

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTS

PART 3070
PARK AND RECREATIONAL FACILITY
CONSTRUCTION ACT GRANT PROGRAM

Section

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AUTHORITY: Implementing and authorized by the Park and Recreational Facility Construction Act [30 ILCS 764].

SOURCE: Adopted at 34 Ill. Reg. 10831, effective July 16, 2010.

Section 3070.10 Program Objective

- a) The Park and Recreational Facility Construction Act (PARC) provides for grants to be disbursed by the Department of Natural Resources (Department) to eligible local governments for park and recreation unit construction projects.
- b) Park or recreation unit construction project means the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, and installation of capital facilities consisting of buildings, structures, and land for park or recreation purposes and open spaces and natural areas, as those terms are defined in Section 10 of the Illinois Open Land Trust Act [525 ILCS 33].

Section 3070.20 Eligibility Requirements

Any unit of local government is eligible for assistance under the PARC grant program. Local government means counties, townships, municipalities, park districts, conservation districts, forest preserve districts, river conservancy districts and any other units of local government authorized by Illinois law to expend public funds for the acquisition and development of land for public indoor/outdoor park, recreation or conservation purposes.

Section 3070.30 Assistance Formula

The PARC program shall operate on a reimbursement basis providing up to the following maximum percentages for funding assistance:

- a) Of the total amount of PARC project funds awarded statewide, 20% shall be awarded to the Chicago Park District, provided that the Chicago Park District complies with the provisions of State law and this Part, and 80% shall be awarded to local government units outside of the City of Chicago.
- b) Any grant under the Park and Recreational Facility Construction Act [30 ILCS 764] (Act) to a local government shall be conditioned upon the State providing assistance up to 75% of the approved project costs, with the exception of those local governments defined as disadvantaged, which shall be eligible for up to 90% State funding assistance provided that no more than 10% of the amount so appropriated in any fiscal year under the Act is made available for disadvantaged local governments.
- c) The Department will determine which local governments are considered disadvantaged based on calculations using the most current published Illinois Census data and Illinois Department of Revenue information. The Department may consider a unit of local government's request for inclusion as a disadvantaged applicant. If so requested, the unit of local government must submit verifiable data to justify its request. The Department may consider other available data in its calculations, but reserves the final determination on whether an applicant meets the definition of a disadvantaged community.

Section 3070.40 General Procedures for Grant Applications and Awards

- a) Grant applications for assistance under this program will be due no later than 45 days after the public announcement by the Department that funds have been made available for this program. Failure to submit a completed application to the Department by the specified application deadline will result in project rejection for that grant cycle.
- b) Necessary application materials and instructions are available through the Department (see subsection (d)). Awarding of grants will be on a competitive basis and will be made under authority of the Director of the Department of Natural Resources.
- c) Project grant applications consist of the following basic components, at a minimum:
 - 1) applicant's name, address and telephone number;

- 2) an itemized proposed project cost estimate;
 - 3) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits, proposed usages and method of financing or accomplishing the project;
 - 4) project location map, site plat map and proposed development plan;
 - 5) project environmental evaluation;
 - 6) proof of land ownership or usage rights for proposed development (construction) projects or commitment of title insurance for project property planned for acquisition;
 - 7) a signed document by the applicant verifying the applicant has the resources to initially finance and subsequently manage the project area and will comply with program regulations and indemnify the Department from any liability relative to the project; and
 - 8) a schedule of proposed expenditures/reimbursements from anticipated start through project completion.
- d) A program information packet may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271, telephone 217/782-7481.

Section 3070.50 Eligible Project Costs

- a) Grant assistance may be obtained for the following items:
- 1) Rehabilitation or Construction Projects with Capital Expenditures. Capital expenditure means an outlay of capital that confers long-term benefits that permanently improve the property's value or usefulness. Capital expenditures generally include, but are not limited to, one or more of the following purposes: land acquisition, architectural planning and engineering design costs in association with a larger bondable project; demolition (in preparation for additional work); site preparation and improvement; utility work; new construction of buildings and structures; reconstruction or improvement of existing buildings or structures; initial furniture and equipment integral to the project; replacement of currently utilized assets by a better asset; and expansion of existing buildings or facilities. Work that constitutes repairs, maintenance or remodeling of a limited nature or scope and that is not done as part of a larger bondable project shall not be considered bondable capital expenditures. A non-

bondable project is generally one that maintains or preserves the existing condition, use or size of a capital asset and that is neither in the nature of a betterment nor a change to the capital asset's condition, use or size.

Generally, this work does not significantly add to the value of the capital asset nor appreciably prolong the life of the capital asset. Eligible project types include, but are not limited to, the following:

- A) demolition in preparation for additional indoor/outdoor recreation purposes;
 - B) site preparation and improvements for indoor/outdoor recreation purposes;
 - C) utility work for indoor/outdoor recreation purposes;
 - D) reconstruction or improvement of existing buildings or structures for indoor/outdoor recreation purposes;
 - E) expansion of existing buildings or facilities for indoor/outdoor recreation purposes; and
 - F) new construction of buildings and structures for indoor/outdoor recreation purposes.
- 2) The following are operating or other types of expenditures that are not considered capital expenditures:
- A) projects with a total cost of less than \$25,000;
 - B) feasibility studies, long-range development plans, master plans, and historical or archaeological research;
 - C) costs of repairs or maintenance that are normally anticipated to occur;
 - D) remodeling of a limited nature or scope that is not done as part of a larger bondable project;
 - E) costs of staff or resident labor and material;
 - F) ongoing operational and administrative expenses;

- G) installation of fire alarms, smoke detectors, or connections of building monitoring systems to a central or off-site central monitor, unless included in a larger bondable project; and
 - H) purchase of vehicles or construction equipment.
- 3) Land acquisition costs (fee simple title or permanent easement, etc.) for public park and/or conservation purposes, including associated eligible appraisal costs. Eligible projects include, but are not limited to, acquisition of land for the following:
- A) construction of new public indoor/outdoor recreation buildings, structures and facilities;
 - B) expansion of existing public indoor/outdoor recreation buildings, structures and facilities;
 - C) general park purposes such as regional, community and neighborhood parks and playfields;
 - D) frontage on public surface waters for recreation use;
 - E) open space/conservation purposes to protect floodplains, wetlands, natural areas, wildlife habitat and unique geologic or biologic features;
 - F) linear corridors for trails and/or greenways; and
 - G) additions to the projects described in subsections (a)(3)(A) through (F).
- b) Acquisition of land from another public agency (excluding school districts) is not eligible for PARC grant assistance.
- c) Project costs for which reimbursement is sought cannot be incurred by the project applicant prior to grant approval notification. Costs incurred prior to Department approval are ineligible for grant assistance with the exception of architectural and engineering fees. For acquisition projects, costs are considered incurred when a property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account for the property.
- d) Development project costs are considered incurred on the date construction contracts are signed or actual physical work begins on the project site or project materials are delivered.

- e) No grant funds shall be awarded for the acquisition or development of land that will not be available for general public indoor/outdoor recreation use.
- f) PARC grant funds cannot be used to match other State or federal grant funds.

Section 3070.60 Project Evaluation Priorities

The following factors are used by the Department in evaluating and recommending local project applications for funding consideration. These priorities are listed in this Section and also available in the Department's PARC Local Participation Grant Manual (available from Illinois Department of Natural Resources Division of Grant Administration, One Natural Resources Way, Springfield IL 62702-1271). Department grant staff, in consultation with executive and appropriate resource staff, review all applications in accordance with the established evaluation criteria in this Section. Department grant staff recommendations are forwarded to the Director for PARC grant approval.

- a) Statewide Local Needs Assessment – 55%
 - 1) useful life of existing facilities and improvements in comparison to the Department's schedule of Useful Life of Park and Recreation Facilities;
 - 2) address public health and safety needs;
 - 3) sponsor has high economic need;
 - 4) correct accessibility deficiencies as defined by the Americans With Disabilities Act (42 USC 12101);
 - 5) projects that provide the greatest benefit in terms of cost per capita within the applicant's jurisdictional boundaries; and
 - 6) land acquisition.
- b) Statewide Comprehensive Outdoor Recreation Priorities – 10%

Projects are evaluated in terms of their ability to address major outdoor recreation and conservation issues identified by the Department in its Statewide Outdoor Recreation Plan. These include, but are not limited to, natural area and wetland preservation, protection of endangered/threatened species and critical habitat resources, conservation education, creation of greenways and long distance trail corridors, water-based recreation, recreation for disadvantaged populations and adaptive re-use/redevelopment of urban lands, including brownfields.
- c) Project Concept and Site Characteristics – 15%

The project proposal is evaluated in terms of the site's physical and aesthetic qualities, including accessibility; soil, topographic and hydrologic characteristics; site vegetation; compatibility with adjacent land uses; environmental intrusion on the site; impacts to cultural and natural resources; suitability for the construction of a new building, structure or facility; and the overall recreational diversity provided by the project. Consideration is also given for the use of recycled materials, composting, water or resource-conservancy materials, methods, products or practices.

- d) **Local Planning – 10%**
The major consideration under this criterion is public support and input into the project plan and existence of a comprehensive local recreation and/or open space plan identifying the proposed project as a priority. Consideration is also given for unique recreational opportunities not specifically identified in a local plan but having documented widespread public support.
- e) **Other Considerations – 10%**
Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in inner-urban areas; involving land acquisitions of a time-sensitive nature; proposing initial site development; involving private donations; representing economic revitalization efforts; or from applicants not previously benefitting from PARC assistance.
- f) **Penalty Factors**
Consideration is given to the applicant's past performance in completing open space lands acquisition and development (OSLAD) or other Department grant projects or unresolved project violations and the ability to properly maintain the project site.

Section 3070.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois PARC grant program must be open to the public for indoor/outdoor recreation use as set forth in this Part without regard to race or color, creed, national origin, sex or disability.
- b) All development projects receiving grant assistance shall be bound by the terms of this program for a period of 20 years. All properties acquired with PARC assistance are required to have a covenant placed on the deed at the time of recording that stipulates the property must be used, in perpetuity, solely for indoor/outdoor recreation purposes and cannot be sold or exchanged, in whole or part, to another party without approval from the Department.

- c) Property acquired or developed with PARC funds may not be converted to a use other than public outdoor recreation use as provided in this Part without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property of at least equal fair market value and comparable outdoor recreation usefulness, quality and location.
- d) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the fair market value of the property. The appraisal must be accepted as complete by the Department.
- e) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or other means of legal control and tenure (easement, lease, etc.) over the property being improved for a period of 20 years. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the unit of local government prohibit such arrangements. The sponsor must also adhere to applicable local bidding and procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating submission deadlines, must also be presented, upon request, to the Department for review prior to publication.
- f) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- g) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
 - 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed and title insurance policy (Judgement Order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled checks showing proof of payment to seller.
 - 2) Development Projects: Copy of construction as-built drawings (no larger than 11" x 17") and verification of actual project costs.

- h) All financial records on approved projects must be maintained and retained, in accordance with the Grant Funds Recovery Act [30 ILCS 705] and the State Records Act [5 ILCS 160], by the project sponsor for possible State audit after final reimbursement payment is made by the Department.
- i) The sponsoring agency must permanently post a PARC grant acknowledgment sign at the project site. The wording for the PARC sign will be provided by the Department.
- j) Projects assisted with PARC grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
- k) The sponsoring agency must observe and comply with the provisions of the Prevailing Wage Act [820 ILCS 130/4], which apply to the wages of laborers, mechanics and other workers employed in any public works, and with the prevailing wage requirements of the Illinois Procurement Code [30 ILCS 500/25-60].
- l) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project may be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.
- m) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims arising under, through or by virtue of the construction, operation and maintenance of PARC assisted facilities.
- n) In connection with and prior to the construction and the subsequent operation and maintenance of PARC assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent, as required by law. Failure to obtain any required permits may jeopardize approved grant funding.
- o) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:
 - 1) All lands and facilities assisted with PARC funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to the public.

- 2) The Department shall have access to PARC assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.
 - 3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the PARC assisted site.
 - 4) Any and all concession revenue in excess of the costs of operation and maintenance of the PARC lands and/or facilities shall be used for the improvement of those lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the PARC facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sublease or license being entered into or granted by the sponsoring agency.
- p) Conflict of Interests
- 1) No official or employee of the local political subdivision who is authorized in his or her official capacity to negotiate, make, accept, or approve or to take part in decisions regarding a contract or subcontract in connection with an approved PARC grant project shall have any financial or other personal interest in any such contract or subcontract.
 - 2) No person performing services for the local political subdivision in connection with an approved PARC grant project shall have a financial or other personal interest other than his or her employment or retention by the local political subdivision in any contract or subcontract in connection with an approved PARC grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved PARC grant project unless that interest is openly disclosed upon the public records of the local political subdivision and the officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.
- q) The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 580].

- r) Pursuant to Section 2-105(A)(4) of the Human Rights Act [775 ILCS 5/2-105(A)(4)], the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:
- 1) the illegality of sexual harassment;
 - 2) the definition of sexual harassment under State law;
 - 3) a description of sexual harassment utilizing examples;
 - 4) the contractor's internal complaint process, including penalties;
 - 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
 - 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policy shall be provided to the Department of Human Rights upon request.
- s) Program Violations and Project Termination
- 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.
 - 2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgement of the Department, the failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

Section 3070.80 Program Information/Contact

For information on the PARC Grant Program, contact:

Illinois Department of Natural Resources
Division of Grant Administration
One Natural Resources Way
Springfield IL 62702-1271

Telephone: 217/782-7481

FAX: 217/782-9599