



Bend Metro Park & Recreation District

September 4, 2018

Board of Directors

Agenda and Reports

www.bendparksandrec.org



play for life



Our Vision

To be a leader in building a community connected to nature, active lifestyles and one another.

Our Mission

To strengthen community vitality and foster healthy, enriched lifestyles by providing exceptional park and recreation services.

We Value

Excellence by striving to set the standard for quality programs, parks and services through leadership, vision, innovation and dedication to our work.

Environmental Sustainability by helping to protect, maintain and preserve our natural and developed resources.

Fiscal Accountability by responsibly and efficiently managing the financial health of the District today and for generations to come.

Inclusiveness by reducing physical, social and financial barriers to our programs, facilities and services.

Partnerships by fostering an atmosphere of cooperation, trust and resourcefulness with our patrons, coworkers and other organizations.

Customers by interacting with people in a responsive, considerate and efficient manner.

Safety by promoting a safe and healthy environment for all who work and play in our parks, facilities and programs.

Staff by honoring the diverse contributions of each employee and volunteer, and recognizing them as essential to accomplishing our mission.



District Office | Don Horton, Executive Director

799 SW Columbia St., Bend, Oregon 97702 | www.bendparksandrec.org | (541) 389-7275

BOARD AGENDA COMMUNICATION

AGENDA DATE: September 4, 2018

SUBJECT: Recreation Report-Lifeguard Program

STAFF RESOURCE: Heather Brenda, Aquatic Supervisor
Shannon Gilman, Aquatic Coordinator
Emma Bell, Sift Supervisor/Leadguard

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: None – for information only

STRATEGIC PLAN:

Theme: Community Connection

Objective: Respond to User Expectations

BACKGROUND

In order to assist the Board of Directors in developing familiarity with recreation programs and services, recreation staff will make a brief presentation on a specific program during the first work session of each month. The presentations will include an overview of the program history, content, goals and outcomes, participation trends, customer feedback and more.

This month's Recreation Report will be on the Lifeguard Program. While not often viewed as a programmatic function, lifeguards are essential to supporting all programs and services at Juniper Swim and Fitness Center as well as functioning as "programs leaders" for drop-in aquatic activities such as recreation, family and lap swims.

BUDGETARY IMPACT

The program is a part of the Recreation Services general fund budget.

STAFF RECOMMENDATION

None, for information purposes only.

MOTION

None

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	September 4, 2018
SUBJECT:	Bend Park and Recreation Foundation
STAFF RESOURCE:	Kim Johnson, Community Engagement Supervisor
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	For information only
STRATEGIC PLAN:	Community Connection and Financial Stewardship

BACKGROUND

The Bend Park and Recreation Foundation is a 501-c-3 tax exempt corporation that exists for the purpose of supporting the work of the Bend Park and Recreation District. The foundation incorporated in 1974 and has served the District in a wide variety of ways ranging from accepting donation of property, to serving as a fiscal sponsor of community fundraising efforts, and being the steward for financial contributions to support recreation scholarships (needs-based assistance).

Staff and Foundation board members will present an overview of the foundation's history and share the current role the corporation serves with the District.

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

None, for information purposes only.

MOTION

None

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	September 4, 2018
SUBJECT:	Cost Recovery Guidelines for Rentals and Special Events
STAFF RESOURCE:	Matt Mercer, Recreation Services Director Michael Egging, Management Analyst
PREVIOUS BOARD ACTION:	November 7, 2012 - Approved Fees and Charges Policy March 6, 2018 – Received presentation August 7, 2018 – Received recommendations
ACTION PROPOSED:	Provide staff direction for preparing a final recommendation for Board approval
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Financial Stewardship
Initiative:	Implement cost recovery /subsidy allocation strategy that identifies appropriate level of subsidy and supports financial sustainability.
Tactic:	Create a cost recovery/subsidy allocation model for rentals, reservations, athletic field and special events.

BACKGROUND

The District has used the Cost Recovery and Subsidy Allocation Model for determining the appropriate level of tax support and providing guidance for fee setting for recreation programs and services since adoption of the current Fees and Charges Policy in 2012. The philosophical foundation of this policy is that the level of tax support that is appropriate for a service is directly related to degree of community expectation, access and benefit that the service provides. This tax use philosophy and the subsequent Cost Recovery and Subsidy Allocation Model are further described in the Fees and Charges Policy.

At the 2017 annual Board workshop, the Board of Directors requested that staff consider applying the cost recovery methodology used for recreation programs to other fee-based services including facility and park rentals, athletic fields and special events. This was subsequently added to the Annual Strategic Action Plan.

At the March 6, 2018 Board Work Session, staff provided a review of cost recovery philosophy and methodology and presented a framework for applying this strategy to rentals and special events. The Board directed staff to further develop this methodology by identifying costs and current cost recovery levels and providing recommendations for Board consideration.

At the August 7, 2019 Board Work Session, staff shared the methodology used for determining cost recovery for rentals, current cost recovery estimates, and recommendations for future cost recovery levels for board consideration. A copy of the August 7, 2018 PowerPoint presentation is attached. The Board generally supported the recommendations, but requested that staff provide further information including examples of the impacts the recommendations would have on fees and implementation strategies. Staff will provide this information at the September 4, 2018 Board Work Session for Board discussion and consideration.

BUDGETARY IMPACT

There are no significant impacts to the current year budget as any changes resulting from the new guidelines will not be implemented until later in the year. Future year budgets and revenue will be impacted by Board direction regarding cost recovery levels.

STAFF RECOMMENDATION

Staff has provided recommendations for cost recovery levels for rentals and community events and is now seeking Board direction regarding the recommendation prior to preparing policy guidelines for Board approval.

MOTION

None

ATTACHMENT

PowerPoint presentation from August 7, 2018 Board Work Session

Park & Facility Rental Cost Recovery Analysis & Recommendations

Presented to the Board

August 7, 2018

Matt Mercer & Michael Egging

Completed Tasks

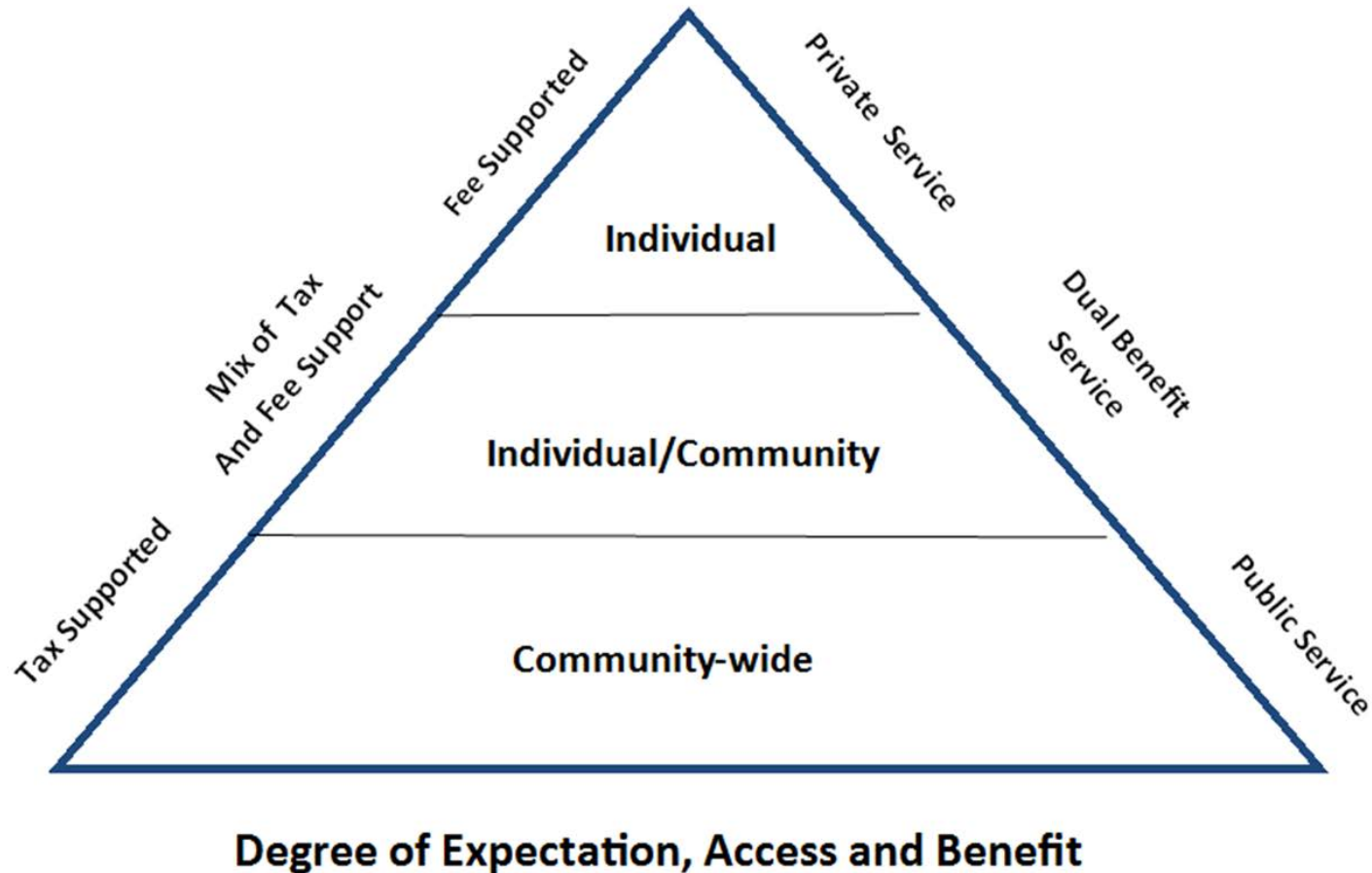
March 6, 2018 Work Session

- ✓ Review cost recovery philosophy and methodology
- ✓ Provide conceptual model for facility rentals and community events

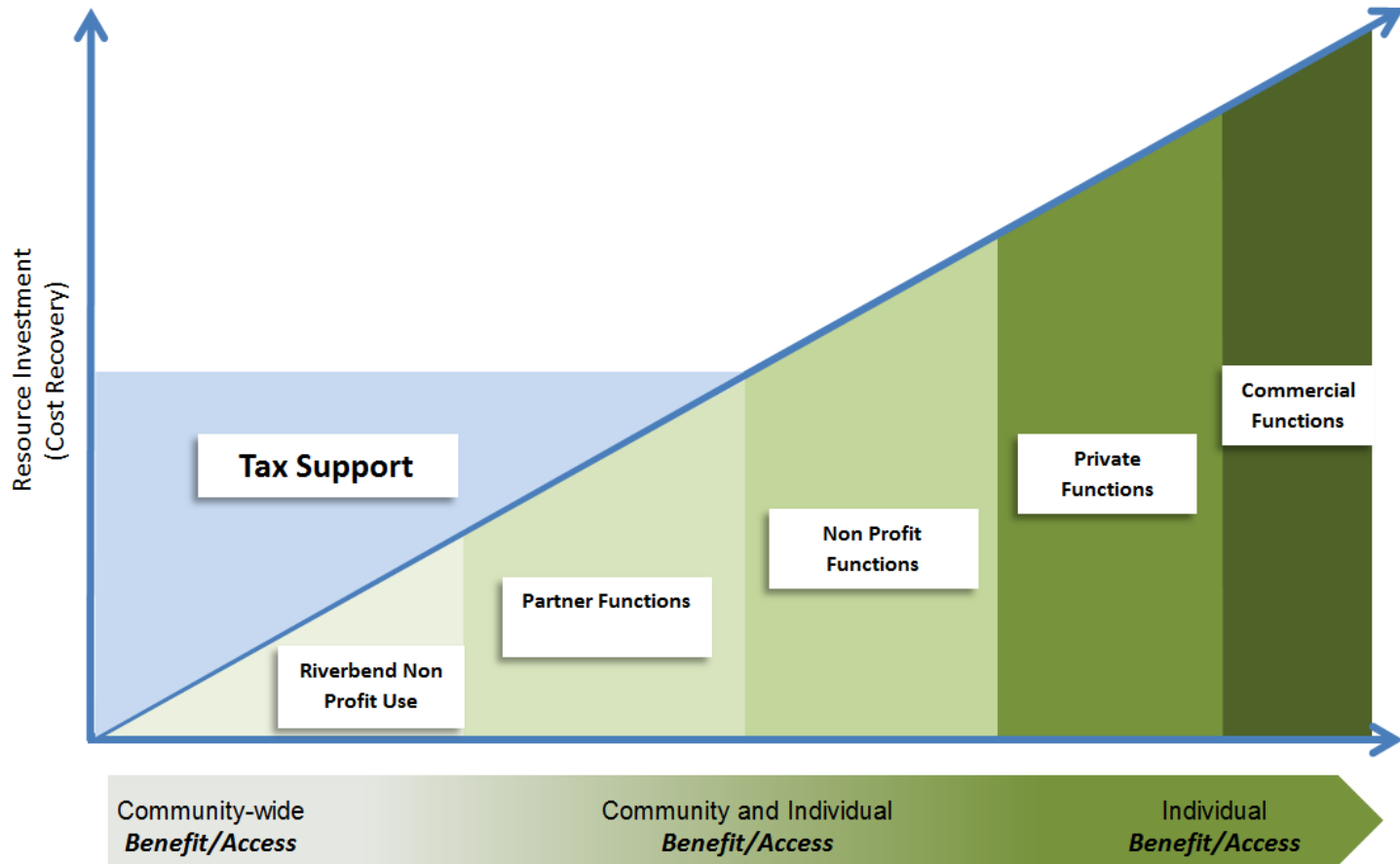
August 7, 2018 Work Session

- ✓ Analyze and determine costs
- ✓ Estimate current cost recovery levels
- ✓ Recommend future cost recovery levels

Tax Use Model

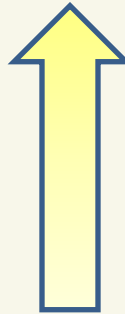


Cost Recovery Model



Rental Function

- Community Events
- Sports User Groups
- Exclusive Rentals

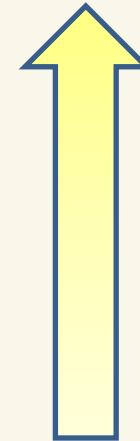


Community
Access & Benefit



Facility Used

- Parks and Shelters
- Athletic Fields
- Operated Recreation Facilities
- Rental Halls

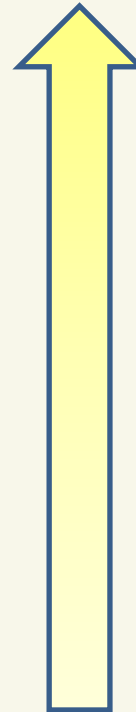


Community
Access & Benefit



Renter Type

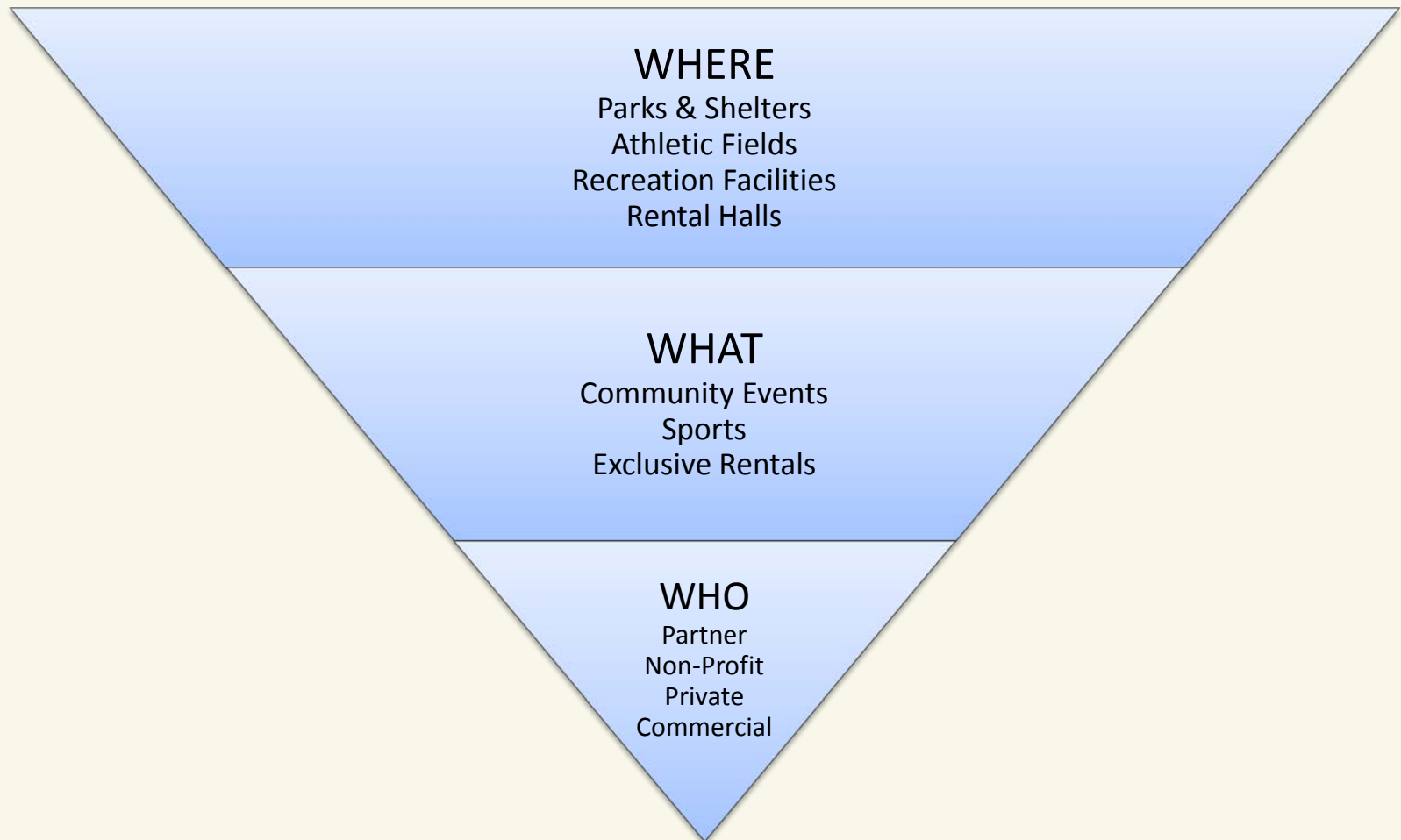
- Free Expression*
- Incidental (Run Through)*
- Partner
- Non-Profit
- Private
- Commercial



Community
Access & Benefit

*Community events only

Subsidy Hierarchy



Included Costs & Subsidy Level

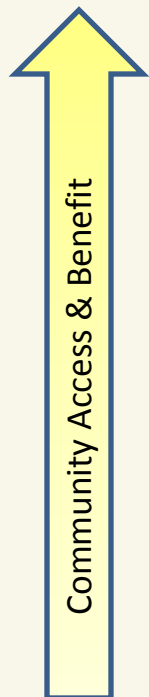
Facility Type	Cost Type					
	Reservation Costs	Direct Service Costs	Operating Costs	Organizational Support Costs	Capital Improvements	Initial Investment
Parks and Shelters	Yes	Yes	No	No	No	No
Athletic Fields	Yes	Yes	No	No	No	No
Operated Recreation Facilities (JSFC, Pavilion, Senior Center)	Yes	Yes	Yes	No	No	No
Rental Halls	Yes	Yes	Yes	Yes	Yes	No

*Additional Services recover 100% of costs

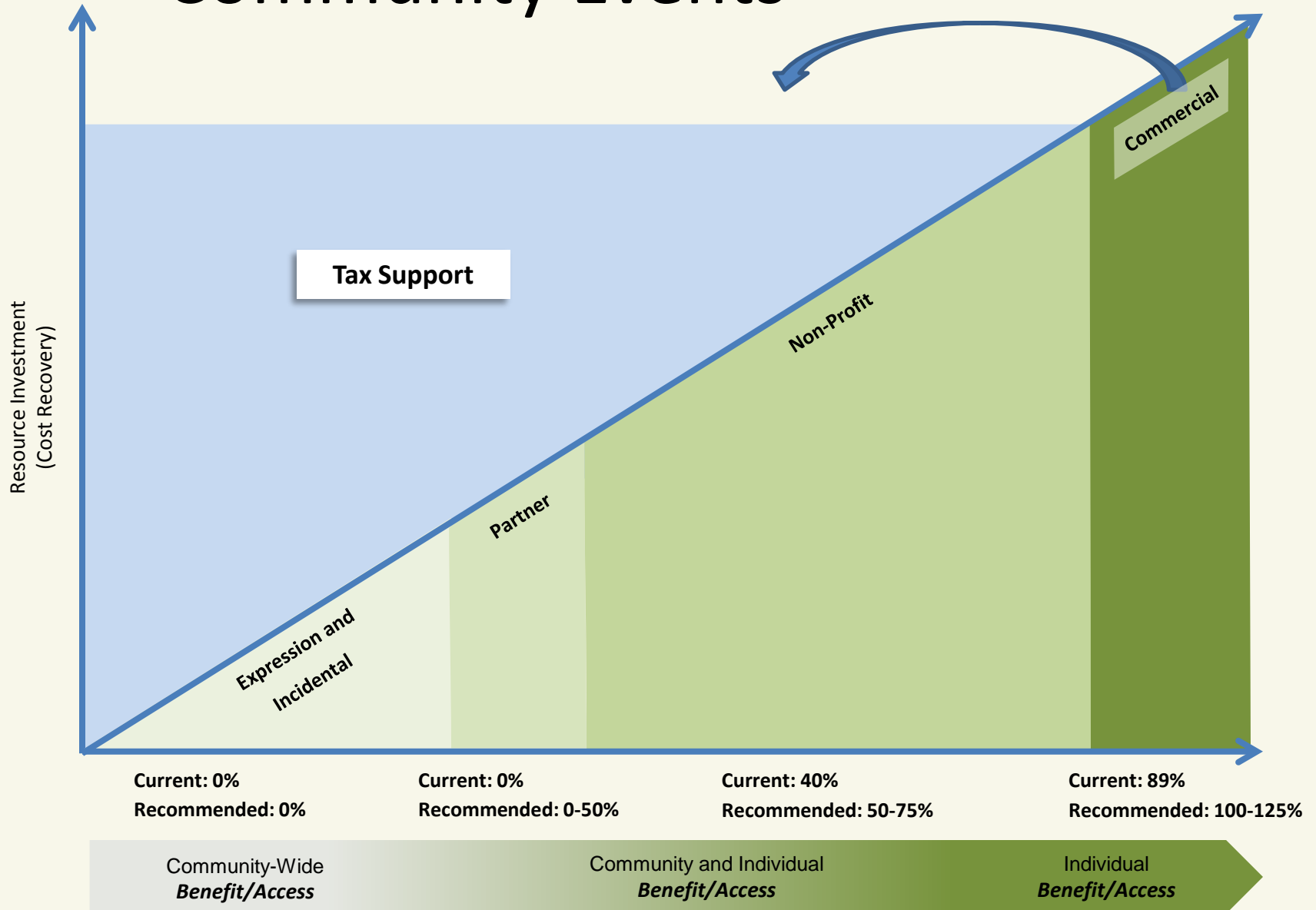
Recommended Cost Recovery Levels



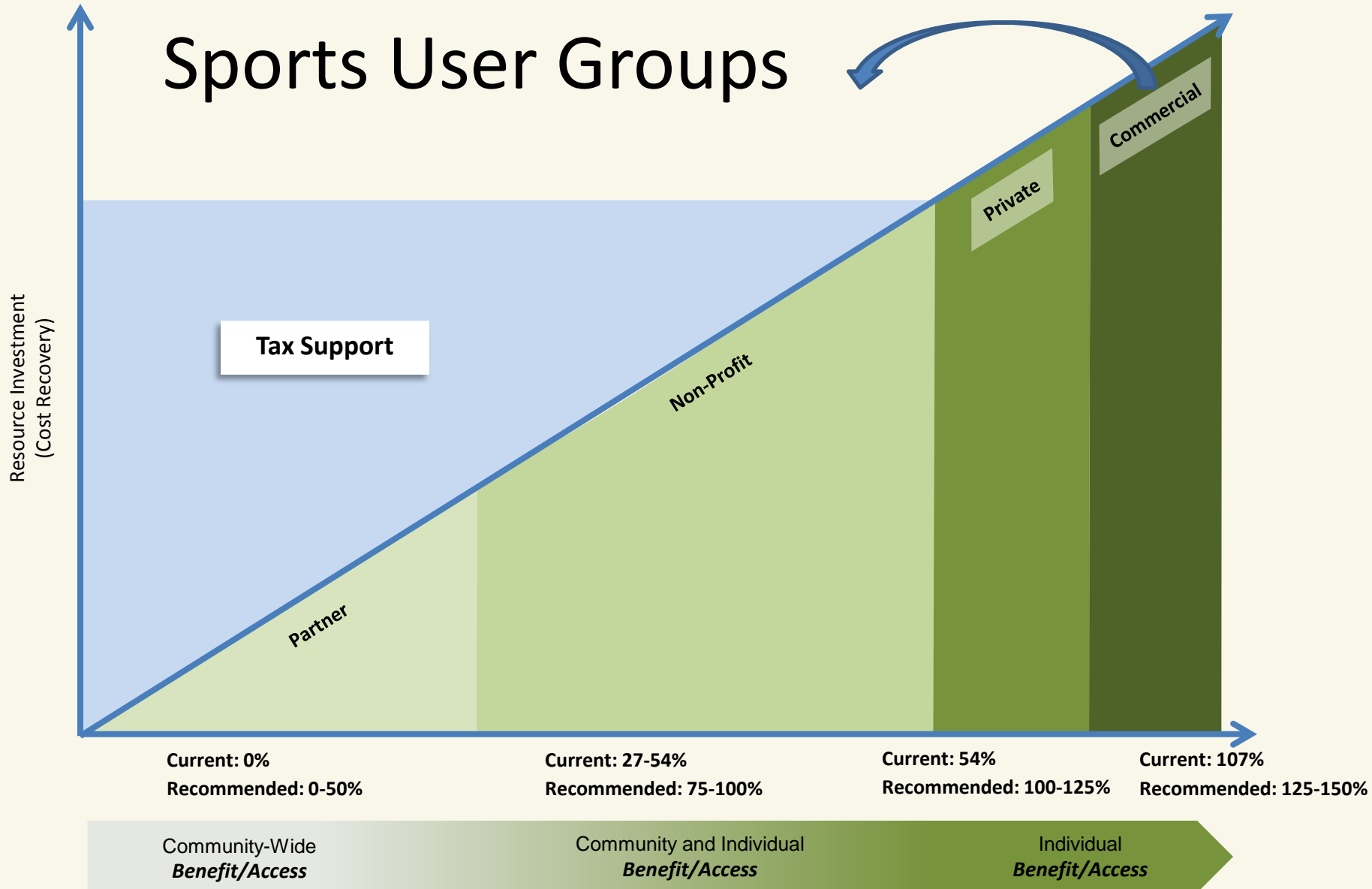
Rental Function	Expression/ Incidental	Partner	Non-Profit	Private	Commercial
Community Events	0%	0-50%	50-75%	N/A	100-125%
Athletic Field Sports User Groups	N/A	0-50%	75-100%	100-125%	125-150%
Operated Facility Sports User Groups	N/A	0-50%	75-100%	100-125%	125-150%
Exclusive Rentals	N/A	0-50%	100-125%	125-150%	150-200%



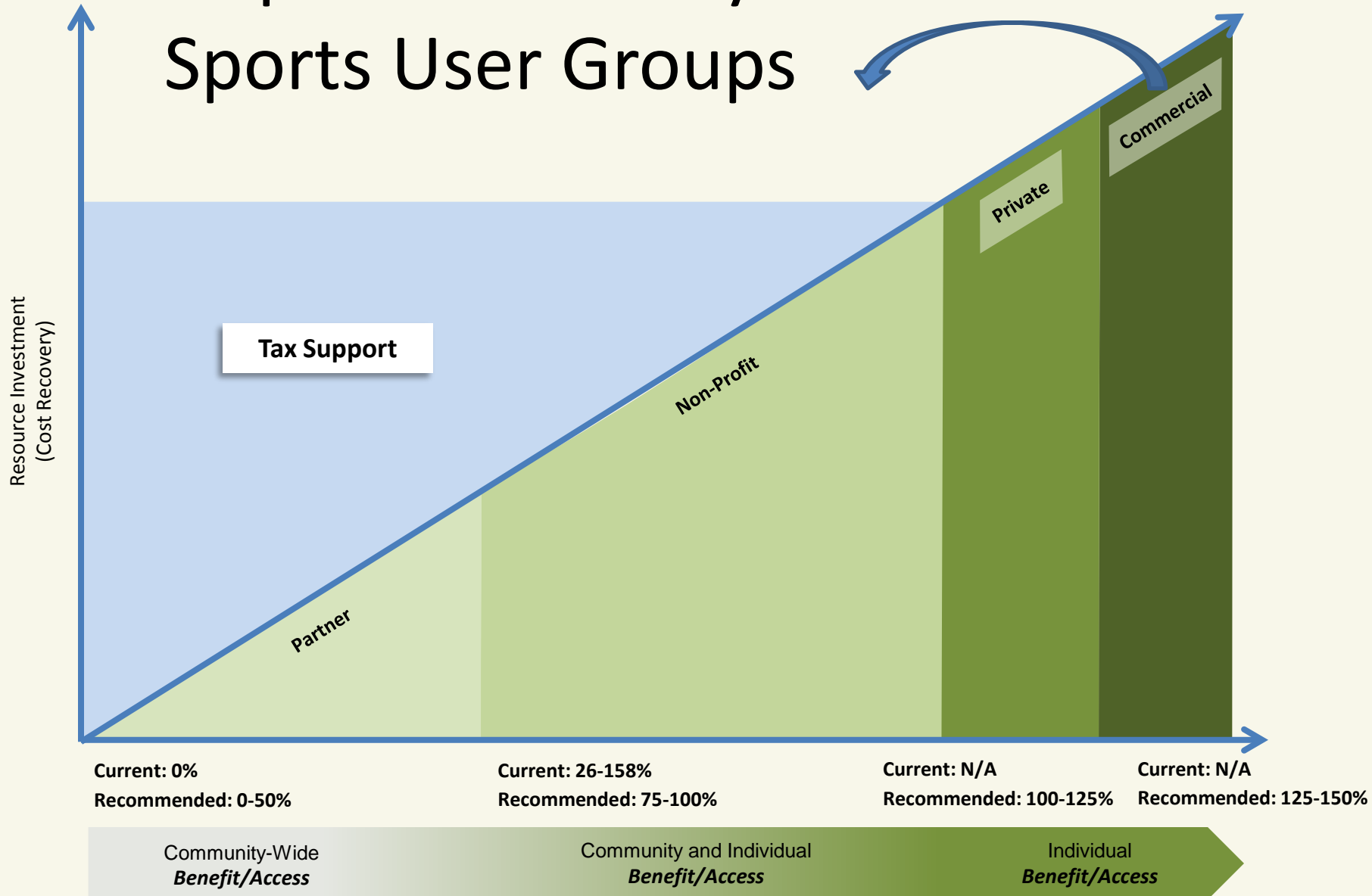
Community Events



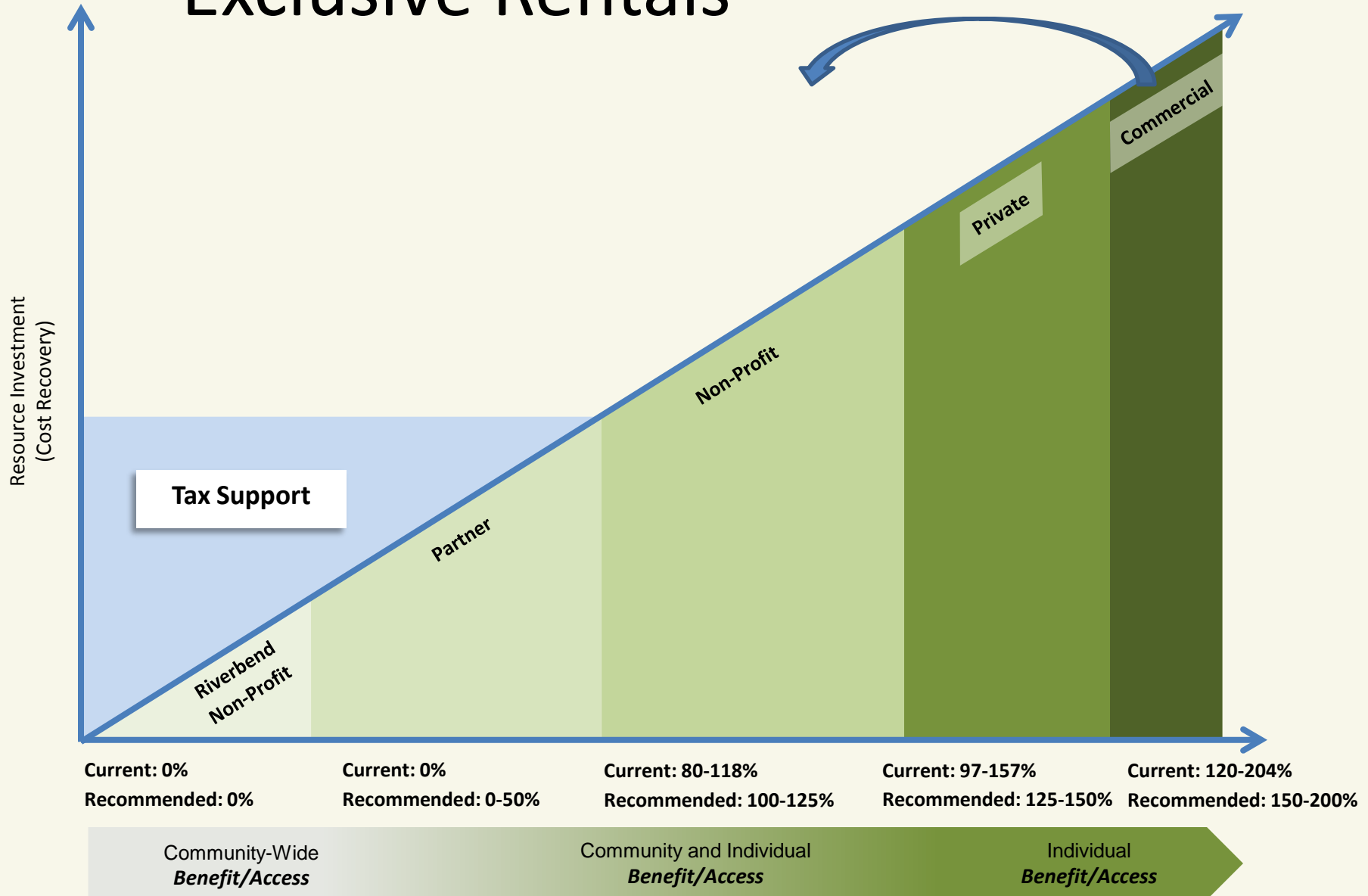
Athletic Field Sports User Groups



Operated Facility Sports User Groups



Exclusive Rentals



Recommended Cost Recovery Levels

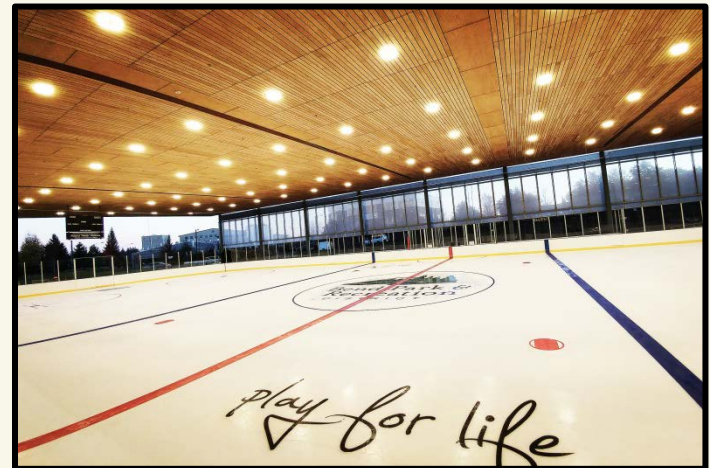
Rental Function	Expression/ Incidental	Partner	Non-Profit	Private	Commercial
Community Events	0%	0-50%	50-75%	N/A	100-125%
Athletic Field Sports User Groups	N/A	0-50%	75-100%	100-125%	125-150%
Operated Facility Sports User Groups	N/A	0-50%	75-100%	100-125%	125-150%
Exclusive Rentals	N/A	0-50%	100-125%	125-150%	150-200%

Next Steps

- Board approval of cost recovery levels
- Develop plan to adjust fees and/or level of service to support cost recovery targets



Thank you



Cost Recovery Levels

Rental Function		Expression/ Incidental	Partner	Non-Profit	Private	Commercial
Community Events	Current	0%	0%	40%	N/A	89%
	Recommended	0%	0-50%	50-75%	N/A	100-125%
Athletic Field Sports User Groups	Current	N/A	0%	27-54%	54%	107%
	Recommended	N/A	0-50%	75-100%	100-125%	125-150%
Operated Facility Sports User Groups	Current	N/A	0%	27-158%	N/A	N/A
	Recommended	N/A	0-50%	75-100%	100-125%	125-150%
Exclusive Rentals	Current	N/A	0%	80-118%	99-157%	120-204%
	Recommended	N/A	0-50%	100-125%	125-150%	150-200%

August 21, 2018

District Office Building | 799 SW Columbia | Bend, Oregon

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BOARD PRESENT

Lauren Sprang

Nathan Hovekamp

Sasha Sulia, Superintendent of Park Operations

Katie Clason, BLJ Attorneys at Law

Stephen Hamway, *The Bulletin*

7:00 p.m. MEETING CONVENED

VISITORS

NONE

CONSENT AGENDA

1. Meeting Minutes – 8/7/2018

Director Sprang made a motion to approve the consent agenda. Director Grover seconded. The motion passed unanimously, 4-0

BUSINESS SESSION

1. Hold Public Hearing and First Reading of Park Rules Ordinance – *Jeff Hagler and Sasha Sulia (30 min)*

Director Fuller opened a public hearing to receive comment regarding the proposed Ordinance No. 11, Park Rules & Regulations. No public comment was offered at the meeting.

Ms. Sulia and Mr. Hagler presented the first reading of Ordinance No. 11, Park Rules and Regulations. Ms. Sulia introduced Mr. Hagler, Mr. Redline and Ms. Clason. Ms. Clason has served as legal counsel on this project.

Ms. Sulia introduced the new park rules ordinance, stating that the last update to the rules was in 2010, when Ordinance 9 was adopted. The new rules include new language, stronger definitions, removed redundancies, and address new issues in the parks today: drones, electric bikes and vaping.

Mr. Hagler said that there was a lot of research done for this revision. Other districts were contacted in Colorado, California, Idaho and Oregon. A draft was created in the fall of 2017; staff reviewed the draft, then the draft was sent out for legal review and came to the Board last spring. More outreach was conducted to user groups such as: slackline and hammock, drone and electric bike users. These groups helped with drafting the guidelines for safe use of these items in our parks.

Mr. Hagler reviewed the proposed key changes:

- Camping: Definition of camping that is acceptable by law, more of a clarification than a change in the policy.
- Noise: Definition is consistent with City of Bend and Deschutes County.

In response to questions from the Board, Mr. Hagler stated that there are decibel guidelines on the website that dictate sound levels for larger venues and events in the parks.

- Restrooms: No big changes to the policy, all information is in one place.

The Board asked about gender issues with bathroom use. Ms. Clason stated that state law allows for gender identity to determine an individual's preference of restroom.

- Bodies of water: All rules that pertain to bodies of water are included in one area.

The Board asked about clauses that include exceptions by the Executive Director. It was pointed out that some stipulate this and others do not. Ms. Clason responded that some of them are there as good reminders; the Executive Director can make exceptions to any rule. She said these statements appear more for emphasis.

- Firearms: Rules state that firearms are not allowed in a public building loaded or unloaded.

Ms. Clason explained that there are a multitude of exceptions to the firearm rules: parole officers, police officers, active military and concealed licensed permit holders are permitted.

Executive Director Horton asked how the rules apply to parks outside of the city limits; the response was that the city laws would not apply to those areas, and rely on county rules. Staff will look at further to try to create a uniform rule on District property.

- Fireworks: Added that fireworks cannot be possessed in parks for any reason.
- Dogs on leash: Expanded the rules for more clarification, added that the leash had to be attached to the dog and to the person controlling the dog.

The Board asked about allowances for electronic leashes. Mr. Hagler said that use of these devices create confusion for other park users who do not realize that there is a control in place for the dog and could discourage leash rule compliance.

- Electric Bikes: Electric bikes will be allowed as long as the power output is less than 1,000 watts and incapable of speed that exceeds 20 mph on level ground, recognizing that these bikes may be used on trails and in parks for commuting purposes.

The Board suggested adding that bikes are subject to posted signs, so that at a later date if the District decides it is necessary to place further controls in the parks, there will not be a need to change the rule.

- Parking lot use: Reworded the language about the use of parking lots. Added different time restrictions to specific areas for loading zones. The rules prohibit cars parked on District property for purpose of offering a vehicle for sale.
- Business operations: Added better definitions to this area of the rules.

- New issues: Slacklines, geocaching and drones, added these new rules to make sure that these items are used safely and respectfully in the parks.

The Board recommended that the listed guidelines be made clearer for park users and a change of the word drone to unmanned aerial vehicles.

- Closure hours: Closure hours are 10pm-5am, some parks now state "open sunrise to sunset". This helps to control parks when dark that are in more remote areas.
- Appeals: Created a District exclusion appeals panel. The panel is made up of three District staff (non-park stewards). This is stated in the exclusion policy.

The Board would like to add to the rules that the appeals panel is addressed in the exclusion policy.

Director Schoenborn made a motion to conduct the first reading of Ordinance No. 11 by title only. Director Sprang seconded. Motion passed unanimously, 4-0.

Director Fuller read the first reading of Ordinance 11, replacing Ordinance No. 9, by title only. The public hearing will remain open for the next two weeks, until the next meeting and second reading.

2. Discovery West Developer Agreement – Don Horton and Michelle Healy (30 min)

Executive Director Horton explained that the Discovery West subdivision is required to submit a master plan to the city in order to bring the development into the city limits. As part of this master plan, an expansion of open space and developed parks will be included. Mr. Horton described the property of the development as it is today and the intent for some of it to be developed as a park, natural space and playground space. The land is in the urban growth boundary, but not in the city limits. Mr. Horton showed on a map how the parcels connect to existing parks and trails, creating a better trail network and more park areas that will be developed for the public. This allows for a greenbelt connection to the Tree Farm and Shevlin Park.

This agreement will discuss how the land will be acquired by the District. Three acres will be purchased; the property will be appraised, but the price will have a collar on the amount with a high point and a low point. If the appraisal comes back higher than the collar, the maximum amount dictated by the collar will be paid. If it comes back a lower amount, then the lower collared amount will be paid and if the appraised price is in the middle the appraised value will be the price of the land.

Mr. Horton reviewed some of the details of the long range plan and explained the costs that the District and developer would be responsible for and a few things that would be shared costs.

The development will begin in the east and move west, be developed over time and land will be acquired by the District as the development progresses.

The Board commented that this is a good project to add more park space and trails for our patrons. The hard and soft surface trails throughout will be a nice feature for the neighboring schools to hold cross country meets and will be a better network for users of all age groups.

Mr. Horton remarked that Brooks Resources doesn't just build neighborhoods; they build communities that include parks and trails throughout their community, making them a good partner for the District.

Director Schoenborn moved to authorize the Executive Director to negotiate and execute a Development Agreement with Discovery West for the execution of parkland acquisition and development within the Discovery West subdivision. Director Grover seconded. Motion passed unanimously, 4-0.

EXECUTIVE DIRECTOR'S REPORT

First Street Rapids: The District continues to have problems with bridge jumping. An installed cable above the rail may help prevent people from jumping from the bridge. Executive Director Horton reminded the Board that last summer an adult died in this area after jumping from the bridge. Some of the neighbors have previously complained about the height of the rail on the bridge and the anticipation is that there may be some further complaints with an installed cable.

SDC Consultants: Two proposals came in from the RFP. This will be completed this fiscal year. Interviews will not be necessary, and the District will be able to get started right away.

CMGC: There are two agenda items for CMGC coming up on Drake Park. This project has enough complexity to it that if a contractor can be brought on earlier, it will help with the project. There is a need to advertise for this and would like to get this process started. The District already has the contractor, now need to hire the CMGC so that they can work together.

Pine Nursery Disc Golf: City of Bend is about to begin work on Empire Avenue. This project will affect the disc golf course at Pine Nursery Park. There is anticipation that some opposition may come from the teachers at the school. The District is reaching out to the school district to get a better feeling about their position. Staff will be reaching out to the only neighbor that is nearby as well. Other disc golf courses have been removed in Bend, so there is a commitment to the disc golf community to keep this course open for them.

Let's Picnic: Last night for Let's Picnic is tomorrow at Eagle Park.

Smoke: Last year staff created a policy that states air quality limits on outdoor programming. We have been using this policy due to the smoke again this year and a few programs have been canceled. Our patrons have been very understanding with air quality concerns. Since this

BOARD AGENDA COMMUNICATION

AGENDA DATE:	September 4, 2018
SUBJECT:	Second Reading and Adoption of Ordinance No. 11 – Park Rules and Regulations
STAFF RESOURCE:	Jeff Hagler, Park Stewardship Manager Sasha Sulia, Superintendent of Park Operations Katie Clason, Bryant, Lovlien & Jarvis
PREVIOUS BOARD ACTION:	Last reviewed and adopted Ordinance No. 9 May 4, 2010; Conducted public hearing and first reading of Ordinance No. 11, August 21, 2018
ACTION PROPOSED:	Conduct second reading and consider adoption of Ordinance No. 11
STRATEGIC PLAN:	
Theme:	Operational Excellence
Objective:	Improve Business Practices
Initiative:	Provide a safe and healthy environment for all who work and play in our parks, facilities and programs.

BACKGROUND

The Board received and conducted the first reading of Ordinance No. 11, Park Rules & Regulations, at the August 21, 2018 meeting. A copy of the draft ordinance with redline changes requested by the Board from the last meeting is included with this Board report (attachment A). The draft also includes some additional typographical corrections and other changes identified during the public review period. Staff will review these changes with the Board during the meeting. A clean version of Ordinance No. 11 is also attached (attachment B).

The public hearing was left open from the August 21 Board meeting to allow for additional public comment. Information about the ordinance and the public comment period was shared on the District's website and social media, and was reported on by the Bend Bulletin and on the local television news station, KTZV. At the time of the drafting of this report, ten people submitted comments about the ordinance. Staff intends to share a summary of all comments received during the public comment period at the September 4 meeting.

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

Staff recommends that the Board receive input and close the public hearing left open during the first reading on August 21, 2018. Staff further recommends that the Board conduct the second reading and consider adoption of Ordinance No. 11, Park Rules and Regulations. The Board may choose to direct the second reading of Ordinance No. 11 by title only, which requires a motion and

vote of the Board. Adoption of Ordinance No. 11 is done by a separate motion and vote of the Board.

MOTION

- 1. I move to conduct the second reading of Ordinance No. 11 by title only.***
- 2. I move to adopt Ordinance No. 11, Park Rules & Regulations, replacing Ordinance No. 9.***

ATTACHMENTS

Attachment A: Draft Ordinance No. 11 - Park Rules and Regulations (REDLINE)

Attachment B: Ordinance No. 11 - Park Rules and Regulations (CLEAN)

BEND PARK & RECREATION DISTRICT
RULES AND REGULATIONS

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ARTICLE 1. PREAMBLE

- 1.1 The Bend Park ~~&~~and Recreation District (“District”) is a Special District of Oregon authorized to provide park and recreation services by ORS 266.410. The District Board of Directors, in accordance with ORS 266.410(7)(b), has adopted the following rules and regulations to ensure ~~that~~ that Bend’s park and recreation system remains beautiful, inviting, and safe for the community and our visitors. We ask for your cooperation to ensure the integrity of the park system remains intact. If you have specific questions, please call Park Services at (541) 388-5435.
- 1.2 Unless otherwise authorized by the Executive Director or a Designee, the following rules and regulations govern the conduct of the users of the parks, trails, natural areas, and recreation facilities located on District property within the City of Bend and Deschutes County. In addition to these rules, the Executive Director is authorized to establish rules and regulations applicable to specific District properties or facilities in any manner that provides for the productive, sustainable, and safe operation and use of District resources.
- 1.3 The term “Executive Director” means the District’s Executive Director who ~~had~~has been appointed and designated by the Board of Directors as the registered agent of the District. The term “Designee” means those persons designated by the Executive Director from time to time to monitor and enforce the District’s rules and regulations and include, but are not limited to: department directors, park stewards, facility managers, life guards, program staff, and contract security officers. “Parks”, “facilities”, “recreation areas” and “programs” means and refers to all property or programs owned or controlled by the District and operated for the public’s recreational use.

ARTICLE 2. CONDUCT ON DISTRICT PROPERTY

- 2.1 No person shall disturb or otherwise endanger the comfort, health, peace, or safety of others.
- 2.2 No person shall violate any city, county, state, or federal laws, ordinances, or regulations while on District property ~~or in District facilities~~. Criminal activity on District property will be reported to the Bend Police Department or Deschutes County Sheriff’s Department.
- 2.3 No person shall damage, remove, tamper with, modify, or deface District property, including vegetation, dirt, and rocks.
- 2.4 Open fires and charcoal barbeques are prohibited. Portable propane camp stoves and gas barbeques are permitted to the extent that they are operated in a safe manner.
- 2.5 No person shall litter on District property. Garbage and refuse shall not be brought to District property for disposal. Persons may not deposit or abandon any garbage, refuse, trash, waste, or other materials except in receptacles specifically provided for such purposes.
- 2.6 No person shall camp or sleep overnight on District property. To “camp” means to set up or to remain in or at a campsite. “Campsite” means a place where any bedding, sleeping bag, or other material ~~use~~used for bedding purposes, or any stove or fire is placed, established, or

maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

- 2.7 No person shall create a noise, within District property, by use of a sound-amplifying device or otherwise, that is unnecessarily loud at a distance of 50 feet from the source except as authorized by the Executive Director or a Designee. A noise is “unnecessarily loud” if it interferes with normal spoken communication or could reasonably disturb sleep.
- 2.8 No person shall possess or consume alcoholic beverages on District property except as authorized by the Executive Director or a Designee.
- 2.9 Glass containers are prohibited on District property.
- 2.10 Smoking, vaping, and the use of tobacco or marijuana in any form is prohibited on District property, whether or not in a vehicle.
- 2.11 The following rules and regulations apply to the use of restrooms, changing areas and locker facilities:
- a. ~~a.~~ No person over the age of six years shall enter a restroom, washroom, or locker facility designated for the opposite ~~sex~~gender. However, ~~except~~ those who need assistance and are accompanied by a parent, legal guardian, or caregiver may enter the restroom, washroom, or locker facility that aligns with the gender of the parent, legal guardian, or caregiver.
 - b. No person shall use a cell phone, camera, recording device, or other photographic equipment inside a restroom facility, dressing room, or changing area.
 - c. No person shall urinate or defecate on District property except in restroom toilets or portable toilets provided for that purpose.
- 2.12 The following rules and regulations apply to bodies of water located within District property:
- a. No person shall anchor in those portions of the Deschutes River located within District property.
 - b. No person shall bathe (unless in designated showers), wash clothing or other materials, or clean fish in streams, ponds, pools, or restrooms.
 - c. No person shall jump, dive, or otherwise launch oneself or any other person or object off any bridge into a river, canal, pond, or any other body of water.
 - d. Dogs are not permitted in ponds on District property except as authorized by the Executive Director or a Designee.
 - e. In addition to these rules, all persons shall obey rules posted at particular bodies of water.
- 2.13 The following rules and regulations apply to displays in parks and facilities:

- a. No person shall display sexually explicit material, as defined by Oregon law, in view of minors.
- b. No person or group engaging in an authorized event shall display sexually explicit artwork or similar displays or performances that may interfere with other patrons' enjoyment of District facilities.
- c. Artwork, displays, or performances shall be located so as to minimize disturbance to those wishing to avoid such displays or performances, minimize congestion, and promote the flow of foot traffic through the park or facility. All displays shall be placed in areas designated for that purpose.

ARTICLE 3. HUNTING, FIREARMS & FIREWORKS

- 3.1 No person shall possess a loaded firearm on District property within the City of Bend city limits, except in accordance with Oregon and Federal law.
- 3.2 No person shall intentionally possess a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building as defined in ORS 166.360(9), except as allowed under ORS 166.370.
- 3.3 No person shall use a weapon, as defined in ORS 166.360, except as authorized under Oregon law.
- 3.4 Fishing is permitted on District property consistent with the Oregon law, including licensing requirements under ORS Chapter 497.
- 3.5 Hunting, trapping, or removing any wild animal is prohibited unless authorized by the Executive Director, a Designee, or other government agency with jurisdiction.
- 3.6 No person shall possess or use fireworks or other explosives.

ARTICLE 4. ANIMALS

- 4.1 No person shall feed waterfowl or other wildlife.
- 4.2 No person shall damage, harm, injure, molest, or otherwise disturb any wildlife or wildlife dwelling except as authorized by the Executive Director, a Designee, or other government agency with jurisdiction.
- 4.3 Horses and other stock animals are prohibited, except as authorized by the Executive Director or [a](#) designee.
- 4.4 Owners or keepers of an animal (hereinafter referred to as "Owners") are responsible and liable for the animal's actions. Animals or Owners may be excluded from District property for failure to abide by District rules.
- 4.5 Owners shall maintain control of dogs by securely holding onto a physical leash (not an electronic control device) that is attached to the dog, except when in a designated off-leash area. Dogs may not be secured to a stationary object and left unattended on District property.

- 4.6 Owners shall promptly pick up and dispose of animal waste in proper receptacles.
- 4.7 Owners shall not allow an animal to damage the property of another, including by digging or burrowing, or to harass, threaten, injure, or fight with an animal or person.
- 4.8 Any dog that has a set of permanent canine teeth or that is six months of age or older, whichever comes first, must be licensed and current in vaccinations. Owners shall be found in violation of this rule if a dog is not wearing its collar and tag.
- 4.9 Owners shall also comply with all rules and guidelines posted at off-leash dog areas.

ARTICLE 5. VEHICLES

- 5.1 Motorized vehicles are prohibited except in roadways, parking areas designated for motorized vehicles, as needed for public safety purposes, or by permit.
- 5.2 Electric assisted bicycles, as defined in ORS 801.258, and when operated in accordance with these rules, are permitted on trails and pathways except as prohibited by the Executive Director or a Designee. [Electric assisted bicycles are subject to all District rules applicable to bicycles.](#)
- 5.3 No vehicle shall be parked in a loading zone on District property for more than the posted time limit.
- 5.4 No person shall park a vehicle on District property unless the operator or passengers are using District facilities or participating in District programs. No person shall park a vehicle on District property for the purpose of offering the vehicle for sale.
- 5.5 No person shall block the flow of traffic in a parking lot, or prevent emergency vehicle access, by double parking or blocking a fire hydrant, driveway or entry gate, or parking in an undesignated space.
- 5.6 No vehicle may be parked on District property between 10:00 pm and 5:00 am, except:
 - a. As authorized by the Executive Director or a Designee;
 - b. During District program [or operating](#) hours; or
 - c. In parking lots designated as having sunrise to sunset hours.
- 5.7 Vehicles left upon District property in violation of these rules or in violation of Oregon law may be towed in accordance with Oregon law.

ARTICLE 6. BUSINESS OPERATIONS, LEAFLETING, AND ORGANIZED EVENTS

- 6.1 The following activities are prohibited on District property unless specifically authorized by the Executive Director or a Designee and with evidence of such permission on their person:
 - a. Operating a fixed or mobile concession.
 - b. Soliciting, selling, offering for sale, peddling, hawking, advertising, or vending any goods or services.

- c. Displaying commercial advertisements, signs or business cards on facility bulletin boards or elsewhere on District property without prior approval.
- 6.2 Hand-billing and leafleting is permitted as long as the method of distribution does not violate District rules and regulations.
- 6.3 No person shall organize, conduct, or participate in any event or other scheduled activity that is publicly advertised without prior authorization from the Executive Director or a Designee. All business activities on park property require a permit obtained through the District reservation system as described in the Business Operations Policy. Business activities are defined to include camps, classes, exercise classes, sale of merchandise or services, or other programmed activities under the organization, direction or supervision of an individual or organization. Scheduled District activities have priority use of District facilities.

ARTICLE 7. SPECIFIC RECREATIONAL ACTIVITIES

- 7.1 The use of metal detectors is prohibited on District property unless pursuant to a permit.
- 7.2 Slacklines, hammocks, and similar devices are permitted to the extent that their use is consistent with District rules, guidelines, and regulations protecting people and property. [Guidelines specific to slacklines, hammocks, and similar devices are available on the District's website or by contacting Park Services.](#)
- 7.3 Geocaching/letterboxing is permitted to the extent that the activity is consistent with District rules, guidelines, and regulations protecting people and property. [Guidelines specific to geocaching/letterboxing are available on the District's website or by contacting Park Services.](#)
- 7.4 Activities involving the use of airborne projectiles that may harm people or property is prohibited except as authorized by the Executive Director or a Designee. This prohibition includes, without limitation, golfing, archery, discus, javelin, shotput, and model rockets.
- 7.5 ~~Drones~~ [Unmanned aerial vehicles \(e.g., drones\)](#) and other remote-controlled devices are permitted, except as prohibited by the Executive Director or a Designee, to the extent that they do not endanger the comfort, health, peace, or safety of others or cause harm to District property. Such devices shall be operated in accordance with such guidelines as may be adopted by the Executive Director from time to time.
- 7.6 No person shall use any rolling device including, but not limited to, bicycles, skateboards, scooters, or inline skates, in a manner that could potentially harm people, pets, wildlife, or property. Such rolling devices are not permitted on any plazas, park furniture or retaining walls, stairs or handrails, sports fields, sports courts, playgrounds, off-leash areas, areas reserved for special events, and other areas as designated by the Executive Director or a Designee.
- 7.7 No person shall tether, launch or land a hot air balloon, paraglider, parachute, or other similar device unless authorized by the Executive Director or a Designee.
- 7.8 [No person shall tether, tie, or otherwise attach any device to any District bridge except as authorized by the Executive Director or a Designee.](#)

ARTICLE 8. PERMITS

- 8.1 The Executive Director or a Designee shall have the authority to issue permits, or to grant exceptions or waivers to any of the terms of these rules and regulations for authorized events and activities.
- 8.2 Permit-holders shall keep the permit on their person at all times while engaging in the permitted activity.
- 8.3 Permit-holders must abide by all District rules and regulations unless granted an exception or waiver by the terms of the permit. Permit-holders are required to abide by the conditions of the permit at all times.
- 8.4 Permit-holders shall be liable for any loss, damage, or injury to any person, or property caused by a permit-holder's use of District facilities pursuant to the permit.
- 8.5 The Executive Director or a Designee has the authority to revoke a permit upon finding of violation of any rule, regulation or ordinance, or for other cause.

ARTICLE 9. CLOSURES

- 9.1 Parks are closed from 10:00 pm until 5:00 am unless otherwise posted. ~~Sunrise to sunset parking~~ Parking lots ~~are at~~ Shevlin Park, Sawyer Park, Riley Ranch Nature Reserve, and others as designated by the Executive Director or a Designee are closed from sunset until sunrise. It shall be unlawful to enter or remain on District Property during closed hours, except:
 - a. A person may enter upon a closed District property for a reasonable amount of time to retrieve their personal property or vehicle;
 - b. Pedestrians may travel through District property to destinations outside of District property;
 - c. District staff and emergency responders may enter closed areas in the course of executing their duties; or
 - d. By permit.
- 9.2 The Executive Director or a Designee may close or limit the use of District property to ensure the safety and security of the public and property when fires or other hazardous conditions exist.
- 9.3 No person shall refuse an order to evacuate District property in time of an emergency.

ARTICLE 10. EXCLUSIONS

- 10.1 A peace officer or the Executive Director or a Designee may exclude a person from District property, subject to Oregon law, for any of the following:
 - a. Violation of District rules and regulations;
 - b. The person has been cited to appear, arrested, or otherwise taken into custody in a "Civil Exclusion Zone" for any of the offenses contained in the City of Bend Code;
 - c. As ordered by a court of law; or

- d. The person is deemed a public threat to visitors or to any District staff or property.
- 10.2 The Executive Director or a Designee shall determine the length of the exclusion period. If an excluded person violates the exclusion order, local law enforcement may be called, and the person may be arrested for criminal trespass.
- 10.3 Verbal or written exclusions will begin immediately. The excluded person will have 10 calendar days from the effective date of the notice to appeal the exclusion. [Appeals are governed by the District's Appeals Exclusion Policy, which is available by contacting Park Services.](#) The appeal must be in writing and delivered to the District Exclusion Appeals Hearing Panel ("Panel"). The appeal shall set forth the reason(s) that the exclusion is invalid or improper and shall request a written review. The Panel shall issue a written decision no later than 30 calendar days following receipt of the appeal.
- 10.4 If, as part of a written appeal, the excluded person requests a hearing, it shall be conducted by the Panel within 30 calendar days of the request. The Panel will render the final decision in writing within 15 business days of the hearing date. If a hearing is requested, no written decision shall be issued until after the hearing.
- 10.5 At any time during the exclusion, an excluded person may submit a petition in writing to the Panel for a temporary waiver of the exclusion.

ARTICLE 11. ENFORCEMENT OF RULES AND REGULATIONS

- 11.1 The Executive Director, a Designee, or any peace officer as defined under ORS 133.005(3) is vested with authority to enforce these rules and regulations and to take the following action:
 - a. Issue citations or exclusions as provided by the District's Park Conduct and Exclusion Policy and Oregon law to any person who violates any provision of the District's rules and regulations.
 - b. Refuse entrance to a District facility or program, or to require a person to leave a District property, facility, or program.
- 11.2 No person shall refuse to leave any District property, facility, or program after being directed to leave by a peace officer or the Executive Director or a Designee. Entering or remaining unlawfully in or upon District property may subject a person to exclusion or prosecution for criminal trespass in the second degree pursuant to ORS 164.245.
- 11.3 No person shall interfere with any District personnel or peace officer enforcing these rules and regulations. Intentionally acting in a manner that prevents or attempts to prevent District personnel or a peace officer from enforcing these rules and regulations may subject a person to exclusion or prosecution pursuant to ORS 162.247.
- 11.4 Pursuant to ORS 266.450, violation of these regulations is a misdemeanor punishable by exclusion; or upon conviction by a fine not to exceed \$100 or imprisonment not to exceed five days, or both.
- 11.5 Should any word, sentence, paragraph, clause or phrase of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of

this ordinance, which shall remain in full force and effect.

DRAFT

ORDINANCE No. 11

BEFORE THE BOARD OF DIRECTORS OF THE BEND PARK AND RECREATION DISTRICT AN ORDINANCE REPLACING ORDINANCE NO. 9, PARK RULES AND REGULATIONS, GOVERNING THE CONDUCT OF THE USERS OF THE FACILITIES OF LAKES, PARKS, RECREATIONAL GROUNDS AND BUILDINGS WITHIN THE DISTRICT PURSUANT TO ORS 266.410(7)(B).

WHEREAS, ORS 266.410(7)(b) empowers park and recreation districts such as the Bend Park and Recreation District (the “District”) to make and enforce regulations governing the conduct of the users of the facilities of lakes, parks, recreational grounds and buildings within the District; and

WHEREAS, the Board of Directors of the Bend Park and Recreation District (the “Board of Directors”) has held public hearings in Deschutes County consistent with the requirements of state law; and

WHEREAS, the Board of Directors deems it necessary and advisable to amend and replace the District’s rules and regulations governing the conduct of the users of the District’s facilities.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BEND PARK AND RECREATION DISTRICT ORDAINS as follows:

Section 1. Findings. The above stated findings contained in this Ordinance No. 11 (this “Ordinance”) are hereby adopted.

Section 2. Purpose. The purpose of this Ordinance is to adopt regulations governing conduct within and the use of property, parks, facilities, buildings, and recreation grounds within the District.

Section 3. Rules and Regulations. The rules and regulations contained in Exhibit A (the “Rules and Regulations”), which is attached to this Ordinance and incorporated herein by reference, are hereby adopted as the District’s regulations governing the conduct of the users of the facilities of lakes, parks, recreational grounds, and buildings within the District. This Ordinance amends, replaces, and supersedes Ordinance No. 9 in its entirety and all ordinances, resolutions, and/or policies in conflict with the Rules and Regulations. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all District ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

Section 4. Severability Clause. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by resolution of the Board to cure editorial and/or clerical errors.

Read for the first time the _____ day of _____, _____.

Read for the second time the _____ day of _____, _____.

Placed upon its passage this _____ day of _____, _____.

Yes _____ No _____

Authenticated by the Chairman of the Board this _____ day of _____, _____.

Brady Fuller, Board Chair

Attested by:

Don Horton, Recording Secretary

BEND PARK & RECREATION DISTRICT

RULES AND REGULATIONS

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ARTICLE 1. PREAMBLE

- 1.1 The Bend Park and Recreation District (“District”) is a Special District of Oregon authorized to provide park and recreation services by ORS 266.410. The District Board of Directors, in accordance with ORS 266.410(7)(b), has adopted the following rules and regulations to ensure that Bend’s park and recreation system remains beautiful, inviting, and safe for the community and our visitors. We ask for your cooperation to ensure the integrity of the park system remains intact. If you have specific questions, please call Park Services at (541) 388-5435.
- 1.2 Unless otherwise authorized by the Executive Director or a Designee, the following rules and regulations govern the conduct of the users of the parks, trails, natural areas, and recreation facilities located on District property within the City of Bend and Deschutes County. In addition to these rules, the Executive Director is authorized to establish rules and regulations applicable to specific District properties or facilities in any manner that provides for the productive, sustainable, and safe operation and use of District resources.
- 1.3 The term “Executive Director” means the District’s Executive Director who has been appointed and designated by the Board of Directors as the registered agent of the District. The term “Designee” means those persons designated by the Executive Director from time to time to monitor and enforce the District’s rules and regulations and include, but are not limited to: department directors, park stewards, facility managers, life guards, program staff, and contract security officers. “Parks”, “facilities”, “recreation areas” and “programs” means and refers to all property or programs owned or controlled by the District and operated for the public’s recreational use.

ARTICLE 2. CONDUCT ON DISTRICT PROPERTY

- 2.1 No person shall disturb or otherwise endanger the comfort, health, peace, or safety of others.
- 2.2 No person shall violate any city, county, state, or federal laws, ordinances, or regulations while on District property. Criminal activity on District property will be reported to the Bend Police Department or Deschutes County Sheriff’s Department.
- 2.3 No person shall damage, remove, tamper with, modify, or deface District property, including vegetation, dirt, and rocks.
- 2.4 Open fires and charcoal barbeques are prohibited. Portable propane camp stoves and gas barbeques are permitted to the extent that they are operated in a safe manner.
- 2.5 No person shall litter on District property. Garbage and refuse shall not be brought to District property for disposal. Persons may not deposit or abandon any garbage, refuse, trash, waste, or other materials except in receptacles specifically provided for such purposes.
- 2.6 No person shall camp or sleep overnight on District property. To “camp” means to set up or to remain in or at a campsite. “Campsite” means a place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for

the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

- 2.7 No person shall create a noise, within District property, by use of a sound-amplifying device or otherwise, that is unnecessarily loud at a distance of 50 feet from the source except as authorized by the Executive Director or a Designee. A noise is “unnecessarily loud” if it interferes with normal spoken communication or could reasonably disturb sleep.
- 2.8 No person shall possess or consume alcoholic beverages on District property except as authorized by the Executive Director or a Designee.
- 2.9 Glass containers are prohibited on District property.
- 2.10 Smoking, vaping, and the use of tobacco or marijuana in any form is prohibited on District property, whether or not in a vehicle.
- 2.11 The following rules and regulations apply to the use of restrooms, changing areas and locker facilities:
 - a. No person over the age of six years shall enter a restroom, washroom, or locker facility designated for the opposite gender. However, those who need assistance and are accompanied by a parent, legal guardian, or caregiver may enter the restroom, washroom, or locker facility that aligns with the gender of the parent, legal guardian, or caregiver.
 - b. No person shall use a cell phone, camera, recording device, or other photographic equipment inside a restroom facility, dressing room, or changing area.
 - c. No person shall urinate or defecate on District property except in restroom toilets or portable toilets provided for that purpose.
- 2.12 The following rules and regulations apply to bodies of water located within District property:
 - a. No person shall anchor in those portions of the Deschutes River located within District property.
 - b. No person shall bathe (unless in designated showers), wash clothing or other materials, or clean fish in streams, ponds, pools, or restrooms.
 - c. No person shall jump, dive, or otherwise launch oneself or any other person or object off any bridge into a river, canal, pond, or any other body of water.
 - d. Dogs are not permitted in ponds on District property except as authorized by the Executive Director or a Designee.
 - e. In addition to these rules, all persons shall obey rules posted at particular bodies of water.
- 2.13 The following rules and regulations apply to displays in parks and facilities:
 - a. No person shall display sexually explicit material, as defined by Oregon law, in view of minors.

- b. No person or group engaging in an authorized event shall display sexually explicit artwork or similar displays or performances that may interfere with other patrons' enjoyment of District facilities.
- c. Artwork, displays, or performances shall be located so as to minimize disturbance to those wishing to avoid such displays or performances, minimize congestion, and promote the flow of foot traffic through the park or facility. All displays shall be placed in areas designated for that purpose.

ARTICLE 3. HUNTING, FIREARMS & FIREWORKS

- 3.1 No person shall possess a loaded firearm on District property within the City of Bend city limits, except in accordance with Oregon and Federal law.
- 3.2 No person shall intentionally possess a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building as defined in ORS 166.360(9), except as allowed under ORS 166.370.
- 3.3 No person shall use a weapon, as defined in ORS 166.360, except as authorized under Oregon law.
- 3.4 Fishing is permitted on District property consistent with the Oregon law, including licensing requirements under ORS Chapter 497.
- 3.5 Hunting, trapping, or removing any wild animal is prohibited unless authorized by the Executive Director, a Designee, or other government agency with jurisdiction.
- 3.6 No person shall possess or use fireworks or other explosives.

ARTICLE 4. ANIMALS

- 4.1 No person shall feed waterfowl or other wildlife.
- 4.2 No person shall damage, harm, injure, molest, or otherwise disturb any wildlife or wildlife dwelling except as authorized by the Executive Director, a Designee, or other government agency with jurisdiction.
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- 8.5 The Executive Director or a Designee has the authority to revoke a permit upon finding of violation of any rule, regulation or ordinance, or for other cause.

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- 9.1 Parks are closed from 10:00 pm until 5:00 am unless otherwise posted. Parking lots at Shevlin Park, Sawyer Park, Riley Ranch Nature Reserve, and others as designated by the Executive Director or a Designee are closed from sunset until sunrise. It shall be unlawful to enter or remain on District Property during closed hours, except:
 - a. A person may enter upon a closed District property for a reasonable amount of time to retrieve their personal property or vehicle;
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 - a. Violation of District rules and regulations;
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- d. The person is deemed a public threat to visitors or to any District staff or property.
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 - b. Refuse entrance to a District facility or program, or to require a person to leave a District property, facility, or program.
- 11.2 No person shall refuse to leave any District property, facility, or program after being directed to leave by a peace officer or the Executive Director or a Designee. Entering or remaining unlawfully in or upon District property may subject a person to exclusion or prosecution for criminal trespass in the second degree pursuant to ORS 164.245.
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- 11.4 Pursuant to ORS 266.450, violation of these regulations is a misdemeanor punishable by exclusion; or upon conviction by a fine not to exceed \$100 or imprisonment not to exceed five days, or both.
- 11.5 Should any word, sentence, paragraph, clause or phrase of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of

this ordinance, which shall remain in full force and effect.

DRAFT

BOARD AGENDA COMMUNICATION

AGENDA DATE:	September 4, 2018
SUBJECT:	Intergovernmental Agreement (IGA) with the City of Bend for improvements on Quimby Avenue and 8 th Street.
STAFF RESOURCE:	Perry Brooks, Landscape Architect Brian Hudspeth, Development Manager
PREVIOUS BOARD ACTION:	Approved Professional Services Contract with Vallier Design, May 1, 2018, Approved Master Plan for Goodrich Park, February 2, 2018
ACTION PROPOSED:	Authorize the Executive Director to negotiate and execute an IGA with the City of Bend for improvements on 8 th Street and Quimby Avenue.
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Acquire land, and plan and develop trails, river access, parks, natural areas and recreation facilities to meet identified community demand and future need.

BACKGROUND

District staff continues to work on the design of Goodrich Park. As part of the project, the District will be required to construct frontage improvements on NE 11th Street and Quimby Avenue. The park development requires the District to complete $\frac{3}{4}$ street improvements for the full 550 feet of park frontage along Quimby Avenue. This includes construction of curb, gutter, sidewalk, and full pavement section and curb and gutter on the north side of the street. The District will also be required to build curb, gutter and sidewalk on NE 11th Street along the east end of the park.

Currently, Quimby Avenue from NE 8th Street to NE 11th Street is unpaved with no curb, gutter or sidewalk on either side of the street. The park project will fund and construct all but the last remaining 250 feet of road between the boundary of the park and NE 8th Street. Rather than leave this unimproved section of road between the park boundary and 8th Street, the City would like to partner with the District to complete all of Quimby Avenue to meet current design standards (see attachment A). In addition, there is a gap in the sidewalk along NE 8th Street that would also be completed.

The District and the City recognize the benefits of coordinating these needs and would like to work together to maximize efficiencies and minimize disruption to the neighborhood. A proposed IGA is being reviewed that lays out the District and City responsibilities for the coordination of the proposed improvements. As proposed, the District will design and construct the improvements on

Quimby Avenue and NE 8th Street. At the end of construction, the City will reimburse the District for all costs associated with design and construction of the 250 feet of Quimby Avenue beyond the park frontage and to fill the gap in the sidewalk on 8th Street. The estimated cost of the City's portion of the improvements, including design, is \$106,207. The IGA has been reviewed by the District's legal counsel and is currently being reviewed by the City.

Pending completion of construction documents and receipt of necessary permit approvals, staff anticipates construction of the park and associated road improvements starting early next year.

BUDGETARY IMPACT

The District's 2019-23 Capital Improvement Plan (CIP) allocates a total of \$1,605,719 in park system development charges for the development of Goodrich Park. The overall funding allocation would increase by \$106,207 (in alternative funds) to reflect the City's estimated funding to finish Quimby Avenue and the sidewalk on 8th Street.

STAFF RECOMMENDATION

Staff recommends the Board authorize the Executive Director to finalize an IGA with the City of Bend for the improvements on NE 8th Street and Quimby Avenue.

MOTION


I move to authorize the Executive Director to negotiate and finalize an IGA with the City of Bend for the road improvements on NE 8th Street and Quimby Avenue.


ATTACHMENT

Attachment A- Map of proposed improvements on NE 8th Street and Quimby Avenue.



All work to be designed and managed by District's Contractor

 Funded by BPRD

 Funded by COB

Goodrich Park Property Attachment A



BOARD AGENDA COMMUNICATION

AGENDA DATE:	September 4, 2018
SUBJECT:	Drake Park Bank and Trail Improvements – Project Update Recommendation to use CMGC
STAFF RESOURCE:	Brian Hudspeth, Development Manager Don Horton, Executive Director
PREVIOUS BOARD ACTION:	June 19, 2018 Approve contract amendment for construction documents December 19, 2017 Project Update 30% DD Design October 17, 2017 Project Update
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Acquire land, and plan and develop trails, river access, parks, natural areas and recreation facilities to meet identified community demand and future need.

BACKGROUND

On June 19, 2018, the Board authorized the Executive Director to enter into a contract amendment with GreenWorks, PC to move the Drake Park Bank and Trail Improvements project forward to a 100 percent construction document (CD) level. Since then, GreenWorks has been working on securing their sub-consultant contracts. While researching methods for geotechnical exploration, staff has been performing site reconnaissance looking at different ways to access the river's bank throughout zones 4 and 5.

During these site visits, it was becoming apparent that constructability along this reach of the project may be very difficult. Staff met on August 8 to review the pros and cons of using an alternate contracting method, Construction Manager / General Contractor, or CMGC. Several aspects of the project were considered, such as whether the entire project be included, or broken into phases, what the current timing implications would be and the complexities of the project .

Staff determined that it would be beneficial for the District to move forward with the CMGC process. Having a contractor on board during the design and permitting phase will help guide the design for better constructability that will result in overall cost savings to the project, versus a standard Design / Bid / Build delivery method.

Staff has prepared the findings for an alternate contracting method (CMGC) and plans to bring a resolution to the Board for approval at the next meeting on September 18. The findings will be

published statewide for a minimum of 14 days prior to the September 18 hearing. The Board will need to convene a meeting as the Contract Review Authority, hear public testimony, and make a decision to approve a resolution to allow for the alternative contracting method, (CMGC).

BUDGETARY IMPACT

The 2019-23 Capital Improvement Plan (CIP) allocates \$5,245,595 for project funding, of which, \$2,185,273 is property tax revenue, \$2,245,595 is System Development Charges (SDCs) and \$500,000 is alternate funding. Staff will likely apply for a local government grant next spring as the alternate funding for this project.

Moving forward with a CMGC contract will include the pre-work portion of the CMGC Contract. These additional fees will be worth the investment and should reduce the overall construction cost estimate, thus keeping the project within budget while developing a refined design to aid in constructability of the work.

STAFF RECOMMENDATION

None

ATTACHMENT

None

PLANNING & DEVELOPMENT PROJECT UPDATES September 2018



Deschutes River Trail (DRT):

Putnam to Riley Ranch Nature Reserve Bridge Segment – Brooks Resources provided an easement for the trail and parking area. However, development of this segment of trail and the parking area on this property are contingent upon acquisition of a trail easement on the adjoining property with an active surface mine, which may delay the trail project for a few more years.

Kirkaldy Ct. to Putnam Rd. Segment – After meetings with adjacent property owners and the Awbrey Meadows Home Owners Association Board of Directors, the issue of the District acquiring a trail easement over the buried Tumalo Irrigation pipeline has not yet been resolved. The trail alignment is also pending acquisition of other necessary trail easements from the surface mining property.

Galveston to Miller's Landing Park Segment – The District is negotiating with the City of Bend to determine the scope of this project. Staff anticipates a modification to the intergovernmental agreement (IGA) to address additional utility work necessitated by the project. Due to the utility work that was completed over the last two years in the neighborhood, the City wanted to wait for a couple more years before beginning another project in that area.

This will give both the City and BPRD time to work on a revised scope of work and amend the current IGA.



Alpenglow Community Park: This month, District staff and the ESA team held a plans-in-hands site walkthrough. Efforts were focused on the major elements of the project and how their locations fit within the site. Participants looked at the playground, spray ground, restroom and shelter, climbing area, ASI, railroad bridge and trails. An all-day design charrette will be held the first week of September to further define the materials and design of these elements.



Shevlin Park: Staff recently completed the 100 percent design package for new interpretive, wayfinding, and regulatory signs in Shevlin Park, and for the 329 acre expansion of Shevlin Park,

formerly known as the Tree Farm. The signage package installation will begin soon. Design work for the ADA accessibility projects, which is funded by the State's Local Government Grant (LGG), has begun with construction occurring in summer of 2019.



Larkspur Center (Bend Senior Center): The District's design team is nearing 100 percent completion of the construction documentation. Staff is expecting the documents the last week of August to begin review. Concurrently with the BPRD review, the architect will submit to the City of Bend for permitting, and conduct a final cost estimate for review. Our CMGC will also be estimating the 100 percent plans in preparation for supplying a guaranteed maximum price for the District later this fall. Construction is still scheduled to start in the spring of 2019.



Big Sky Park Expansion: District staff is waiting for the findings from the hearing examiner which will dictate how staff moves forward with the design of some of the park elements. DOWL Engineers continue to work on the construction drawings and hope to have those wrapped up by late summer. It is anticipated that the project will be bid in the spring of 2019.



Drake Park DRT & Bank Improvement Project: GreenWorks PC has been finalizing their sub-consultants contracts. Staff expects the project "kickoff" meeting to be scheduled in late August or early September. GreenWorks will need to complete the design by this winter to get the project ready for permitting with all the agencies involved. Staff has also reached out to the City of Bend regarding the City's stormwater outfalls. The City is hoping to contract with our design team to look at a possible joint project at the Galveston Ave outfall.



Juniper Park: Construction has begun on the ADA upgrades with work scheduled to finish by the end of October.



Goodrich Park: BPRD staff and members of the Orchard District Neighborhood selected Vallier Design from Bend to work with staff for the park's design. Staff anticipates being complete with the construction drawings in late fall/early winter this year with construction possibly starting in the fall of 2019. Staff is also working with the City of Bend on an IGA for construction of the final 200 +/- feet of Quimby Ave and sidewalk connections along 8th Street. The City has agreed to pay for all design and construction work to finish off the gravel street section. Staff will bring the IGA to the Board for approval on September 4th.



Pioneer Park Restroom & Accessibility: Accessibility improvements to the entry, parking area, and restroom will start in September and be completed by the end of 2018.



Haul Road Trail: Staff is working with the City of Bend and Western Federal Lands to get all of the easement and right of way issues worked out. Work on the trail is not expected to begin until mid-2020.



PCMS Fields: The RFP has been issued and proposals were due on August 23. The District received four proposals.



Empire Crossing Park: Preliminary grading and drainage drawings have been completed and District staff is continuing to work with consultants to design the new playground area. A neighborhood meeting has been scheduled for early October where the community will be able to ask questions and make comments on the proposed design and playground options.



Deschutes River Restoration Planning: The Executive Director has signed the MOU with Upper Deschutes Watershed Council (UDWC) following approval from the Board in April. The UDWC and staff has applied for a Technical Assistance Grant for design work from OWEB to complete the design and engineering on the section of river from the Bill Healy Bridge to the Farewell Bend Bridge along river left. Announcements on whether BPRD is successful in receiving the grant will occur this fall. Staff will also conduct an outreach campaign once design has started.

Bend Park and Recreation District Comprehensive Plan:

The Board of Director's adopted the District's new Comprehensive Plan in July. Staff is currently working with the City of Bend to update the chapters of their Comprehensive Plan that reference the District.

Strategic Plan: In early July, staff issued a request for proposals (RFP) for the 2018 Strategic Plan. The plan will help guide the future of District operations for the next five years. The District received eight proposals and

will interview the top three firms at the end of August. Notice to proceed on the project is expected in mid-September, with a goal to complete the project by May or June of 2019.

System Development Charge Methodology (SDC): The District received two proposals for the preparation of a new SDC methodology. After evaluation, the District issued a notice of intent to award a contract to Galardi Rothstein Group. Notice to proceed on the project is expected in mid-September, with a goal to complete the project by May 2019.

Deschutes River Access Planning: Public lands in and around the City of Bend are experiencing a rapid increases in recreational use as growing numbers of residents and visitors use public lands for recreation and leisure. With increased use, sensitive wetland and riparian habitats along the Deschutes River have been impacted as hikers, cyclists, bird-watchers, anglers and floaters gravitate to the river corridor for recreational activities. In an effort to get a handle on and manage access to the river, District staff will be starting a planning effort to gain a better understanding on how patrons utilize the river and how to make access more sustainable.

Stormwater Planning: The Oregon Department of Environmental Quality (DEQ) is still in process of reviewing the District's assessment report filed on September 13, 2017. Once review has been completed, the DEQ will schedule a meeting with District staff and consultants to determine next steps in the process of permitting and ongoing maintenance requirements.

**Board Calendar
2018-2019**

**This working calendar of goals/projects is intended as a guide for the board and subject to change.*

September 18

Work Session

- ◆ Alcohol Permits – *Sasha Sulia (20 min)*

Business Session

- ◆ Public Hearing to adopt findings and approve resolution for CMGC – *Brian Hudspeth and Dave Crowther*
- ◆ Approve BMX Ground Lease – *Matt Mercer (15 min)*

October 2

Work Session

- ◆ Recreation Program Report - *(15 min)*
- ◆ River stewardship grant update – *Perry Brooks (20 min)*
- ◆ Mirror Pond funding options discussion – *Don Horton (45 min)*

Business Session

- ◆ PCMS Fields Award Design Contract – *Ian Isaacson (15 min)*
- ◆ Approve Park and Facility Rental Cost Recovery Levels – *Matt Mercer and Michael Egging (30 min)*

October 16

Work Session

Business Session

- ◆ Drake Park DRT Trail Easements – *Brian Hudspeth (20 min)*

November 6

Work Session

- ◆ Recreation Program Report – *TBD (15min)*
- ◆ 2018 Events in Parks Report – *Chris Zerger & Sasha Sulia (20 min)*

Business Session

November 20

Work Session

- ◆ Community Recreation Survey Report - *Matt Mercer (45 min)*

Business Session

- ◆ Empire Crossing Park – Award Construction Contract – *Jason Powell (20 min)*

December 4

Work Session

- ◆ Recreation Program Report - *(15 min)*
- ◆ Athletic Field Report and Policy Implementation Update – *Becky Young and Michael Egging (45 minutes)*

Business Session

- ◆ Appoint Budget Committee Member(s) – *Lindsey Lombard*

December 18

Work Session

Business Session

- ◆ Approve Guaranteed Maximum Price for Construction of Larkspur Community Center – *Brian Hudspeth (45 min)*
- ◆ Shevlin Park ADA / Bridge Work Award Construction Contract – *Brian Hudspeth (20 min)*

January 2019

Board Workshop - 8:00 a.m. – 4:00 p.m.

- ◆ Annual Strategic Action Plan (Mid-Year Review)
- ◆ Financial Forecast
- ◆ Capital Improvement Plan (CIP) Discussion
- ◆ Property Tax Prioritization
- ◆ Board Self-Assessment

January 15

Work Session

Business Session

February 5

Work Session

- ◆ Recreation Program Report - *(15 min)*
- ◆ Approve updated Fees and Charges Policy and Out of District Fee Policy – *Matt Mercer (45 min)*

Business Session

- ◆ Goodrich Park Award Construction Contract – *Jason Powell (20 min)*

February 19

Work Session

- ◆ Preliminary Larkspur Business Plan Review – *Matt Mercer and Sue Glenn (45 minutes)*

Business Session

- ◆ Approve Cost Recovery /Subsidy Allocation levels for Recreation Programs and Services – *Matt Mercer (45 min)*
- ◆ Cedarwood Trailhead Award Design Contract – *Perry Brooks (20 min)*

March 5

Work Session

- ◆ Recreation Program Report *(15 min)*

Business Session

- ◆ Northpointe Park Award Design Contract – *Laura Underhill (20 min)*

March 19

Work Session

- ◆ Outreach Report – *Amanda Jamison, Kathya Avilia Choquez (30 min)*
- ◆ Needs-Based Assistance Report – *Sue Boettner (30 min)*

Business Session

- ◆ Approve Needs-Based Assistance Plan for FY 2019-20 - *Sue Boettner (30 min)*

April 2

Work Session

Business Session

April 16

Work Session

Business Session

April - Budget Committee Tour

May 7

Work Session

- ◆ Recreation Program Report (15 min)

Business Session

May BUDGET MEETINGS (Tentative: May 20, 22 & 23)

May 21

Board Meeting Canceled

June 4

Work Session

- ◆ Recreation Program Report (15 min)

Business Session

- ◆ Adopt Resolution No. XXX – Adopting a Revised Fee Schedule for System Development Charges, effective July 1, 2019 – *Lindsey Lombard*
- ◆ Hold Public Hearing and Adopt Resolution No. XXX – Adopting the Budget and Making Appropriations for Fiscal Year 2019-20, and Adopt Resolution No. XXX - Imposing and Categorizing Taxes for Fiscal Year 2018-19 – *Lindsey Lombard*
- ◆ Adopt Resolution No. XXX – Adopting the Capital Improvement Plan Summary for Fiscal Years Ending 2020 - 2024 – *Michelle Healy (10 min)*

June 18

Work Session

Business Session

TBD

IGA with the City for Planning – *Michelle Healy and Don Horton (45 min)*

Award construction contract for Big Sky Park – *Brian Hudspeth (15 min)*

Alpenglow's BNSF Aerial Easement – *Ian Isaacson*

PCMS Fields Award Construction Contract – *Brian Hudspeth*

Adopt Strategic Plan

Strategic Plan Update

First and Second Reading for SDC Ordinance and Methodology

SDC Methodology Updates

Extend Applicable Athletic Field Policies to Operated Recreation Facilities – *Matt Mercer*

Independent Contractor Guidelines for Recreation Programs?? – *Matt Mercer*

Recreation Programming Plan – *Matt Mercer and Michael Egging*