

Schedule 13 Funding Request for the 2013-14 Budget Cycle

Department: Department of Public Safety
Request Title: CSP, Moffat County Public Safety Center Operating Agreement
Priority Number: R-3

Dept. Approval by: *[Signature]* 10/25/12
 Date
OSPB Approval by: *[Signature]* 10/25/12
 Date

- Decision Item FY 2013-14
- Base Reduction Item FY 2013-14
- Supplemental FY 2012-13
- Budget Amendment FY 2013-14

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
Total of All Line Items	Total	12,874,642	-	12,874,642	63,525	63,525
	FTE	-	-	-	-	-
	GF	462,528	-	462,528	-	-
	CF	542,149	-	542,149	-	-
	HUTF	11,616,064	-	11,616,064	63,525	63,525
	RF	253,901	-	253,901	-	-
	FF	-	-	-	-	-
(2) Colorado State Patrol Operating Expenses	Total	12,874,642	-	12,874,642	63,525	63,525
	FTE	-	-	-	-	-
	GF	462,528	-	462,528	-	-
	CF	542,149	-	542,149	-	-
	HUTF	11,616,064	-	11,616,064	63,525	63,525
	RF	253,901	-	253,901	-	-
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: **If yes, describe the Letternote Text Revision:**

Cash or Federal Fund Name and COFRS Fund Number: Highway Users Tax Fund "Off-the Top"

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: **Not Required:**

Schedule 13s from Affected Departments: N/A

Other Information:

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DEPARTMENT OF PUBLIC SAFETY

*FY 2013-14 Funding Request
November 1, 2012*

*John W. Hickenlooper
Governor*

*James H. Davis
Executive Director*

James H. Davis
Signature _____ Date _____

**Department Priority: R-3
CSP, Moffat County Public Safety Center Operating Agreement**

Summary of Incremental Funding Change for FY 2013-14	Total Funds	HUTF	FTE
Moffat County Public Safety Center Operating Agreement	\$63,525	\$63,525	0.0

Request Summary:

The Department requests an increase of \$63,525 HUTF "Off the Top" in FY 2013-14 and beyond to fund an increase in operating expenses related to the "Second Amendment to Operating Agreement Moffat County Public Safety Center."

Problem or Opportunity:

The Colorado State Patrol (Patrol) requests additional operating expenses appropriations to fund the increase in operating costs at the Craig Colorado troop office.

Brief Background:

In the late 1990's, the Colorado State Patrol partnered with the Moffat County Sheriff's Office and the Craig Police Department to co-locate in the Moffat County Public Safety Center to be built in Craig. The Patrol owns the space occupied by the Craig troop office and the Craig communications center. Moffat County owns the remainder of the building. The original operating agreement exempted the Patrol from paying for certain utilities, capital renewal, maintenance and janitorial services until November 1, 2011 in exchange for the sharing of certain building construction costs. The original agreement was effective August 1, 2001. The Patrol did not

receive additional operating appropriations at that time because they were not needed.

Proposed Solution:

Approval of this request will provide the necessary funding for the increase in operating costs at the Craig trooper office. The new agreement is ongoing and to be reviewed every two years for incremental changes to the rate based on actual operating expenditures. The current rate is comparable to what the Patrol pays to operate its other owned facilities and CDOT owned facilities.

Alternatives:

No other alternatives were considered as the Patrol owns the space it occupies.

Anticipated Outcomes:

The request will be approved and the increased operating funds will cover these incremental costs.

Assumptions for Calculations:

Rate per Sq. Ft.	Sq. Footage	Amount
\$7.00	9,075	\$63,525

Source: "Second Amendment to Operating Agreement Moffat County Public Safety Center", effective Nov. 1, 2011. Square footage includes the troop office, the communications branch, and one-third of the common areas.

Consequences if not Funded:

The Colorado State Patrol will be forced to use funds from the Craig troop's current operating budget and from other CSP appropriations to fund this incremental increase in operating cost. This will impact the amount of funds available for allocation to the Craig troop office and will impact its ability to maintain a presence in the Craig community and accomplish stated performance measures.

In addition, the Craig troop office, in response to this increased budget burden, will likely reduce trooper safety and operational training, eliminate range time, reduce normal office supplies and forms, eliminate uniform replacement, eliminate repair budgets for operating equipment such as radios, and eliminate the acquisition of safety operational supplies such as flares and reduce or eliminate ammunition budget. It is likely that the Craig troop office would no longer comply with the minimum training and operational standards set forth in CSP policy.

Impact to Other State Government Agency:

No other state agencies will be impacted by this request.

Cash Fund Projections:

This request will fall within the available appropriations limit for HUTF "Off-the-Top" funds.

Relation to Performance Measures:

- Increase information sharing between the Colorado State Patrol, allied agencies, the public and private sectors.
- While this request is not specifically related to the strategic objectives and performance measures in the Department's 2014 strategic plan, it is critical that the Department maintain adequate space to allow for its ongoing operations. Without properly functioning offices, the Department will experience difficulty achieving its core objectives.

Current Statutory Authority or Needed Statutory Change:

24-33.5-203 (2), C.R.S. (2008) Duties of executive director and patrol. (2) The Colorado State Patrol shall enforce or aid in enforcing all state laws pertaining to motor and all other vehicles, their equipment, weight, cargoes, and licenses, vehicle operators, and other operations including checking for brand inspection certificates or official bills of sale or acceptable trucking waybills on livestock or agricultural products upon the highways of Colorado and for the use thereof. The Colorado State Patrol shall also aid in the enforcement of the collection of all motor and other vehicle taxes and license fees, motor fuel taxes, and highway compensation taxes (with respect to the transportation of persons and property over public highways) as provided by law and shall otherwise promote safety, protect human life, and preserve the highways of this state by the courteous and strict enforcement of laws of this state which relate to highways and traffic upon such highways, notwithstanding any provisions of law charging any other department or agency in the state with the enforcement of such laws. The Colorado State Patrol shall also aid in the enforcement of other laws of this state as specifically authorized by the provisions of this part 2.

SECOND AMENDMENT TO OPERATING AGREEMENT MOFFAT COUNTY PUBLIC SAFETY CENTER

This Sublease is made between the following parties:

MOFFAT COUNTY, a body politic
221 West Victory Way
Craig, CO 81625

—and—

The State of Colorado,
Department of Public Safety
Colorado State Patrol
700 Kipling Street
Denver, CO 80215
(hereinafter, "CSP")

(hereinafter, "MOFFAT")

and is based upon the following terms and conditions.

R E C I T A L S

- A. The parties hereto are signatories to an Operating Agreement with an effective date of August 1, 2001.
- B. The Original Operating Agreement and the First Amendment to Operating Agreement including Exhibit "B" identified space exclusively dedicated to the Colorado State Patrol and "common use space" shared by the "Space Users" of the Moffat County Public Safety Center. (hereinafter, "PSC")
- C. The parties hereto ratify and confirm the original Operating Agreement is still of record and recognized in consideration of the mutual covenants and promises of the parties.
- D. The parties recognize that the CSP currently owns a total of 9,125 square feet in the PSC broken down as follows: 2,640 sq. ft. Communication Dispatch Center; 2,235 sq. ft. CSP Troop 4 B office; and 1,250 sq. ft. CSP vehicle Garage; 1/3 share of 9,000 sq. ft in common space making the CSP share of the common space 3,000 sq. ft.

NOW THEREFORE, in consideration of the mutual covenants and agreements, it is agreed as follows:

1. UTILITIES, MAINTENANCE, JANITORIAL, ETC. The CSP shall pay \$5.92 per square foot for its fair share of utilities, routine maintenance, and operating supplies as contemplated by paragraph 6 of the original Operating Agreement. The total "fair share" costs due from the CSP shall be \$53,724.25 per year.

2. CAPITAL RENEWAL/CONTROLLED MAINTENANCE. CSP agrees that at any time improvements or major repairs (Controlled Maintenance) to the PSC are warranted, which improvements or major repairs may qualify for State Controlled Maintenance Funds (CMF), the CSP will apply for such funds. MOFFAT understands and agrees that any such funding is at the exclusive discretion of the Colorado State Legislature and CSP can only request such funds without guarantee of obtaining the same. CSP shall be responsible to pay its pro rata share of any such improvements or major repairs, provided the same are previously approved by a person designated by CSP. CSP shall not unreasonably withhold such approval or requests,

3. EXCLUSIVE SPACE. CSP shall pay for any and all non-structural cosmetic changes to the CSP's exclusive space, including but not limited to painting and flooring. The CSP shall have exclusive

authority to make any and all such changes provided that such changes do not affect or endanger the structural integrity of the PSC nor otherwise negatively impact the use of the PSC by other Space Users. The cost of such changes shall be made through the Maintenance and Repair Fund as set forth in paragraph 4 below.

4. MAINTENANCE AND REPAIR FUND. In anticipation that funds will be needed to pay for improvements, major repairs, or non-structural cosmetic changes as set forth in paragraphs 2 and 3 above, the CSP shall pay \$1.08 per square foot each year to MOFFAT which moneys shall be held by MOFFAT until such time as such improvements, major repairs, or non-structural cosmetic changes are performed. MOFFAT or CSP shall notify the other party at least 30 days in advance of any improvements or major repairs to be done which either party believes should be paid from this fund. In the event that the total of cost of improvements, major repairs, or non-structural cosmetic changes exceeds the amount in the fund, CSP shall have the option to add additional funds during the fiscal year to make up the difference or use funds from the next fiscal year to cover the total costs. All additional funds or fund balance would be used to reimburse MOFFAT until the total cost of said work is reimbursed. MOFFAT or CSP shall not unreasonably withhold such approval or requests for expenditures against the fund. Fiscal year end review of the fund is required.

5. PAYMENT. The total payment by CSP, including its fair share of utilities, routine maintenance, and operating supplies as set forth in paragraph 1 above and the maintenance and repair fund as set forth in paragraph 4 above shall be \$7.00 per square foot for a total of \$63,525.00 each year. For the fiscal year 2011-2012, CSP shall pay \$42,350.00 as rent from the effective date of this agreement, November 1, 2011, through June 2012. For the fiscal year 2012-2013, CSP shall pay the full annual rent of \$63,525.00. Rent shall be due in one annual payment in January of the fiscal year.

6. TELEPHONE AND TELECOMMUNICATION. The CSP is responsible to pay its own cost for telephone service and any telecommunication charges incurred by its use of the PSC and shall be responsible for all equipment related thereto.

7. OTHER. The CSP is responsible for the cost of any repairs to the PSC necessitated by the acts or omissions of its agents, invitees, contractors or employees. MOFFAT is responsible for the cost of any repairs to the CSP Exclusive Space within the PSC necessitated by the acts or omissions of its agents, invitees, contractors or employees.

8. RENEWAL. A review of operating costs will be done by Moffat County every two (2) years and adjustments to the square footage rate resulting from that review shall be submitted to the CSP by June 30. Adjustments to the rate set forth in paragraph 1 above shall be made by letter of agreement. Any such rate adjustment shall be approved and signed by both parties prior to implementation.

MOFFAT COUNTY, Colorado, a body politic
By its Board of County Commissioners

COLORADO STATE PATROL

By: Thomas Mathers
Thomas Mathers

By: James M. Wolfenbarger
James M. Wolfenbarger

Date: Nov 1, 2011

Date: 4/7/11

ATTEST: Gella Neroch

ATTEST: _____

