015
	<b>Union Area <a href="#">Transportation Study</a></b>	Implementation Plan  Accepted by   Lakewood City Council Date   April 9, 2018
JEFFERSON COUNTY	<b>Jefferson County <a href="#">Comprehensive Master Plan</a></b>	Pertinent to all sections of unincorporated Jefferson County. Refer to the following area plans for more geographically-specific information.  Adopted by   Jefferson County Planning Commission Date   November 8, 2017
	<b>South Plains <a href="#">Area Plan</a></b>	Pertinent to unincorporated land in Jefferson County located east of the Dakota Hogback and south of U.S Highway 285  Adopted by   Jefferson County Planning Commission Date   August 10, 2011

	PLAN TITLE	DETAILS
<b>JEFFERSON COUNTY COMPREHENSIVE PLAN</b>	<b>Central Plains <a href="#">Area Plan</a></b>	Pertinent to unincorporated land in Jefferson County located west of Lakewood and east of Golden, surrounding I-70 and West Colfax Avenue  <a href="#">Adopted by</a>   Jefferson County Planning Commission <a href="#">Date</a>   September 14, 2011
	<b>North Plains <a href="#">Area Plan</a></b>	Pertinent to unincorporated land in Jefferson County located north of I-70 and north of Highway 58  <a href="#">Adopted by</a>   Jefferson County Planning Commission <a href="#">Date</a>   December 12, 2012
	<b>Indian Hills <a href="#">Area Plan</a></b>	Pertinent to unincorporated land in Jefferson County located west of the Town of Morrison and north of U.S Highway 285  <a href="#">Adopted by</a>   Jefferson County Planning Commission <a href="#">Date</a>   July 24, 2013
	<b>Central Mountains <a href="#">Area Plan</a></b>	Pertinent to unincorporated land in Jefferson County generally located west of Lakewood, Morrison and Golden between Bear Creek (Colorado Highway 74) and Clear Creek (U.S. Highway 6)  <a href="#">Adopted by</a>   Jefferson County Planning Commission <a href="#">Date</a>   December 4, 2013
	<b>Conifer/285 Corridor <a href="#">Area Plan</a></b>	Pertinent to unincorporated land in Jefferson County located south of U.S Highway 285 and west of the South Plains Area Plan  <a href="#">Adopted by</a>   Jefferson County Planning Commission <a href="#">Date</a>   February 10, 2016

All plans listed in Section 2 of the Three-Mile Plan are available in the City Clerk’s Office for public access and review. Copies of the City’s plans are also available online on the City’s website, [www.lakewood.org](http://www.lakewood.org); Jefferson County’s plans are available on the County’s website, [www.co.jefferson.co.us](http://www.co.jefferson.co.us). Hyperlinks to each document have been incorporated into the Plan Titles.

### SECTION 3 | DESCRIPTIONS, CLARIFICATIONS AND ELABORATIONS

The City of Lakewood’s Three-Mile Plan addresses all unincorporated land within three miles of the corporate limits of the City of Lakewood, and excludes all incorporated land in the City and County of Denver, City of Edgewater, Town of Lakeside, Town of Mountain View, Town of Bow Mar, City of Wheat Ridge, City of Arvada, City of Golden, Town of Morrison, City of Littleton, City of Sheridan and City of Englewood.

The Three-Mile Plan applies only to unincorporated areas located primarily to the south, west, northwest and north of Lakewood, which are further discussed below. (Refer to the attached 2022 Three-Mile Plan map for a representation of the referenced unincorporated areas.) This Plan is intended to address all land within three miles of the City of Lakewood boundary that is eligible for annexation. In all cases where a greater need or desire may arise for waterways, subways, bridges, or other components of this Three-Mile Plan, the plan will be appropriately amended to respond to these demands.

## A. SOUTH AREA (SOUTH OF U.S. HIGHWAY 285)

For the areas located south of Lakewood and Highway 285, the *City of Lakewood Comprehensive Plan* shall be the primary document to be considered when reviewing land use allowances associated with proposed annexations. The *South Plains Area Plan* and the *Conifer/285 Corridor Area Corridor Plan* may provide secondary annexation guidance.

The elements of the Lakewood Three-Mile Plan for the South Area are set forth as follows:

<b>Streets</b>	The Infrastructure, Water and Services section of the <i>Jefferson County Comprehensive Master Plan</i> offers supplementary material for transportation and connectivity.
<b>Subways</b>	No subways exist or are planned for this area.
<b>Bridges</b>	No new bridges are currently planned.
<b>Waterways</b>	No changes are proposed.
<b>Waterfronts</b>	Lake waterfronts are addressed within the appropriate land use sections of the Three-Mile Plan component plans.
<b>Parkways, playgrounds, squares, and parks &amp; open space</b>	Refer to the applicable area plans.
<b>Aviation fields</b>	At present, no aviation fields are known to exist or are planned within the South Area.
<b>Other public ways, grounds, &amp; open spaces</b>	Refer to the applicable area plans.
<b>Public Utilities</b>	Refer to the Infrastructure, Water and Services section of the <i>Jefferson County Comprehensive Master Plan</i> .
<b>Terminals provided by the municipality (i.e. water, light, sanitation, transportation and power)</b>	Refer to the applicable area plans.
<b>Land Use</b>	Refer to the applicable area plans.

## B. WEST AREA (BETWEEN U.S. HIGHWAY 285 AND WEST 6TH AVENUE)

For the areas west of Lakewood between Highway 285 and West 6<sup>th</sup> Avenue, the *City of Lakewood Comprehensive Plan* and *Plan Rooney Valley* shall be the primary documents to be considered when reviewing land uses associated with proposed annexations.

*Plan Rooney Valley* applies to properties located in the Rooney Valley within the City of Lakewood and the Town of Morrison. The area is further governed by the Intergovernmental Agreement (IGA) between the Town of Morrison and City of Lakewood, which was originally executed in 2000 and readopted on April 25, 2016. Unincorporated areas in the Rooney Valley are also covered by the IGA, *Plan Rooney Valley* and the *Joint Rooney Valley Development Standards* if annexed into the City of Lakewood or Town of Morrison.

The *Central Mountains Area Plan*, the *Central Plains Area Plan*, the *Indian Hills Area Plan*, and the *Jefferson County Comprehensive Master Plan* may also provide secondary annexation guidance. The areas between Golden and Lakewood are further restricted as a result of the Intergovernmental Agreement between the two cities executed in 1997.

The elements of the City of Lakewood Three-Mile Plan for the West Area are set forth as follows:

<b>Streets</b>	The Infrastructure, Water and Services section of the <i>Jefferson County Comprehensive Master Plan</i> offers supplementary material for transportation and connectivity.
<b>Subways</b>	No subways currently exist or are planned for this area. The existing West Corridor light rail line extends west from the City’s western boundary to Golden along 6 <sup>th</sup> Avenue. No additional light rail line extensions are anticipated within this area.
<b>Bridges</b>	No new bridges are currently planned.
<b>Waterways</b>	No changes are proposed.
<b>Waterfronts</b>	Lake waterfronts are addressed within the appropriate land use sections of the Three-Mile Plan component plans.
<b>Parkways, playgrounds, squares, and parks &amp; open space</b>	Refer to the applicable area plans.
<b>Aviation fields</b>	Refer to the applicable area plan.
<b>Other public ways, grounds, &amp; open spaces</b>	Refer to the applicable area plans.
<b>Public Utilities</b>	Refer to the Infrastructure, Water and Services section of the <i>Jefferson County Comprehensive Master Plan</i> .
<b>Terminals provided by the municipality (i.e. water, light, sanitation, transportation and power)</b>	Refer to the applicable area plans.
<b>Land Use:</b>	Refer to the applicable area plans.

### C. NORTHWEST AND NORTH AREA (NORTH OF WEST 6TH AVENUE)

For the areas northwest and north of Lakewood, located north of West 6<sup>th</sup> Avenue, the *City of Lakewood Comprehensive Plan* shall be the primary document to be considered when reviewing land uses associated with proposed annexations. The *Central Plains Area Plan*, the *North Plains Area Plan*, and the *Jefferson County Comprehensive Master Plan* may also provide secondary annexation guidance. The areas between Golden and Lakewood are further restricted as a result of the Intergovernmental Agreement between the two cities executed in 1997.

The elements of the City of Lakewood Three-Mile Plan for the Northwest and North Areas are set forth as follows:

<b>Streets</b>	The Infrastructure, Water and Services section of the <i>Jefferson County Comprehensive Master Plan</i> offers supplementary material for transportation and connectivity.
<b>Subways</b>	The existing West Corridor light rail line extends west from the City’s western boundary to Golden along 6 <sup>th</sup> Avenue. No additional light rail line extensions or subways are anticipated within this area.
<b>Bridges</b>	No new bridges are currently planned.
<b>Waterways</b>	No changes are proposed.
<b>Waterfronts</b>	Lake waterfronts are addressed within the appropriate land use sections of the Three-Mile Plan component plans.
<b>Parkways, playgrounds, squares, and parks &amp; open space</b>	Refer to the applicable area plans.
<b>Aviation fields</b>	Refer to the applicable area plans.
<b>Other public ways, grounds, &amp; open spaces</b>	Refer to the applicable area plans.
<b>Public Utilities</b>	Refer to the Infrastructure, Water and Services section of the <i>Jefferson County Comprehensive Master Plan</i> .
<b>Terminals provided by the municipality (i.e. water, light, sanitation, transportation and power)</b>	Refer to the applicable area plans.
<b>Land Use</b>	Refer to the applicable area plans.

#### D. CITY OF LAKEWOOD ENCLAVES (AREAS SURROUNDED ENTIRELY BY THE CITY)

For all unincorporated enclaves within the corporate boundaries of the City of Lakewood, the *City of Lakewood Comprehensive Plan* shall provide guidance when reviewing land uses associated with proposed annexations.

The elements of the City of Lakewood Three-Mile Plan for the enclaves surrounded by the City are set forth as follows:

<b>Streets</b>	Refer to the transportation section of the <i>City of Lakewood Comprehensive Plan</i> for primary guidance.
<b>Subways</b>	No subways currently exist or are planned for these areas.
<b>Bridges</b>	No bridges are currently planned for these areas.
<b>Waterways</b>	No changes are proposed.
<b>Waterfronts</b>	Lake waterfronts are addressed within the appropriate land use sections of the Three-Mile Plan component plans.
<b>Parkways, playgrounds, squares, &amp; parks and open space</b>	Refer to the <i>Imagine Lakewood Master Plan</i> for primary guidance
<b>Aviation fields</b>	No aviation field or helicopter pads currently exist or are planned within the enclave areas of this plan.
<b>Other public ways, grounds, &amp; open spaces</b>	Refer to the <i>City of Lakewood Comprehensive Plan</i> for primary guidance.
<b>Public Utilities</b>	Refer to the <i>City of Lakewood Comprehensive Plan</i> for primary guidance.
<b>Terminals provided by the municipality (i.e. water, light, sanitation, transportation and power)</b>	Refer to the <i>City of Lakewood Comprehensive Plan</i> for primary guidance.
<b>Land Use</b>	Refer to the applicable area plans.

## **SECTION 4 | 2022 THREE-MILE PLAN MAP**

See Attachment B | 2022 Three-Mile Plan Map

## **SECTION 5 | 2022 THREE-MILE PLAN – PLANNING AREAS MAP**

See Attachment C | 2022 Three-Mile Plan – Planning Areas Map

## RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On March 2, 2022 the Lakewood Planning Commission reviewed and adopted Planning Case No. PL22-0001, 2022 Three-Mile Plan and recommended that City Council approve the City of Lakewood 2022 Three-Mile Plan.

Motion was made by COMMISSIONER KENTNER and seconded by COMMISSIONER STONE to APPROVE the Final Plat, which passed by a vote of 6 to 0. The roll having been called; the vote of the Lakewood Planning Commission was as follows:

Alex Bartlett	Aye
Johann Cohn	Aye
Cathy Kentner	Aye
Jenny O'Neill	Aye
Rhonda Peters	Aye
Theresa Stone	Aye

### FINDINGS OF FACT AND ORDER

The Planning Commission finds that:

- A. Ms. Kathleen E. Hodgson, City Manager for the City of Lakewood has submitted an application to update the Three-Mile Plan; and
- B. All annexations shall be evaluated based upon the goals of the City of Lakewood Comprehensive Plan, the Jefferson County Comprehensive Plan and all other plans listed in the 2022 Three-Mile Plan.

AND

Staff recommends that the Planning Commission **ADOPT** Planning Case No. PL22-0001 with an amendment paragraph in addition to the findings:

- “The Planning Commission further recommends that the City of Lakewood explore the annexation of the areas surrounded entirely by the city by first consulting the inhabitants and landowners thereof and then determine the advantages and burdens of such annexations.”

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Johann Cohn, Chair

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Alex Bartlett, Secretary of the Planning  
Commission

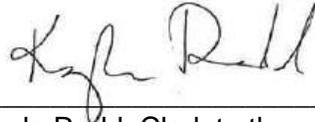
**CERTIFICATION**

I, KAYLA REDD, Clerk to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 2nd day of March 2022 as the same appears in the minutes of said meeting.

03-02-2022

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Date approved



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Kayla Redd, Clerk to the  
Planning Commission

**LAKWOOD PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
March 02, 2022**

**COMMISSIONERS PRESENT:**

Alex Bartlett, Secretary  
Johann Cohn, Chair  
Cathy Kentner  
Jenny O'Neill  
Rhonda Peters  
Theresa Stone

**STAFF PRESENT:**

Greg Graham, Senior Assistant City Attorney  
Paul Rice, Manager, Planning-Development Assistance  
Kayla Redd, Clerk to the Planning Commission  
Matt Post, Planner, Planning-Development Assistance

Following are the minutes of the March 2nd, 2022, Lakewood Planning Commission Regular Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

*Minutes are not a verbatim transcription, but rather an attempt by the Clerk to capture the intent of the speakers.*

**ITEM 1: CALL TO ORDER**

**ITEM 2: ROLL CALL**

The roll having been called, a quorum was declared, and the following business was conducted:

**ITEM 3: PL22-0001 – 2022 THREE-MILE PLAN**

MATT POST, Planner, applicant, provided the application presentation for case PL22-0001 – 2022 THREE-MILE PLAN.

COMMISSIONER STONE inquired about whether landowners and residents are consulted with when going through the process of annexation.

MR. POST stated that for all annexations brought to staff, a neighborhood meeting and public notification is required in addition to Planning Commission and City Council approval.

COMMISSIONER STONE inquired about a mechanism for adjusting the plan or accommodating landowners when public comment is received.

MR. POST stated that the neighborhood meeting throughout the annexation and rezoning allows for public opinion to be voiced and heard.

COMMISSIONER O'NEILL inquired for clarification of the intent of annexation and whether there are current cases.

MR. POST stated all annexations would be in regard to annexing into Lakewood. The Stephen Automotive case is the only current case.

COMMISSIONER PETERS inquired about the rezoning process of an annexation.

MR. POST stated that it would be specific to the area as staff would refer to the area plan proposed to determine the appropriate zoning district and the land uses permitted by it. This would also be in conjunction with the Comprehensive Plan.

COMMISSIONER PETERS inquired about the process of annexation when a drastic land use change is proposed.

MR. POST stated that an applicant would have difficulties garnering staff and stakeholder support if a proposed annexation did not align with the intent of the Comprehensive Plan, relevant area plans, and staff recommendations. A staff recommendation or lack of would likely determine an approval or denial from Council.

COMMISSIONER COHN inquired about an update regarding the IGA with the Town of Morrison.

GREGORY GRAHAM, Senior Assistant City Attorney, stated that nothing has changed to his knowledge, however; discussion between both parties remain and there is movement towards litigation.

COMMISSIONER COHN closed public comment with no comments received.

COMMISSIONER KENTNER made a MOTION that the Planning Commission adopt the findings of fact and order as presented in the staff report for case number PL22-0001 and ADOPT the 2022 THREE-MILE PLAN and recommend that City Council approve the 2022 THREE-MILE PLAN.

COMMISSIONER STONE seconded the motion.

COMMISSIONER COHN called for an AMENDMENT to the motion and presented a paragraph.

COMMISSIONER KENTNER seconded the amendment.

COMMISSIONER COHN stated the specifications of the amendment being the areas that are completely enclosed by the city. The amendment would allow for consultation of the inhabitants and landowners in which such annexations affect.

COMMISSIONER PETERS inquired about the process of consultation of landowners and inhabitants.

PAUL RICE, Manager, stated the process would vary per neighborhood. The potential of the outreach process could include mailing and virtual notification and community outreach meetings.

VOTE TAKEN for the Amendment –

Six Ayes – Commissioners BARTLETT, COHN, KENTNER, O’NEILL, PETERS, and STONE.

No Nays

The motion PASSED unanimously.

VOTE TAKEN for the THREE-MILE PLAN –

Six Ayes – Commissioners BARTLETT, COHN, KENTNER, O’NEILL, PETERS, and STONE.

No Nays

The motion PASSED unanimously.

**ITEM 4: APPROVAL OF MINUTES OF THE OF THE AUGUST 25, 2021 PLANNING COMMISSION REGULAR MEETING**

COMMISSIONER KENTNER inquired about whether the meeting was a Special or Regular Meeting and identified a typo within ITEM 3.

COMMISSIONER COHN stated if there were no other objections, they would continue with the approval of the Minutes.

COMMISSIONER COHN made a MOTION to APPROVE the Minutes of the August 25, 2021 Planning Commission Regular Meeting.

The motion was SECONDED by COMMISSIONER KENTNER.

VOTE TAKEN –

Six Ayes – Commissioners BARTLETT, COHN, KENTNER, O’NEILL, PETERS, and STONE.

No Nays

The motion PASSED unanimously.

**ITEM 5: APPROVAL OF MINUTES OF THE OCTOBER 6, 2021 PLANNING COMMISSION REGULAR MEETING**

COMMISSIONER COHN made a MOTION to APPROVE the Minutes of the October 6, 2021 Planning Commission Regular Meeting.

The motion was SECONDED by COMMISSIONER BARTLETT.

VOTE TAKEN –

Six Ayes – Commissioners BARTLETT, COHN, KENTNER, O’NEILL, PETERS, and STONE.

No Nays

The motion PASSED unanimously.

**ITEM 6: ELECTION OF VICE CHAIR**

COMMISSIONER PETERS nominated COMMISSIONER KENTNER for VICE CHAIR.

COMMISSIONER KENTNER ACCEPTED the nomination.

COMMISSIONER PETERS made a MOTION to ELECT COMMISSIONER KENTNER.

The MOTION was SECONDED by COMMISSIONER PETERS.

VOTE TAKEN –

Six Ayes – Commissioners BARTLETT, COHN, KENTNER, O’NEILL, PETERS, and STONE.

No Nays

The motion PASSED unanimously.

**ITEM 7: GENERAL BUSINESS**

MR. RICE stated the next Planning Commission meeting will be on April 6<sup>th</sup>.

COMMISSIONER COHN made a statement of appreciation regarding the service of COMMISSIONER HEALD.

**ITEM 8: ADJOURNMENT**

Meeting adjourned at 8:00 PM.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Kayla Redd, Clerk to the  
Planning Commission

DRAFT



## Planning Department

Civic Center North  
470 South Allison Parkway  
Lakewood, Colorado 80226-3127  
303.987.7505  
Lakewood.org/Planning

### STAFF REPORT

**CASE NO:** PL22-0001

**REPORT DATE:** January 19, 2022

**CASE NAME:** 2022 Three-Mile Plan

**PC HEARING DATE:** March 2, 2022

**APPLICANT:** Kathleen E. Hodgson, City Manager – City of Lakewood

**REQUEST:** That the Planning Commission adopt and recommend approval of the 2022 Three-Mile Plan.

**CITY STAFF:**

Matt Post, Case Planner

A handwritten signature in black ink that reads "Matt Post".

Matt Post, Planner  
Planning – Development Assistance

A handwritten signature in black ink that reads "Paul Rice".

Paul Rice, Manager  
Planning – Development Assistance

**ATTACHMENTS TO THE REPORT:**

Attachment A – 2022 Three-Mile Plan

Attachment B – 2022 Three-Mile Plan Map

Attachment C – Three-Mile Plan – Planning Areas Map

## **I. BACKGROUND**

Section 31-12-105(1)(e) of the Colorado Revised Statutes places limits on municipalities that annex land by mandating that *“no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.”*

Section 31-12-105(1)(e) of the Colorado Revised Statutes also requires that, *“prior to the completion of any annexation within this three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area.”* In addition, any municipality adopting an annexation plan must update the plan on an annual basis.

On January 14, 2022 the City Manager submitted an application to update the City’s Three-Mile Plan as required by Section 31-12-105(1)(e). Staff has updated the previously adopted Three-Mile Plan and the updated plan is attached to this staff report.

## **II. LAKEWOOD 2022 THREE-MILE PLAN**

The City’s Three Mile Plan consists of an introduction and description of the plan, an explanation of how the plan addresses state requirements and an annexation area map. The City’s Three-Mile Plan includes references to various independent and applicable land use plans including:

- City of Lakewood Comprehensive Plan (updated in 2015).
- City of Lakewood Sustainability Plan (adopted in 2015).
- City of Lakewood Implementation Plans and Citywide Plans (adopted in 2015, 2017 & 2018).
- Jefferson County Comprehensive Master Plan and its adopted amendments.
- Plan Rooney Valley (adopted in 2017)

The boundaries of the Jefferson County plans listed above did not change within a 3-mile area of the City of Lakewood. The Jefferson County Comprehensive Master Plan is pertinent to those unincorporated areas not covered by a specific area plan.

All plans referred in this memorandum and Section 2 of the Three-Mile Plan are available in the City Clerk’s Office for public access and review. Plans developed by the City are also available on the City’s website; copies of the County’s plans are available on Jefferson County’s website.

## **III. PROCESS AND NOTIFICATION**

The Colorado Revised Statutes do not specify the process or notification requirements for municipalities’ when adopting a Three-Mile Plan. As such public notification for adoption of the Three-Mile Plan is subject to the applicable requirements of the municipality. The City of Lakewood has provided notice for the Three-Mile Plan Adoption by publishing and posting information related to the public hearing. It has been Lakewood’s practice to have the Planning Commission adopt the findings of fact and recommend that the City Council approve the Plan at a public hearing. The City Council is then asked to approve the Planning Commission’s action with a resolution.

Notice of the Planning Commission public hearing was posted on **January 20, 2022** and notice was published in the newspaper of record on **January 20, 2022**.

#### **IV. FINDINGS OF FACT AND ORDER**

Based upon the requirements of the Colorado Revised Statutes Section 31-12-105(1)(e) the City of Lakewood staff recommends:

That the Planning Commission find:

- A. Ms. Kathleen E. Hodgson, City Manager for the City of Lakewood has submitted an application to update the Three-Mile Plan; and
- B. All annexations shall be evaluated based upon the goals of the *City of Lakewood Comprehensive Plan*, the *Jefferson County Comprehensive Plan* and all other plans listed in the 2022 Three-Mile Plan.

#### **V. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the findings of fact and order as presented in the staff report for Case No. PL22-0001 and that the Planning Commission ADOPT the 2022 Three-Mile Plan and recommend that the City Council APPROVE the City of Lakewood 2022 Three-Mile Plan.

# STAFF MEMO

**DATE OF COUNCIL MEETING: MARCH 28, 2022 / AGENDA ITEM NO. 8**

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

**Subject: AN ORDINANCE ENDORSING THE RECOMMENDED PROJECTS AND FUNDING LEVELS FOR THE 2022 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

---

**SUMMARY STATEMENT:** Staff is requesting that City Council approve the Ordinance endorsing the recommended projects and funding levels identified in Table 1 for the 2022 Community Development Block Grant (CDBG) Program year.

**BACKGROUND INFORMATION:** The U.S. Housing and Urban Development Department (HUD) will grant federal funds to the City of Lakewood (City) for housing and community development activities once the 2022 Action Plan for the 2022 Program Year are reviewed and approved by the City Council. An amount of \$860,000 in Community Development Block Grant (CDBG) funds is estimated to be available in 2022. At the time this report was prepared, HUD had not yet announced annual CDBG allocations. Funding levels are not anticipated to be significantly different than the estimated amount.

The purpose of the CDBG program is to enable communities to carry out a wide range of community development activities directed toward neighborhood revitalization, economic development, and improved community services and facilities. All activities undertaken with CDBG funds must address one of the following three federal program objectives:

1. Benefit low- and moderate-income persons, or
2. Aid in the prevention or elimination of slum and blight (as defined by the community), or
3. Address urgent community development needs that present a serious and immediate threat to the health or welfare of the community

CDBG activities must also satisfy additional HUD eligibility requirements and address a local need and objective outlined in the City's Consolidated Plan which is updated every five years.

**2022 Annual Action Plan:**

The Annual Action Plan outlines the proposed CDBG-funded projects for 2022 which address the priority needs identified in the Consolidated Plan. It also serves as the City’s annual funding application for the CDBG program year, which begins June 1, 2022 and ends May 31, 2023. The 2022 CDBG allocation is listed below.

**Project Selection Process:**

A review committee consisting of City staff from affected departments reviewed proposed projects and evaluated how each project satisfies national and local objectives. Keeping in mind ongoing commitments, the committee reviewed the estimated annual allocation of funds and selected the recommended projects included in the 2022 Action Plan. The recommended projects are described later in this memorandum.

The following criteria were used to evaluate and select recommended projects:

1. *The project addresses a local priority need identified in the Consolidated Plan*
2. *The project provides a benefit to low- and moderate-income residents of Lakewood*
3. *The project benefits low-income areas in need of revitalization*
4. *The project objectives and outcomes can be measured for aggregation nationally as HUD reports to Congress on program efficiencies. HUD program objectives are: a) provide a suitable living environment; b) provide an opportunity for decent housing; or c) provide an economic opportunity. HUD program outcomes are: 1) availability/ accessibility; 2) affordability; and 3) sustainability.*

**CDBG Resources Available in 2022:**

<b>Table 1: Estimated CDBG Resources Available in 2021</b>	
<b>Description</b>	<b>Amount</b>
2022 Community Development Block Grant (CDBG)	\$860,000
2022 CDBG Program Income (estimate)*	\$15,000
Unspent CDBG reserves from previous years	\$270,000
<b>Total CDBG Resources</b>	<b>\$1,145,000</b>

\*Program income is money received from the repayment of loans from the Single-family Housing Rehabilitation program.

**2022 Recommended Projects:**

<b>Table 2: 2022 Recommended Projects</b>			
<b>Project</b>	<b>Description</b>	<b>Estimated Cost</b>	<b>Department or Subrecipient</b>
Single-family Housing Rehabilitation	Low-interest loans and grants are provided to elderly, disabled and low-income homeowners to complete health and safety improvements to their single-family homes. Energy audits and water conservation improvements will also be provided to Lakewood homeowners through a new partnership with Mile High Youth Corps.	\$155,000	Foothills Regional Housing Mile High Youth Corps
CDBG Neighborhood Cleanup	A neighborhood clean-up event for households living within CDBG Target Areas to enhance neighborhood appearance and safety.	\$16,000	Lakewood Police Department- Code Enforcement
Patterson Head Start Renovation	Continued renovation of existing, outdated cottage buildings at Patterson Head Start facility to improve accessibility, programming and functional early education instruction space	\$500,000	Lakewood Community Resources
Child-care Scholarships	Child-care scholarships to low-income families to help parents remain in the workforce or receive job training.	\$40,000	Lakewood Community Resources
Self-sufficiency program	Self-sufficiency services and programming for low-income residents living in Metro West Housing Solutions properties. Activities include case management, referral services, transportation and recreation scholarships, after-school programs and activities to increase life skills.	\$24,000	Metro West Housing Solutions
Homeless Activities	Funding will be used for eligible CDBG activities to assist people experiencing homelessness with stable housing and services. Activities could include limited rental assistance, emergency motel vouchers, case-management services, transportation or other eligible direct services.	\$50,000	Lakewood PD- Homeless Navigators / Community Action Team
Solid Ground Apts Water Taps	CDBG funds will pay for water taps for a 40-unit supportive housing development.	\$190,000	Jefferson Center for Mental Health
CDBG Administration	Provides oversight, management, and coordination of the CDBG program.	\$170,000	Lakewood Planning
<b>TOTAL</b>		<b>\$1,145,000</b>	

**BUDGETARY IMPACTS:** There are no budgetary impacts. The Community Development Block Grant program is funded through the Department of Housing and Urban Development (HUD).

**STAFF RECOMMENDATIONS:** Staff recommends City Council approve the Ordinance endorsing the recommended projects and funding levels for the 2022 Community Development Block Grant program year.

**ALTERNATIVES:** City Council may deny endorsement of the 2022 Annual Action Plan. If denied, the city would no longer be recognized as a CDBG recipient and lose future CDBG funding for the community.

**PUBLIC OUTREACH:** A public meeting was held on March 1, 2022 to gather input on the 2022 Action Plan. A public notice for the March meeting was advertised in the Denver Post and on the City's website. A public notice for the April 11, 2022 City Council Hearing was published in English and Spanish and advertised in the Denver Post and on the City's website on February 24, 2022. Copies of the 2022 Annual Action Plan were available for review and comment on the City's website, Lakewood libraries and Metro West Housing Solutions main office. The 30-day public comment period began on February 24th and ended March 25th, 2022. To date, no public comments have been received.

**NEXT STEPS:** Lakewood will submit the Annual Action Plan to the Department of Housing and Urban Development (HUD) for approval no later than April 15, 2022.

**ATTACHMENTS:** Ordinance O-2022-3  
2022 Annual Acton Plan

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

O-2022-3

AN ORDINANCE

ENDORING THE PROJECTS AND PROJECT FUNDING LEVELS IN THE CITY OF LAKEWOOD 2022 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Lakewood (the "City"), as an entitlement community and receives Community Development Block Grant ("CDBG") funds;

WHEREAS, CDBG funds are appropriated by the U.S. Department of Housing and Urban Development ("HUD"), and the City Manager or the City Manager's designee, as the official representative, is authorized to submit documents and assurances as may be required to administer the programs and expend the CDBG funds;

WHEREAS, on April 11, 2022, the City Council reviewed the City's 2022 Annual Action Plan for the use of CDBG funds and recommended funding based on community needs and priorities;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood:

SECTION 1. The City Council hereby endorses the projects listed in the attached Exhibit A to be funded through the 2022 Community Development Block Grant Program.

SECTION 2. The City hereby certifies that:

- a. The programs identified are eligible for funding and address required national objectives for the CDBG program;
- b. The City has a citizen participation plan that provides for and encourages citizen participation and provides citizens with reasonable and timely access to local meetings, information and records relating to the City's use of CDBG funds;
- c. The City has developed a Consolidated Plan that identifies the City's housing, supportive service and community development priority needs for the years 2020-2024; and

- d. The City has developed an Annual Action Plan for the projected use of CDBG funds to principally benefit low- and moderate-income persons, address identified community development and housing needs, or aid in the prevention or elimination of slum or blight.

SECTION 3. This ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 28<sup>th</sup> day of March, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 31<sup>st</sup> day of March, 2022; set for public hearing on the 11<sup>th</sup> day of April, 2022; read, finally passed and adopted by the City Council on the 11<sup>th</sup> day of April, 2022; and signed and approved by the Mayor on the 12<sup>th</sup> day of April, 2022.

---

Adam Paul, Mayor

ATTEST:

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Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney

**EXHIBIT A**

**2022 PROJECTS RECOMMENDED FOR FUNDING**

**Community Development Block Grant (CDBG)**

---

Single-Family Housing Rehabilitation	\$85,000
Mile High Youth Corps Energy Improvements	\$70,000
Jefferson Center Solid Ground Apts. Water Taps	\$190,000
Neighborhood Cleanup	\$16,000
Patterson Head Start Renovation	\$500,000
MWHS Self-Sufficiency	\$24,000
Child-Care Scholarships	\$40,000
Homeless Services	\$50,000
CDBG Administration	\$170,000

**TOTAL CDBG FUNDS**

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**\$1,145,000**

# 2022 ACTION PLAN

City of Lakewood  
Community Development Block Grant (CDBG)

Planning Department  
Comprehensive Planning & Research Division

DRAFT February 2022

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APPENDICES

CDBG Low Income Area Map

2022 CDBG Activities

2022 Signed Certifications

Public Notice and Comment Period Publication

# Executive Summary

## AP-05 Executive Summary - 91.200(c), 91.220(b)

### 1. Introduction

The Community Development Block Grant (CDBG) is administered by the U.S. Department of Housing and Urban Development (HUD). The program is authorized under Title 1 of the Housing and Community Development Act of 1974, making it one of the oldest programs in HUD. The program provides annual grants to communities to complete a wide range of projects aimed at revitalizing neighborhoods, fostering economic development, and improving community facilities and services. Maximum priority is given to activities benefiting low and moderate income persons. HUD determines the amount of funding each community receives based on population, the number of low and moderate income residents, and the age of existing housing stock. Lakewood has been receiving CDBG funds since the program began in 1974.

The national CDBG program goal is to develop viable communities. The program allows entitlement communities to develop their own projects and funding priorities as long as the funded projects correlate directly to one of the following national objectives:

- Benefit low and moderate income persons,
- Aid in the prevention or elimination of slum or blight conditions,
- Address other community development needs that present a serious and immediate threat to the health and welfare of the community.

CDBG activities must also meet eligibility requirements set by HUD and address a priority need established in Lakewood's 2020-2024 Consolidated Plan. Administration and planning expenses are subject to a 20 percent annual cap, and public service programs are subject to a 15 percent annual cap. The Annual Action Plan outlines specific strategies to be undertaken during the 2022 program year to address the needs outlined in the Consolidated Plan. The CDBG program year begins on June 1, 2022 and ends on May 31, 2023. The City of Lakewood is expecting to receive approximately \$860,000 in 2022. Once HUD announces Lakewood's 2022 allocation, the Action Plan will be updated with the actual allocation amount.

## **2. Summarize the objectives and outcomes identified in the Plan**

Lakewood's goals for the 2022 Annual Action Plan period will primarily focus serving low-income earning households through housing rehabilitation, public facility improvements and supportive services for low-income and people with special needs.

Lakewood's Community Resources department will continue renovation of an older Head Start facility in need of improvement to address accessibility and layout issues that are not conducive to early education instruction. This project has been a high priority for Lakewood. Once complete, this updated, top-notch facility will better serve the children, teachers and families attending Head Start.

Housing rehabilitation was identified as a need through the Consolidated Plan process. In response, Lakewood will continue to partner with Foothills Regional Housing (formerly Jefferson County Housing Authority) to provide necessary improvements to single-family homes owned by low-income and elderly residents. Lakewood will also partner with Mile High Youth Corps in 2022 to provide energy audits, conservation education and efficiency upgrades for low-income homeowners.

Supportive services for special needs residents were also identified as a priority need in Lakewood. These needs are addressed by providing child-care scholarships for low income families and through the Lakewood Self-sufficiency program managed by Metro West Housing Solutions staff for their residents. Through Lakewood's homeless navigation program, emergency housing vouchers and limited rental assistance will be provided to people experiencing homeless while pursuing long-term stable housing.

Lakewood's homeless navigation program help people experiencing homelessness access services and housing. In some cases, emergency housing is provided while the navigators work closely with the individuals to obtain stable, long-term housing and services. CDBG will help support this program by funding activities and services that may include limited rental assistance, emergency hotel vouchers, case-management services, transportation, or other eligible direct service needs.

Lakewood's first permanent supportive housing for those experiencing homelessness will begin construction in 2022. CDBG will support the project by paying for the costs of the water taps. This support will help to offset some of the construction costs so rents remain affordable and supportive services can be delivered on site.

A chart outlining all of the activities and funding levels planned for 2022 can be found in the appendices of this document.

### **3. Evaluation of past performance**

The City's past programs have focused on community needs that continue to exist including aging housing and infrastructure, neighborhood improvements, and social service supports for low income residents. The programs Lakewood has used to address these needs have been well received by residents and neighborhood organizations. Lakewood believes the programs proposed for the 2022 Action Plan year continue to be the most efficient and effective use of HUD block grant funds.

### **4. Summary of Citizen Participation Process and consultation process**

The stakeholder and citizen participation process for the 2022 Annual Action Plan included the following:

1. Public meeting held on March 1, 2022 to gather input on community needs and proposed 2022 activities. A notice was published in the Denver Post, and on the city website and Your Hub.
2. Public Hearing held remotely on April 12, 2022. A 30-day public notification was posted in both English and Spanish in an effort to encourage participation of Spanish speaking citizens. The notice was published in the Denver Post, and posted on the city website and Your Hub.
3. Copies of the Annual Action Plan were distributed to Lakewood libraries, Metro West Housing Solutions office and posted on the city website for comments. The public comment period began on February 24, 2022 and ended on March 26, 2022.

### **5. Summary of public comments**

**PR-05 Lead & Responsible Agencies - 91.200(b)**

**1. Agency/entity responsible for preparing/administering the Consolidated Plan**

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

<b>Agency Role</b>	<b>Name</b>	<b>Department/Agency</b>
Lead Agency	LAKWOOD	
CDBG Administrator	LAKWOOD	City of Lakewood Planning Department

**Table 1 – Responsible Agencies**

## **AP-10 Consultation - 91.100, 91.200(b), 91.215(l)**

### **1. Introduction**

This section describes the stakeholder consultation process conducted for the Action Plan. Much of the initial consultation was carried out through the development of the Consolidated Plan where community development, social service and housing agencies were consulted through interviews and public meetings.

**Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).**

The City of Lakewood's activities that support coordination between public and assisted housing providers and health care and social service agencies are threefold: 1) the City encourages and accepts funding applications from housing, health care and service providers through its Annual Action Plan process. Activities that complement existing city programs are prioritized for funding. 2) The City has a small staff overseeing housing and community development programs; however, these staff are very active on local and regional boards and committees. 3) Rather than duplicate regional services and programs, the City utilizes existing programs—e.g., the City contracts with Foothills Regional Housing to administer funds for housing rehabilitation for low income homeowners. The City also coordinates closely with Metro West Housing Solutions, Foothills Regional Housing and Jefferson Center to support their initiatives.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

The City of Lakewood is a participating member of the Jefferson County Heading Home Committee. Heading Home is a collaboration of individuals and public service organizations in the HOME consortium region determined to end homelessness in Jefferson County. The JCHHC is governed by the Heading Home Plan to End Homelessness (Heading Home), which was created in April, 2013. Each of the eight goals of Heading Home are governed by a subcommittee. The City of Lakewood is a participating member of the JCHHC, and a member of a subcommittee that specifically works to obtain permanent supportive housing for homeless in Jefferson County. The Severe Weather Shelter Network (SWSN) is one

of the services provided through Heading Home. The SWSN, through Jefferson County faith communities, provides emergency shelter and services during severe weather. Weather is considered severe when the temperature is below 32 degrees and wet or below 20 degrees and dry.

City of Lakewood is also a member agency of the Metropolitan Denver Homeless Initiative (MDHI), metro Denver's Continuum of Care administering organization. The goal of MDHI is to provide maximum personal independence opportunities for homeless persons and persons at risk of becoming homeless through design and implementation of a Continuum of Care and Opportunities model for the metropolitan Denver community. In an effort to end homelessness across the Denver region, MDHI organizes a Point-in-Time (PIT) Homeless Count for the seven county Denver region. The purpose of the annual PIT count is to count the number of homeless individuals on one day of the year and to educate citizens about the presence of homelessness within their own communities.

In addition, the communities within Jefferson County recently partnered to conduct a month-long comprehensive count of individuals experiencing homelessness. That report was released in March 2020 and the steering committee anticipates continuing discussions to continue to improve the service delivery system to meet the needs of people experiencing homelessness. In 2021, those same communities formed a Housing Navigation Collaborative which focuses on collaboratively addressing homeless needs within the county. This group is working with Colorado Division of Housing and municipal and county leadership to acquire and assemble land, identify supportive service providers and secure financing to develop needed housing navigation centers, emergency, workforce and permanent supportive housing for people experiencing homelessness within Jefferson County.

Several of Lakewood's City Councilors serve as board members and volunteers for Lakewood non-profits and agencies that assist the homeless and provide affordable housing options.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

N/A; Lakewood does not receive Emergency Solutions Grant (ESG) and does not use the HMIS system. However, Lakewood does support local non-profits by providing letters of support and certifications for grant applications.

**2. Agencies, groups, organizations and others who participated in the process and consultations**

**Table 2 – Agencies, groups, organizations who participated**

1	<b>Agency/Group/Organization</b>	Metro West Housing Solutions
	<b>Agency/Group/Organization Type</b>	PHA
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Supportive Services
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City of Lakewood consulted with Metro West Housing Solutions through their review of the draft Action Plan. In addition, city staff work closely throughout the year with MWHS staff who assists Lakewood in identifying and addressing Lakewood's housing and support needs of the low-income community.
2	<b>Agency/Group/Organization</b>	LAKWOOD
	<b>Agency/Group/Organization Type</b>	Other government – Local
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs Economic Development
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Lakewood uses much of its CDBG funding for activities and programs operated through city departments. Each city department has a representative that provides input, reviews applications and makes recommendations for CDBG projects. In addition, staff meets regularly with other city staff tasked with managing CDBG projects. During these meetings, valuable information is gathered to assist in the preparation of the Annual Action Plan.
3	<b>Agency/Group/Organization</b>	JEFFERSON COUNTY
	<b>Agency/Group/Organization Type</b>	Other government – County

<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs
<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Due to Lakewood's inclusion in to the Jefferson County HOME Consortium, the City of Lakewood and Jefferson County meet regularly, which has greatly improved the coordination between the two jurisdictions. Lakewood staff are now members of the Jefferson County Community Development Advisory Board. The board is made up of representatives from most county jurisdictions, citizens and business leaders and provides a unique opportunity to collaborate regionally in addressing overlapping community needs. The ongoing communication has provided valuable information and resources that assisted in drafting the Annual Action Plan.

**Identify any Agency Types not consulted and provide rationale for not consulting**

N/A; the Lakewood Consolidated Plan and 2021 Action Plan provided an opportunity and invited participation and comments from all organizations serving low and moderate residents and residents with special needs.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	MDHI	Lakewood will continue to be a partner in the provision of affordable housing and services to assist persons who are homeless and/or at-risk of homelessness.

**Table 3 - Other local / regional / federal planning efforts**

**AP-12 Participation - 91.401, 91.105, 91.200(c)**

**1. Summary of citizen participation process/Efforts made to broaden citizen participation  
Summarize citizen participation process and how it impacted goal-setting**

The stakeholder and citizen participation process for the 2022 Annual Action Plan included the following:

1. Public meeting on March 1, 2022 to gather input on community needs and proposed 2022 activities. A notice was published in the Denver Post, and on the city website and Your Hub.
2. Public Hearing held on April 12, 2022. A 30-day public notification was posted in both English and Spanish in an effort to encourage participation of Spanish speaking citizens.
3. The notice was published in the Denver Post, and posted on the city website and Your Hub and posted on the city website for comments. The public comment period began on February 24, 2022 and ended on March 26, 2022.

**Citizen Participation Outreach**

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Meeting	Non-targeted/broad community	None	NA	NA	
2	Public Hearing	Non-targeted/broad community	None	NA	NA	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
3	Newspaper Ad	Minorities  Non-English Speaking - Specify other language: Spanish  Non-targeted/broad community	None	NA	NA	
4	Internet Outreach	Minorities  Non-English Speaking - Specify other language: Spanish  Non-targeted/broad community	None	NA	NA	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
5	Distribute AAP to public libraries, PHA residents	Minorities Non-targeted/broad community Residents of Public and Assisted Housing	None	NA	NA	

**Table 4 – Citizen Participation Outreach**

## Expected Resources

### AP-15 Expected Resources – 91.420(b), 91.220(c) (1, 2)

#### Anticipated Resources (ESTIMATES FOR NOW)

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of Con Plan	Narrative Description
			Annual Allocation:	Program Income:	Prior Year Resources:	Total:		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$860,000	\$15,000	\$270,000	\$1,145,000	\$1,652,870	This is the third Action Plan for the 2020-2024 Con Plan

**Table 5 - Expected Resources – Priority Table**

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Lakewood's CDBG allocation will complement a number of other federal resources, as well as state and local resources. The primary resources are: 1) The City's Capital Improvement and Preservation program, which is used for major capital projects in Target Area neighborhoods; 2) The City's Economic Development Fund, which provides assistance for public improvements for certain business enterprises; 3) The Lakewood Head Start grant, which provides approximately \$900,000 annually for comprehensive preschool and family support services; 4) HOME, allocated through the Jefferson County Consortium; 5) HUD funded Section 8 voucher program; 6) Private Activity Bonds, which provides roughly \$8 million/year to Lakewood for housing activities; 7) Lakewood Reinvestment Authority, which encourages private reinvestment within targeted areas; and 8) Colorado Division of Housing and Colorado Housing Finance Agency competitive grant programs.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Preserve and improve target area neighborhoods	2020	2024	Affordable Housing Non-Housing Community Development	All Lakewood Target Areas	Neighborhood Improvements in Target Areas	CDBG: \$690,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 40 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 40 units
2	Provide safe, decent affordable housing	2020	2024	Affordable Housing Public Housing Non-Homeless Special Needs	All Lakewood Target Areas	Housing Rehabilitation and Improvements	CDBG: \$155,000	Homeowner Housing Rehabilitated: 85 Household Housing Units
3	Promote self-sufficiency through service provision	2020	2024	Homeless Non-Homeless Special Needs	All Lakewood Target Areas	Supportive Services for Low Income & Special Needs	CDBG: \$130,000	Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 200 Households Assisted Homelessness Prevention: 20 Persons Assisted

**Table 6 - Goals Summary**

## Goal Descriptions

<b>1</b>	<b>Goal Name</b>	Preserve and improve low-income neighborhoods
	<b>Goal Description</b>	Preservation and improvement of low-income area neighborhoods
<b>2</b>	<b>Goal Name</b>	Provide safe, decent affordable housing
	<b>Goal Description</b>	Provide safe, decent and affordable housing; and affirmatively further fair housing choice
<b>3</b>	<b>Goal Name</b>	Promote self-sufficiency through service provision
	<b>Goal Description</b>	Provide supportive services to low income and special needs populations, to promote stability and self-sufficiency

## AP-35 Projects - 91.420, 91.220(d)

### Introduction

The following projects will be carried out in 2022 using CDBG funds.

#	Project Name
1	Housing Preservation and Rehabilitation
2	Neighborhood Improvements and CDBG Neighborhood Cleanup
3	Public Facilities- Patterson Head Start
4	Public Facilities- Solid Ground Apartments Water Taps
5	Support Services Metro West Housing Solutions Self Sufficiency Program
6	Support Services Childcare Scholarships
7	Support Services Homeless Services
8	CDBG Program Administration

**Table 7 – Project Information**

### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation of funds is closely aligned with the top housing and community development needs identified in the needs assessment, housing market analysis and contributed by stakeholders and citizens who participated in the development of the Consolidated Plan. The primary obstacle to addressing underserved needs is lack of funds. The cost of needed improvements to the City's sidewalks, for example, far exceeds the City's five-year allocation of HUD block grant funds.

## AP-38 Project Summary

### Project Summary Information

1	Project Name	Public Facilities
	Goals Supported	Preserve and improve low-income area neighborhoods
	Needs Addressed	Neighborhood Improvements in low-income areas
	Funding	CDBG: \$690,000 Matrix Code: 03M & 01
	Description	Improvements to public facilities and right-of-ways within low-income areas or that benefit low-income or special needs populations.
	Target Date	5/31/2023
	Estimate the number and type of families that will benefit from the proposed activities	Improvements will be made to an existing Head Start facility serving low-income households. Approximately 40 children per year will now have access to an updated, accessible facility for early education instruction. Water taps will be acquired/purchased for a new 40-unit permanent supportive housing development for formerly homeless households.
	Location Description	1480 S. Yarrow St. Lakewood, CO 80232 & 7290 W. 14 <sup>th</sup> Ave. Lakewood, CO 80214
	Planned Activities	See above
2	Project Name	Neighborhood Improvements and CDBG Neighborhood Cleanup
	Goals Supported	Preserve and improve Target area neighborhoods
	Needs Addressed	Neighborhood Improvements in low-income areas
	Funding	CDBG: \$16,000 Matrix Code: 05V
	Description	Improvements and programs that benefit low-income areas.
	Target Date	5/31/2023

	Estimate the number and type of families that will benefit from the proposed activities	Approximately 2,000 residents living in low-income areas will be able to dispose or recycle trash, large household items, appliances and electronics at the CDBG Neighborhood Clean-up event in 2022.
	Location Description	The site is located at 700 Depew St
	Planned Activities	See above.
3	Project Name	Housing Preservation and Improvements
	Goals Supported	Provide safe, decent affordable housing
	Needs Addressed	Housing Rehabilitation and Improvements
	Funding	CDBG: \$155,000 Matrix Code: 14A & 14F
	Description	Interior and exterior housing rehabilitation to include energy audits and energy efficiency improvements for income qualified, single-family, homeowners.
	Target Date	5/31/2023
	Estimate the number and type of families that will benefit from the proposed activities	Approximately seventy-five low-income single-family homeowners will be able to make necessary improvements to their homes in 2021.
	Location Description	Single-family rehabilitation program is citywide
	Planned Activities	See above.
	Project Name	Supportive Services
4	Goals Supported	Promote self-sufficiency through service provision
	Needs Addressed	Supportive Services for Low Income & Special Needs
	Funding	CDBG: \$114,000 Matrix Codes: 05 & 05L & 05Q

	Description	Direct supportive services to homeless and low-income Lakewood residents. Specific activities include child-care scholarships for low-income Head Start families, homeless services and self-sufficiency activities/programs for Metro West Housing Solutions' residents.
	Target Date	5/31/2023
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 50 low-income earning families will receive child-care scholarships for Head Start early education 150 or more Metro West Housing Solutions' residents will participate in self-sufficiency programs or activities 20 or more people experiencing homelessness will receive emergency services to stabilize their living situations while longer-term solutions are pursued.
	Location Description	Activities will be carried out citywide.
	Planned Activities	See above
	Project Name	CDBG Administration
	Funding	CDBG: \$170,000 Matrix Codes: 21A
5	Description	Planning and oversight of the CDBG Program
	Target Date	5/31/2023
	Estimate the number and type of families that will benefit from the proposed activities	Administration activities do not produce beneficiary data

**AP-50 Geographic Distribution - 91.420, 91.220(f)**

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

CDBG funds will be used throughout the City of Lakewood through programs where project eligibility is based on the income of individuals who will directly benefit from the CDBG funds. Projects that benefit an entire area or neighborhood will be focused in low- to moderate-income neighborhoods (HUD-designated income-qualifying census tracts).

**Geographic Distribution**

Target Area	Percentage of Funds
ALL LAKEWOOD TARGET AREAS	0

**Table 8 - Geographic Distribution**

**Rationale for the priorities for allocating investments geographically**

- The City bases the geographic allocation of investments on community need and the distribution of low- and moderate-income persons in each eligible community.

**Discussion**

Please see above.

**AP-75 Barriers to Affordable Housing – 91.420, 91.220(j)**

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth**

### **limitations, and policies affecting the return on residential investment:**

The City of Lakewood understands the need for removing or ameliorating the negative effects of public policies that serve as barriers to affordable housing. Actions to assist in barrier removal include policies that encourage a mix of housing options for all Lakewood residents starting with goals outlined in Lakewood's Comprehensive Plan that encourage preservation and development of affordable housing units. These goals help to shape zoning policy. The Lakewood Zoning Ordinance permits a mix of residential and commercial in most of its commercial zone districts, and high density development and accessory dwelling units in some residential zones. These land use policies result in more affordable and market-rate residential units in Lakewood. Lastly, the City of Lakewood is currently reviewing incentives and strategies to eliminate barriers and encourage affordable housing development. Some strategies may include waiving a portion of development impact fees, density bonuses and zoning changes for affordable housing developments in certain situations.

### **AP-85 Other Actions - 91.420, 91.220(k)**

This section describes other actions that the City will undertake during the program year to help fulfill the annual goals and objectives.

#### **Actions planned to address obstacles to meeting underserved needs**

Despite efforts to fill gaps and address community needs there continue to be obstacles. Underserved needs appear in all of the three categories of need in Lakewood—Neighborhood Improvements in Target Areas, Housing Rehabilitation and improvements and Supportive Services for Low Income & Special Needs. Each of the activities in the current program year was selected to help address underserved needs of low- to moderate-income residents and neighborhood. In addition, the City continues to work closely with local non-profits, Metro West Housing Solutions, and partner jurisdictions throughout Jefferson County to break down barriers to accessing services. Efforts this year include continuation of the Homeless Navigator program, improvements to public facilities and housing preservation and rehabilitation.

#### **Actions planned to foster and maintain affordable housing**

The City works closely with Metro West Housing Solutions and other housing service providers to acquire and develop affordable housing. The City works closely with the Jefferson County HOME Consortium to direct HOME funds to eligible rental and for-sale units to address affordability issues for low income households. Lakewood continues to support area housing agencies to provide services for those who are homeless, including the provision of additional shelter space and transitional housing opportunities that assist in the prevention of homelessness. Specific activities funded in the 2022 program year which directly foster and maintain affordable housing include single family housing rehabilitation,

energy audits and improvements and water taps for a permanent supportive housing development.

### **Actions planned to reduce lead-based paint hazards**

The City will continue its support efforts that reduce the hazards of lead-based paint utilizing HUD funds in conjunction with other available resources. Activities will include testing and evaluation, community education, and abatement of lead-based paint hazards, when necessary. Lakewood, Foothills Regional Housing and Metro West Housing Solutions have integrated lead-hazard evaluation and reduction activities into existing housing programs.

### **Actions planned to reduce the number of poverty-level families**

The City of Lakewood will continue to implement strategies to reduce the number of families and individuals living in poverty. This focus is primarily on developing and supporting programs that raise household incomes and stabilize family situations. Programs include providing access to affordable, stable housing and supportive service programs focusing on self-sufficiency and economic independence.

Lakewood's Economic Development Division and Lakewood Reinvestment Authority share a common goal to expand the City's economic base, thereby creating more jobs and more employment possibilities for Lakewood residents. The Economic Development Division functions to retain businesses and help them expand and attract new capital investment and jobs to the City. Activities include business advocacy and problem resolution, marketing and business development as well as grant and loan program management. The primary funding source for these activities is the City Economic Development Fund.

In addition to expanding economic opportunities, Metro West Housing Solutions Self-Sufficiency program addresses the goal of getting people off public assistance and moving toward self-sufficiency. The Childcare Scholarships and Head Start programs are also an important component of this strategy in that they allow families who cannot otherwise afford day care to obtain it so that they can search or maintain employment.

The City works with community partners to maximize the impact of targeted programs on poverty. It is intended that these collaborations will significantly improve the lives of low-income working families, elderly on fixed incomes, and others who struggle with poverty in the community.

### **Actions planned to develop institutional structure**

The City of Lakewood Planning Department administers the Community Development Block Grant (CDBG) program. City staff in the departments of Planning, Public Works, Community Resources and Police will manage internal CDBG projects. The benefit of carrying out projects “in house” is to provide the greatest control over the scope, quality and cost of each project. Where beneficial, the city will enter into a contract or sub recipient agreement with the appropriate agency to perform specific activities. An interdepartmental team develops funding recommendations that are forwarded to City Council each year and adopted as the Annual Action Plan. The team objectives are to develop a comprehensive philosophy for the grant program and to ensure that projects are developed and implemented strategically.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

Cooperation with nonprofit agencies serving Lakewood residents is necessary to meet the housing and supportive service needs of the community. Lakewood supports applications for funding by various organizations when funds will be used for programs that address identified community needs and are complementary to existing City of Lakewood programs. Metro West Housing Solutions and Lakewood staff members serve on various nonprofit boards and committees, thereby strengthening communication and coordination of services. Lakewood will continue to foster these relationships and seek ways to expand partnerships in the coming years.

### **Discussion**

See above.

**Program Specific Requirements**  
**AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)**

**Community Development Block Grant Program (CDBG)**  
**Reference 24 CFR 91.220(I)(1)**

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$15,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>\$15,000</b>

**Other CDBG Requirements**

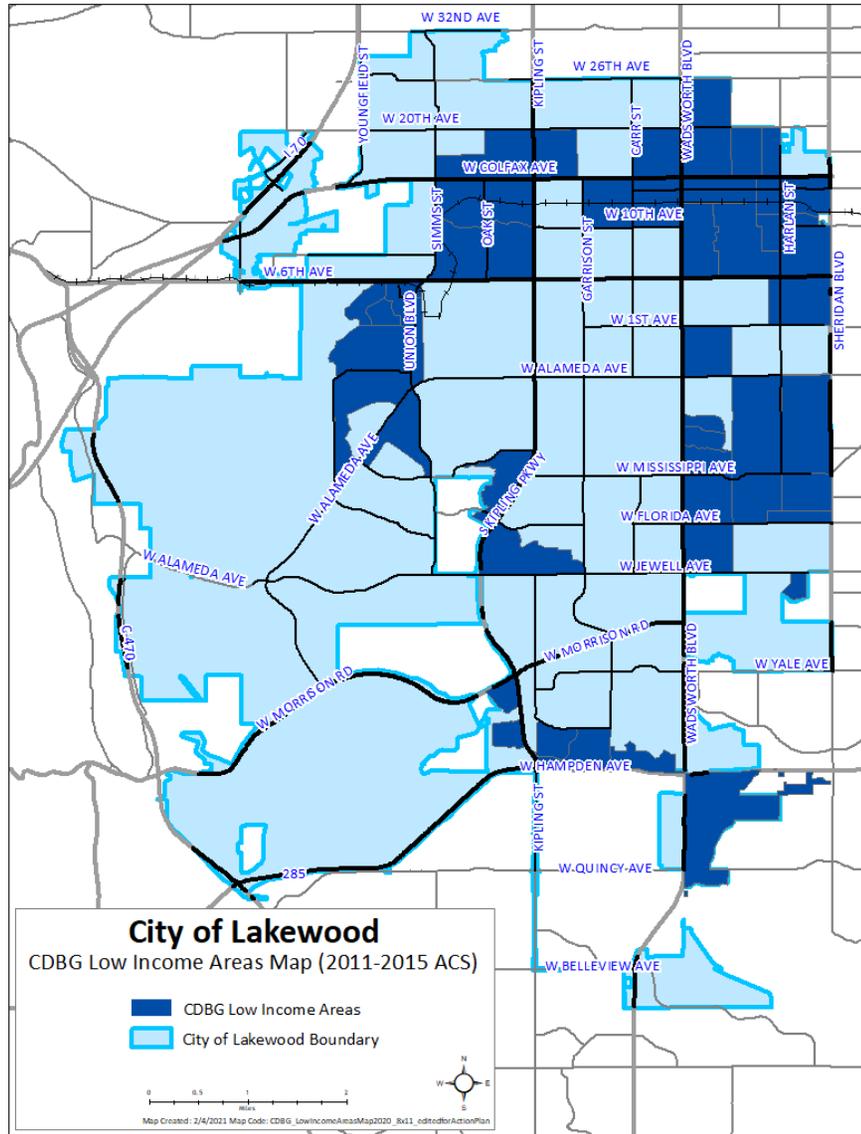
- |  |   |
|--|---|
| 1. The amount of urgent need activities  | 0 |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. <b>Overall benefit of 80% for 2021, 2022, 2023</b> |   |

**APPENDICES**

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**City of Lakewood 2022 Action Plan**

# CDBG Low Income Areas



### 2022 CDBG Activities

2022 Activities	Plan Goal	Funds Awarded	Expected Outcomes
<p><b>Single Family Housing Rehabilitation</b> Provides low-interest loans and/or grants to low- and moderate-income homeowners for renovation of single-family homes in need of repair</p>	Provide safe, decent affordable housing	\$85,000	Approximately 15 low-income single-family homeowners will be able to make necessary improvements to their homes in 2022.
<p><b>Mile High Youth Corps Energy Improvements</b> Provides free energy audits, conservation education and water efficient toilet replacement for low-income Lakewood homeowners.</p>	Provide safe, decent affordable housing	\$70,000	Approximately 60 low-income single-family homeowners will receive energy audit and efficient toilet replacement in 2022.
<p><b>Neighborhood Cleanup</b> Operates projects in designated CDBG Target Areas that are designed to enhance neighborhood appearance and safety. A neighborhood cleanup event will be held for households within CDBG Target Areas.</p>	Preserve and improve low-income neighborhoods	\$16,000	Approximately 2,000 residents living in CDBG Target Areas will be able to dispose of trash, or recycle large household items, appliances and electronics at the CDBG Neighborhood Clean-up event in 2022.
<p><b>Patterson Head Start Renovation</b> Renovation of existing cottage buildings at Patterson Head Start facility to improve accessibility, programming and functional early education instruction space.</p>	Preserve and improve low-income neighborhoods	\$500,000	Approximately 40 children per year will have access to an updated, accessible facility to better serve early education instruction.
<p><b>Solid Ground Apartments Water Taps</b> Water tap costs will be provided to 40-unit permanent supportive housing development serving formerly homeless individuals.</p>	Preserve and improve low-income neighborhoods	\$190,000	40 permanent supportive housing units will be available to low-income households.
<p><b>Homeless Services</b> Funding will be used for eligible CDBG activities to assist with homeless. Activities could include limited rental assistance, emergency hotel vouchers, case-management services, transportation or other eligible direct services.</p>	Promote self-sufficiency through service provision	\$50,000	Approximately 20 low-income and/or unsheltered people will receive services to stabilize their housing situation.

<p><b>MWHS Self-Sufficiency Program</b> Offers a broad range of services to Lakewood residents on public assistance. Services offered through a contract with Metro West Housing Solutions include case management, referral services, transportation and recreation scholarships, after-school programs and activities to increase life skills.</p>	<p>Promote self-sufficiency through service provision</p>	<p>\$24,000</p>	<p>150 or more Metro West Housing Solutions' residents will participate in self-sufficiency programs or activities.</p>
<p><b>Child-Care Scholarships</b> Provides childcare scholarships to low-income families to help parents remain in the workforce or receive job training.</p>	<p>Promote self-sufficiency through service provision</p>	<p>\$40,000</p>	<p>Approximately 50 low-income earning families will receive child-care scholarships for Head Start early education.</p>
<p><b>CDBG Administration</b> Provides oversight, management, and coordination of the CDBG program.</p>	<p>N/A</p>	<p>\$170,000</p>	<p>N/A</p>

## **2022 Certifications**

To be inserted prior to HUD submittal

## **Public Notices and Comment Period Publication**

# STAFF MEMO

**DATE OF COUNCIL MEETING: MARCH 28, 2022 / AGENDA ITEM NO. 9**

To: Mayor and City Council

From: Travis Parker, Department Director, 303-987-7908

**Subject: AN ORDINANCE AUTHORIZING UNBUDGETED EXPENDITURE OF GRANT FUNDS IN EXCESS OF \$50,000 FROM COLORADO DEPARTMENT OF LOCAL AFFAIRS AFFORDABLE HOUSING PLANNING GRANT PROGRAM FOR STRATEGIC HOUSING STRATEGY AND ACTION PLAN.**

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**SUMMARY STATEMENT:** Staff is requesting that City Council approve the Ordinance authorizing unbudgeted use of grant funds in excess of \$50,000 from the Colorado Department of Local Affairs (DOLA) Planning Grant program to complete a housing strategy and action plan for Lakewood. If awarded, the funds would be used for consultant services to include housing needs assessment, city housing policy assessment, affordable housing strategies and action plan. Pursuant to Chapter 3.04 of the Lakewood Municipal Code, any unbudgeted City expenditure in excess of \$50,000 requires City Council approval.

**BACKGROUND INFORMATION:** State House Bill 21-1271 establishes a new program to support local governments in developing affordable housing strategies; the program is administered by the Department of Local Affairs (DOLA). The DOLA program recognizes that affordable housing is one of the biggest issues facing the state. The City has few adopted policies addressing affordable housing even though it continues to impact Lakewood residents and businesses.

2020 community data shows Lakewood is becoming increasingly unaffordable for residents, especially for vulnerable populations and households earning a minimum wage. The 2020-2024 Consolidated Plan states that cost burden and severe cost burden are the most common housing problems in the city, stating that nearly two-thirds (64%) of low-and-moderate income renters and nearly half (45%) of low- and moderate-income owners are cost burdened.

Lakewood residents are directly experiencing the housing burden. As part of the 2020-2024 Consolidated Plan planning process, staff surveyed 318 Lakewood residents. Data from the survey shows that vulnerable populations and renters in Lakewood are not only more cost burdened and but also at risk for displacement:

- Seventy percent of renters worry that their rent will increase to an amount they cannot afford
- One in four households with income below \$25,000 have been displaced in the past five years, the highest share is people experiencing homelessness
- Twenty-three percent of renters have been displaced
- Lakewood residents cannot afford to improve their housing situation: Forty-three percent of Lakewood resident want to change their housing situation but high rent costs and application fees deter them.

The DOLA program provides a well-timed opportunity to advance a City-specific strategy on affordable housing.

The purpose of the ordinance is to obtain Council approval for the unbudgeted expenditure of grant funds in excess of \$50,000. The grant funds would be administered by the Comprehensive Planning and Research Division to hire a consultant to complete the housing strategy and action plan. The details and process for such a strategy will be refined over the next few months, but would likely include a housing market assessment, assessment and articulation of the City's housing policies and a market-based action plan in consultation with key stakeholders and City Council.

This state-wide DOLA program awarded Lakewood \$78,375 in grant funding. Lakewood's public housing authority, Metro West Housing Solutions will pay the local match amount of twenty-five percent or \$26,125 for a total budget of \$104,500.

**BUDGETARY IMPACTS:** No city funds will be allocated to this project. The grant requires twenty-five percent local match which Metro West Housing Solutions will contribute.

**STAFF RECOMMENDATIONS:** Staff recommends City Council approve the Ordinance allowing unbudgeted expenditure of DOLA grant funds in excess of the \$50,000 for consulting services to complete a housing strategy and action plan.

**ALTERNATIVES:** City Council may deny approval of the Ordinance. If denied, the city would not complete the housing strategy and action plan. Without the grant funding, there is no budget to pay for costs associated with completing the plan. Without local data and strategies, the city can't effectively offer innovative strategies and solutions to one of the biggest issues impacting Lakewood residents.

**PUBLIC OUTREACH:** There has been no public outreach other than the standard notification for this meeting as part of this Ordinance. However, public outreach will be a key component of the project. Any consultant selected for this project must have expertise in culturally-informed engagement practices.

**NEXT STEPS:** Lakewood will issue a request for proposal for consulting services. The project is expected to commence in Spring 2022.

**ATTACHMENTS:** Ordinance O-2022-4

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

O-2022-4

AN ORDINANCE

AUTHORIZING UNBUDGETED EXPENDITURE OF GRANT FUNDS IN EXCESS OF \$50,000 FROM COLORADO DEPARTMENT OF LOCAL AFFAIRS AFFORDABLE HOUSING PLANNING GRANT PROGRAM FOR STRATEGIC HOUSING STRATEGY AND ACTION PLAN

WHEREAS, Article XII, Section 8 of the City Charter allows City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City using monies not anticipated in the adopted budget that have become available to the City;

WHEREAS, the City of Lakewood (the "City") desires to use Colorado Department of Local Affairs ("DOLA") Planning Grant (the "Grant") funds to complete a strategic housing and action plan for Lakewood (the "Project");

WHEREAS, DOLA approved the City's Grant application in the amount of \$78,375 to the Affordable Housing Planning Grant program;

WHEREAS, the Lakewood Housing Authority d/b/a Metro West Housing Solutions has agreed to provide for the Project the required local match of twenty-five percent (25%) of the Grant award;

WHEREAS, no additional funds are being requested;

WHEREAS, the City intends use the Grant funds for consulting services to assist city staff in completing the Project;

WHEREAS, pursuant to Chapter 3.04 of the Lakewood Municipal Code, any unbudgeted City expenditure in excess of \$50,000 requires City Council approval;

WHEREAS, the City's 2022 budget did not anticipate the Grant or the Project;

WHEREAS, the City Council hereby finds and determines that authorizing expenditure of the Grant funds in the amount of \$78,375 to complete the Project is and shall be in the best interest of the residents of the City; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The expenditure of \$78,375 for consulting services for the completion of a strategic housing plan for Lakewood, using DOLA Grant funds held by the City, is hereby approved.

SECTION 2. The City acknowledges that the Grant application includes matching funds committed to the Project by the City, which is responsible for securing the matching funds and authorizing the expenditure of funds necessary to meet the terms and obligations of the Grant awarded.

SECTION 3. The City Council hereby authorizes the Director of Planning to execute a Grant agreement with DOLA, subject to approval as to form by the City Attorney, to complete the Project.

SECTION 4. This Ordinance shall become effective thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 28<sup>th</sup> day of March, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 31<sup>st</sup> day of March, 2022; set for public hearing on the 11<sup>th</sup> day of April, 2022; read, finally passed and adopted by the City Council on the 11<sup>th</sup> day of April, 2022; and signed and approved by the Mayor on the 12<sup>th</sup> day of April, 2022.

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Adam Paul, Mayor

ATTEST:

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Michele Millard, Interim City Clerk

Approved as to form:

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Alison McKenney Brown, City Attorney



**MINUTES  
REGULAR MEETING OF CITY COUNCIL  
CITY OF LAKEWOOD  
7:00 PM  
FEBRUARY 14, 2022**

*Minutes are action minutes only with links on each item for easy reference to the meeting video.*

**ITEM 1 - CALL TO ORDER**

[View video recording here](#)

Mayor Paul called the HYBRID MEETING to order at 7:00 p.m.

Mayor Paul called a recess at 7:30 p.m.

Mayor Paul reconvened the meeting at 7:38 p.m.

**ITEM 2 - ROLL CALL**

[View video recording here](#)

Those present were: Mayor Adam Paul, Presiding  
Charley Able  
Barb Franks  
Mary Janssen  
Sophia Mayott-Guerrero  
Richard Olver  
Jeslin Shahrezaei  
Anita Springsteen  
Rebekah Stewart  
Wendi Strom  
Sharon Vincent

Absent: None.

Others in attendance: Kathy Hodgson, City Manager  
Ben Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney  
Michele Millard, Interim City Clerk

Full and timely notice of this City Council meeting had been given, and a quorum was present.

**ITEM 3 - PLEDGE OF ALLEGIANCE**

[View video recording here](#)

The Pledge of Allegiance was recited, and there was a moment for silent reflection.

**ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**

[View video recording here](#)

**ITEM 5 – PRESENTATION – OVERVIEW OF THE CITY ATTORNEY’S OFFICE**

[View video recording here](#)

Alison McKenney Brown, City Attorney, gave a PowerPoint Presentation on the role of the City Attorney’s Office.

City Council members asked questions and stated their comments and concerns.

**ITEM 6 – PRESENTATION – UPDATE ON THE POLICE DEPARTMENT’S BODY WORN CAMERA PROGRAM**

[View video recording here](#)

Anita Koester, Lakewood Division Chief, and Jess Yarborough, Business Solutions Partner from the Information Technology Department, gave a PowerPoint Presentation on the Body Worn Camera Program.

City Council members asked questions and stated their comments and concerns.

**Public Comment received via telephone/in person:** None.

**Public Comment received via Lakewood Speaks:**

Joshua Comden, February 13, 2022, 10:02 PM

(I am writing again because it seems that my last comment didn't go through as I never got a confirmation email.) Hello, I have a couple of questions about the program: (1) What kind of data and statistics will be measured about the use of the cameras? (how often they malfunction, how often they are on when they should be off (and vice versa), etc.) (2) What is the process about getting footage from them? (Is the usual process of requesting police records or does it require a judge to sign off?) Thanks!

Joshua Comden, February 13, 2022, 8:25 PM

Hello, I have a couple of questions about the Body Worn Camera Program: (1) What data and statistics will be measured about the use of the cameras? (e.g., percentage of time it is turned on during a shift, percentage of time the camera is off when it should be on (and vice versa), frequency of malfunction, etc.) (2) What is the process for the public to obtain footage? Will it be the same as requesting police records? Or will it need to go through judicial review? Thanks!

**ITEM 7 – PUBLIC COMMENT**

[View video recording here](#)

**Public Comment received via telephone/in person:**

Greg Kelly – Lakewood resident – Pooled his time with three other citizens. He spoke about the Garrison Street access to St. Jude Catholic Church. He referenced a letter and email that was sent to City Council.

Jon Wehri – Lakewood resident – He spoke about the Garrison Street access to St. Jude Catholic Church.

Marg Utz – Lakewood resident – She spoke about the Garrison Street access to St. Jude Catholic Church.

Lynnda Gies – Lakewood resident – She spoke about the Army Corps of Engineers and Bear Creek Lake Park.

Katie Gill – Lakewood resident – She stated she was with Save Bear Creek Lake Park. She also talked about the Army Corps of Engineers and Bear Creek Lake Park.

Denise Thompson & Robert Thompson – Lakewood residents – They spoke about the Garrison Street access to St. Jude Catholic Church.

Judson Hopkins – Lakewood resident – He spoke about the Garrison Street access to St. Jude Catholic Church.

Mike Bieda – Lakewood resident – He spoke about the Garrison Street access to St. Jude Catholic Church.

Ruth Seraphine – Denver resident – She spoke about the Army Corps of Engineers and Bear Creek Lake Park.

Karen Gordey – Ward 5 – She stated she was a member of the Lakewood Advisory Commission, but she was not speaking on behalf of the commission. She stated concerns about a comment from Council member Janssen in the Looking at Lakewood Newspaper.

David – District 9 in Denver – He asked about policies for the Body Worn Cameras and accountability.

Ross Olhman – Ward 2 – He spoke about speeding and speed limits in the neighborhood.

Liberty Freak – Ward 3 – He spoke about 1<sup>st</sup> Amendment rights, body cameras, and thanked Council member Springsteen on her work on ketamine.

Joshua Comden – Ward 1 – He spoke about affordable housing in Lakewood.

Pat Duran – Lakewood resident – She spoke about the Garrison Street access to St. Jude Catholic Church.

Inaudible Name – Ward 4 – He spoke about the Garrison Street access to St. Jude Catholic Church.

No name given – She commended the prior caller for sharing their experience and story. She spoke about the body camera.

Michael Brinkin – Ward 1 – He spoke on behalf of Clean Energy Lakewood to advocate for a larger investment for sustainability efforts.

Marie – Ward 5 – She spoke about sustainability.

Ron Horstman – Ward 5 – He spoke about sustainability.

Lauren Mayon – Ward 1 – He spoke about sustainability.

Marcus Gallego – Lakewood resident – He spoke about housing affordability in Lakewood.

Dr. Elisabeth Mollener – Ward 1 – She spoke about sustainability.

Carrie Somerborn – Ward 1 – She spoke about sustainability.

**Public Comment received via Lakewood Speaks:**

Joshua Comden, February 14, 2022, 11:32 AM

I agree with Lenore and would also like a virtual option for the public of the council's upcoming retreat. Thanks!

Lenore Herskovitz, February 13, 2022, 5:59 PM

Next Saturday, February 19, the City is having its Annual Retreat/Planning Meeting. Last week I started looking for more detailed information because I had learned that this was going to be held 100% in person. This would be the first and only meeting in two years that has not been hybrid or virtual. So far, I see nothing else planned for a fully in person Public meeting event in the near future. Because I was concerned about the lack of transparency regarding this important meeting, I sent an email to the City Manager, Mayor, and entire Council inquiring about more specifics. Dan Stoutamire from Citizen Engagement responded that the retreat is a public meeting and will be posted in a timely manner in accordance with current law. I have no problem with the "in person" aspect as long as a virtual option is also available. Because no specifics have been posted the exact location and time is not available, although I did hear it would be in a

room at the Heritage Center(not confirmed).Mr. Stoutamire tried to emphasize that the primary purpose of this retreat was “to build stronger relationships within and among Council members themselves...” While this may be one aspect of the meeting, it is also for setting up priorities that Council will address in the upcoming year. Frequently in Council meetings when a topic is brought up the Mayor will say that it will be discussed at the Retreat. This is important information and should be accessible to everyone, not just the small number of constituents who can attend in person. Again, I have no objection to Council being present in person or to anyone who wants to attend the meeting in person. My objection is barring the rest of the community from being informed in real time. Mr. Stoutamire also mentioned that this decision regarding the format was made by the Planning Committee not by the Council in its entirety.He added that future council meetings and study sessions will continue to be hybrid or virtual. I have asked the powers that be to reconsider and make this a hybrid meeting. As it is, this is scheduled for a holiday week-end when many people won't be available to attend in person. Transparency and accountability should still be a priority and that is difficult to achieve when the majority of the community is unable to access such an important meeting.

Lynne Kinney, February 11, 2022, 6:35 PM (Attachments)

Hello, I am writing in reference to the planned closure of "Old" Garrison Street/Sanctuary Park Road. I understand, only through perusing the Lakewood website and no other formal notification, that the City plans to begin demolition and closure of this historic street with a significant impact on the neighborhood, City as a whole, and means to access the St. Jude Catholic Church beginning February 21, 2022. It's indicated there were complaints by the neighborhood and due to those complaints, you notified the neighbors and additional analysis that the street must be closed permanently. I would like to know precisely what neighbors were notified. The neighbors I know around the area have not been contacted. I was not contacted. Additionally, it is brought forward only 2 neighbors complained and that was in 2020. Closure of this street is going to restrict access to a huge parish in Lakewood. That seems like it is interfering with our First Amendment rights. If you block and close the Old Garrison Street, you are restricting access to one ingress and egress only. Many parishioners use that inlet/street and have since the dedication of St. Jude on April 5, 1970. Essentially, the City of Lakewood created an implied easement when you allowed and continued to allow access via the Old Garrison Street. Now, just shy of 52 years you decide the road must be permanently closed because neighbors are complaining. Additionally, parents of Kendrick Lake elementary students will be impacted, as well as the little children now having to locate their parents in a different location. Those types of willy nilly decisions stress others, especially our children who are already stressed due to the constraints of the pandemic. Why are you trying to break something that is not broken? The road has a history in the Kendrick Lake and Palomino Park neighborhoods. My childhood home bordered what is now Green Gables Park. When my parents purchased the home brand new in 1965, the Park was then a horse farm.

The youth of the neighborhood would ride our bikes around the Lake that was in Sanctuary Park and the road around the lake was Old Garrison Street. It was used by many and continued to be used until St. Jude was built. The small stretch of road that you have determined must be closed is part of Lakewood's history. I have attached the jMap from the Jeffco Assessor's office. Closely look at the street you are closing and tell me with a straight face this makes sense. Tell me you have a conscience and feel right about what you plan to do. If you close off that road, there is nothing to stop anyone from accessing Sanctuary Park from the south on Florida Avenue. Your reasoning makes no sense. I believe you are doing this only because you can. There is no reason to disrupt hundreds of peoples ingress to St. Jude and Kendrick Lake Elementary because two neighbors complained. Even the flow of traffic in the parking lot of St. Jude will be disrupted. The traffic on Florida will increase at the Florida/Garrison intersection as neighbors, like me, will be forced to sit at the light rather than using the Old Garrison Street inlet. That bothers me. More traffic means more probability of accidents. I travel Garrison daily from my home west of Garrison and I have not seen trash or even maintenance trucks. This is a poor decision on the City's part and borders on restricting access to a place of worship, education and disrupts a system that has worked flawlessly for over 50 years. I have not even touched on the cost. Just once, I would like the City to do the right thing. Again, things to consider in your decision are an implied easement, First Amendment rights, taxpayer money, and stressing our children. Thank you. Lynne Kinney

## **CONSENT AGENDA ORDINANCES ON FIRST READING**

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[View video recording here](#)

Interim City Clerk Michele Millard read the Consent Agenda into the record. The Consent Agenda consists of Items 8 through 13, inclusive.

(Ordinances are on first reading for notice and publication  
only; public hearings are held on second reading)

**ITEM 8 – RESOLUTION 2022-10 – APPROVING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE MUNICIPALITIES OF LAKEWOOD, ARVADA, WHEAT RIDGE, AND GOLDEN, THE DISTRICT ATTORNEY FOR THE FIRST JUDICIAL DISTRICT OF COLORADO, AND JEFFERSON COUNTY FOR THE ESTABLISHMENT OF THE WEST METRO DRUG TASK FORCE (“WMDTF”)**

**ITEM 9 – RESOLUTION 2022-11 – AUTHORIZING THE AMENDMENT OF THE CITY OF LAKEWOOD AMENDED AND RESTATED DEFERRED COMPENSATION PLAN AND TRUST AGREEMENT**

**ITEM 10 – RESOLUTION 2022-12 – AUTHORIZING THE AMENDMENT OF THE CITY OF LAKEWOOD POLICE MONEY PURCHASE PENSION PLAN AND TRUST AGREEMENT**

**ITEM 11 – RESOLUTION 2022-13 – AUTHORIZING THE AMENDMENT OF THE CITY OF LAKEWOOD EMPLOYEES MONEY PURCHASE PENSION PLAN AND TRUST AGREEMENT**

**ITEM 12 – ORDINANCE O-2022-1 – ESTABLISHING TITLE 5, CHAPTER 39, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE ESTABLISHMENT OF ENTERTAINMENT DISTRICTS, COMMON CONSUMPTION AREAS, AND ASSOCIATED PROMOTIONAL ASSOCIATIONS**

**ITEM 13 – APPROVING MINUTES OF CITY COUNCIL MEETINGS**

Regular Meeting  
Regular Meeting

January 10, 2022  
January 24, 2022

**END OF CONSENT AGENDA**

**Public Comment received via telephone/in person:** None.

**Motion:**

Mayor Pro Tem Vincent made a motion for the approval of City Council Minutes; ordered all Ordinances introduced on first reading to be published in the Denver Post with public hearing set for the date included in the Ordinance; for the adoption of Resolutions, all of which are included in the consent agenda items introduced into the record by the City Clerk. The motion was seconded.

**Vote on Consent Agenda:**

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Stewart, Strom, Vincent  
NAY: Springsteen

**Result:**

Approved 10 - 1, the motion passed

**ITEM 14 – GENERAL BUSINESS**

[View video recording here](#)

City Council discussed and asked questions regarding the Garrison Street access to St. Jude Catholic Church and parkland.

Council member Janssen made a motion for the road to be open and no gates to be put up prior to Council receiving more information. It was seconded.

**Vote on Motion:**

AYE: Able, Janssen, Mayott-Guerrero, Olver, Springsteen, Shahrezaei, Stewart, Strom, Vincent

NAY: Paul, Franks

**Result:**

Approved 9 - 2, the motion passed

**ITEM 15 – EXECUTIVE REPORT**

[View video recording here](#)

Kathy Hodgson, City Manager, gave the executive report which included;

- Scott Hefty, Court Administrator, announced his retirement.
- Tammy Smith was promoted to Court Administrator.
- Mark Reeves was promoted to Police Department Division Chief.

**ITEM 16 – MAYOR AND CITY COUNCIL REPORTS**

[View video recording here](#)

Mayor Paul and City Council members reported on news from their Wards and any other City business with which they were involved.

**ITEM 17 – ADJOURNMENT**

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 10:59 p.m.

Respectfully submitted,

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Michele Millard, Interim City Clerk



# Lakewood

Advisory Commission

## EXECUTIVE COMMITTEE SPECIAL MEETING

### LAKWOOD ADVISORY COMMISSION

FEBRUARY 8, 2022 @ 3:00 PM

#### MINUTES

#### Call to Order

Interim Chair Karen Gordey called the virtual meeting to order at 3:06 p.m.

#### Roll Call

**Commissioners Present:** Gelfuso-Goetz, Gordey and McBride

**Commissioners Absent:** None

**Staff Present:** Michele Millard, Interim City Clerk and Rosa Tate, B&C Coordinator

A total of 3 commissioners were present. A quorum was present.

#### 3. Public Comment

**Comments received via telephone:**

None

**Comments received via Lakewood Speaks:**

None

#### 4. Approval of Minutes

##### **Voting**

Commissioner McBride moved to approve the January 5, 2022, Executive Committee Meeting Minutes. The motion was seconded.

AYES: Commissioners: Gelfuso-Goetz, Gordey, and McBride

NAYS: None

##### **Result**

Approved 3 - 0, the motion passed.

## **5. Old Business**

### **5a. Policies and Procedures Manual**

Commissioner Gordey stated we discuss the bylaws discussion, questions, and comments from the committee members. Commissioner McBride sent an updated version. Commissioner Gelfuso-Goetz commented on the great job done by Commissioner McBride. Commissioner McBride stated that much of the information came from larger scale boards and commissions and we are a smaller volunteer group that some of this information does not apply to. Commissioner Gelfuso-Goetz explained the reason the LAC is redoing bylaws to fit the commission. Interim City Clerk, Michele Millard suggests taking the updated version before the Full Commission for final feedback. Commissioner Gordey commented on removing anything “quasi-judicial” as it does not apply to the LAC. Commissioner McBride spoke on “grassroot” assignments stating that some members have the concern thinking that all assignments should come from council. There have been many grassroots assignments that have been presented to council and approved.

## **6. New Business**

### **6a. Commissioner Ralph’s Resignation**

Commissioner Ralph has resigned due to personal reasons. An email was sent asking if any members are interested in serving as Chair for the LAC. Boards and Commissions Coordinator, Rosa Tate stated that she has not received any feedback from members interested in the Chair position. Interim City Clerk, Michele Millard stated that the LAC is still in need of Chairs for the other sub committees. Commissioner Gordey asked how many vacancies the LAC currently has. Rosa Tate stated 11 vacancies to date. Interim City Clerk, Michele Millard will check into the LAC combining subcommittees until more members are in place.

### **6b. Meal Train or Gift to Commissioner Ralph**

Commissioner Gordey asks if any members had ideas for a meal train, gift cards or card for Commissioner Ralph.

### **6c. New Member Training**

Commissioner Gordey suggested possibly having mentors assigned to new commissioners.

## **7. City Clerk's Report**

No report.

**8. Adjourn**

There being no further business to come before the Executive Committee, Interim Chair Karen Gordey adjourned the meeting at 4:09 p.m.

Respectfully submitted,

*Kathryn McBride*

Kate McBride, Secretary

# 2022 LAC EXEC COMM MINUTES 02 08

Final Audit Report

2022-03-08

Created:	2022-03-08
By:	Rosa Tate (rostat@lakewood.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA1_KLov2-NbSjsSvTqSAkm8j0MvbVe3yd

## "2022 LAC EXEC COMM MINUTES 02 08" History

-  Document created by Rosa Tate (rostat@lakewood.org)  
2022-03-08 - 5:29:01 PM GMT - IP address: 204.30.1.181
-  Document emailed to Kathryn McBride (kate@katemcbride.com) for signature  
2022-03-08 - 5:29:25 PM GMT
-  Email viewed by Kathryn McBride (kate@katemcbride.com)  
2022-03-08 - 6:54:09 PM GMT - IP address: 75.166.151.44
-  Document e-signed by Kathryn McBride (kate@katemcbride.com)  
Signature Date: 2022-03-08 - 9:02:06 PM GMT - Time Source: server- IP address: 75.166.151.44
-  Agreement completed.  
2022-03-08 - 9:02:06 PM GMT



**Lakewood**  
Advisory Commission

**FULL COMMISSION MEETING**  
**JANUARY 19, 2022, 7:30 p.m.**  
Virtual Meeting

**MINUTES**

**1. CALL TO ORDER**

Chair Peggy Ralph called the virtual meeting to order at 7:31 p.m.

**2. ROLL CALL**

**Commissioners Present:** Jim Engdahl, Roger Freeman, Emily Gambone, Andrea Gelfuso-Goetz, Karen Gordey, Roberto Gurza, Kip Kolkmeier, Kate McBride, Karen Morgan, Marsha Osborn, Peggy Ralph, Dave Rein, Diane Rhodes, and Fernando Rocha

**Commissioners Absent:** Bernhard Barthel, Heidi Barthel, Rigby Johnson, Joshua Oliver, Naeema Oyedele, Joshua Stamps and Carina Weadock.

A total of 14 members were present and 7 members were absent. A quorum was present.

Staff Present: Bernie Salazar, Deputy City Clerk and Rosa Tate, B & C Coordinator

Guest: Rich Olver and Scott Swanson

**3. PUBLIC COMMENT**

Comments received via telephone:  
None

Comments received via Lakewood Speaks:  
None

**4. APPROVAL OF MINUTES**

A motion was made by Commissioner Freeman to approve the November 17, 2021, Full Commission Minutes. The motion was seconded.

Vote: All Ayes, No Nays. The motion passed.

## **5. OLD BUSINESS**

None

## **6. NEW BUSINESS**

- Chair Ralph announced and welcomed the 2022 LAC Officer's. Commissioner Ralph will continue as Chair, Commissioner Karen Gordey as Vice-Chair and Commissioner McBride as Secretary.
- Chair Ralph stated that we need to elect new Sub Committee Chairs for 2022.
- Chair Ralph suggested training and or mentors for new commissioners.
- Commissioner Ralph stated: What should we keep doing? What should be stop doing? What should we start doing?

## **7. OFFICER'S REPORTS**

- Chair Peggy Ralph – spoke about the Policies and Procedures for the LAC
- Vice Chair Karen Gordey – Diversity committee did not hold a meeting.
- Secretary McBride – Update on Neighborhoods committee.

## **8. REPORTS**

- Sustainability – Commissioner Gelfuso-Goetz gave update on sustainability projects
- Neighborhoods - Commission McBride stated that the Neighborhoods will vote later on a Chair.
- Civic Awareness – Canceled – Quorum not met.
- Diversity – Canceled – Quorum not met.
- Ambassador's Reports - Update in February

## **9. ADJOURN**

There being no further business to come before the Full Commission, Chair Peggy Ralph adjourned the meeting at 8:21 p.m.

Respectfully submitted,

*KM*

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Kate McBride, Secretary

# STAFF MEMO

**DATE OF COUNCIL MEETING: MARCH 28, 2022 / AGENDA ITEM NO. 12**

To: Mayor & City Council Members

From: Robert Smith, Economic Development Director & Executive Director of the LRA, 303-987-7732

Subject: **EXPANSION OF THE LRA BOARD OF COMMISSIONERS**

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**SUMMARY STATEMENT:** If approved, Resolution 2022-25 will authorize the expansion of the Lakewood Reinvestment Authority (“LRA”) Board of Commissioners (the “Board”) to include four (4) new Commissioners and to come into alignment with the Urban Redevelopment Fairness Act, which became effective in January 2016.

## **BACKGROUND INFORMATION:**

- The primary purpose of urban renewal is to mitigate blight. It is a tool that has been used with success in Colorado since the late 1950s to focus local resources and improve communities.
- At the November 1997 election, Lakewood residents voted in favor of creating an urban renewal authority for Lakewood and designating the Lakewood City Council as the authority’s board. As a result of the election, the City Council created the LRA in January 1998, with Council as the Board, via Resolution 1998-4.
- The Urban Redevelopment Fairness Act, often referred to as HB 15-1348 (the “Act”), went into effect in January 2016. Among other things, the Act requires urban renewal authorities that, *after 2016*, create new urban renewal areas, or substantially modify an existing urban renewal area, to include on their boards of commissioners one representative from the county, one school district representative and one special district representative within the new or substantially modified urban renewal area. The Act also authorizes the City to appoint an additional representative to assure an odd number of commissioners as part of the expansion of the board.
- Expansion of the LRA Board of Commissioners was discussed at joint study sessions held among the City Council and the LRA Board of Commissioners on August 2, 2021, and again on March 7, 2022.
- The LRA currently manages four urban renewal areas along Colfax and Alameda Avenues. These areas were designated in various years: Alameda Corridor Phase 1 in 1998; Colfax & Wadsworth in 1999; Alameda Corridor Phase 2 in 2000; and West Colfax Corridor in 2005.
- If the City Council were to create a new urban renewal area or substantially modify an existing urban renewal area, the Board would be required to add additional representatives as set forth above to comply with the Act.
- For several years, Counties, School Districts and Special Districts lobbied the Colorado Legislature to amend Urban Renewal Statute to give Counties, School Districts and Special Districts a more comprehensive roll within the Urban Renewal Authorities of which they are geographically a part.

Counties, School Districts and Special Districts wanted “a seat at the table” and the Urban Redevelopment Fairness Act specifies how this participation will be accomplished.

- Approval of Resolution 2022-25 will expand the LRA Board to add four (4) seats to the current eleven (11), for a total of fifteen (15) commissioners.
- In accordance with the Act, the four (4) new commissioners would include one representative of Jefferson County selected by the Board of County Commissioners, one representative of the Jeffco Public Schools, who is required to be a school board member, a *single* representative, also required to be a board member of a special district, representing all special districts within the urban renewal area, and a fourth new commissioner appointed by the Mayor (subject to Council approval) to keep the total number of commissioners at an odd number.
- The Resolution would establish a date at least 90 days from its approval when expansion of the Board would become effective. During this period, LRA staff would work with the County, the School District, the special districts and the Board to identify and welcome each of the four (4) new commissioners to the LRA.
- The expansion of the Board would not impact the established base or increment sharing for urban renewal areas or projects established prior to 2016, and no new agreements would need to be negotiated regarding these pre-2016 areas.
- If and when new urban renewal areas are designated, or existing areas are substantially modified, an intergovernmental agreement will be negotiated among the City, the County, the School District the special districts’ representative, and all other taxing entities within the urban renewal area including amounts of increment to be pledged to the mitigation of blight within the new or substantially modified urban renewal areas.

**BUDGETARY IMPACTS:** Expanding the LRA Board in accordance with the Urban Redevelopment Fairness Act does not have a budgetary impact.

**STAFF RECOMMENDATIONS:** Staff recommends the approval of Resolution 2022-25.

**ALTERNATIVES:**

- Council may choose not to approve Resolution 2022-25.
- Council may choose to approve Resolution 2022-25 with amendments, so long as the final resolution aligns with the requirements of the Urban Redevelopment Fairness Act.

**PUBLIC OUTREACH:** This meeting was properly noticed and there has been no additional public outreach on this agenda item.

**NEXT STEPS:** Upon approval of Resolution 2022-25, LRA Staff will notify representatives of the appropriate County, School District, and special districts of the change in the LRA Board composition. LRA Staff will also work with the entities to welcome their selected Commissioners to the LRA Board.

**ATTACHMENTS:** Resolution 2022-25

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

2022-25

A RESOLUTION

EXPANDING THE NUMBER OF SEATS ON AND CREATING A NEW LAKEWOOD REINVESTMENT AUTHORITY BOARD OF COMMISSIONERS FOR THE LAKEWOOD REINVESTMENT AUTHORITY IN COMPLIANCE WITH THE COLORADO URBAN REDEVELOPMENT FAIRNESS ACT

WHEREAS, at the regular municipal election held on November 4, 1997, the registered electors of the City approved the creation of a Lakewood urban renewal authority, the Lakewood Reinvestment Authority (“LRA”), and designated the Lakewood City Council as its board of commissioners (the “LRA Board”);

WHEREAS, since the 1997 election, the City Council has determined that sufficient conditions of blight existed in four (4) separate areas of the City and has approved urban renewal plans for each such area as follows: West Alameda Corridor Phase 1 in 1998; West Alameda Corridor Phase 2 in 2000; Colfax-Wadsworth in 1999; and West Colfax Avenue Corridor Area in 2005;

WHEREAS, in 2015, the Colorado Legislature adopted the Colorado Urban Redevelopment Fairness Act (the “Act”);

WHEREAS, the Act amended the existing Urban Renewal Law, C.R.S. §§ 31-25-101, *et seq.* (the “URL”), for the purpose of allowing certain government entities which levy a tax within the boundaries of newly formed, or substantially modified, urban renewal areas to benefit from the increased tax revenue typically generated by the rehabilitation and redevelopment of such urban renewal areas;

WHEREAS, in order to establish any new urban renewal areas within Lakewood, or to substantially modify any existing urban renewal areas in Lakewood, the Act requires that the following additional representatives be added to the LRA Board:

- one representative from Jefferson County, selected by the Board of County Commissioners;
- one representative of Jeffco Public Schools, who is required to be a school board member;
- a single representative, required to be a board member of a special district, representing all special districts within the urban renewal area; and
- a fourth new commissioner appointed by the Mayor, subject to City Council approval, to provide for an odd number of board members; and

WHEREAS, the City Council has determined it to be in the best interests of the residents of the City to expand the LRA Board as set forth in the Act in the event the City Council determines, in accordance with the URL, that additional areas of the City exhibit conditions of blight.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Consistent with the URL as revised by the Act, the Board of Commissioners of the Lakewood Reinvestment Authority (the "Board") shall be expanded by the addition of the following to the Board:

- One individual representing Jefferson County, Colorado, selected by its Board of County Commissioners;
- One member of the Jefferson County Board of Education, selected by such board;
- One board member of a special district within the proposed urban renewal area to represent all special districts within the proposed urban renewal area; and
- One additional commissioner appointed by the Mayor, subject to City Council approval.

SECTION 2. The first meeting of the LRA Board as constituted pursuant to this Resolution shall be held on or after ninety (90) days from the effective date of this Resolution to allow the entities set forth in Section 1 hereof to select their respective representatives to the LRA Board in accordance with the Act. City staff is directed to distribute this Resolution to such entities to allow them to select their respective representatives to the LRA Board.

SECTION 3. This Resolution shall become effective immediately upon signature following adoption.

INTRODUCED, READ AND ADOPTED, by a vote of \_\_ for and \_\_ against, at a regular hybrid meeting of the Lakewood City Council held on March 28, 2022, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

---

Adam Paul, Mayor

ATTEST:

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Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney

# Resolution 2022-25 LRA Board Expansion

March 28, 2022



**Lakewood**

Economic Development

# DUAL ROLE

**The City Council for the City of Lakewood also serves as the “Lakewood Reinvestment Authority Board of Commissioners”.**



**The LRA Commission establishes and oversees the City’s urban renewal areas in accordance with State law.**

# LRA Board Expansion is being considered because:

- ❑ The City Council previously expressed interest in exploring formation of one or more new **urban renewal areas (URAs)** in Lakewood.
- ❑ **CRS 31-25-104(2.5)(2015)** mandates that **Urban Renewal Authorities**, like the LRA, represent the collective interest of all taxing bodies levying a mill levy within the boundaries of any URA.
- ❑ **CRS 31-25-104(2.5)(2015)** dictates those taxing bodies to be represented on the Urban Renewal Authority, which will require an expansion of the City's LRA Board.

# LRA Board Expansion: The Basics

## CURRENT LRA MEMBERS:

Lakewood City Council also serves as the Lakewood Reinvestment Authority Board of Commissioners

CRS 31-21-104(2.5). To designate any new areas with the City as Urban Renewal Areas the City must expand the membership of the LRA to include other impacted taxing districts.

## Members to be added:

Representative of  
Jefferson County  
appointed by the  
County  
Commission

Representative of  
Jefferson County  
School District,  
appointed by, and  
a member of the  
School Board

One  
Representative  
of all impacted  
taxing districts,  
selected by joint  
agreement of  
applicable districts

Individual  
appointed by the  
City to establish  
the LRA with an  
odd number of  
members

# LRA Board Expansion Resolution

- ❑ Establishes implementation/start date at least 90 days after Resolution approval
  - Staff would work with County, School District, special districts' representative and Council/LRA
- ❑ Board expansion would not impact existing urban renewal areas or projects

# LRA Board Expansion Resolution

- ❑ If and when new urban renewal areas are designated, or existing areas are substantially modified, an IGA will be negotiated among the currently constituted LRA and the new members
- IGA would include amounts of increment to be pledged to the mitigation of blight within the new or substantially modified urban renewal areas

# LRA Board Expansion Resolution

- ❑ No new agreements would need to be negotiated for pre-2016 urban renewal areas

# Questions and Discussions

# STAFF MEMO

**DATE OF COUNCIL MEETING: MARCH 28, 2022 / AGENDA ITEM NO. 13**

To: Mayor and City Council

From: Michele Millard, Interim City Clerk, 303-987-7081

Subject: **RECREATING THE CITY COUNCIL AD HOC COMMITTEE ON CAMPAIGN FINANCE**

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**SUMMARY STATEMENT:** The Lakewood Home Rule Charter allows for the creation of ad hoc advisory committees by resolution or a vote of City Council. City Council has requested an ad hoc committee be recreated for the purpose of reviewing the Lakewood Municipal Code Chapter 2.54 Campaign and Political Finance in Municipal Elections. The ad hoc committee would make recommendations to the full Council regarding any recommended amendments.

Pursuant to the terms of Resolution 2020-14, the Ad Hoc Committee regarding Campaign Finance ended on April 1, 2021. This Resolution recreates that ad hoc committee to commence on March 29, 2022 and end on March 29, 2023.

The appointment of the members to the ad hoc committee was approved by Resolution 2022-7 at the January 28, 2022 City Council meeting.

**BACKGROUND INFORMATION:** In 2019, City Council adopted a new Chapter 2.54 of the Lakewood Municipal Code concerning campaign and political finance in municipal elections with the purpose of creating a level playing field for candidates, contributors and committees in future municipal elections.

It was the intent of the ad hoc committee to have a “look back” after the Lakewood Municipal Elections to determine if any amendments needed to be made to Chapter 2.54.

**BUDGETARY IMPACTS:** To be determined.

**STAFF RECOMMENDATIONS:** Recreate the ad hoc committee on campaign finance to review Chapter 2.54.

**ALTERNATIVES:** Do not reestablish the ad hoc committee.

**PUBLIC OUTREACH:** This item was promoted through the regular communication channels for an item coming before City Council.

**NEXT STEPS:** If the ad hoc committee is recreated, they will begin the review of Chapter 2.54.

**ATTACHMENTS:** Resolution 2022-26

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

2022-26

A RESOLUTION

RECREATING A CITY COUNCIL AD HOC ADVISORY COMMITTEE TO REVIEW AND RECOMMEND AMENDMENTS TO THE PROVISIONS OF THE LAKEWOOD MUNICIPAL CODE REGARDING CAMPAIGN FINANCE

WHEREAS, the City Council of the City of Lakewood is authorized by the Lakewood Home Rule Charter to establish ad hoc advisory committees by resolution or by City Council motion;

WHEREAS, the City Council wishes to reestablish a committee to review and recommend changes to the Lakewood Municipal Code regarding Campaign Finance; and

WHEREAS, the Campaign Finance Committee will consist of one council member from each of the City's five wards.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The Lakewood City Council Campaign Finance Review Committee is hereby re-established. The City Council Campaign Finance Review Committee shall commence on March 29, 2022, and end on March 29, 2023.

SECTION 2. The purpose of the Committee is to make recommendations to the entire City Council regarding possible amendments to the Lakewood Municipal Code regarding Campaign Finance.

SECTION 3. Members of City Council Campaign Finance Review Committee are as follows:

- Charley Able – Ward 1
- Sophia Mayott-Guerrero – Ward 2
- Anita Springsteen – Ward 3
- Rich Olver – Ward 4
- Mary Janssen – Ward 5

SECTION 4. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_ for and \_\_\_ against at a hybrid regular meeting of the City Council held on March 28, 2022, at 7 o'clock p.m. at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

---

Adam Paul, Mayor

ATTEST:

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Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney



# STAFF MEMO

**DATE OF COUNCIL MEETING: MARCH 28, 2022 / AGENDA ITEM NO. 14**

To: Mayor and City Council

From: Michele Millard, Interim City Clerk, 303-987-7081

Subject: **RECREATING THE CITY COUNCIL DEVELOPMENT DIALOGUE AD HOC COMMITTEE**

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**SUMMARY STATEMENT:** The Lakewood Home Rule Charter allows for the creation of ad hoc advisory committees by resolution or a vote of City Council. City Council has requested an ad hoc committee be recreated for the purpose of identifying and proposing amendments to the zoning code, reviewing staff and Planning Commission recommendations and developing redlined changes for Council's consideration/adoption.

Pursuant to the terms of Resolution 2019-19, the Ad Hoc Committee regarding Development Dialogue ended on December 31, 2019. This Resolution recreates that ad hoc committee to commence on March 29, 2022 and end on March 29, 2023.

The appointment of the members to the ad hoc committee was approved by Resolution 2022-7 at the January 28, 2022 City Council meeting.

**BACKGROUND INFORMATION:** The work of the Ad Hoc Committee is not completed and therefore additional time is required.

**BUDGETARY IMPACTS:** The continuation of the Ad Hoc Committee Regarding Development Dialogue has no budgetary impact.

**STAFF RECOMMENDATIONS:** Recreate the ad hoc committee on campaign finance to review Chapter 2.54.

**ALTERNATIVES:** The alternate is to not reestablish the ad hoc committee.

**PUBLIC OUTREACH:** This item was promoted through the regular communication channels for an item coming before City Council.

**NEXT STEPS:** If the ad hoc committee is recreated, they will continue with their work.

**ATTACHMENTS:** Resolution 2022-27

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

2022-27

A RESOLUTION

RECREATING A CITY COUNCIL ADVISORY AD HOC COMMITTEE REGARDING THE DEVELOPMENT DIALOGUE

WHEREAS, the City Council of the City of Lakewood is authorized by the Lakewood Home Rule Charter to establish ad hoc advisory committees by resolution; and

WHEREAS, the City Council wishes to reestablish a City Council Advisory Ad Hoc Committee to identify and propose amendments to the zoning code, review staff and Planning Commission recommendations, draft and develop redlined changes for Council's consideration and adoption; and

WHEREAS, the Committee's purview will include land use and development related issues; and

WHEREAS, the City Council Advisory Ad Hoc Committee on the Development Dialogue will consist of one council member from each of the City's five wards.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The Lakewood City Council Advisory Ad Hoc Committee on the Development Dialogue is hereby established. The City Council Advisory Ad Hoc Committee on the Development Dialogue shall commence work on March 29, 2022 and end on March 29, 2023.

SECTION 2. The purpose of the Committee is to make recommendations to the entire City Council regarding possible amendments to the zoning code including, but not limited to, recommendations to the Committee by the Planning Commission.

SECTION 3. Members of the City Council Development Dialogue Ad Hoc Committee are as follows:

Charley Able – Ward 1  
Sophia Mayott-Guerrero – Ward 2  
Rebekah Stewart – Ward 3  
Rich Olver – Ward 4  
Wendi Strom – Ward 5

SECTION 4. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of 10 for and 0 against at a hybrid regular meeting of the City Council on June 11, 2018, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

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Adam Paul, Mayor

ATTEST:

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Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF COUNCIL MEETING: FEBRUARY 28, 2022/ AGENDA ITEM NO. 15**  
**MARCH 28, 2022 / AGENDA ITEM NO. 15**

To: Mayor and City Council

From: Tammy Smith, Court Administrator, 303-987-7415

Subject: **MUNICIPAL OPPORTUNITY TO SECURE AND SUSTAIN TREATMENT (MOSST) GRANT**

**This ordinance was approved on 1st Reading by a vote of 10 ayes 0 nays.**

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**SUMMARY STATEMENT:** The Lakewood Municipal Court Probation Division was awarded a Division of Criminal Justice (DCJ) grant on January 1, 2022 for \$199,992 for the Municipal Opportunity to Secure and Sustain Treatment (MOSST) program. Grant funds are intended to reduce financial hurdles for quicker engagement into community-based treatment that is court-ordered. Additionally, this grant will cover the cost to purchase an Adult Risk Assessment and Training. City Council is asked to review and vote on the attached ordinance.

**BACKGROUND INFORMATION:** The Probation Division collaborated with the Community Resources Department in applying for a grant opportunity through the Division of Criminal Justice. Lakewood Probation will utilize a validated risk assessment to direct sentencing recommendations and appropriate therapeutic interventions based on each client's unique risks and needs, further providing funding to streamline access to treatment. The Municipal Opportunity to Secure & Sustain Treatment program (MOSST) will increase access to meaningful treatment and reduce the financial burden experienced by probation clients court ordered to participate in therapeutic interventions. At the municipal level with no funding to pay for treatment, financial barriers prevent offenders from participating in treatment services that could divert them out of the justice system. The probation officers will review affidavit of indigence documents to staff requests for assistance and all offenders that are eligible will be provided granted funding. The MOSST program will be evaluated for effectiveness based on success in getting offenders enrolled into court-ordered treatment, successful completion of the court-ordered treatment, and whether offenders are able to locate sustainable funding sources to ensure continued follow-through with recommended treatment.

**BUDGETARY IMPACTS:** This grant does not require a City match or any additional expense to the City.

**STAFF RECOMMENDATIONS:** This grant funding will reduce the financial barriers experienced by adult offenders to access court-ordered treatment, it is recommended this ordinance be considered by City Council.

**ALTERNATIVES:** There are no other alternatives identified at this time.

**PUBLIC OUTREACH:** This item was promoted through the regular communication channels for an item coming before City Council.

**NEXT STEPS:** If City Council chooses to adopt this ordinance, the Municipal Court will immediately begin referring individuals to the MOSST program to receive financial assistance for court-ordered treatment.

**ATTACHMENTS:** Ordinance O-2022-2  
Grant Agreement

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

O-2022-2

AN ORDINANCE

AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2022 ANNUAL BUDGET IN THE AMOUNT OF \$199,992 AND AUTHORIZING THE EXPENDITURE OF GRANT FUNDS FROM DIVISION OF CRIMINAL JUSTICE FOR THE PAYMENT OF TREATMENT AND INTERVENTION SERVICES ASSOCIATED WITH THE IMPLEMENTATION OF THE MUNICIPAL OPPORTUNITY TO SECURE AND SUSTAIN TREATMENT (MOSST) PROGRAM

WHEREAS, Section 12.8 of the City Charter allows City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City using monies not anticipated in the adopted budget that have become available to the City;

WHEREAS, Section 3.04.080 of the Lakewood Municipal Code requires approval by the City Council for any unbudgeted purchase or any purchase of more than fifty thousand dollars that has a change in funding source,

WHEREAS, on January 1, 2022, the Division of Criminal Justice approved the City of Lakewood's grant application of \$199,992 for the MOSST program;

WHEREAS, no additional money is being requested for this grant and this grant requires no matching or expenditure of any other funds;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Appropriation and Expenditure.

The City Council hereby appropriates and authorizes the expenditure of One Hundred Ninety-Nine Thousand, Nine Hundred and Ninety-Two and 00/100 dollars (\$199,992) for fiscal year 2022 for the purpose of payment for treatment and intervention services associated with the MOSST program.

SECTION 2. Effective Date.

This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. Severability.

If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 28th day of February, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 3rd day of March, 2022; set for public hearing to be held on the 28th day of March, 2022, read, finally passed and adopted by the City Council on the 28th day of March, 2022 and, signed by the Mayor on the 29th day of March, 2022.

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Adam Paul, Mayor

ATTEST:

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Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney

Grantee: City of Lakewood  
 Project: Lakewood Municipal Court/Probation Department -  
 Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

**GRANT AWARD LETTER**  
**(Intergovernmental Grant Agreement)**  
**SUMMARY OF GRANT AWARD TERMS AND CONDITIONS**

<b>State Agency</b> Department of Public Safety, Division of Criminal Justice	<b>DCJ Grant Number</b> 2020-DJ-21-03-3-1
<b>Grantee</b> City of Lakewood	<b>Grantee DUNS</b> 076468305
<b>Grant Issuance Date</b> January 1, 2022	<b>Grant Amount</b> Federal Award #2020-MU-BX-0029: \$199,992
<b>Grant Expiration Date</b> December 31, 2022	
<b>Grant Authority</b> The Division of Criminal Justice is authorized to disburse these funds by Colorado Revised Statute 24-33.503 and 507.	<b>Total Grant Funds Awarded:</b> \$199,992
Is this Award for Research and Development (R&D)? No	<b>Grantee Match Amount Required</b> Federal Award #2020-MU-BX-0029: \$0
<b>Match Percentage Required:</b> 0%	
<b>Total Match Required from Grantee:</b> \$0	
<b>Grant Description</b> Lakewood Probation will utilize a validated risk assessment to direct sentencing recommendations and appropriate therapeutic interventions based on each client's unique risk and needs, further providing funding to streamline access to treatment. The Municipal Opportunity to Secure & Sustain Treatment program (MOSST) will increase access to meaningful treatment and reduce the financial burden experienced by probation clients court ordered to participate in therapeutic interventions. At the municipal level with no funding to pay for treatment, financial barriers prevent offenders from participating in treatment services that could divert them out of the justice system. The MOSST program will be evaluated for effectiveness based on success in getting offenders enrolled into court-ordered treatment, successful completion of the court-ordered treatment, and whether offenders are able to locate sustainable funding sources to ensure continued follow-through with recommended treatment.	
<b>Grant Purpose</b> The federal Justice Assistance Grant Program (JAG) allows agencies to support a broad range of activities to prevent and control crime based on their own local needs. The Justice Assistance Grant (JAG) Board selected grantee for award.	
<b>Exhibits and Order of Precedence</b> The following Exhibits and attachments are included with this Grant: <ol style="list-style-type: none"> <li>1. Exhibit A1, Sample Option Letter.</li> <li>2. Exhibit A2, Sample Grant Funding Change Letter</li> <li>3. Exhibit B, Grant Requirements.</li> <li>4. Exhibit C, Special Conditions.</li> <li>5. Exhibit D, Statement of Work.</li> <li>6. Exhibit E, Budget.</li> <li>7. Exhibit F, Federal Requirements.</li> </ol> <p>In the event of a conflict or inconsistency between this Grant and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:</p> <ol style="list-style-type: none"> <li>1. Exhibit F, Federal Requirements.</li> <li>2. Exhibit C, Special Conditions.</li> <li>3. The provisions of the other sections of the main body of this Grant.</li> <li>4. Exhibit B, Grant Requirements.</li> <li>5. Exhibit D, Statement of Work.</li> <li>6. Exhibit E, Budget.</li> </ol>	

Grantee: City of Lakewood

Project: Lakewood Municipal Court/Probation Department -

Municipal Opportunity to Secure &amp; Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

**FEDERAL AWARD(S) APPLICABLE TO THIS GRANT AWARD**

Federal Award Office	U.S. Department of Justice (US DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)
Grant Program	Justice Assistance Grant (JAG) Program
CFDA	16.738
Federal Award Number(s)	2020-MU-BX-0029
Federal Award Date	9/17/2020
Federal Award End Date *	9/30/2023
Federal Statutory Authority	This project is supported under FY20(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)
Total Amount of Federal Award (this is <b>not</b> the amount of this grant agreement)	\$2,766,110

\* The Federal Award End Date is current at the time of this award. All federal funds are subject to availability as described in **§2.B.** and **§5.A** below.

Grantee: City of Lakewood  
Project: Lakewood Municipal Court/Probation Department -  
Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

**SIGNATURE PAGE**

**THE SIGNATORIES LISTED BELOW AUTHORIZE THIS GRANT**

<p><b>GRANTEE</b> City of Lakewood</p>  <p>By: Kathleen Hodgson, City Manager</p>  <p>Date: _____</p>	<p><b>STATE OF COLORADO</b> Jared Polis, Governor Department of Public Safety Stan Hilkey, Executive Director</p>  <p>By: Division of Criminal Justice <input type="checkbox"/> Joe Thome, Director, or <input checked="" type="checkbox"/> Debbie Oldenettel, Deputy Director</p>  <p>Date: _____</p>
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In accordance with §24-30-202, C.R.S., this Agreement is not valid until signed and dated below by the State Controller or an authorized delegate.

**STATE CONTROLLER**  
**Robert Jaros, CPA, MBA, JD**

By: Lyndsay J. Clelland, Contract and Grant Coordinator, Division of Criminal Justice

Effective Date: \_\_\_\_\_

Grantee: City of Lakewood  
 Project: Lakewood Municipal Court/Probation Department -  
 Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

FEDERAL AWARD(S) APPLICABLE TO THIS GRANT AWARD.....2

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2. TERM.....4

3. DEFINITIONS .....5

4. STATEMENT OF WORK .....8

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EXHIBIT B, GRANT REQUIREMENTS .....1

EXHIBIT C, SPECIAL CONDITIONS .....1

EXHIBIT D, STATEMENT OF WORK .....1

EXHIBIT E, BUDGET.....1

EXHIBIT F, FEDERAL REQUIREMENTS .....1

**1. GRANT**

As of the Grant Issuance Date, the State Agency shown on the first page of this Grant Award Letter (the “State”) hereby obligates and awards to Grantee shown on the first page of this Grant Award Letter (the “Grantee”) an award of Grant Funds in the amounts shown on the first page of this Grant Award Letter. By accepting the Grant Funds provided under this Grant Award Letter, Grantee agrees to comply with the terms and conditions of this Grant Award Letter and requirements and provisions of all Exhibits to this Grant Award Letter.

**2. TERM**

**A. Initial Grant Term and Extension**

The Parties’ respective performances under this Grant Award Letter shall commence on the Grant Issuance Date and shall terminate on the Grant Expiration Date unless sooner terminated or further extended in accordance with the terms of this Grant Award Letter. Upon request of Grantee, the State may, in its sole discretion, extend the term of this Grant Award Letter by providing Grantee with with a written notice to Grantee in a form substantially equivalent to **Exhibit A1, Sample Option Letter** showing the new Grant Expiration Date showing the new Grant Expiration Date. Authorized costs incurred prior to the Effective Date, but no earlier than the Grant Issuance Date, may be submitted for reimbursement as provided in **§5.A and §5.D** below.

Grantee: City of Lakewood  
Project: Lakewood Municipal Court/Probation Department -  
Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

B. Early Termination in the Public Interest

The State is entering into this Grant Award Letter to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Grant Award Letter ceases to further the public interest of the State or if State, Federal or other funds used for this Grant Award Letter are not appropriated, or otherwise become unavailable to fund this Grant Award Letter, the State, in its discretion, may terminate this Grant Award Letter in whole or in part by providing written notice to Grantee that includes, to the extent practicable, the public interest justification for the termination. If the State terminates this Grant Award Letter in the public interest, the State shall pay Grantee an amount equal to the percentage of the total reimbursement payable under this Grant Award Letter that corresponds to the percentage of Work satisfactorily completed, as determined by the State, less payments previously made. Additionally, the State, in its discretion, may reimburse Grantee for a portion of actual, out-of-pocket expenses not otherwise reimbursed under this Grant Award Letter that are incurred by Grantee and are directly attributable to the uncompleted portion of Grantee's obligations, provided that the sum of any and all reimbursements shall not exceed the maximum amount payable to Grantee hereunder. This subsection shall not apply to a termination of this Grant Award Letter by the State for breach by Grantee.

C. Grantee's Termination Under Federal Requirements

Grantee may request termination of this Grant by sending notice to the State, or to the Federal Awarding Agency with a copy to the State, which includes the reasons for the termination and the effective date of the termination. If this Grant is terminated in this manner, then Grantee shall return any advanced payments made for work that will not be performed prior to the effective date of the termination.

3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. "**Budget**" means the budget for the Work described in **Exhibit E, Budget**.
- B. "**Business Day**" means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in §24-11-101(1), C.R.S.
- C. "**CJI**" means criminal justice information collected by criminal justice agencies needed for the performance of their authorized functions, including, without limitation, all information defined as criminal justice information by the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy, as amended and all Criminal Justice Records as defined under §24-72-302, C.R.S.
- D. "**CORA**" means the Colorado Open Records Act, §§24-72-200.1, *et seq.*, C.R.S.
- E. "**Grant Award Letter**" means this letter which offers Grant Funds to Grantee, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future updates thereto.
- F. "**Grant Funds**" means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Grant Award Letter.

Grantee: City of Lakewood  
Project: Lakewood Municipal Court/Probation Department -  
Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

- G. **“Grant Expiration Date”** means the Grant Expiration Date shown on the first page of this Grant Award Letter.
- H. **“Grant Issuance Date”** means the Grant Issuance Date shown on the first page of this Grant Award Letter.
- I. **“Exhibits”** exhibits and attachments included with this Grant as shown on the first page of this Grant
- J. **“Extension Term”** means the period of time by which the Grant Expiration Date is extended by the State through delivery of an updated Grant Award Letter
- K. **“Federal Award”** means an award of Federal financial assistance or a cost-reimbursement contract under the Federal Acquisition Regulations by a Federal Awarding Agency to the Recipient. “Federal Award” also means an agreement setting forth the terms and conditions of the Federal Award. The term does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- L. **“Federal Awarding Agency”** means a Federal agency providing a Federal Award to a Recipient. The **Federal Award Office** listed in the table FEDERAL AWARD(S) APPLICABLE TO THIS GRANT AWARD found on page 2 of this grant, is the Federal Awarding Agency for the Federal Award which is the subject of this Grant..
- M. **“Goods”** means any movable material acquired, produced, or delivered by Grantee as set forth in this Grant Award Letter and shall include any movable material acquired, produced, or delivered by Grantee in connection with the Services.
- N. **“Incident”** means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access or disclosure of State Confidential Information or of the unauthorized modification, disruption, or destruction of any State Records.
- O. **“Initial Term”** means the time period between the Grant Issuance Date and the Grant Expiration Date.
- P. **“Matching Funds”** means the funds provided Grantee as a match required to receive the Grant Funds.
- Q. **“Party”** means the State or Grantee, and “Parties” means both the State and Grantee.
- R. **“PCI”** means payment card information including any data related to credit card holders’ names, credit card numbers, or the other credit card information as may be protected by state or federal law.
- S. **“PII”** means personally identifiable information including, without limitation, any information maintained by the State about an individual that can be used to distinguish or trace an individual’s identity, such as name, social security number, date and place of birth, mother’s maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. PII includes, but is not limited to, all information defined as personally identifiable information in §§24-72-501 and 24-73-101, C.R.S.
- T. **“PHI”** means any protected health information, including, without limitation any information whether oral or recorded in any form or medium: **(i)** that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual;

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or the past, present or future payment for the provision of health care to an individual; and (ii) that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual. PHI includes, but is not limited to, any information defined as Individually Identifiable Health Information by the federal Health Insurance Portability and Accountability Act.

- U. **“Recipient”** means the State Agency shown on the first page of this Grant Award Letter, for the purposes of the Federal Award.
- V. **“Services”** means the services to be performed by Grantee as set forth in this Grant Award Letter, and shall include any services to be rendered by Grantee in connection with the Goods.
- W. **“State Confidential Information”** means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to, PII, PHI, PCI, Tax Information, CJI, and State personnel records not subject to disclosure under CORA. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has been communicated, furnished, or disclosed by the State to Contractor which (i) is subject to disclosure pursuant to CORA; (ii) is already known to Contractor without restrictions at the time of its disclosure to Contractor; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Contractor to the State; (iv) is disclosed to Contractor, without confidentiality obligations, by a third party who has the right to disclose such information; or (v) was independently developed without reliance on any State Confidential Information.
- X. **“State Fiscal Rules”** means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a), C.R.S.
- Y. **“State Fiscal Year”** means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.
- Z. **“State Records”** means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.
- AA. **“Sub-Award”** means this grant by the State (a Recipient) to Grantee (a Subrecipient) funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to this Sub-Award unless the terms and conditions of the Federal Award specifically indicate otherwise.
- BB. **“Subcontractor”** means third-parties, if any, engaged by Grantee to aid in performance of the Work. This establishes a procurement relationship. The subcontractor provides goods or services for the benefit of the purchaser.
- CC. **“Subgrantee”** means third-parties, if any, engaged by Grantee or Subgrantee to aid in performance of the Work. This establishes a **grant** relationship. The beneficiary, not the purchaser, receives benefit from the work. A subgrantee receiving federal grant funds is also called a subrecipient. There may be multiple tiers of subgrantees/subrecipients and do not include procurement transactions.
- DD. **“Subrecipient”** means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization entity that receives a Sub-Award from a Recipient to carry

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out part of a Federal program, but does not include an individual that is a beneficiary of such program. A Subrecipient may also be a recipient of other Federal Awards directly from a Federal Awarding Agency. For the purposes of this Grant, Grantee is a Subrecipient. There may be multiple tiers of subrecipients.

- EE. **“Tax Information”** means Federal and State of Colorado tax information including, without limitation, Federal and State tax returns, return information, and such other tax-related information as may be protected by Federal and State law and regulation. Tax Information includes, but is not limited to all information defined as Federal tax information in Internal Revenue Service Publication 1075.
- FF. **“Uniform Guidance”** means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, commonly known as the “Super Circular, which supersedes requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, and A-133, and the guidance in Circular A-50 on Single Audit Act follow-up.
- GG. **“Work”** means the delivery of the Goods and performance of the Services described in this Grant Award Letter.
- HH. **“Work Product”** means the tangible and intangible results of the Work, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports, proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, and any other results of the Work. “Work Product” does not include any material that was developed prior to the Grant Issuance Date that is used, without modification, in the performance of the Work.

Any other term used in this Grant Award Letter that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

#### 4. STATEMENT OF WORK

Grantee shall complete the Work as described in this Grant Award Letter and in accordance with the provisions of **Exhibit D, Statement of Work**. The State shall have no liability to compensate or reimburse Grantee for the delivery of any goods or the performance of any services that are not specifically set forth in this Grant Award Letter.

#### 5. PAYMENTS TO GRANTEE

##### A. Maximum Amount

Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Grant that exceeds the Grant Amount shown on the first page of this Grant Award Letter. Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. The State shall not be liable to pay or reimburse Grantee for any Work performed or expense incurred before the Grant Issuance Date or after the Grant Expiration Date; provided, however, that Work performed and expenses incurred by Grantee before the Grant Issuance Date that are chargeable to an active Federal Award may be submitted for reimbursement as permitted by the terms of the Federal Award.

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**B. Federal Recovery**

The close-out of a Federal Award does not affect the right of the Federal Awarding Agency or the State to disallow costs and recover funds on the basis of a later audit or other review. Any cost disallowance recovery is to be made within the Record Retention Period, as defined below.

**C. Matching Funds**

Grantee shall provide the Local Match Amount shown on the first page of this Grant Award Letter and described in **Exhibit B, Budget**. Grantee does not by accepting this Grant Award Letter irrevocably pledge present cash reserves for payments in future fiscal years, and this Grant Award Letter is not intended to create a multiple-fiscal year debt of Grantee. Grantee shall not pay or be liable for any claimed interest, late charges, fees, taxes or penalties of any nature, except as required by Grantee's laws or policies.

**D. Reimbursement of Grantee Costs**

The State shall reimburse Grantee's allowable costs, not exceeding the maximum total amount described in this Grant Award Letter for all allowable costs described in this Grant Award Letter and shown in the Budget, **except that Grantee may adjust the amounts between each line item of the Budget without formal modification to this Agreement as long as the Grantee provides notice to, and receives written approval from the State of the change, the change does not modify the total maximum amount of this Grant Award Letter or the maximum amount for any state fiscal year, and the change does not modify any requirements of the Work.** The State shall reimburse Grantee for the Federal share of properly documented allowable costs related to the Work after the State's review and approval thereof, subject to the provisions of this Grant. The State shall only reimburse allowable costs if those costs are: **(i) reasonable and necessary to accomplish the Work and for the Goods and Services provided; and (ii) equal to the actual net cost to Grantee (i.e. the price paid minus any items of value received by Grantee that reduce the cost actually incurred).**

**E. Close-Out**

**Grantee shall close out this Grant within 45 days after the Grant Expiration Date.** To complete close out, Grantee shall submit to the State all deliverables (including documentation) as defined in this Grant Award Letter and Grantee's final reimbursement request or invoice. The State will withhold funds of allowable costs until all final documentation has been submitted and accepted by the State as substantially complete. Grantee's failure to submit required documentation, may prohibit the Grantee from applying for new Federal Awards through the.

**6. REPORTING - NOTIFICATION**

**A. Performance and Final Status**

Grantee shall submit all financial, performance and other reports to the State no later than the end of the close out described in §5.E, containing an evaluation and review of Grantee's performance and the final status of Grantee's obligations hereunder.

**B. Violations Reporting**

Grantee shall disclose, in a timely manner, in writing to the State and the Federal Awarding Agency, all violations of federal or State criminal law involving fraud, bribery, or gratuity

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violations potentially affecting the Federal Award. The State or the Federal Awarding Agency may impose any penalties for noncompliance allowed under 2 CFR Part 180 and 31 U.S.C. 3321, which may include, without limitation, suspension or debarment.

## 7. GRANTEE RECORDS

### A. Maintenance and Inspection

Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant for a period of three years following the completion of the close out of this Grant. Grantee shall permit the State and Federal Awarding Agency to audit, inspect, examine, excerpt, copy and transcribe all such records during normal business hours at Grantee's office or place of business, unless the State determines that an audit or inspection is required without notice at a different time to protect the interests of the State.

### B. Monitoring

The State will monitor Grantee's performance of its obligations under this Grant Award Letter using procedures as determined by the State. Grantee shall allow the State to perform all monitoring required by the Uniform Guidance, based on the State's risk analysis of Grantee. The State shall have the right, in its sole discretion, to change its monitoring procedures and requirements at any time during the term of this Agreement. The State shall monitor Grantee's performance in a manner that does not unduly interfere with Grantee's performance of the Work. If Grantee enters into a subcontract or subgrant with an entity, then the subcontract or subgrant entered into by Grantee shall contain provisions permitting both Grantee and the State to perform all monitoring of that Subgrantee or Subcontractor in accordance with the Uniform Guidance.

### C. Final Audit Report

Grantee shall promptly submit to the State a copy of any final audit report of an audit performed on Grantee's records that relates to or affects this Grant or the Work, whether the audit is conducted by Grantee or a third party. Additionally, if Grantee is required to perform a single audit under 2 CFR 200.501, *et seq.*, then Grantee shall submit a copy of the results of that audit to the State within the same timelines as the submission to the federal government.

## 8. CONFIDENTIAL INFORMATION-STATE RECORDS

### A. Confidentiality

Grantee shall hold and maintain, and cause all Subgrantees and Subcontractors to hold and maintain, any and all State Records that the State provides or makes available to Grantee for the sole and exclusive benefit of the State, unless those State Records are otherwise publicly available at the time of disclosure or are subject to disclosure by Grantee under CORA. Grantee shall not, without prior written approval of the State, use for Grantee's own benefit, publish, copy, or otherwise disclose to any third party, or permit the use by any third party for its benefit or to the detriment of the State, any State Records, except as otherwise stated in this Grant Award Letter. Grantee shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. If

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Grantee or any of its Subgrantees and Subcontractors will or may receive the following types of data, Grantee or its Subgrantees and Subcontractors shall provide for the security of such data according to the following: (i) the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Grant as an Exhibit, if applicable, (ii) the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, (iii) the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and (iv) the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Grant, if applicable. Grantee shall immediately forward any request or demand for State Records to the State's principal representative.

**B. Other Entity Access and Nondisclosure Agreements**

Grantee may provide State Records to its agents, employees, assigns, Subgrantees, and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns and Subcontractors who require access to perform their obligations under this Grant Award Letter. Grantee shall ensure all such agents, employees, assigns, Subgrantees, and Subcontractors sign nondisclosure agreements with provisions at least as protective as those in this Grant, and that the nondisclosure agreements are in force at all times the agent, employee, assign Subgrantees, or Subcontractor has access to any State Confidential Information. Grantee shall provide copies of those signed nondisclosure restrictions to the State upon request.

**C. Use, Security, and Retention**

Grantee shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Grantee shall provide the State with access, subject to Grantee's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Grant, Grantee shall return State Records provided to Grantee or destroy such State Records and certify to the State that it has done so, as directed by the State. If Grantee is prevented by law or regulation from returning or destroying State Confidential Information, Grantee warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

**D. Incident Notice and Remediation**

If Grantee becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. After an Incident, Grantee shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State.

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#### **E. Safeguarding PII**

If Grantee or any of its Subgrantees and Subcontractors will or may receive PII under this Agreement, Grantee shall provide for the security of such PII, in a manner and form acceptable to the State, including, without limitation, State non-disclosure requirements, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections, and audits. Grantee shall be a "Third-Party Service Provider" as defined in §24-73-103(1)(i), C.R.S. and shall maintain security procedures and practices consistent with §§24-73-101 *et seq.*, C.R.S.

#### **9. CONFLICTS OF INTEREST**

Grantee shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Grantee under this Grant. Grantee acknowledges that, with respect to this Grant, even the appearance of a conflict of interest shall be harmful to the State's interests and absent the State's prior written approval, Grantee shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Grantee's obligations under this Grant. If a conflict or the appearance of a conflict arises, or if Grantee is uncertain whether a conflict or the appearance of a conflict has arisen, Grantee shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration.

#### **10. INSURANCE**

Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA"). Grantee shall ensure that any Subgrantees and Subcontractors maintain all insurance customary for the completion of the Work done by that Subcontractor and as required by the State or the GIA.

#### **11. REMEDIES**

In addition to any remedies available under any exhibit to this Grant Award Letter, if Grantee fails to comply with any term or condition of this Grant or any terms of the Federal Award, the State may terminate some or all of this Grant and require Grantee to repay any or all Grant funds to the State in the State's sole discretion. The State may also terminate this Grant Award Letter at any time if the State has determined, in its sole discretion, that Grantee has ceased performing the Work without intent to resume performance, prior to the completion of the Work.

#### **12. DISPUTE RESOLUTION**

Except as herein specifically provided otherwise or as required or permitted by federal regulations related to any Federal Award that provided any of the Grant Funds, disputes concerning the performance of this Grant that cannot be resolved by the designated Party representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager or official designated by Grantee for resolution.

#### **13. NOTICES AND REPRESENTATIVES**

Each Party shall identify an individual to be the principal representative of the designating Party and shall provide this information to the other Party. All notices required or permitted to be given under this Grant Award Letter shall be in writing, and shall be delivered either in hard copy or by

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email to the representative of the other Party. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this §13.

#### **14. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION**

Grantee hereby grants to the State and Federal Awarding Agency a perpetual, irrevocable, non-exclusive, royalty free license, with the right to sublicense, to make, use, reproduce, distribute, perform, display, create derivatives of and otherwise exploit all intellectual property created by Grantee or any Subcontractors or Subgrantees and paid for with Grant Funds provided by the State pursuant to this Grant.

#### **15. GOVERNMENTAL IMMUNITY**

Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

#### **16. GENERAL PROVISIONS**

##### **A. Assignment**

Grantee's rights and obligations under this Grant are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Grantee's rights and obligations approved by the State shall be subject to the provisions of this Grant Award Letter.

##### **B. Captions and References**

The captions and headings in this Grant Award Letter are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Grant Award Letter to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

##### **C. Entire Understanding**

This Grant Award Letter represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Grant Award Letter.

##### **D. Modification**

The State may modify the terms and conditions of this Grant by issuance of an updated Grant Award Letter, which shall be effective if Grantee accepts Grant Funds following receipt of the updated letter. The Parties may also agree to modification of the terms and conditions of the Grant in a formal amendment to this Grant, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules. Modifications permitted under this Agreement, other than Agreement amendments, shall conform to the policies issued by the Colorado State Controller.

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- i. The State may, at the State's discretion, use an Option Letter or Grant Funding Change letter substantially equivalent to **Exhibit A1, Sample Option Letter** and **Exhibit A2, Sample Grant Funding Change Letter** to modify the grant agreement. If exercised, the provisions of the Grant Funding Change Letter shall become part of and be incorporated into the original grant.
- ii. The State may increase or decrease the quantity of goods/services described **Exhibit E, Statement of Work** and **Exhibit F, Budget** based upon the rates established in the Grant. If the State exercises the option, it will provide written notice to Grantee at least **15** days prior to the end of the current grant term in a form substantially equivalent to **Exhibit A1, Sample Option Letter**.

The State may add or delete the goods/services described **Exhibit E, Statement of Work** and **Exhibit F, Budget** as long as the change does not change the overall scope of the approved grant. If the State exercises the option, it will provide written notice to Grantee at least **15** days prior to the end of the current grant term in a form substantially equivalent to **Exhibit A1, Sample Option Letter**.

E. Statutes, Regulations, Fiscal Rules, and Other Authority

Any reference in this Grant Award Letter to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Grant Issuance Date. Grantee shall strictly comply with all applicable Federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. Digital Signatures

If any signatory signs this agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Contract by reference.

G. Severability

The invalidity or unenforceability of any provision of this Grant Award Letter shall not affect the validity or enforceability of any other provision of this Grant Award Letter, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under the Grant in accordance with the intent of the Grant.

H. Subcontracts and Subgrants

Grantee shall not enter into any subgrant or subcontract in connection with its obligations under this Agreement without the prior, written approval of the State. Grantee shall submit to the State a copy of each such subgrant or subcontract upon request by the State. All subgrants and subcontracts entered into by Grantee in connection with this Agreement shall comply with all applicable federal and state laws and regulations, shall provide that they are governed by the laws of the State of Colorado, and shall be subject to all provisions of this Agreement.

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I. Survival of Certain Grant Award Letter Terms

Any provision of this Grant Award Letter that imposes an obligation on a Party after termination or expiration of the Grant shall survive the termination or expiration of the Grant and shall be enforceable by the other Party.

J. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described above, this Grant Award Letter does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Any services or benefits which third parties receive as a result of this Grant are incidental to the Grant, and do not create any rights for such third parties.

K. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Grant Award Letter, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

L. Compliance with State and Federal Law, Regulations, and Executive Orders

Grantee shall comply with all State and Federal law, regulations, executive orders, State and Federal Awarding Agency policies, procedures, directives, and reporting requirements at all times during the term of this Grant.

M. Accessibility

Grantee shall comply with and adhere to Section 508 of the U.S. Rehabilitation Act of 1973, as amended, and §§24-85-101, *et seq.*, C.R.S. Grantee shall comply with all State of Colorado technology standards related to technology accessibility and with Level AA of the most current version of the Web Content Accessibility Guidelines (WCAG), incorporated in the State of Colorado technology standards and available at <https://www.w3.org/TR/WCAG21/>.

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**EXHIBIT A1, SAMPLE OPTION LETTER**

<b>State Agency</b> Insert Department's or IHE's Full Legal Name	<b>Option Letter Number</b> Insert the Option Number (e.g. "1" for the first option)
<b>Grantee</b> Insert Grantee's Full Legal Name, including "Inc.", "LLC", etc...	<b>Original Agreement Number</b> Insert CMS number or Other Agreement Number of the Original Contract
<b>Current Agreement Maximum Amount</b> Initial Term State Fiscal Year 20xx \$0.00	<b>Option Agreement Number</b> Insert CMS number or Other Agreement Number of this Option
Extension Terms State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00	<b>Agreement Performance Beginning Date</b> Month Day, Year
Total for All State Fiscal Years \$0.00	<b>Current Agreement Expiration Date</b> Month Day, Year

**1. OPTIONS:**

- A. Option to extend for an Extension Term
- B. Option to change the quantity of Goods under the Agreement
- C. Option to change the quantity of Services under the Agreement
- D. Option to modify Agreement rates
- E. Option to initiate next phase of the Agreement

**2. REQUIRED PROVISIONS:**

- A. **For use with Option 1(A):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option for an additional term, beginning Insert start date and ending on the current Agreement expiration date shown above, at the rates stated in the Original Agreement, as amended.
- B. **For use with Options 1(B and C):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to Increase/Decrease the quantity of the Goods/Services or both at the rates stated in the Original Agreement, as amended.
- C. **For use with Option 1(D):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to modify the Agreement rates specified in Exhibit/Section Number/Letter. The Agreement rates attached to this Option Letter replace the rates in the Original Agreement as of the Option Effective Date of this Option Letter.
- D. **For use with Option 1(E):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to initiate Phase indicate which Phase: 2, 3, 4, etc, which shall begin on Insert start date and end on Insert ending date at the cost/price specified in Section Number.
- E. **For use with all Options that modify the Agreement Maximum Amount:** The Agreement Maximum Amount table on the Agreement's Signature and Cover Page is hereby deleted and replaced with the Current Agreement Maximum Amount table shown above.

**3. OPTION EFFECTIVE DATE:**

- A. The effective date of this Option Letter is upon approval of the State Controller or \_\_\_\_\_, whichever is later.

<b>STATE OF COLORADO</b> Jared S. Polis, Governor INSERT-Name of Agency or IHE INSERT-Name & Title of Head of Agency or IHE  _____ By: Name & Title of Person Signing for Agency or IHE  Date: _____	In accordance with §24-30-202, C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate. <b>STATE CONTROLLER</b> <b>Robert Jaros, CPA, MBA, JD</b>  By: _____ Name of Agency or IHE Delegate-Please delete if agreement will be routed to OSC for approval  Option Effective Date: _____
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**EXHIBIT A2, GRANT FUNDING CHANGE LETTER**

<b>State Agency</b> Insert Department's or IHE's Full Legal Name	<b>Grant Funding Change Letter Number</b> Insert the Option Number (e.g. "1" for the first option)
<b>Contractor</b> Insert Contractor's Full Legal Name, including "Inc.", "LLC", etc...	<b>Original Grant Number</b> Insert CMS number or Other Contract Number of the Original Contract
<b>Current Contract Maximum Amount</b> Initial Term State Fiscal Year 20xx \$0.00	<b>Grant Funding Change Letter Contract Number</b> Insert CMS number or Other Contract Number of this Option
Extension Terms State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00 State Fiscal Year 20xx \$0.00	<b>Contract Performance Beginning Date</b> Month Day, Year
Total for All State Fiscal Years \$0.00	<b>Current Contract Expiration Date</b> Month Day, Year

**1. GRANT FUNDING CHANGE**

In accordance with §Insert Section Number of the Original Grant referenced above, the State Agency listed above commits the following funds to the grant:

- A. The funding available for State Fiscal Year 20xx is Increased/Decreased by \$Amount of Change, because Insert Reason For Change.
- B. The total funding avail for all State Fiscal Years as of the effective date of this Grant Funding Change Letter is shown as the current contract maximum above.

**2. TERMINOLOGY**

All terminology used in this Grant Funding Change Letter shall be interpreted in accordance with the Original Grant referenced above.

**3. NO ORDER FOR WORK**

This Grant Funding Change Letter modifies the available funding only and does not constitute an order or authorization for any specific services or goods under the Grant.

**4. GRANT FUNDING CHANGE LETTER EFFECTIVE DATE:**

The effective date of this Grant Funding Change Letter is upon approval of the State Controller or \_\_\_\_\_, whichever is later.

<p><b>STATE OF COLORADO</b>                  Jared S. Polis, Governor                  INSERT-Name of Agency or IHE                  INSERT-Name &amp; Title of Head of Agency or IHE</p> <p>_____                  By: Name &amp; Title of Person Signing for Agency or IHE</p> <p>Date: _____</p>
<p>In accordance with §24-30-202 C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p><b>STATE CONTROLLER</b>  <b>Robert Jaros, CPA, MBA, JD</b></p> <p>By: _____                  Name of Agency or IHE Delegate-Please delete if contract will be routed to OSC for approval</p> <p>Grant Funding Change Letter Effective Date: _____</p>

Grantee: City of Lakewood  
Project: Lakewood Municipal Court/Probation Department -  
Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

## **EXHIBIT B, GRANT REQUIREMENTS**

The following terms as used herein shall be construed and interpreted as follows:

### **1. AUDIT REQUIREMENTS**

#### **A. DUE DATE:**

##### **I. PROJECT START:**

The Grantee must submit the most recent audit or financial review, including the corresponding management letter, to DCJ within thirty (30) days of request; and, if the most recent audit/financial review has not already been submitted to DCJ, it must be submitted within thirty (30) days of the start of this project.

##### **II. PROJECT DURATION AND END:**

The Grantee assures that it will procure an audit or financial review, incorporating this grant award, by an independent Certified Public Accountant (CPA), licensed to practice in Colorado. The audit or financial review incorporating this grant award must be completed and received by DCJ within nine (9) months of the end of the fiscal years that includes the end date of the grant, or within thirty (30) days of the completion of such audit or review, whichever is earlier. Failure to do

#### **B. REPORT/AUDIT TYPE:**

- I.** If your entity expended \$750,000 or more in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), your organization is required to arrange for a single organization-wide audit conducted in accordance with the provisions of Title 2 C.F.R. Subpart F (§ 200.500 et seq.)
- II.** If your entity expends less than \$750,000 in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), your organization is required to arrange for either an audit or financial review as follows:
  1. Grantees that have revenue greater than \$300,000 from all sources during the entity's fiscal year are required by DCJ to obtain a financial audit
  2. Grantees that have revenue less than \$300,000 from all sources during the entity's fiscal year are required by DCJ to obtain a financial audit or financial review. A compilation is not sufficient to satisfy this requirement.

#### **C. REPORT/AUDIT COSTS:**

The Grantee accepts responsibility for the costs of a financial program audit to be performed by the Department of Public Safety in the event that the audit report or financial review:

- I.** does not meet the applicable federal audit or DCJ standards;
- II.** is not submitted in a timely manner; or,
- III.** does not provide an audit response plan with corresponding corrections made sufficient to satisfy any audit findings.

Grantee: City of Lakewood  
Project: Lakewood Municipal Court/Probation Department -  
Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

#### **D. FAILURE TO COMPLY:**

The grantee understands and agrees that DCJ or the federal awarding office (DOJ) may withhold award funds, or may impose other related requirements, if the grantee does not satisfactorily and promptly address outstanding issues from audits required by Part 200 Uniform Requirements, by the terms of this award, by the current addition of the DOJ Grants Financial Guide, or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

#### **2. ADDITIONAL REPORTING REQUIREMENTS**

In addition to quarterly report requirements these grant funds may have additional report requirements. The additional reports may include, but is not limited to, reporting progress and statistics directly into a federal Performance Management Tool (PMT).

#### **3. FINANCIAL AND ADMINISTRATIVE MANAGEMENT**

- A. The Grantee assures that fund accounting, auditing, monitoring, evaluation procedures and such records as necessary will be maintained to assure adequate internal fiscal controls, proper financial management, efficient disbursement of funds received, and maintenance of required source documentation for all costs incurred. These principles must be applied for all costs incurred whether charged on a direct or indirect basis.
- B. All expenditures must be supported by appropriate source documentation. Only actual, approved, allowable expenditures will be permitted.
- C. The Grantee assures that it will comply with the applicable Administrative Guide of the Division of Criminal Justice (Guide), located at the Division of Criminal Justice Grants website. However, such a guide cannot cover every foreseeable contingency, and the Grantee is ultimately responsible for compliance with applicable state and federal laws, rules and regulations. In the event of conflicts or inconsistencies between the Guide and any applicable state and federal laws, rules and regulations, such conflicts or inconsistencies shall be resolved by applicable state and federal laws, rules and regulations.

#### **4. PROCUREMENT AND CONTRACTS**

- A. Grantee assures that open, competitive procurement procedures will be followed for all purchases under the grant. All contracts for professional services, of any amount, and equipment purchases over five thousand dollars (per item, with a useful life of at least one year) must receive prior approval by the DCJ. Grantee shall submit Form 16 – Professional Services/Consultant Certification and/or Form 13 – Equipment Procurement Certification Form.
- B. Grantee may not assign its rights or duties under this grant without the prior written consent of the DCJ.

#### **5. AWARD CHANGE REQUESTS**

Grantee may request budget modifications by submitting a request to DCJ. DCJ reserves the right to make and authorize modifications, adjustments, and/or revisions to the Contract for the purpose of making changes in budget categories, extensions of grant award dates, changes in goals and objectives, and other modifications as described in the body of the Contract.

Grantee: City of Lakewood

Project: Lakewood Municipal Court/Probation Department -

Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

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### **EXHIBIT C, SPECIAL CONDITIONS**

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

The following Special Conditions documents, if checked, are incorporated herein.

2020 Justice Assistance Grant (JAG) Special Conditions

Grantee: City of Lakewood

Project: Lakewood Municipal Court/Probation Department -

Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

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**EXHIBIT D, STATEMENT OF WORK**

The Statement of Work contained within the DocuSign Envelope is incorporated herein.

Grantee: City of Lakewood

Project: Lakewood Municipal Court/Probation Department -

Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

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**EXHIBIT E, BUDGET**

The Budget and Budget Narrative contained within the DocuSign Envelope is incorporated herein.

Grantee: City of Lakewood

Project: Lakewood Municipal Court/Probation Department -

Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

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### **EXHIBIT F, FEDERAL REQUIREMENTS**

The following federal requirements are imposed by the Federal sponsoring agency concerning special requirements of law. These requirements apply to this Agreement and must be passed on to subgrants and subcontractors.

The following federal requirements documents, if checked, are incorporated herein.

2020 Federal Requirements

2020 – Edward Byrne Memorial Justice Assistance Grant Program (JAG) Special Conditions

## 2020 – Edward Byrne Memorial Justice Assistance Grant Program (JAG) Special Conditions

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to Grantees and must be passed on to subgrant award recipients.

1. Cooperating with OJP Monitoring

The grantee agrees to cooperate with the Division of Criminal Justice (DCJ) and/or Federal Office of Justice Programs (OJP) monitoring of this award pursuant to DCJ's and/or OJP's guidelines, protocols, and procedures, and to cooperate with DCJ and/or OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The grantee agrees to provide to DCJ and/or OJP all documentation necessary for DCJ and/or OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the grantee agrees to abide by reasonable deadlines set by DCJ and/or OJP for providing the requested documents. Failure to cooperate with DCJ and/or OJP's monitoring activities may result in actions that affect the grantee's DCJ and/or DOJ awards, including, but not limited to: withholdings and/or other restrictions on the grantee's access to award funds; referral to the DOJ OIG for audit review; designation of the grantee as a DCJ and/or DOJ High Risk grantee; or termination of an award(s).

2. Required monitoring of subawards

The grantee must monitor subawards under this JAG award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the grantee is responsible for oversight of subgrantee spending and monitoring of specific outcomes and benefits attributable to use of award funds by subgrantees. The grantee agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

3. Use of Program Income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Program Income Report (DCJ Form 1-B).

4. Justice Information Sharing

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, the grantee (and any subgrantee at any tier) must comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular award. The grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [https://it.ojp.gov/gsp\\_grantcondition](https://it.ojp.gov/gsp_grantcondition). The grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

We are not sharing info to multi-agency

5. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between

2020 – Edward Byrne Memorial Justice Assistance Grant Program (JAG) Special Conditions

jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of DCJ and/or BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

6. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the grantee (and any subgrantee at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if DCJ and/or OJP determines this regulation to be applicable. Should DCJ or OJP determine 28 C.F.R. Part 23 to be applicable, DCJ and/or OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the grantee may be fined as per 42 U.S.C. 3789g(c)-(d). The grantee may not satisfy such a fine with federal funds.

7. Protection of human research subjects

The grantee (and any subgrantee at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

8. Confidentiality of data

The grantee (and any subgrantee at any tier) must comply with all confidentiality requirements of 42 U.S.C. 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The grantee further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

9. Verification and updating of Project Officials

Grantee must maintain its Project Director, Financial Manager, and Authorized Representative (Signature Authority), including telephone number and e-mail address. If any information is incorrect or has changed, a Change in Project Official (DCJ Form 4-B) must be submitted to DCJ within 15 days of project official change.

10. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement. The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the grantee must compile and maintain a task force personnel roster, along with course completion certificates. Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).

2020 – Edward Byrne Memorial Justice Assistance Grant Program (JAG) Special Conditions

11. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the grantee (or any subgrantee at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the grantee (or subgrantee, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS relevant "eligible records".

In the event of minor and transitory non-compliance, the grantee may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subgrantee compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

12. Required attendance at BJA-sponsored events

The grantee (and its subgrantees at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon DCJ's and/or BJA's request.

13. Compliance with National Environmental Policy Act and related statutes

Upon request, the grantee (and any subgrantee at any tier) must assist DCJ and/or BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the grantee agrees to contact DCJ.

The grantee understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

2020 – Edward Byrne Memorial Justice Assistance Grant Program (JAG) Special Conditions

- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these award funds, the grantee, upon specific request from DCJ and/or BJA, agrees to cooperate with DCJ and/or BJA in any preparation by DCJ and/or BJA of a national or program environmental assessment of that funded program or activity.

14. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

15. Certification of body armor "mandatory wear" policies

The grantee agrees to submit a signed certification that all law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The grantee must keep signed certifications on file for any subgrantees planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

16. Body armor - compliance with NIJ standards

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

17. Reporting requirements

The grantee must submit quarterly Financial Reports (DCJ Form 1-A) and Narrative Reports (DCJ Form 2Q), and a Final Narrative Report (DCJ Form 2F). A Final Financial Report (DCJ Form 1-A), may be required if the final expenditures are not included in the last quarterly financial report. DCJ will compile grantee data and report to OJP. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the grantee must provide data that measure the results of its work. Grantee's failure to submit required

## 2020 – Edward Byrne Memorial Justice Assistance Grant Program (JAG) Special Conditions

JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

### 18. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

### 19. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

- 1) State or local government or a "public" institution of higher education, incurs to implement this  
**IMPORTANT NOTE:** Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

### 20. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from DCJ.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

Grantee: City of Lakewood  
Project: Lakewood Municipal Court/Probation Department -  
Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

## EXHIBIT D – STATEMENT OF WORK

### Project Summary

Lakewood Probation will utilize a validated risk assessment to direct sentencing recommendations and appropriate therapeutic interventions based on each client's unique risk and needs, further providing funding to streamline access to treatment. The Municipal Opportunity to Secure & Sustain Treatment program (MOSST) will increase access to meaningful treatment and reduce the financial burden experienced by probation clients court ordered to participate in therapeutic interventions. At the municipal level with no funding to pay for treatment, financial barriers prevent offenders from participating in treatment services that could divert them out of the justice system. The MOSST program will be evaluated for effectiveness based on success in getting offenders enrolled into court-ordered treatment, successful completion of the court-ordered treatment, and whether offenders are able to locate sustainable funding sources to ensure continued follow-through with recommended treatment.

### Project Plan

MOSST (Municipal Opportunities to Secure & Sustain Treatment) will use best practices to ensure defendants who are sentenced to probation and court ordered to obtain evaluations specific to mental health, substance abuse, domestic violence, or sex offenses are able to do so. The funds will then be used to initiate any treatment recommendations which stem from the evaluation until alternative funds become available.

Probation officers will be trained to use the selected risk assessment tool, the Ohio Risk Assessment System-Misdemeanor Assessment Tool (ORAS-MAT). The ORAS-MAT has been validated for adult offenders charged with misdemeanors, can be completed within five to fifteen minutes and can accurately predict risk to reoffend. The assessment tool can only be used by agencies that have received formal training through the University of Ohio Center for Criminal Justice Research (UC-CCJR). Utilizing a validated risk assessment is an evidence-based practice to provide guidance for sentencing recommendations based on the clients' criminogenic risks and protective factors. Probation will create a continuum of services to offer clients based on their score on the ORAS-MAT and implement case plans to address risks to reoffend.

Pre-sentence Investigations will be conducted to help identify a defendant's criminogenic factors and reoffending risks. Sentencing recommendations will be tailored to the clients' specific needs and meaningful therapeutic interventions will be referred. Funding will reduce financial barriers experienced by clients and allow for intakes to be scheduled in a timely manner. Lakewood Probation Department has established strong collaborative relationships with various treatment providers and community partners (Creative Treatment Options, National Institute for Change, PFA, AB Counseling, Colorado Coalition for the Homeless, Jefferson County Workforce and Jefferson Center for Mental Health, this list is not all inclusive) in the Denver Metro Area. These relationships will assist in making appropriate recommendations for each client and assisting the client to locate sustaining funding for continued treatment throughout their supervision or treatment post supervision.

Grantee: City of Lakewood  
 Project: Lakewood Municipal Court/Probation Department -  
 Municipal Opportunity to Secure & Sustain Treatment (MOSST)

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Employment records and proof of income information will be required to determine eligibility for grant funding on a case by case basis. Probation officers will work with their clients to develop a budget to ensure clients are taking care of their financial responsibility of their case in addition to pay for the items they need to survive. If the client is not currently employed, probation would work with the client to participate in programs offered by Jefferson County Business and Workforce Center to working towards obtaining employment. Eligibility for the MOSST program will be determined based on the 2021 Income Eligibility Guideline. Defendants who are eligible will sign contracts indicating they understand the extent and limitations of MOSST funding. Probation will require clients to pay a small portion of the funded service for accountability and buy-in. The expectation will be for the client to secure a sustainable funding source for their treatment service during their supervision. That sustainable funding source could be Medicaid, private insurance, engaging with a treatment provider that offers services at a rate they can afford on their own or securing employment to continue to pay for services. Probation will make treatment referrals and confirm "voucher" eligibility and availability with a provider prior to the treatment evaluations being scheduled. Set up a voucher system within pre-existing reporting systems to pay for services with agencies to make this transition easier with the treatment providers. Progress will be evaluated by the number of defendants sentenced to probation and court ordered to obtain a treatment evaluation and complete a treatment program versus the number of defendants who utilize grant funding to successfully complete an evaluation or complete their recommended treatment program.

The Chief Probation Officer and adult probation officers will be responsible for referring and maintaining the grant. Preston Wilhite will be the lead probation officer to collect data and track funding expenses. This grant will allow our department to purchase training and implement a validated risk assessment to guide sentencing recommendations and ensuring the best use of our limited resources. Additionally, funding for offenders to enroll and participate in court-ordered treatment will increase successful completions due to removing the financial barrier to compliance. Offenders ability to receive and continue to participate in treatment affords opportunities to learn positive life skills which may reduce the chance of continued referrals to the criminal justice system.

## Goals & Outcomes

### GOAL 1

Goal 1 Probation officers and supervisor will implement the use of the Ohio Risk Assessment System-Misdemeanor Tool (ORAS-MAT) during the Pre-Sentence Investigation (PSI) to direct sentencing recommendations.

#### Outcome 1.1

Outcome Probation officers and supervisor will receive training on how to score and use the ORAS-MAT.

Measurement Certificate of training completion will verify six probation officers and one supervisor fulfilled the requirements to execute the assessment tool.

Timeframe By the end of Q1

Grantee: City of Lakewood  
Project: Lakewood Municipal Court/Probation Department -  
Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

**Outcome 1.2**

**Outcome** Probation officers will use the ORAS-MAT during PSI appointments with adult offenders charged with a non-domestic violence offense.

**Measurement** ORAS-MAT will be used on 100% of the adult offenders charged with a non-domestic violence offense during the PSI to build sentencing recommendations with appropriate therapeutic interventions based on each offender's unique risks, needs and protective factors.

**Timeframe** By the end of Q2

**GOAL 2**

**Goal 2** MOSST funding will be approved to provide full or partial payment for court-ordered treatment requirements for eligible offenders.

**Outcome 2.1**

**Outcome** Probation clients required to complete court-ordered treatment identified as eligible for financial assistance will receive funding to meet their need.

**Measurement** 100% of clients who meet eligibility requirement will be approved to receive grant funding and tracked in the reporting database.

**Timeframe** By the end of Q4

**Outcome 2.2**

**Outcome** Improve access to treatment by efficiently and effectively completing the referral process with the client and assist in scheduling initial intake, if needed, for a warm hand off with the treatment provider.

**Measurement** 100% of clients who meet eligibility requirements will be referred to a treatment provider and receive assistance in scheduling their intake/evaluation.

**Timeframe** By the end of Q4

**GOAL 3**

**Goal 3** MOSST program will reduce financial barriers for offenders accessing, participating and completing court-ordered treatment.

**Outcome 3.1**

**Outcome** The MOSST program will increase enrollment in court-ordered treatment for eligible offenders.

**Measurement** 70% of eligible offenders will obtain an evaluation and commence treatment utilizing funding made available.

**Timeframe** By the end of Q4

Grantee: City of Lakewood  
Project: Lakewood Municipal Court/Probation Department -  
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**Outcome 3.2**

**Outcome** The MOSST program will increase successful participation in on-going court-ordered treatment for eligible offenders.

**Measurement** 50% of eligible offenders will successfully participate in recommended treatment for a minimum of 10 treatment sessions, if multiple sessions are recommended by provider or prolonged treatment requirement.

**Timeframe** By the end of Q4

**Outcome 3.3**

**Outcome** The MOSST program will increase successful completion of court-ordered treatment for eligible offenders.

**Measurement** 60% of eligible offenders tracked as having utilized MOSST funding, will successfully complete court-ordered treatment.

**Timeframe** By the end of Q4

Grantee: City of Lakewood  
 Project: Lakewood Municipal Court/Probation Department -  
 Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

**Exhibit E – Budget**

<b>Budget Summary Requested/Awarded</b>						
	Grant Funds	Cash Match	In-Kind Match	Match Total	Project Total	
Personnel	\$0	\$0	\$0	\$0	\$0	
Supplies & Operating	\$10,800	\$0	\$0	\$0	\$10,800	
Travel	\$0	\$0	\$0	\$0	\$0	
Equipment	\$0	\$0	\$0	\$0	\$0	
Consultants / Contracts	\$189,192	\$0	\$0	\$0	\$189,192	
Indirect	\$0	\$0	\$0	\$0	\$0	
<b>Total</b>	<b>\$199,992</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$199,992</b>	

<b>Personnel: Budget &amp; Budget Narrative Details</b>													
Position Title	Annual Base Salary	Annual Base Salary To Be Paid By Grant Funds	% To Be Paid By Grant Funds	Annual Fringe	Annual Fringe To Be Paid By Grant Funds	% To Be Paid By Grant Funds	Total Annual Base Salary + Fringe	Total Base Salary + Fringe To Be Paid By Grant Funds	OT - Annual Base Salary	OT - Annual Base Salary To Be Paid By Grant Funds	OT - Annual Fringe	OT - Annual Fringe To Be Paid By Grant Funds	Total To Be Paid By Grant Funds (including overtime)
NA	\$0	\$0	0%	\$0	\$0	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Budget Narrative and Justification:</b>													
<b>Personnel Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>0%</b>	<b>\$0</b>	<b>\$0</b>	<b>0%</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Non-Personnel: Budget &amp; Budget Narrative Details</b>		
Budget Item	Amount To Be Paid By Grant Funds	Budget Narrative and Justification
<b>SUPPLIES &amp; OPERATING</b>		
Housing & Bus Passes	\$10,800	900/mo. x 12 mo. 7) Crime research indicates a large overlap in populations experiencing homelessness and their continued involvement with the criminal justice system (Burrows, 2019). Probationers are often in need of temporary housing or hotel vouchers on their way to stabilization. Probationers are more often engaged in treatment if stable housing is secured and have a method of transportation for attending treatment sessions and court related appointments.
<b>Supplies &amp; Operating Total</b>	<b>\$10,800</b>	
<b>TRAVEL</b>		
NA	\$0	
<b>Travel Total</b>	<b>\$0</b>	
<b>EQUIPMENT</b>		
	\$0	
<b>Equipment Total</b>	<b>\$0</b>	

Grantee: City of Lakewood  
 Project: Lakewood Municipal Court/Probation Department -  
 Municipal Opportunity to Secure & Sustain Treatment (MOSST)

DCJ Grant #: 2020-DJ-21-05-1-1

<b>CONSULTANTS/CONTRACTS (PROFESSIONAL SERVICES)</b>		
Treatment Intakes/Evals	\$28,800	<p>\$2400/mo. x 12 mos. 4) Treatment Intakes and/or evaluations are required by providers for every individual referred for court ordered services. This process is needed to help determine risks and needs in developing a treatment plan necessary to begin and complete treatment. The completion of treatment is critical to the successful completion of probation. The probation department will develop a plan to determine offender eligibility on a case by case basis.</p> <p>Implementing a validated risk assessment is imperative to the effectiveness of the Probation Department appropriately identifying the criminogenic risks and needs of each client. The Lakewood Municipal Court is committed to utilizing evidence-based practices to reduce crime and delinquency.</p>
DV Treatment Sessions	\$69,600	<p>\$5,800/mo. x 12 mos. 3) Colorado Revised Statute 18-6-801 states any individual convicted of any crime in which domestic violence is the underlying factual basis, shall be ordered to complete a domestic violence treatment evaluation and, if ordered, a treatment program which conforms with the standards adopted by the Domestic Violence Management Board (DVOMB). A DV evaluation is court ordered for every sentenced DV offender, with costs ranging from \$40.00-\$120.00 each.</p>
Substance Abuse Treatment	\$26,400	<p>\$2200/mo. x 12 mos. All treatment rates are based on known evaluation and treatment cost at the time of the grant application. The cost of sessions range from \$30.00 to \$35.00 each. The probation department will develop a plan to determine offender eligibility on a case by case basis.</p>
Mental Health/Individual	\$26,400	<p>Mental Health/Individual Treatment Sessions, \$2200/mo. x 12 mos.</p> <p>Depending on identified risks/need and treatment recommendations, an individual could be required to attend anywhere from four to twelve counseling sessions per month. The cost of sessions range from \$30.00 to \$65.00 each. The probation department will develop a plan to determine offender eligibility on a case by case basis.</p>
Monitored Sobriety/MAT/EH	\$27,996	<p>Monitored Sobriety/MAT/EHM (misc), \$2333/mo. x 12 mo.6)</p> <p>Monitored sobriety recommended and often needed by treatment providers and the courts as a resourceful method in examining progress and court ordered compliance. Drug testing requirements vary for each probationer.</p>
Employee Training	\$9,996	<p>\$6,500 to purchase the risk assessment training, this will pay for up to 15 staff members to be trained. Only trained staff can conduct the assessment on offenders to uphold the validity of the tool. This training will include probation staff (7), judges (3) and municipal prosecutors (5). The remaining balance of \$3,496 in the training budget will be divided between probation staff; \$500 per probation officer (6) and \$496 for the Chief Probation Officer (1) for additional training needs. This additional training for each probation officer is needed to stay abreast of evidence-based practices for court-ordered treatment services to ensure referrals are made to the agencies and therapeutic services following best practices for offenders to reduce their risk of further penetration in justice system.</p>
<b>Consultants/Contracts Total</b>	<b>\$189,192</b>	
<b>INDIRECT</b>		
NA	\$0	
<b>Indirect Total</b>	<b>\$0</b>	
<b>Total Non-Personnel</b>	<b>\$199,992</b>	

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### **1. APPLICABILITY**

The Division of Criminal Justice (DCJ) issues federal grants from two Department of Justice (DOJ) offices: the Office of Justice Programs (OJP) and the Office on Violence Against Women (OVW). All awards conditions set out below apply to both OJP and OVW funded grants, with the exception of the conditions labelled as: "Recipients of OVW grant dollars only" which only apply to OVW funded awards.

References to the DOJ apply to both OJP and OVW funded grants.

Individual awards will also include special conditions. Those additional conditions may relate to the particular statute, program, or solicitation under which the award is made; to the substance of the funded application; to the subrecipient's performance under other federal awards; to the subrecipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

### **2. RECIPIENT**

For the purposes of this document, the term "recipient" refers to the Legal Entity Name listed on the Division of Criminal Justice (DCJ) Grant Award Document issued to a grantee receiving federal grants funds from DCJ. The term Recipient and Grantee are used interchangeable within this Exhibit.

### **3. ENSURING COMPLIANCE OF SUBGRANTEES (SUBRECIPIENTS)**

Grantee is responsible for notifying any subgrantee (subrecipient), issued under this grant, of all provisions herein. Grantee is responsible for monitoring any subgrantee (subrecipient) for compliance all the provisions herein.

### **4. GENERAL CONDITIONS**

#### **A. Requirements of the award; incorporation by reference; remedies for non-compliance or for materially false statements**

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Division of Criminal Justice (DCJ) and/or Office of Justice Programs ("OJP") or Office on Violence Against Women ("OVW") taking appropriate action with respect to the recipient and the award. Among other things, the DCJ and/or Department of Justice "DOJ" may withhold award funds, disallow costs, or suspend or terminate the award. DCJ and DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it

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the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or - unenforceable, such provision shall be deemed severable from this award.

### **B. Applicability of Part 200 Uniform Requirements**

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award.

For more information and resources on the Part 200 Uniform Requirements as they relate to DOJ awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final financial report (DCJ Form 1-A), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

Agency review: The Grantee also agrees that all financial records pertinent to this award, including the general accounting ledger and all supporting documents, are subject to agency review throughout the life of the award, during the close-out process, and for three years after submission of the final Financial Report (DCJ Form 1A) or as long as the records are retained, whichever is longer, pursuant to 2 C.F.R. 200.333, 200.336.

In the event that an award-related question arises from documents or other materials prepared or distributed by DOJ that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact DCJ promptly for clarification.

### **C. Compliance with DOJ Grants Financial Guide**

The recipient agrees to comply with the current edition of the DOJ Grants Financial Guide as posted on the OVW website, including any updated version that may be posted during the period of performance. References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance.

### **D. Reclassification of various statutory provisions to a new Title 34 of the United States Code**

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to DOJ awards (that is, DOJ grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a

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reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

### **E. Requirements related to "de minimis" indirect cost rate**

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements

### **F. Requirement to report potentially duplicative funding**

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify DCJ in writing of the potential duplication, and, if so requested by DCJ, must seek a budget-modification and change-of-project to eliminate any inappropriate duplication of funding.

### **G. Requirements related to System for Award Management and Universal Identifier Requirements/Unique Entity Identifiers**

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/SAM/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

DCJ must comply with applicable restrictions on subawards Grantees, including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of DCJ's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

### **H. Employment eligibility verification for hiring under the award**

1. The recipient (and any subrecipient at any tier) must—
  - a. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or

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any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

- b. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—
  - (1) this award requirement for verification of employment eligibility, and
  - (2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.
- c. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).
- d. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

**2. Monitoring**

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

**3. Allowable costs**

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

**4. Rules of construction**

**a. Staff involved in the hiring process**

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

**b. Employment eligibility confirmation with E-Verify**

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.everify.gov](http://www.everify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

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- c. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.
- d. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.
- e. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to DCJ, before award acceptance.

**I. Requirement to report actual or imminent breach of personally identifiable information (PII)**

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)--(1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of a DOJ grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to DCJ no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

**J. All subawards ("subgrants") and contracts must have DCJ authorization**

The recipient, and any subrecipient ("subgrantee") at any tier, must receive approval from DCJ prior to issuing a subaward or a procurement contract under this award.

**K. Specific post-award approval required to use a noncompetitive approach in any procurement contract**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP or OVW considers a procurement "contract" (and therefore does not consider a subaward).

**L. Unreasonable restrictions on competition under the award; association with federal government**

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition,

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the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

- a. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or - subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.
- b. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

**M. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP or OVW authority to terminate award)**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients,

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subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

1. Section A. Provisions applicable to a recipient that is a **private entity**

a. During the period of time that this award is in effect, the recipient, the recipient's employees, any subrecipient ("subgrantee"), and the employees of any subrecipient may not engage in--

- (1) Severe forms of trafficking in persons;
- (2) Procurement of a commercial sex act;
- (3) Use of forced labor in the performance of the award or any subaward ("subgrant") under the award;
- (4) Acts that directly support or advance trafficking in persons, including acts such as:

(a) Denying an employee access to the employee's own identity or immigration documents (including by destroying or confiscating such documents);

(b) Without legally-sufficient justification as determined by OJP or OVW, failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;

(c) Using materially false or fraudulent pretenses, representations, or promises regarding the employment to solicit a person for employment, or in an offer of employment;

(d) Charging recruited employees placement or recruitment fees; or

(e) Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.

b. OJP or OVW as the federal awarding agency may unilaterally terminate this award, without penalty, if the agency official authorized to terminate the award determines that the recipient or a subrecipient ("subgrant") that is a private entity--

(1) Violated a prohibition in section 1.a of this award condition; or

(2) Has an employee who violated a prohibition in section 1.a of this award condition through conduct that is either--

(a) Associated with performance under this award; or

(b) Imputed to the recipient or the subrecipient ("subgrantee") using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.

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2. Section B. Provisions applicable to a recipient **other than** a private entity
  - a. During the period of time that the award is in effect, any subrecipient ("subgrantee") that is a private entity, and the employees of any subrecipient that is a private entity, may not engage in--
    - (1) Severe forms of trafficking in persons;
    - (2) Procurement of a commercial sex act;
    - (3) Use of forced labor in the performance of the award or any subaward ("subgrant") under the award;
    - (4) Acts that directly support or advance trafficking in persons, including acts such as:
      - (a) Denying an employee access to the employee's own identity or immigration documents (including by destroying or confiscating such documents);
      - (b) Without legally-sufficient justification as determined by OVW or OJP, failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;
      - (c) Using materially false or fraudulent pretenses, representations, or promises regarding the employment to solicit a person for employment, or in an offer of employment;
      - (d) Charging recruited employees placement or recruitment fees; or
      - (e) Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.
  - b. OJP or OVW as the federal awarding agency may unilaterally terminate this award, without penalty, if the agency official authorized to terminate the award determines that a subrecipient ("subgrantee") under this award that is a private entity--
    - (1) Violated a prohibition in section **2.a** of this award condition; or
    - (2) Has an employee who violated a prohibition in section **2.a** of this award condition through conduct that is either--
      - (a) Associated with performance under this award; or
      - (b) Imputed to the subrecipient ("subgrantee") using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.
3. Section C. Provisions applicable to **all recipient and subrecipients**
  - a. The recipient must inform DCJ promptly, and without delay, of any information the recipient receives from any source alleging a violation of a prohibition in section **1.a** or **2.a** of this award condition.

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- b. OJP or OVW's authority to terminate this award unilaterally (without penalty), described in section 1.b and 2.b of this award condition:
    - (1) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA) (22 U.S.C. 7104(g)), and
    - (2) Is in addition to any and all other remedies for noncompliance that are available to OJP or OVW with respect to this award, whether under the TVPA (see, e.g., 22 U.S.C. 7104b) or other applicable law.
  - c. The recipient must include and incorporate all applicable provisions of this award condition in any subaward ("subgrant") the recipient makes to a private entity.
4. Section D. Definitions.

For purposes of this award condition:

- a. "Employee" means either:
  - (1) An individual employed by the recipient or by a subrecipient ("subgrantee") who is engaged in the performance of the project or program under this award; or
  - (2) Another person engaged in the performance of the project or program under this award, whether or not compensated with award funds, including, but not limited to, a volunteer, an individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements, or an agent (including a labor recruiter or broker).
- b. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- c. "Private entity":
  - (1) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. 175.25.
  - (2) Includes:
    - (a) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. 175.25(b).
    - (b) A for-profit organization.
- d. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA (22 U.S.C. 7102).

**N. Determination of suitability to interact with participating minors**

SCOPE. This condition applies to this award if it is indicated that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

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The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

1. Advance determination regarding suitability. The recipient (and any subrecipient at any tier) may not permit any covered individual to interact with any participating minor in the course of activities under the award, unless the recipient or subrecipient first has made a written determination of the suitability of that individual to interact with participating minors, based on current and appropriate information as described in paragraph 3.e., and taking into account the factors and considerations described in paragraph 4.
2. Updates and reexaminations
  - a. The recipient (or subrecipient) must, at least every five years, update the searches described in paragraph 3.e.1. and 2., reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination.
  - b. The recipient also must reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.
3. Definitions
  - a. "Covered individual" means any individual (other than a participating minor, as defined in this condition, or a client of the recipient (or subrecipient)) who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with the recipient (or subrecipient). Such an individual might be an employee of a recipient (or subrecipient), but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.
  - b. "Participating minor." All individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the award document are participating minors.
  - c. "Interaction" includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. But "interaction" does not include--
    - (1) brief contact that is both unexpected by the recipient (or subrecipient) and unintentional on the part of the covered individual -- such as might occur when a postal carrier delivers mail to an administrative office.
    - (2) personally-accompanied contact -- that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the recipient (or subrecipient) that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition

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will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.

- d. "Activities under the award." Whether paid for with federal funds from the award, "matching" funds included in the approved budget for the award, or "program income" for the award as defined by the Part 200 Uniform Requirements, activities under the award include both--

- (1) activities carried out under the award by the recipient (or subrecipient); and
- (2) actions taken by an entity or individual pursuant to a procurement contract under the award or to a procurement contract under a subaward at any tier.

- e. "Current and appropriate information"

In addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by the recipient's (or subrecipient's) written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

- (1) Public sex offender and child abuse websites/registries

A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably- accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including--

- (a) the Dru Sjodin National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov));
- (b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
- (c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

- (2) Criminal history registries and similar repositories of criminal history records

For each individual at least 18 years of age who is a covered individual under this award, a fingerprint search (or, if the recipient or subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) -- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including--

- (a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and

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- (b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

**4. Factors and considerations in determinations regarding suitability**

In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the recipient's (or subrecipient's) written policies and procedures, in making a determination regarding suitability, the recipient (or subrecipient) must consider the current and appropriate information described in paragraph 3.e.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the recipient (or subrecipient) may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual--

- a. Withholds consent to a criminal history search required by this condition;
- b. Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- c. Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
- d. To the knowledge of the recipient (or subrecipient), has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):
  - (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
  - (2) rape/sexual assault, including conspiracy to commit rape/sexual assault;
  - (3) sexual exploitation, such as through child pornography or sex trafficking;
  - (4) kidnapping;
  - (5) voyeurism; or
- e. Is determined by a federal, state, tribal, or local government agency not to be suitable.

**5. Administration; rule of construction**

- a. The requirements of this condition are among those that must be included in any subaward (at any tier), and must be monitored. They apply as of the date of acceptance of this award, and throughout the remainder of the period of performance.
- b. The recipient is to contact the DOJ awarding agency with any questions regarding the requirements of this condition and must not allow a covered individual to interact with a participating minor until such questions are answered.

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- c. Award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition, provided that such funds would not supplant non-federal funds that would otherwise be available for such costs.
- d. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal, state, tribal, or local law, including any applicable civil rights or nondiscrimination law.

### **O. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

**Recipients of OVW grant dollars only:** Additional information on the pertinent to this award appears on the OVW website at <https://www.justice.gov/ovw/conference-planning>.

### **P. Requirement for data on performance and effectiveness under the award**

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to DCJ and/or DOJ in the manner (including within the timeframes) specified by DCJ in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

### **Q. Training Guiding Principles**

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with DOJ award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm> , or the OVW Training Guiding Principles for Grantees and Subgrantees, available at <https://www.justice.gov/ovw/resources-and-faqs-grantees#Discretionary>.

### **R. Effect of failure to address audit issues**

The recipient understands and agrees that the DCJ or the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DCJ or DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

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**S. Potential imposition of additional requirements**

The recipient agrees to comply with any additional requirements that may be imposed by the DCJ during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DCJ high-risk grantee list.

**T. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

**U. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

**V. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

**W. Restrictions on "lobbying" and policy development**

In general, as a matter of federal law, federal funds awarded by DOJ may not be used by the grantee, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

**Recipients of OVW grant dollars only:**

The recipient, or any subrecipient ("subgrantee") may, however, use federal funds to collaborate with and provide information to federal, state, local, tribal and territorial

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public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. § 12291(a)) when such collaboration and provision of information is consistent with the activities otherwise authorized under this grant program.

Another federal law generally prohibits federal funds awarded by DOJ from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ and the DOJ awarding agency (OJP or OVW, as appropriate).

### **X. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020)**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2020, are set out below, and are incorporated by reference here.

**Background.** The federal appropriations statutes that provide (among many other things) the funds that OJP awards in its grants and cooperative agreements include various restrictions on how the federal appropriated funds may be used. These restrictions, which often appear in sets of "General Provisions," typically do not relate to a particular program, or even to a particular agency such as OJP or OVW. Rather, they are wide-ranging, "cross-cutting" restrictions.

**Award Condition:** Each recipient of a DOJ award made with FY 2020 funds, and any subrecipient ("subgrantee") at any tier under a DOJ award made with FY 2020 funds, must comply with all applicable restrictions, as set out below.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact DCJ for guidance, and may not proceed without the express prior written approval of DCJ and the DOJ awarding agency (OJP or OVW, as appropriate).

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1. Restrictions applicable to all federal funds awarded with FY 2020 funds
  - a. Publicity or propaganda. Federal funds are not legally available, and may not be used (whether directly or indirectly, including by private contractors), for publicity or propaganda purposes not authorized by the Congress.
  - b. Certain employee trainings. Federal funds are not legally available, and may not be used, for any employee training that--
    - (1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
    - (2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;
    - (3) does not require prior employee notification of the content and methods to be used in the training and written end-of-course evaluation;
    - (4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or
    - (5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

Nothing in this provision prohibits, restricts, or otherwise precludes an agency from conducting training bearing directly upon the performance of official duties.

- c. Nondisclosure policies, forms, and agreements.
  - (1) General rule - Federal funds are not legally available, and may not be used, to implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following provisions:

" These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing [federal] statute or Executive order relating to: (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and [federal] statutory provisions are incorporated into this agreement and are controlling."

Notwithstanding the above provision, a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not

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bar disclosures to Congress, or to an authorized official of an executive agency or the United States Department of Justice, that are essential to reporting a substantial violation of law.

(2) Certain exceptions. Under certain circumstances, a nondisclosure agreement that does not contain the provisions set out in subsection (a) above nevertheless may continue to be implemented and enforced. Should a question arise as to whether an exception to the general rule set out in subsection (a) may be available for a particular nondisclosure agreement, the recipient is to contact DCJ for guidance, and the recipient may not use federal funds to implement, continue to implement, or enforce the nondisclosure agreement without the express prior written approval of DCJ

- d. ACORN and related organizations. Absent express prior written approval from DCJ, federal funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.
2. Restrictions applicable only to certain federal funds under DOJ awards made in FY 2020
    - a. Nondiscrimination in programs involving students. Funds appropriated under the Department of Justice Appropriations Act, 2019, and awarded by OJP are not legally available, and may not be used, to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or those of their parents or legal guardians.
    - b. Blocking of pornography on computer networks. Funds appropriated under the Department of Justice Appropriations Act, 2019, and awarded by OJP are not legally available, and may not be used, to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

Nothing in this provision limits the use of funds necessary for any federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

(This provision also applies to any DOJ award of other funds appropriated under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2019.)

3. Award or incentive fees to contractors. Funds appropriated under the Department of Justice Appropriations Act, 2019, and awarded by OJP are not legally available, and may not be used, to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract. (This restriction also applies to any OJP award of other funds appropriated under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2019.)
4. Use of funds in connection with abortion. Funds appropriated under the Department of Justice Appropriations Act, 2019, and awarded by OJP are not legally available, and

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may not be used-- (1) to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest; or (2) to require any person to perform, or facilitate in any way the performance of, any abortion.

5. "Pay-to-stay" at local jails. Funds appropriated to the Department of Justice through an annual appropriations statute and awarded by OJP are not legally available to, and may not be provided to, any local jail that runs a "pay-to-stay" program. (Monies in the Crime Victims Fund are not appropriated through an annual appropriations statute.)

### **Y. Reporting potential fraud, waste, and abuse, and similar misconduct**

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.

### **Z. Restrictions and certifications regarding non-disclosure agreements and related matters**

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient —
  - a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or

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otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both --
    - a. it represents that--
      - (1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
      - (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
    - b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

**AA. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)**

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the grantee is to contact the DCJ for guidance.

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### **BB. Encouragement of policies to ban text messaging while driving**

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

### **CC. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency**

If the recipient is designated "high risk" by a federal grant-making agency, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to DCJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following:

1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency

### **DD. Right to examine documents**

The grantee, and any subrecipient ("subgrantee") at any tier, must authorize the DCJ or DOJ awarding agency (OJP or OVW, as appropriate) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper, or documents related to this grant.

### **EE. Maintaining contact information**

The grantee acknowledges that it is responsible for maintaining updated contact information in the Grants Management System (GMS). To update information in GMS for either the point of contact and/or the authorized representative, the grantee must submit a Change in Project Officials (DCJ Form 4-B).

### **FF. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS**

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this DOJ award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of DOJ awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> and OVW web site at:

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<https://www.justice.gov/ovw/award-conditions> (Award Condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

**5. FINANCIAL REQUIREMENTS**

**A. Non-supplanting of State and local funds**

Supplanting arises when a Recipient reduces State or local funds for an activity specifically because federal funds are available (or are expected to be available) to fund that same activity. Federal funds must be used to supplement existing State or local funds for program activities, and may not replace (that is, may not "supplant") State or local funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State or local funding that is required by law.

When supplanting is prohibited, potential supplanting will be the subject of DCJ monitoring and audit. Should a question of supplanting arise, the grantee will be required to substantiate that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

**B. Awards in excess of \$5,000,000 - Certification related to federal taxes**

A recipient of an award in excess of \$5,000,000 may be required to submit a particular certification concerning filing of federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid federal tax assessments. In such cases, no award funds may be used until DCJ receives a satisfactory certification.

**C. Misuse of award funds**

The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

**D. Limitation on use of funds to approved activities**

The recipient agrees that grant funds will be used only for the purposes described in this award. The grantee must not undertake any work or activities that are not described in this award, and must not use staff, equipment, or other goods or services paid for with grant funds for such work or activities, without prior written approval from DCJ.

**E. Consultant compensation rates**

The recipient acknowledges that consultants paid with award funds generally may not be paid at a rate in excess of \$81.25 per hour, not to exceed \$650 per day. To exceed this specified maximum rate, recipients must submit to DCJ a detailed justification and have such justification approved by DCJ, prior to obligation or expenditure of such funds. Issuance of this award or approval of the award budget alone does not indicate approval of any consultant rate in excess of \$81.25 per hour, not to exceed \$650 per day. Although prior approval is not required for consultant rates below this specified maximum rate, recipients are required to maintain documentation to support all daily or hourly consultant rates.

## Federal Awards issued from 2020 Federal Grant Funds

### F. Employee compensation

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

## 6. CIVIL RIGHTS REQUIREMENTS ASSOCIATED WITH DOJ AWARDS

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

The Grantee hereby agrees that it will comply, and all of its subrecipients (“subgrantees”) will comply, with the applicable provisions of:

### A. Civil rights laws and nondiscrimination provisions

States and units of local government, public and nonprofit institutions of higher education, nonprofit organizations, for-profit businesses, and other recipients of DOJ grants may be subject to various federal civil rights laws for reasons *other than* their receipt of DOJ

## **Federal Awards issued from 2020 Federal Grant Funds**

funds. Some examples include federal civil rights laws related to discrimination on the basis of race, color, national origin, sex, religion, or disability.

Because a DOJ award is a form of "federal financial assistance," the recipients of a DOJ award (and any "subrecipient" at any tier) must comply with additional civil-rights-related requirements above and beyond those that otherwise would apply.

In general, these additional requirements fall into one of two categories:

1. Civil rights laws (sometimes referred to as "cross-cutting" federal civil rights statutes). These apply to essentially any entity that receives an award of federal financial assistance -- regardless of which federal agency awards the grant or cooperative agreement -- and encompass the "program or activity" funded in whole or in part with the federal financial assistance.
2. Nondiscrimination provisions. These are requirements or restrictions that apply to certain OJP or OVW awards -- in addition to the civil rights laws -- because they are set out in a statute that applies specifically to one or more particular OJP or OVW grant programs, or to OJP or OVW awards made under a particular legal authority. Much like the civil rights laws, these provisions apply variously to the programs, activity, or undertaking funded in whole or in part by OJP or OVW, and are described herein.
  - a. Such nondiscrimination provisions apply to some, but not all, OJP or OVW grant programs.
  - b. The nondiscrimination provisions that apply to an OJP or OVW award (above and beyond the requirements in "cross-cutting" civil rights laws) may vary from award to award, even for awards made during the same fiscal year.
  - c. Typically, no more than one of these nondiscrimination provisions will apply to any particular OJP or OVW award.

General information on the civil rights laws that apply to every OJP or OVW award, and on the nondiscrimination provisions that apply to some OJP or OVW awards, is available at <https://ojp.gov/about/ocr/statutes-regulations>.

NOTE: As discussed in more detail below, if a civil rights law or nondiscrimination provision prohibits discrimination in employment on the basis of religion, the prohibition is read together with the provisions of the Religious Freedom Restoration Act of 1993.

### **B. Civil rights compliance: Access to services and benefits by individuals with limited English proficiency**

Compliance with the civil rights laws entails, among other things, taking reasonable steps to ensure that individuals with limited English proficiency (LEP) have meaningful access to DOJ-funded programs or services. An individual with limited English proficiency is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients of DOJ awards in meeting their obligations with respect to such individuals, DOJ has published a guidance document, available on the LEP.gov website.

## **Federal Awards issued from 2020 Federal Grant Funds**

### **C. Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

### **D. Meeting the EEOP Requirement**

An EEOP is a comprehensive document that analyzes a grantee's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a grantee's workforce. As a grantee of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, see <https://ojp.gov/about/ocr/eeop.htm>. Additionally, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at [EEOPforms@usdoj.gov](mailto:EEOPforms@usdoj.gov).

### **E. Ensuring the Compliance of Subrecipients/Subgrantees**

SAAAs (DCJ) must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws.

### **F. Certification**

Each grantee by accepting this award, certifies that it will comply (and it will require any subrecipient at any tier to comply) with applicable civil rights laws and nondiscrimination provisions. An additional DCJ Form 30, will be required prior to the disbursement of any funds.

## **7. RECIPIENTS OF OVW GRANT DOLLARS ONLY**

### **A. Availability of general terms and conditions on OVW website**

The recipient agrees to follow the applicable set of general terms and conditions that are available at <https://www.justice.gov/ovw/grantees#award-conditions>. These do not supersede any specific conditions in this award document.

### **B. Compliance with statutory and regulatory requirements**

The grantee agrees to comply with all relevant statutory and regulatory requirements, which may include, among other relevant authorities, the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, the Violence Against Women Reauthorization Act of 2013, P.L. 113-4, the Omnibus Crime Control and Safe Streets Act of 1968, 34 U.S.C. §§ 10101 et seq., and OVW's implementing regulations at 28 C.F.R. Part 90.

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**C. VAWA 2013 nondiscrimination condition**

The recipient acknowledges that 34 U.S.C. § 12291(b)(13) prohibits recipients of OVW awards from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. The recipient agrees that it will comply with this provision. The recipient also agrees to ensure that any subrecipients ("subgrantees") at any tier will comply with this provision.

**D. Confidentiality and information sharing**

The grantee agrees to comply with the provisions of 34 U.S.C. § 12291(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information. The recipient also agrees to comply with the regulations implementing this provision at 28 CFR 90.4(b) and "Frequently Asked Questions (FAQs) on the VAWA Confidentiality Provision (34 U.S.C. § 12291(b)(2))" on the OVW website at <https://www.justice.gov/ovw/resources-and-faqs-grantees>. The grantee also agrees to ensure that all subrecipients ("subgrantees") at any tier meet these requirements.

**E. Activities that compromise victim safety and recovery and undermine offender accountability**

The recipient agrees that grant funds will not support activities that compromise victim safety and recovery or undermine offender accountability, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services; procedures or policies that impose requirements on victims in order to receive services (e.g., seek an order of protection, receive counseling, participate in couples' counseling or mediation, report to law enforcement, seek civil or criminal remedies, etc.); procedures or policies that fail to ensure service providers conduct safety planning with victims; project design and budgets that fail to account for the access needs of participants with disabilities and participants who have limited English proficiency or are Deaf or hard of hearing; or any other activities outlined in the solicitation under which the approved application was submitted..

**F. Policy for response to workplace-related incidents of sexual misconduct, domestic violence, and dating violence – NEW 2020**

The recipient, and any subrecipient at any tier, must have a policy, or issue a policy within 270 days of the award date, to address workplace-related incidents of sexual misconduct, domestic violence, and dating violence involving an employee, volunteer, consultant, or contractor. The details of this requirement are posted on the OVW web site at <https://www.justice.gov/ovw/award-conditions> (Award Condition: Policy for response to workplace-related sexual misconduct, domestic violence, and dating violence), and are incorporated by reference here.

**Federal Awards issued from 2020 Federal Grant Funds**

**G. Termination or suspension for cause**

DCJ or the Director of OVW, upon a finding that there has been substantial failure by the recipient to comply with applicable laws, regulations, and/or the terms and conditions of the award or relevant solicitation, will terminate or suspend until DCJ or the Director is satisfied that there is no longer such failure, all or part of the award, in accordance with the provisions of 28 C.F.R. Part 18, as applicable mutatis mutandis.

**COLORADO DIVISION OF CRIMINAL JUSTICE  
CERTIFICATION OF COMPLIANCE WITH REGULATIONS  
OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF JUSTICE (DCJ FORM 30)**

**INSTRUCTIONS:** Complete the table below with information found in the Grant Agreement. Read the form completely, identify the person responsible for reporting civil rights findings, certify that the required Civil Rights training has been completed by the Project Director; and check only one certification under "II" that applies to your agency. Have your Signature Authority sign at the bottom of page 2, forward a copy to the person identified as being responsible for reporting civil rights findings and return the original to the Colorado Division of Criminal Justice, 700 Kipling, Ste. 1000, Denver, CO 80215, within 45 days of the grant award beginning date.

PROJECT DIRECTOR: Jennifer Zubalik PHONE: 303-987-7442

Person responsible for reporting civil rights findings of discrimination: (Name, address, phone & email)  
Dawn Sluder  
480 S. Allison Parkway  
Lakewood, CO 80226  
303-987-4832  
daws1u@lakewood.org

I acknowledge that I viewed **all** of the trainings on Civil Rights available on DCJ's website at <https://www.colorado.gov/pacific/dcj/civil-rights-requirements>. I accept responsibility for ensuring that project staff understands their responsibilities as outlined in the presentations. I understand that if I have any questions about the material presented and my responsibilities as a grantee that I will contact my grant manager.

DocuSigned by:  
  
DB4854115C9E43F

PROJECT DIRECTOR SIGNATURE 01/25/2022 | 9:57:59 AM MST  
DATE

**SIGNATURE AUTHORITY'S CERTIFICATION:** As the Signature Authority for the above Grantee, I certify, by my signature on page two (2), that I have read and am fully cognizant of our duties and responsibilities under this Certification.

**I. REQUIREMENTS OF GRANT RECIPIENTS:** All grant recipients (regardless of the type of entity or the amount awarded) are subject to prohibitions against discrimination in any program or activity, and must take reasonable steps to provide meaningful access for persons with limited English proficiency.

◆ I certify that this agency will maintain data (and submit when required) to ensure that: our services are delivered in an equitable manner to all segments of the service population; our employment practices comply with Equal Opportunity Requirements, 28 CFR 42.207 and 42.301 *et seq.*; our projects and activities provide meaningful access for people with limited English proficiency as required by Title VI of the Civil Rights Act, (See also, 2000 Executive Order #13166).

◆ I also certify that the person in this agency or unit of government who is responsible for reporting civil rights findings of discrimination will submit these findings, if any, to the Division of Criminal Justice within 45 days of the finding, and/or if the finding occurred prior to the grant award beginning date, within 45 days of the grant award beginning date.

**DCJ FORM 30:  
CERTIFICATION OF COMPLIANCE WITH REGULATIONS,  
OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF JUSTICE (Continued)**

II. EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEOP) CERTIFICATIONS: Check the box before **ONLY ONE APPROPRIATE CERTIFICATION** (A, or B below) that applies to this grantee agency during the period of the grant duration noted above.

**CERTIFICATION "A"** [Applicable, if (1), (2) or (3), below, apply.] This is the Certification that most non-profits and small agencies will use. Check all that apply to your entity.

This funded entity:

- (1) is an educational, medical or non-profit organization or an Indian Tribe;
- (2) has less than 50 employees;
- (3) was awarded through this single grant award from the Colorado Division of Criminal Justice less than \$25,000 in federal U.S. Department of Justice funds.

Therefore, I hereby certify that this funded entity is not required to maintain an EEOP, pursuant to 28 CFR §42.302, but is **required to submit a Certification** (<https://ojp.gov/about/ocr/eeop.htm>).

**CERTIFICATION "B"** (Applicable to all entities that do not qualify for Certification "A" above)

This funded entity, as a for-profit entity or a state or local government having 50 or more employees (counting both full- and part-time employees but excluding political appointees) and is receiving, through this single grant award from the Colorado Division of Criminal Justice, more than \$25,000, in federal U.S. Department of Justice funds.

Therefore, I hereby certify that the funded entity will prepare and submit an EEOP and Certification at <https://ojp.gov/about/ocr/eeop.htm>, within 60 days of the award. The EEOP shall be submitted in accordance with 28 CFR §42, subpart E, to Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice that will include a section specifically analyzing the grantee (implementing) agency. (If you have already submitted an EEOP applicable to this time period, send a copy of the letter received from the Office for Civil Rights showing that your EEOP is acceptable.)

As the Signature Authority for the above grantee, I certify, by my signature below, that I have read and am fully cognizant of our duties and responsibilities under this Certification. I, hereby, also certify that the content of this form, other than the data entry required, has not been altered.

\_\_\_\_\_  
SIGNATURE AUTHORITY SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TYPED NAME

\_\_\_\_\_  
TITLE

\* \* \* \* \*

*This signed form must be returned to the Colorado Division of Criminal Justice, 700 Kipling, Ste. 1000, Denver, CO 80215, within 45 days of the grant award beginning date. You must also forward a signed copy to the person identified in the box above.*

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2022.

**CITY OF LAKEWOOD**

**ATTEST:**

\_\_\_\_\_  
Kathleen E. Hodgson, City Manager

\_\_\_\_\_  
Bruce Roome, Office of the City Clerk

**APPROVED AS TO FORM:**

**RECOMMENDED FOR APPROVAL:**

\_\_\_\_\_  
Gregory Graham, Office of the City Attorney

\_\_\_\_\_  
Scott Hefty, Court Administrator