



Bend Metro Park & Recreation District

October 1, 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.

play for life

District Office | Don Horton, Executive Director

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they are continuing to fundraise for the field lighting. The work has begun on the fields with the goal of completion with lights by the end of November this year.

Ms. Bilanski said there are new programs that will be rolled out with the fields and she talked about the benefits to other local community sports and new tournament opportunities. She said the kids in the programs are very excited to play on turf and there has been a lot of community support for this as well. The club offers something for everyone. With the opening of the new fields, other district fields can be freed up for district programs.

The board expressed appreciation for the agreements and all the work that the two organizations have done over the years to get the turf fields built.

2. River Recreation use findings: Sarah Bodo and Kayla Sicard

Ms. Bodo began by saying the first step in the river access and habitat restoration plan is collecting data. This summer the Ms. Sicard took the opportunity to collect data on river use during high use months. The purpose was to better understand how people are currently using the river for recreation.

Ms. Sicard collected most of the data this summer in 16 riverfront parks. She began by collecting the baseline data to understand the public use of designated access points and user created access points. Each type of access point was observed 1-6 times over 145 hours of observations on high use days and hours. There are 25 designated access points and 80 additional user created entry areas. The top three recreational activities along the river include: floating, viewing and swimming.

Ms. Sicard surveyed people using the river and asked people where they were from, more than half were from Bend. The survey asked about the type of recreation on the river that people are doing, likes and dislikes, and improvements needed. Ms. Sicard showed a sampling of comments received on the survey, the next steps will be to finalize the summer use report and begin the river access and habitat restoration plan.

The board showed support for the efforts of working with other partner groups such as Upper Deschutes Watershed Council and efforts to obtain the technical assistance grant with the US Forest Service. Ms. Bodo said that she has applied for this grant and will hear back later this month. She said she hopes to continue to engage with other agencies as a result of this planning effort.

Ms. Bodo continued to say that there will be a significant public outreach organized and staff will use the community needs assessment from 2017. Ms. Bodo said she is hoping to have quite a bit of public input as part of this project. Executive Director Horton pointed out that more river access has been created as a result of surveyed community needs and there is also a lot of interest expressed by patrons in preserving the habitat along the river as well. This study will help staff to determine the best balance of recreation use and habitat restoration.

VISITORS

Margaret Meg Brookover: Ms. Brookover asked the board to consider providing more pickle ball courts. She made a few recommendations for tennis courts that could be used for dual purpose in

parks on the westside, suggested an agreement with the school district or COCC for use of some of their courts and named a couple of areas that the district had space to build courts.

CONSENT AGENDA

1. Meeting Minutes – 08/20/2019
2. Approve Agreement with Roats Waterline Relocation at Alpenglow Park

Director Sprang made a motion to approve the meeting minutes. Director Mendez seconded. The motion passed unanimously, 4-0. Director Hovekamp abstained from voting because he was not at the meeting.

Director Sprang made a motion to approve the agreement with Roats Waterline Relocation at Alpenglow. Director Kropf seconded. The motion passed unanimously, 5-0.

BUSINESS SESSION

1. Approve Construction Contract for Rockridge Restroom – *Jason Powell*

Mr. Powell gave some background on the project, explaining that Rockridge Park was developed in 2016. At the time of development, the property was in the county and city sewer was not accessible. Since then, it has been annexed into the city and with access to city sewer there is now an opportunity to build the permanent restrooms.

Mr. Powell reviewed the project details explaining the bid process and the resizing of the restroom that was done to bring the project within budget. He showed drawings of the project and placement within the park.

Director Hovekamp moved to authorize the executive director to award a construction contract to Cedar Mill Construction Company, LLC, for construction of the Rockridge Restroom with a bid amount of \$314,000, and to approve an additional 10% construction contingency of \$31,400, for a total construction budget not to exceed \$345,400. Director Sprang seconded. The motion passed unanimously, 5-0.

2. Approve Construction Contract for Juniper Park – *Jason Powell*

Mr. Powell presented the goals of this project at Juniper Park:

- Improvements to the north facility entry and ADA parking spaces in the north and south parking lots (completed in the fall of 2018).
- Replace the aging restroom and provide restroom access to the pool deck.
- Replace the dated and noncompliant playground.
- Add parking for the park and facility.
- Improvements to the 6th Street entry and improved site circulation.

Mr. Powell explained the timeline; he said the master plan was adopted in February of 2017, the project was paired down to meet budget, put out to bid in June 2019, and three bids were opened

August 2019. All bids exceeded the current budget. Mr. Powell said that all efforts have been made to bring the project into budget. He showed the plans for the project and explained the new restrooms would serve the park and pool deck, the new playground additions, and new parking area with additional parking that will be added.

The board raised some questions about the parking spaces, inquiring about the net gain of spaces and one director asked why the district would put money into parking which encourages patrons to drive instead of use alternate transportation. Staff responded that overall, 33 parking spaces will be done, and of those about 16 are new spaces. Executive Director Horton further stated that additional parking is needed because Juniper is a well-used facility that people tend to use before and after work. Many patrons are parking in the neighborhoods and the additional parking will help alleviate the pressure put on the neighborhood streets. It is anticipated that additional parking will also be necessary to accommodate playground users. It was explained that in this stage of the project, it would be very costly to make any changes to the project. Another director said reducing, or not expanding parking isn't necessarily a deterrent from driving, but creating safer and better access to trails and transit does promote alternate transportation. Ideas about incentivizing and encouraging patrons to not drive cars were discussed as well. The board recognized Juniper Swim and Fitness Center as a heavily used facility and commended staff on taking care of existing facilities.

- 1. Director Hovekamp moved to amend the 2020-2024 Capital Improvement Plan to increase the funding allocation for the Juniper Park Accessibility Improvements Project by \$220,000. Director Sprang seconded. The motion passed unanimously 5-0.***
- 2. Director Hovekamp moved to authorize the executive director to award a construction contract to Kellcon, Inc. for the construction of the Juniper Park Accessibility Improvements Project – Phase II, including the base bid in the amount of \$2,059,243 and to approve an additional construction contingency of 10% for a total construction budget not to exceed \$2,265,167. Director Sprang seconded. The motion passed unanimously 5-0.***

EXECUTIVE DIRECTOR'S REPORT:

- Executive Director Horton reminded the board that the city is sponsoring Welcoming Week, a series of events in our community that brings together immigrants to build strong connections, he mentioned that Director Mendez is attending the bilingual meet and greet, September 16 from 6-8pm and invited the rest of the board to attend as well.
- Executive Director Horton said the city wants to charge the regular service fee of 1.5% for processing the SDC charges that are being waived for affordable housing. The board discussed possible solutions and revisions to the prior resolution to cover the costs of this fee to the city. After the discussion, Executive Director Horton said he would schedule a meeting with the city to discuss some of the ideas; if the city still wants to charge the fee, an amendment to the resolution could be on the agenda for the next meeting.

PROJECT REPORT – Attachment in board report

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

- Director Sprang complemented the Miller's Landing Project completion and stated that the move back to the Senior Center appeared to go well and said her comments earlier were not

intended to discourage others from pushing for their ideas and she appreciated the discussion.

- Director Mendez expressed his appreciation for the discussions and ability to express ideas, recognizing that he has a lot to learn and credited staff for all their hard work.
- Director Hovekamp commented that the latest Playbook is the best one so far and appreciates all the work that went into it; he said the work that goes into it is amazing. He was very complimentary of the layout, graphics and information. Executive Director Horton said most districts have given up on printed magazines, but surveyed patrons give staff feedback that they receive their information from the printed Playbook. Executive Director Horton mentioned the challenges that may be ahead with printing of the Playbook with the sale of the Bulletin. He said staff is reaching out to other companies for printing in case its needed.

ADJOURN 8:33

Prepared by,
Sheila Reed

Executive Assistant

Ted Schoenborn, Chair

Nathan Hovekamp, Vice-Chair

Lauren Sprang

Jason Kropf

Ariel Mendez

Ms. Lewis explained the proposed low stress network (LSN) which will consist of neighborhood greenways, paths or protected bikeways, buffered bikeways and basic bike lanes. She said that public agencies will develop, own and operate the majority of the system, but the network will also include some private development. Ms. Lewis spoke about the overlapping needs of the city and the district and provided examples of how these are currently and can be further combined to create the LSN.

Next, Ms. Lewis talked about the importance of coordinating with the district on wayfinding, signage and identification. She said the agencies should work together to create a network that the community can understand because so many trails will be combined to create the network. Winter maintenance can be an area for collaboration. She mentioned that the district already removes snow from almost 34 miles of trail, and there may be opportunities to work together in some areas.

The board asked questions about the prioritization of trails. Ms. Lewis said the east/west connectivity and core areas are the priorities. The southeast is also experiencing a lot of growth and will be looked at as well. This is a long-term project with completion anticipated in 2040. The board members expressed their support for the trail plan and their desire for the agencies to work together.

Executive Director Horton mentioned the latest collaboration with the city at Columbia Park. He said the sidewalk at the park has been completed in partnership with the city. This project was completed very quickly. David Abbas from the city was in the audience and remarked that he looks forward to more projects like this.

2. Recreation Summer Highlights and Fall Preview – *Matt Mercer and Michael Egging*

Mr. Egging gave a summary of the 2019 summer programs, he said the district offered over 1280 opportunities this summer for youth and adults. Mr. Egging showed a slide of the most important activities for the community based on a statistically valid recreation survey indicating that youth activities were the highest priorities. The number of activities offered were slightly down this summer; however, days offered, unique participants and visits were slightly up.

Mr. Egging spoke about the various opportunities for registered programs, including:

- All day camps (primarily childcare)
 - PAC
 - Operation Recreation
- Therapeutic Recreation
- Outreach Programs
 - Ariel Glen
 - Discover the Outdoors
 - Days of Play (not a registered program)
- Enrichment Camps
 - Sports
 - Outdoors
 - Art
 - STEM

- Juniper Swim and Fitness
 - Youth swim lessons
 - Juniper Swim League

He added that with registered programs, unique enrollments for summer showed participation of about 36 percent of all kids in Bend. In the 5-9-year-old age group, unique enrollments represent about 62 percent of the population in that age group.

Mr. Egging said drop in activities at Juniper Swim and Fitness visits and activities have remained at about the same levels as the past three years, which may indicate that the facility has reached its capacity. The Senior Center showed a decline in participation, but had reduced programming and was in a temporary facility. The Pavilion showed an increase in activity by adding roller skating as a new program.

Mr. Mercer spoke about some of the outreach programs. In an effort to reach kids that could qualify for scholarships, the district offered programming to Ariel Glen, an apartment complex, and partnered with Housing Works to bring summer programs to kids. This was a free program to the neighborhood. This was a great experience and Mr. Mercer said the partnership will be offered again next summer.

Discover the Outdoors is another program offered. Staff picked up kids and took them to week long outdoor programs. The program was offered last year; this year the district doubled the amount of kids that could participate. Staffed worked with FAN advocates to identify children that would qualify for this program.

The board asked why the scholarship funds are not always used. Mr. Mercer explained that the partnerships that the district has share some of the expense and less of the district funds are needed. The partnerships allow the district to reach more kids and spend less. The strong economy may also be a factor. He said a thorough report will be brought to the board to discuss scholarship funding ahead of the budget in the spring.

Mr. Egging said that staff is reporting record fall sports participation in the following fall programs: soccer, flag football, tackle football, volleyball and tennis. This increase results in a need for more volunteer coaches and officials.

Mr. Mercer shared the progress made on the expansion of Kids INC, the afterschool care program. Program capacity went from 700 to 1200, the change to the school schedule eliminated the need for the morning program, but expanded the need for afterschool care. Bend LaPine Schools (BLS) worked hard to provide more space for the district to operate the program. Program capacity went from 700 last year to 1200 this year. Twelve of the 14 Kids INC sites are at capacity and the district was able to add a new site this year. The waitlist is about the same this year as last year even with the expansion, so far 280 kids have been removed from the waitlist and into open spaces since enrollment started.

Staffing for Kids INC has been very challenging:

- 50 staff positions were required last year; 70 positions needed this year
- 40 returning staff
- 35 new hires

- Anticipating that staff may have to do 100 hires because of turn over
- Strategies:
 - Benefits pilot program
 - Bonus opportunities (for non-benefited staff)
 - Job fairs (hired 15-20)
 - School resources

The new strategies have helped with the attraction of new hires, staff will see how well the strategies work for retention. The district took a big risk with registering so many more kids because of the unknowns of staffing. Mr. Mercer said the district is often asked why more kids cannot be added to the program. He explained that there are limitations of space at the schools. The program requires common space, and there is only so much available. He commented that BLS has done their part to accommodate as many kids as possible. Quality and safety are the other reasons, there is a limit to the number of kids that staff can handle and ensure the quality and safety of the children in their care.

The board offered up ideas about families sharing a spot, if both only needed part-time care on opposite days and asked about off-site opportunities. Mr. Mercer responded that the vast majority of kids need every day care, but he could be open to the shared idea. He also said that off-site options were explored for Highland Elementary, which has the biggest waitlist, but lack of transportation prevented this as an option.

The board acknowledged the work that staff has done to provide the extra care for kids and scholarships.

3. Legislative Update – *Don Horton*

Executive Director Horton handed out a summary of the bills that he said were most relevant to the district. This was a condensed version of the legislative report in the board packet. The handout is attached to the minutes. Executive Director Horton explained that the district contracted with lobbyist Erik Kancler, and an attorney, Katie Tank, to stay informed of introduced legislation and bills that were passed. Executive Director Horton explained each bill in the handout in his discussion.

A board member asked about a section in Erik Kancler's report in regard to Mirror Pond. This began a discussion about the Mirror Pond dredging project. For the benefit of the two new district board members, Executive Director Horton provided background of the project and explained the signed resolution between the district and the city and forthcoming MOU that will be created as a result of the resolution. More questions were asked about progress since June, if the fish ladder was tied to the dredge and if there will be more public process. Executive Director Horton indicated that the MOU is not likely to be accomplished until spring. He explained that the fish ladder is not tied to the dredge, but is tied to the process and stated that he thinks care should be taken with the fish ladder so that the project remains a fish ladder and not a recreational facility. Executive Director Horton further commented that there has been a lot of public process in this project, and all decisions have been made in public meetings with the district and city council. He added that Mirror Pond Solutions (MPS) would like to see the dredge happen next summer, they have all the permits and have committed to finding the rest of the funding for the project.

Executive Director explained the failed attempts by MPS to purchase the dam and addressed comments that have been made about the viability of the dam in the community. PacifiCorp owns the dam and has stated that they intend to keep the dam in place.

The board expressed interest in staying engaged on this topic.

EXECUTIVE DIRECTORS REPORT

- Easements for Mirror Pond: Executive Director Horton said that the district has to get easements from six landowners to continue the trail at Mirror Pond. The district now has commitment from all six landowners. The district has spent over a year to get these easements and some had to be purchased. He commented that the district will have spent about \$100,000 to create 200-300 yards of trail, demonstrating how difficult this can be.
- Haul Road Trail Easements: This district has been negotiating with the owners of Entrada Lodge for 15 years and the easement is finally in place. This will extend the Haul Road Trail.
- Update on the decision for fees: The city has decided to not charge the district the 1.5 percent fee for the SDC fees that will be waived for affordable housing this year.
- Simpson/Columbia roundabout: The city contacted the district about sharing the costs of putting in a roundabout at Columbia and Simpson. The district is obligated to put in the roundabout with any further development to the land owned by the district. The city asked the district and OSU to share the costs and put it in now. The district committed to a third of the estimated cost that was provided by the city and budgeted \$700,000. More recent cost estimates show an increase in price and the district may need to contribute more, resulting in the need to think about where the additional money will come from.
- Meeting with Council on Aging: They have purchased the old Bend Community Center and will be doing a fundraising campaign. Executive Director Horton said he does not see this agency as competition, but complimentary to the what the district offers. He said some programs may overlap with district programs, but it offers a choice to the community and he said the district should support them.
- Tour of facilities: Executive Director Horton asked the board if they would be interested in a tour of some of the facilities. The indicated that they were interested and asked for a list of suggestions for facilities and dates.
- Policy Committee: This committee meets once a year to codify policies and need two board members to serve. Directors Kropf and Mendez volunteered.

PROJECT REPORT

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

Director Mendez shared that he and Directors Kropf and Schoenborn attended the Welcoming Week event last night. He said this event is gaining momentum and they have great events happening all week. He mentioned that he had some good conversations and it is worth the effort to engage in these types of events.

ADJOURN: 9:37pm

Prepared by,
Sheila Reed

Executive Assistant

Ted Schoenborn, Chair

Nathan Hovekamp, Vice-Chair

Lauren Sprang

Jason Kropf

Ariel Mendez

Legislative Report
Bend Park and Recreation District Board of Directors
August 20, 2019

HB 2005 – Paid Family & Medical Leave – Under Oregon, BPRD currently provides family medical leave. Leave can be taken for a serious illness, care for a family member who is ill, or bonding with a newborn or newly adopted child. More than half of Oregon workers are eligible for unpaid family and medical leave benefits under the federal Family and Medical Leave Act of 1993 (FMLA) and the Oregon Family Leave Act (OFLA). Oregon does require employers of 10 or more workers (six for employers in Portland) to allow employees to accrue and use up to 40 hours of paid sick leave each year. Under HB 2005, an insurance program is created to provide employees with a portion of wages while on family and medical leave or military family leave. The new program will require employees to have received at least \$1,000 in wages during base year and to have contributed to fund in an amount determined by Director of Employment Department to be eligible for the benefit. The legislation directs the Employment Department to set contribution rates, collect payroll contributions and otherwise administer the program. ***BPRD may need to revise internal policy based on this law. The Oregon Employment Department will create Oregon Administrative Rules to administer this new law. More detail will be provided in the rules. Goes into effect in 2023. Payroll deductions will start in 2022.***

HB 2353 – Public Records - Under Oregon law, every person has the right to inspect any public record of a public body in this state, subject to exemptions. Unless otherwise expressly provided by statute, the custodian of any public record must furnish proper and reasonable opportunities for inspection and examination of the records. A public body must respond to a written public record request as soon as practicable and without unreasonable delay. A response to a public records request is complete when the public body provides access to the requested public record information, asserts an exemption, or provides a combination of the two when some information is exempt and some is not exempt. The failure of a public body to provide a proper and timely response is treated as a denial of the request. House Bill 2353 allows the Attorney General, a district attorney, or a court to require the public body pay a \$200 penalty to the requester, plus reasonable attorney fees, if the Attorney General, district attorney, or court determine that the public body responded to the request with undue delay or failed to respond to the request. ***BPRD has a policy that guides our response to a public records request. The policy does not need to be revised as a result of this bill.***

HB 2592 – Transportation Package Fix – The transportation fix bill had many fixes, listed in bullet form below. The portion of the bill that park and recreation agencies were most concerned about was the requirement that Oregon Recreation and Park Department transfer \$4 million of their budget to Oregon Department of Transportation to be used on transportation trails. Oregon Recreation and Park Association’s issue with this was whether or not this transfer was constitutional and that transferring these funds to ODOT would erode the Local Government Grant Program for communities that aren’t building trails. The result of ORPA’s efforts was successful in changing legislation to not redirect the LGGP funding and to administer these transportation trail projects within ORRD rather than ODOT. ***ORPD will open rulemaking and has asked that three members or ORPA sit on the rulemaking committee. Don Horton has been appointed to the committee.***

List of changes in the Transportation Fix bill

- Modifies definition of "bicycle" and "taxable bicycle" for purposes of bicycle excise tax.
- Specifies requirement and exemption for repayment of electric vehicle rebate.
- Increases maximum statutory weight and width for Class IV all-terrain vehicles.

- Authorizes Metro to impose vehicle registration fee, if approved by voters by December 31, 2022, separate from other local government registration fees.
- Clarifies duties of Continuous Improvement Advisory Committee relative to Oregon Transportation Commission. Authorizes compensation.
- Modifies conflict-of-interest provisions related to appointment of members of Commission.
- Modifies statutory reference to Brooks rail siding project.
- Eliminates requirement for semiannual revenue reports related to House Bill 2001 (2009).
- Clarifies vehicle sales to car rental companies using electronic integrator are not subject to privilege tax.

HB 2415 – Public Contract Retainage - If a contract price exceeds \$500,000, requires a contracting agency to place amounts deducted as retainage into an interest-bearing escrow account. Interest on the retainage amount would accrue from the date the payment request is approved until the date that the retainage is paid to the contractor to which it is due. Also requires an owner, contractor, or subcontractor, if a contract price exceeds \$500,000, to place amounts withheld as retainage into an interest-bearing escrow account. ***This will require a change in how we hold and pay retainage.***

HB 2652 – Water Helmets - Oregon law requires boat outfitters and guides to carry equipment such as first-aid, life jackets, light and smoke flares, and running lights. "Outfitters and guides," as defined in ORS 704.010, include any person compensated for providing or offering outfitting and guiding services in this state or any person who holds federal special use permits for commercial outfitting and guiding. House Bill 2652 would require outfitters and guides operating on class III or higher waters to rent, sell, or otherwise make available helmets to all passengers. ***This bill does not directly affect BPRD but could affect us if we start allowing outfitters to run groups through the whitewater channel. In Deschutes County, this bill would be enforced by the Deschutes County Sheriffs Office.***

HB 2769 – Qualifications Based Selection of Design Professionals - HB 2679 allows consideration of pricing information in QBS was discussed in 2018 (House Bill 4127). A workgroup met throughout the interim to develop the policy changes contained in HB 2769. The measure allows a local government contracting agency to select up to three of the most qualified firms that have responded to a request for qualifications and then request pricing policies and other pricing information from those firms prior to making a selection. Requires the local contracting agency to state in solicitation documents what factors will be used to evaluate proposals, including pricing information. Limits weight given to price proposal to 15 percent. Establishes rights to protest a state or local contracting agency's use of Qualifications-Based Selection. ***This bill gives BPRD more flexibility in selecting professional services firms through the RFQ process. Currently we are not allowed to ask what it might cost to perform the service until a selection has been made, and then that price can be negotiated. Asking for pricing before selection could provide helpful information before selecting a firm.***

HB 2835 – Waterways Access - House Bill 2835 would require a state agency to post notice on its agency website before restricting or closing a public access site to a floatable natural waterway. The measure would also require agencies to report annually to the Legislative Assembly on any public access sites restricted, closed, opened, or reopened in the previous calendar year. ***Important bill for BPRD to understand because of what this bill did not do. The original concept would have given river users the right to use public waterways by providing access at bridge locations. ORPA was concerned about this because of the threat of loss of recreational immunity by granting expressed right to use waterways. The bill as approved does not affect BPRD.***

SB 479 – Workplace Harassment Policies - HB 479 Requires public employers to establish and adopt a written policy that seeks to prevent workplace harassment.

Requires policy to include:

- A statement prohibiting workplace harassment.
- Information explaining victim's rights through internal process, Bureau of Labor and Industries (BOLI) process, or other available laws, including a timeline under which relief must be sought, available remedies, and the advance notice that is required under ORS 30.275.
- Statement that person who reports harassment is protected from retaliation.
- Scope of policy and application to public officials, volunteers, and interns.
- Explanation that victim may voluntarily disclose information relating to incidents of workplace harassment, and information to connect victim legal and support services.

BPRD has a Mutual Respect Policy. This policy is under review to see if modifications are necessary. Goes into effect in January 2020.

HB 2341 - Reasonable Accommodations for Pregnancy - This new law, effective 1/1/20, requires employers with six or more employees to provide “reasonable accommodations” to pregnant employees. Reasonable accommodations includes acquisition or modification of equipment, more frequent or longer breaks, assistance with manual labor or modification of work schedules or job assignments. The new law makes it an unlawful employment practice for an employer, because of known limitations related to pregnancy, childbirth or a related medical condition, to : (a) deny employment if the denial is based on a need to make reasonable accommodations; (b) fail to provide reasonable accommodations absent an undue hardship; (c) take adverse action because an employer has inquired about, requested or used a reasonable accommodation, or (d) require an employee to take leave if other accommodations are available. The new law also requires employers to post signs informing employees of their rights, and to provide a written copy of the notice to new employees at the time of hire, existing employees within 180 days after the effective date of the Act, and within 10 days of receipt of notice that an employee is pregnant. ***BPRD will develop a new policy to address the requirements of this bill.***

HB 2593 - Nursing Mothers - This new law, effective September 29, 2019, requires every employer to allow nursing mothers with a reasonable (unpaid) rest period to express milk each time the employee has a need to express milk. Employers with 10 or fewer employees are not required to provide these rest periods if it would impose an undue hardship. Employers must also make reasonable efforts to provide a location, other than a restroom or toilet stall, in close proximity to the employee’s work area for the employee to express milk in private. ***BPRD will update existing policy.***

SB 1049 – PERS – SB 1049 relates to public employee retirement and contains provisions to address system funding. The measure:

Redirect IAP

For employees with salary above \$2,500.

- Tier 1/2: 2.5% to the stability account and 3.5% to IAP
- OPSRP: .75% to stability account, 5.25% to IAP
- Members can top up their IAP voluntarily
- Income level adjusted for inflation annually
- Effective July 1, 2020

Employer side accounts

Makes technical changes to lump sum payments. Employers have to make payments before Jan. 1, 2024 to take advantage of the Employer Incentive Fund match.

Pension obligation bonds

Requires employers to do things before they issue bonds (actuarial assessment, financial advice etc.) very similar to HB 3123.

Amortization of unfunded liability

Extended to 22 years from 20

Employee choice in IAP

Requires notice to workers about investment decisions and appears to delay the implementation of investment choices to Jan. 1, 2021 (was supposed to be this year)

Work after retirement

For 2020-2024, retirees can be reemployed for unlimited hours, so long as they have a six month break between retirement date and reemployment. Employers must pay the employer contribution (as if the person was an employee) toward unfunded liability.

Final average salary cap

\$195,000 (effective Jan. 1, 2020) and will be adjusted for inflation over time. It does not apply to judges. (note: the cap is currently \$200,000)

Sports betting proceeds

If the lottery allows sports betting, the proceeds go to the Employer Incentive Fund (used to match employer lump sum payments). Applies until 2041. Allows \$100,000,000 General fund to be spent from Employer Incentive Fund

Expedited Supreme Court review if challenged.

COURT CASES

Oswego Lake court case: The Oregon Supreme Court refused to determine if Oswego Lake is a “navigable waterway” which would require it to be public.

The Court conceded that IF the lake is “among the navigable waterways that the state holds in trust for the public,” then neither the state nor the city of Lake Oswego can interfere with the public’s right to use it, but they wouldn’t label it as such.

Instead, the lawsuit (first filed in 2012) was sent back to the lower court to make a decision as to whether the Lake is a “navigable waterway.” If it is determined to be, that means it is owned by the state and cannot have unreasonable restrictions placed upon it. Going back in history, a waterway was determined to be navigable if it could be used for commerce at the time of statehood. ***This bill is of interest across the state because recreationalists, including those in bend cross private property all the time on waters “of the State.” We will continue to watch this suit as it moves back to the lower court.***

McCormick vs State of Oregon case: The Oregon Supreme Court has yet to make a decision on McCormick vs State of Oregon. This case was a suit against the state of Oregon for negligence where a swimmer at Lake Billy Chinook jumped of a pier owned and cared for by Oregon Recreation and Parks Department. The swimmer jumped off the pier and hit a rock under the water claiming that the owner did not properly notify. The State of Oregon claimed Recreational immunity and lost in the lower court.

Oregon Recreation and Parks Association is carefully watching this case because of the ramifications it could have on property owners across the state. If the Supreme Court does not overturn the lower court decision, it may be necessary to support legislation that strengthens the recreational immunity act.

BPRD submitted an amicus brief for this case. Our attorneys will continue to monitor this case and offer advise once the court had rendered a decision.

OFF-SEASON TOPIC

SDCs – House Speaker Tina Kotec has an interest in finding ways to reduce the cost of workforce housing. One way is reduction in SDCs. It is likely that a working committee will be formed to address this issue. The ORPA lobbyist will make an effort to be on this committee representing ORPA members.

It is possible that BPRD staff will be asked to testify.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	October 1, 2019
SUBJECT:	Ballot Box License Agreement with Deschutes County for Pine Nursery Park
STAFF RESOURCE:	Michelle Healy, Deputy Executive Director
PREVIOUS BOARD ACTION:	8/2/19 Approved Ballot Box License at Simpson Park and Ride
ACTION PROPOSED:	Authorize Executive Director to negotiate and execute a license agreement with Deschutes County
STRATEGIC PLAN:	
Pillar:	Community Relationships
Outcome:	The district is strategic about partnerships
Strategy:	Partner when there is shared mission and broad community benefit

BACKGROUND

Deschutes County has been looking for locations in Bend to place additional ballot boxes for use by the community during elections. As part of that effort, they recently inquired about the potential to place a ballot box in Pine Nursery Park to serve the northeast quadrant of Bend. After discussion with county staff, a spot near the drop off area on the east side of the south parking lot was identified as a location (see Exhibit A).

The general terms of the license are as follows:

- County will use the site for up to ten years beginning in November 2019. The agreement may be terminated by either party with 120 days' notice.
- Upon termination, the county is required to return the property to the condition it was in at the commencement of the license.
- Deschutes county will install the ballot box and any associated signage. The use of the site is "as-is" and no improvements are required by the district.
- County is responsible for maintenance and operation of the ballot box.
- There is no financial consideration for the use of the area for the ballot box.
- Public access to the ballot box is permitted during park hours as set by the district.

STAFF RECOMMENDATION

Staff recommends authorizing the Executive Director to negotiate and execute a license agreement with Deschutes County for the ballot box.

BUDGETARY IMPACT

None - the addition of the ballot box on the property will require little, if any, investment by the district. The placement of this new ballot box in this location is recognized as benefit to the community, therefore no fee is proposed for this license.

MOTION

I make a motion to authorize the Executive Director to negotiate and execute a license with Deschutes County for the placement of a ballot box in Pine Nursery Park.

ATTACHMENT

Exhibit A: Approximate location of ballot box

**Exhibit A – Deschutes County Ballot Box License
Pine Nursery Park
3750 NE Purcell Blvd., Bend, OR 97701
(October 2019)**



**Approximate
ballot box
location**



BOARD AGENDA COMMUNICATION

AGENDA DATE:	October 1, 2019
SUBJECT:	Construction Contract Award for Empire Crossing Park Project
STAFF RESOURCE:	Ian Isaacson, Project Manager Jason Powell, Construction Manager Brian Hudspeth, Development Manager
PREVIOUS BOARD ACTION:	July 18, 2017, Authorized acquisition of Empire Crossing Park property
ACTION PROPOSED:	Award Construction Contract
STRATEGIC PLAN:	
Pillar:	Operations & Management Practices
Outcome:	A balance between caring for existing infrastructure and new development
Strategy:	Ensure the district is maintaining its adopted level of service targets

BACKGROUND

Empire Crossing Park is located in northeast Bend, at 63145 Lancaster Street. Empire Crossing Park is a 1.25-acre neighborhood park, and was built as a private park with a small play structure, paths and turf areas. The district was asked to take over the park by the Home Owners Association, and in 2017 the HOA deeded the park to the district. Since that time the district has been maintaining the park for public use. This project will improve the playground, create accessible connections and pathways, update furnishings, signage, landscaping and irrigation.

On July 25, 2019, the district advertised the Empire Crossing Park construction project as a lump sum bid. A mandatory pre-bid meeting was held for all prospective bidders on August 8, 2019. Bids were opened and read on August 29, 2019. The following two bids were received:

Kirby Nagelhout Construction Company:	\$223,888.00
Mountain Sky Inc.:	\$205,418.55

The lowest bid was Mountain Sky Inc. for an amount of \$205,418.55. In order to bring the cost within the remaining budget allocation of \$216,728.40 (including contingency), the district entered into a value engineering exercise per OAR 137-049.

During the value engineering process, staff worked with the apparent low bidder to reduce the cost of work. This process allowed the team to reduce costs to within the remaining budget. The value engineered bid is as follows:

Mountain Sky Inc.:

\$196,954.80

Staff will share information related to the value engineering effort during the board meeting.

BUDGETARY IMPACT

The district's 2020 – 2024 Capital Improvement Plan allocates a total of \$400,000 in system development charges for the design and construction of the Empire Crossing Park project. To date the district has spent \$55,469.42 on design and permitting, leaving \$344,530.58 for completion of the project. With a contracted construction cost of \$196,954.80, plus a 10% contingency of \$19,695 the total funding allocated for construction will be \$216,649.80. The remaining \$127,880.78 is allocated to cover purchase of the playground equipment and surfacing; construction administration; signage and furnishings; and district site cleanup costs.

STAFF RECOMMENDATION

Staff recommends that the board award a construction contract to the low bidder, Mountain Sky Inc., with a bid amount of \$196,954.80. Staff further recommends the board approve a 10% contingency of \$19,695 for a total construction budget not to exceed \$216,649.80.

MOTION

I move to authorize the executive director to award a construction contract to Mountain Sky Inc., for construction of the Empire Crossing Park project with a bid amount of \$196,954.80, and to approve an additional 10% construction contingency of \$19,695, for a total construction budget not to exceed \$216,649.80.

ATTACHMENTS

None



PLANNING & DEVELOPMENT PROJECT UPDATES October 2019



Deschutes River Trail (DRT):

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

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

Galveston to Miller’s Landing Park Segment – The district is negotiating with the City of Bend to determine the scope of this project. Staff anticipates a modification to the intergovernmental agreement (IGA) to address additional utility work necessitated by the project. Due to the utility work that was completed over the last two years in the neighborhood, the city wanted to wait a couple more years before beginning another project in that area. This will give both the city and BPRD time to work on a revised scope of work and amend the current IGA. District staff has started conversations with the City of Bend.



Big Sky Park Expansion: Design is at 90 percent construction documents. BRPD employees are currently reviewing for maintenance and operations considerations, constructability, and budget. Comments are due to the design team at the beginning of the October. Intent to submit for building permits will occur late 2019 and it is anticipated that the project will start construction during the first quarter of 2020.



Larkspur Center (Bend Senior Center): Construction on the new building continues to go vertical. The concrete block walls (CMU) and steel structures are being installed. The roof framing should begin towards the end of October. Construction will continue for another year, with an anticipated opening in September 2020.



Alpenglow Community Park: The Board approved Amendment #5 to the design contract with ESA on July 16th. With the fully executed contract now in place, work continues towards final designs and permitting. Staff is still working with Roats Water on their irrigation line relocation which should be happening this summer.



Shevlin Park:

Signage – The sign package installation is underway for the new interpretive, wayfinding, and regulatory signs in Shevlin Park, and for the 329 acre expansion of Shevlin Park, formerly known as the Tree Farm. District staff will continue the work throughout the fall as weather allows.

Accessibility Improvements – The ADA Improvements project, which is funded by the State’s Local Government Grant Program (LGGP), continues with construction currently underway and through the fall of 2019. The Hixon Bridge has been removed and stream bank improvements are in place. Plantings and establishment will be ongoing through the fall. Work will now focus on the widening of the Larch Bridge along with associated trail approaches. Once the contractor finishes the Larch Bridge, work will begin on the new ADA trail from the parking lot to the pavilion at Aspen Meadow. Work is expected to be fully complete by the end of October.



Goodrich Pasture Park: Comments from the city have been received on the district’s land use application and the design team is working hard updating the plans and responding to the comments. Work still remains to finalize the street cross section. With Quimby being a gravel road within the city, surrounded by existing homes and infrastructure, district staff has been trying to develop a design that will have a minimal impact to existing home owners. Final land use should be received this fall followed by final cost estimates and permitting.



Drake Park DRT & Bank Improvement Project: The district has finished the owner’s review of the 100% Construction Document package. Construction is currently expected to start during the fall of 2020.



Pacific Crest Middle School Fields: Work is underway on the athletic fields. The water service, electrical service, and irrigation are currently being installed. Paving and pathways, irrigation, landscaping, and sod work will occur further into the fall. Sports play is scheduled to begin on the fields in 2020.



Juniper Park: Work continues on phase 2 of the project. Phase 2 includes replacing the existing playground with an ADA focused playground, removing the old storage and restroom buildings, new access and parking at 6th Street, and construction of a new restroom building that will serve both the park and the outside pool deck area. This work is anticipated to start fall of this year and be complete by spring of 2020.



Haul Road Trail: Staff is working to obtain outstanding easements for the trail. The design team is working on the next phase, which includes survey, easement mapping, and alignment design. 70% construction documents are expected for BRPD review in October 2019. Construction on the trail is funded to start in 2021, but Western Federal Lands (WFL) believes they can get the money released early targeting construction to start mid-2020. Coordination is ongoing.



Rockridge Park Restroom: Rockridge Park has been annexed to the City of Bend, and the district is now be able to tie into City utilities for the restroom project. The district has awarded a contract and construction is expected to begin in the fall of 2019.



Northpointe Park: The property has been consolidated into a single tax lot and design is ready to commence. Public outreach is underway to solicit input on park amenities and name. This information will be used to generate the master plan. The neighbors are very excited to get involved.



Empire Crossing Park: The district opened bids for construction on August 29th, 2019. The construction contract will be presented to the Board on October 1st, 2019. Work is anticipated to begin this fall and be completed in the spring of 2020. The neighbors around this park are very excited and have been a tremendous asset during the design portion of the project.



JSFC Pool Tank Renovation: The RFP for a design-build contractor was published September 5th, 2019. A mandatory pre-bid meeting was held at JSFC September 12th, 2019. Proposals are due October 3rd, 2019. The contract is expected to be awarded November 2019.



Riverbend South Restoration Project: The UDWC and BPRD have received a Technical Assistance Grant from the Oregon Watershed Enhancement Board (OWEB) to complete the design and engineering on the section of river from the Bill Healy Bridge to the Farewell Bend Bridge along river left. UDWC and district staff have awarded a contract for completing the design work and it is anticipated that the design will be completed by summer of 2019.

Deschutes River Access and Habitat Restoration Plan: Public lands in and around the City of Bend are experiencing rapid increases in use as growing numbers of residents and visitors use public lands for recreation and leisure. With increased use, sensitive wetland and riparian habitats along the Deschutes River have been impacted as hikers, cyclists, bird-watchers, anglers and floaters gravitate to the river corridor for recreational activities. In an effort to get a handle on and manage access to the river, district staff will be starting a planning effort to gain a better understanding on how patrons utilize the river and how to make access more sustainable. Staff collected river use data this summer and have applied for a technical assistance grant from the National Park Service. The planning effort is beginning this autumn.

Perception and Awareness Survey: BPRD surveys residents every three years to track awareness, perceptions, and priorities of Bend residents in regard to parks and recreation services. The research will inform district communications and identify community priorities. The survey is expected to be completed this autumn and findings will be reported to the board in early 2020.

**Board Calendar
2019-2020**

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

October 15 – canceled (ORPA Conference)

November 5

Staff Introductions

Henry Stroud

Work Session

- ◆ Update on the Bend Core Area Urban Renewal Project – *Matt Stuart, City of Bend (45 min)*
- ◆ ORPA Award Video – *Julie Brown (10 min)*
- ◆ Recreation Report: Days of Play – *Sue Boettner and Jennifer Padilla (15 min)*

Business Session

- ◆ Award Design Build contract for JSFC Indoor Pool Tank Renovation – *Bronwen Mastro (10 min)*
- ◆ Award construction contract for COHC Trail Improvements – *Bronwen Mastro (10 min)*
- ◆ Ground Lease Agreement with North Pacific Juniors Volleyball Club for Sand Courts at Pine Nursery Park – *Adam Ellis NPJ and Michelle Healy (30 min)*

November 19

Work Session

- ◆ Park Services Update Integrated Pest Management Program – *Mike Duarte, Jeff Amaral and Sasha Sulia (45 min)*

Business Session

December 3

Work Session

Business Session

- ◆ Appoint Budget Committee Member(s) – *Lindsey Lombard*
- ◆ Goodrich Park Award Construction Contract – *Ian Isaacson and Jason Powell (20 min)*

December 17

Work Session

Business Session

2020

January 07

Work Session

Business Session

January 21

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

- ◆ Annual Strategic Action Plan (Mid-Year Review)
- ◆ Cost Recovery
- ◆ General Fund Commitments
 - Larkspur/JSFC
 - Alpenglow and Big Sky
 - Pay Equity
 - PERS
- ◆ Financial Forecast
- ◆ Capital Improvement Plan (CIP) Discussion
- ◆ Board Self-Assessment

February 4

Work Session

Business Session

February 18

Work Session

Business Session

March 3

Work Session

Business Session

March 17

Work Session

Business Session

April 7

Work Session

Business Session

April 21

Work Session

Business Session

April 15 - Budget Committee Tour (tentative)

May 5

Work Session

Business Session

BUDGET MEETINGS May 11, 13 and 14 (tentative)

May 19

Work Session

Business Session

June 2

Work Session

Business Session

- ◆ Adopt Resolution No. XXX – Adopting a Revised Fee Schedule for System Development Charges, effective July 1, 2020 – *Lindsey Lombard*
- ◆ Hold Public Hearing and Adopt Resolution No. XXX – Adopting the Budget and Making Appropriations for Fiscal Year 2020-21, and Adopt Resolution No. XXX - Imposing and Categorizing Taxes for Fiscal Year 2019-20 – *Lindsey Lombard*

June 16

Work Session

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 –

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

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

River Access Plan updates – Sarah Bodo