



Bend Metro Park & Recreation District

December 18, 2018

# Board of Directors

## Agenda and Reports

[www.bendparksandrec.org](http://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**

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<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	December 18, 2018
<b>SUBJECT:</b>	Southern Connection of the Deschutes River Trail - Conflict Assessment Report
<b>STAFF RESOURCE:</b>	Michelle Healy, Planning and Park Services Director Don Horton, Executive Director
<b>GUEST PRESENTER:</b>	Mary Orton, The Mary Orton Company, LLC Turner Odell, Oregon Consensus
<b>PREVIOUS BOARD ACTION:</b>	Adopted Resolution No. 409, 2/20/18
<b>ACTION PROPOSED:</b>	None
<b>STRATEGIC PLAN:</b>	
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 February 20, 2018 the Board approved Resolution No. 409 that directed the hiring of a third party facilitator to guide a community process to consider options to connect the Deschutes River Trail (DRT) on the south end of town. In response, the District retained Oregon Consensus (OC), a conflict resolution and consensus building program, to assist with the effort. OC is based out of Portland State University and was created (and is partially funded) by the Oregon Legislature to help communities across Oregon work through challenging public policy issues.

OC recommended that before starting with a collaborative process, they should prepare a conflict assessment to evaluate the state of the situation and measure the level of openness of the project stakeholders to engage in a process. OC hired the Mary Orton Company, LLC (TMOC), one of their affiliated providers, to prepare the conflict assessment.

During this past September and October, TMOC spoke with about 25 stakeholders about the potential DRT connection and collected their thoughts around the viability of a collaborative process. During the board meeting, Mary Orton will explain what she heard from the stakeholders and present her recommendations for moving forward with the project.

**BUDGETARY IMPACT**

The District spent \$32,000 on the initial conflict assessment. If the Board decides to move forward with the collaborative process, additional funding will be needed to support the process. The amount will depend upon the scope of work recommended.

**STAFF RECOMMENDATION**

None

**MOTION**

*None*

**ATTACHMENT**

None – It is anticipated that the final Conflict Assessment Report will be emailed to the Board on December 17. Paper copies of the report will be available at the meeting.

**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	December 18, 2018
<b>SUBJECT:</b>	City of Bend Community Climate Action Plan
<b>STAFF RESOURCE:</b>	Sasha Sulia, Superintendent of Park Operations
<b>GUEST PRESENTERS:</b>	Cassie Lacy, City of Bend Sustainability Coordinator Gillian Ockner, City of Bend Senior Policy Analyst
<b>PREVIOUS BOARD ACTION:</b>	None
<b>ACTION PROPOSED:</b>	None
<b>STRATEGIC PLAN:</b>	
<b>Theme:</b>	Customer-Community Connection
<b>Objective:</b>	Cultivate Partnerships
<b>Initiative:</b>	Manage ongoing partnerships to support District Operations

**BACKGROUND**

The City Council signed Resolution No. 3044 in 2016 which established the City's climate action goals. These goals include reducing:

- Carbon dioxide emissions from City facilities and operations to achieve carbon neutrality by the year 2030
- Fossil fuel use for City facilities and operations by 40% by 2030 and 70% by 2050
- Community wide fossil fuel use by 40% by 2030 and 70% by 2050.

The City is in the process of developing a Community Climate Action Plan (C-CAP) that will identify strategies to help achieve the climate action goals identified in Resolution No. 3044. To assist with the development of the C-CAP, the City Council has requested the formation of an ad-hoc Climate Action Steering Committee (CASC). The District is serving on the committee along with business representatives, environmental community representatives, subject matter experts, community youth (under the age of 18) and at-large community members. The CASC will assist the City with the creation of the plan and will ultimately recommend actions to the City Council to encourage and incentivize businesses and residents, through voluntary efforts, to reduce emissions and fossil fuel use.

Representatives from the City will attend the Board meeting to share information about the C-CAP development and the potential role the District can play in helping the community reach the identified reduction goals.

**BUDGETARY IMPACT**

Currently, there are no costs to the District for participating on the development of the C-CAP, except for some staff time spent serving on the CASC and attending work group meetings.

**STAFF RECOMMENDATION**

None, information provided to the Board for discussion only.

**MOTION**

None, information provided to the Board for discussion only.

**ATTACHMENTS**

None – additional information about the Climate Action Plan can be viewed on the City of Bend's website - <https://www.bendoregon.gov/community/sustainability/community-climate-action-plan>.

**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	December 18, 2018
<b>SUBJECT:</b>	Athletic Field and Sports Program Policy Modification
<b>STAFF RESOURCE:</b>	Matt Mercer, Director of Recreation Services
<b>PREVIOUS BOARD ACTION:</b>	February 6, 2018: Approved Athletic Field and Sport Program Policy Guidelines
<b>ACTION PROPOSED:</b>	Approve modification to policy
<b>STRATEGIC PLAN:</b>	
<b>Theme:</b>	Community Connection
<b>Objective:</b>	Analyze and adapt to changing community need
<b>Initiative:</b>	Update athletic field utilization information and revise methodology to better determine future needs

**BACKGROUND**

On February 6, 2018, after multiple work sessions, the Board of Directors approved the Athletic Field and Sport Program Policy Guidelines. Since then, staff has realized that many of the policy guidelines also apply to other District-operated recreation facilities that are used for organized sport programs, including Juniper Swim & Fitness Center and the Pavilion. Rather than create a separate policy to cover these facilities and uses, staff proposes that the applicable portions of the Athletic Field and Sport User policies be extended to other District-operated facilities. Applicable sections include:

- District Role in Sport Programming
- Affiliate Organizations
- Scheduling Priority
- Reservations and Permits for Use

A copy of the policy with the proposed changes highlighted is attached. With these changes, staff proposes replacing “Field” with “Facility” in the policy name so that it is named the Athletic Facility and Sports Program Guidelines.

**BUDGETARY IMPACT**

There are no budget impacts in the current or future fiscal year budget anticipated.

**STAFF RECOMMENDATION**

Staff recommends the Board approve the modifications to the Athletic Field and Sports Program Policy Guidelines including renaming the policy the Athletic Facility and Sports Program Guidelines

**MOTION**

***I move to approve the modifications to the Athletic Field and Sports Program Policy Guidelines and including renaming the policy the Athletic Facility and Sports Program Guidelines***

**ATTACHMENT**

Athletic Facility and Sport Program Policy Guidelines (proposed modifications highlighted)

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Nathan Hovekamp, Chair

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## **Purpose**

To establish Board policy guidelines for the development and operations of District athletic fields and programs. The guidelines are intended to articulate the District philosophy regarding team sports programming, future athletic field development needs, allocation and scheduling of fields and general operating practices. **Some of these policy guidelines also apply to other District-operated recreation facilities that are used for organized sport programs.**

## **Definitions**

For purposes of these guidelines, the following definitions are used.

**Athletic Fields** include all facilities designed and designated for field sports use including those at sports complexes and at community and neighborhood parks. Large turf areas in neighborhood and community parks may also function for sports practices but are not considered athletic fields.

**Athletic Facilities** refers to athletic fields and other facilities that are used for organized sport programs including: swimming pools, ice skating rink, tennis, pickleball and other courts

**Organized Sports Users** are considered any group or team practicing, playing contests, or conducting drills, camps or other programmed activities under the organization, direction or supervision of an individual or organization.

**Unorganized Sports Users** include: individual and small group drop-in use and informal gatherings, such as unscheduled pick-up games and family gatherings where no organization is sponsoring and no fee is charged.

**Recreation Programs** are activities that adhere to all or most of the following:

- No tryouts or skill level requirement to participate
- Emphasis on equal playing time regardless of ability
- Local competition only - no travel out of Central Oregon required
- Single season per year commitment
- No financial requirements except for registration fee for program

**Competitive Programs** are activities that require one or more of the following:

- Tryouts or other restrictions to participate
- Playing time based on skill, talent and commitment

- Travel out of Central Oregon for competitions
- Multiple-season per year participation
- Contract and/or ongoing dues
- Membership in national governing organization separate from fees

## **Policy Guidelines**

### **1. District Role in Sports Programming**

The primary role of the District is to provide recreational opportunities to all that want to participate regardless of their talents and abilities. District sports offerings include a diverse array of recreational sports leagues, instructional classes and developmental camps for youth and adults based on community interest and District resources. District programs are generally inclusive of all abilities, skill levels and experience, and emphasize personal development, fitness, teamwork, sportsmanship and fun. The District does not provide competitive club-based programs such as travel teams, select leagues or elite camps. These programs are typically provided by private or non-profit club sports organizations.

In some cases, the District may offer skill or talent-based levels in a league or program in order to ensure the safety and enjoyment of all participants, provide progressive skill development and challenge participants. Examples of this include swim and ice skating lesson programs that consist of several progressive levels, adult hockey league that offers multiple divisions and adult softball where participants can select from non-officiated recreation leagues to officiated leagues. In each of these cases, the activity remains open to all who want to participate and the different levels or leagues are a way of providing a better experience and match for all.

### **2. District Role in the Provision of Athletic Fields for Recreational and Competitive Uses**

The District's primary role in the provision of athletic fields is to meet the needs of recreation programs and leagues offered by the District and other non-profit local sports organizations offering recreation-based programs. The District understands that competitive, club-based sports organizations and groups look to the District (as well as Bend-La Pine Schools) for athletic fields to conduct practices, games and tournaments. To the extent feasible, the District will make fields available to accommodate these organization and uses.

As a guiding principle and to provide reasonable access for all, the District will generally allocate no more than 70% of optimum field capacity for recreation programs and leagues, leaving 30% for the more competitive, club-based uses. (Optimum field space is defined as Monday-Thursday afterschool to dusk, and weekends 8:00am-6:00pm. Where fields are lit, optimal time will be extended to 10:00pm on weekdays.)

### **3. Guidelines for Determining Future Athletic Field Development**

The District will consider the following factors to help determine the future need for athletic fields:

- A. **Past and projected growth in actual hours of field use.** Actual hours that fields are used are the most direct indicator of the demand for athletic field space. The District will track scheduled use of athletic fields in order to identify trends and plan for future needs.
- B. **Past and projected growth in participation in programs and leagues requiring athletic fields.** Growth in participation in programs and leagues using athletic fields is also a direct indicator of the demand for athletic field space. The District will maintain participation numbers for District programs and obtain participation numbers from other local sports organizations in order to identify trends in participation and plan for future needs.
- C. **The number and type of requests that the District is unable to accommodate.** The District will maintain an inventory of field requests that are denied due to the lack of field availability (not just the unavailability of the desired time and location). This will help the District understand specific types of needs that are not currently being met.
- D. **Needs assessment information from community surveys.** The District will continue to include athletic fields in future community surveys that focus on facility needs. This will inform the District of the overall community need for athletic fields and how well these needs are currently being met.
- E. **Meeting the design needs of the community users who support the District through taxes.** The District designs and develops athletic fields at a level of service conducive to recreation and developmental play and secondarily for highly competitive and tournament play. The District acknowledges that athletic complexes can provide economic benefits by attracting out of town visitors to larger tournaments and events; however, District residents have not indicated support for using District resources to promote tourism and economic development. As a result, the District will not consider larger tournament and event use in its level of service or design of athletic field complexes, although tournaments will be accommodated if there is available capacity after meeting resident needs and the facilities are suitable for tournament play.
- F. **Opportunity.** Athletic fields require large and relatively flat spaces that can be difficult to find and acquire so opportunity will always be a large consideration in identifying potential athletic field developments.
- G. **Funding.** Athletic fields require considerable capital investment as well as ongoing operational funding for maintenance. Athletic fields must be considered in relation to all District needs and priorities when determining available funding resources.

#### 4. Guidelines for the General Use of Athletic Fields

The following policy guidelines provide direction on the general use and operation of athletic fields. These guidelines, along with those listed in 3 above, will also help inform athletic field development needs and priorities.

- A. To the extent feasible, weekday practice and game times for recreational youth leagues will be scheduled after school and during early evening hours before 7:30pm. Youth competitive teams and middle and high school age programs may be scheduled at later times when necessary.
- B. To the extent feasible, weekday practices for recreational youth leagues will be provided in locations close to participants' homes or schools. This includes the use of elementary school sites provided through the Intergovernmental Agreement with Bend-La Pine Schools, and use of District neighborhood and community parks both with and without designated athletic fields.
- C. To support the desire to schedule practices close to where participants live and go to school and to make use of already available turf space, the District may schedule youth and adult practices at parks that do not have designated athletic fields. Parks will be evaluated based on the configuration and carrying capacity of the turf, the availability of support amenities including on and off street parking and the potential impact on other park uses to determine if they are suitable for a practice site. Limitations on practice schedules may also be implemented to ensure opportunities for passive park users and mitigate potential impacts.
- D. The District will maintain updated maintenance standards for athletic fields that identify the level of service or play desired for different field types. Game fields at athletic field complexes will be maintained at a higher level than practice fields in neighborhood and community parks. In order to maintain the desired level of play, particularly for game fields, some scheduled field rest and recovery is needed. The desired level of play and the need for rest and recovery will be considered in both the need for athletic fields and the scheduling practices.

## 5. Affiliate Organizations

The District uses affiliate organizations as a part of the prioritization of athletic ~~facility~~field-space. The purpose of designating affiliate organizations is to provide a more formal and transparent way of recognizing "partnerships" in the priority scheduling process. The District has consistently prioritized organizations that are the primary provider of a particular sport and in most cases have a long history of serving the community and working closely with the District. In some cases, these organizations may provide a recreation-based program that the District would otherwise likely provide, while in other cases the affiliate organization is providing a service that is not within the District's mission to provide (i.e. clubs offering a higher level of competitive sports). By recognizing these relationships in the form of affiliates, the District can facilitate a broader range of services to the community, enhance the stability of affiliate organizations, provide an additional level of accountability to non-profit sports organizations and promote increased coordination and collaboration.

The number of affiliates that the District recognizes will be based on District ~~facility field~~ capacity, community demand and the needs of the District. Where multiple organizations serve the same basic community need and the District does not have the capacity to meet all of the organizations' demands, the District will normally affiliate with the organization that serves the most people and has the longest history in the community and with the District, provided that they continue to meet affiliate requirements. Where multiple organizations coordinate to provide a community need (whether by geographical boundaries, level of play or other coordinated criteria), the District will normally recognize the coordinating organizations as affiliates, providing that they continue to meet affiliate requirements and coordinate their services.

Affiliates are subject to Affiliate Agreements which detail the expectations, terms and conditions of being a recognized affiliate. These agreements and supporting documentation are reviewed annually to ensure compliance with the expectations, terms and conditions. Minimum requirements to be an Affiliate will include, but not be limited to the following:

- Local, non-profit organization with a minimum 2-year history of successfully supporting their primary role in the community
- Serving primarily District residents (80% or greater are District residents)
- Governed by volunteer board (at least 80% of which are District residents)
- Compliance with all applicable laws including those associated with non-profit status, concussion and mandatory reporter laws, etc.
- Policies and procedures protecting participants including background checks, coaches training, code of conduct agreements, emergency action plan, etc.
- Scholarship or financial assistance plan
- Demonstration of financial sustainability and payment of fees
- Proof of liability and other required insurance
- Compliance with all applicable District rules, regulations and procedures including the reservation and use of fields

## 6. Athletic ~~Facility field~~ Scheduling Priority

The District schedules ~~facility field~~ use based on the user categories listed below in priority order. To the extent feasible, the District will attempt to accommodate all users regardless of priority. To do this, the District will consider all requests received by the deadline and then schedule time based on the priority order that makes the best use of available field space.

1. **Bend Park & Recreation District Programs:** First priority scheduling consideration is for District-offered recreation leagues, classes and camps and public drop-in times.
2. **Bend-La Pine School District Programs:** Second priority scheduling consideration is given to sanctioned BLP Schools' programs pursuant to the Intergovernmental Agreement (IGA).

3. **Affiliate Youth Sports Organizations:** Third priority scheduling consideration is provided for local youth sports organizations that are District-recognized affiliate organizations.
4. **Affiliate Adult Sports Organizations:** Fourth priority scheduling consideration is provided for local adult sports organizations that are District-recognized affiliate organizations.
5. **Non-Affiliate Youth and Adult Sports Organizations:** Fifth priority scheduling consideration is provided to youth and adult sports organizations and groups that are not District-recognized affiliate organizations. The District cannot guarantee regular or ongoing use to any groups in this category but will provide space on an as available basis.
6. **Private and Commercial Use:** Final priority consideration is given to private, commercial and for-profit uses. This includes tournaments provided by for-profit companies.

The District will also consider the primary sports seasons as an additional determinant of field priority when necessary to determine priority within a user classification. The District will use current OSAA guidelines (fall: soccer, football; spring: baseball, softball, lacrosse). For example, if there is a competing request between two affiliate youth sports organizations requests, priority will be given to the sport that is in its primary season)

## 7. Reservations and Permits for Use

All organized sports program use of athletic ~~fields~~ facilities requires a permit obtained through the District reservation system. Organized sports program use is defined as any time a group or team is practicing, playing contests, conducting drills, camps or other programmed activities under the organization, direction or supervision of an individual or organization. Reservations are not required for informal gatherings such as unorganized individual or small group use, unscheduled pick-up games and family gatherings although use cannot be guaranteed without a reservation. The purpose of the reservation and permit system is to facilitate the efficient use of available ~~facility~~field space, minimize potential conflicts and provide accurate information on ~~facility~~field use.

## 8. Guidelines Applicable to Other Recreation Facilities

Some of these policy guidelines apply to other types of District recreation facilities used for organized sport programs including: swimming pools, ice skating rinks, tennis courts, pickleball courts and other sports courts. The policy guidelines that apply to these facilities and related sport activities are summarized below.

Policy Guideline #1	District Role in Sport Programming
Policy Guideline #5	Affiliate Organizations
Policy Guideline #6	Scheduling Priority
Policy Guideline #7	Reservations and Permits for Use





policy was written, the Board wanted to offer permits to small groups allowing them to drink responsibly in the park. Some have taken advantage of the opportunity and some have been abusing the policy.

The District created a small committee of staff to investigate how this policy is going and how other agencies are handling this issue. It was discovered that the District is inconsistent with the requirements for facility rentals, field rentals and shelters, particularly with permitting and insurance requirements for shelters. The policy is confusing and patrons don't always realize that they need a permit for alcohol; they just see others with it and assume that it is allowed in the parks. Some river users are obtaining permits to drink in parks along the river and accessing the parks as they float. Others are working the system to avoid the rental fee of a shelter or facility.

Ms. Sulia said that SDAO (Special Districts Association of Oregon) was contacted for advice about the permits and they recommended that the District stop issuing the alcohol permits that do not require insurance because the risk exposure is too great. Peer agencies were contacted and it was found that most require permits, charge a fee and do not allow alcohol in parks unless it is tied to an event or rental.

Ms. Sulia next covered the data of permits issued in 2017-2018. The collected data shows that 601 permits were issued in this time period and 29 percent were non-rental gatherings. In the same period, park stewards had 1,294 interactions with patrons consuming alcohol without a permit.

The staff at this time recommends that the District no longer issue these permits unless they are part of a rental agreement of a shelter or facility. This will reduce the liability, confusion to patrons, simplify enforcement for stewards and minimize unintended consequences that are a part of the current system.

The Board engaged in the discussion and asked some questions about how small groups that are behaving responsibly can still enjoy a bottle of wine with a picnic. It was also mentioned that parks with shelters that don't offer rental opportunities make it more difficult to take the permit option away. Director Grover commented that a policy that encourages people to do the right thing is needed. It was suggested that permits could be offered, but the number of people that can be on one permit would be limited. Furthermore, each person listed on the permit will have to provide proof of insurance. Staff was encouraged to try this as a compromise. Staff will bring back a revised policy to the Board for a later discussion.

## **7:00 p.m. BUSINESS SESSION**

### **VISITORS**

**Mike Tripp:** Mr. Tripp said he would like to follow up on the Mirror Pond funding meeting on Nov. 29. Mr. Tripp said the District should work close with the City and should not make a financial commitment at this time. He claimed that the time is not right, but thinks there is an opportunity to open up the discussion of how to solve this problem. He said that some basic questions should be answered about this project first. He asked the Board to please take the due diligence to see the cost of the dredge and how to manage the project in the future. He stated that there is a push to commit to funding before PacifiCorp has committed to making funding available through a franchise fee.

**Todd Taylor, Mirror Pond Solutions:** Mr. Taylor remarked that contrary to some beliefs, this process has been taking place over six years. He said that this is the second time in his life that the pond has needed to be dredged. PacifiCorp will not be removing the dam and there have been many

discussions about the dredge. The pond needs to be dredged. He reminded the Board that people who have sat on the District board have sat on the committees as well. He said this is the last km of a 10km race and looks forward to working with the Board and getting this project done. He said he recognizes that a fund needs to be set aside to deal with the issue again in the future. He closed by thanking the board for all their support.

**Scott Wallace, Former BPRD Board Member:** Mr. Wallace came to speak about the Mirror Pond project. He stated that he was serving on the District Board and served on the Mirror Pond committee when this started. He recalled that the community was pretty divided at the time. When PacifiCorp considered divesting, a hybrid model was suggested that brought the community together with an agreeable option. He said that since PacifiCorp has decided that they do not want to remove the dam, the pond needs to be dealt with. MPS has worked hard to get some funding and permits to make this happen. He agrees that there are some opportunities for other restorations, but suggested that the District get this part off the ground and done, then look at the other options. He ended by saying that Mirror Pond is an iconic feature of downtown and encouraged the Board to look at getting this done.

#### **CONSENT AGENDA**

1. Meeting Minutes – 11/6/2018

***Director Schoenborn made a motion to approve the consent agenda. Director Sprang seconded. The motion passed unanimously, 5-0.***

#### **BUSINESS SESSION**

1. Appoint Budget Committee Member(s) – *Betsy Tucker (15 min)*

Ms. Tucker addressed the Board about the vacant position on the budget committee. She said the Board was provided with the applications at the last meeting and the scores from the Board have been received. Daryl Parrish was voted to serve the next three years starting with 2019 as the newest Budget Committee member.

***Director Hovekamp made a motion to appoint Daryl Parrish to serve on the Bend Park and Recreation District's Budget Committee for a term of three fiscal year budget processes each, beginning with the 2019-20 fiscal year budget process. Director Sprang seconded. The motion passed 5-0.***

Executive Director Horton suggested that there could be another opening on the Budget Committee and that the Board may want to consider appointing an alternate committee member. The Board agreed to have an alternate and chose the applicant, Deb Schoen that was next in line on the vote.

***Director Hovekamp made a motion to appoint Deb Schoen to serve as an alternate for the Bend Park and Recreation District's Budget Committee for a term of three fiscal year budget processes each, beginning with the 2019-20 fiscal year budget process. Director Grover seconded. The motion passed 5-0.***

## **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Horton reviewed an informational card with the updated drone rules. Included on the card is a statement that drone flyers must follow FAA rules and includes the web address to the rules. He also stated that the way these rules were adopted into the ordinance allow for the rules to be adapted as needed.

Director Fuller spoke about the Mirror Pond Solutions meetings that have recently taken place. He informed the Board that over \$300,000 has been raised by the community; the District and the City have been asked to match that with \$300,000 from the general funds of each agency. Director Fuller expressed some concerns about how the money would be held and ensured that it is used as intended and in addition the Board should consider that all costs may not have been accounted for in the project: legal, easements, etc. The permits have been obtained for this project and he stated that he would like to have a financial commitment from the Board before the next MPS meeting at the end of this week.

Director Hovekamp stated that we all have a commitment to the river. He said the District manages about half the river's edge through the city. The District is currently involved in a large project with UDWC. This takes time and effort and the size of the effort requires that the work be completed in phases. This shows the deep commitment of the District to the river. Director Hovekamp does not believe that the decisions have been made by the public and that the District should not pay for something that is on private land. Past discussion have told the District that many people would like to see a natural, free flowing river and that this project gives too many answers of "no" to this group. He also commented that there is not a plan in place to dredge the pond again in the future when it is likely to be necessary, this was part of the MOU that the District agreed to a couple of years ago. He said that the Board needs to give this serious thought before committing.

Director Schoenborn recalled that when PacifiCorp considered removing the dam, the community came to an agreement about the project. The dam is now completely repaired and there is no reason to believe that it will be removed anytime soon. He said that he has served on committees about this project for six years and the time is right to make this happen. The community that wants a free flowing river is not going to get it because the dam will not be removed. This issue can no longer be ignored. Director Schoenborn feels that we can make a decision if the City is willing to go along with the raised franchise fee, which will pay a large part of the cost. He said the District has an obligation to contribute to this. In regards to the discussion of a fish ladder, Director Schoenborn added that it is not appropriate at this time; it unfairly adds costs and time to the project. He said it would be a nice addition, but should be another project.

Director Grover recalled the earlier vision that would balance all the imperatives that people wanted to see, Mirror Pond, enhanced habitat, free flowing river; the reality is that all the needs cannot be met because of ownership of the dam. So, the next question is: what is the vision with the dam in place? What can be managed and controlled? The vision doesn't include filling mirror pond with wetlands. Director Grover said that it is right for us to contribute to a feature that our constituents use. We can't have perfect fish habitat in Mirror pond at this time. She said that this community has had a lot of discussion and studies; this can be discussed and studied to death. In terms of the fish ladder, it takes years to design and implement these structures. It is a big project and maybe the franchise fee could be used as a match for a fish ladder in the future.



Prepared by,  
Sheila Reed  
Executive Assistant

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Brady Fuller, Chair

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Ted Schoenborn, Vice-Chair

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Ellen Grover

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Nathan Hovekamp

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Lauren Sprang

DRAFT

**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	December 18, 2018
<b>SUBJECT:</b>	Fiscal year 2017-18 Comprehensive Annual Financial Report and Financial Update
<b>STAFF RESOURCE:</b>	Lindsey Lombard, Administrative Services Director Betsy Tucker, Finance Manager
<b>PREVIOUS BOARD ACTION:</b>	None
<b>ACTION PROPOSED:</b>	Accept fiscal year 2017-18 Comprehensive Annual Financial Report
<b>STRATEGIC PLAN:</b>	
<b>Theme:</b>	Financial Stewardship
<b>Objective 1:</b>	Maintain financial stability
<b>Initiatives:</b>	Provide responsible financial planning and management to support the District's existing and future levels of service.

**BACKGROUND**

Oregon Revised Statute 297.405 – 297.555, the Oregon Municipal Audit Law, requires an annual financial report audit of all municipal corporations. The Secretary of State, Audits Division, in cooperation with the Board of Accountancy, and in consultation with the Oregon Society of Certified Public Accountants (CPAs), prescribes the minimum standards for the presentation of the report and the conduct of the audits.

The annual report, presented in the form of financial statements and schedules, is required to be independently audited by CPAs licensed by the Oregon State Board of Accountancy to perform audits of municipal corporations. The annual audit process contributes to the integrity of Oregon local governments by requiring an independent review of fiscal affairs and assuring that local taxpayers are provided a reliable and complete financial report that can be used to evaluate their local governments' performance.

The District has received a clean audit opinion for fiscal year 2017-18 (and for all years prior since the District's first audit for fiscal year 1976-77).

The Government Finance Officers Association (GFOA) awarded the District with a Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR) for last fiscal year 2016-17. The Certificate of Achievement is a prestigious national award that is an important recognition of conformance with the highest standards for preparation of state and local government financial reports. In order to receive the award, the District must publish an easily readable and efficiently organized CAFR with contents that conform to program standards. The CAFR Program was established by the GFOA and encourages local governments to go beyond the minimum requirements of generally accepted accounting principles and provides

comprehensive reports that evidence the spirit of transparency and full disclosure.

The auditor will be presenting information on the audited CAFR (Attachment A) to the Board during the business session. After the auditor's presentation, staff will provide the Board with a brief financial update of the 2017-18 fiscal year.

#### **BUDGETARY IMPACT**

This was the first year of our auditing services professional services agreement with SGA Certified Public Accountants and Consultants, LLP. The agreement term is for five fiscal years, with the option to audit an additional two fiscal years. The amount for auditing services for the full five fiscal years is \$104,236, which includes the fee of \$21,440 for the 2017-18 audit just completed. This fee is budgeted in the General Fund.

#### **STAFF RECOMMENDATION**

Staff recommends the Board receive the auditor's presentation of the audited CAFR for the District for the fiscal year 2017-18 and make a motion to officially accept the report.

#### **MOTION**

***I make a motion to accept the District's audited Comprehensive Annual Financial Report for the fiscal year 2017-18.***

#### **ATTACHMENT**

Attachment A: 2017-18 CAFR will be available for download by Friday, December 14 at: <https://www.bendparksandrec.org/about/finance/>.

The Board will also receive printed and bound copies of the 2017-18 CAFR at the Board meeting.

**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	December 18, 2018
<b>SUBJECT:</b>	Larkspur Center GMP (Guaranteed Maximum Price) Status
<b>STAFF RESOURCE:</b>	Brian Hudspeth, Development Manager Michelle Healy, Planning & Park Services Director
<b>PREVIOUS BOARD ACTION:</b>	March 6, 2018 Update on the VE (Value Engineering) status; November 17, 2017 Update on Design Development Package; April 18, 2017 CMGC Award to LCG Pence; February 7, 2017 Approve Master Plan
<b>ACTION PROPOSED:</b>	None
<b>STRATEGIC PLAN:</b>	
Theme:	Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Acquire land; plan and develop trails, river access, parks, natural areas and recreation facilities to meet identified community demand and future need.

**BACKGROUND**

Since last spring staff and consultants have been busy completing the design of the new Larkspur Community Center. The final 100% construction documents (CD) were completed in September. Once complete, LCG Pence, the District's CM/GC (Construction Manager/General Contractor), and the architect's estimators started estimating the construction cost based on the final drawings. In mid-October, the District received the final 100% CD cost estimates. Both estimates came in over budget. LCG Pence developed a list of value engineering (VE) alternatives for review. The District met with Pence and the design team in late October to discuss the options. After review of the VE list and correcting some cost items, the estimated cost came down, but was still 6% over budget at \$22,607,170 versus the District's budget of \$21,400,000.

There are many issues causing the increase in costs from July to October. There are a couple of significant note. The cost of structural steel increased over \$200,000 due to steel tariffs. The cost of HVAC and plumbing increased over \$500,000 due to steel and other tariffs that affect these trades. Another large increase of over \$300,000 is attributed to inflation in the Central Oregon construction market. The project has been projecting a 3% per year cost increase in the cost estimates; however, new data is forecasting a 6.32% increase from July 2018 to April 2019.

Even with some of these unknown costs, District staff directed the CM/GC to deliver the GMP with hard bids. LCG Pence published the project for bid on November 8, with a bid due date of November 28. The bid date was extended a week to December 6, 2018 to allow for time to review subcontractor substitution requests and to discuss VE items with bidding subcontractors. Staff

intends to bring the GMP back to the Board for approval in January, once the GMP is complete. Staff will provided updated budget numbers at the Board meeting, along with a description of any additional VE items suggested as a result of the bid process.

The project has been submitted to the City of Bend for building permits and pending the Board's approval of a GMP in January, construction is expected to begin in March of 2019 with an opening in the summer of 2020. We are planning on a full closure of the Senior Center and portions of Larkspur Park, including all the parking areas, over the summer of 2019. This will help expedite the project, allowing the contractors to perform work in and around the existing building and parking areas without public disruption. Recreation staff is working on alternate venues for primary classes during the closure.

**BUDGETARY IMPACT**

The current 2018-2022 Capital Improvement Plan (CIP) allocates \$21.4 million for the project, of which \$1,500,000 is System Development Charges and \$19,900,000 is property taxes.

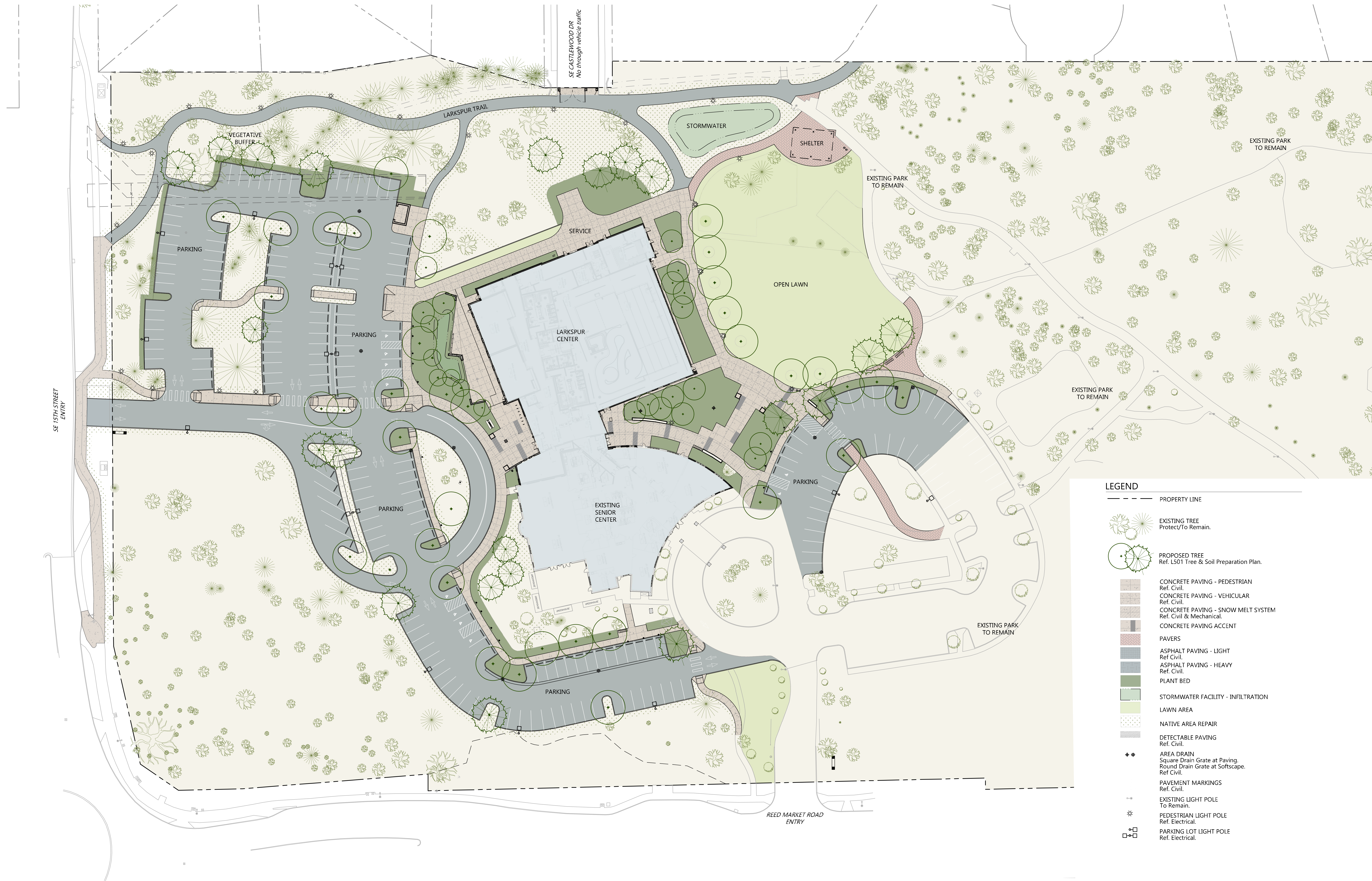
**STAFF RECOMMENDATION**

None

**MOTION**

**ATTACHMENT**

Attachment A –Site Plan



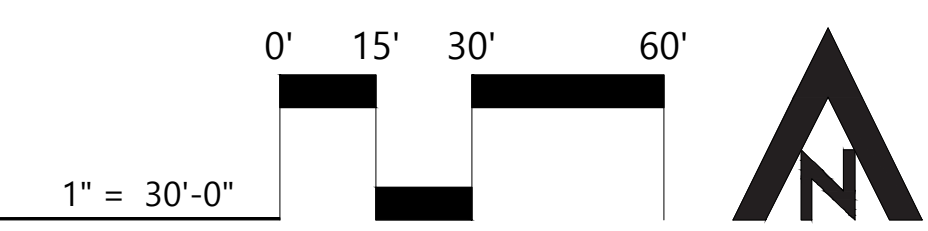
- LEGEND**
- PROPERTY LINE
  - +

 EXISTING TREE  
Protect/To Remain.
  - +

 PROPOSED TREE  
Ref. L501 Tree & Soil Preparation Plan.
  - CONCRETE PAVING - PEDESTRIAN  
Ref. Civil.
  - CONCRETE PAVING - VEHICULAR  
Ref. Civil.
  - CONCRETE PAVING - SNOW MELT SYSTEM  
Ref. Civil & Mechanical.
  - CONCRETE PAVING ACCENT
  - PAVERS
  - ASPHALT PAVING - LIGHT  
Ref. Civil.
  - ASPHALT PAVING - HEAVY  
Ref. Civil.
  - PLANT BED
  - STORMWATER FACILITY - INFILTRATION
  - LAWN AREA
  - NATIVE AREA REPAIR
  - DETECTABLE PAVING  
Ref. Civil.
  - +

 AREA DRAIN  
Square Drain Grate at Paving.  
Round Drain Grate at Softscape.  
Ref. Civil.
  - PAVEMENT MARKINGS  
Ref. Civil.
  - EXISTING LIGHT POLE  
To Remain.
  - PEDESTRIAN LIGHT POLE  
Ref. Electrical.
  - PARKING LOT LIGHT POLE  
Ref. Electrical.

① LARKSPUR CENTER - SITE PLAN



**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	December 18, 2018
<b>SUBJECT:</b>	Resolution No. 418 outlining conditions for a \$300,000 contribution to a sediment removal project for Mirror Pond.
<b>STAFF RESOURCE:</b>	Don Horton, Executive Director
<b>PREVIOUS BOARD ACTION:</b>	At the December 4, 2018 meeting the Board discussed the parameters of this agenda item. Board members Brady Fuller and Nathan Hovekamp are members of a committee charged with bringing this recommendation to the Board.
<b>ACTION PROPOSED:</b>	Consider the attached Resolution No. 418 for adoption

**BACKGROUND**

In July and August 2018, Board members Brady Fuller and Ted Schoenborn met with members of the Bend City Council and Mirror Pond Solutions to identify funding ideas for the removal of sediment in Mirror Pond. These ideas were shared with the Board in order to seek a more definitive direction and to narrow the funding options to those that the Board is willing to consider and those that are practical to consider.

In November and December 2018, Board members Brady Fuller and Nathan Hovekamp met with the committee to consider the short-list of funding options and to carry forth a recommendation to the governing bodies for consideration.

During the December 4, 2018 Board meeting, Mr. Fuller and Mr. Hovekamp shared the funding strategy with the Board to be assured that the committee was still headed in the right direction.

The funding strategy for the Mirror Pond Dredging project as discussed by the committee is as follows:

- \$300,000 general fund contribution from the District
- \$300,000 funding from the City of Bend
- \$300,000 funding from Pacific Power
- Possible waiver of dump fees by Deschutes County of approximately \$710,000
- Pacific Power franchise fee to fund the remaining through a debt service.

This strategy asks that the customers of the power company fund the majority of the cost through a city imposed franchise fee increase because it is the Pacific Power Dam that is allowing for the sediment to accumulate. The nexus between the need for the dam to generate power is essentially passed on to the people using the power.

Resolution No. 418, attached, has been prepared under the guidelines set forth by the State of Oregon and captures the conditions in which the Board may wish to contribute to the funding strategy. It is important to note that the Board's authority to contribute funding to this type of project must tie to a park and recreation need. The Board does not have the authority to fund a project because we are a neighboring landowner, even if the Board deems the District is financially capable of doing so. It is reasonable to make a decision that the \$300,000 funding would allow for the historic recreational use of the pond to continue and that the amount of \$300,000 is a justified expenditure for this use, and therefore allowed under Oregon law.

The conditions of the \$300,000 contribution are as follows:

1. Match a City of Bend contribution of \$300,000, PacifiCorp contribution of \$300,000 and public fundraising of \$300,000; and,
2. That the City of Bend is successful in allocating funding for debt service; and,
3. That the City of Bend, MPS and District are able to work out arrangement for the transfer of funds to MPS to complete the work or to bid the project; and,
4. That the City of Bend and District work through an agreement that outlines responsibilities for all parties; and,
5. That the District's acceptance of the Mirror Pond property is contingent upon a long term funding plan for future dredging/maintenance established by mutual agreement of the City, District, MPS and Pacific Power.

#### **STAFF RECOMMENDATION**

Staff recommends that the Board consider the attached resolution and take appropriate action.

#### **BUDGETARY IMPACT**

Funding contributed by the District for the Mirror Pond dredging project will come from property tax revenues, which will require the reprioritization of property tax funded projects currently on the District's adopted Capital Improvement Plan (CIP). Staff suggests the Board discuss reprioritization during the upcoming CIP discussion at the January 8<sup>th</sup> Board of Directors Workshop.

#### **MOTION**

***I move to adopt Resolution No. 418 authorizing the contribution of \$300,000 to the Mirror Pond Dredging Project under the conditions identified in the Resolution.***

#### **ATTACHMENT**

Resolution No. 418

## **BMPRD RESOLUTION NO. 418**

### **A RESOLUTION OF THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS TO CONTRIBUTE TO THE FUNDING FOR DREDGING MIRROR POND**

**WHEREAS**, since the early 2000s, various groups including the Mirror Pond Management Board, the Mirror Pond Steering Committee and the Mirror Pond Ad Hoc Committee were established to look at issues relating to the Mirror Pond sediment, bank and riverside wall failures, and the Pacific Power dam; and,

**WHEREAS**, the Ad Hoc Committee recommended a preferred alternative vision for Mirror Pond that was adopted by the Bend Park and Recreation District (District) Board by Resolution No. 375 on March 17, 2015 and then subsequently adopted by the Bend City Council; and,

**WHEREAS**, the preferred alternative vision adopted by both governing bodies has been characterized as a “middle ground” between the “status quo” option of dredging Mirror Pond while maintaining the dam in place, and the “natural river” option of removing the dam and allowing the river to flow naturally, with natural vegetation infill; and,

**WHEREAS**, the Ad Hoc Committee identified the following seven goals for Mirror Pond that were adopted by Resolution No. 375:

1. Retain Mirror Pond in near historic form;
2. Modify the dam to function more like a natural part of a river environment;
3. Enhance habitat;
4. Enable fish passage;
5. Maintain or improve public spaces;
6. Reduce the frequency and quantity of future sediment removal efforts; and
7. Identify funding source(s) other than tax dollars.

**WHEREAS**, the vision adopted by both governing bodies includes river bank improvements, the extension of the Deschutes River Trail, a cascading falls to replace the PacifiCorp Dam, private sector development at the Mirror Pond parking lots and PacifiCorp parking lot, renovation of the City of Bend storm water outfalls, maintaining the pond at its historic water elevation and anticipated the eventual dredging of the pond; and,

**WHEREAS**, phasing for the river bank improvements, and extension of the Deschutes River Trail are currently underway by the District; and,

**WHEREAS**, the City of Bend is planning improvements to the storm water system including improving the quality of water discharged into Mirror Pond; and,

**WHEREAS**, Scott Bolton, Sr. Vice President of Pacific Power, through a statement provided to the City of Bend and the District, has stated that “Pacific Power is committed to the Newport Dam/Bend Hydro project for the long-term,” and;

**WHEREAS**, a Limited Liability Partnership named Mirror Pond Solutions (MPS) was formed for the purpose of preserving the pond; and,

**WHEREAS**, Mirror Pond Solutions has successfully obtained all permits necessary to perform the dredging to remove sediment; and,

**WHEREAS**, the City of Bend and District agree that maintaining the Pond is a net community benefit for its iconic views, receiving water body from storm water outfalls, and for its recreation potential.

**NOW, THEREFORE**, the Board of Directors hereby resolves as follows:

Bend Park and Recreation District agrees to participate in funding an amount not to exceed \$300,000 to dredge Mirror Pond under the following conditions:

1. Match a City of Bend contribution of \$300,000, PacifiCorp Contribution of \$300,000 and public fundraising of \$300,000; and,
2. That the City of Bend is successful in allocating funding for debt service; and,
3. That the City of Bend, MPS and District are able to work out arrangement for the transfer of funds to MPS to complete the work or to bid the project; and,
4. That the City of Bend and District work through an agreement that outlines responsibilities for all parties; and,
5. That the District's acceptance of the Mirror Pond property is contingent upon a long term funding plan for future dredging/maintenance established by mutual agreement of the City, District, MPS and Pacific Power.

**ADOPTED** by the Board of Directors of the District on this 18th day of December, 2018.

Brady Fuller, Board Chair

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Attest:

Don P. Horton, Executive Director

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## **Board Calendar 2018-2019**

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

### **January 8, 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**

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

#### **Business Session**

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

### **January 29**

- ◆ SDC Workshop (5pm – 8pm)

### **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**

### **February 19**

#### **Work Session**

- ◆ Board Training Best Practices – *Dave Crowther and Jeff Griffin WHA (80 mins)*
- ◆ Preliminary Larkspur Business Plan Review – *Matt Mercer and Sue Glenn (45 min)*

#### **Business Session**

- ◆ Approve Cost Recovery /Subsidy Allocation levels for Recreation Programs and Services – *Matt Mercer (45 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**

- ◆ Recreation Program Report (*15 min*)

### **Business Session**

## **April 16**

### **Work Session**

### **Business Session**

## **April 17 - Budget Committee Tour**

## **May 7**

### **Work Session**

- ◆ Recreation Program Report (*15 min*)

### **Business Session**

## **May BUDGET MEETINGS (Tentative: May 13,15,16)**

## **May 21 – Election Night**

### **Work Session**

### **Business Session**

- ◆ Public Hearing - SDCs

## **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

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

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

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