



Bend Metro Park & Recreation District

June 18, 2019

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 of Directors

June 18, 2019

District Office Building | 799 SW Columbia | Bend, Oregon

AGENDA

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4:30 p.m. EXECUTIVE SESSION – The Board will meet in Executive Session prior to the regular meeting pursuant to ORS 192.660(2)(e) for the purpose of discussing real property transactions and ORS 192.660(2)(h) for the purpose of consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. This session is closed to all members of the public except for representatives of the news media.

5:30 p.m. CONVENE MEETING

WORK SESSION

1. Recreation Report: Open Skate and Roller Sports – *Kevin Collier and Russ Holliday (20 min)*
2. Land Acquisition Policy : Revised– *Michelle Healy (10 min)*
3. Public Records Request Policy : *Revised – Don Horton (10 min)*
4. Discuss Resolution No. 429 – Supporting RTCA Technical Assistance Program– *Sarah Bodo (20 min)*

6:50 p.m. BREAK/TRANSITION

7:00 p.m. BUSINESS SESSION

VISITORS

The Board welcomes input from individuals at our public meetings about District-related issues. Meeting attendees who wish to speak are asked to submit a comment card provided at the sign-in table. Speakers will have 3 minutes for comments. If there are questions, follow up will occur after the meeting. Thank you for your involvement and time.

CONSENT AGENDA

1. Meeting Minutes – 06/04/2019
2. Land Acquisition Policy
3. Public Records Request Policy
4. Approve Resolution No. 429 – Supporting RTCA Technical Assistance Program

BUSINESS SESSION

1. Final Strategic Plan – *Quinn Keverer (10 min)*
2. Pine Nursery Playground Surfacing Project Contract Award– *Jason Powell (5 min)*
3. Adopt Resolution No. 430 on Mirror Pond – *Don Horton (20 min)*

EXECUTIVE DIRECTOR'S REPORT

PROJECT REPORT

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

ADJOURN



Accessible Meeting/Alternate Format Notification

This meeting location is accessible. Sign and other language interpreter service, assistive listening devices, materials in alternate format or other accommodations are available upon advance request. Please contact the Executive Assistant no later than 24 hours in advance of the meeting at sheilar@bendparksandrec.org or 541-706-6151. Providing at least 2 business days' notice prior to the meeting will help ensure availability.

BOARD AGENDA COMMUNICATION

AGENDA DATE: June 4, 2019

SUBJECT: Open Skates and Roller Sports at the Pavilion

STAFF RESOURCE: Kevin Collier, Pavilion Facility Supervisor
Russ Holiday, Sports Program Manager

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 feature open skate opportunities offered at The Pavilion. While sometimes not viewed as a "program", open skate attracts the most annual visits at The Pavilion and uses the most scheduled ice time. Staff will also share recent plans to introduce roller sports and recreation opportunities during the non-ice season.

BUDGETARY IMPACT

Open skates are part of the Recreation Services general fund budget. The Recreation Services program expansion budget will be used to fund the addition of roller sports so no supplemental budget will be required. It is anticipated that all direct expenses associated with the addition of roller sports will be recovered through user fees and facility rentals.

STAFF RECOMMENDATION

None, for information purposes only.

MOTION

None

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	June 18, 2019
SUBJECT:	Land Acquisition Policy
STAFF RESOURCE:	Michelle Healy, Deputy Executive Director Don Horton, Executive Director
PREVIOUS BOARD ACTION:	Adopted Land Acquisition Policy, February 11, 2011
ACTION PROPOSED:	Adopt new Land Acquisition Policy
STRATEGIC PLAN:	
Theme:	Business – Operational Excellence
Objective:	Improve Business Practices
Initiative:	Obtain and maintain accreditation through the Commission for Accreditation of Park and Recreation Agencies

BACKGROUND

The District first adopted a land acquisition policy in February 2011 (Attachment A). The intent of the policy was to formalize acquisition processes and provide a clear description of the how the District acquires land for interested parties. Since then, the District has acquired a substantial amount of additional land, and completed a new comprehensive plan prompting the need to review the policy. Additionally, the Land Acquisition Policy is a requirement of the Commission for Accreditation of Park and Recreation Agencies (CARPA). CAPRA requires that policies be reviewed on a regular basis and updated as necessary to maintain accreditation.

The District's new comprehensive plan identifies park search areas, trails alignments and specific project needs that require acquisition of land. This plan serves as the main guide for the District's land acquisition strategy. Staff drafted a new land acquisition policy for Board review that reflects the new comprehensive plan and updated acquisition procedures (Attachment B).

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

Staff recommends approval of the new Land Acquisition Policy.

MOTION

I make a motion to adopt the new Land Acquisition Policy.

ATTACHMENT

Attachment A - Land Acquisition Policy (February 2011)

Attachment B – Land Acquisition Policy (new)



Parkland Acquisition Policy

Purpose

This policy establishes guidelines for the acquisition of parks, trails and natural areas for the purpose of public recreation, natural resource protection and environmental sustainability. The following objectives are designed to guide staff and board decisions:

- Respond to needs for public space with a strategic, proactive, and consistent approach.
- Balance the short term and occasional competing interests with long term goals.
- Uphold the district's efforts toward sustainability.
- Provide guidance and a process for the district board of directors to follow in response to requests for a park acquisition.

Background

The *Park, Recreation, and Green Spaces Comprehensive Plan* (Comprehensive Plan) sets forth major objectives that guide district policy-making and management of the parks and recreation system for the next decade. The comprehensive plan recommends that the district balance the acquisition and development of its parks both geographically and by population. A priority of the comprehensive plan is to identify land acquisition strategies that assure district residents have equal access to recreation opportunities.

The district maintains an ordinance that defines the assessment, collection and expenditure of system development charges (SDC) that are levied on new residential construction. Through this fee, newcomers to the community pay their share of the costs to build new parks, trails and recreation facilities needed to serve them. The BMPRD SDC ordinance requires a review and update of the fee calculation every five years. This ensures that the population estimates, facility inventories, construction costs and land prices used to calculate the fee are up-to-date and accurate. SDC revenues provide a source of funding to finance the acquisition, construction or improvements of district parks, trails and recreation facilities necessitated by growth.

Park acquisitions are also funded with general fund money, grants, land trusts, and donations. Each year the district will consider parkland acquisition as part of the annual budget. This process requires staff and the board to prioritize parkland acquisition needs alongside all other needs in the district such as development, operations and maintenance.

**Types of Ownership**

The district uses several instruments in order to hold title or the right to use property. The first choice of the district is to hold the property in fee simple, however, under certain circumstances a quitclaim or easement may be the only option available to the district. The legal instruments used to transfer land ownership or the right to use property owned by another are:

Fee Simple-A fee simple represents absolute ownership of land, and therefore, the district as owner may do whatever it chooses with the land. An example of property owned by the district via fee simple is Riverbend Park.

Quitclaim-A quitclaim deed is a release by the grantor, or conveyor of the deed, of any interest the grantor may have in the property. If the grantor had fee title, a quitclaim deed will convey clear title. Generally a quitclaim deed relieves the grantor of liability regarding the ownership of the property. Thus, the grantor of a quitclaim deed will not be liable to the grantee, or recipient of the deed, if a competing claim to the property is later discovered. A quitclaim deed is not a guarantee that the grantor has clear title to the property; rather it is a relinquishment of the grantor's rights, if any, in the property. By contrast, in a warranty deed the grantor represents that they own the property free and clear of other claims except for those listed as exceptions on the deed. An example of property owned by the district via a quitclaim deed is the Bend Pine Nursery.

Easement-An easement is a right of use over property owned by another individual or entity. Traditionally the permitted kinds of uses are limited, the most important being trail rights-of-way. The easement is for the benefit of the community. An example of property owned by the district via an easement is the Bachelor Village section of the Deschutes River Trail.

A conservation easement is a transfer of usage rights that creates a legally enforceable land preservation agreement between a landowner and the district, for the purposes of conservation. It restricts real estate development, commercial and industrial uses, and certain other activities on a property to a mutually agreed upon level. An example of property owned by the district via a conservation easement is Shevlin Park Conservation Easement.

License – A license is similar to an easement, except it is revocable (1) by the grantor, (2) when a certain event occurs (3) on a date certain.

Analysis of Parks, Trails and Natural Areas Needs

Each year the district Board of Directors adopts a Capital Improvement Plan (CIP) that details park development projects and parkland acquisition. Each funded parkland acquisition project



should have been identified on the “Land Acquisition List” described below. This policy aims to ensure that all parcels included in the CIP for acquisition meet criteria designed to maximize the benefit to residents of the district.

Staff will maintain an analysis to identify park, trail, and natural area needs and gaps in existing holdings including: 1) areas within the district that are inadequately served in terms of outdoor recreation resources; 2) deficiencies in the protection of resources lands; 3) gaps in critical trail networks and other linkages that provide access and connectivity to the park system; and 4) deficiencies in the location of facilities that depend upon the acquisition of land to meet current and future need. The analysis is done to capture the district’s diverse residential and landscape characteristics.

Staff will approach these four goals by maintaining a land acquisition gap analysis using the adopted criteria found in neighborhood park plan, the *Park, Recreation, and Green Spaces Comprehensive Plan*, and the *BMPRD Trails Master Plan*. The analysis will be done on a district-wide basis to capture the district’s diverse residential and landscape characteristics, which may affect accessibility to and demand for park spaces.

Operations and maintenance of a potential park will also be analyzed in order to assure that the district can continue to care and manage the lands it acquires.

If a trail segment is found to meet any of the above requirements, an analysis to determine the extent of any financial considerations and recreation potential will be conducted. Financial considerations include supplemental funding and cost for acquisition, development, and operations.

Annually, in anticipation of developing the district’s CIP, a report will be considered by the district Board of Directors which balances the estimated cost to the degree of public benefit. The board will consider the report in executive session along with the “Land Acquisition List.” Any changes to the list or criteria should be made at this time.

Land Acquisition List

The district Board of Directors maintains a prioritized land acquisition list. The land acquisition list identifies potential funding sources and estimates the cost of desirable lands. This list is divided into three priorities: high, medium, and low. High priority indicates that district staff is actively working to acquire the property within the confines of the budget. Medium priority projects are in line for acquisition over the next few years and low priority projects are desirable, but may not currently or completely meet the acquisition criteria. Lower priority lands may be moved up in priority when circumstances change or upon acquisition of higher ranked lands. The land acquisition list may contain sensitive properties and therefore is considered in executive session.

Also on the land acquisition list are properties to be acquired when an opportunity may arise. These properties are not critical to acquire and development is not imminent.

Other considerations for placing a parcel on the land acquisition list are: potential development, opportunity to buy (known willing seller), how the land addresses goals identified in the comprehensive plan and the district's mission, and cost.

Appraisal or Realtor's Opinion of Value

An appraisal or Realtor's Opinion of Value will be required once the board has instructed the Executive Director to negotiate a purchase price for the property. An appraisal is an opinion of value of real property. A licensed appraiser uses various methods to determine the property's "market value." The district will accept any one of the three methods for determining value: cost approach, sales comparison approach, or income approach. No two properties are identical, and all properties differ from each other in their location, characteristics, and potential uses (highest and best use). The absence of a market-based pricing mechanism determines the need for an expert appraisal of real property. Even with an expert appraisal property value is subjective. The district uses an appraisal as a basis for negotiations.

Under certain circumstances, especially in the case where federal or state funds are anticipated to be used for acquisition, the funding agency may require that the appraisal meet the standards prescribed by the Appraisal Institute in *Uniform Standards for Federal Land Acquisitions*, commonly known as a yellow book appraisal.

Small or time sensitive parcels may not warrant an appraisal because of the cost and time required for a registered appraiser to perform the work. In this case, the district may use the opinion of value prepared by a real estate broker. The broker used by the district to perform this work must be the district's realtor-of-record or a real estate broker that has no conflict of interest or a relationship of any kind with the seller.

Trail Acquisition

In a developing community, trail acquisition is often opportunistic in nature whereby a trail segment is dedicated through the subdivision process. Trails that are on the trail plan are exacted and added to the urban trails system. Trail segments are also acquired through other means. When acquired trail segments are ranked according to importance as a commuter route, significant connector, multiuse, completing segment of an existing route, and potential use for recreation purposes. Proposed trail segments are ranked as follows:

1. Linkage of existing district parks.
2. Linkage of a district park and natural areas or other public lands.
3. Segments of regional trails such as the Deschutes River Trail.

**Request to Add Parkland to the System of Parks**

A member of the community or staff may request the district consider a specific park to acquire. When such requests are made, staff considers the request with other parkland acquisition priorities and applies the analysis criteria stated above. If the request has merit, it will be presented to the Board of Directors in executive session. The board may place the property on the district's acquisition list. The board will also direct staff with regard to timing of the site acquisition and funding considerations they wish to pursue.

Condemnation

Condemnation proceedings may be used to acquire property when negotiations have failed, and the board has determined that this is the best solution to meet the public need. An example of where eminent domain may be used is to acquire a trail segment that allows for the continuation of an existing trail or the construction of a new trail to meet the objectives of the *Bend Urban Trails Plan*.

Environmental Review

An Environmental Site Assessment is a report that identifies potential or existing environmental contamination liabilities. The analysis typically addresses both the land as well as physical improvements to the property. The environmental assessment will include, but not be limited to, consideration of soil contamination, groundwater quality when a well exists, asbestos, inventory of hazardous materials stored on site, mold and mildew, and evaluation of indoor air quality. In the event the inspection reveals a potential problem, the district shall request that the inspection firm provide details and costs on remediation procedures to remove the contamination.

Title Insurance

When a property is being acquired by deed, title insurance will be required. Title insurance will be obtained through a licensed title insurance company.

Gifts of Real Estate

Gifts of real estate may include developed or undeveloped property. Prior to acceptance of real estate, the district shall require an environmental review of the property to ensure that the property has no environmental damage, and conduct the analysis outlined herein.

Prior to acceptance of real property, the gift shall be approved by the district Board of Directors. Criteria for acceptance of the property shall include, but not be limited to:

- Determination if the property is useful to the district.
- Consideration of any restrictions, reservations, or easement or other limitations associated with the property.

- Consideration of any deed restriction that the donor may wish to place on the property.
- Payment of carrying costs, which may include insurance, property taxes, mortgages, or notes, etc., associated with the property.
- Results of an environmental review.
- Whether an archaeological assessment should be obtained prior to acceptance.

Standard Acquisition Protocol

The typical course of action, but not mandatory, for acquiring property is as follows:

- Identify potential land to be acquired.
- Analyze the land to determine extent to which it meets land acquisition criteria and public need.
- Draft report for board consideration in executive session.
- Negotiations with the seller
- Board to place land on land acquisition list and establish a priority.
- Board determines timing of acquisition.
- Staff will have property appraised or establish realtor's opinion-of-value.
- Offer to include contingency for environmental review and board approval.
- Take offer and contract to board for approval.
- If environmental review provides acceptable results, the executive director is to execute closing documents on the property.

Board Approval

Pursuant to ORS 192.660 (2)(e), the board may consider real property transactions in executive session. During executive session, the board may consider the merits of acquiring the property and all contract details. Authorization of the purchase must be made in an open session where the public will have an opportunity to comment on the acquisition. Once the board has approved the purchase, the executive director will execute the contract and closing procedures.

Related Material:

Parks, Recreation, and Open Spaces Comprehensive Plan

BMPRD Neighborhood Park Plan

Trails Master Plan

Neighborhood Park Master Plan

BMPRD Trails Master Plan

Ordinance No. 8-System Development Charges

ORS 192.660 (2) e

Brady Fuller, Chair

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Land Acquisition Policy

Purpose

This policy establishes guidelines for the acquisition of property for parks, trails, natural areas, recreation facilities or other related facilities. The following objectives are designed to guide staff and Board decisions:

- Respond to needs for public space with a strategic, proactive and consistent approach
- Balance the short term and occasional competing land acquisition interests with long term goals
- Uphold the District's efforts toward sustainability
- Provide guidance and a process for the District Board of Directors to follow in response to requests for land acquisitions

Background

The *Bend Park and Recreation District Comprehensive Plan* (Comp Plan) sets forth major objectives that guide District policymaking and management of the park and recreation system. The Comp Plan recommends that the District balance the acquisition and development of parks geographically and by population. A priority of the Comp Plan is to identify land acquisitions that assure District residents have equitable access to recreation opportunities.

In addition to the acquisition of land for parks, trails and natural areas, property is also acquired to support the services and operations of the District. This can include land or buildings for maintenance shops, storage facilities, administration, recreation programming, or other associated needs.

Funding

The District maintains an ordinance that defines the assessment, collection and expenditure of system development charges (SDC) that are levied on new residential and guestroom construction. Through this fee, newcomers to the community pay their share of the costs to build new or expand parks, trails and recreation facilities needed to serve them. SDC revenues provide a source of funding to finance the acquisition, construction or improvements of District parks, trails and recreation facilities necessitated by growth. The SDC ordinance requires a periodic review and update of the fee calculation. This ensures that the population estimates,

Reviewer: Don Horton
Last Review Date: June 2019
Next Review Date: June 2024
Review Schedule: 5 years

facility inventories, construction costs and land prices used to calculate the fee are up-to-date and accurate.

Park, trail, and recreation and support facility land acquisitions are also funded with property taxes, grants, bonds, debt and donations. Each year the District considers land acquisition as part of the annual budget process. Staff and the Board of Directors prioritize land acquisition needs, together with all other needs in the District, such as development, operations and maintenance.

Analysis of Parks, Trails and Natural Areas Needs

The Comp Plan includes a map of park search areas and a trails plan that guides the acquisition of park and trail acquisitions to meet the District's Level of Service (LOS) targets. Each year the District's Board of Directors adopts a Capital Improvement Plan (CIP) that details park development projects and land acquisition based on the needs identified in the Comp Plan.

Staff maintains the inventory of the District's land and trail ownership and updates it annually to reflect newly acquired property. The inventory is then used to calculate and evaluate the District's current LOS compared to the target LOS identified in the Comp Plan. Staff uses this analysis to prioritize park and trail acquisition in the CIP that help fill gaps in the system.

Staff also considers the operations and maintenance requirements of a potential park or trail land acquisition to assure that the District can continue to care for and manage the lands it acquires.

Types of Ownership

The District uses several instruments in order to hold title or the right to use property. The first choice of the District is to hold the property in fee simple. Fee simple represents absolute ownership of land, and therefore, the District as owner may do whatever it chooses with the land. Under certain circumstances, however, a bargain sale, quitclaim, easement or license may be the only option available to the District to acquire property.

The types of legal instruments generally used by the District to transfer land ownership or the right to use property owned by another are:

Warranty Deed - In a warranty deed the grantor represents that they own the property free and clear of other claims except for those listed as exceptions on the deed and has a right to sell it to the buyer. An example of property owned by the District via a warranty deed is Goodrich Park.

Bargain and Sale Deed – This is a deed for which the grantor implies to have or have had an interest in the property but offers no warranties of title to the grantee. An example of property owned by the District via bargain and sale deed is Discovery Park

Quitclaim Deed -- A quitclaim deed is a release by the grantor, or conveyor of the deed, of any interest the grantor may have in the property. If the grantor had fee title, a quitclaim deed will convey clear title. Generally a quitclaim deed relieves the grantor of liability regarding the ownership of the property. Thus, the grantor of a quitclaim deed will not be liable to the grantee, or recipient of the deed, if a competing claim to the property is later discovered. A quitclaim deed is not a guarantee that the grantor has clear title to the property; rather it is a relinquishment of the grantor's rights, if any, in the property. An example of property owned by the District via a quitclaim deed is Pine Nursery Park.

Easement – An easement is a right-of-use over property owned by another individual or entity. Traditionally the permitted kinds of uses are limited, the most important being trail rights-of-way. The easement is for the benefit of the community. An example of property owned by the District via an easement is Mt. Bachelor Village section of Deschutes River Trail.

Conservation Easement – A conservation easement is a transfer of usage rights that creates a legally enforceable land preservation agreement between a landowner and the District for the purposes of conservation. It restricts real estate development, commercial and industrial uses, and certain other activities on a property to a mutually agreed upon level. An example of property owned by the District via a conservation easement is Shevlin Park Conservation Easement.

License – A license is similar to an easement, except it is revocable (1) by the grantor, (2) when a certain event occurs, or (3) on a date certain. An example of property licensed to the District is the Deschutes River Trail through Mt. Bachelor Village.

Leases – In some cases the District will enter into a lease for the use of a property to provide for programming or other needs. Leases are similar in nature to licenses and provide no or very limited interests in a property. These are obtained when acquisition is not feasible or necessary, or when the District wants to use a piece of property on a trial basis to assess feasibility of future acquisition. An example of property leased to the District is the Art Station.

Appraisal or Realtor's Opinion of Value

The District generally uses an appraisal or Broker's Opinion of Value (BOV) to establish the value of a property being considered for purchase. BOV is based on the licensed real estate broker's inspection of the subject property and recent listings and sales near the subject property. An appraisal is an opinion of value of real property. A licensed appraiser uses various methods to determine the property's "market value." The District will accept any one of three methods for determining value: cost approach, sales comparison approach, or income approach. No two properties are identical, and all properties differ from each other in their location, characteristics, and potential uses (highest and best use). The absence of a market-based pricing mechanism determines the need for an expert appraisal of real property. Even

with an expert appraisal property value is subjective. The District uses an appraisal as a basis for negotiations.

Under certain circumstances, especially in the case where federal or state funds are to be used for acquisition, the funding agency may require that the appraisal meet the standards prescribed by the Appraisal Institute in *Uniform Standards for Federal Land Acquisitions*, commonly known as a yellow book appraisal.

Small or time sensitive parcels may not warrant an appraisal because of the cost and time required for a registered appraiser to perform the work. Upon Board direction, the District may directly negotiate directly with the landowner or use a BOV or other accepted means of establishing value (e.g. lot sale cost in new subdivision). If a broker is used by the District to perform this work, the broker must be a licensed real estate broker that has no conflict of interest or relationship of any kind with the seller.

The Board of Directors has the discretion to determine the appropriate method for valuing property that best meets the needs of the District.

Trail Acquisition

Trail acquisition is often opportunistic in nature. Trails can be dedicated through the land use process. Trails that are identified on the *Bend Transportation System Plan* can be exacted and added to the trails system as a requirement of development. Trail segments are also acquired through purchase, easement, donation, license or other means.

Condemnation

Condemnation proceedings may be used to acquire property when negotiations have failed, and the Board has determined that this is the best solution to meet the public need. An example of where eminent domain may be used is to acquire a trail segment that allows for the continuation of an existing trail or the construction of a new trail to meet the objectives of the *Comp Plan*. This method is the last resort for acquisition.

Acquisition Requests

A member of the community or staff may request the District consider a specific acquisition. When such requests are made, staff considers the request with other land acquisition priorities and Comp Plan goals. If the request has merit, it will be presented to the Board of Directors in executive session. The Board will decide if the acquisition meets District goals and direct staff with regard to timing of the acquisition and funding considerations the District should pursue.

Environmental Review/Building Inspections

An Environmental Site Assessment is a report prepared for the District in consideration of acquiring property that identifies potential or existing environmental contamination liabilities. The analysis, often called an ESA, typically addresses both the underlying land as well as physical improvements to the property. In the event the inspection reveals a potential problem, the District shall request that the inspection firm provide details and costs on remediation

procedures to remove the contamination. An environmental site assessment is a standard part of the due diligence process for the acquisition of land or structures purchased, gifted, or accepted by the District.

In the event the District purchases or accepts ownership of an existing building, and in addition to an ESA, a building inspection report prepared by a certified building inspector will be conducted to identify any issues or concerns.

Preliminary Title Report and Title Insurance

As part of the due diligence process for the purchase or acceptance of property, the District will review a preliminary title report to identify if there are any exceptions, encumbrances or other limitations on the property that might restrict the District use of the land. Property is to be acquired with as few restrictions as possible to minimize any limitations on the future use of the property. This includes, where possible, the removal of items such as deed restrictions, liens, covenants, conditions and restrictions (CC&Rs), homeowner association membership, or other interests or restrictions.

When a property is being acquired by deed, title insurance is required. Title insurance will be provided by the seller and obtained through a licensed title insurance company.

Gifts of Real Estate

Gifts of real estate may include developed or undeveloped property. Prior to acceptance of real estate, the District shall require an ESA of the property and title report to ensure that the property has no environmental damage or deed conditions unacceptable to the District, and conduct the analysis outlined herein.

Prior to acceptance of real property, the gift shall be approved by the District Board of Directors. Criteria for acceptance of the property shall include, but not be limited to:

- Determination if the property is useful to the District
- Consideration of any restrictions, reservations, or easement or other limitations associated with the property
- Consideration of any deed restriction that the donor may wish to place on the property
- Payment of carrying costs, which may include insurance, property taxes, mortgages, or notes, etc., associated with the property
- Maintenance requirements
- Results of an environmental review and/or building inspection.
- Review and acceptance of a title report
- Whether any specialty report such as archaeological assessment, geotechnical study or other inspections should be obtained prior to acceptance

Standard Acquisition Protocol

The typical course of action for acquiring property is as follows:

- Identify potential land or property to be acquired based on the Comp Plan or other needs
- Analyze the land to determine extent to which it meets acquisition needs
- Discuss initial acquisition with Board during executive session
- Board determines timing of acquisition
- Confirm seller's willingness to proceed with acquisition prior to expenditure of funds for due diligence and associated legal costs
- Obtain appraisal, realtor's opinion-of-value, or other means of establishing market value of property
- Negotiate cost and other terms with the seller
- District legal counsel prepares purchase agreement
- Take offer with total acquisition cost to Board for approval in public meeting
- Have title report, environmental study and other necessary reports produced and reviewed by staff and legal counsel to complete due diligence
- If due diligence review provides acceptable results, the Executive Director executes closing of property

Board Approval

Pursuant to ORS 192.660 (2)(e), the Board may consider real property transactions in executive session. During executive session, the Board may consider the merits of acquiring the property and all contract details. Authorization of the purchase must be made in an open session where the public will have an opportunity to comment on the acquisition. The open session discussion shall include a clear description of the property to be acquired and all costs associated with the acquisition. Once the Board has approved the purchase, the executive director will execute the contract and closing procedures.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	June 18, 2019
SUBJECT:	Public Records Policy
STAFF RESOURCE:	Don Horton, Executive Director Sheila Reed, Executive Assistant
PREVIOUS BOARD ACTION:	Adopted Public Records, August 9, 2011
ACTION PROPOSED:	Adopt new Public Records Policy
STRATEGIC PLAN:	
Theme:	Business – Operational Excellence
Objective:	Improve Business Practices
Initiative:	Obtain and maintain accreditation through the Commission for Accreditation of Park and Recreation Agencies

BACKGROUND

The District first adopted a public records policy in August 2011 (Attachment A). The intent of the policy was to define process and procedures for providing accurate records to the public in a reasonable time. With new updates to the laws by the State of Oregon Department of Justice, it is necessary to update the District policy. The update to the policy also fulfills a requirement for best practices with Special Districts Insurance Services (SDIS). The best practices program makes the District eligible for a 10 percent discount on general liability, auto liability and property insurance, resulting in a \$30,000 - \$35,000 savings to the District. Additionally, the public record policy is a requirement of the Commission for Accreditation of Park and Recreation Agencies (CARPA). CAPRA requires that policies be reviewed on a regular basis and updated as necessary to maintain accreditation.

Staff drafted a new public record policy for Board review that reflects the new updates to state law (Attachment B).

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

Staff recommends approval of the new Public Record Policy.

MOTION

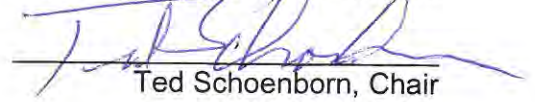
I make a motion to adopt the new Public Record Policy.

ATTACHMENT

Attachment A – Public Record Policy (August 2011)

Attachment B – Public Record Policy (new)




Ted Schoenborn, Chair

PUBLIC RECORDS

Purpose

Full disclosure and transparency is core to the mission and values of Bend Park and Recreation District. The purpose of this policy is to define process and procedures for providing accurate records to the public in a reasonable time.

Definition of Public Record:

Public record includes any written document containing information relating to the conduct of the district's business. Written is defined as: handwritten, typewritten, printed, photographed, and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and papers, maps, files, facsimiles, electronic recording and e-mail including deleted e-mail on backup. Public record does not include messages on voice mail or on other telephone message storage and retrieval systems.

Exempt Public Records:

Certain records are exempt from public disclosure pursuant to ORS 192.445 and ORS 192.503(3). Examples of exempt public records include employee and volunteer addresses, electronic addresses, social security numbers, dates of birth, and telephone numbers contained in personal records. Such information may be released only upon the written request of the employee or volunteer, or as otherwise provided by law.

Access:

The district shall permit inspection and examination of its non-exempt public records during regular business hours in the district's offices at 799 SW Columbia, or other locations as the executive director may reasonably designate. Copies of non-exempt public records maintained in machine readable, or electronic form shall be furnished, if available, in the form requested and according to the procedures described in this policy. Records not available in the form requested shall be made available in the form in which they are maintained.
ORS 192.440(2).

Authorization required for removal of original records:

At no time shall an original record of the district be removed from the district's files or the place at which the record is regularly maintained, except upon authorization of the district's executive director.

On-site review of original records:

If a request to review original records is made, the district shall permit such a review provided a district representative is present at any time during which original records are reviewed. The charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

Unauthorized alteration, removal or destruction of originals:

If any person attempts to alter, remove or destroy any district record, the district representative shall immediately terminate such person's review, and notify the executive director and the district's attorney. Any person who attempts to alter, remove, modify, or destroy a District record may be subject to prosecution.

Board Meeting and Records

Board of Directors meetings and records are matters of public information subject to such restrictions as is set by federal law or regulation, by state statute or by pertinent court rulings. The board's official minutes, its written policies and its financial records will be available for inspection at the Park and Recreation District office, 799 SW Columbia during business hours.

Record Requests:

In order to facilitate the public's access to Bend Park and Recreation District records, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection, copying or disbursement or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable district personnel to readily locate the records sought. All level 2 and 3 requests are to be written and addressed to the executive director.

No records will be released for inspection if such disclosure would be contrary to the public interest, as described in state law.

Levels of Requests

Level 1:

Requested documents include records that are current and readily available, require no duplication, and no additional staff time or resources to be available. These types of records are intended for public distribution, such as informational brochures, adopted district plans, agendas, permit applications, job applications, or election-related petitions. A Level 1 request does not require a written request or payment of a fee, and can be provided by any staff member.

Level 2:

Requested documents are not immediately available, but can be made available within 30 minutes of staff time. Requested records must be located in a single department, may not contain sensitive, confidential, or privileged information, and must not require attorney review prior to release. Requests may be in writing and submitted to the executive director. There is no fee for this level of request.

Level 3:

Requested documents are complex and involve multiple staff and/or departments and/or require more than 30 minutes of staff time to compile. It may involve extensive research or compilation of records, and require legal review. Full reimbursement of labor, materials and out of pocket charges will be reimbursed to the district according to the district Fee Schedule defined in this policy. Requests must be made in writing and submitted to the executive director.

Procedures:

Upon receipt of a request, the district will respond to the requestor within 10 working days. The response shall acknowledge receipt of the request and one of the following:

1. A statement that the district does not possess or is not the custodian of the public record.
2. Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.410 to 192.505 that are Level 1 or Level 2 requests.
3. A statement that the district is the custodian of at least some of the requested public records, an estimate of the time the district requires before the public records may be inspected and/or copies of the records will be provided, and an estimate of the fees that the requester must pay as a condition of receiving the public records, if the request is deemed to be a Level 3 request.
4. A statement that the district is uncertain whether the district possesses the public record requested, and that the district will search for the record and respond to the request when determination is made.
5. A statement that state or federal law prohibits the district from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanctions. A statement under this paragraph will cite the state or federal law that applies.

The district may request additional information or clarification from the requester for the purpose of expediting the district's response to the request.

Request Procedures:

1. Upon receipt of a Level 2 or Level 3 public records request, the executive director will review the request and if appropriate, assign staff to estimate time and resources involved in generating the records.
2. Should the executive director believe that the requested information could contain privileged information the request will be forwarded to the district's legal counsel for review and recommendation.
3. The estimate will be provided to the requestor in written form (mail or email).
4. If the requestor agrees to proceed with the request, the requestor will pay the estimated fee.
5. Upon receipt of the fee, the district will generate the requested records. Should the estimated time and resources to generate the records be different than estimated, either a secondary bill or refund will be made.

***Public Records Fee Schedule**

If a request is a Level 3 request, the district will impose charges to reimburse the district for costs producing the records, including, but not limited to, the costs for summarizing, compiling, or tailoring records, either in organization or media, to comply with the request.

1. Research Requests:

General records search: \$23 - \$40 per hour based upon staff assigned by the executive director to conduct the records request, plus costs for copying, shipping, and handling

2. Paper copies

The district will provide up to a total of 30 standard, letter size, two -sided document copies of public records for citizens at no cost. Copies beyond 30 sheets will be charge \$.05 per copy for black/white copies or \$.10 per copy for color copies.

3. Electronic copies:

There is no fee for emailed copies

4. Other costs:

Copies of recordings, maps and non-standard documents will be charged actual costs.

5. Internal Review Monitor:

Cost of employee assigned

6. Legal Counsel Review:

Regular billing rate of the legal firm

Reduced Fee or Waivers: The district will accept requests for fee waivers or reductions. Requests must be in writing and addressed to the executive director. Waivers may be accepted that justify that the records request is in the public's interest as defined in ORS 192.440(5).

References

ORS Chapter 192

Oregon Dept. of Justice, Oregon Attorney General's Model Contract Rules Manual



Brady Fuller, Chair

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Public Records Policy

Purpose:

The purpose of this policy is to define process and procedures for providing accurate records to the public in a reasonable time.

Policy:

Bend Park and Recreation District will make available any public record requested by any person pursuant to ORS 192.314, provided that the record request is not exempt from disclosure under the provisions of ORS 192 or other laws.

Exempt Public Records:

Certain records are exempt from public disclosure pursuant to ORS 192.355 and ORS 192.368.

Partial list of exemptions applicable to the District:

- A. Records of public body pertaining to litigation;
- B. Information related to appraisal of real estate prior to acquisition;
- C. Information of a personal nature of public employees, volunteers or customers such as:
Social Security numbers, dates of birth and telephone numbers;
- D. Any public records or information, which is prohibited by federal law of regulations;
- E. Communications with public body or between public bodies of an advisory nature;
- F. Confidential attorney – client communications;
- G. Information submitted in confidence and not otherwise required by law to be submitted.

Access:

The District shall permit inspection and examination of its non-exempt public records during regular business hours in the District's Offices at 799 SW Columbia, or other locations as the executive director may reasonably designate. Copies of non-exempt public records maintained in machine readable, or electronic form shall be furnished, if available, in the form requested and according to the procedures described in this policy. Records not available in the form requested shall be made available in the form in which they are maintained. ORS 192.324

Reviewer: Don Horton
Last Review Date: June 2019
Next Review Date: June 2024
Review Schedule: 5 Years

Public records may exist in any format, including in paper form or electronic form, including email. Messages on voicemail or on other telephone messages storage and retrieval systems are not public records. Text messages may constitute public records; however, the District is not the custodian of these records. For that reason, employees are directed to not use text messages for official purposes other than routine communications that do not meet the definition of a public record. This policy applies to an employee's official mobile phone and personal mobile phone.

Authorization required for removal of original records:

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except when removal of the record complies with Oregon records retention laws.

Review of Records:

The District will provide a copy of the public record or allow for reasonable opportunity to inspect the public record.

Board Meeting and Records:

Board of Directors' official minutes, written policies and financial records are matters of public information subject to such restrictions as is set by federal law or regulation, by state statute or by pertinent court rulings. The Board's records will be available for inspection at the Park and Recreation District Office, 799 SW Columbia, during business hours, or a copy of such records may be made available upon request.

Record Requests:

In order to facilitate the public's access to District records, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection, copying or disbursement or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable District personnel to readily locate any responsive records.

No records will be released for inspection if such disclosure is exempt by state or federal law.

Levels of Requests

Level 1:

Requested documents include records that are current and readily available, require no duplication, and no additional staff time or resources to be available. These types of records are intended for public distribution, such as informational brochures, adopted District plans, agendas, permit applications, job announcements, or election-related petitions. A Level 1 request does not require a written request or payment of a fee, and can be provided by any staff member.

Level 2:

Requested documents are not immediately available, but can be made available within 15 minutes of staff time. Requested records must be located in a single department, may not contain privileged information exempt by State law, and must not require attorney review prior to release. Requests must be submitted in writing, using the District provided form and submitted to the executive director's office. There is no fee for this level of request.

Level 3:

Requested documents are complex and involve multiple staff and/or departments and/or require more than 15 minutes of staff time to compile. It may involve extensive research or compilation of records, and require legal review. Full reimbursement of labor, materials and out of pocket charges will be reimbursed to the District according to the District Fee Schedule defined in this policy. Requests must be made in writing, using the District provided form and submitted to the executive director's office.

Procedures:

Upon receipt of a request, the District will respond to the requestor within 5 working days. The response shall acknowledge receipt of the request and one of the following:

1. A statement that the District does not possess or is not the custodian of the public record.
2. Copies of all requested public records for which the District does not claim an exemption from disclosure under ORS 192.311 to 192.427 that are Level 1 or Level 2 requests within 10 business days.
3. A statement that the District is the custodian of at least some of the requested public records, an estimate of the time the District requires before the public records may be inspected and/or copies of the records will be provided, and an estimate of the fees that the requester must pay as a condition of receiving the public records, if the request is deemed to be a Level 3 request.
4. A statement that the District is the custodian of at least some of the requested public records, and that the District will provide an estimate, within a 10 business days, of the time and fees needed for disclosure of the public records.
5. A statement that the state or federal law exempts the District from disclosing a requested public record with the reason for the exemption.
6. All requests will be completed within 10 business days after issuing the acknowledgement, unless otherwise stated in the response to the record request.
7. When the District receives a request for many documents or an unclear request, the Public Records Officer will contact the requestor to clarify the request and explain the public records process. For large requests, the District may ask the requestor to prioritize the request for response.

Request Procedures:

The procedure for responding to the request will adhere to the following:

1. Upon receipt of a Level 2 or Level 3 public records request, the executive director will review the request and if appropriate, assign staff to estimate time and resources involved in generating the records.
2. Should the executive director believe that the requested information contain information that could be exempt from disclosure, the request will be forwarded to the District's legal counsel for review and recommendation.
3. The estimate to produce the requested information will be provided to the requestor in written form (mail or email) if more than 10 business days are needed to produce the records.
4. If the requestor agrees to proceed with the request, the requestor will pay the estimated fee and sign the provided form agreeing to the terms of the payment.
5. Upon receipt of the fee the District will generate the requested records. Preferred form of payment is a cashier's check. An un-guaranteed check must be cleared through the bank account before records are generated for the requestor. Should the estimated time and resources to generate the records be different than estimated, either a secondary bill or refund will be made.

Public Records Fee Schedule:

For a Level 3 request, the District will impose charges to reimburse the District for costs associated with producing the records, including, but not limited to, compiling, or producing records, costs of materials such a storage devises, hard copier or and other costs associated with reproducing the material.

1. Paper copies
The District will provide up to a total of 30 standard, letter size, two -sided document copies of public records for citizens at no cost. Copies beyond 30 sheets will be charged the amount that is in line with the current state printing and distribution price list.
2. Postage
The District will charge postage based on current postal rates.
3. Electronic copies:
There is no additional fee for emailed copies.
4. Other costs:
Copies of recordings, maps and non-standard documents will be charged actual costs.
5. Internal Review Monitor:
Cost of employee(s) time assigned.
6. Legal Counsel Review:
Regular billing rate of the legal firm will apply to records request that require legal review. Any legal costs associated with advising the District on interpretation of this policy or the state open records statutes or guidelines will not be charged to the applicant.

Reduced Fee or Waivers:

The District will accept requests for fee waivers or reductions for records requests. Requests must be in writing and addressed to the executive director. The District will consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public, as defined in ORS 192.324. The District will waive the first 15 minutes of staff time needed to fulfill a records request.

The District may deny eligibility for the 15 minute waiver if abuse by the requester is determined to exist either by:

1. Fragmenting a request that if taken in the aggregate would amount to significantly more than 15 minutes; or
2. Submitting multiple small requests in a short time-frame causing an undue burden on the agency.

References

ORS Chapter 192

Oregon Dept. of Justice, Oregon Attorney General's Model Contract Rules Manual

BOARD AGENDA COMMUNICATION

AGENDA DATE:	June 18, 2018
SUBJECT:	Resolution No. 429 Applying for Technical Assistance from the National Park Service's Rivers, Trails, and Conservation Assistance Program (RTCA)
STAFF RESOURCE:	Sarah Bodo, Park Planner Michelle Healy, Deputy Executive Director
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	Adopt Resolution No. 429 authorizing application for Rivers, Trails, and Conservation Technical Assistance
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

The 16 parks and 17 miles of trail along the Deschutes River are some of the most beloved and most visited District properties. The popularity of the river has resulted in impacts such as trampled vegetation and erosion at District access points. Population and tourism growth are expected to add additional use.

In anticipation, District staff intends to take a proactive and community-supported approach to future river access and habitat restoration projects. To achieve this goal, the District will prepare a river access plan to document existing conditions, understand community desires, and prioritize future access and restoration projects.

To support this effort, the District would like to apply for technical assistance from the National Park Service's Rivers, Trails and Conservation Assistance Program (RTCA). The RTCA program provides free, on-location facilitation and planning services to local communities around the country. Technical assistance from RTCA would benefit the District's river access planning effort by adding expertise in best practices and lessons learned from other communities, as well as bringing a neutral voice to an effort expected to have a high level of community interest and involvement.

The RTCA application deadline is June 30, 2019 and would be strengthened by a Board Resolution approving the application. Staff prepared the attached Resolution No. 429 for Board review and approval.

BUDGETARY IMPACT

The District's approved 2020-2024 Capital Improvement Plan (CIP) identifies a total funding allocation of \$165,000 in property tax funding for Natural Resource River Stewardship; \$25,000 of which will support the river access plan. The remaining funds are allocated towards habitat restoration projects to be done in partnership with the Upper Deschutes Watershed Council.

The technical assistance program provides RTCA staff time; it does not provide funding.

STAFF RECOMMENDATION

Staff recommends the Board adopt Resolution No. 429 supporting an application for RTCA technical assistance.

MOTION

I move to adopt Board Resolution No. 429 authorizing the Executive Director to apply to the Rivers, Trails, and Conservation Assistance Program for Technical Assistance in support of river access planning.

ATTACHMENT

Resolution No. 429

BMPRD RESOLUTION NO. 429

**A RESOLUTION OF THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS
AUTHORIZING DISTRICT STAFF TO APPLY FOR TECHNICAL ASSISTANCE FROM THE NATIONAL
PARK SERVICE'S RIVERS, TRAILS, AND CONSERVATION ASSISTANCE PROGRAM.**

WHEREAS, the Board of Directors has identified natural resource river stewardship as a priority in the District's five-year capital improvement Plan (CIP) and 10-year comprehensive plan; and,

WHEREAS, the District's comprehensive plan identifies "areas to access the river" as one of the highest priority needs, and also below target; and,

WHEREAS, the District is seeking to enhance staff expertise with nationally recognized expertise on river recreation and conservation in order to develop a community-supported plan for river access and restoration for District properties; and,

WHEREAS, the National Park Service is accepting applications for the Rivers, Trails, and Conservation Assistance Program; and,

NOW, THEREFORE, the Board of Directors hereby resolves that District staff is authorized to seek Rivers, Trails, and Conservation Assistance Program technical assistance to support development of a river access plan for District property along the Deschutes River.

ADOPTED by the Board of Directors of the District on this 18th day of June, 2019.

Brady Fuller, Board Chair

Attest:

Don P. Horton, Executive Secretary



Board of Directors

June 4, 2019

District Office Building | 799 SW Columbia | Bend, Oregon

5:30 p.m. MEETING CONVENED

BOARD PRESENT

Brady Fuller, Chair
Ted Schoenborn, Vice Chair
Nathan Hovekamp
Lauren Sprang
Ellen Grover

STAFF PRESENT

Michelle Healy, Deputy Executive Director
Matt Mercer, Director of Recreation
Lindsey Lombard, Administrative Services Director
Julie Brown, Manager of Communications and Community Relations
Sheila Reed, Executive Assistant
Brian Hudspeth, Development Manager
Jeff Hagler, Park Stewardship Manager
Sarah Bodo, Park Planner
Jason Powell, Construction Supervisor

MEDIA

Isaac Biehl, The Source

WORK SESSION

1. Discussion about City of Bend Resolution on Mirror Pond – *Brady Fuller*

Director Fuller opened the floor to visitors that wanted to speak in advance of the Board discussion about Mirror Pond.

VISITORS

Jerry Freilich: Dr. Freilich said he attended the Mirror Pond listening session. He disagreed with the idea that if the pond is not dredged, that it is doomed. He said the vision document that was created by the District in 2015 gathered all the right data and the report should be adapted to the circumstances of the dam remaining in place. He urged the Board to seek the community preferences today. Dr. Freilich stated that there are questions about the ownership of the land under Mirror Pond, whether the Deschutes River is navigable, whether the dam is in good condition and questioned who would spend millions to fix a dam that is old and obsolete when everyone know fish passage is needed. He encouraged the Board to wait on moving forward with the dredge stating that studies have shown that the pond is in a state of equilibrium and nothing bad will happen by taking some time to revisit the vision study and present citizens with one or more options.

Mike Tripp: Dr. Tripp said the posted draft of the resolution raises multiple concerns. He is concerned that the stated goal of preservation of Mirror Pond seems to be a strategy for dredging. Dr. Tripp mentioned a prior resolution with the City that supports seven goals for Mirror Pond and said this resolution supports dredging, but not the other goals. He pointed out that public sentiment has evolved and members of the public have called for a referendum on public funding. Dr. Tripp raised questions on the future of the dam and the jurisdiction over Mirror Pond. He said the justification for use of public funds for work on private land should meet a high standard for use of public funds and the resolution does not commit to future funding for maintenance of Mirror Pond. He concluded by saying the current draft resolution does not resolve the challenges of maintaining Mirror Pond, but it does open the door for further distrust to the public.

Brett Hodgson: Mr. Hodgson is from ODFW, he said the interest by ODFW in this project is limited in scope, the primary objective is providing for passage and screening for fish in the river. If Pacific Power retains the dam and operates it, screening will be necessary if a fish ladder is provided. Passage would be a good first step and with screening would deliver the best results. He said the department would like to commend the District and the City for looking forward and seeing an opportunity here to provide passage and address a key environmental issue while looking at some of the other complex issues.

Director Hovekamp asked Mr. Hodgson to characterize the importance of fish passage at this particular dam.

Mr. Hodgson explained that there have been other manmade areas in the river that have added fish passage to sites above and below the Newport dam which is key piece as the site in the middle of other dams. He said that there have been other manmade areas that have added fish passage. In partnerships, \$1.8 million has been spent at the North Canal Dam which provided passage for fish for a half mile up the river until they hit the next dam at Mirror Pond. He continued to say that it is known that fish are trying to move in the river because of the tagging and monitoring that is being done.

Director Hovekamp asked about the order of magnitude of a project that would ensure fish passage across this dam in relation to the fish passage provided at the Pelton Round Butte Dam.

Mr. Hodgson responded that there are a lot of moving parts and stated that the Round Butte project had a lot more complexities than this project. PG&E and Warm Springs Tribe spent \$150 million on that structure. More recently and on scale is the \$10.8 million spent on the Opal Springs Dam on the Crooked River. Design will matter and could be significantly less than these two projects.

Director Hovekamp continued with questions about the relicensing of dam under federal guidelines.

Mr. Hodgson said in the absence of a FERC license, Pacific Power is not required to offer fish passage, unless a 30 percent modification is made to the dam; then fish passage would be required. Up to this point, Pacific Power has done considerable incremental work over time, and has not reached the 30 percent threshold. Safety issues with the dam could result in a 30 percent modification.

Mark Davis: Retired from USACE where he worked as a dredge control officer. Mr. Davis said in 2016 Pacific Power expressed a commitment to the Newport dam project for the long term. He expressed his concern for an investment of public funds for a promise that the dam will stay intact; stating that this is risky. He quoted from the District study in 2014 the recommendation for the timber crib portion of the dam to be repaired or replaced; PacifiCorp has not made the necessary improvements and has only patched the leaks. With further failures of the dam, it may be necessary for additional analysis of the stability as determined by the state engineer in the 2014 inspection. Mr. Davis also noted that new state laws will go in to affect that gives the state engineer increased authority to require repairs on unsafe dams. He closed by saying the dam will be re-evaluated this summer.

Craig Lacey: Mr. Lacey said fish passage is a critical issue to this process. He remarked that 3,000 wild trout are killed each year by the turbines at the dam. He said that fish passage was required in prior years and fish passage was built, but it fell in disrepair and has not been corrected because it is expensive. The dam has had some short term repairs done to it because further repair is expensive. Mr. Lacey expressed his doubts that PacifiCorp is committed to the dam for the long term and that they are making decisions about the dam based on the least cost to them. He expressed further concern that a lot of money would be spent on the dredge and then the dam would be removed and the dredge that PacifiCorp should pay for would be at taxpayers' expense. Mr. Lacey said that the Board should require PacifiCorp to fix the dam and re-install the fish passage before spending public funds.

Paul MacClanahan: Mr. MacClanahan commended the Board on working collaboratively with the City to come up with this resolution. Mr. Callahan has worked with Mirror Pond Solutions to get the permits for the silt removal part of the vision. He encouraged the Board to remain committed to this process and entire vision and urged the Board to expedite the process for the discussion of fish passage. Mr. MacClanahan said there is a funding gap if this vision becomes broader with a fish passage project. The City is showing commitment with 50 percent of the funding. MPS has gone to great lengths to raise the money and will continue to do so for the dredge and overall vision. He encouraged the Board to act more strategically or incrementally adding that permits have been obtained and 50 percent of the funding. He said that the Board does not have to do all seven pieces of the resolution and can do it incrementally. Finally, he said Mirror Pond Solutions is committed to the process and encouraged the Board to keep the momentum going.

Michael Ogle: Mr. Ogle said this is a very expensive proposal and many questions have been asked through the process. He commended the park district for their stewardship to the river, because of the stewardship two critical species are living along the river: the spotted frog and the western pond turtle. He said dredging the habitat would show bad faith in stewardship. Mr. Ogle shared photos of the spotted frog and western pond turtle that he has taken on the river.

Todd Taylor: Mr. Taylor is part of Mirror Pond Solutions. He said this discussion been going on over the last 10 years, he has been a part of it for the last 6 years and has attended over 50 meetings and 25 have been public and to say that this hasn't been a public process on Mirror Pond is erroneous. He said he would like to address the storm water issue; numerous tests have been done through the permit process and the outfalls were all checked. Mirror Pond Solutions has been concerned about all the material being dumped in the pond and believe that it doesn't provide for the health and wellness for any of the habitat, and for that reason they were excited to see the City step up with the

funding. Mr. Taylor said that he is very supportive of the fish passage and would stand behind any direction that comes out of that discussion. He encouraged the group that is supportive of fish passage to take the lead and go out and get the funding as Mirror Pond Solutions did for the dredge. He continued to say that it is not for us to decide what Pacific Power is going to do, they have been included in all the meetings every step of the way and they indicate that they are committed to keeping the dam. Mr. Taylor expressed his understanding that the dam is inspected annually. He closed by saying that he is looking forward to working with the City and District to work through the resolutions to get the project up and running.

Next, Director Fuller reviewed the resolution with the Board. The Board discussed that the resolution is primarily focused on the goal of the dredge and does not directly address the other goals that were called out in the prior resolution. It was pointed out that the District is addressing some of the other goals independently already and this resolution is an opportunity to move forward with the goals in pieces.

Director Hovekamp noted a couple of typos and requested that the language that is used to refer to Mirror Pond be changed to say it is an aesthetic and recreational amenity, objecting to calling it an icon. Other Board members expressed that the pond is many things to many people and did not object to the language in the document that describes it in several ways including iconic.

Director Fuller continued through the review of the resolution and asked the Board for comments.

Director Hovekamp reiterated that for this document he thinks that there should be a consistent descriptor for Mirror Pond. He expressed his concern about speaking about the goals that the Board is moving forward on without mentioning the goals that are not being addressed at this time. He also quoted from the Mirror Pond vision document that the future of the dam was a key consideration at the time and was stated to be near the end of life with Pacific Power saying that they no longer wanted to put money into the dam. Director Hovekamp noted that this resolution may be “cherry picking” information to get to this outcome. The Board responded that these goals all refer back to the ad hoc committee in 2015 after Pacific Power decided to keep the dam and their desire to focus on the pieces of the vision that can be controlled, recognizing that the future of the dam is not in the Board’s control. Once again, the Board expressed support for calling the pond an icon and stated that this resolution is another opportunity to work with the City leading to the building of an IGA.

In further discussion, the Board talked about whether the release of funds for the dredge would take away any leverage for the opportunity for fish passage. The majority of the Board did not see that this would be an issue, showing confidence that the District and City Council would continue to direct staff on the subject. The Board recognized that the District may need to take the lead on the topic of fish passage. The Board discussed the accuracy of the estimated cost of the dredge, there were some concerns voiced about the cost, but most felt that the concerns should not prevent the Board from moving forward.

Ms. Healy said section three of the draft resolution ties the IGA approval to the release of funds and part of the IGA approval is that the MOU is successful. The MOU addresses the fish passage study, but does not require it to be completed to move forward. The Board decided that there were enough assurances in the document that ensure discussions of fish passage. Ultimately, the discussion ended

with the Board overall agreeing that the fish passage is its own project and in general the Board agreed to move forward with the direction of this resolution.

Director Fuller closed the discussion by saying that the typos and phraseology will be considered. An acknowledgement could be added about pushing a portion of the project forward, but still committed to the whole vision. He said this resolution will be looked at by the City tomorrow evening and a final version will be brought back to the Board in two weeks. Director Fuller said he would like to get through this process with this Board.

Director Hovekamp added that he would like to respond to some of the comments tonight. He said that he disagrees that as a Board they have no say about privately held property. He said that they have a lot of say about public funds and public amenities; there is a lot of public process and discretion.

2. Draft Strategic Plan – *Quinn Keever, Michelle Healy, Jamie Sabbach*

Ms. Keever introduced Jamie Sabbach, the consultant for the Strategic Plan from 110 %. Ms. Sabbach said that she would be giving a high level overview of the process to create the Strategic Plan. She briefly reviewed her extensive background of working with park and recreation districts. Ms. Sabbach complimented staff for being an agency with very high standards that was able to complete this process in a timely manner, and remarked that this is difficult for many agencies.

Ms. Sabbach reviewed the elements of the plan found in the Board packet. She explained that the key issues resulted from all the feedback that was gathered from various meetings with staff and the Board. She reviewed the three pillars of the plan:

- Employees and Workplace Culture
- Community Relationships
- Operations and Management Practices

Ms. Sabbach said the pillars translate to 11 desired outcomes and stated that the performance measures will be defined from the outcomes. The District will establish baselines and then use the baseline to measure from, and said implementation and execution are critical to the plan along with the ability to measure growth. The plan identifies specific strategies to reach the desired outcomes. Ms. Sabbach touched on the overview of the action plan and explained that the Board will be updated at the conclusion of each year.

The Board requested a modification to the action plan that would include a little more detail about the measurements used. Written comments were provided to address some questions from the Board about the plan. Director Fuller asked the Board to submit any further comments in the next two days for staff to consider and respond to if necessary.

6:50 p.m. BREAK/TRANSITION

7:00 p.m. BUSINESS SESSION

VISITORS

Allegra Briggs: Ms. Briggs said that a river is not just a stream of water it is also a river of sediment and it is natural for sediment to flow down rivers. She explained that as the sediment flows down the river to Mirror Pond, it slows because it is a reservoir and then the sediment drops out. She went on to say that she doesn't think the Board understands how temporary of a fix dredging is for the pond. The last time there was a dredge in 1984, three years later the Bend Bulletin ran an article that spoke of the low flow of the river and the sediment and printed that it would need to be dredged again. Ms. Briggs said that this is a waste of tax payer's money. She encouraged the Board to look further for a more permanent solution. She said there should be sediment management project designed before the dredge; otherwise it is a waste of money and time.

Barb Campbell, City Councilor: Ms. Campbell said she is thrilled to hear that the Board might be considered turning Mirror Pond into a recreational facility. She said that now there is no swimming allowed in Mirror Pond and people who recreate on the river get out at Mirror Pond. She went on to say that it is a picture postcard background, it's a backdrop for prom kids and that's what we are getting for \$6 million right now. There is a document going around that is the history of Mirror Pond that tries to capture the process that the District and the City have been going through. She pointed out that in this document it is says over and over again "divided community" commenting that half love the pond and half want fish passage. She also called to attention a meeting at City hall; she named several people in attendance. Mirror Pond Solutions, a private entity, was there and only wanted to talk about their project. She said they didn't care about the divided community or a fish passage. She commented that Mirror Pond Solutions has their own money so they don't have to care, and stated elected officials do need to care. Ms. Campbell said she is determined to care about this.

David Paulson: Mr. Paulson said he emailed all the directors prior to the meeting. He asked that this decision be delayed until new board comes on, he said he feels that this project is dying. Mr. Paulson said the city councilors have failed at obtaining all the money for this and now they are putting this on parks and recreation. He stated the City will write their checks and walk away leaving the District with the responsibility and all future liabilities. Mr. Paulson commented that the new directors should be involved in this decision and this decision shouldn't be made by two people that want to get this locked down before they leave. He reviewed the points from the last resolution and indicated that most points are not included in this new draft of a resolution.

Craig Lacey: Mr. Lacey asked to make a few more remarks. He said he would like to comment on Councilor Campbell's comments. He thinks that a lot more than 50 percent of the community is in favor of fish passage. He participated in the visioning process and the community was divided, but the preferred alternative vision was favored by 74 percent of the people. This vision ended when PacifiCorp decided to keep the dam in place. He stated that since then there has been no public discussion about what to do next, just a series of meetings on how to fund the dredge and no study has been done to see how fast the sediment would fill in. He concluded by saying that all options have not been fully considered and the public has not been allowed to weigh in.

CONSENT AGENDA

1. Meeting Minutes – 05/21/2019

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

BUSINESS SESSION

1. Shevlin Park ADA Improvements Project Construction Contract Award – Jason Powell

Mr. Powell reviewed the Shevlin Park ADA project details, project funding from SDCs and explained the matching grants through a local government grant from Oregon State Parks. He said Deschutes Construction was low bidder for the job and the staff recommendation.

Director Grover made a motion to authorize the Executive Director to execute a construction contract to Deschutes Construction Corporation for the construction of the Shevlin Park ADA Improvements Project, in the amount of \$226,088, and to approve an additional 10% contingency of \$22,608, for a total construction budget not to exceed \$248,696. Director Sprang seconded. The motion passed unanimously, 5-0.

2. Second Reading and Adoption of SDC Ordinance No. 12 – Sarah Bodo

Ms. Bodo reviewed the timeline of Ordinance No. 12 and asked the Board to conduct the second reading of the ordinance and consider adoption. The Board asked for clarification on tiered SDCs that are not in the ordinance. Ms. Bodo explained that the tiers for single family and multifamily are included in the methodology. It is in the methodology so that the ordinance does not have to be changed when the tiers are implemented at a later date.

Director Fuller asked for a motion to conduct a second reading of Ordinance No. 12 – System Development Charges by title only.

Director Grover made a motion to conduct the second reading of Ordinance No. 12 – System Development Charges by title only. Director Schoenborn seconded. The motion passed unanimously, 5-0.

Director Schoenborn made a motion to adopt Ordinance No. 12 – System Development Charges, replacing Ordinance No. 8 and Ordinance No. 10. Director Grover seconded. The motion passed unanimously, 5-0.

3. Adopt Resolutions in support of Ordinance No. 12 – Sarah Bodo

4a. Adopt Resolution No. 421 – Adopting a Methodology for Calculating Park System Development Charges

4b. Adopt Resolution No. 422 – Adopting an SDC Capital Projects List:

4c. Adopt Resolution No. 423 – Adopting an SDC Waiver for Affordable Housing

4d. Adopt Resolution No. 424 – Adopting Procedures for Entering into Developer Recovery Agreements

4e. Adopt Resolution No. 425 – Adopting a Fee Schedule for System Development Charges

Ms. Bodo reviewed the resolutions that support Ordinance No. 12. She explained that they are separate from each other in order to make changes as needed to the resolutions without a change to the ordinance itself. She asked the Board to adopt the resolutions individually.

Director Hovekamp excused himself from the meeting.

Director Schoenborn made a motion to adopt Resolution No. 421, Adopting a Methodology for Calculating System Development Charges effective July 1, 2019. Director Grover seconded. The motion passed unanimously, 4-0.

Director Grover made a motion to adopt Resolution No. 422, Adopting an SDC Capital Projects List effective July 1, 2019. Director Sprang seconded. The motion passed unanimously, 4-0.

Director Sprang made a motion to adopt Resolution No. 423, Adopting an SDC Waiver for Affordable Housing effective July 1, 2019. Director Schoenborn seconded. The motion passed unanimously, 4-0.

Director Schoenborn made a motion to adopt Resolution No. 424, Adopting Procedures for Entering into Developer Recovery Agreements effective July 1, 2019. Director Grover seconded. The motion passed unanimously, 4-0.

Director Grover made a motion to adopt Resolution No. 425, Adopting a Fee Schedule for System Development Charges effective July 1, 2019. Director Sprang seconded. The motion passed unanimously, 4-0.

4. Hold Public Hearing and Adopt Resolutions pertaining to FY 2019-20 Budget – *Lindsey Lombard*

5a. Adopt Resolution No. 426 – Adopting the Budget and Making Appropriations for Fiscal Year 2019-20

5b. Adopt Resolution No. 427 - Imposing and Categorizing Taxes for Fiscal Year 2019-20

Ms. Lombard said she is bringing the budget to the Board this evening as it was approved by the budget committee with no changes from staff. She asked the Board to adopt the two resolutions separately for adopting the 2019-20 budget and imposing taxes for 2019-20.

Director Sprang made a motion to adopt Resolution No. 426, Adopting the Budget and Making Appropriations for Fiscal Year 2019-20. Director Grover seconded. The motion passed unanimously, 4-0.

Director Schoenborn made a motion to adopt Resolution No. 427, Imposing and Categorizing Taxes for Fiscal Year 2019-20. Director Grover seconded. The motion passed unanimously, 4-0.

5. Adopt Resolution No. 428 – Adopting the Capital Improvement Plan Summary for Fiscal Years Ending 2020 - 2024 – *Michelle Healy*

Ms. Healy presented the Capital Improvement Plan summary and remarked that no changes have been made to it since it was last presented.

Director Grover made a motion to adopt Resolution No. 428, Adopting the Five-Year Capital Improvement Plan Summary for fiscal years ending 2020 - 2024. Director Schoenborn seconded. The motion passed unanimously, 4-0.

EXECUTIVE DIRECTOR'S REPORT

Ms. Healy informed the Board that the City of Bend held a public meeting tonight about the 4 hour parking restrictions near McKay Park. She said that there will be an amendment to the Drake Park parking agreement to add parking restrictions to McKay Park in order to help support the costs of this change.

She also mentioned that the District is sponsoring Free Kid Wednesday at the Bend Elks. She encouraged the Board to attend June 5 and 26.

PROJECT REPORT– Attachment in Board Report

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

The Board expressed their appreciation to Director Grover and Director Fuller for their service to the District and Board of Directors.

Director Fuller said he shared with BLS school board information about Kids, Inc. and updated them on the fields going in at Pacific Crest Middle School.

ADJOURN 8:43pm

Prepared by,
Sheila Reed

Executive Assistant

Brady Fuller, Chair

Ted Schoenborn, Vice-Chair

Ellen Grover

Nathan Hovekamp

Lauren Sprang

BOARD AGENDA COMMUNICATION

AGENDA DATE:	June 18, 2019
SUBJECT:	Adopt the 2019-2022 Strategic Plan
STAFF RESOURCE:	Quinn Keever, Planner Michelle Healy, Deputy Executive Director
PREVIOUS BOARD ACTION:	Board Update, May 21, 2019 Board Update, June 4, 2019
ACTION PROPOSED:	Adopt the 2019-2022 Strategic Plan
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Review, monitor and periodically revise the Comprehensive Plan and Strategic Plan to ensure that they provide direction to address system deficiencies, respond to the needs of a growing community and plan for equitable distribution of facilities.

BACKGROUND

Staff recently completed a full re-write of the District's Strategic Plan, setting the framework for the District's internal operations over the next three years. The effort took seven months, incorporated input from over 100 staff, as well as the Board of Directors, and re-evaluated the District's priorities to ensure it remains agile, responsive and innovative.

As discussed during the June 4, 2019 board meeting, the plan includes three pillars--Employees and Workplace Culture, Community Relationships, and Operations and Management Practices. Within the pillars, there are 11 desired outcomes, 21 strategies, and numerous actions to support the strategies. The plan also includes measures for each desired outcome in order to track the District's progress over time, plus implementation strategies. Since the June 4 meeting, staff edited the plan based on feedback from the Board. The final plan is included as Attachment A.

The Strategic Plan is a living document that will include annual updates to ensure the plan's relevancy in meeting the District's desired outcomes, and quarterly updates to track staff's progress in accomplishing the action items that support the desired outcomes.

BUDGETARY IMPACT

No direct budget impacts.

STAFF RECOMMENDATION

Staff recommends the Board adopt the 2019-2022 Bend Park and Recreation District Strategic Plan.

MOTION

I move to adopt the 2019-2022 Bend Park and Recreation District Strategic Plan.

ATTACHMENTS

Attachment A – 2019-2022 Strategic Plan



2019-2022 Strategic Plan

Adopted June 2019

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ACKNOWLEDGEMENTS

Bend Park & Recreation District – Board of Directors

Brady Fuller, Chair

Ted Schoenborn, Vice-chair

Ellen Grover

Nathan Hovekamp

Lauren Sprang

District Staff

More than 100 Bend Park and Recreation staff members participated in and contributed to the development of the 2019-2022 Strategic Plan.

Facilitation of the Bend Park & Recreation District's 2019-2022 Strategic Plan provided by:





OUR BOARD



Brady
Fuller



Ted
Schoenborn



Ellen
Grover



Nathan
Hovekamp



Lauren
Sprang



OUR STAFF

INTRODUCTION

The Bend Park and Recreation District initiated a strategic planning effort beginning in November of 2018. The intent of the Strategic Plan is to establish a road map for the District's internal operations from 2019-2022, whereas the District's recently adopted Comprehensive Plan serves as a road map for the next ten years of park, trail and facility projects. The actionable framework resulting from the process further guides the District to be agile, responsive and innovative in its management of resources moving forward.

The Strategic Plan process included more than 40 hours of workshops, work sessions and meetings with District staff and Board members. This immersion allowed for the project team to hear from those who know the District best and who will ultimately be responsible for implementing the plan and monitoring its effectiveness. Numerous staff and the Board of Directors actively participated in the planning process providing the project team a clear picture of the current state of the organization, including current trends, community demographics, and market and economic conditions. They also identified current and future needs, and interests which serve as the basis for the pillars, desired outcomes, strategies and actions included in the plan.

Plan development focused on several critical factors that improve the probability of organizational improvement and effectiveness including:

- Development in cooperation with staff who are ultimately responsible for carrying the plan to fruition.
- Development in cooperation with Board members who are representatives of Bend residents and the community.
- Development so that the plan is "living" - capable of evolving with constantly changing social, political, technological and economic conditions.
- Development with the expectation that the plan will be consistently monitored and measured, both in terms of progress and value.



Brand Statement

It is about living in the moment, but also about creating a legacy for the future.

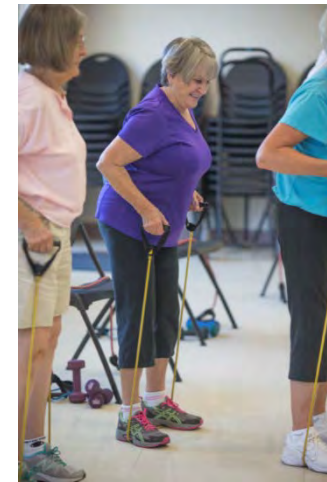
We embrace the obvious! We believe that play holds the key to happy and healthy lives in our community — here and now, as well as 50 years ahead.

How do we do it? Through play, BPRD engineers a joyous mixture of exploration and discovery — and plants the seed for amazing experiences. We offer opportunities to grow and to thrive. Play for Life brings possibility to all ages in our community, from 1 to 100.

Don't get us wrong. We take our playful role seriously. We are instigators, planners and stewards, encouraging our community to Play for Life and Live to Play.



play for life



OUR VALUES...

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.



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 parks, trails, and recreation
services.

KEY ISSUES providing the foundation of the 2019-2022 STRATEGIC PLAN

As the process of developing the 2019-2022 Strategic Plan unfolded, a series of themes emerged as KEY ISSUES (*bottom*) that are expected to continue to significantly influence the Bend community and District operations in both the short and long term.

EQUITABLE ACCESS & AFFORDABILITY

Access to services for those with limited abilities, living in lower socio-economic conditions, or other similar factors that may prevent or prohibit them from participating in District services is paramount to equity. The dynamically changing demographic profile of Bend suggests that access and affordability interests should continue to influence how the District provides park and recreation opportunities for those who require some type of assistance to access District services.

COMMUNICATION

Internal and external communication efforts require clear, transparent and effective methods and messaging that lead to enhanced, improved and productive relationships amongst District staff, and between District staff, Bend residents, partner organizations, and other District stakeholders.

GROWTH IMPACTS

Growth in Bend and surrounding areas has bred a broad spectrum of perspectives, needs and expectations from an increasingly diverse population. Additional impacts include a higher cost of living inhibiting some from residing in and around Bend (e.g., current and prospective District staff), and more than a decade of rapid District expansion resulting in more services and added infrastructure requiring substantial resources to sustain and maintain.

SUSTAINABILITY & STABILITY

Moving towards resource sustainability and organizational stability requires a balanced approach between new development and maintaining existing infrastructure; creating and fostering operational practices that ensure a stable bottom line; competing only when demand justifies supply; addressing employee pay in order to recruit and retain quality staff in a community where cost of living continues to escalate; and further development of internal succession opportunities as appropriate.

TRUST

Fostering trust encourages decision making and actions which lead to supporting the best interests of the entire Bend community and the employees who honorably serve the District. When a culture of trust is created, reciprocal benefits are realized by internal and external communities.

THE 3 PILLARS

Employees & Workplace Culture

Becoming a workplace that is second to none in performance and satisfaction.

Community Relationships

Strengthening community connections and partnerships.

Operations & Management Practices

Building upon current management practices that support responsible use of resources and stability.

These key issues became the foundation for three Strategic Plan pillars (*above*). These pillars are, in essence, where the District will place energies and resources with the expectation that it will make the greatest impact on operational effectiveness and its efforts to serve the Bend community.

Once the pillars were established, the project team worked with staff and the Board to develop desired outcomes, strategies and actions. The desired outcomes are shown on the following page, and more details about strategies and actions can be found in the Action Plan included in Appendix A.

By working towards the actions identified in Appendix A, the District will continue to build upon its current organizational strength.



DESIRED OUTCOMES

Employees & Workplace Culture

Becoming a workplace that is second to none in performance and satisfaction.



Desired Outcome 1:
Sufficiently staffed with well qualified employees in all positions

Desired Outcome 2:
Employees have an opportunity to learn and grow

Desired Outcome 3:
A workforce that is heard, informed, involved and valued

Community Relationships

Strengthening community connections and partnerships.



Desired Outcome 1:
The District is strategic about partnerships

Desired Outcome 2:
A community better informed about the District

Desired Outcome 3:
District services that are accessible to all

Desired Outcome 4:
Exceptional customer and community experiences

Operations & Management Practices

Building upon current management practices that support responsible use of resources and stability.



Desired Outcome 1:
Staffing levels that are consistent with District growth

Desired Outcome 2:
Balance between caring for existing infrastructure and new development

Desired Outcome 3:
Be a local leader in environmental stewardship

Desired Outcome 4:
Financial well-being supported by strong business practices

MEASURING PERFORMANCE

The District is committed to measuring its performance. Measuring performance and evaluating effectiveness requires quantified baselines from which measurement takes place. The District has some baselines already established while others will be established as the result of this Strategic Plan. Once all baselines have been established, performance measures (metrics) can be developed.

The various tools the District will use to establish baselines and ultimately measure performance include but are not limited to: perception surveys, recreation surveys, needs assessment methods, employee surveys, partner surveys, financial reports, and other feedback mechanisms. The indicators developed for each outcome are proposed and may change over time as data are collected. The District may choose to add, modify or eliminate performance indicators in order to meet organizational and community needs.

Measuring Performance: Employees & Workplace Culture

Becoming a workplace that is second to none in performance and satisfaction.



Desired Outcome 1: Sufficiently staffed with well qualified employees in all positions

- ☐ Increased percentage of new employees who believe on-boarding methods are effective.
- ☐ Increased number of applications received that meet minimum qualifications for historically challenging positions to fill.
- ☐ Reduced turnover rates in historically high turnover positions.

Desired Outcome 2: Employees have an opportunity to learn and grow

- ☐ Increased percentage of employees participating in formal professional development plans.
- ☐ Amount of funding allocated for professional development in comparison to number of employees by department.

Desired Outcome 3: A workforce that is heard, informed, involved and valued

- ☐ Increased employee satisfaction rates.
- ☐ Increased levels of effectiveness for flex time users and supervisors.

Measuring Performance: Community Relationships

Strengthening community connections and partnerships.



Desired Outcome 1: The District is strategic about partnerships

- ☐ Improved partner perceptions of District as a collaborator.
- ☐ Increased ratio of benefit to community (financial, service to community) in relation to the costs (financial and/or staff time) associated with those partnerships.

Desired Outcome 2: A community better informed about the District

- ☐ Improved level of community awareness of the District (level of knowledge regarding resource sources and utilization, trust, etc.).
- ☐ Increased number of Board appearances that provide for District educational platforms.

Desired Outcome 3: District services that are accessible to all

- ☐ Increased percentage of the District's population that participates in District recreation programs.
- ☐ An equivalent percentage of District's participants using Needs Based Assistance (NBA) compared with the community's demographics.
- ☐ Number of people served per \$10,000 in NBA investment.
- ☐ Number of Latino families engaged by District outreach efforts compared to the number of Latino families that participate in District programs.
- ☐ Percentage of Americans with Disabilities Act (ADA) Transition Plan projects completed.

Desired Outcome 4: Exceptional customer and community experiences

- ☐ Maintain the District's customer satisfaction rating at or above 90%.
- ☐ Increased number of respondents who rate District services at the highest level (in each relevant survey).
- ☐ Maintained or improved "Net Promoter" score for programs and services.

Measuring Performance: Operations & Management Practices

Building upon current management practices that support responsible use of resources and stability.



Desired Outcome 1: Staffing levels that are consistent with District growth

- ☐ Measure current full-time equivalents (FTEs) per 1,000 population.
- ☐ Measure FTEs by department per service provided (e.g., FTE per acre of land, FTE per total recreation participation).

Desired Outcome 2: A balance between caring for existing infrastructure and new development

- ☐ Increased percentage of high-risk factor assets (as identified in the Asset Management Plan) completed or identified in the Capital Improvement Plan (CIP).
- ☐ Decrease the percentage of assets that have exceeded their identified life expectancy.
- ☐ Levels of Service identified in Comprehensive Plan are met or exceeded.

Desired Outcome 3: Be a local leader in environmental stewardship

- ☐ Increased percentage of actions completed in the Strategic Energy Management (SEM) opportunity register.
- ☐ Increased level of community awareness regarding District efforts to be environmentally responsible.

Desired Outcome 4: Financial well-being supported by strong business practices

- ☐ Increased percentage of staff who have access to and understanding of the District's current and anticipated financial condition (operations and capital budgets).
- ☐ Commission for Accreditation of Park and Recreation Agencies (CAPRA) re-accreditation is granted.
- ☐ Percentage of undesignated reserves to budgeted expenditures remains at or above level as set in Board Reserves Policy.

Maintain awareness

Maintaining awareness of the District's commitment to the Strategic Plan and its associated Action Plan (Appendix A) amongst all staff and the Board is critical to success – and this must go beyond an occasional speech, an annual meeting, or sending the occasional email. After spending months crafting the plan and its pillars, desired outcomes, strategies and actions, it is important that the same commitment, drive and passion that carried through plan development is continued into implementation, execution and monitoring progress.

Generate and keep the momentum

It is essential to reinforce action when it is taken. Regular, consistent review of effort is needed to provide feedback, take corrective action, hold staff accountable, and keep the District on course.

Monitoring & keeping score

Monitoring the implementation of the plan is important for several reasons. First, it helps ensure that work is progressing, and the District is assessing whether or not it is accomplishing the desired outcomes. Second, monitoring provides the opportunity to communicate progress, both internally and externally. Third, it identifies where problems and opportunities lie and what has changed allowing for corrective actions including adjustment or setting a new course. Most importantly, monitoring demonstrates a commitment to the plan, and translating the planning effort into tangible reality rather than it having become an occasional academic exercise.

IMPLEMENTING, MONITORING & EXECUTING the PLAN





IMPLEMENTATION STRATEGIES

- ☐ Roll-out the plan, clarify the pillars, goals, actions, teams and leads, and discuss expectations during a Leadership Team meeting. Similar efforts can be held regularly to encourage an on-going commitment.
- ☐ A copy (electronic and/or printed) of the Action Plan should be distributed to all staff.
- ☐ Timetables should be set for progress-reporting (e.g., quarterly basis, annual basis).
- ☐ Forums or methods for electronic reporting should be developed. This should include establishing mechanisms for updating the document itself.
- ☐ Develop coaching sessions for leads in advance of their team's work, setting them up for success.
- ☐ Leads should schedule time with their teams to address their action assignments and associated timelines.
- ☐ Leads should schedule check-ins to discuss progress, and challenges and to prepare progress reports.



IMPLEMENTATION STRATEGIES

- ☐ Hold Leadership Team Action Plan updates on a quarterly basis requiring that all leads listed in the plan report out on progress made for the actions for which they are responsible. Keep these gatherings engaging, fun and celebratory to recognize accomplishments and success.
- ☐ The Action Plan should be a standing agenda item on regular staff meeting agendas – keep it front and center at all times.
- ☐ At the conclusion of each year, previous and subsequent year's strategies and actions should be reviewed to determine their relevance moving forward. Adjustments should be made as necessary and appropriate.
- ☐ At the conclusion of each year, prepare an annual report which details Action Plan progress and distribute as appropriate.
- ☐ Provide the Board of Directors with an annual update on plan progress.
- ☐ Provide the Board of Directors with a report at the beginning of each budget process to lay out actions to be taken in the upcoming fiscal year.
- ☐ An electronic parking lot may be created for the collection of ideas, concepts, etc., to help strengthen the Action Plan and assist with the development of new priorities, strategies, and actions for subsequent years.

APPENDIX – Action Plan

EMPLOYEES & WORKPLACE CULTURE

Desired Outcome 1: Sufficiently staffed with well qualified employees in all positions

Performance Measures

1. Increased percentage of new employees who believe on-boarding methods are effective.
2. Increased number of applications received that meet minimum qualifications for historically challenging positions to fill.
3. Reduced turnover rates in historically high turnover positions.

Strategy 1a. Be an employer of choice through recruitment and retention practices that reflect needs and work experiences desired by a modern work force.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Recruit to new audiences.	Administration	High	X	X	X	X
ii.	Evaluate part-time/seasonal structure to determine if there are more responsive ways to meet business and employee needs.	Executive Team	High		X	X	
iii.	Implement findings and recommendations from the Compensation and Pay Equity Study, and communicate to employees.	Executive Team/Administration	High		X		
iv.	Collect and analyze data to inform and improve employee recruitment strategies.	Administration	Med			X	
v.	Review existing benefit package, as well as new, and non-traditional benefits (identify what non-traditional benefits are).	Administration	Med			X	
vi.	Evaluate effectiveness of onboarding process. Enhance consistency and delivery methods District-wide based upon evaluation.	Administration	Med			X	
vii.	Collect and analyze data to inform and improve employee retention strategies in areas with high turnover.	Administration	Med		X	X	X

EMPLOYEES & WORKPLACE CULTURE

Desired Outcome 2: All employees have an opportunity to learn and grow

Performance Measures

1. Increased percentage of employees participating in formal professional development plans.
2. Amount of funding allocated for professional development in comparison to number of employees by department.

Strategy 2a. Plan for meeting future leadership transitions.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Enhance professional development program for interested employees.	Administration	High	X			
ii.	Forecast and communicate potential future positions.	Executive Team	Low			X	

Strategy 2b. Provide for effective and efficient District-wide training opportunities.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Evaluate effectiveness and value of mandatory training.	Administration	High		X		
ii.	Develop alternative training delivery methods (more interactive).	Administration	High			X	

EMPLOYEES & WORKPLACE CULTURE

Desired Outcome 3: A workforce that is heard, informed, involved and valued

Performance Measures

1. Increased employee satisfaction rates.
2. Increased levels of effectiveness for flex time users and supervisors.

Strategy 3a. Engage and recognize staff.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Transfer Employees Relations Committee from policy to charter and evaluate purpose and effectiveness.	Employee Relations Committee	Low	X	X		
ii.	Provide supervisors and managers tools and/or training to improve the performance evaluation process.	Human Resources	Low		X	X	
iii.	Evaluate the effectiveness of the recognition program.	Employee Relations Committee	Med			X	

Strategy 3b. Continue to develop a collaborative work culture across departments.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Introduce or enhance communication tools to improve employees' ability to communicate with one another.	Community Relations/Administration	High			X	X
ii.	Identify and implement opportunities for cross departmental teams (e.g. interview teams).	Leadership Team	Low			X	X

EMPLOYEES & WORKPLACE CULTURE

Desired Outcome 3: A workforce that is heard, informed, involved and valued

Performance Measures

1. Increased employee satisfaction rates.
2. Increased levels of effectiveness for flex time users and supervisors.

Strategy 3c. Support work-life balance.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Develop specific policies and practices for use of trade/exchange/flex time for exempt staff.	Leadership Team	Low		X		
ii.	Address the need for on-call support in all departments.	Leadership Team	Med		X		
iii.	Evaluate the new Flexible Work Schedule Policy to determine if it is meeting the needs of employees, the District and the overall intent of the policy and adjust as necessary.	Human Resources	Low			X	

COMMUNITY RELATIONSHIPS

Desired Outcome 1: The District is strategic about partnerships

Performance Measures

1. Improved partner perceptions of District as a collaborator.
2. Increased ratio of benefit to community (financial, service to community) in relation to the costs (financial and/or staff time) associated with those partnerships.

Strategy 1a. Be viewed as a collaborative organization in the community.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Develop a communications partnership plan.	Community Relations	High		X		

Strategy 1b. Partner when there is shared mission and broad community benefit.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Revise the District's current partnership policy to define different levels of collaborative relationships and criteria (this includes sponsorships).	Community Relations	Med	X			
ii.	Create stronger and more meaningful partnerships with other governmental agencies.	Executive Team	Med	X	X	X	X
iii.	Identify and formalize "legacy" community partnerships that have not yet been documented.	Executive Team	Low		X		
iv.	Create a partnership management plan with supporting processes and systems.	Executive Team	High		X	X	

COMMUNITY RELATIONSHIPS

Desired Outcome 2: A community better informed about the District

Performance Measures

1. Improved level of community awareness of the District (level of knowledge regarding resource sources and utilization, trust, etc.).
2. Increased number of Board appearances that provide for District educational platforms.

Strategy 2a. Generate a greater public understanding that BPRD is the community's dedicated source for park and recreation services.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Educate our workforce on how to respond effectively and professionally to misinformation about BPRD in the community. E.g. Projects, taxes, SDCs, or political issues, county vs. city.	Community Relations	High	X	X	X	X

Strategy 2b. Foster community trust in BPRD to use resources to best benefit the community.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Develop questions for the public perception survey that are designed to identify trust-building opportunities.	Planning & Development	Low	X			
ii.	Develop method for on-going education and information sharing with Board, Budget Committee members (especially new/newer members) and the public on District finances and resource allocation decisions.	Administration	High	X	X		
iii.	Develop a BPRD 101 fact sheet, presentation template and talking points.	Community Relations	Med		X		
iv.	Create a BPRD 101 tour where District staff and/or Board members can present District information and happenings of interest at various community events and gatherings.	Community Relations	High			X	

COMMUNITY RELATIONSHIPS

Desired Outcome 3: District services that are accessible to all

Performance Measures

1. Increased percentage of the District's population that participates in District recreation programs.
2. An equivalent percentage of District's participants using Needs Based Assistance (NBA) compared with the community's demographics.
3. Number of people served per \$10,000 in NBA investment.
4. Number of Latino families engaged by District outreach efforts compared to the number of Latino families that participate in District programs.
5. Percentage of Americans with Disabilities Act (ADA) Transition Plan projects completed.

Strategy 3a. Develop solutions and required resources to mitigate identified barriers to participation and involvement.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Increase knowledge of and access to the District's scholarship program.	Recreation	Low	X	X		
ii.	Invest in targeted programming that minimizes barriers for low-income populations.	Recreation	High	X	X		
iii.	Expand targeted outreach for the Latino population.	Recreation	Low	X	X		
iv.	Analyze recreation participant data to identify underserved geographic areas in programming.	Recreation	Low		X		
v.	Evaluate the effectiveness of the Needs Based Assistance (NBA) policy and plans in 2022, and adjust as necessary.	Recreation	Low			X	
vi.	Develop maps, signage and other information highlighting accessible recreation opportunities.	Community Relations/ Planning & Development	High			X	
vii.	Evaluate and prioritize additional barriers to participation (that are in addition to physical access, Latino population and low-income population).	Recreation	Med			X	X

COMMUNITY RELATIONSHIPS

Desired Outcome 3: District services that are accessible to all

Performance Measures

1. Increased percentage of the District's population that participates in District recreation programs.
2. An equivalent percentage of District's participants using Needs Based Assistance (NBA) compared with the community's demographics.
3. Number of people served per \$10,000 in NBA investment.
4. Number of Latino families engaged by District outreach efforts compared to the number of Latino families that participate in District programs.
5. Percentage of Americans with Disabilities Act (ADA) Transition Plan projects completed.

Strategy 3b. Foster a climate of inclusion for all community members.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Create a diversity, equity, and inclusion program that develops a value statement, policies, and training opportunities, etc.	Executive Team	High				X
ii.	Evaluate the value and feasibility of collecting demographic information through registration, and implement if determined.	Recreation	Low				X

COMMUNITY RELATIONSHIPS

Desired Outcome 4: Exceptional customer and community experiences

Performance Measures

1. Maintain the District's customer satisfaction rating at or above 90%.
2. Increased number of respondents who rate District services at the highest level (in each relevant survey).
3. Maintained or improved "Net Promoter" score for programs and services.

Strategy 4a. Provide exceptional experiences during each facet of the customer's interaction with the District.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Launch Larkspur Community Center programming and operations, and integrate into the overall recreation program.	Recreation	High	X	X	X	
ii.	Develop and implement a Customer Loyalty Program.	Recreation	Low		X		
iii.	Develop operational and communications strategies for the opening of the bike park at Big Sky and unique amenities at Alpenglöw (i.e. rock climbing and the splash pad).	Planning & Development/ Community Relations	Med		X	X	
iv.	Create a District Customer Experience program which includes expectations and how-tos, helpful hints, etc.	Community Relations/ Recreation	High			X	

OPERATIONS & MANAGEMENT PRACTICES

Desired Outcome 1: Staffing levels that are consistent with District growth

Performance Measures

1. Measure current full-time equivalents (FTEs) per 1,000 population.
2. Measure FTEs by department per service provided (e.g., FTE per acre of land, FTE per total recreation participation).

Strategy 1a. Align staffing with desired levels of service.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2020
i.	Cross train employees to ensure there is back up and support for key functions in order to balance work loads.	Executive Team	Med	X	X	X	
ii.	Define minimum and desired staff levels for each service area of the District.	Recreation	Med		X	X	

OPERATIONS & MANAGEMENT PRACTICES

Desired Outcome 2: A balance between caring for existing infrastructure and new development

Performance Measures

1. Increased percentage of high-risk factor assets (as identified in the Asset Management Plan) completed or identified in the Capital Improvement Plan (CIP).
2. Decrease the percentage of assets that have exceeded their identified life expectancy.
3. Levels of Service identified in Comprehensive Plan are met or exceeded.

Strategy 2a. Continue to "take care of what we have" by prioritizing investments in the District's existing assets.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Determine additional steps and resources necessary to fully implement the District's Asset Management Plan.	Park Services	High	x	X		
ii.	Develop a tool to forecast Operations & Maintenance (O&M) costs prior to a project being listed on the Capital Improvement Plan (CIP).	Park Services	Med	X	X		
iii.	Plan and prioritize funding for a new Park Services shop.	Planning & Development/ Administration	High		X	X	
iv.	Evaluate current preventative maintenance practices and adjust as needed.	Park Services	Med		X	X	

OPERATIONS & MANAGEMENT PRACTICES

Desired Outcome 2: A balance between caring for existing infrastructure and new development

Performance Measures

1. Increased percentage of high-risk factor assets (as identified in the Asset Management Plan) completed or identified in the Capital Improvement Plan (CIP).
2. Decrease the percentage of assets that have exceeded their identified life expectancy.
3. Levels of Service identified in Comprehensive Plan are met or exceeded.

Strategy 2b. Ensure the District is maintaining its adopted Level of Service targets.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Work with the Board of Directors to determine the District's role in providing transportation options within the urban trail system in collaboration with the City of Bend.	Planning & Development	High		X		
ii.	Education and outreach for staff about the Comprehensive Plan, Level of Service (LOS) Targets and current status.	Planning & Development	Low		X	X	
iii.	Measure progress on meeting the LOS targets for parks and trails in the adopted Comprehensive Plan and Capital Improvement Plan (CIP).	Planning & Development	Low		X	X	X

OPERATIONS & MANAGEMENT PRACTICES

Desired Outcome 3: Be a local leader in environmental stewardship

Performance Measures

1. Increased percentage of actions completed in the Strategic Energy Management (SEM) opportunity register.
2. Increased level of community awareness regarding District efforts to be environmentally responsible.

Strategy 3a. Use environmentally responsible internal practices.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Implement additional sustainable practices in each operational area which embrace environmental standards and supports the City of Bend's Climate Action Plan.	Sustainability Committee	Med	X	X	X	X
ii.	Develop specific environmental responsibility guidelines which drive purchasing decisions (including equipment, supplies, structures and furnishings, etc.)	Administration	High		X	X	
iii.	Create a public awareness campaign to inform the public about the District's sustainability practices.	Community Relations	High				X

Strategy 3b. Improve efforts to be responsible stewards of the natural environment.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Update Park Service's Integrated Pest Management program to consider a pilot program to eliminate the use of chemicals in certain areas.	Park Services	Med	X			
ii.	Complete the River Access Study that identifies the appropriate level of recreation access with environmental impacts on the Deschutes River.	Planning & Development	High	X	X	X	
iii.	Integrate sustainability values and practices in recreation programming when feasible.	Recreation	Low		X	X	

OPERATIONS & MANAGEMENT PRACTICES

Desired Outcome 4: Financial well-being supported by strong business practices

Performance Measures

1. Increased percentage of staff who have access to, and understanding of the District's current and anticipated financial condition (operations and capital budgets).
2. Commission for Accreditation of Park and Recreation Agencies (CAPRA) re-accreditation is granted.
3. Percentage of undesignated reserves to budgeted expenditures remains at or above level as set in Board Reserves Policy.

Strategy 4a. Ensure staff are well-informed about the District's financial status and future plans.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Develop a communications plan to educate and inform District staff about operating and capital budgets (delivery method ideas: lunch and learn; PowerPoint; video; meetings; My BPRD).	Administration	Med	X			

Strategy 4b. Invest in services that provide the greatest community benefit while maintaining financial stability.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Create business plans for recreation service areas to ensure services are responsive to community needs and support long term financial sustainability.	Recreation	High	X	X		
ii.	Earn Commission for Accreditation of Park and Recreation Agencies (CAPRA) re-accreditation.	Executive Team	High	X	X	X	

Strategy 4c. Plan for long-term financial health.

Actions:		Team	Resource Requirement (High, Med or Low)	2019	2020	2021	2022
i.	Implement risk-based approach to reserves and periodically evaluate.	Administration	Low		X		
ii.	Research best practices, methods and tools for long term planning and forecasting to enhance scenario analysis.	Administration	Med				X

BOARD AGENDA COMMUNICATION

AGENDA DATE:	June 18, 2019
SUBJECT:	Pine Nursery Park Playground Surfacing Contract Award
STAFF RESOURCE:	Jason Powell, Construction Manager Brian Hudspeth, Development Manager Michelle Healy, Deputy Executive Director
PREVIOUS BOARD ACTION:	Contract; June 4, 2013, Pine Nursery Infrastructure Contract; April 15, 2014, Landscape & Irrigation Contract; November 4, 2014 Pickleball Phase 2 Contract; December 16, 2014 Pine Nursery Phase 3
ACTION PROPOSED:	Award Construction Contract at Pine Nursery Park
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Respond to User Expectations
Initiative:	Provide park and facility maintenance based on community expectations

BACKGROUND

The playground at Pine Nursery Park is currently closed due to problems with the playground surfacing. These problems are a safety concern and need to be repaired before allowing the public to use the play equipment.

The District solicited bids this spring to repair the surfacing. The following three bids were received on May 8, 2019:

<u>Company</u>	<u>Total Bid</u>
Precision Recreation Contractors, Inc.	\$110,924.04
GR Morgan Construction	\$130,144.04
A West Pacific Contractors	\$112,208.64

Precision Recreation Contractors, Inc. is the low bidder with a bid of \$110,924.04. If approved, the repair work is tentatively scheduled to start in October 2019.

BUDGETARY IMPACT

This project is not in the 2020-2024 Capital Improvement Plan (CIP), or the 2019-2020 fiscal year adopted budget. This was an unanticipated repair that arose after the approval of the CIP and budget.

The construction bid price is \$110,924.04. With a 10% contingency the total construction budget would be \$122,016.04. With possible incidental work by the District the total anticipated cost of the project would not exceed \$130,000.

There is \$1,250,000 in appropriated, but undesignated funding, included in the Facility Reserve Fund in the 2019-2020 adopted budget. Staff is requesting the Board allocate \$130,000 of this funding to complete the project. If approved by the Board, staff would amend the 2020-2024 CIP to allocate \$130,000 in property taxes for this project.

STAFF RECOMMENDATION

Staff recommends that the Board award a contract to the low bidder, Precision Recreation Contractors, Inc., in the amount of \$110,924.04 and an additional 10% contingency of \$11,092.00 for a total construction budget not to exceed \$122,016.04. Staff also recommends the CIP be amended to include a total funding allocation of \$130,000 in property taxes for this project.

MOTION

- 1. I move to amend the 2020-2024 Capital Improvement Plan to add the Pine Nursery Playground Surfacing project with a funding allocation of \$130,000 in property taxes.***
- 2. I move to authorize the Executive Director to execute a construction contract to Precision Recreation Contractors, Inc. for the construction of the Pine Nursery Park Playground Surfacing Project in the amount of \$110,924.04, and to approve an additional 10% contingency of \$11,092.00, for a construction budget not to exceed \$122,016.04.***

ATTACHMENTS

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	June 18, 2019
SUBJECT:	Mirror Pond Resolution
STAFF RESOURCE:	Brady Fuller, BPRD Board Chair Don Horton, Executive Director
PREVIOUS BOARD ACTION:	Discussion to consider adoption of resolution for Mirror Pond – June 4 Board Work Session
ACTION PROPOSED:	Adopt resolution No. 430

BACKGROUND

On December 18, 2019 the Board of Directors adopted Resolution No. 345 guiding a partnership with the City of Bend for the dredging of Mirror Pond. Since December 18, 2018, the Bend City Council held a community listening session where more than 50 people testified about the values they hold around Mirror Pond and a possible dredge. The City of Bend has also held two work sessions to discuss the role that the City may have in partnering with the District to provide funding toward the dredging project.

On June 4 the Board further discussed the resolution. Some requests for modification to the language of the resolution were requested. The City Council reviewed the edits at their meeting on June 5 and has incorporated the changes. On June 5, the Bend City Council also reviewed the Draft Resolution.

On May 29 and June 11, Brady Fuller, BPRD Board Chair and Don Horton, BPRD Executive Director met with representatives of the City of Bend to map out a strategy for moving forward with a resolution that both agencies might consider. In this work session, Don Horton will review with the Board the changes to the resolution that were requested by both boards during their June 4 and June 5 meetings.

The purpose of the resolutions adopted by the City of Bend and the District is to provide guidance in the eventual development of an Intergovernmental Agreement between the two agencies that will specifically address the roles and responsibilities of each agency. Adoption of this resolution sets the parameters from which the City Manager and I will draft an IGA.

In your packet there are two resolutions:

- 1) Resolution 430 Redline in order to see what was changed from the last version
- 2) Resolution 430 – a clean version

MOTION

I move to adopt Resolution 430 to advance the Mirror Pond vision by calling for a process for Bend Park and Recreation District and the City of Bend to work together toward an update of the Mirror Pond Vision and to set forth the parameters to guide a subsequent agreement to dredge Mirror Pond.

ATTACHMENTS

Resolution 430 – redline version

Resolution 430 – clean version

**CITY OF BEND RESOLUTION NO.
BEND PARK AND RECREATION DISTRICT RESOLUTION NO.**

A RESOLUTION DESCRIBING CONDITIONS FOR A COLLABORATION BETWEEN THE CITY OF BEND (CITY) AND BEND PARK AND RECREATION DISTRICT (BPRD) TO CONTRIBUTE TO THE PRESERVATION OF MIRROR POND, AND SETTING FORTH THE FRAMEWORK FOR A MEMORANDUM OF UNDERSTANDING (MOU) AND AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE TWO ENTITIES

Findings

- A. The creation of Mirror Pond was a side effect of the construction of the Bend Water, Light and Power Company's hydroelectric dam in 1910. Mirror Pond became a collector for sediment flowing through the Deschutes River, which backs up into the pond and further upstream from the Bend Hydro Dam (also called the "Pacific Power Hydro Dam" or "Newport Avenue Dam"), owned by PacifiCorp (dba Pacific Power in Oregon).
- B. Mirror Pond was last dredged in 1984 to remove sediment. The 1984 project was funded by a federal grant, the City of Bend, Bend Park and Recreation District (BPRD), and private contributions in the following percentages: Federal (48%); BPRD (19%); City (16%); Pacific Power (10%); private contributions (6%). The 1984 project was based on the 1981 Mirror Pond Rehabilitation Study, which identified 352,806 cubic yards of silt and debris for possible removal at an estimated cost of \$1,340,300. However, due to funding limitations only 60,000 cubic yards were removed at a cost of \$312,000 or \$5.20/cubic yard. Sediment was removed at an average depth of 5-6 feet starting at the Bend Hydro Dam and moving south towards the Galveston Bridge.
- C. Since the early 2000s, various groups organized by the City have studied options and developed scenarios to address sediment build-up, including the Mirror Pond Management Board, the Mirror Pond Steering Committee, and the Mirror Pond Ad Hoc Committee.
- D. In December 2013, the City Council and BPRD Board of Directors resolved to pursue the preservation of Mirror Pond and further assess the costs and discussions with PacifiCorp about the future of the Dam. In 2015, the City Council and the BPRD Board agreed with the recommendation of the Ad Hoc Advisory Committee for a preferred alternative vision for Mirror Pond, characterized as a "middle ground" between the status quo option of dredging Mirror Pond and the "natural river" option of removing the Dam and allowing the river to flow naturally. (See City Resolutions 2932, 2981; BPRD Resolution 375).
- E. The Ad Hoc Committee identified the following seven goals for the Dam and Mirror Pond: 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. (See Resolution 2981 and BPRD Resolution No. 375).

- F. In 2016, Pacific Power, through its Sr. Vice President, provided a public statement that it was “committed to the Newport Dam/Bend Hydro project for the long-term.”
- G. The City believes it should focus its limited staff and financial resources on areas of governance that are among the primary responsibilities of a municipality such as transportation, land use, water utilities, and public safety.
- H. Mirror Pond is an aesthetic and recreational amenity~~has become a recreational facility or amenity~~ used and enjoyed by many citizens and visitors in conjunction with recreational activities or for its aesthetic qualities. Canoeing, kayaking, and floating have increased in popularity in recent years, and Mirror Pond is the terminus of BPRD’s signature “float the river” route.
- I. The responsibility for policymaking and management of public recreational facilities primarily belongs with BPRD. BPRD does not currently have jurisdiction over Mirror Pond. Through an MOU between Mirror Pond Solutions LLC (the dredging project proponents) and BPRD certain conditions are to be satisfied in order for BPRD to take ownership of Mirror Pond.
- J. The City desires to be a good steward of natural resources and to comply with all applicable federal, state, and local laws regulations. The City will operate its transportation and storm drain systems so as to reduce the amount of pollutants to the Deschutes River and Mirror Pond to the maximum extent practicable using best management practices. To that end, the City remains committed to a robust stormwater management plan for areas of its municipal separate storm sewer system basin that drain to the river.
- K. Within the City’s role related to the Deschutes River and Mirror Pond, the City’s plans to conduct independent work, or work in conjunction with ~~the~~ BPRD, on future projects to replace and/or modernize the 13 stormwater outfalls as reflected in its 2015-2030 stormwater master plan. Although cost estimates for this work vary considerably depending on number of outfalls that can actually be replaced, and if not replaced, what type of stormwater solution is deployed as a result, the Class 5 estimated cost is \$3.5 million. Additional planned and recently completed storm drainage capital improvement projects, within the basin discharging to or just upstream of Mirror Pond will help prevent stormwater runoff and improve water quality, at a Class 5 estimated cost of \$8 million dollars.
- L. City General Fund revenues support public safety (police and fire) and street operations. In Bend, parks and recreation services and facilities are ably run by a separate taxing district. However, the City also recognizes the importance of aesthetic and recreational amenities ~~recreational spaces and aesthetic landmarks~~

such as Mirror Pond as a contributor to the economy and vibrancy of Bend and Central Oregon. BPRD recognizes the important service that the City provides in managing the eCity's stormwater plan.

- M. BPRD provides stewardship of the banks of the Deschutes River along all District-owned or controlled properties. As a part of the Mirror Pond Vision, BPRD will be constructing a boardwalk extending the Deschutes River Trail from Pacific Park to Drake Park in areas adjacent to Mirror Pond. BPRD will also be reestablishing riparian habitat identified in the vision as an environmental benefit to the pond.
- N. The City owns and maintains a pedestrian bridge across Mirror Pond providing pedestrian access between Drake Park and Pageant Park and is a link in the City bicycle transportation plan.
- O. The City and BPRD desire a collaborative relationship with one another in order to pursue reasonable solutions to the dredge portion of the Mirror Pond Community Vision.
- P. In 2018, BPRD, Pacific Power, Mirror Pond Solutions (through public fundraising), and the City agreed to provide contributions of \$300,000 each toward the efforts to dredge Mirror Pond, with various conditions. The City intends its contribution to be included in the total amount discussed below.
- Q. The Council has the discretion to allocate unrestricted General Fund monies for any legal purpose. In its discretionary policy-making role, the Council has considered various factors and issues related to the current and future status of Mirror Pond, the City's role, and a contribution of City funding to a project to address preserving Mirror Pond, including dredging and other community goals.
- R. BPRD funds acquired from taxes must be used for park and recreation purposes. The contribution of BPRD funding to dredge Mirror Pond, redevelop the pond's riparian habitat and develop a boardwalk to fill an important gap in the Deschutes River Trail will further the recreational activities of Drake Park and Mirror Pond.
- S. The City believes any funding contribution should acknowledge what it contributed in 1984 (16% of the project cost), with an additional amount to account for the federal funding that was included in the 1984 project funding but is not currently available. Supporting an aesthetic or community icon valued by citizens and visitors to Bend, with perceived economic and environmental benefits to the community can be an appropriate use of public funds.
- T. With a rough estimated cost of \$6.7 million for a dredging project, 16% equates to approximately \$1,040,000. Because the availability of federal funds is limited, the City is willing to make a larger contribution to fill the gap and work toward a community vision for a preservation project. The City will therefore commit to providing funding for up to 50% of the overall Mirror Pond preservation project related to the Pond and River, or \$3,000,000, whichever is less, contingent on the terms in Sections 1-7 below.

U. The Council and BPRD Board of Directors acknowledges that this has been a long and exhaustive process, and this Resolution is intended to build on past work toward a reasonable and fair solution.

V. ~~V.~~ The Council and BPRD Board of Directors support the entire vision developed by the 2015 Ad Hoc Committee and t. This resolution and the anticipated MOU and IGA are intended to move aspects of that vision forward, even if the entire vision may not be achievable immediately. The Council and BPRD Board of Directors remain committed to exploring all seven of the goals from the 2015 Ad Hoc Committee report.

Based on these findings, THE CITY COUNCIL OF THE CITY OF BEND AND THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

Section 1. A. The City will agree to contribute up to 50% of the overall Mirror Pond preservation project or \$3,000,000, whichever is less, from City General Fund resources, and BPRD will agree to contribute \$300,000 provided a Memorandum of Understanding (MOU) and then an Intergovernmental Agreement (IGA), both satisfactory to the City and BPRD, are entered into between BPRD and the City, as set forth below, and the provisions of Sections 4 and 5 are met.

B. The City contribution, if approved, will be paid over a ten year period through roughly equal annual payments as set forth in the IGA, unless payment can be accelerated because set aside transient room tax monies out of the discretionary General Fund allocation become available. In determining the 50% contribution to the overall project costs, the City's intent is to contribute to the overall preservation project related to the Pond and the river, but not to BPRD projects specific to trail connection/riverbank restoration.

C. BPRD has reserved a \$300,000 contribution through Resolution No. 418. In addition BPRD has budgeted over \$6.5 million toward the Mirror Pond Community Vision for bank restoration, riparian habitat and Deschutes River Trail project. BPRD's intent through this collaborative effort is to contribute to the overall Mirror Pond Community Vision, but not to the City stormwater filtration or stormwater outfall improvements.

Section 2. The City Manager is authorized to enter into a MOU with BPRD, and BPRD Executive Director is authorized to enter into an MOU with the City to conduct a public, independently facilitated process which recognizes the extensive work and community done to date, and to updates the 2015 Community Vision by and clearly evaluating options for fish passage, including modification of the dam to function more like a natural river and ways to reduce the frequency and quantity of future sediment removal

~~efforts, dredging, and funding from private and public sources other than the City and BPRD.~~ options. This process must include an opportunity for public comment and should ~~address~~ consider the seven goals identified by the Mirror Pond Ad Hoc Committee. As part of the MOU, the City and BPRD will also work together to confirm their commitment to pursue funding for fish passage and the proposed preservation project from private and public sources other than the City and BPRD. Theis MOU may be ~~entered into~~authorized by the City Manager and Executive Director consistent with this Resolution without further approval. ~~The fish passage study contemplated by the MOU shall also consider funding sources for construction of fish passage to come from private and public funding sources outside of City and BPRD funding such as state or federal grants.~~

- Section 3. The City and BPRD will enter into an IGA to accomplish the updated Community Vision for Mirror Pond, as long as documents can be negotiated that align with the following key points and the proposed process:
- A. BPRD agreement to manage, administer, and oversee any proposed project to dredge Mirror Pond consistent with public contracting law;
 - B. Binding commitments by Mirror Pond Solutions and other contributors for all funding sources necessary to complete the project aside from the contributions made herein by City and BPRD;
 - C. City and BPRD are successful in entering into an MOU pertaining to Section 2;
 - D. An understanding from all parties to the Mirror Pond project, that these Resolutions and subsequent MOU and/or IGA do not commit current or future governing bodies to funding the operation or maintenance of Mirror Pond, and;
 - E. Other provisions required by the City and BPRD, and in a form approved by the City Attorney's office and BPRD legal counsel.

This Resolution does not entitle any transfer of funds. The IGA must be ~~reviewed and authorized~~approved by the City Council and BPRD Board prior to the commitment of any funds referenced in this Resolution for the ~~preservation project~~dredge.

- Section 4. Legally protected public use of the Project Area is donated to BPRD by the owners of the private interest in the riverbed at the completion of any dredging project, through a perpetual easement or other legal mechanism, in a form acceptable to the City and BPRD.

Section 5. Mirror Pond Solutions LLC, as the dredging project proponents and owners of record of the riverbed, ~~execute a agree to~~ release and indemnification agreement, in a form acceptable to the City Attorney's Office and BPRD legal counsel, before any City or BPRD funding is committed through a MOU or IGA. ~~ty both BPRD and the City from any and all claims and liability for trespass, nuisance, violation of the City's Phase II MS4 NPDES Permit, or any other legal claim or liability, arising out of or in any way related to sedimentation, silt, or discharges to the river, or any responsibility for dredging or impacts on the riverbed, before any City or BPRD funding is committed through a MOU or IGA.~~

Section 6. This Resolution is intended as a refinement and evolution of the policy direction in City Resolutions 2932 and 2981 and BPRD Resolutions 418. Based on current Council and BPRD Board of Directors direction and evolving information and input, those Resolutions are superseded by the policy direction in this Resolution, except as referenced herein (such as the reference to the 7 goals and "middle ground" vision—see Findings D. and E. and V.).

Section 7. Council and BPRD Board of Directors are hopeful that these Resolutions will move this project. Regardless of the outcome, Council and BPRD Board of Directors intend that the commitments and policy direction made in these Resolutions be reconsidered in no more than three years in order to continue to be effective.

Section 8. This resolution takes effect immediately on passage.

Adopted by motion of the City Council on _____ 2019.

Yes: No:

Sally Russell, Mayor

ATTEST:

Robyn Christie, City Recorder

Approved as to form:

Mary A. Winters, City Attorney

Section 9 This Resolution No.XXXX is adopted by the Bend Park and Recreation District Board of Directors on this ____ day of June, 2019.

Adopted by the BPRD Board of Directors on _____ 2019.

Brady Fuller, Chair

ATTEST:

Don Horton, Executive Director

**CITY OF BEND RESOLUTION NO.
BEND PARK AND RECREATION DISTRICT RESOLUTION NO.**

A RESOLUTION DESCRIBING CONDITIONS FOR A COLLABORATION BETWEEN THE CITY OF BEND (CITY) AND BEND PARK AND RECREATION DISTRICT (BPRD) TO CONTRIBUTE TO THE PRESERVATION OF MIRROR POND, AND SETTING FORTH THE FRAMEWORK FOR A MEMORANDUM OF UNDERSTANDING (MOU) AND AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE TWO ENTITIES

Findings

- A. The creation of Mirror Pond was a side effect of the construction of the Bend Water, Light and Power Company's hydroelectric dam in 1910. Mirror Pond became a collector for sediment flowing through the Deschutes River, which backs up into the pond and further upstream from the Bend Hydro Dam (also called the "Pacific Power Hydro Dam" or "Newport Avenue Dam"), owned by PacifiCorp (dba Pacific Power in Oregon).
- B. Mirror Pond was last dredged in 1984 to remove sediment. The 1984 project was funded by a federal grant, the City of Bend, Bend Park and Recreation District (BPRD), and private contributions in the following percentages: Federal (48%); BPRD (19%); City (16%); Pacific Power (10%); private contributions (6%). The 1984 project was based on the 1981 Mirror Pond Rehabilitation Study, which identified 352,806 cubic yards of silt and debris for possible removal at an estimated cost of \$1,340,300. However, due to funding limitations only 60,000 cubic yards were removed at a cost of \$312,000 or \$5.20/cubic yard. Sediment was removed at an average depth of 5-6 feet starting at the Bend Hydro Dam and moving south towards the Galveston Bridge.
- C. Since the early 2000s, various groups organized by the City have studied options and developed scenarios to address sediment build-up, including the Mirror Pond Management Board, the Mirror Pond Steering Committee, and the Mirror Pond Ad Hoc Committee.
- D. In December 2013, the City Council and BPRD Board of Directors resolved to pursue the preservation of Mirror Pond and further assess the costs and discussions with PacifiCorp about the future of the Dam. In 2015, the City Council and the BPRD Board agreed with the recommendation of the Ad Hoc Advisory Committee for a preferred alternative vision for Mirror Pond, characterized as a "middle ground" between the status quo option of dredging Mirror Pond and the "natural river" option of removing the Dam and allowing the river to flow naturally. (See City Resolutions 2932, 2981; BPRD Resolution 375).
- E. The Ad Hoc Committee identified the following seven goals for the Dam and Mirror Pond: 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. (See Resolution 2981 and BPRD Resolution No. 375).

- F. In 2016, Pacific Power, through its Sr. Vice President, provided a public statement that it was “committed to the Newport Dam/Bend Hydro project for the long-term.”
- G. The City believes it should focus its limited staff and financial resources on areas of governance that are among the primary responsibilities of a municipality such as transportation, land use, water utilities, and public safety.
- H. Mirror Pond is an aesthetic and recreational amenity used and enjoyed by many citizens and visitors in conjunction with recreational activities or for its aesthetic qualities. Canoeing, kayaking, and floating have increased in popularity in recent years, and Mirror Pond is the terminus of BPRD’s signature “float the river” route.
- I. The responsibility for policymaking and management of public recreational facilities primarily belongs with BPRD. BPRD does not currently have jurisdiction over Mirror Pond. Through an MOU between Mirror Pond Solutions LLC (the dredging project proponents) and BPRD certain conditions are to be satisfied in order for BPRD to take ownership of Mirror Pond.
- J. The City desires to be a good steward of natural resources and to comply with all applicable federal, state, and local laws regulations. The City will operate its transportation and storm drain systems so as to reduce the amount of pollutants to the Deschutes River and Mirror Pond to the maximum extent practicable using best management practices. To that end, the City remains committed to a robust stormwater management plan for areas of its municipal separate storm sewer system basin that drain to the river.
- K. Within the City’s role related to the Deschutes River and Mirror Pond, the City plans to conduct independent work, or work in conjunction with BPRD, on future projects to replace and/or modernize the 13 stormwater outfalls as reflected in its 2015-2030 stormwater master plan. Although cost estimates for this work vary considerably depending on number of outfalls that can actually be replaced, and if not replaced, what type of stormwater solution is deployed as a result, the Class 5 estimated cost is \$3.5 million. Additional planned and recently completed storm drainage capital improvement projects, within the basin discharging to or just upstream of Mirror Pond will help prevent stormwater runoff and improve water quality, at a Class 5 estimated cost of \$8 million dollars.
- L. City General Fund revenues support public safety (police and fire) and street operations. In Bend, parks and recreation services and facilities are ably run by a separate taxing district. However, the City also recognizes the importance of aesthetic and recreational amenities such as Mirror Pond as a contributor to the economy and vibrancy of Bend and Central Oregon. BPRD recognizes the

important service that the City provides in managing the City's stormwater plan.

- M. BPRD provides stewardship of the banks of the Deschutes River along all District-owned or controlled properties. As a part of the Mirror Pond Vision, BPRD will be constructing a boardwalk extending the Deschutes River Trail from Pacific Park to Drake Park in areas adjacent to Mirror Pond. BPRD will also be reestablishing riparian habitat identified in the vision as an environmental benefit to the pond.
- N. The City owns and maintains a pedestrian bridge across Mirror Pond providing pedestrian access between Drake Park and Pageant Park and is a link in the City bicycle transportation plan.
- O. The City and BPRD desire a collaborative relationship with one another in order to pursue reasonable solutions to the dredge portion of the Mirror Pond Community Vision.
- P. In 2018, BPRD, Pacific Power, Mirror Pond Solutions (through public fundraising), and the City agreed to provide contributions of \$300,000 each toward the efforts to dredge Mirror Pond, with various conditions. The City intends its contribution to be included in the total amount discussed below.
- Q. The Council has the discretion to allocate unrestricted General Fund monies for any legal purpose. In its discretionary policy-making role, the Council has considered various factors and issues related to the current and future status of Mirror Pond, the City's role, and a contribution of City funding to a project to address preserving Mirror Pond, including dredging and other community goals.
- R. BPRD funds acquired from taxes must be used for park and recreation purposes. The contribution of BPRD funding to dredge Mirror Pond, redevelop the pond's riparian habitat and develop a boardwalk to fill an important gap in the Deschutes River Trail will further the recreational activities of Drake Park and Mirror Pond.
- S. The City believes any funding contribution should acknowledge what it contributed in 1984 (16% of the project cost), with an additional amount to account for the federal funding that was included in the 1984 project funding but is not currently available. Supporting an aesthetic or community icon valued by citizens and visitors to Bend, with perceived economic and environmental benefits to the community can be an appropriate use of public funds.
- T. With a rough estimated cost of \$6.7 million for a dredging project, 16% equates to approximately \$1,040,000. Because the availability of federal funds is limited, the City is willing to make a larger contribution to fill the gap and work toward a community vision for a preservation project. The City will therefore commit to providing funding for up to 50% of the overall Mirror Pond preservation project related to the Pond and River, or \$3,000,000, whichever is less, contingent on the terms in Sections 1-7 below.
- U. The Council and BPRD Board of Directors acknowledges that this has been a

long and exhaustive process, and this Resolution is intended to build on past work toward a reasonable and fair solution.

- V. The Council and BPRD Board of Directors support the entire vision developed by the 2015 Ad Hoc Committee and this resolution and the anticipated MOU and IGA are intended to move that vision forward

Based on these findings, THE CITY COUNCIL OF THE CITY OF BEND AND THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

- Section 1. A. The City will agree to contribute up to 50% of the overall Mirror Pond preservation project or \$3,000,000, whichever is less, from City General Fund resources, and BPRD will agree to contribute \$300,000 provided a Memorandum of Understanding (MOU) and then an Intergovernmental Agreement (IGA), both satisfactory to the City and BPRD, are entered into between BPRD and the City, as set forth below, and the provisions of Sections 4 and 5 are met.
- B. The City contribution, if approved, will be paid over a ten year period through roughly equal annual payments as set forth in the IGA, unless payment can be accelerated because set aside transient room tax monies out of the discretionary General Fund allocation become available. In determining the 50% contribution to the overall project costs, the City's intent is to contribute to the overall preservation project related to the Pond and the river, but not to BPRD projects specific to trail connection/riverbank restoration.
- C. BPRD has reserved a \$300,000 contribution through Resolution No. 418. In addition BPRD has budgeted over \$6.5 million toward the Mirror Pond Community Vision for bank restoration, riparian habitat and Deschutes River Trail project. BPRD's intent through this collaborative effort is to contribute to the overall Mirror Pond Community Vision, but not to the City stormwater filtration or stormwater outfall improvements.
- Section 2. The City Manager is authorized to enter into a MOU with BPRD, and BPRD Executive Director is authorized to enter into an MOU with the City to conduct a public, independently facilitated process which recognizes the extensive work and community done to date, and updates the 2015 Community Vision by evaluating options for fish passage, including modification of the dam to function more like a natural river and ways to reduce the frequency and quantity of future sediment removal efforts. . This process must include an opportunity for public comment and should address the seven goals identified by the Mirror Pond Ad Hoc Committee. As part of the MOU, the City and BPRD will also work together to confirm their commitment to pursue funding for fish passage and the proposed preservation project from private and public sources other than the City

and BPRD. The MOU may be entered into by the City Manager and Executive Director consistent with this Resolution without further approval.

- Section 3. The City and BPRD will enter into an IGA to accomplish the updated Community Vision for Mirror Pond, as long as documents can be negotiated that align with the following key points and the proposed process:
- A. BPRD agreement to manage, administer, and oversee any proposed project to dredge Mirror Pond consistent with public contracting law;
 - B. Binding commitments by Mirror Pond Solutions and other contributors for all funding sources necessary to complete the project aside from the contributions made herein by City and BPRD;
 - C. City and BPRD are successful in entering into an MOU pertaining to Section 2;
 - D. An understanding from all parties to the Mirror Pond project, that these Resolutions and subsequent MOU and/or IGA do not commit current or future governing bodies to funding the operation or maintenance of Mirror Pond, and;
 - E. Other provisions required by the City and BPRD, and in a form approved by the City Attorney's office and BPRD legal counsel.

This Resolution does not entitle any transfer of funds. The IGA must be reviewed and authorized by the City Council and BPRD Board prior to the commitment of any funds referenced in this Resolution for the preservation project.

- Section 4. Legally protected public use of the Project Area is donated to BPRD by the owners of the private interest in the riverbed at the completion of any dredging project, through a perpetual easement or other legal mechanism, in a form acceptable to the City and BPRD.

- Section 5. Mirror Pond Solutions LLC, as the dredging project proponents and owners of record of the riverbed, execute a release and indemnification agreement, in a form acceptable to the City Attorney's Office and BPRD legal counsel, before any City or BPRD funding is committed through a MOU or IGA.

- Section 6. This Resolution is intended as a refinement and evolution of the policy direction in City Resolutions 2932 and 2981 and BPRD Resolutions 418. Based on current Council and BPRD Board of Directors direction and evolving information and input, those Resolutions are superseded by the policy direction in this Resolution, except as referenced herein (such as the reference to the 7 goals and "middle ground" vision—see Findings D,

E and V).

Section 7. Council and BPRD Board of Directors are hopeful that these Resolutions will move this project. Regardless of the outcome, Council and BPRD Board of Directors intend that the commitments and policy direction made in these Resolutions be reconsidered in no more than three years in order to continue to be effective.

Section 8. This resolution takes effect immediately on passage.

Adopted by motion of the City Council on _____ 2019.

Yes: No:

Sally Russell, Mayor

ATTEST:

Robyn Christie, City Recorder

Approved as to form:

Mary A. Winters, City Attorney

Section 9 This Resolution No.XXXX is adopted by the Bend Park and Recreation District Board of Directors on this ____ day of June, 2019.

Adopted by the BPRD Board of Directors on _____ 2019.

Brady Fuller, Chair

ATTEST:

Don Horton, Executive Director

**Board Calendar
2019-2020**

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

July 2 – Canceled

July 16

Lauren absent

Work Session

- Volunteer Report – *Kim Johnson (30 min)*
- Park Services Report: Shevlin Park Prescribed Fire Update – *Jeff Amaral (30 min)*

Business Session

- ◆ Presentation of plaques to board members
- ◆ Elect Board Chair and Vice-Chair
- ◆ Approve Board meeting dates and time
- ◆ Appoint Board Secretary
- ◆ Appoint Legislative Liaison
- ◆ Alpenglow Park – Award Design Contract Amendment – *Ian Isaacson (10 min)*
- ◆ Empire Crossing Park – Award Construction Contract – *Jason Powell (15 min)*

August 6

Nathan absent

Work Session

- ◆ Recreation Report
- ◆ CAPRA Overview – *Michael Egging (20 min)*

Business Session

- ◆ Approve Construction Contract for Juniper Park – *Jason Powell (10 min)*
- ◆ Approve Construction Contract for Rockridge Restroom – *Jason Powell (10 min)*

August 20

Nathan absent

Work Session

- ◆ Park Services Report

Business Session

September 3

Work Session

- ◆ Recreation Report

Business Session

September 17

Work Session

- ◆ Park Services Report

Business Session

October 1

Work Session

- ◆ Recreation Report

Business Session

TBD

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

Recreation Programming Plan – Matt Mercer and Michael Egging

Trails Plan and Projects Update –

FC Timbers Field Development Partnership Update – *Matt Mercer and FC Timber Reps (30 min)*

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

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

Northpointe Park Award Design Contract – *(20 min)*