



Volusia ECHO Program

A guide for applicants





TABLE OF CONTENTS

Introduction	3	Award Phase	18
<ul style="list-style-type: none"> • History • Overview • Funding 		<ul style="list-style-type: none"> • Process • Publicity Requirements 	
Applicant Eligibility	5	Construction Phase	20
<ul style="list-style-type: none"> • Clean Hands 		<ul style="list-style-type: none"> • Process • Project Time Limits • Project Extensions • Changes in Scope/Budget • Report Requirements • Monitoring 	
Project Eligibility	6	Post-Construction Phase	22
<ul style="list-style-type: none"> • Public Access • Unrestricted Ownership and Undistributed Use of Facility • Exceptional Project 		<ul style="list-style-type: none"> • Changes in Scope • Reporting Requirements • Publicity Requirements • Monitoring 	
Match Requirements	9	Definitions	23
Application	13	Restrictive Covenants	26
<ul style="list-style-type: none"> • Application Process • Application Requirements • Technical Application • Final Application • Eligibility Meeting • Grant Review Panel • County Council 		Independent Report	28



HISTORY

The Volusia ECHO program, generated by a grassroots initiative, resulted from a citizen approved referendum passed November 7, 2000. Volusia ECHO provides grant funds to finance acquisition, restoration, construction or improvement of facilities to be used for environmental, cultural, historical and outdoor recreational purposes. It is the intent of the Volusia County Council that funds be allocated throughout the county to provide broad geographical distribution and apportioned appropriately among the environmental, cultural, historical and outdoor recreational projects.

The Volusia ECHO Program seeks to enhance the quality of life of Volusia County's residents by working to achieve the following goals over a broad geographic base:

- Provide environmental/ecological, cultural, historical/heritage and outdoor recreational opportunities.
- Preserve significant archaeological or historic resources; and develop, enhance and promote heritage tourism opportunities, experiences and resources.
- Foster public memory and community identity by promoting and providing access to destinations and experiences associated with past events, peoples and places within the County of Volusia.
- Provide high quality, user oriented outdoor recreational opportunities including, but not limited to, access to the Atlantic Ocean through the establishment of oceanfront parks and off-beach parking.
- Improve the quality of life for Volusia's residents by providing access to the cultural arts, increase cultural based tourism, and encourage redevelopment and revitalization of downtown and urban areas through the provision of cultural arts facilities.

OVERVIEW

Environmental



Understanding of the environment and educating the public are key factors in maintaining a healthy sustainable community. ECHO funds support development of environmental learning centers, which provide programs on how daily

lifestyle decisions affect our environment and future sustainability.

Volusia County has a diverse and delicate ecosystem, ranging from low beach and marsh areas to high and dry pine forests. A sole source aquifer below the county's land mass sustains our water needs. It is critical that a proper balance is maintained between preserving life sustaining ecological systems and meeting the demands of our increasing population.

Cultural



Cultural activities play an important role in improving the quality of life for residents and visitors. Volusia County is a proud supporter of the arts.

The arts increase the county's tourism-based economy and encourage redevelopment in our downtown and urban areas.

Historic



Volusia County is home to over 200 sites listed on the National Register of Historic Places, including downtown neighborhoods, agricultural and educational districts, and individual buildings, churches, and archaeological sites. In 2005, the Historic Preservation Board, a County Council advisory board, developed a list of

critical historic properties. In an effort to save Volusia County's historical landmarks, special ECHO policies were approved by the County Council to encourage restoration and acquisition of these endangered facilities.

Each year, the Florida Trust for Historic Preservation recognizes significant contributions of individuals, societies, businesses and government entities that have demonstrated outstanding achievement in the field of historic preservation through its statewide Annual Preservation Awards Program. The County of Volusia received the "Outstanding Organization Achievement Award" in 2010 for its commitment to historic preservation through the ECHO program.

Outdoor Recreation



Outdoor recreation plays an important role in the quality of life of Volusia County residents and tourists. The 2000 ECHO referendum, passed by our citizens, resulted from a grassroots initiative that viewed

Volusia County as an extensive and vibrant park system.

Our county's abundant natural resources enrich our lives through passive and active sports parks. Additionally, the countywide trail system meanders as a linear park throughout Volusia County.

FUNDING

The County's Chief Financial Officer shall determine the amount of funds available for award each year. Each application that is recommended for funding will be funded at 100% of the requested amount as funds are available. If the recommended awards result in a grantee receiving only partial funding, the applicant will be given the option of accepting the partial funding amount during the Grant Review Panel session.

The potential grantee shall provide a revised budget to the County prior to the approval of final award by the County Council that describes the use of the reduced ECHO grant and corresponding match.

Standard Project

The maximum standard grant request amount is \$600,000. The minimum amount is \$12,500. Required match is 1:1. A standard project is defined by the total square footage of the facility to be constructed, renovated or improved and the site on which the project exists. Both the improved and unimproved property will have an established footprint based on the initial application.

A project or facility complex may receive multiple standard grants up to, but not more than, \$3.1 million over the life of the ECHO program unless the project provides a substantial expansion to the total square footage of a project or site, which results in significant additional public use. Such an expansion may allow the Grantee to apply for an additional \$3.1 million. Approval by the County Council is required prior to application in order for an applicant to exceed the initial \$3.1 million funding cap.

Exceptional Project

The maximum exceptional grant request amount is \$2.5 million. Required match is 1:1. No project or facility complex may receive more than one Exceptional grant award through the life of the ECHO program. If the exceptional award was not the maximum award, the applicant may request a Standard Single-Phase project grant(s) to reach the cap amount.



ECHO Grant applicants must be:

- Volusia County Government; or
- Municipal Government within Volusia County; or
- Not-for-Profit Corporation that meets the following criteria:
 - A Not-For-Profit corporation incorporated in the State of Florida and classified as a 501(c)(3) tax exempt under Federal Internal Revenue Service regulations and designated in compliance with s.170 of the Internal Revenue Code of 1954; and
 - Has maintained incorporated status for a more than two years prior to the application deadline; or
 - Has been incorporated in the State of Florida for less than two years at the time of the application deadline, but has provided sufficient evidence of operations for a minimum of 10 years in Volusia County and provided the most recent five years of Independent Certified Audits and Management Letters of the organization.
 - Is registered as a Foreign Corporation doing business in the State of Florida with a local group within Volusia County that can provide sufficient evidence of public service to Volusia County citizens for the five-year period prior to the ECHO application deadline. Foreign corporations must also demonstrate five years of 501(c)(3) status in its State of Incorporation.

The applicant may not owe the County of Volusia any money or have any outstanding violations of Volusia County Code of Ordinances.

The applicant must have satisfied all administrative requirements of previous grants and agreements received from or administered by the County of Volusia.

The applicant may have no more than three open projects at one time to be eligible to apply for additional funding.

Projects whose owner/tenant (i.e., the applicant) does not provide ECHO related services as their main mission are ineligible.

The applicant must agree to required match per the guidelines established in the ECHO Guidebook.

Clean Hands

The applicant may not owe the County of Volusia any money or have any outstanding violations of Volusia County's Code of Ordinances. The ECHO Committee strongly suggests applicants request a "Clean Hands" search well in advance of submitting an ECHO grant to determine if they owe money to the County or are in violation of a County Code.

The ECHO Clean Hands form has instructions and lists the contacts in each of the five County Departments to which it, and the Not-For-Profit Officers and Shareholders form, must be submitted. Forms and information may be requested from the ECHO office.

ECHO staff will conduct a Clean Hands search of all applicants prior to presenting the grant award recommendations to the County Council. Failure to resolve clean hand situations prior to the County Council meeting will result in the applicant being ineligible for a grant award.



Project Eligibility

Pursuant to Volusia County Council Resolution 2000-156, an organization's project/application must meet the following criteria:

- The Volusia ECHO Program funds are to be used solely to finance acquisition, restoration, construction and improvement of environmental/ecological, cultural, historical/heritage and outdoor recreation facilities for public use.
- Projects without construction designs that guarantee ECHO related uses are ineligible.
- Only one application for the same project, facility complex or site will be accepted in a single grant cycle.
- There may be no more than two open ECHO grant awards per project site to be an eligible application.
- Projects should not duplicate each other or an existing or planned ECHO related function in the same area of service, whether public or private. This applies to projects from the same applicant or different applicants.
- County staff shall make recommendations on duplication and eligibility. Appeals may be made to the ECHO Advisory Committee.
- Historic restoration, a trail system, off-beach parking and established, fully open to the public ECHO related projects are exempt from these restrictions.
- Projects solely for depreciable items, with less life expectancy than the required grant agreement period, are ineligible unless there is sufficient evidence the applicant has the ability to replace them.

PUBLIC ACCESS

The project must be accessible to the public for a period of 20 years from execution of the grant agreement. In addition, grantees may not discriminate in the schedule of fees or terms of use of the facility. Public access must be provided within three years of the ECHO award. If this does not occur, the applicant will not be eligible to apply for additional ECHO funding.

Projects that ultimately allow access only to the exterior of a building are ineligible. These include:

- Projects intended primarily for students, faculty and staff and/or that are intended to augment or supplement a curriculum
- Projects on multi-use campuses/complexes with no designated parking

UNRESTRICTED OWNERSHIP/ UNDISTURBED USE OF FACILITY

Documentation of the ownership or lease of the facility and property shall provide for undisturbed use. Length of the lease shall be consistent with requirements set in the Restrictive Covenants. Leases shall not be cancelable without cause. Owners of leased property must be a municipality of Volusia County, the County of Volusia, the State or Federal government, or an eligible Not for Profit.

Applicant must document ownership or undisturbed use by one of the following:

- Proof of unrestricted ownership of property and/or building(s): unrestricted shall mean unqualified ownership and power of disposition. Projects leased to For-Profit entities are not eligible for ECHO funding. Documentation may be a copy of the deed or the title. Provisional

sales contracts, property appraiser documents, binders, or letters of intent are not acceptable documentation of ownership.

- Proof of undisturbed use of property and/or building(s) for 20 years.
- Trails on the County's Trails Master Plan/ Projects with Land Management Agreements: Ten years with an automatic 10-year renewal or a Use Permit may be provided as proof for any trail system that is going to be constructed on another government's right-of-way or property that is not available for purchase or lease. Trail projects are still required to provide 20 years public use for restoration, expansion, and new projects and are subject to the penalties set in the Restrictive Covenants if the public use period is reduced.

Trails and projects on public lands not owned by the applicant: In lieu of the restrictive covenants and unrestricted ownership, trails projects that are part of the County's Trails Master Plan approved by the County Council or projects on State or Federal lands, the public right of continuing access and undisturbed use shall be provided by a use permit, land management agreement, or Project Management Agreement to which the applicant is party. Agreements between the owner and applicant shall meet the 20-year time period requirements. If the Agreement between the owner and the applicant is dissolved prior to the end of the time period stated within the Agreement, the grantee shall repay the County in the manner set forth in the restrictive covenants and the final ECHO Grant Agreement.

- Project management agreements on State or Federal Public Land for the purpose of developing an Environmental Learning Center and or experience, or to restore a historic structure shall be for the construction and/or restoration period. The applicant must provide, at a minimum, a letter of intent from the property owner that demonstrates:
 - The property owner will agree to a project management agreement for the construction / restoration period.
 - The property owner has the ability to manage and maintain the property and meet programs/goals identified in their application.
 - Confirmation that the property owner understands the scope of the project and the commitments of this application. The grantee shall be responsible for submitting

required reports.

Acquisition Projects. Applications that request funding for the acquisition of property as part of a project must include a notarized letter of "agreement to sell" from the current property owner and provide an appraisal by a State Certified or MAI appraiser unless the sale price is \$250,000 or less, whereby a Certified General Appraisal is acceptable.

When the application is to acquire real property, applicants will be considered exempt from this ownership eligibility requirement and undisturbed use requirement at the time of application.

In the application, the applicant must provide:

- A legal description of the real property;
- The purchase price;
- An appraisal by a State Certified or MAI Appraiser if the sale price is greater than \$250,000 (see definition for State Certified and MAI Appraiser, appendix A), or a certified general appraisal including narrative analysis for acquisitions with a sale price of \$250,000 or less (see definition for certified general appraisal, appendix A);
- A notarized letter of intent to sell signed by the property owner.

Historic or Off-beach Parking Reimbursement Projects requesting funds from ECHO for projects with a sale price of greater than \$250,000 must provide an appraisal by a State Certified Appraiser or a Member of the Appraisers Institute. If the project sale price is \$250,000 or less, an appraisal by a certified general appraiser must be provided.

The purchase of (closing on) most real property (an expense) may not take place prior to the execution of the final Grant Award Agreement although a purchase agreement may be negotiated. The following is required:

- A statement that the grantee will meet the ownership or undisturbed use requirements immediately upon acquisition.

To request a check at closing: Applicants must operate on less than \$100,000 per year and the grant request is less than \$150,000. Applicants will be required to include the Restrictive Covenants as part of the closing agreement.

ACCESSIBILITY REQUIREMENTS



Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States, as defined in Section 7 (20), shall, solely by reason of his/her handicap (disability), be excluded

from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

In addition, the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability in employment (Title I), State and local government services (Title II), and places of public accommodation and commercial facilities (Title III).

Regardless of federal funding requirements, all Volusia County ECHO grant award agreements state, all acts to be performed in conjunction with this agreement shall be performed in strict conformity with all applicable federal, state, and local laws. This includes compliance with Chapter 553, Florida Statutes, Building Construction Standards, Part V, and accessibility by Handicapped Persons. This statute formally incorporates into the laws of Florida the accessibility requirements of the Americans with Disabilities Act of 1990.

IMPORTANT: Applicants must review the compliance mandates of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 for information regarding facility accessibility. Contact the State Architectural and Transportation Barriers Compliance Board.

The National Endowment for the Arts can also be contacted for information; ask for assistance through the Office of Accessibility at 202-682-5532 or <https://www.arts.gov/accessibility/accessibility-resources/nea-office-accessibility>. Request the 504/ADA Handbook. This handbook provides helpful information regarding compliance with federal laws; however, there are instances where the State of Florida law prescribes access measures which exceed the federal standards. In case of conflict, the organization must comply with

the more stringent requirement. For information on state standards, please contact the State of Florida Division of Cultural Affairs at 850-245-6356.

EXCEPTIONAL PROJECT



Exceptional Project means a project of paramount and crucial countywide importance, which provides for receipt of services by significantly large numbers of people in all areas of the county as demonstrated and determined by a three-

fourths majority of the appointed ECHO Advisory Committee (up to nine members) and a majority of the County Council (four of seven).

Grant Funding Amounts and Match

Exceptional project applicants may request up to \$2.5 million. The applicant must provide a 1:1 match. Fifty percent of the match must be unencumbered Cash Match and up to one-half of the Cash Match may come from previously spent cash.

Projects or facility complexes may not receive multiple Exceptional Awards that total more than the maximum allowed for a single Exceptional Award. The cap for their request is set by the County Council.

The project or facility complex may not request another Exceptional Grant award throughout the life of the ECHO program even if it is for a substantial expansion of the facility. The project may receive standard grants until reaching the \$3.1 million lifetime cap, unless there is a substantial expansion and if approved by the County Council.

The date of required public access will be within four years of the ECHO award. If this does not occur, the applicant will not be eligible to apply for additional ECHO funding.

Encumbrance and construction period extensions are available under the same conditions as a standard grant.

Match Requirement

Documentation of match must be provided during the application process. Below are the categories of match and acceptable documentation for each category. Applicants must provide official documentation of match.

UNENCUMBERED CASH ON HAND

Cash in the bank, grants from other sources (grants must be awarded with contract executed) and funds must be encumbered before the Grant Review Panel is convened, and irrevocable pledges from the applicant organization (pledges must be in the bank before the Grant Review Panel is convened). The amount of required match that must be unencumbered cash on hand varies depending on the agency type and size. The guidelines below will be followed:

County Government or Local Municipality:

Must provide 50% of overall match in unencumbered cash or expenditures.

A Not-For-Profit organization with:

- Operating revenues or expenses/ expenditures annual average of the three fiscal years completed prior to the application deadline of \$500,000 or greater. Must provide 50% of overall match in unencumbered cash or expenditures.
- Operating revenues or expenses/ expenditures annual average of the three fiscal years complete prior to the application deadline less than \$500,000 and greater than \$250,000. Must provide 30% of overall match in unencumbered cash or expenditures.
- Operating revenues or expenses/ expenditures annual average of the three fiscal years complete prior to the application deadline less than \$250,000. Must provide 20% of overall match in unencumbered cash or expenditures.

Documentation:

- Current bank statement or copy of signed/executed resolution including pledged dollar amount, project name and date the funds will be available.
- Funds from grant awards used for match, that have not been previously expended, may be used for unencumbered cash match and be provided throughout the ECHO grant period and are not required to be in the bank prior to issuance of a notice to proceed by the County. Government grants must have an executed grant document. If the applicant is using the unspent portion of a grant for unencumbered cash match, the applicant must provide an official document showing the remaining grant balance that is available for this project. Potential grants that have been applied for are not eligible match but may be mentioned in the application.
- Irrevocable pledges must have a notarized letter stating the pledged amount, the purpose of the pledge and the date the funds will be made available. Funds must be in the bank prior to the grant review panel meeting.

IN-KIND SERVICES/ PREVIOUSLY SPENT CASH

In-kind services are the documented non-cash contributions provided to the applicant by individuals and non-corporate, non-governmental parties. Contributions may be in the form of the fair market value of goods and services directly benefiting and specifically identifiable to the project.

Previously spent cash is the encumbrances or cash expenditures completed within the seven-year period prior to the application. Expenditures must have been on eligible items (list on next page).

Documentation:

- **In-Kind Services (IK):** An itemized list of products or services including:
 - Name of person or organization making the in-kind donation.
 - Description of the goods and/or services donated.
 - Fair market value of the in-kind contributions including total value of the goods/services, value amount of the donation and basis for determination of the value.
 - Date the donation was/will be provided for the project.

Future in-kind donations must be supported by a notarized letter.

Previously provided in-kind service or product donations do not require backup in this application other than specified in the manual; however, official documentation must be available for review upon request by the County or the ECHO Advisory Committee.

- **Previously Spent Cash:** Copies of the work order, invoice and the front and back of the canceled check are required for each purchase.

LAND MATCH (LM)

The documented current market value, sale price or current leasehold value of real property used for the project (property value must be documented by appraisal documents obtained from the Volusia County Property Appraiser's Office or a professional appraiser). The property value is set at the time of first use. Once 100% of the property value has been used for ECHO mission purposes, it cannot be used again. In addition, if property value has been used to secure other grants (not ECHO) that amount is considered ineligible. LM can be used for up to 25% of total match. Property donated by the County or acquired through a County source, including ECHO or Forever, is NOT eligible for match.

Unless the project is an eligible Historic or Off-Beach Parking Reimbursement project or a trail section of the Trails Master Plan, at least half of the cash match (25% of the 1:1 total match) must be unencumbered cash or irrevocable pledge that are guaranteed to be on hand in the bank prior to the Grant Review Panel.

One hundred percent of the cash match may be derived from real property value when the project is

a section of the County's Trails Master Plan including real property not owned by the applicant. Eligible reimbursement projects may use the purchase price and/or mortgage as 100% match.

Trails on the County's Master Plan, projects on State or Federal land, and property donated by the County are not eligible for match.

An applicant operating on more than \$100,000 annually may use real property value for up to one-half of the required cash match if the property was purchased or donated within the seven years prior to the deadline of the application. A copy of the deed and a copy of the appraisal must be provided.

An applicant operating on less than \$100,000 annually and requesting \$150,000 or less in ECHO funds may use up to 25% of the purchase price or real property value no matter when the property was purchased or donated. A copy of the deed and a copy of the appraisal must be provided.

The total value of the real property, for the purpose of match, is set at the value documented in the application whereby an initial grant is awarded to the project site. Applicant may use real property as match for more than one project, but only up to the value documented at the time of first use.

Property already used as match for a grant other than ECHO is considered encumbered and is not eligible for use as match for ECHO projects.

In the case of Real Property with large tracts of land with multiple uses, including non-ECHO eligible property, only the value of real property needed for the ECHO capital project and adjacent property required for access (including parking) and for reaching programming goals may be used for match.

The acquisition value and/or fair market value of real property, provided for the purpose of a historical restoration and/or environmental learning project on State or Federal land, may be used in lieu of up to 50% of the required cash match and 100% of the other match (or 75% of the total required match) regardless of when the property was donated, purchased, leased, or when a Land Management Agreement or Project Management Agreement was initiated, but may be used only once as match.

The acquisition value and/or fair market value of land provided for the purpose of a trail project of the County's Trails Master Plan, including land not owned by the applicant, may be used for 100% of the match regardless of when the property was donated, purchased, leased, or when a Land Management Agreement or Project Management Agreement was initiated, but may be used only once

as match. The applicant is reminded that ECHO is a reimbursement grant program. The applicant must discuss the ability to initiate the reimbursement program.

For any linear trails crossing large tracts of land, the value will reflect the value of the total land available for public access. In lieu of using actual acquisition value of land for match, the value may be determined by the Property Appraiser value or a general appraisal by an independent.

The current annual fair market value of an unencumbered lease may be used as match as demonstrated with a State Certified or MAI Appraisal.

ELIGIBLE MATCH OR ECHO FUNDING

Additional funding restrictions are stated within the categories below. Expenses may include the actual amount to be paid or the value of the in-kind contribution.

Match and/or ECHO:

- **Architectural/Engineering Services:** Match items may include design work, schematics, design development, engineering, bidding and negotiation, consultant services, surveys necessary to develop the project (boundary, wetland, tree, historical, or archeological), and contract administration. Most architectural services may be used as match if they meet the seven-year match rule for in-kind services/ previously spent cash, with some exceptions, such as feasibility studies. Applicants may use ECHO grant dollars only for final construction drawings that are generated after a grant is awarded and after a Notice to Proceed has been issued by the County to the grantee.
- **Site Construction:** Items may include building demolition, site clearing, sewers and drainage, underground ducts and utility structures, utility connection and structures, termite control, exterior irrigation systems, earthwork, landscaping and parking surfaces.
- **Concrete:** May include cast-in-place concrete, architectural cast-in-place concrete-form work, structural pre-cast concrete and special concrete toppings/finishes.
- **Masonry:** May include unit masonry, stone masonry veneer, restoration and cleaning, and glass masonry assemblies.
- **Metals:** May include structural steel, metal fabrication, metal stairs, pipe and tube railings, gratings and ornamental metalwork.
- **Wood and Plastic:** May include rough carpentry, finish carpentry, interior/exterior architectural woodwork, panel-work or plastic fabrications.
- **Thermal and Moisture Protection:** May include waterproofing, fireproofing, shingles and roofing, siding and sealants.
- **Doors and Windows:** May include steel, wood, glass, and aluminum doors; frames; automatic or revolving doors; steel, wood, glass and aluminum windows; decorative or mirrored glass; and door and window hardware.
- **Finishes:** May include plaster, sheathing, ceramic tile, wood/brick flooring, carpet, paint and wall coverings. Acoustical treatments such as panel or tile ceilings apply only to theatres, performing art centers, auditoriums and science centers.
- **Specialties:** May include louvers and vents, permanent signs, lockers, metal storage shelving, partitions and mobile storage units. ECHO may fund 100% of permanently installed educational interpretive signs.
- **Equipment:** May include such items as theatre and stage equipment and playground equipment that is permanently installed. Note: Do not include expenses for office equipment in the ECHO or Match columns. Match funds that are spent on these items must be directly related to project public use, such as computer equipment used to educate the public, and not be administrative.
- **Furnishings:** May include casework and theatre seating or other items required for public use. Note: Do not include expenses for office furniture, window treatment hardware or louver blinds in the ECHO or Match column.
- **Special Construction:** May include X-ray protection and metal building systems.
- **Conveying Systems:** May include elevators, moving walkways, wheelchair lifts and vertical conveyors.
- **Mechanical:** May include pumps, motors, interior fire protection sprinkler systems, plumbing fixtures, water heaters, HVAC pumps and controls, boilers, furnaces, liquid coolers and evaporators, air-conditioning units, humidifiers, fans, metal ductwork and air filters.
- **Electrical:** May include wires, cables, transformers, switchgear, panel-boards, fuses,

disconnect switches, circuit breakers, interior and exterior lighting (including theatrical lighting), fire alarm systems, public address systems and lighting control equipment.

Historic Reimbursement or Off-Beach Parking Reimbursement Projects may use mortgaged funds as match. If the grant amount is less than the actual purchase price, the balance of the purchase price (even when mortgaged) may be used as 100% of the required match. When a mortgage for an eligible Historical or Off-Beach Parking Reimbursement project is used as match, the interest paid on the mortgage is considered to be the “cost of doing business,” and may not be used as match.

Eligible match, but not ECHO funding:

- Expenditures for eligible items made prior to the execution of the Grant Award for the subject project of this application, unless the project is a Historic or Off Beach Parking Reimbursement.
- Expenditures for architectural, engineering and other technical services necessary to initiate the project (construction drawing expenses incurred within the grant period, relative to the project phase that is funded, are permitted).
- Environmental remediation or code compliance expenditures needed to complete an eligible project; Level I only of environmental assessments.
- Applicant organizations operating on less than \$200,000 annually, averaged over a three-year period, may use up to \$7,500 of the expenditures for a grant writer.
- Not-For-Profit organizations operating on less than \$200,000 annually, averaged over a three-year period, may use expenditures for Agreed upon Procedures.
- Certified Audits or Reviews necessary for applying to ECHO as PSC cash match.
- If the same audit/review is used for two grant periods, its use as match is limited to the year an initial grant is awarded.
- When the grantee is acting as the general contractor, hourly wages of employees who work

directly on physical construction of the project (not administrative), less benefits, are eligible for match only.

- Work and expenses must be clearly documented on a spreadsheet as it pertains to the project.
- Back-up required by the County will include at a minimum location of work, type of work, date/time recorded daily, and record of payment less benefits.
- Expenditures for temporary or permanent ECHO sign.

May not be used for match or ECHO funding:

- Expenses associated with lobbying or attempting to influence Federal, State or local legislation, the judicial branch and State agencies.
- Fundraising, private entertainment, food, beverages, plaques, awards or scholarships.
- Projects that are restricted to private or exclusive participation, including restricting access based on sex, race, color, religion, national origin, disability, age, handicap or marital status.
- Debt reduction unless the project is a Historic or Off-Beach Parking Reimbursement Project.
- Loans or borrowed funds.
- Endowments.
- Operational support (i.e., organizational salaries, programs, travel, supplies, furniture, fixtures and equipment).
- Permit preparation or fees with the exception of a level one environmental study.
- Maintenance.
- Legal fees or taxes.
- Feasibility studies and conceptual drawings.
- Projects whose main purpose is to provide environmental remediation or code compliance.
- Contingency fees.
- Match from a County source unless the County is the applicant.
- Revenue from bond issues that have not been passed (approved) at the time of this application.
- Expenditures from tax increment financing districts or community redevelopment agencies unless pre-approved by the County Council for a project with countywide economic impact.



Application

APPLICATION PROCESS

Applicants must complete the following steps in the ECHO application process:

- Attend an ECHO Grant Review Workshop. The grant review workshop is mandatory for all applicants. The workshop(s) are offered on an annual basis, and attendance is required. The workshops will review the application process and grant requirements for the upcoming grant cycle.
- Submit a Technical Application.
- Submit a Final Application. Applicant must be eligible to apply and the subsequent application must demonstrate eligibility.
- Attend an Eligibility Meeting.
- Attend the Grant Review Panel. Application must achieve a minimum score of eighty from the ECHO Advisory Committee acting as the Grant Review Panel in order to be recommended for funding.
- Receive final approval by official action of the County Council.
- **Project funding.** Include the amount requested, value of match and indicate other funding.
- **Project team.** Include names, contact information and experience of the project team and management of project.
- **Notice of Restrictive Covenant:**
 - Applicant must confirm that they agree to the terms of the restrictive covenant.
 - If the project of the application is mortgaged or leased property, other than those applying for trails in the County Master Plan or projects on State or Federal land not owned by the applicant, a letter from the Mortgagee or Lessor, stating that they agree to sign the Restrictive Covenants, must be supplied with the application.
 - Applicants with projects on State-owned land are automatically exempt from this requirement, but are held to the same liquidated damages cited within the Restrictive Covenants through language found in the final ECHO Agreement for which the grantee is held responsible.
- **Certification of Information and Compliance.** Must be executed by officials with appropriate authority for contracts, CFO and Board of Directors for Nonprofits.
- **Project description.** Explain how project will achieve the goals of Resolution 2000-156 to plan for future growth of Volusia County and enhance the quality of life for the its residents.
 - Use factual information/documentation to show how project will accomplish those goals (preserve historic resources, provide

APPLICATION REQUIREMENTS

There are several components that are required to be submitted in an application. The following information is required for each section:

- **Applicant information.** This includes basic contact information and the applicant's mission.
- **Project information.** This includes items such as project location, type, ECHO Category, applicable leases or mortgages on the property.

- heritage tourism opportunities, create user oriented outdoor recreational opportunities including oceanfront parks and/or provide access to the cultural arts).
 - The description needs to address the project and construction timeline, green and sustainability standards, public accessibility, ADA accessibility requirements, and if applicable any additional phases.
- **Performance measures.** Explain the project's goals and objectives. Elaborate on how these goals and objectives will be measured for the length of the restrictive covenant.
- **Drawings.** Drawings are required from all applicants. All applicants must submit current drawings and/or excavation plans for the facility, site survey with existing structures and site plans with structures. Maps must be legible, to scale with legends.
 - Vacant land acquisition projects shall include conceptual drawings of improvements to the property, which are to be completed within two years of acquisition. Proposed structures shall include elevations, floor plans and design elements such as landscaping.
- **Street Locator Map.** The map should indicate the physical location of the project within the local area. It should also include road names and "North" for directional reference.
- **Site Plan.** Plans should show a building footprint, travel ways, parking, landscaping, etc. Plans should be to scale. This section includes site survey, trees and topography, civil, water retention drainage and circulation.
- **Preliminary and Schematic Drawings.** Drawings should show a general model of floor/site plans, showing location of project elements. This includes a Florida-friendly landscape plan.
- **Design and Development Documents.** Documents should show more detail, including selection of materials and engineering systems (heating, cooling, etc.) involved. Documents should also have a more detailed cost estimate and include environmentally sustainable materials. County and municipal applicants are reminded of the construction of energy-efficient and sustainable buildings requirements pursuant to Florida Statute § 255.2575.
- **Construction documents.** Documents should include written and graphic instructions. These documents should be focused on specifications for the project (building systems, floor plans, elevations, etc.). These documents should include site utilities and ADA information.
 - Outdoor, trails, parks, sports facilities and playgrounds would require a bid set of plans, which are ready to be used for the procurement process. New construction, facility remodel and historic projects would require a bid set of A&E plans, which are ready to be used for the procurement process. In addition, historic projects would need to demonstrate research and compliance with Historic Preservation Standards and Guidelines.
- **Permanent ECHO Sign documents.** Include sign design, materials and site placement.
- **Project Budget (including match)**
Project Budget Detail Chart
 - A complete project budget must be submitted in the format provided by the county. The budget should be presented by each type of funding: UC unencumbered cash, LM land match, IK in-kind services or PSC previously spent cash, ECHO Request and Project Total. The budget must include temporary and permanent ECHO signage (the ECHO portion of the budget may not be used to fund the signs). It is imperative that the budget is accurate and realistic because all awarded projects will be responsible to implement their projects as presented in the application's budget.
- **Match documentation.** All documentation for match must be included in the application as required in the ECHO guidebook.
- **Operating Forecast.** This section must outline how the facility or project will operate, such as staffing, maintenance requirements and increased programming. All fees, including memberships and entrance fees, must be included. It also includes a detailed maintenance and replacement plan for the 20-year compliance period. Applicants must provide sufficient evidence that they address sustainability as part of the project design and as part of the operating forecast.
 - Applicants must submit a business plan, feasibility study and marketing plan. These plans must be specific to Volusia County and the proposed project.

- **Fiscal Stability.** This includes a review of fiscal stability of applicants, which should be an overview of the organization or department in local government. It also includes operational funding and costs associated with the project. This must be completed for the prior fiscal year, current fiscal year and the upcoming two fiscal years. Not-for-Profits may reflect the use of endowments to demonstrate fiscal stability.
- **Financial Audit.** The requirements for this section vary depending on the type and size of the applicant. Below is an outline of the requirements.

County of Volusia and Local Municipalities

These entities shall provide a link to their Financial Statement under GASB 34. The link should include the following documents:

- A Management Letter from the last fiscal year Independent Auditor's Report on the Basic Financial Statement.
- A Response Letter from the last fiscal year Independent Auditor's Report on the Basic Financial Statement. If no response letter was needed, make that statement here.
- An Opinion Letter from the last fiscal year Independent Auditor's Report on the Basic Financial Statement.

Not-for-Profit Organizations

The required financial information for a Not-for-Profit is determined by the operating revenue or expenses/expenditures annual average of the three fiscal years completed prior to the application deadline, as outlined below.

A Not-for-Profit organization with operating revenues or expenses/expenditures annual average of the three fiscal years completed prior to the application deadline of \$500,000 or greater must provide:

- A Certified Financial Audit of its most recent completed fiscal year and completed within 18 months prior to the application deadline.
- A Management Letter that is part of the audit.
- The most recent Response Letter relative to the Management Letter. If no official response was provided, the applicant shall provide a statement to that effect and the applicant shall provide a response to comments made in the Management Letter.
- Most recent Month-End Finance Statement.

A Not-For-Profit organization with operating revenues or expenses/expenditures annual average of the three fiscal years complete prior to the application deadline less than \$500,000 and greater than \$250,000 must provide:

- A Financial Statement Review of its most recent completed fiscal year and completed within 18 months prior to the application deadline.
- A Management Letter that is part of the review.
- The most recent Response Letter relative to the Management Letter. If no official response was provided, the applicant shall provide a statement to that effect and the applicant shall provide a response to comments made in the Management Letter.
- Their most recent Month-End Financial Statement.

A Not-For-Profit organization with operating revenues or expenses/expenditures annual average of the three fiscal years complete prior to the application deadline less than \$250,000 must provide:

- Agreed upon Procedures as defined in Guidebook.
- Their most recent Month-End Financial Statement.

Additional supporting documents for Not-for-Profit organizations:

- Must attach an official IRS letter granting Not-for-Profit 501(c)(3) status in Florida.
- Must attach their most recent Uniform Business Report (also referred to as an Annual Report) filed with the State of Florida, Division of Corporations.
- Must attach unrestrictive ownership or undisturbed use of facility documentation unless the project is an acquisition of real property.
- Must attach a letter of intent to sell from the owner for Acquisition Projects.

TECHNICAL APPLICATION

Submittal of a complete technical application is mandatory. If the application is received after the submission deadline, the County will not accept the submittal and the application will be deemed ineligible to submit a final application.

ECHO program staff will review the technical application and provide feedback to the applicant regarding eligibility, including compliance with program guidelines and completeness requirements. Staff will provide each applicant with a technical review prior to the final application deadline. This will give applicants the ability to implement recommendations in the review to ensure that their final application complies with program rules/guidelines and completeness requirements.

FINAL APPLICATION

Submittal of a final application is mandatory. If the application is received after the submission deadline, the County will not accept submittal and the application will be deemed ineligible. No deficiency correction will be allowed after the final application deadline.

ECHO Program Staff shall determine compliance with applicant/project eligibility and completeness requirements. Applications missing items or not meeting application/project eligibility requirements may be deemed ineligible. Staff will provide each applicant and ECHO Advisory Committee members with a Final Completeness Review recommending eligibility and the completeness status prior to the mandatory Eligibility Meeting. The Final Completeness Review will include whether the project has public accessibility, regardless of anticipated future phases.

If the applicant is advised, they must provide to the County all documentation noted as deficient in the County's Final Completeness Review. The amending supplement must be submitted electronically via email with the subject titled as follows: name of the organization, name of the project, and the grant number assigned to the application. The email shall also include a list of the documents attached to the email. The amending supplement documents shall clearly indicate the section of the application being replaced, changed, or supplemented on each of the pages. (These will be labeled as "addendums.")

ECHO Advisory Committee members will receive copies of the grant applications before the Eligibility Meeting. Members may contact ECHO Program staff during their review of the applications to better understand statements within the applications and clarification on ECHO policies, procedures and criteria. The committee has final determination as to the completeness of an application and its acceptance for subsequent scoring,

Clean Hands

The "Clean Hands" requirement stipulates that the applicant, its officers and/or significant stakeholders must be in compliance with all Volusia County codes and have no outstanding past due debt with the County of Volusia to be eligible to receive an ECHO Grant.

Staff will complete a "Clean Hands" search prior to the eligibility meeting. Copies of this search will be maintained in the project file. Applicants that do not pass this requirement will be deemed ineligible. Therefore, it is recommended that applicants complete this search themselves prior to application. This will allow time for the applicants to resolve any outstanding issues.

ELIGIBILITY MEETING

The ECHO Advisory Committee shall visit each applicant's project site, at which it is mandatory that the applicant's representative is in attendance. During the site visit, the applicant will have the opportunity to make a brief presentation and answers questions from the committee. These visits could take multiple meetings. After the site visits, the committee will confirm the eligibility of the applications.

Applicant requirements:

- Must attend the eligibility meeting at their project site and when the committee convenes to discuss eligibility of applications.
- Respond to initial questions from the committee.
- Prepared to provide a brief presentation and to answer questions posed by the committee on all areas of the application information and the project.
- Applicants may only update the committee/panel on topics covered in the application such as additional match funds or design changes.

GRANT REVIEW PANEL

The ECHO Advisory Committee sits as the Grant Review Panel to review and score all eligible applications. The committee will:

- Determine exceptional status for any applications requesting such, and
- Score and rank all eligible projects, and
- Indicate their reasons for the scores by writing comments on the Project Evaluation Sheet forms. Comments are intended to assist the applicant in future applications and should include remarks relative to the strength or weakness of the application, and
- Sign and date the score sheets and provide them to the County for public record. Eligible applications will be evaluated on their application along with information verbalized by the applicant as part of their grant review panel session. The total number of possible points is 100. Each panel member's evaluations will be based on:
 - Administrative compliance of the grant;
 - Project description;
 - Budget detail; and
 - Operating forecast details.

Evaluations are averaged to determine a score for the application. In calculating an average score, the highest and lowest individual scores will not be included. Each panel member may grant additional points for applications which provide sufficient evidence that sustainability elements are part of the approved project design.

Applications scoring 80 or above will be recommended for grants to the County Council by the ECHO Advisory Committee. Projects not recommended by the ECHO Committee may be funded by a majority vote of the County Council.

Exceptional Project Scoring

The Grant Review Panel will review all applications at the same time and will determine if a project meets the Exceptional Project criteria by a three-fourths majority vote of appointed members prior to the project ranking process (see definition for Exceptional Project in guidebook). This initial

determination does not rank the project. If a project is determined Exceptional, then it will be either be recommended or not recommended by the committee to County Council. This recommendation is dependent upon funding availability and the standard grant scoring criteria for ECHO projects.

VOLUSIA COUNTY COUNCIL



Before the County will approve a grant for acquisition, all documentation required by the applicant and required by law or by any party for closing

must be presented for review by staff and by the County Council. The term "any party" shall include seller, buyer/applicant, mortgagee, lien holder, realtor, title company, insurer and closing agent. ECHO funding is restricted to the actual purchase price and does not include closing fees and costs or property tax payments. All funding must be approved by the County Council.

At a regularly scheduled meeting of the County Council, the ECHO Program staff shall provide the County Council documentation of the ECHO awards recommended by the ECHO Advisory Committee, including the names of all applicants and projects, project locations and funding recommendations.

Additionally, staff will provide verification that the applicants recommended for awards have received "Clean Hands" status and information on those applications that were determined ineligible, if applicable.

County staff and the ECHO Advisory Chair or designee will present the committee's recommended projects and grant awards to the County Council for final approval.

The Council will review the recommendations and approve or deny recommended projects. The County Council has final authority over all grant awards. Although not required, applicants may wish to attend the County Council meeting to address questions posed by the Council during their discussions of the ECHO recommended awards.



Award Phase

THE AWARD PROCESS

The ECHO Grant Agreement must be executed by the applicant prior to County Council approval. If approved, the County Council will execute the ECHO Grant Agreement on the date of approval by County Council.

The following items must be completed prior to issuance of a Notice to Proceed:

- **Restrictive Covenants.** These covenants, accompanied by the complete legal description of the project property, must be filed with the Clerk of the Court if a grant is awarded. The restrictive covenant will remain on the property for a period of 20 years.
 - The complete legal description of the property is required and is found on the survey and/or the deed. This legal description must be approved by the ECHO office prior to recording with the Restrictive Covenants.
 - Land Management Agreements for trails of the County Master Plan or Project Management Agreements for projects on State or Federal lands not owned or leased by the applicant are acceptable in lieu of Restrictive Covenants but are subject to the same penalties of the Restrictive Covenants as stated in the ECHO Grant Agreement.
- **Bid Documents.** All local governments should follow their local procurement guidelines in selection of architect or construction services. All other grant applicants shall supply documentation of their bidding process or donation of services.
- **Performance Bond.** A performance bond naming Volusia County as a co-obligee must be submitted prior to notice to proceed is issued.
- **Management Agreements.** Management services agreements, existing or anticipated. The continuing use of any facility built with ECHO funds must be consistent with ECHO program goals as set forth in this application guide. The commitments and obligations for use and public access in the original grant application and the binding restrictive covenant must be maintained. ECHO recognizes that public-private partnerships may be mutually beneficial. Private, for-profit entities may be engaged to perform management services only if the ECHO goals and the application commitments are maintained. All management agreements, existing or future, must be approved by the County to ensure compliance with these objectives. For existing or potential agreements, the applicant shall provide the name of the management service, contact, phone number, and address.

Once these items are completed, a Notice to Proceed will be issued by the ECHO office. All of the ECHO funds awarded must be allocated toward products and services occurring after issuance of the notice to proceed by the County unless the project is a historic reimbursement or off-beach parking project.

Grantees who receive multiple grants for a project over several grant cycles must maintain the budget policies set in the year in which the individual grant was awarded unless the County approves that they may combine budgets.

The applicant must comply with all legal, financial, reporting and record maintenance requirements set forth in the application guidelines and agreement.

PUBLICITY REQUIREMENTS

The Volusia County logo and ECHO logo shall appear on the project and applicant website and shall be included in all media, print or electronic, for the project within 90 days of award. Any materials, print or electronic, that utilize the Volusia County logo and ECHO logo must be approved by Volusia County prior to publication.

A temporary ECHO construction sign must be erected within 90 days of award. The sign should be a minimum of 32 square feet. It must include the

Volusia County logo, ECHO logo, project name, project type and the following language:

County of Volusia and (Grantee Name)

Working together to improve Environmental, Cultural, Historic and Outdoor Recreation opportunities for our residents and visitors. This project is funded in part by the voter-approved Volusia ECHO grant program.

Volusia ECHO has funded more than 240 projects.

These are a few of them.



Southeast Museum of Photography



Jackie Robinson Ballpark



Lyonia Environmental Center



Barkley Square Dog Park

Construction Phase



PROJECT TIME LIMITS

Each grant must result in a project that is physically open to the public within two years of the grant award.

ECHO projects must complete construction within 730 days of execution of the Grant Agreement by the County.

Physical public access is required after each ECHO project is complete.

Exceptional Grants: The time frame to complete construction is three years from execution of the Grant Agreement by the County.

PROJECT EXTENSIONS

It is expected by the County that, at a minimum, all grant funds and match funds will be encumbered within the required project time limit, unless uncontrollable unforeseen circumstances occur.

Grantees may request extensions by writing to the ECHO Program no later than 60 days prior to the end of the project time limit period. Extensions by staff may not exceed an additional 365 days beyond the project time period allowed for a standard project or phase of an exceptional project.

The ECHO Program will send a written response within thirty days of receipt of the request, approving or denying the extension. Denials may be appealed to the County Council.

Any extension requiring more than an additional 365 days beyond the project time period must submit a request in writing to the ECHO Program. These requests will only be reviewed two times per year, therefore it is imperative that grantees plan

appropriately to ensure the grant award does not lapse. These requests will be reviewed by the ECHO Advisory Committee and if recommended presented for final approval by the County Council. Denials by the ECHO Advisory Committee may be appealed to the County Council.

CHANGES IN SCOPE/BUDGET

Grantees considering design changes must notify the County at the earliest time possible. The design provided in the application is part of the ECHO contract Agreement.

County staff may approve changes, including budgeted line items that do not alter the intent of the grant agreement or change the scope of the project. Changes in budget must be at or below 20% of the project's approved budget line item for staff to be able to approve them.

Major changes that alter the intended use or central design of a facility must be submitted to the ECHO Advisory Committee for review. This includes changes that add or delete a project element or budget changes that are above 20% of the project's approved budget line item. If the committee recommends the change, it will be presented to County Council for final review and approval. Denials by the ECHO Advisory Committee may be appealed to the County Council.

Approval must be granted by the County before expenditures are encumbered for proposed design changes or a construction change is ordered in an existing contract.

Applicants are advised that this approval process may take several months.

REPORT REQUIREMENTS

Quarterly reports and pay requests must be submitted on a quarterly basis. After staff processed the quarterly reports, a summary will be provided to the ECHO Advisory Committee.

If quarterly reports are not submitted or not submitted timely (15th day after the end of the quarter, or the next business day) for two consecutive quarters, the grantee will be required to attend an ECHO Advisory Committee meeting to provide an update on their project status.

Quarterly reports should include the following information:

- Completion percentage of project design;
- Completion percentage of construction;
- Narrative describing progress made since previous quarter; and
- Changes or anticipated changes in timelines, scope and/or budget.

Pay request may be submitted more frequently if deemed necessary by the applicant.

Pay requests must include:

- Item description, provider, application/invoice number and date and be signed by grant manager.
- Reimbursement requests must match line items in approved budget.
- Reimbursement must match at least a 1:1 amount (accrued over complete project).
- Grantee must submit documentation for each request, including invoices and proof of payment (canceled checks and a lien release).
- The initial pay request must include proof that the applicant received a performance bond that names the County of Volusia as the co-obligee. Payment will not be permitted without this documentation.

After the project is completed, retainage may be released once:

- The grantee submits an official letter stating that the project is complete and requesting release of retainage; and
- ECHO staff completes a monitoring visit to ensure that all work in the original

application has been completed including installation of a permanent ECHO sign.



MONITORING

ECHO program staff must be granted access to the project as requested during the construction phase. At a minimum, sites will be visited two times per year during the construction phase. ECHO staff will complete a monitoring worksheet after each site visit to ensure program compliance.

This monitoring worksheet will at the minimum ensure a review is completed of the following documents:

- Executed Agreement.
- Restrictive Covenants.
- Timely submittal of quarterly reports and reimbursement requests (including applicable back up documentation).
- All pay requests included proper documentation of payments for ECHO and match funds, which were appropriately filed.
- Items compensated in the last pay request completed.
- Documentation of bid process.
- Performance bond, naming the County of Volusia as co-obligee, for all contracted work prior to expenditure of ECHO funds.
- If the property is further encumbered.
- Timeliness of completion of project by applicable deadlines or extension requests.
- Changes to design, scope or intended use of the project and if so where proper approvals received.
- Temporary ECHO sign placed in a prominent public location.



CHANGES IN SCOPE

Major changes that alter the intended use of a facility as identified in the grant agreement must be submitted to the ECHO Advisory Committee for review during the 20-year period after execution of the grant agreement. If the committee recommends the change it will be presented to County Council for final review and approval. Denials by the ECHO Advisory Committee may be appealed to the County Council.

REPORTING REQUIREMENTS

Annual reports are to be submitted by July 15 of each year for a period of 20 years from the date of grant award, execution of the agreement.

Annual reports should include reporting from the grantees on the following information:

- Hours of operation/public access
- Programing and how it relates to ECHO
- Population served, including number served and applicable fees
- Operations/Budgets
- Partnerships
- Outlook for next year

PUBLICITY REQUIREMENTS

The Volusia County logo and ECHO logo shall appear on the project and applicant website and shall be included in all media, print or electronic, for the project within 90 days of grant award. Any materials, print or electronic, that utilize the Volusia County logo and ECHO logo must be approved by Volusia County prior to publication.

An ECHO sign must be erected prior to release of the retainage. The sign should be a minimum of 8 square feet and made of bronze, engraved granite, corian, or bronze finish of aluminum. It must be permanently installed in a prominent, highly visible

location that is pre-approved by ECHO staff. It must include the Volusia County logo, ECHO logo, year of award and the following language:

The Volusia ECHO Grant Program was approved by Volusia County citizens in November 2020 to construct environmental, cultural, historical and outdoor recreation projects.

The size can be decreased for historical projects upon request and approval of ECHO staff.

MONITORING

ECHO program staff must be granted access to the project as requested during the 20 year period from the date the agreement was executed. At a minimum, project sites will be visited on an on a tri-annual basis. If there are concerns, a site visit will be completed on an annual basis or more frequently if warranted, until the project receives three consecutive clean monitoring reports. ECHO staff will complete a monitoring worksheet after each site visit to ensure program compliance.

This monitoring worksheet will at the minimum ensure a review is completed of the following:

- Timely submittal of annual reports
- If the property is further encumbered
- County staff access to the facility
- Public Accessibility/Fees
- ADA Accessibility
- If the facility used for purposes defined in the grantee's original application
- If the facility is in clean working order (grant items being maintained and/or replaced as needed)
- If a permanent ECHO sign on site in a prominent location

DEFINITIONS

ENVIRONMENTAL / ECOLOGICAL PROJECT (Category “E” of ECHO) means a site, building or facility that provides access to an environmental/ecological experience by the public.

CULTURAL PROJECT (Category “C” of ECHO) means a site, building or facility which shall be designed specifically for the programming, production, presentation, exhibition, or any combination of the above functions of any of the cultural disciplines, such as: music, dance, theatre, creative writing, literature, painting, sculpture, folk arts, photography, crafts, public media, and includes historical and science museums.

HISTORIC / HERITAGE PROJECT (Category “H” of ECHO) means a site, building or facility which utilizes its own and other historical resources to provide historical and/or heritage opportunities to the public and/or the facility is eligible to be registered as a significant historic facility by Federal, State or Local government and provides ECHO related programming by an ECHO eligible applicant.

OUTDOOR RECREATION PROJECT (Category “O” of ECHO) means a project that provides capital improvement structures and/or amenities that can be used or supports use by the public for outdoor recreational enjoyment. Amenity support can include outdoor athletic fields/athletic courts, boardwalks, trails, playgrounds and other facilities that provide outdoor recreational activity. It can also include capital facilities that support outdoor recreational use such as bathrooms, parking areas, pavilions, signage and other similar amenities.

ADVISORY COMMITTEE means the nine-member Committee appointed by the County Council to oversee the ECHO program and make recommendations for funding of the ECHO grant dollars to the County Council.

APPLICANT means a qualifying 501(c)(3) organization incorporated in the State of Florida with its principal office located in Volusia County, a municipality of the County of Volusia, or a budgeted organization of Volusia County Government.

ASSESSED VALUE OF PROPERTY means an annual determination by the Volusia County Property Appraiser of the just or fair market value of a property.

BUDGET means the organization’s unrestricted operating revenue.

CASH ON HAND means unencumbered cash dedicated to the ECHO project listed in the application.

CERTIFIED GENERAL APPRAISAL means a narrative appraisal, including a written analysis, opinion, or conclusion, issued by an appraiser relating to the nature, quality, value, or utility of a specified interest in, or aspect of, identified real property and includes a report communicating an appraisal analysis, opinion or conclusion of value regardless of title.

CERTIFIED GENERAL APPRAISER (not the County Property Appraiser) means a person who is certified by the Florida Department of Business and Professional Regulation are qualified to issue appraisal reports for any type of real property.

CERTIFIED FINANCIAL AUDIT means an examination of financial statements to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with generally accepted auditing standards and governmental auditing standards. (These audits should include a Management Letter and a Response Letter).

COUNTY COUNCIL means the seven elected members of the Volusia County Council.

COMPLEX means a building or multiple buildings on the same site that share infrastructure or supporting facilities, amenities, signage or designation, or has other attributes of actual or perceived linkage.

ENVIRONMENTAL ASSESSMENT LEVEL I means appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice and the provisions of CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) and ASTM E1527-05 (American Society for Testing and Materials). Information concerning CERCLA regulations may be found on the EPA website. An overview of the scope of ASTM E1527-05 may be found at the American Society for Testing and Materials website.

ENVIRONMENTAL/ECOLOGICAL EDUCATION means a process that leads to responsible individual and group actions. It should enhance critical thinking, problem solving and effective decision-making skills. It also should engage and motivate individuals, enable them to weigh various sides of an environmental issue, make informed and responsible decisions, and take appropriate actions (based on the League of Environmental Educators of Florida Definition).

EXCEPTIONAL PROJECT means a project of paramount and crucial County-wide importance which provides services to (significant) large numbers of people in all areas of the County as demonstrated and determined by a three-fourths nine members) and a majority of the County Council (four of seven).

FEES means the financial sum charged by the applicant to the public for use of or entrance into the facility for which the applicant is applying for funds. Fees may include resident and non-resident charges, professional and nonprofit charges.

FINANCIAL STATEMENT REVIEW means performing inquiry and analytical procedures that provide the accountant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements for them to be in conformity with GAAP or, if applicable, OCBOA (Other Comprehensive Basis of Accounting). (All audits and reviews of nonprofit and governments must include a Management Letter and a Response Letter.)

FISCAL STABILITY means the financial results of operations, available resources, and the organizational plan to resolve deficit problems. A concern for fiscal stability would be indicated by multi-year operating deficits and declining fund balances

FURNITURE AND EQUIPMENT means items that are not used for public purposes and are generally used for the administration of the building. (Examples: Tables, chairs and computers that are used for administrative purposes; equipment that is leased; desks and other office equipment which are used for administrative purposes; refrigerators, rugs, planters, books, etc.)

GRANT PERIOD means the time period in which grant funds are used for the project as set forth in the grant agreement.

IN-KIND CONTRIBUTION means the documented fair market value of non-cash contributions

provided by the grantee or third parties that consist of real property or the value of goods and services directly benefiting and specifically identifiable to the project.

LEED, Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria.

LEASE means a contract that conveys unconditional use of real property for a specific period of time. The minimum period of time shall be consistent with requirements set forth in the manual and the required length of the lease shall be determined from the final application deadline date.

LEARNING CENTER means a building that shall be used to provide educational or learning opportunities to the public and will serve as a center for research focusing on Volusia County's environmental/ecological, cultural, historical/heritage and/or outdoor experiences.

MAI CERTIFIED APPRAISER means an appraiser who has completed the necessary training to achieve Membership in the Appraisal Institute.

MAINTENANCE is providing care, upkeep, repair or support of a physical piece of property. Maintenance expenditures are NOT allowed to be used for ECHO or Match dollars.

MANAGEMENT LETTER is a formal, written document that conveys the CPA's findings and observations about particular aspects of the client's business. It may describe certain procedures that the CPA performed in an engagement and identify ideas and recommendations that can improve the entity's operations. (The management letter should address issues related to the client's accounting systems, procedures and reports/issues, such as internal control environment, procurement practices, accounting policies, procedures and financial reporting practices. The management letter might also be expanded to cover other observations.)

MASTER TRAIL PROJECT means a specific segment of the Trail Master Plan that was approved by the County Council

MEASURED GOALS AND OBJECTIVES means a set of specific quantifiable and qualifiable accomplishments that can reasonably be anticipated to be achieved by the project and will

be used for comparison to the expressed bases, standards and criteria of the ECHO program.

MONTH-END FINANCIAL REVIEW means the performance of inquiries and analytical procedures that provide the accountant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements for them to be in conformity with GAAP.

NEW CONSTRUCTION means adding a facility for the purpose of meeting the goals of this grant program to a property where no building previously existed or for the purpose of establishing an ECHO agreement period may also mean a substantial expansion or renovation that results in a significantly new public experience.

PAYMENT & PERFORMANCE BOND means surety insurance issued by a quality rated insurer authorized to issue in the face amount of the bond in the State of Florida, which guarantees the execution of the work under the construction contract.

PERMITS includes any building, zoning, use, excavation, fill, surface water, utility, or other official action of Federal, State, Regional or local government having the effect of permitting development of land.

PLANNING means the preliminary development of architectural, engineering and other technical services necessary to carry out the project.

PROJECT means the acquisition, construction, renovation and/or improvement of buildings and appurtenances, site improvements (such as driveways, parking facilities, stormwater management facilities, landscaping, signage and pedestrian facilities), and mandated off-site improvements that meet the requirements of an eligible ECHO project for the use and benefit of the public. This definition specifically excludes furniture, fixtures and equipment.

PROJECT AGREEMENT means an executed contract between Volusia County and a project sponsor setting forth mutual obligations regarding an approved ECHO funded project.

REHABILITATION means the act or process of returning a site or property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

RENOVATION means the act or process of giving a property a state of increased utility or returning a property to a state of utility through repair, addition, or alteration that makes possible more efficient use.

RESPONSE LETTER is written by the client in response to the CPA's management letter. The response should be a written statement of explanation or rebuttal concerning the deficiencies or recommendations, including any corrective action taken or to be taken, related to the auditor's observations.

RESTORATION means the act or process of accurately recovering the form and details of a site or property and its setting as it appeared at a particular period of time by means of the removal of later work or by replacement of missing earlier work. Restoration of projects receiving ECHO funds shall be completed by architects, contractors and tradesmen having particular skill and sensitivity for handling historic building materials with care and attention to preservation and quality of details. Additionally, projects will be restored based on the Secretary of the Interior's Standards.

STANDARD PROJECT means a project that can be completed including the grant and match, expended and the project be opened to the public within 730 days following the execution of a grant agreement.

SUSTAINABILITY means the ability to exist constantly while continuing to provide public accessibility as it relates to ECHO requirements.

UNDISTURBED USE means that the building to be renovated, expanded, or constructed and the site of such building will be owned by, or will be under lease to, the applicant by the date of the application submission and that the use of the site and building will be unencumbered by covenants, easements or other conditions contrary to the purpose of the project for a minimum length of time as required.

RESTRICTIVE COVENANTS

THESE COVENANTS are entered into this <enter day> day of <enter month>, <enter year>, by the <name of organization>, <organization's complete address>, hereinafter referred to as "the Owner" and <grantee organization>, hereinafter referred to as "the Grantee/Lessee," and shall be effective for a period of *twenty* years from the date of recordation by the Clerk of the Circuit Court of Volusia County, Florida.

WHEREAS, the Owner is the fee simple title holder of the Property located on <complete address of project location>, in the County of Volusia, Florida, as described as Exhibit A (legal description), attached to and made a part hereof, and

WHEREAS, the Grantee/Lessee is to receive ECHO Grant Program funds administered by the County of Volusia, Florida, 123 W. Indiana Avenue, DeLand, FL 32720, hereinafter referred to as "the County," in the amount of <insert grant amount>, to be used for the construction of the facility for public used specifically described in the ECHO Grant Agreement and its attached documents, situated on the property of the Owner as described as Exhibit A, and

Now **THEREFORE**, as part of the consideration for the County grant, the Owner and the Grantee/Lessee hereby make and declare the following restrictive covenants which shall run with the title to said Property and be binding on the Owner and its successors in interest, if any, for the period stated in the preamble above:

1. The Owner and the Grantee/Lessee, and any successors in interest, agree to maintain the property so that it continues to be used for as an ECHO facility as defined in the ECHO application definition and described in the grantee's application No. GY <enter grant number>.
2. The Owner and the Grantee/Lessee agree that the County of Volusia, its agents and its designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether the conditions of the Grant Award Agreement and these covenants are being observed.
3. The Owner and the Grantee/Lessee agree that these restrictions shall encumber the property for a period of twenty years from the date of recordation, and that if the restrictions are violated within the twenty-year period, the County of Volusia shall be entitled to liquidated damages pursuant to the following schedule:
 - a. If the violation occurs within the first half of the effective time period of these covenants, the County shall be entitled to return of the entire grant amount.
 - b. If the violation occurs after the first half of the effective time period, the County shall be entitled to the return of the entire grant amount, less the quotient of two divided by the number of years in the time period times each year past the mid period of the effective time period times the grant amount. .
4. The Owner and Grantee/Lessee are liable to the County of Volusia for the amount of the grant if the Owner or Grantee/Lessee breach these Restrictive Covenants and/or the Grant Award Agreement dated <insert date>. To ensure the ability to repay the grant, the Owner and Grantee/Lessee have agreed that they will maintain unencumbered equitable value in the property of at least the amount, and for at least the period of time provided in paragraph three above. The Owner and Grantee/Lessee will not secure with a mortgage or otherwise hypothecate that equitable value in the property.
5. The Owner agrees to file these covenants with the Clerk of the Circuit Court of Volusia County,

Florida, and shall pay any and all expenses associated with their filings and recording.

6. The Owner and Grantee/Lessee agree that the County of Volusia shall incur no tax liability as a result of these restrictive covenants.

IN WITNESS WHEREOF, (SIGNATURES WILL BE ADDED BASED ON OWNERSHIP OF PROPERTY) the Owner and Grant Recipient have read these Restrictive Covenants and have hereto affixed their signatures.

OWNER:

GRANTEE:

Witness: _____
Signature

Print

Witness: _____
Signature

Print

SWORN TO and described before me this _____ day of _____, 20__ by _____

Such person (s) are:

- ☐ personally known to me
- ☐ produced a current driver license (s)
- ☐ produced _____ as identification

NOTARY PUBLIC SEAL

Notary public signature

Printed, typed or stamped name of Notary Public

Commission number

Date commission expires

INDEPENDENT REPORT ON APPLYING AGREED-UPON PROCEDURES

We have performed the procedures enumerated below, which were agreed to by the <ECHO Applicant>, solely to assist them with the filing of a Grant in Aid Application (the “ECHO Application”) related to <ECHO Applicant>’s project with the County of Volusia (VC) for the calendar year (beginning January 1, 20____, and ending December 31, 20____). <ECHO Applicant>’s management is responsible for the filing of an ECHO Application related to <ECHO Applicant>’s project with Volusia County. This agreed-upon-procedure engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The following procedures were applied to the organizational, financial and accounting records:

☐ We observed the IRS determination letter verifying the entity is exempt from taxation under Code Section 501(c)(3).

☐ We verified the current filing of the Form 990, Annual Return of Organization Exempt from Income Tax.

☐ We verified the IRS Form 941 with proof of payment of withholding taxes for most recent calendar quarter.

☐ We verified the entity’s status with the Florida Department of State, Division of Corporations as currently being active.

☐ We verified the entity’s actual ownership of the real property on which the project will be constructed.

☐ We observed sufficient documentation substantiating the outstanding mortgage balance on the project property.

☐ We reviewed the real estate appraisal to verify the value used in the match calculations.

☐ Describe, in general, the accounting system used in preparing the entity’s financial statements.

☐ Describe the process by which the entity accumulates the volunteer hours that will be used in the match calculations. Verify the amount was calculated using the hourly rate determined by the Independent Sector.

☐ For previously spent cash match, we traced the amounts to the supporting invoices and cancelled checks.

☐ Observe the existence of cash used in the match calculation to ensure availability on the date the application is submitted for critical review.

☐ For the donated goods and services match, we traced the amounts to the supporting invoices and other appropriate documentation.

☐ We obtained a representation letter from <ECHO Applicant>’s management confirming it made available to us all relevant information and it responded fully to all inquiries made by us during the engagement.

We were not engaged to, and did not perform an audit, the objective of which would be the expression of an opinion on the specified elements, accounts or items. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of <ECHO Applicant>, and the County of Volusia and is not intended to be used by anyone other than those specified parties.

Signature

Date

Print