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**IDAPA 26
TITLE 01
Chapter 34**

**26.01.34 - RULES GOVERNING THE ADMINISTRATION
OF THE RECREATIONAL VEHICLE ACCOUNT**

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho Park and Recreation Board pursuant to Idaho Code Section 67-5201, et seq. and Idaho Code Section 67-4223, and they are intended to further define and make specific the administration of the Department's Recreational Vehicle Account as established by Idaho Code Section 49-448. (7-1-93)

001. -- 002. (RESERVED).

003. REQUEST TO APPEAR BEFORE BOARD.

Any person or agency who may be adversely affected by a decision of the director or board may make a written request to appear before the board pursuant to IDAPA 26.01.01.250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board". This provision in no way limits any remedies or procedures which may otherwise be available by statute. (7-1-93)

004. PUBLIC RECORDS.

The records relative to any grant project are public records, and are to be controlled as outlined under IDAPA 26.01.01.300, "Rules of Administrative Procedure of the Idaho Park and Recreation Board". (7-1-93)

005. -- 009. (RESERVED).

010. DEFINITIONS.

Certain terms used herein are defined as follows: (7-1-93)

01. Applicant. A public entity identifying a need for a project which supplies initial support data and requests funding assistance for a project through the Recreational Vehicle Account. (3-20-97)
02. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member board, appointed by the governor. (7-1-93)
03. Department. The Idaho Department of Parks and Recreation. (3-20-97)
04. Director. The chief administrator of the Idaho Department of Parks and Recreation. (7-1-93)
05. Project. An effort in compliance with Idaho statutes and rules for which RV grant funds shall be used to assist the applicant in achieving the goals of the Recreational Vehicle Program. (3-20-97)
06. Public Entity. The state, federal or local government or a subdivision thereof, or an Indian Tribe. (3-20-97)
07. Recreational Vehicle Advisory Committee. A six (6) member committee appointed by the Idaho Park and Recreation Board to advise the board and department on matters involving the RV Account. (7-1-93)
08. Recreational Vehicle Program (RV Program). The subdivision of the Recreation Resources Bureau, Idaho Department of Parks and Recreation, which is responsible for administration of the RV Account. (3-20-97)
09. RV Account. The Recreational Vehicle Account. (7-1-93)
10. RV Program Coordinator. The staff administrator of the RV Program. (7-1-93)
11. Staff. An individual employed by the Idaho Department of Parks and Recreation. (7-1-93)

011. -- 049. (RESERVED).

050. GENERAL PROVISIONS OF THE RECREATIONAL VEHICLE PROGRAM.

It is the intent of the department, through the Recreational Vehicle Program, to provide funds and planning assistance to public entities for the acquisition, lease, development, improvement and maintenance of facilities designed to promote the health, safety, and enjoyment of recreational vehicle users. (3-20-97)

051. -- 074. (RESERVED).

075. ELIGIBLE APPLICANTS FOR RECREATIONAL VEHICLE ACCOUNT GRANT FUND.

Public entities, as described in Section 010 of this chapter, are eligible to apply for and receive Recreational Vehicle Grants. (3-20-97)

076. -- 099. (RESERVED).

100. PROJECT TIME PERIOD.

01. Grant Cycle. Applications for projects will be accepted and considered at least once per state fiscal year (July 1 through June 30). (3-20-97)

02. Application Deadlines. The department will announce the availability of funds at least sixty (60) days prior to the closing date for receipt of applications. (7-1-93)

03. Board Consideration. Project applications may be considered at any board meeting. (3-20-97)

04. Exception. Project applications under ten thousand dollars (\$10,000) may be considered, as necessary, on a case by case basis throughout the year. (3-20-97)

05. Expenditure of Grant Funds. The applicant will have only the designated state fiscal year in which to expend grant funds unless an extension is granted. If the grant funds are not expended within the designated state fiscal year, the grant may be cancelled unless an extension of time is granted by the department. If the project is not completed within two (2) years of approval, the project may be cancelled and allocated funds returned to the Recreational Vehicle Account. (3-20-97)

06. Requests for Extension. A written request for an extension of the project period must be received by the department prior to the end of the original project period. Approval or denial of time extensions will be decided by the RV Program Coordinator after consultation with the RV Advisory Committee. (3-20-97)

101. -- 124. (RESERVED).

125. APPLICATION PROCEDURES.

Application forms and accompanying background information will be provided to the applicant by the department or its representative. General procedures for completion of the application process are: (3-20-97)

01. Preliminary Procedures. The applicant's representative will review the project with the RV Program Coordinator or appropriate RV Committee Member to ensure that the prospective project meets the criteria of the RV Program, and that the application process is understood. When possible, the RV Program Coordinator or RV Committee Member will conduct an on-site inspection of the prospective project for preliminary fact finding to ensure the viability of the project. After initial consultation, the applicant will submit IDPR Form "Idaho Department of Parks and Recreation Grant Application" to the RV Program Coordinator. The date and time of receipt of the application will be recorded by the RV Program Coordinator. The RV Program Coordinator will then review the application to ensure that it meets the basic criteria in regard to: (3-20-97)

a. Eligibility of applicant. (3-20-97)

b. Compliance with legislative intent. (7-1-93)

c. Applicant's control of site. (3-20-97)

- d. Completeness of application. (3-20-97)
- e. Universal accessibility. (3-20-97)
- f. Site's acceptability for intended use. (3-20-97)

02. Public Comment Required. Prior to project evaluation, the applicant shall seek public comment on the proposed project. The applicant shall include the results of any call for public input with the application. (3-20-97)

03. Evaluation. If the application meets these basic criteria, it will be referred to the RV Committee for evaluation. (3-20-97)

126. -- 149. (RESERVED).

150. APPROVAL.

Approval or denial of all grant applications will be decided by the director or board based on the recommendation of the RV Advisory Committee or RV Program Coordinator. (3-20-97)

151. -- 174. (RESERVED).

175. PRIORITY RATING OF REQUEST.

The RV Advisory Committee members will rate each application using objective criteria provided by staff. These ratings will be ranked to establish the priority list for recommendations to the board. The criteria may include, but are not limited to: (3-20-97)

- 01. User Needs. (7-1-93)
 - a. Relation to current program priorities. (7-1-93)
 - b. Amount of area RV use. (7-1-93)
 - c. Duplication of area facilities. (7-1-93)
 - d. Conflicts with private sector. (7-1-93)
- 02. Project Concepts. (7-1-93)
 - a. Design standards. (7-1-93)
 - b. Accuracy of cost estimates. (7-1-93)
 - c. Project time period. (7-1-93)
- 03. Administration. (7-1-93)
 - a. Maintenance and operations of facility. (7-1-93)
 - b. Commitment of matching funds. (7-1-93)
 - c. History of prior RV grant management by applicant. (3-20-97)

176. -- 199. (RESERVED).

200. AUTHORITY FOR FUNDING APPROVAL.

Projects up to ten thousand dollars (\$10,000) may be approved by the director upon recommendation of the RV Program Coordinator. Projects ten thousand dollars (\$10,000) and over will be presented to the board for approval.

Cost increases for approved projects may be awarded as follows: (3-20-97)

01. Maximum Percentage Increase. Increases may not exceed fifteen percent (15%) of the original grant amount. Increases of more than fifteen percent (15%) shall be reviewed as a separate project in the priority rating process. Should the revised project not receive approval for the cost increase, the applicant will be required to complete the scope of the project at applicant expense, or return any RV Account funds paid to them. (3-20-97)

02. Approval Authority. Increases of more than ten thousand dollars (\$10,000), and those that bring the total grant amount over ten thousand dollars (\$10,000), shall be presented to the board for approval. All other increases may be approved by the director. (7-1-93)

201. -- 224. (RESERVED).

225. APPLICANT OBLIGATIONS.

01. Project Completions. Except as provided herein, upon departmental approval of a grant application, and acceptance of the grant by the applicant, the applicant shall be obligated to complete all elements of a project as described on the approved grant application and grant agreement forms. (3-20-97)

02. Project Management. Except as provided herein, the applicant shall be obligated to manage the project as specified in the grant application and grant agreement form. (3-20-97)

03. Grant Modification. Only for good cause and detailed justification shown in writing, and upon approval by the department, may the terms and obligations of the grant application and agreement forms be modified. (3-20-97)

04. Failure to Comply. Failure by the applicant to comply with such terms and obligations shall result in the immediate revocation of an approved grant or will constitute a conversion pursuant to Section 325 of this chapter, as applicable. (3-20-97)

226. -- 249. (RESERVED).

250. DISBURSEMENT OF FUNDS.

01. Pre-Application Activities. Projects, or any part thereof, either paid for by the applicant or completed prior to receipt by the department of a completed Grant Application Form, shall be ineligible for grant funding or to be considered as match. However, costs for design and engineering incurred within one (1) year prior to the receipt by the department of the Grant Application Form may be considered for reimbursement, or as match, provided they are listed as a scope element on the application. (3-20-97)

02. Documentation. All costs incurred on a project shall have prior approval, be documented, and be described in the grant agreement to be eligible for reimbursement, advanced funding, or to be considered as match. (7-1-93)

03. Reimbursement. Except as herein provided, funds will be disbursed by reimbursement only after the applicant has acquired goods or upon substantial completion of the project. (3-20-97)

04. Partial Payments. Partial payments may be made during the course of a project by reimbursement only upon presentation of billings showing satisfactory evidence of partial compliance with the grant agreement form. (7-1-93)

05. Advances. Consideration of disbursement of funds on an advance basis will only be made if substantiating evidence is provided in writing to the RV Program Coordinator documenting that an emergency exists, or that the project is in jeopardy. The decision on the advancement of funds will be made by the director or the director's designee. If actual costs are less than the advanced grant amount, the difference shall be returned to the RV Grant Account. (3-20-97)

06. Repayment of Advances. If, after receiving advanced funds, the project does not commence by the end of the project period, the applicant shall return the amount of the advance, plus any interest accrued as a result of the applicant having the advanced funds on deposit with a bank, to the Idaho Department of Parks and Recreation RV Account, unless an extension is approved in writing by the RV Program Coordinator. (3-20-97)

07. Time for Seeking Reimbursement. The applicant will submit copies of all vouchers, cancelled checks, bid notices and documents and invoices for reimbursement within forty-five (45) days of the completion of the project as signified by notice of completion or final inspection by the department. (3-20-97)

251. -- 274. (RESERVED).

275. CONSTRUCTION PROCEDURES.

01. Compliance With Laws. The applicant is responsible for obtaining state plumbing and electrical permits where applicable, and to acquire local building permits as needed. It is also the responsibility of the applicant to follow all applicable state, federal, municipal or county bidding laws. Construction shall comply with the then current codes and standards as set by the Uniform Building Code, Uniform Plumbing Code, and the National Electric Code. (3-20-97)

02. Americans With Disabilities Act. Applicants shall assure that persons with disabilities are not precluded from using facilities, programs or services paid for with RV Account funds. Applicants shall ensure that facilities constructed with RV Account funds meet guidelines as set by the Americans with Disabilities Act. (3-20-97)

276. -- 299. (RESERVED).

300. MAINTENANCE AND OPERATION STANDARDS.

Real property, physical facilities and equipment funded by the RV Account shall be maintained and operated in the condition or state equivalent to that existing when the facility was completed, normal wear and tear excepted. (7-1-93)

301. -- 324. (RESERVED).

325. PROJECT CONVERSION.

No Recreational Vehicle Account funded projects shall, without prior written approval of the department, be converted to uses other than the benefit of recreational vehicle users. The department shall approve such conversion only when the RV Account grant funds spent on the project can be returned to the RV Account by the applicant, or the applicant can provide an immediate substitution of another RV projects of at least equal fair market value and of reasonable equivalent usefulness and location. The department has authority to disapprove conversion requests and to reject proposed project substitutions. (3-20-97)

01. Creating a Conversion. A conversion may involve one of the following situations: (7-1-93)

a. Project interests are conveyed for non-RV uses. (7-1-93)

b. Non-RV uses (public or private) are made of the project, the project area, or a portion thereof. (7-1-93)

c. Non-eligible RV facilities are developed within the project area. (7-1-93)

02. Resolving a Conversion. If there is a project conversion, the applicant is responsible for either: (3-20-97)

a. Repaying the RV Account an amount determined by investment amortization through use, project life expectancy, and depreciation or appreciation of the property, facilities or equipment by a department approved appraisal; or (7-1-93)

b. Making an immediate substitution of reasonable equivalent usefulness and location as that being converted. It shall, however, be administered by the same political jurisdiction as the converted project. (7-1-93)

03. Compliance With Laws. All conversions shall abide by all pertinent state and federal laws.(7-1-93)

04. Alternatives. The department will only consider a conversion request if all practical alternatives to the conversion have been evaluated and rejected on a sound basis. (7-1-93)

326. -- 349. (RESERVED).

350. REAL PROPERTY.

Real property (land, land improvements, structures and appurtenances thereto) purchased in whole or in part with RV Account funds shall become the property of the applicant subject to the condition that the applicant shall use the land or property for the authorized purpose of the original grant as long as needed. (3-20-97)

01. Appraisals. A real estate appraisal is required for all real property to be acquired with grant funds. All appraisals shall be prepared according to department procedures. The appraisal shall be paid for by the applicant. The selection of the appraiser shall be approved by the department. (3-20-97)

02. Appraisal Review. The department will review appraisals as necessary. Any appraisal report that does not meet content requirements or use correct analysis procedures shall be corrected to the satisfaction of the department. (7-1-93)

03. Negotiated Price. An approved appraisal is an acceptable estimate of property value. The negotiation between a willing seller and a willing buyer may set a price that is higher than the appraisal, and this value can be considered along with the appraised value in establishing the reasonable limits of assistance. If the applicant believes that the negotiated price is a better indication of market value, yet is higher than the appraised value, a detailed statement of this difference shall be submitted to the department. (3-20-97)

04. Adequate Title. The applicant shall have clear title to, or adequate control and tenure of, the real property (land, land improvements, structures and appurtenances thereto) to be developed. The applicant shall list all outstanding rights or interests held by others in the property to be developed. In the event that the real property becomes unusable for its intended purpose, the applicant assumes the responsibility for having to convert the project as described in Section 325 of this chapter. (3-20-97)

05. Limitation on Use. Property rights obtained with grant funds shall be free of all reservations or encumbrances which would limit the use of the site disproportionate to the public benefit. (7-1-93)

351. -- 374. (RESERVED).

375. SIGNING OF PROJECTS.

Upon completion of a project, project applicants will be required to display signs acknowledging the use of RV Account funds on the project. The department will furnish signs to be used for this purpose. (3-20-97)

376. -- 399. (RESERVED).

400. PROJECT LIABILITY.

Applicants, through a signed agreement, will assume all project liability and hold the department harmless. (3-20-97)

401. -- 424. (RESERVED).

425. PUBLIC USE/NONDISCRIMINATION.

Physical facilities and equipment purchased with RV Account funds shall be available for public use, regardless of race, religion, gender, age, handicap, or national origin. (3-20-97)

426. -- 999. (RESERVED).