



# UNDERFUNDED COURTHOUSE FACILITY COMMISSION


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FISCAL YEAR 2023 GRANT RULES

GRANTS APPLICATIONS DUE: SEPTEMBER 26, 2022

PLEASE CONTACT THE OFFICE OF THE STATE COURT ADMINISTRATOR WITH QUESTIONS

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COLORADO JUDICIAL DEPARTMENT UNDERFUNDED COURTHOUSE FACILITY COMMISSION	Applications Due: September 26, 2021	
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## 1-1 Definitions

- A. Commission: The Underfunded Courthouse Facility Cash Fund Commission created in Section 13-1-303, C.R.S. Each member of the Commission serves a three-year term. Vacancies must be filled by the appointing authority no later than 30 days after the vacating member's last day for the unexpired term only. Commission members include:
1. Two representatives of an association that represents county commissioners, appointed by the association;
  2. One member from the Department of Local Affairs, appointed by the Department of Local Affairs;
  3. Two members from the Judicial Branch, appointed by the Chief Justice;
  4. One member from the Court Security Cash Fund Commission, appointed by the Chief Justice; and
  5. One member from the State Historical Society, appointed by the President of the State Historical Society.
- B. Eligible Counties: counties meeting at least two of the four criteria as set forth in Section 13-1-305(4), C.R.S., and listed in Section 2-1 below. Criteria for determining the eligible counties is provided by the Department of Local Affairs and is revised on an annual basis.
- C. Fund: The Underfunded Courthouse Facility Cash Fund created in Section 13-1-304, C.R.S.
- D. Furniture, Fixtures, and Equipment (FF&E): Movable items that have no permanent connection to the structure of a building or utilities. Examples include desks, chairs, computers, electronic equipment, data and phone equipment, appliances, tables and partitions.
- E. Imminent closure of a court facility: a court facility with health, life, or safety issues that impact court employees or other court users and that is designated for imminent closure by the State Court Administrator in consultation with the State's risk management system or other appropriate professionals. Health, life, or safety issues include air quality issues, water intrusion problems, temperature control issues, structural conditions that cannot reasonably be mitigated, fire hazards, electrical hazards, and utility problems. Certain health, life, or safety issues may require additional third-party evaluations such as an environmental or structural engineering review.
- F. Master Planning: entering into contracts for professional design services or engineering consulting to determine construction or remodeling options, feasibility, or cost estimates for a proposed building project. Master planning does not include creation of or drafting of construction documents.
- G. Official act or official action: any vote, decision, recommendations, approval, disapproval, or other action, including inaction, which involves the use of discretion authority.

## 1-2 Authority and Basis

- A. The Underfunded Courthouse Facility Cash Fund Commission was established by House Bill 14-1096 and is codified in Section 13-1-301, et. seq; C.R.S. The Commission and the Fund are

intended to provide supplemental funding for courthouse facility projects in the counties with the most limited financial resources.

- B. Courthouse repair, renovation, improvement, and expansion needs arise from expanding caseloads, allocation of new judges, aging of existing facilities and unexpected events, such as natural disasters, accidents or the discovery of previously unknown threats to health and safety.
- C. The responsibility for providing adequate courtrooms and facilities rests with county governments. However, the level of funding and services that each county can provide varies throughout the state.

### **1-3 Purpose and Scope**

- A. The purpose of these Rules is to define who may apply for grants from the Underfunded Courthouse Facility Cash Fund Commission, how awarded funds may be used, the basic application procedures, and the use of the Fund by the State Court Administrator.
- B. These Rules prescribe the procedures to be followed in making, filing, and evaluating grant applications; the criteria for evaluation; the compliance review process used to ensure that counties are using each grant award as specified; and guidelines necessary for administering the program.

### **1-4 Funding**

- A. The Fund consists of any moneys appropriated by the General Assembly.
- B. The State Court Administrator may accept gifts, grants, or donations from any private or public source for the purpose of implementing the Fund or Commission.
- C. All moneys credited to the Fund shall be available for grants awarded by the State Court Administrator, based on recommendations of the Commission, to counties for the purposes described in this Rule.
- D. The State Court Administrator may use a portion of the moneys for administrative costs incurred through the implementation of the Underfunded Courthouse Facility Cash Fund and the Underfunded Courthouse Facility Cash Fund Commission.
- E. Any unexpended or unencumbered moneys remaining in the Fund at the end of any fiscal year, along with any investment earnings derived from the deposit and investment of moneys in the Fund, shall remain in the Fund and shall not be credited or transferred to the general fund at the end of the year.
- F. The Commission will establish and publish the amounts available for funding grant applications at the beginning of each fiscal year depending on the appropriation from the General Assembly.

### **2-1 Who May Apply**

- A. Counties that meet at least two of the four criteria below are eligible to apply.
  - 1. Counties in which the total population is below the state median, as determined by the most recent data published by the Department of Local Affairs
  - 2. Counties in which the per capita income is below the state median, as determined by the most recent data published by the Department of Local Affairs
  - 3. Counties in which property tax revenues are below the state median, as determined by the most recent data published by the Department of Local Affairs

4. Counties in which the total county population living below the federal poverty line is greater than the state median, as determined by the most recent census published by the United States Bureau of the Census
- B. Those counties meeting all four criteria above will be given highest priority for needs-based grants.
  - C. Attachment A lists the eligible counties as determined by data provided by the Department of Local Affairs. Attachment B illustrates the same eligible counties on a map. This list will be utilized by the Commission in determining eligibility for grant funds when reviewing and selecting grant applications.

## **2-2 Use of Grant Funds**

- A. Funds shall only be used for:
  1. Commissioning master planning services.
  2. Matching funds or leveraging grant funding opportunities for construction or remodeling projects.
  3. Addressing emergency needs due to the imminent closure of a court facility.
- B. Funds shall not be used:
  1. For the purchase of furniture, fixtures, or equipment.
  2. As the sole source of funding for new construction.
  3. As the sole source of funding for remodeling, unless the need for funding is associated with the imminent closure of a court facility.
- C. Applications for grant funds associated with the construction of a new courthouse facility or an addition to an existing courthouse shall be coordinated with the Office of the State Court Administrator in accordance with Section 13-3-108 (5), C.R.S.
- D. Grants from the Fund may not supplant any county funding for a county that has the means to support its court facility.
- E. Grant funds shall not be used to reimburse expenses associated with the project that were incurred or contracted for prior to executing the Statement of Grant Award.
- F. Counties must ensure that open, competitive procurement procedures will be followed for all purchases for goods and services made as part of the project for which grant funds were awarded.
  1. The county shall provide documentation of the competitive procurement procedure followed for any purchase under this award to the Judicial Department upon request.
  2. The county will comply with their own procurement policies and procedures for purchases made associated with the grant.
  3. If the county does not have procurement policies and procedures, they shall comply with the Judicial Department's Procurement Rules.
- G. Grant funds shall only be used for improvements or enhancements to Judicial-related facilities in the courthouse.

- H. No indirect costs associated with the grant or the project shall be allowed from grant funds.
- I. The Commission may consider granting funds on a contingency basis as matching funds for a county applying for State Historical Fund or Department of Local Affairs' grant funds.
- J. Pursuant to Section 1-45-117, C.R.S., grant funds shall not be used for any advocacy related services. For purposes of these rules, "advocacy related services" means actions to urge electors to vote in favor of or against a current or future ballot issue or referred measure.
- K. Pursuant to Section 24-80.1-104, C.R.S., plans for use of grant funds on a courthouse listed on the State Register of Historic Properties shall be provided to the State Historical Society for review of the proposed project.

### **2-3 Regular Grant Application Procedures**

- A. Applications for grants from the Fund shall be submitted on forms adopted by the Commission, in accordance with the timelines and guidelines as set forth in this Rule.
- B. Applications shall be made to the Commission through the Office of the State Court Administrator.
- C. All applications must first be reviewed and approved by the Chief Judge of the Judicial District and the Board of County Commissioners prior to submission.
  - 1. Applications that do not have prior approval will be returned to the submitting party.
  - 2. Corrected forms must be received on or before the award cycle closing date to be considered during the current award cycle.
- D. Applications must be received via email by 5 p.m. September 26, 2022, to the Underfunded Courthouse Facility Commission email address:

UFF@judicial.state.co.us

- 1. Applications will not be accepted by fax, post, or in person.
  - 2. There is a 25MB limit for email attachments. If additional attachments are required to support the project application, supplemental emails may be sent. Include the total number of emails that are to be part of the application in each email.
  - 3. An email confirmation will be sent indicating your application was received by the committee.
- E. Applications received on or before the closing date shall be considered to be timely filed.
- F. Applications received after the closing date will be returned to the submitter and may be resubmitted during the next award cycle if the county desires to be considered for a grant from the Fund.
- G. All sections of the application must be completed, legible, and contain all required signatures of the Chief Judge and the Board of County Commissioners prior to submission.
  - 1. Incomplete applications will be returned to the submitting party.
  - 2. Corrected applications must be received on or before the award cycle closing date to be considered during the current award cycle.

- 3. Corrected applications received after the closing date will be returned and must be resubmitted during the next award cycle if the county desires to be considered for a grant from the fund.
- H. The Commission will not review any applications until after the submission closing date for that award cycle.
- I. Potential applicants may contact the Office of the State Court Administrator during the application process if they have questions about or need clarification related to the Underfunded Facilities Commission Grant Rules or the application process.
- J. The Office of the State Court Administrator may contact and obtain clarifying information and materials after the application due date from an applicant that has submitted an application by the due date to aid in reviewing and scoring the application. This may result in an applicant submitting a revised application with additional information.

**2-4 Imminent Closure Grant Application Procedures**

- A. On an annual basis, the Commission may set aside a specific amount of appropriated funds to allow for emergency awards associated with the imminent closure of a courthouse facility.
- B. The designation of imminent closure of a court facility shall be made by the State Court Administrator in consultation with the State’s risk management system or other appropriate professionals and must be made before an emergency grant application for imminent closure is submitted to the Commission.
- C. Applications for grants associated with the imminent closure of a courthouse facility shall be submitted on forms adopted by the Commission.
- D. Applications shall be made to the Commission through the Office of the State Court Administrator.
- E. Applications associated with the imminent closure of a courthouse facility may be submitted at any time during the year. The Commission will expedite the review of the applications.
- F. All applications must first be reviewed and approved by the Chief Judge of the Judicial District and the Board of County Commissioners prior to submission.
- A. Applications that do not have prior approval of the Chief Judge and the County Commissioners will be returned to the submitting party

**3-1 Selection Criteria**

- A. Applications to the Underfunded Courthouse Facility Fund will be reviewed on a competitive basis and will be selected in a manner that supports the intent of the Fund to ensure courthouses in Colorado are safe, functional, and meet current operational standards.
- B. The Commission shall review the applications to ensure that they meet the intent of the Commission to provide supplemental funding for courthouse facility projects in counties with the most limited financial resources.
- C. A county must meet at least two of the criteria listed under Section 2-1 to be considered eligible for a grant award.
- D. Applications requesting funds for any use other than those approved under Section 2-2.A are ineligible for a grant award and will not be considered.

- E. There is no minimum amount for either regular or imminent closure grant applications or awards.
- F. In accordance with Section 13-1-304 (2), C.R.S., grant funds may not be the sole source of funding for new construction or remodeling, unless the need for funding is associated with the imminent closure of the facility. As such, construction and remodel projects must include funding sources in addition to Underfunded Courthouse Facility Grant Funds. The source and amount of such funds must be included in the county's application.

### **3-2 Consideration of Grant Applications**

- A. The Commission will consider all valid applications for possible funding based upon the criteria contained within these Rules and including, but not limited to, the Legislative Declaration in Section 13-1-301, C.R.S.
- B. Applications from counties meeting all four of the criteria listed under Section 2-1 will be given the highest priority during the review process.
- C. The Commission may also consider the following aspects in reviewing grant applications.
  - 1. The county can successfully complete the project for which funds are requested.
  - 2. The county has demonstrated good faith in attempting to resolve the issues before seeking a grant from the Fund.
  - 3. The county has agreed to disclose pertinent financial statements to the commission or the State Court Administrator for review.
  - 4. The State Court Administrator is satisfied that the county does not have significant uncommitted reserves.
- D. Applicants shall submit all corresponding documentation (e.g., grant awards and agreements) regarding any currently obtained additional source of funds provided by a third party towards to completion of the project as part of the application.
- E. Applicants will be afforded time to present applications for grant funds to the Commission either in person or through other means. Any such presentations are voluntary. Information provided during a presentation must match information contained in the application. Information obtained by the Commission during such presentations may be considered in the review process.
- F. Applications requesting funds for emergency needs associated with the imminent closure of a courthouse facility will be given immediate priority and consideration for approval, depending on the availability of grant funds at the time of application. The determination of such imminent closure must be made in accordance with these Rules.

### **3-3 Grant Selection**

- A. The Commission shall document its final recommendations to the State Court Administrator.
- B. The Commission may recommend multiple grants be awarded during any grant cycle.
- C. The Commission may expand the criteria used for evaluating grant applications beyond those explicitly stated in this Rule if such additional criteria are necessary for selection of a grant award recipient.
- D. The Commission is not obligated to award grants from the Fund during any grant cycle.

### **3-4 Grant Approval**

- A. An affirmative vote of at least four members of the Commission shall be required to recommend a grant application to the State Court Administrator for award.
- B. A Commissioner shall recuse themselves from the deliberation and vote on a specific application if there is an appearance of impropriety or conflict of interest as it relates to the application.
- C. The Commission will submit a list of recommended grant applications to the State Court Administrator for final approval.
- D. The State Court Administrator will issue a final approval of grant applications.
- E. The decision of the State Court Administrator shall be final and shall not be subject to any appeal.
- F. Upon the final approval, the State Court Administrator will notify the grant recipients via a Statement of Grant Award.

### **3-5 Conflicts of Interest**

- A. It is the policy of the Colorado Judicial Department and the Underfunded Facilities Commission (“Commission”) that Commission members engaged in the process of awarding grant funds shall conduct themselves in a manner to avoid (i) actual or apparent conflicts of interest, (ii) the appearance of impropriety, or (iii) an adverse effect on the confidence of the public in the integrity of the judicial system, consistent with Section 24-18-101, C.R.S., et seq., and Chief Justice Directive 08-06.
  - 1. Commission members shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest. “Financial interest” means a substantial interest held by an individual which is: (i) an ownership interest in a business; (ii) a creditor interest in an insolvent business; (iii) an employment or a prospective employment for which negotiations have begun; (iv) an ownership interest in real or personal property; (v) a loan or any other debtor interest; or (vi) a directorship or officership in a business.
  - 2. Commission members who are elected government officials shall refrain from taking any official action on specific grant applications submitted by the jurisdiction they serve in an elected capacity.
  - 3. Commission members who are judicial officers shall refrain from taking any official action on specific grant applications submitted by a county within the judicial district they serve
- B. In situations in which official action will be taken on a matter for which committee members have such a conflict or in which there may be the appearance of such a conflict, such members shall absent themselves from the hearing room or other venue prior to any discussion of the action and until such action has been taken.

### **3-6 Chair and Vice Chair**

- A. The Commission members may, by majority vote, elect a chair and vice chair for purposes of conducting Commission business and meetings in a more orderly and efficient manner. The chair and vice chair shall serve terms as set by the Commission members.

### **4-1 Award and Disbursement Process**



- A. A Statement of Grant Award shall be issued to the county by the State Court Administrator acknowledging approval of the grant application.
- B. The Statement of Grant Award and accompanying Conditions of Grant Award will be sent to the county. The county must return the executed Statement of Grant Award to the State Court Administrator.
- C. The State Court Administrator will coordinate the disbursement of grant funds to the county. Such disbursements will be made solely for the reimbursement of actual expenses incurred by the county and made in accordance with these Rules and the Conditions of Grant Award.
- D. If an awarded grant project includes funding from a third party in addition to county funds, proof of the availability of such third-party funding shall be provided to the Commission prior to disbursement of grant funds.
- E. Master Planning Services Grant: Grant funds shall be disbursed only upon receipt by the State Court Administrator of supporting documentation as described herein, unless otherwise provided in the Conditions of Grant Award. This shall include submitting the Reimbursement Request Form attached to the Statement of Grant Award, along with the invoice and sufficient documentation supporting the services provided. Supporting documentation for a Master Planning Services Grant request shall include, but is not limited to, work product and materials produced by the vendor towards the completion of the project.
- F. Matching Funds Grant: Grant funds shall be disbursed only upon receipt by the State Court Administrator of supporting documentation as described herein, unless otherwise provided in the Conditions of Grant Award. This shall include submitting the Reimbursement Request Form attached to the Statement of Grant Award, along with the invoice and sufficient documentation supporting the services provided.
  - 1. Grants funds awarded as matching funds shall be reimbursed to the county for actual expenses incurred in a manner as determined by the State Court Administrator
  - 2. Matching fund Reimbursements Requests are limited to the prorated amount equal to the percentage of the total project costs as identified in Statement of Grant Award (SOGA).
  - 3. Reimbursement Requests shall be submitted to the State Court Administrator on Reimbursement Request Form attached to the Statement of Grant Award.
  - 4. The frequency of Reimbursement Requests shall be at the discretion of the county but shall not be submitted more than once per month.
- G. The State Court Administrator shall review the sufficiency and appropriateness of all Reimbursement Requests and all supporting documentation. The State Court Administrator reserves the right to require additional supporting documentation prior to disbursement.
- H. All costs charged to the county by vendors and subcontractors performing work associated with the grant award shall be made in compliance with the Colorado Judicial Department Fiscal Rules. The maximum reimbursement rates for travel expenses can be found at:  
<https://www.courts.state.co.us/Administration/Unit.cfm?Unit=travel>.

#### **4-2 Grant Recipient Obligations**

- A. The county is responsible for preparing and submitting all narrative and financial reports required by the State Court Administrator, including additional supporting documentation such as receipts, invoices, work orders, and contracts.
- B. The county is responsible for all costs incurred in excess of the grant award that are associated with the grant.
- C. Once a county has been awarded a grant, the county shall complete the project as designated and described in the grant award.
- D. The county shall immediately notify the State Court Administrator in writing if the county becomes aware that the grant funds awarded will exceed the total project costs for a specific project.
- E. In the event that grant funds awarded by the State Court Administrator exceed actual expenses incurred by the county, the county shall submit a Grant Award Reversion form. Such funds shall remain in the Underfunded Courthouse Facility Cash Fund.
- F. The approval of a grant shall not result in the State of Colorado or the Commission assuming ownership or liability for a county courthouse or other county facility that houses county offices and employees. The county shall continue to have ownership and liability for all such facilities.

#### **4-3 Project Review and Compliance**

- A. The purpose of the compliance review process is to determine if the county is using grant funds as specified in the grant award.
- B. Depending on the timeframe established in the Conditions of Grant Award or upon request by the State Court Administrator, the grant recipient shall submit a narrative report to the State Court Administrator detailing specifically how funds have been used.

#### **4-4 Denial or Termination of Funding**

- A. The State Court Administrator and the Commission may, in whole or in part, deny or terminate funding for, or impose another sanction on, a grantee for any of the following reasons.
  - 1. Failure to comply substantially with the requirements and objectives of the Underfunded Courthouse Facility Fund, Rules issued thereunder, or other provisions of Federal, State or local law.
  - 2. Failure to adhere to the requirements, standard conditions, or special conditions of the State Court Administrator or the Commission.
  - 3. Failure to adhere to the requirements of the Statement of Grant Award or Conditions of Grant Award.
  - 4. Submitting a request for payment for goods or services not included in the scope of the original application and the purpose of the Fund.
  - 5. Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding.
  - 6. Failure to submit reports as required by these Rules and Conditions of Grant Award.
  - 7. Filing a false certification or request for payment in the application or other report or document.

8. Other good cause shown.

**Attachment A: LIST OF ELIGIBLE COUNTIES**

<b>LIST OF ELIGIBLE COUNTIES</b>	
Alamosa	Lincoln*
Archuleta	Logan
Baca*	Mesa
Bent*	Mineral*
Chaffee	Moffat
Cheyenne	Montezuma
Conejos*	Montrose
Costilla*	Morgan
Crowley*	Otero
Custer*	Ouray
Delta	Phillips
Dolores*	Prowers*
Fremont	Pueblo
Gilpin	Rio Blanco
Hinsdale	Rio Grande*
Huerfano*	Saguache*
Jackson*	San Juan*
Kiowa*	Sedgwick*
Kit Carson	Washington*
Lake	Yuma*
Las Animas*	*Indicates high priority county

