



Bend Metro Park & Recreation District

December 3, 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

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



Board of Directors

December 3, 2019

District Office Building | 799 SW Columbia | Bend, Oregon

AGENDA

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5:30 p.m. CONVENE MEETING

WORK SESSION

1. Recreation Report: Athletic Field Report – *Becky Young and Michael Egging (30 min)*
2. Review Board Vacancy Appointment Process – *Don Horton (20 min)*
3. Mirror Pond MOU – *Don Horton (30 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 – 11/19/2019
2. Codify Personnel Policies

BUSINESS SESSION

1. Public Hearing, on Resolution No. 433 – Budget Transfer for PERS Contribution – *Betsy Tucker (15 min)*

EXECUTIVE DIRECTOR’S REPORT

PROJECT REPORT – Attachment in Board Report

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

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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:	December 3, 2019
SUBJECT:	Athletic Field Report
STAFF RESOURCE:	Michael Egging, Management Analyst Becky Young, Sport Coordinator Matt Mercer, Recreation Director
PREVIOUS BOARD ACTION:	February 6, 2018: Approved Athletic Field and Sport Program Policy Guidelines (modified in December 19, 2018)
ACTION PROPOSED:	None

BACKGROUND

On February 6, 2018, the Board of Directors approved the Athletic Field and Sport Program Policy Guidelines. Minor revisions were approved by the board on December 19, 2018. In addition to defining the district's role in facilitating team sports and providing guidelines for the allocation and scheduling of fields, the policy helps identify future needs for athletic field development. The annual athletic field report provides the board with a summary of athletic field use over the past year including key data and trends used to inform decisions regarding future needs and priorities. Staff will also provide progress on several other policy guidelines, including the use of non-athletic fields for practices and the implementation of required reservation and permit process for organized use of athletic fields.

BUDGETARY IMPACT

None. Athletic field reservation program and rental revenue is included in the adopted budget.

STAFF RECOMMENDATION

None- for information only

MOTION

None

ATTACHMENT

Athletic Field and Sport Program Policy Guidelines



Nathan Hovekamp, Chair

Page 1 of 6

Purpose

To establish Board policy guidelines for the development and operations of District athletic fields and programs. The guidelines are intended to articulate the District philosophy regarding sports programming, future athletic field development needs, allocation and scheduling of fields and general operating practices.

Definitions

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

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

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

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

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

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

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

- Tryouts or other restrictions to participate
- Playing time based on skill, talent and commitment
- Travel out of Central Oregon for competitions
- Multiple-season participation
- Contract and/or ongoing dues
- Membership in national governing organization separate from fees

Policy Guidelines

1. District Role in Sports Programming

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

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

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

The District's primary role in the provision of athletic fields is to meet the needs of recreation programs and leagues offered by the District and other non-profit local sports organizations offering recreation-based programs. The District understands that competitive, club-based sports organizations and groups look to the District (as well as Bend-La Pine Schools) for athletic fields to conduct practices, games and tournaments. While the District develops and operates athletic fields to meet some of these needs, the District cannot be expected to meet 100% of the needs and desire for competitive, club-based organizations.

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

3. Guidelines for Determining Future Athletic Field Development

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

- A. **Past and projected growth in actual hours of field use.** Actual hours that fields are used are the most direct indicator of the demand for athletic field space. The District will track scheduled use of athletic fields in order to identify trends and plan for future needs.

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

4. Guidelines for the General Use of Athletic Fields

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

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

5. Affiliate Organizations

The District uses affiliate organizations as a part of the prioritization of athletic field space. The purpose of identifying affiliate organizations is to provide a more formal and transparent way of recognizing "partnerships" in the priority scheduling process. The District has consistently prioritized organizations that are the primary provider of a particular sport and in most cases have a long history of serving the community and working closely with the District. By recognizing these relationships in the form of affiliates, the District can facilitate a broader range of services to the community, enhance the stability of affiliate organizations, provide an additional level of accountability to non-profit sports organizations and promote increased coordination and collaboration.

The District recognizes affiliate organizations that are best positioned to serve the needs of the community and support or complement the mission of the District. In some cases, an affiliate organization may provide a service that the District would likely provide if not for the affiliate while in other cases the affiliate organization is providing a service that is not within the District's mission to provide (i.e. clubs offering a higher level of competitive sports). The number of affiliates that the District recognizes will be based on District field capacity, community demand and the needs of the District. Where multiple organizations serve the same basic community need and the District does not have the

capacity to meet all of the organizations' demands, the District will normally affiliate with the organization that serves the most people and has the longest history in the community and with the District, provided that they continue to meet affiliate requirements. Where multiple organizations coordinate to provide a community need (whether by geographical boundaries, level of play or other coordinated criteria), the District will normally recognize the coordinating organizations as affiliates, providing that they continue to meet affiliate requirements and coordinate their services.

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

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

6. Athletic Field Scheduling Priority

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

1. **Bend Park & Recreation District Programs:** First priority scheduling consideration is for District offered recreation leagues, classes and camps.
2. **Bend-La Pine School District Programs:** Second priority scheduling consideration is given to sanctioned BLP Schools' programs pursuant to the Intergovernmental Agreement (IGA).
3. **Affiliate Youth Sports Organizations:** Third priority scheduling consideration is provided for local youth sports organizations that are District-recognized affiliate organizations.

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

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

7. Reservations and Permits for Use

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

BOARD AGENDA COMMUNICATION

AGENDA DATE: December 3, 2019

SUBJECT: Review Board Vacancy Appointment Process

STAFF RESOURCE: Don Horton

PREVIOUS BOARD ACTION:

ACTION PROPOSED: NONE

STRATEGIC PLAN: NA

BACKGROUND

On November 19, 2019, Lauren Sprang resigned her position from the board of directors. ORS 198.320 dictates that the remaining board shall appoint a new board member to fill the vacancy. The remainder of the open term extends to June 30, 2021. Press releases and an advertisement in the Bend Bulletin have been published to advertise the open position. Interested applicants have been advised to submit a letter of interest and answer six questions available on the district's website by December 10, 2019. The applications will be given to the board December 11, 2019. The board will decide at the December 17, 2019 board meeting if they would like to select finalists or hear presentations from all applicants at the January 7, 2020 board meeting.

The discussion tonight will allow board members to weigh in on the process of scoring and selecting applicants in a public meeting.

BUDGETARY IMPACT

NONE

STAFF RECOMMENDATION

NONE

BOARD AGENDA COMMUNICATION

AGENDA DATE:	December 3, 2018
SUBJECT:	Memorandum of Understanding between Bend Park and Recreation District and the City of Bend to modify the Mirror Pond Community Vision to address fish passage
STAFF RESOURCE:	Don Horton, Executive Director
PREVIOUS BOARD ACTION:	<p>Adoption of Resolution No. 418 gave direction to the district to contribute \$300,000 toward the dredging of Mirror Pond under certain conditions</p> <p>Adoption of Resolution No. 430 describing conditions for collaboration between the City of Bend and Bend Park and Recreation District for the dredging of Mirror Pond and modification of the 2015 community vision to include an alternate fish passage</p>
ACTION PROPOSED:	

BACKGROUND

Resolution 430 authorized the Bend city manager and district executive director to execute a memorandum of understanding to develop a new concept for fish passage. In order to understand the events that brought the MOU forward, Resolution 418 authorizing funding for the dredge project and Resolution 430 are discussed here.

Resolution 418 – In July and August 2018, board members Ted Schoenborn and Brady Fuller met with members of the Bend City Council and Mirror Pond Solutions to identify funding options for the removal of sediment in Mirror Pond. These options were shared with the board in order to seek a more definitive direction and to narrow the funding options to those that the board is willing to consider and practical.

The funding option chosen by the Bend City Council and Bend Park and Recreation District Board of Directors was to share in the funding with the City of Bend, PacifiCorp and the community. Resolution No. 418 was adopted by the board on December 18, 2018 directing the district to contribute \$300,000 to the Mirror Pond dredging project under certain conditions. All conditions except one have been met. The unmet condition is to work through the transfer of Mirror Pond to the district. Resolution No. 430 provides further transfer options.

The \$300,000 commitment to the dredging project was subsequently adopted as a part of the CIP in June 2019.

Resolution 430 – Adopted by the board on June 18, 2019, Resolution No. 430 describes conditions for collaboration between the City of Bend and Bend Park and Recreation District to contribute to the preservation of Mirror Pond and setting forth the framework for an Intergovernmental Agreement (IGA) and memorandum of understanding (MOU) between the two entities.

Section 3 of Resolution No. 430 directs the city and district to enter into an IGA to accomplish the amended community vision addressing fish passage as long as a document can be created that align with five key points, which includes the city and district entering into an MOU pertaining to section 2, described below.

Section 2 of Resolution No. 430 “authorized the city manager and district executive director to enter into an MOU to conduct in independent-party process which recognized the extensive process and community work done to date, and to update the 2015 community vision by evaluating options for fish passage.”

Memorandum of Understanding – The purpose of the MOU calls for the city and district to work jointly to conduct a public, independently-facilitated process to update the 2015 Mirror Pond Community Vision. The community process is to address PacifiCorp’s decision to maintain the dam and continue to generate power. This decision makes it necessary to modify the fish passage portion of the vision in order to accommodate the goal of providing fish passage in a timelier fashion than would be possible under the currently adopted vision.

The MOU calls for a process to be led by Central Oregon Intergovernmental Council (COIC) in a committee format. The committee invitees are: Oregon Fish and Wildlife Department, Upper Deschutes Watershed Council, PacifiCorp, a Civil Engineer, city and district. All meetings will be open to the public with the opportunity for the public to address the committee.

The final product of this process is to develop a report that will include:

- Recognition that the landowner (PacifiCorp) has made the decision to retain the dam and to continue to generate power and that a part of the approval process must include landowner acceptance;
- An alternate to the community vision of a dam modification that would have allowed for a more natural river-like structure in favor of an alternate fish passage method;
- A general concept of what this fish passage will be;
- A preliminary cost estimate for the provision of fish passage;
- Recommendations of how to implement the preferred fish passage concept; and
- Suggested funding strategy to implement the project.

Upon execution of this MOU, staff will work with COIC on the committee to develop a concept and cost estimated for fish passage.

STAFF RECOMMENDATION

The executive director has been authorized through Resolution No. 430 to enter into this MOU. It is recommended that the board review the MOU for any edits prior to execution.

BUDGETARY IMPACT

There may be a small budgetary impact for the district to commission an engineer to prepare a high-level concept and cost estimate to be used in the final report.

MOTION

No motion necessary

ATTACHMENT

MOU

**MEMORANDUM OF UNDERSTANDING
CITY OF BEND AND BEND PARK AND RECREATION TO CONDUCT A
PUBLIC PROCESS TO UPDATE 2015 MIRROR POND COMMUNITY
VISION FOR FUNCTION OF DAM**

This Memorandum of Understanding (“MOU”) is between the **Bend Park and Recreation District** (“BPRD”), an Oregon special district, and the **City of Bend** (the “City”), an Oregon municipal corporation, for the purpose of working jointly to conduct a public, independently-facilitated process, to update the 2015 Mirror Pond Community Vision (the “Public Process”). BPRD and City are each referred to as a “Party” and, collectively, as the “Parties.”

RECITALS:

- A. The City Council and BPRD Board each adopted Resolutions in June of 2019, which describe conditions for a collaboration between the City and BPRD to contribute to the preservation of Mirror Pond, and set forth the framework for a Memorandum of Understanding (“MOU”) between the Parties and then an Intergovernmental Agreement (“IGA”) between the two entities.
- B. In conformance with the City Resolution No. 3165 and BPRD Resolution No. 430 (“Resolutions”), the City Manager is authorized to enter into a MOU with BPRD and the BPRD Executive Director is authorized to enter into an MOU with the City to update the 2015 Mirror Pond Community Vision, by evaluating options for fish passage, including modifications to the existing vision that calls for the dam to function like a natural river and to confirm quantities of a future sediment removal effort.
- C. The Resolutions also provide that the Public Process must include an opportunity for public comment and should address the seven goals identified by the Mirror Pond Ad Hoc Committee. The Public Process is to be public, independently-facilitated, and must recognize the extensive work and community outreach done to date.
- D. As part of this MOU the City and BPRD are also to work together to confirm the Parties commitment to pursue funding for fish passage and the proposed preservation project from public and private funding sources, other than the City and BPRD.
- E. The Resolutions provide that the City and BPRD will enter into an IGA to accomplish the updated Community Vision as long as documents can be negotiated that align with specified key points.

AGREEMENT:

1. Effective Date and Duration. This MOU will be effective on the date signed by both Parties. It will be in effect until the completion of the Public Process, unless earlier terminated as provided in Section 6.

2. The Process.

a. The process will be managed by Central Oregon Governmental Council (COIC), as a third-party convener.

b. The process will be hosted in a committee format and with all committee meetings open to the public, with the opportunity for public comment.

c. The committee invitees will include a representative from the City, BPRD, PacifiCorp, Upper Deschutes Watershed Council, Oregon Department of Fish and Wildlife (“ODFW”), and a fish ladder engineer. Meetings will be facilitated by COIC in a collaborative process.

d. It is anticipated that the committee will hold 4-6 meetings over 2-3 months; however this schedule can be modified once the committee is formed depending on the progress and needs of the committee and as directed by the Parties.

e. The City will pay for reasonable costs related to the facilitation work of COIC; BPRD will pay for reasonable costs related to the work scope for the consultant/design engineer for high level estimates for the fish ladder. If the costs exceed what each Party believes is reasonable, the Parties will meet and reassess the cost split.

f. The alternate fish passage concept is to consider the seven goals identified by the Mirror Pond Ad Hoc Committee and included in the adopted Mirror Pond Vision document. Both parties acknowledge that these seven goals apply to the greater vision project and that the fish passage and other vision components collectively meet the intent of the seven goals. These seven goals are:

- Retain Mirror Pond in its near historic condition;
- Modify the dam to function more like a river;
- Enhance habitat;
- Enable fish Passage;
- Maintain or improve public spaces;
- Reduce the frequency or quantity of future sediment removal efforts; and
- Identify funding sources other than tax dollars.

3. Product of Process.

a. Report. The product of this third-party led process is to develop a report that includes:

- Recognition that the landowner (PacificCorp) has made the decision to retain the dam and to continue to generate power and that a part of the approval process must include landowner acceptance;
- An alternate to the community vision of a dam modification that would have allowed for a more natural river-like structure in favor of an alternate fish passage method;
- A general concept of what this fish passage will be;
- A preliminary cost estimate for the provision of fish passage;
- Recommendations of how to implement the preferred fish passage concept; and
- Suggested funding strategy to implement the project.

b. Staffing. The Parties will assign such staff as is necessary to aid the COIC as facilitator in the Public Process.

c. Adoption. The final product is to be considered by both Parties as an amendment to the Mirror Pond Community Vision.

4. Amendment. The terms of this MOU may be amended or extended only in writing and when signed by both Parties.

5. Relation to IGA for Mirror Pond Dredging Project. As anticipated by the referenced Resolutions, by signing this MOU, both Parties acknowledge their intent to make good faith efforts to negotiate a mutually agreeable IGA that details the responsibility of both Parties in managing a future Mirror Pond dredge project.

6. Termination. This MOU may be terminated only for cause (material breach), following a good faith effort to cure or resolve the issue(s) between the Parties, and then must be delivered in writing with ten days' prior written notice, by certified mail or in person.

7. Entire Understanding. This MOU contains the entire understanding of the Parties and supersedes all prior and contemporaneous negotiations and agreements, whether written or oral, between the parties with respect to the subject matter of this MOU.

8. Authorization to Sign. The Resolutions provide that the MOU may be entered into by the City Manager and Executive Director consistent with the Resolutions without further City Council or BPRD Board Approval. (Section 2). Each Party, by the signature below of its authorized representative, acknowledges that it has read this MOU, and understands its terms and conditions, and has the authority to sign on behalf of the represented entity.

9. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

10. Applicable Law. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the state of Oregon. Jurisdiction over any action arising out of this MOU and over the parties is the State of Oregon, and the venue shall be the Deschutes County Circuit Court, 11th Judicial District, Oregon.

BEND PARK AND RECREATION
DISTRICT

By: _____
Don Horton, Executive Director

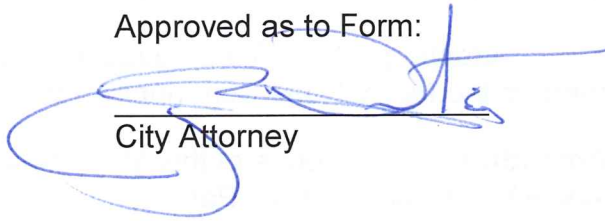
Date: _____

CITY OF BEND

By:  _____
Eric King, City Manager

Date: 11-12-19

Approved as to Form:



City Attorney



Board of Directors

November 19, 2019
District Office Building | 799 SW Columbia | Bend, Oregon

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5:30 p.m. MEETING CONVENED

BOARD PRESENT

- Ted Schoenborn, Chair
- Nathan Hovekamp, Vice Chair
- Jason Kropf
- Ariel Méndez

STAFF PRESENT

- Don Horton, Executive Director
- Michelle Healy, Deputy Executive Director
- Julie Brown, Manager of Communications and Community Relations
- Lindsey Lombard, Administrative Services Director
- Matt Mercer, Director of Recreation
- Sheila Reed, Executive Assistant
- Brian Hudspeth, Development Manager
- Jeff Hagler, Park Stewardship Manager
- Michael Egging, Recreation Analyst
- Jason Powell, Landscape Architect
- Sasha Sulia, Superintendent of Park Operations
- Betsy Tucker, Finance Manager
- Jeff Amaral, Natural Resources Manager
- Mike Duarte, Park Services Manager
- Marcia Copple, Financial Accountant

MEDIA

- Brenna Visser, The Bulletin
- Tyson Beauchemin, KTVZ News

STAFF INTRODUCTIONS

- Marcia Copple
- Rachel Colton
- Zac Lewis
- Greg Norris
- Erik Monia

WORK SESSION

Director Schoenborn began the meeting by reading the resignation letter from Director Sprang. Director Sprang resigned from her board position effective November 19, 2019 at 5:30 p.m.

The board expressed their appreciation for Lauren’s work and dedication to the board and the district.

1. Board Self-Evaluation Discussion – *Don Horton*

Executive Director Horton said the board typically does a self-evaluation every January at the board workshop. This year, the self-evaluation was done in October with SDAO/SDIS, the insurance carrier of the district. SDIS offered a four percent discount on the district insurance policy for the evaluation and provided an opportunity to discuss how the board is functioning. The board reviewed the evaluation, which was very favorable and discussed the recommendation for partnering with local agencies.

2. Park Services Update Integrated Pest Management Program – *Mike Duarte, Jeff Amaral and Sasha Sulia*

Mr. Duarte stated the IPM program uses effective and multi-faceted pest control strategies that are safe, cost effective, sustainable, and minimizes the negative impact on the environment and human health. It is not a single pest control method, but rather a series of pest control evaluations, decisions and controls, the four steps of the tiered approach include:

- Prevention – standards, planning and design and plant selection
- Monitoring and Thresholds
- Cultural and Mechanical Practices – proper maintenance practices with irrigation, turf, hand weeding, pruning and debris removal
- Control – live trapping rodents, pheromone traps, biological, organic pesticides and synthetic pesticides.

The board asked questions on how staff makes decisions on what to use. They also inquired about the balance of creating nice landscaping and health concerns.

Mr. Duarte explained that the district considers first the least toxic method to treat park areas. Costs are also a consideration including the cost of product, labor and how long it will last, there is also special consideration put into the cost of doing nothing. Physical impact is carefully thought out in regards to how something works, how it affects the soil, how long it lasts in the soil and if there is concern that it spreads. Everything is measured and products are carefully selected for the type of park, i.e. dog park, parks near the river, etc.

Mr. Amaral said the district has a legal obligation to manage noxious weeds as dictated by the City of Bend, Deschutes County and State of Oregon. Mr. Amaral explained that noxious weeds are a continuous problem. They displace native species and sometimes spraying is the only option because alternate methods can actually spread the weeds.

Mr. Duarte explained that staff uses a variety of methods depending on the species to control weeds in ornamental beds, tree wells, fence lines and turf. Manual hand pulling, string trimming and edging, mowing and spray applications are all used for these areas. For turf areas, it is not efficient and yields poor results to hand pull weeds. Turf fields are spot treated as necessary, very little spray is used and often these areas will be treated once people are no longer using the fields. Weeds in these areas can cause problems if unaddressed, they can catch in cleats and trip up athletes and attract stinging

insects. Trails and natural spaces are cared for with hand pulling, string trimming, prescribed fire, biological controls, increasing competition and herbicides.

Mr. Amaral said the Oregon Department of Agriculture (ODA) issues a pesticide applicators license. This license is managed by ODA and provides certification on laws and safety, and ornamental and turf areas. The licensing requires eight credit hours on average per year. This is not a required license; the district has participated voluntarily and made it requirement for certain staff.

Mr. Amaral said the label is the law, employees must follow the label on every product. The three levels on products are:

Level 3 = Caution

Level 2 = Warning

Level 1 = Danger

He further explained that the district does not use level 1 products and when these types of products are used, more than 90 percent of the time the district is using level 3. Mr. Amaral said he is always looking for new (better) products by talking to colleagues, attending trainings and testing for success. Ms. Sulia added that the signal words of the levels indicate toxicity for the applicator and indicate what the applicator should wear for caution, not the effectiveness of the product once it is applied.

Mr. Duarte explained the different types of herbicides:

- Selective - Kills target plants that are listed on the label. Leaves all other plants unscathed.
Example = Broad leaf
- Non-Selective = Kills actively growing vegetation by contact or by a systemic mode.
Example = Glyphosate
Organics = burn down, not systemic
- Pre-emergence – Kills weed seeds before they germinate.

He added that the use of organic products often leads to more applications because the spray only burns the top part of the plant, it grows back and then the organic product has to be applied again.

He spoke about the challenges of posting signs too far in advance because it takes away some flexibility. He showed a sign that staff posts when a park area has been sprayed and committed to posting signs sooner and work to update the website with the information.

Ms. Sulia spoke about the research that she did on the practices of other agencies. She contacted the founder of Non-toxic Neighborhoods, Kim Conte. Ms. Conte referred her to the City of Irvine, since they are a city she has worked with to convert to organic pesticides. Ms. Sulia spoke about the park specific information that she got from Irvine and commented that she learned a lot from them. They are currently using 2 organic products that are a level 2. The City of Irvine is using a lot more product as a result of the change to using organic pesticides. Irvine does have one park (a dog park) that they are not using any products. Irvine had to hire 6 additional people for the parks and 18 for the city for weed pulling and management. Ms. Sulia also pointed out that by using level 2 products, public perception can be misconstrued. The types of safety equipment worn by the applicator for level 2 is much greater than level 1 products. For example, when the public sees an employee spraying

wearing level 2 precautionary gear, the public assumption is that the spray that is being used is toxic to the park patrons; when in reality it is protecting the applicator from risks associated with handling the product. Roundup is actually a level 3 caution and does not require protective gear like level 2.

Ms. Sulia also spoke about a Portland, Oregon experiment. They had a staff member that organized a large pool of volunteers to do manual work in the park to make the park pesticide free. The program expanded to five parks, then they lost the funding for the coordinator and most of the volunteers and today they are back to one pesticide free park.

Ms. Sulia mentioned a couple of other examples, but ultimately when plans were compared to the district, there was not a lot of difference in the plans indicating that the district is heading in the right direction. Other challenges she mentioned is public misconception that all spraying near park areas are district staff. There are many landscapers, HOAs and agencies that are using products around Bend.

Executive Director pointed out that Roundup is probably the most common herbicide used in the country. It is used to spray schools, city areas, private landscaping and in farming. He said if you have eaten bread, it was likely grown in a field that was sprayed with Roundup. He said the annual use of Roundup by the district is about 958 oz. (less than 7.5 gallons) for 700 acres of land. Mr. Duarte answered a question by a board director about why other agencies would be moving away from Roundup. He explained that lawsuits in California are driving agencies away from the product even though the science has not shown that Roundup is dangerous. Ms. Sulia said that other agencies may be changing due to public pressure. Irvine is satisfied with their results, but many other agencies are not.

The board indicated that they are in favor of more education about what the district uses, when products are used and the tradeoffs for using alternate products and transparency to the public with better signage and website presence. It was also mentioned that the board supported a trial of a pesticide free park.

Executive Director Horton shared his concerns with trying to go pesticide free. He said that the district can and will do a better job with education, posting and signage.

VISITORS

Leif, Enakai and Sam spoke to the board about the bike jumps that they built in Sunset View Park. The boys said that they live in the neighborhood and worked very hard to build the jumps that they like to ride their bikes over. They said that the jumps are fun and their friends liked them too. They would like to know what happened to the jumps because they are gone and would like the district to replace them by spring of 2020.

Executive Director Horton said he did not know what happened to the jumps they made, but he would find out and get back to them.

CONSENT AGENDA

1. Meeting Minutes – 11/05/2019

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

BUSINESS SESSION

1. Approve Cascade Natural Gas Easement in Jaycee Park – *Brian Hudspeth (15 min)*

Cascade Natural Gas made a request a year ago to install a natural gas line that would run through Jaycee Park. Mr. Hudspeth said this would require an easement and showed a map of the area for the easement. He said due to the size of the easement, board approval is required. The easement agreement included an appraisal for the land for \$16,173. Cascade Natural Gas has agreed to pay this amount, if approved, they will pay to record the easement and deliver copies back to the district.

Executive Director Horton mentioned that the district cannot build anything on top of the easement and said the need to do so is slim.

The board asked about the impact to the neighborhood. Mr. Hudspeth replied that the impact should be minimal. Part of the street will be closed for the equipment, but the boring process is fast.

Director Hovekamp made a motion to authorize the executive director to negotiate and execute a utility easement to Cascade Natural Gas for an underground gas line across Jaycee Park. Director Kropf seconded. The motion passed unanimously, 4-0.

2. Adopt Resolution No. 432 - PERS Employer Incentive Fund Update and Resolution No. 432, Approving a Lump Sum Payment to PERS – *Lindsey Lombard (45 min)*

Ms. Lombard said she would like share to some background information about PERS. She stated that PERS is a retirement plan that combines defined benefit and defined contribution plans. The pension program is the defined benefit portion of the plan which is funded by the employer, and provides employees a lifetime pension, based on a calculation. The calculation considers how many years an employee has in the PERS system and their final average salary.

The IAP is the individual account program, which is the defined contribution portion of the plan, and is funded by the employee 6% contribution. This comes out of the employee's pay, unless the employer picks-up the 6% for their employees. The District stopped picking up this contribution for its employees effective January 2014.

Ms. Lombard played a video that explains PERS and the funding deficit.

The video is found here: <https://www.youtube.com/watch?v=sMw2KsVj1Us>

Ms. Lombard explained the history of decisions that were made that created the large deficit in PERS funds. She said there have been multiple attempts to reform the PERS system, but the reforms have been ultimately rejected. Recently, in the 2018-19 legislation, a bill passed that created the Employer Incentive Fund (EIF) and a mechanism for the EIF matching funds from the state. Funding for the match was included in a second bill that had four initiatives:

- EIF was funded with an initial amount of \$100 million to match employer contribution to side accounts

- Individual Account Plan (IAP) redirect of funds. This redirects a percentage of the employee’s IAP (which is the 6 percent that district employees pay) to pay for future pension benefits, reducing the employee’s overall retirements
- Final average salary (FAS) is limited with a cap of \$195,000
- Removal of the current limit of hours that a retired employee can work for a PERS employer for the calendar years 2020-2024, the employer will be required to continue the employer contribution and will be directed toward reducing the unfunded actuarial liability (UAL)

Ms. Lombard stated that the IAP redirect and FAS have been challenged and are under expedited review, but the Oregon Supreme Court has not yet agreed to hear the case.

Side accounts have been used as a tool for PERS employers to make a voluntary lump sum payment to PERS and offset a portion of the employer’s future PERS contribution rate over 20 years. The goal is to reduce future PERS costs, earn higher returns on the investment, match pension funding with costs, and amortize over a 20-year period. Ms. Lombard said it is not risk free and the investments could result in the loss of capital and the money set aside cannot be used to provide future services.

Ms. Lombard next talked about the state match program. The state has committed to matching 25 percent of the side account. The first round of applications was opened to PERS employers with a UAL that exceeds 200 percent of their payroll. The second round is open to other agencies on December 2, 2019. These applications are accepted on a first come first served basis. Ms. Lombard showed a slide that explained the benefits for the district to invest \$1.5 million into the fund and receive a match of \$375,000, projecting over \$3.2 million dollars in savings over 18 years.

Ms. Lombard spoke about the other local agencies that are planning on applying for the matching funds as well. She showed this slide that outlines their plans:

<u>Organization</u>	<u>Maximum Amount to Receive Match</u>	<u>Potential Contribution</u>	<u>Related Match</u>
BPRD	\$ 1,500,000	\$ 1,500,000	\$ 375,000
City of Bend	11,200,000	4,700,000	1,175,000
Deschutes County	20,000,000	15,000,000	3,750,000
Bend La Pine Schools	31,300,000	1,000,000	250,000
City of Prineville	1,200,000	800,000	200,000
	<u>\$ 65,200,000</u>	<u>\$ 23,000,000</u>	<u>\$ 5,750,000</u>

The board asked if this match will be offered again. Ms. Lombard responded that it is likely that it will be and said the district should be saving money to take advantage of it. The board discussed some other options for using the money, like paying down debt for Juniper Swim and Fitness Center. The board ultimately concluded that making a lump sum payment and accepting the matched funds would be the best use of the funds.

Director Hovekamp made a motion to adopt amended Resolution No. 432 Approving a Lump Sum Payment to the PERS Employer Incentive Fund in the amount of \$1,500,000. Director Méndez seconded. Motion passed unanimously, 4-0.

***Director Hovekamp amended resolution 432 to reflect the amount of \$1,500,000.**

Director Schoenborn said the board needs to approve a process to appoint the board position and two budget committee members. He read the ORS that dictates how the appointment for the board position shall be appointed. The board discussed the process that has been used in prior appointments. Since the community will not be able to elect someone to the open seat, the board expressed their desire for an open and fair process. Directors Kropf and Hovekamp volunteered to craft the applicant questions. Interviews for the open seat will be discussed after the board sees how many people have applied.

The two openings on the budget committee are to fill the vacancy left by Director Méndez and the expiration of a term, Larry Kimmel has requested reappointment and Deb Schoen, who was selected as an alternate this past year, is also interested in the position. The applications for these seats will be made open to the public.

EXECUTIVE DIRECTORS REPORT:

Executive Director Horton asked the board for personal information that is needed for a Medicaid application. The application allows the district to apply for reimbursement funds for the therapeutic recreation programs.

PROJECT REPORT

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER Director Hovekamp expressed his thanks to Director Sprang for a job well done and said he will miss her. The board echoed his sentiments.

ADJOURN 10:20p.m.

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Prepared by,
Sheila Reed

Executive Assistant

Ted Schoenborn, Chair

Nathan Hovekamp, Vice-Chair

Jason Kropf

Ariel Méndez

BOARD AGENDA COMMUNICATION

AGENDA DATE:	December 3, 2019
SUBJECT:	Codify Amended Personnel Policies
STAFF RESOURCE:	Theresa Albert, Human Resources Manager
GUEST PRESENTER:	None
PREVIOUS BOARD ACTION:	June 3, 2008 – Amended policy to allow the Executive Director to approve or amend board policies
ACTION PROPOSED:	Codify Personnel Policies
STRATEGIC PLAN:	
Pillar:	Employees and workforce culture
Outcome:	A workforce that is heard, informed, involved and valued

BACKGROUND

On June 3, 2008, the Board of Directors adopted the administrative policy Employee Manual. This policy allows the Executive Director to temporarily approve additions or amendments to Board policies. Once a year all new and amended policies are to be brought before the Board for final approval.

Over the last year, the Executive Director has amended Board approved policies. A committee was convened that included two board members, Ariel Mendez and Jason Kropf, the Executive Director and Human Resources Manager to review the amended policies. The committee agreed with the Executive Director's actions and provided recommended additional clarifying language. The amendments included law changes, housekeeping issues such as clarifying language that resulted in consistent application and ease of understanding, and changes in practices to be consistent with other government agencies or to improve business practices.

The attached exhibits provide the details on all changes. Exhibit A: Summary of Policy Amendments provides a summary of all changes made to each personnel policy, and Exhibit B: Amended Personnel Policies provides all changed personnel policies in track changes with the exception of the Insurance policy as it was reformatted and rewritten for ease of understanding.

BUDGETARY IMPACT

The amendment of the personnel policies has no significant budget impact.

STAFF RECOMMENDATION

Staff recommends the Board codify the amended personnel policies:

MOTION

I make a motion to codify the amended policies as presented in Exhibit B – Amended Personnel Policies.

ATTACHMENT

Exhibit A – Summary of policy amendments

Exhibit B – Amended personnel policies: Service Awards, STAR Award, Time Keeping and Payroll Procedures, Interview/Relocation Expenses for Applicants, Final Paycheck, Overpayment to Employees, Vacation Leave, Sick Leave, Personal Leave, Hardship Leave Donations, Special Leaves with Pay, Employee Assistance Program, Insurance Health, Dental & Vision, and Wellness Program.

EXHIBIT A: SUMMARY OF POLICY AMENDMENTS

The amended policies were amended as follows:

Service Awards – Amended to correct start date of receiving service awards.

STAR Award – Amended to increase the dollar value of level 1 and 2 STAR awards and change procedures to ensure inventory control and provide clarifying language.

Time Keeping and Payroll Procedures – Amended to reflect the change that occurred in 2016 to change all employees to one payroll period. Previously to 2016, the district had three different payroll periods. The change to one payroll period provided ease in administration of payroll. In addition, the policy was amended to reflect electronic timesheets and the change in the name of the department from Finance to Administrative Services.

Interview/Relocation Expenses for Applicants – Amended to expand those applicants eligible for interview/relocation expenses based on the business needs rather than the level of the position filled.

Final Paycheck – Amended to remove the option for a final paycheck to be direct deposited as the district has not used this option as this is the opportunity for employees to return district property.

Overpayment to Employees – Amended to reflect the electronic timesheet system the district implemented, change in titles, and provided clarifying language.

Vacation Leave – Amended to remove the six-month waiting period to accrue and use vacation. Removed all references to the six-month orientation period.

Personal Leave – In 2017, the district expanded the orientation period for exempt (management) employees from six months to one year. The amendment retains the qualification period of six months but changes the wording from completion of the orientation period to completion of six months of the orientation period.

Sick Leave – Amended the policy to adopt the labor law language for uses of sick leave and family member definition.

Hardship Leave Donations – Amended with clarifying and simplified language.

Special Leaves with Pay – Amended with clarifying language.

Employee Assistance Program – Amended with clarifying language and to expand eligibility from benefitted employees to all employees per the adopted budget for the 2019-20 fiscal year.

Insurance, Health, Dental & Vision – As this policy was reformatted in its entirety, redlining was not applied. Provided clarifying language and the process the district applies eligibility, as well as compliance with the Affordable Care Act.

Wellness Program – Amended with a definition of a retired employee for the facility pass.



SERVICE AWARDS

General Information

Service awards recognize employee's' longevity with the District.

Recognized Service Date

The recognized service date is the initial date of hire to the District. If breaks in service occur, the recognized service date shall be adjusted forward.

Breaks in Service

The recognized service date is adjusted for breaks. If the break in service is less than one year, the recognized service date will be adjusted accordingly. Job-incurred injury leave, approved military leave, and approved educational leave do not constitute a break in service.

If the break in service is one year or more, prior District employment does not count toward recognized service date.

Guidelines

All full-time, regular part-time, part-time, and seasonal employees are eligible for service awards.

~~Beginning with~~ Upon completion of the fifth year of employment, service awards shall be awarded at five-year intervals.

A "service year" is considered a twelve-month period of employment with the District.

The service award for each five year increment shall be determined by the Employee Relations Committee.

Service awards shall be distributed at the All Staff Luncheons.

If any employee's service award becomes lost or damaged after it is presented to the employee, a replacement service award may be purchased at the employee's

expense from the Employee Relations Committee. Costs for service awards vary annually.

Procedure

Human Resources	Compiles a list of eligible employees. Sends list to Employee Relations Committee.
Employee Relations	Orders service awards. Distributes service awards at All Staff Luncheons.



STAR AWARD

General Information

The Supervisor Tool for Award and Recognition (STAR) Award program is designed for supervisors to recognize outstanding employee performance.

Supervisors are encouraged to recognize their own employees and employees across the District.

Supervisor Tools

The STAR Award program has a selection of options or levels for award, each related to behaviors or performance that exemplify the District's mission, vision, values, core competencies, and/or annual strategic action plan. The Supervisor Overview and Instructions provides the definition of performance/behavior for each option.

Option 1: ~~\$5.00~~\$10.00 Gift Card from selected businesses

Option 2: ~~Lunch/Breakfast/Coffee with the supervisor~~\$20.00 gift card from selected businesses or 2 movie tickets

Option 3: Four hours of paid leave or \$50 VISA gift card

Eligibility

All employees are eligible to receive STAR Awards.

STAR Award Form

When a supervisor recognizes an employee with a STAR Award, the supervisor shall fill out a STAR Award form indicating-citing the reason(s) for the recognition and forward to Human Resources to file in the employee's official personnel file.

Procedure

Supervisor Complete a STAR Award form providing information and justification for the award selected. Both employee and supervisor sign the STAR form. Take picture of employee and Mmake a copy of the STAR Award and submit picture and STAR form to Human Resources. STAR Award gift and original STAR Award form given to employee.

If recognition option 3 is selected, an additional signature is is required by the submit to Department Director for approval and signature. Make two copies of approved STAR Award form. One copy is to be either attached to the VISA gift card purchasing

~~paperwork or to the timesheet of the month the 4 hours of paid leave is redeemed. The second copy is submitted to Human Resources.~~

HR Forward copy of form to ERC to post STAR Award recipient to the Employee Website. Forward option 3 to Payroll to process either as vacation leave or for payroll. File STAR Award in Employee's personnel file.

Resource

Supervisor Overview and Instructions

Form

STAR Award Form



TIME KEEPING AND PAYROLL PROCEDURES

General Information

To ensure proper payment of time worked, employees are required to fill out and submit electronic time sheets.

Working Hours

It is the policy of the District that eight (8) hours shall constitute a full day's work, and five (5) days shall constitute a week's work. Full-time employment shall be based on a 40-hour work week. Managers shall assign hours of work and shifts to meet the operational requirements of each division. Whenever practical, an employee will be given adequate advance notice of any changes in his/her regular hours of work, except where an emergency exists.

Work Week

The District is recreation oriented, and as such, typically operates seven (7) days a week. For payroll purposes, the work week starts at 12:01 a.m. Monday and ends at midnight Sunday. **Exception:** Any shift that starts before and ends after midnight all hours worked will be recorded on the day the shift began.

Pay Periods and Pay Days

The District's payday is the last business day of the month, unless the last day falls on a weekend or holiday or unforeseen circumstances occur, in which case payday may be on the first business day of the next month.

~~For full-time employees, the pay period is from the first day of the month through the last day of the month.~~

For ~~part-time~~all District employees, the pay period is from the **21st** day of the month through the **20th** day of the following month.

Electronic Deposit of Paychecks

The District offers its employees the option to electronically or automatically deposit their paychecks into their personal bank account(s). Information and enrollment for electronic deposit may be obtained from the Finance Department.

Time Sheets

Non-exempt employees will enter hours worked ~~daily~~ and exception hours on a daily basis in the electronic time sheet. Exempt employees will enter exception hours. Exception hours are defined as sick leave, vacation, holiday, personal leave, jury duty, leave without pay, FMLA/OFLA, Workers' Compensation time loss, compassionate leave, funeral participation, and administrative leave with pay. The employee's ~~entries signature on in~~ the electronic time sheet certifies that the document is true and accurate. The time sheet will be reviewed and signed off as accurate by the supervisor/manager. The supervisor/manager shall submit-approve the time sheets ~~into the Finance Department~~ on a weekly basis and finalize on a monthly basis by the monthly payroll due date.

An employee may not record time for another employee nor permit someone to record time for the employee. All corrections and/or additions to an employee's timesheet must be made-approved and initialed by the employee's supervisor/Manager or the Finance ~~Department~~Division. Falsification of time-keeping records will subject the employee(s) involved to disciplinary action up to and including termination of employment.

Errors

To address potential payroll errors, employees must contact their supervisor. Supervisors will work with the Finance Department. Errors will be resolved ~~in a~~ timely manner no later than the following paycheck.



INTERVIEW /RELOCATION EXPENSES FOR APPLICANTS

General Information

The District generally does not pay interview travel expenses for applicants applying for employment or moving expenses for new hires. Applicants normally travel to interviews and relocate at their own expense. However, there may be occasions when such payment would be appropriate.

Exceptions

When ~~filling a key position such as manager level or above~~ business needs are identified, it may be appropriate to pay for interview travel and/or relocation expenses ~~in order~~ to fill the position. Payment or reimbursement may be appropriate when such expenditures are necessary for the employment of qualified personnel.

Interview travel or relocation expenses require written justification to and approval by the Executive Director.

In the Event of Termination

If a new employee voluntarily terminates employment with the District prior to completion of the orientation period, the employee may be required to reimburse the District for relocation expenses.

Procedure

- | | |
|--------------------|--|
| Hiring Manager | Prior to offering reimbursement to applicant, writes justification memo for interview travel and/or relocation expense approval and submits to Executive Director. |
| Executive Director | Reviews and approves or denies request. |
| Hiring Manager | Receives Executive Director's decision. Based on decision, engages in negotiations with applicant. After expenses incurred, submits reimbursement request with receipts to Finance Department. |

In the event of termination during the orientation period, notify employee that he/she will be required to reimburse the District for relocation expenses.



FINAL PAYCHECK

General Information

Oregon Revised Statute (ORS) 652.140 determines when a final paycheck is due to an employee who is separating from the District.

Failure to comply with the law, by not providing a timely final paycheck, can result in the District having to pay “penalty wages” as outlined by the Oregon Bureau of Labor and Industries.

Final Paychecks

~~If an employee requests, the final paycheck must be mailed to any address the employee designates. Wages may be direct deposited to an employee's bank account if that is mutually agreeable to the employer and the employee. Per ORS 652.140.~~

~~The final paycheck may be picked-up or mailed to any address the employee designates. ORS 652.140(4)~~

When an Employee Resigns *With* Notice

If an employee has given at least 48 hours of notice excluding Saturdays, Sundays, and holidays, the paycheck is due on the final day worked. If the final day worked falls on a Saturday, Sunday or holiday, the paycheck is due not later than the end of the next business day. For final paycheck purposes, the Oregon Bureau of Labor defines “business day” as Monday through Friday, excluding District holidays.

When an Employee Resigns *Without* Notice

If an employee resigns with less than 48 hours notice, the final paycheck is due within five (5) days excluding weekends and holidays or the next regular payday, whichever occurs first. ORS 652.140(2)

When an Employee is Terminated (involuntary separation)

If an employee is discharged, the final paycheck is due not later than the end of the next business day. ORS 652.140(1)

When Termination is by Mutual Agreement

When an employer and employee mutually agree to terminate the employment relationship, the final paycheck is due not later than the end of the next business day. ORS 652.140(1)

If Employee Dies

Upon an employee's death, all wages earned up to \$10,000 must be paid to the surviving spouse, or, if there is not a surviving spouse, to dependent children.
ORS 652.160

Payment in Case of Dispute

If a dispute arises over the amount of wages due an employee, the employer must pay all money the employer agrees is due, without setting any conditions upon payment. The employee retains the right to claim any wages and remedies the employee feels is due by filing a grievance, or by filing an action with the court, or by filing a claim with the Bureau of Labor and Industries. ORS 652.160

Civil Penalty for Withholding Final Wages

If an employer willfully fails to pay any part of an employee's final wages when due, then, as a penalty, the compensation of the employee shall continue from the appropriate due date, at the same regular hourly rate, for eight hours per day, until the wages are paid or until an action for collection is filed. The maximum penalty is for 30 days compensation. ORS 652.150

Final Payment Must Be Without Condition

State law (ORS 652.160) provides that final payment must be without condition. The exit interview is the supervisor's opportunity to complete the checklist and to receive keys, office equipment, and other District property. **Supervisors may not withhold the paycheck under any circumstances.**

Payroll Deductions

In most cases, the usual payroll deductions will be made from the employee's final paycheck, unless a request is made in writing. After that, the employee must arrange for direct payment of any insurance premiums, donations, etc. that he/she wishes to continue.

Procedure

Supervisor Complete "Termination Report" form and forward to Human Resources.

Collect District property from terminating employee.

Review all hours worked by employee and ~~sign-approve~~ final timesheet. ~~Notify Fax or hand deliver timesheet to Finance Department Division when timesheet has been approved immediately upon notice.~~

Identify appropriate date and ~~whether employee will pick-up the final paycheck or if the final paycheck should be mailed to the employee location employee is to receive final paycheck.~~

Finance Division Process final paycheck for pick-up at the District Office or mail to the employee.

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Reference

Oregon Revised Statues 652.140, 652.150, 652.160
Oregon Bureau of Labor and Industries



OVERPAYMENT TO EMPLOYEES

Purpose

As the District is responsible for taxpayers' money, the District has an obligation to provide a process for the collection of payroll overpayments to current and terminated employees.

General Information

District employees report their work time ~~on~~ in a District approved electronic timesheets system. These timesheets are reviewed and signed entered by the employee and the employee's manager/supervisor certifying the accuracy and truthfulness of the information on the timesheet. The information is entered into the District payroll system by the scheduled monthly payroll cut-off date established by the Finance ~~Department~~Division. Payroll overpayments to employees may occur due to late reporting of leave without pay, through delayed pay related personnel actions, or by other administrative errors.

Collection of Overpayment

In the event an employee receives wages or benefits from the District to which the employee is not entitled, regardless of whether the employee knew or should have known of the overpayment, the District shall notify the employee in writing of the overpayment with appropriate supporting information/documentation that an overpayment exists and the amount of wages and/or benefits to be repaid.

The employee and supervisor/manager shall meet to discuss the overpayment and come to agreement on repayment. The employee may choose to repay in one lump sum or a repayment schedule. The monthly repayment schedule shall not be less than 5% of the employee's monthly pay.

The repayment schedule shall be in writing between the District and the employee.

Separation of Employment

In the event an employee separates employment with the District before an overpayment is fully repaid, the remaining balance will be deducted from the employee's final paycheck.

Procedure

| ~~Payroll~~Finance Division Confirm overpayment and provide documentation to employee's supervisor.

Supervisor Meet with employee and notify of overpayment. Review documentation with employee.

Employee & Supervisor Develop repayment schedule. Sign Repayment Agreement.

| Supervisor Submit signed Repayment Agreement to Finance ~~Department~~Division.

| ~~Payroll~~Finance Division Deduct full amount or scheduled monthly amount from employee's paycheck(s).

Forms

Repayment Agreement



VACATION LEAVE

General Information

Vacation leave is an employee benefit that is granted to full time and regular part time eligible employees. Vacation leave provides pre-approved paid time off away from work.

Requirements

A. Vacation Leave Accrual

1. Exempt Full-Time Employees

Exempt full-time employees shall start accruing vacation leave at the beginning of the first payroll period (21st of the month to the 20th of the following month). ~~Accrual rates are as follows: be credited with six (6) days vacation leave upon completion of six full continuous month of the orientation period with the District. Thereafter, vacation shall be accrued monthly at the following rates:~~

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Years of Service	Monthly Accrual	Vacation Days per Year
Upon completion of 6 months of the orientation period <u>one full payroll period to 1 year</u>	Issued 6 Days <u>8 hours</u>	12
6 months – 1 year	8 hours	6
Upon completion of 1 year	10 hours	15
Upon completion of 5 years	12 hours	18
Upon completion of 10 years	13 1/2 hours	20
Upon completion of 15 years	14 2/3 hours	22
Upon completion of 20 years	16 2/3 hours	25

2. Non-Exempt Full-Time Employees

Non-exempt full-time employees shall start accruing vacation leave at the beginning of the first payroll period (21st of the month to the 20th of the following month). ~~Accrual rates are as follows: be credited with five (5) eight hour days of vacation leave upon successful completion of orientation period (six full continuous~~

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~~calendar months of service) with the District. Thereafter, vacation shall be accrued monthly at the following rate:~~

Years of Service	Monthly Accrual	Vacation Days per Year
Upon completion of orientation period After completion of one full payroll period to 1 year	Issued 5 Days 2/3 hours	-10
6 months — 1 yr	6 2/3 hours	5
Upon completion of 1 year	8 hours	12
Upon completion of 5 years	10 hours	15
Upon completion of 10 years	12 hours	18
Upon completion of 17 years	12 2/3 hours	19
Upon completion of 18 years	13 1/3 hours	20
Upon completion of 19 years	14 hours	21
Upon completion of 20 years	14 2/3 hours	22
Upon completion of 21 years	15 1/3 hours	23
Upon completion of 22 years	16 hours	24

Full-time employees on leave without pay will accrue vacation leave on a pro rata basis, providing the employee works 85 hours or more during the month. For example: an employee who worked 100 hours for the month will accrue 100 hours divided by 173.33 hours or 57.69% of his/her monthly accrual rate. If an employee works less than 85 hours in the month, the employee will not accrue vacation leave.

3. Regular Part-Time Employees

Regular part-time employees will begin to accrue vacation leave upon the successful completion of working an average of 85 hours per month for six consecutive months with no fewer than 60 hours in any month. Vacation accrual will be accrued on a pro rata basis for actual hours worked and leave with pay up to a maximum of eight (8) hours per month, provided the hours are a minimum of 85 hours or more.

Employees dropping below 85 hours shall not accrue vacation leave. If an employee drops below 85 hours for more than two non-consecutive months or for two consecutive months in a ~~12-month~~ 12-month period, the employee no longer qualifies for earning vacation leave accruals. An employee may requalify for vacation leave after working at least 85 hours each month for three consecutive months.

4. Part-Time, Seasonal and Temporary Employees

Part-time, seasonal, and temporary employees shall not earn vacation leave.

~~B. Orientation Period Extension Exceptions~~

~~In the event an employee's initial orientation period is extended, an exception for crediting and accruing vacation hours must be approved by the Executive Director.~~

B.

C. Accumulation of Vacation Leave

1. **Full-time employees** may accrue a maximum of 240 hours of vacation.
2. **Regular part-time employees** may accrue a maximum of 120 hours of vacation.

Accruals in excess of these limits will be forfeited.

D. Continuous Service

Continuous service shall be service unbroken by separation from the District. Time spent by an employee on military reserve (National Guard, Army Reserve, etc.) leave, vacation leave, sick leave, state or federal family medical leave (with or without pay), or other authorized leave with pay is considered continuous service. Time spent on other types of authorized leave without pay will not count as continuous service. Employees returning from such unpaid leave or who were laid off, shall be entitled to credit for service prior to the leave.

- E. Vacation Payment Employees who have accrued 240 hours of vacation may request payment for up to 120 hours of vacation in which it has been determined by the Department Director that granting leave is not appropriate and has been determined by the Executive Director to be financially feasible. A Vacation Payment form must be submitted to the Department Director and approved by the Executive Director.

Employees who have worked for the District for 20 years or more may have the option of receiving payment for five (5) days of accrued vacation each fiscal year in which it has been determined by the Executive Director to be financially feasible.

Regular part-time employees are not eligible for vacation payment.

F. Scheduling Vacation Leave

Subject to operating requirements, vacation leave may be utilized with prior approval of the supervisor, except as provided by the Family and Medical Leave Act.

There will be times when no more than one person from one department/division may be on vacation at the same time. Because of this policy, it is suggested by the District that vacation leave requests be made in writing far enough in advance to avoid denial of time off.

G. Changing ~~v~~Vacation ~~l~~Leave to ~~s~~Sick ~~l~~Leave

In the event of a serious health issue during vacation, an employee's vacation leave may be changed to earned sick leave. The request must be submitted to the employee's department director for approval.

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H. Timesheet

-Vacation hours recorded on the timesheet must reflect the hours that are normally scheduled.

I. Coordination with Workers' Compensation Loss Benefits

No employee shall be required to utilize vacation leave while receiving time loss benefits.

J. Termination of Employment

~~An employee who terminates before the initial six (6) months of service shall not be entitled to cash compensation in lieu of vacation leave. If the employee has served six (6) consecutive months and is separated, the employee will receive pro-rated vacation hours if the employee has not worked a full month at separation.~~

When an employee terminates from the District ~~after six or more months of service~~, all unused vacation hours shall be paid in ~~cash~~the final paycheck.

Forms

Request for Vacation Payment



Chapter 5- Employee Leave
Section 4 – Sick Leave
Approved by: Board of Directors
Date Approved: 2/6/2007
Codified: 10/19/10, 11/19/13, 11/17/15, 11/1/16, 11/7/17, 11/6/18
Amended By: Don Horton, Executive Director
Amendment Date: 7/20/10, 11/9/12, 8/25/15, 1/1/16, 8/9/16, 6/21/17, 8/28/18
1 of 3

SICK LEAVE

General Information

-This policy is intended to mitigate the spread of disease and to allow employees to care for themselves and family members, making a healthier, more productive workplace and community.

Use of Sick Leave

Sick leave with pay is an accrued benefit that ensures all employees can use earned sick time leave for the following reasons:~~to use when:~~

- 1) To care for the employee or the employee's family member with a mental or physical illness, injury or health condition, need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or need for preventive medical care, or to provide a family member's daily care activities;~~they or a family member are sick, injured, or need preventive health care~~
- 2). In addition, To care for an infant or newly adopted child under 18 years of age, or for a newly placed foster child under 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability, completed within 12 months after birth or placement of the child;
- 3) Absences associated with death of a family member by:
 - a) Attending the funeral or alternative to a funeral of the family member;
 - b) Making arrangements necessitated by the death of the family member; or
 - c) Grieving the death of the family member;
- 4) For absences related to domestic violence, harassment, sexual assault or stalking:
 - a) To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, or stalking;
 - b) To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the employee or the employee's minor child or dependent;
 - c) To obtain, or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking;
 - d) To obtain services from a victim services provider for the employee or the employee's minor child or dependent;
 - e) To relocate or take steps to secure an existing home to ensure the health and safety of the employee or the employee's minor child or dependent;

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5) In the event of a public health emergency including but not limited to:

a) Closure of the employee's place of business or the school or place of care of the employee's child, by order of a public official due to a public health emergency;

b) A determination by a lawful public health authority or a health care provider that the presence of the employee or the family member of the employee in the community would jeopardize the health of others; or

c) The exclusion of the employee from the workplace under any law or rule that requires the employer to exclude the employee from the workplace for health reasons.

~~This policy is intended to mitigate the spread of disease and to allow employees to care for themselves and family members, making a healthier, more productive workplace and community.~~

Family Member Definition

Family members for sick leave purposes are defined as spouse, same gender domestic partner (as described in ORS 106.300 to 106.340) and includes in-laws and step: parents, foster parents, grandparents, children, grandchildren, brother, sister, ~~and~~ foster children, any any individual with whom an employee has or had an in loco parentis relationship.

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Policy

All employees begin accruing sick leave on the first day of work.

Full-time employees are eligible to use sick leave with pay upon completing their first pay period, if employees work less than the full pay period, the sick leave will be prorated.

All part-time employees are eligible to use sick leave with pay beginning on their 91st day of employment.

Eligibility, Accrual Rate, and Carry Over

Part-Time and Seasonal Employees

Part-time and seasonal employees - accrue 1 hour for every 30 hours worked. Employees may carry over up to 40 hours of unused sick leave from one year to the next.

Regular Part-Time Employees

Regular part-time employees (year around employees working an average of 85 hours each month for six consecutive pay period months with no fewer than 60 hours in any pay period month) – accrual is at a prorated amount as that of a full-time employee. Actual time worked and all leave with pay shall be included in determining the pro rata accrual of sick leave each month. For example: an employee who worked 100 hours for

the month will accrue 100 hours divided by 173.33 hours or 57.69% of the maximum eight hour accrual rate. If an employee drops below 85 hours for two consecutive months or three non-consecutive months in a 12 month period, the employee must re-qualify for regular part-time status by working at least 85 hours per month for three consecutive months. The accrual rate will drop to the part-time and seasonal employee rate of 1 hour for every 30 hours worked. There is no limit to the number of unused sick leave hours that may be carried over to the next year.

Full-time Employees

Full-time employees accrue eight hours of sick leave per pay period provided there are no leaves without pay during the pay period (the District's pay period is the 21st of a month through the 20th of the following month). There is no limit to the number of unused sick leave hours that may be carried over to the next year.

Use of Sick Leave Absence Notification

When an employee needs to use sick leave and has not given his/her supervisor prior notice, the employee will call his/her supervisor or other designated staff, prior to the beginning of his/her scheduled shift, except for circumstances beyond the employee's control such as a traffic accident.

Medical Certification

The District may request certification from the attending physician to verify the need for leave under the Federal Family Medical Leave Act/Oregon Family Leave Act (FMLA/OFLA) and when:

- An employee takes more than three consecutive workdays of sick time.
- If the supervisor suspects that the employee is abusing sick time or engaging in a pattern of sick leave.
- If the sick time is foreseeable and projected to be more than three consecutive days.
- To determine return to work eligibility and restrictions.

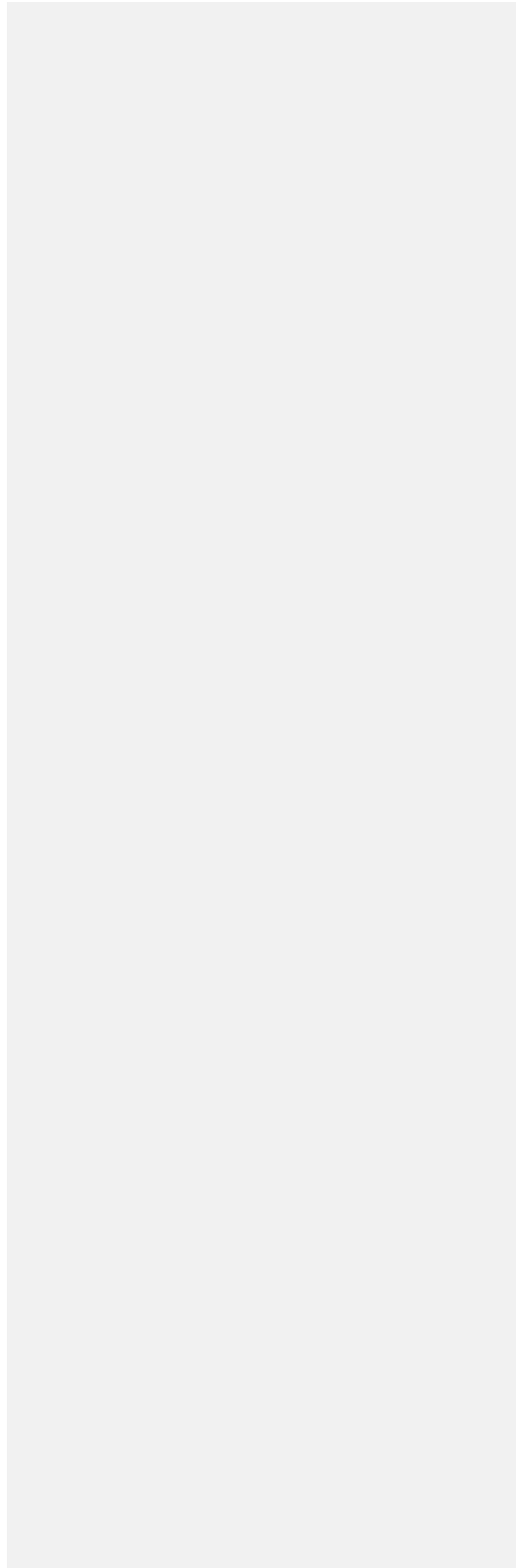
Workers' Compensation

An employee may choose to use sick leave to equal the difference between the Workers' Compensation for lost time and the employee's regular salary rate. An employee who exhausts sick leave may choose to use other accrued leave to equal the difference between Workers' Compensation for lost time and the employee's regular salary rate. Using leave while receiving time loss benefits is not required.

Notification of Sick Leave Balance

The employee's monthly pay stub shall reflect the employee's sick leave accrual, use, and balance.

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End of Employment

Sick leave does not have a monetary value at the time of separation. Sick leave balance will not be paid when an employee separates employment from the District

Restoration of Sick Leave Upon Rehire

Employees who have separated from the District and return within one year shall have unused sick leave credits restored.



PERSONAL LEAVE

General Information

Personal leave is an accrued benefit that is granted to eligible employees to provide approved paid time away from work for employee determined reasons.

Requirements

A personal day with pay is provided to employees with pay each calendar year (December 21 through December 20), not cumulative from year to year or compensable in any form other than leave, shall be granted to eligible employees. If an employee does not use the personal leave by December 20, the personal leave will be forfeited.

Personal leave must be scheduled in advance in the same manner vacation leave is approved.

Eligible Employees and Accruals

Full-time Employees

Full-time non-exempt employees will accrue eight (8) hours upon completion of the orientation period and each calendar year.

Full-time exempt employees will accrue eight (8) hours upon completion of six months of the orientation period and each calendar year.

Regular Part-time Employees

Regular part-time employees are eligible after six full consecutive months with an average of 85 hours per month and no fewer than 60 hours in any month. To receive compensation for the personal day, the employee must work a minimum of 85 hours in the month requested. Calculation of the accrual will be based on a pro rata basis up to a maximum of eight (8) hours.

Part-time, Seasonal and Temporary Employees

Part-time, seasonal, and temporary employees are not eligible for personal leave.

Dropping Below Benefit Eligibility

Employees that worked less than 85 hours shall not be entitled to use their personal leave in the month(s) below 85 hours. If an employee drops below 85

hours for more than two non-consecutive months or for two consecutive months in a 12 month period, the employee no longer qualifies for personal leave. An employee may re-qualify for personal leave after working at least 85 hours each month for three consecutive months.

Termination of Employment

When an employee separates employment from the District, an employee is not compensated for unused personal leave.



HARDSHIP LEAVE DONATIONS

General Information

Hardship Leave Donations may be available to full time and regular part time employees who **need to take leave**, due to a serious illness or injury or the need to care for a family member's serious illness or injury. Donation requests are based on a matching system of the employee's sick leave balance at the onset of the medical condition.

Eligibility Requirements

To be eligible for Hardship Leave Donations:

1. An employee must certify a medical need for leave (completed FMLA/OFLA form) and have exhausted all accrued sick leave. Eligibility will follow the guidelines for FMLA/OFLA.
2. An employee must receive approval for continued use of leave to extend his/her absence from work.
3. An employee must exhaust all accrued sick leave and all but 40 hours of accrued vacation leave.
4. Employees may not be eligible if receiving compensation from another source (workers' compensation benefits, insurance reimbursement from ~~short or long term~~**short- or long-term** disability).

Eligible Employees

1. **Full-time employees** are eligible for hardship leave donations upon hire.
2. **Regular part-time employees** are eligible for hardship donations upon qualifying for benefits. ~~are eligible for hardship donations after working six months with an average of 85 hours per month with no fewer than 60 hours in any month.~~
3. **Part-time, seasonal and temporary employees** are not eligible for hardship leave donations.

Hardship Leave Donations Processing Procedures

1. The requestor must request a specific number of hours needed, based on the health care provider's certification, not to exceed three months (480 hours).
2. Requested hours shall not exceed the number of sick leave hours requestor had at the onset of the medical condition. The combination of requestor's hours and donated hours shall not exceed 480 hours.
3. Human Resources will email hardship donation requests to ~~d~~District employees, which will contain requestor's name and number of hours requested.
4. Employees may voluntarily donate accrued vacation leave in increments of one hour or more. Vacation hours will be converted to sick leave hours at the recipient's salary rate. Donations will be anonymous.
5. To donate vacation leave, the Hardship Leave Donation Form must be submitted to Human Resources.
6. Only employees who are eligible to take accrued vacation leave may donate vacation leave.
7. If the employee returns to full duty without exhausting all donated leave, the donated leave shall be refunded back to the donating employee(s) on a proportional basis.

Extension Requirements

Extension requests will be reviewed on a case-by-case basis but not to exceed 480 hours from beginning of original leave request. Extensions are subject to the approval of the ~~D~~epartment ~~D~~irector.

Forms

Request for Hardship Leave Donations
FMLA/OFLA Packet
Hardship Leave Donation



SPECIAL LEAVES WITH PAY

General Information

The District recognizes that certain employee leaves are either directly or indirectly beneficial to the District and therefore qualify as paid leave. Leaves qualifying under this policy are funded by the District and not out of employees' leave balances.

Requirements

A leave of absence may be granted if a written request is submitted by the employee and approved by the employee's supervisor or manager. Approval of leave shall be obtained prior to the beginning of leave periods, except as may be otherwise provided in these rules and no payment for leave of absence shall be made until leave has been properly approved.

Types of Eligible Leave and Limitations

A. Compassionate Leave

Whenever a death occurs in an employee's family, one visible way the District supports the employee is through paid leave. Employees have up to six (6) months from the death to use compassionate leave.

1. Immediate Family Member – When a death occurs in the immediate family, an employee may be granted leave of absence not to exceed five (5) calendar days with pay. Immediate family member shall be defined as spouse and the following also includes in-laws and step: parents, grandparents, children, grandchildren, brother, and sister.
2. Extended Family Member – When a death occurs in the extended family, an employee may be granted leave of absence not to exceed three (3) calendar days with pay. Extended family member shall be defined as aunt, uncle, cousins, niece, and nephew.

Eligible Employees – Full-time and regular part-time. Regular part-time employees are to record leave hours that reflect the hours the employee was scheduled to work.

Seasonal and part-time employees please see Sick Leave policy.

B. Funeral Participation

When an employee serves as a pallbearer, or in some other way participates, other than attending, in a funeral ceremony, he/she will be granted a leave of absence with pay up to four (4) hours.

Eligible Employees – Full-time and regular part-time. Regular part-time employees are to record the leave hours that reflect the hours the employee was scheduled to work.

C. Military Training Leave With Pay

An employee will be granted approved military leave, identified by a copy of the military training orders furnished by the employee, for a period not exceeding 15 calendar days or 11 work days in any federal training year if the employee:

1. Has been employed with the District or other qualified government agencies for six (6) months or more immediately preceding application for military leave, and;
2. Is a member of the National Guard or reserve component of the United States armed forces.

Employees ordered to report for active military duty are not eligible to receive military training pay.

D. Jury Service Leave With Pay

An employee will be granted jury-leave upon request without loss of compensation. All monies received for jury duty while on duty will be surrendered to the District. Employees will report for work for the remainder of their work shift when less than a normal work day or shift is required by such duty.

Eligible Employees – Full-time and regular part-time. Regular part-time employees are to record leave hours that reflect the hours the employee was scheduled to work. Employees working in positions scheduled between 5:00pm and 8:00am will be excused from their shift with pay after serving four or more hours as a juror each day. If an employee serves less than four hours as a juror, the supervisor may make modifications to the schedule to accommodate jury duty.

E. Court or Quasi-Judicial Body Witness Leave of Absence With Pay

An employee will be granted court or quasi-judicial body witness leave with

pay if such appearance is required by subpoena or other direction by proper authority. All monies received for witness fees while on duty will be surrendered to the District.

If an employee represents an outside business and/or acts as an independent expert, he/she must use appropriate paid leave during his/her absence from work, and keeps any monies paid in connection with his/her appearance.

Eligible Employees – Full-time and regular part-time. Regular part-time employees are to record leave hours that reflect the hours the employee was scheduled to work.

F. Pre-Retirement Counseling Leave With Pay

Leave with pay for an employee to pursue bona fide pre-retirement counseling programs may be granted by the Department Director for a period of up to three days of leave within two years of the employee's chosen retirement date.

Eligible Employees – Full-time and regular part-time employees. Regular part-time employees are to record leave hours that reflect the hours the employee was scheduled to work.

G. Blood Donations

Employees donating blood will be paid for travel and donation time.

Eligible Employees – Full-time.

H. Suspension With Pay Leave

In the event an employee is suspended with pay pending a pre-dismissal meeting or placed on paid administrative leave during an investigation, an employee will code this time on the timesheet as SWPL for Suspended With Pay Leave.

I. Performance Recognition Leave w/With Pay

All employees are eligible to receive recognition leave with pay whose achievement or demonstrated performance deemed by the Department Director/Manager an outstanding contribution to the District's strategic plan and goals. Performance Recognition Leave with Pay requests requires the Executive Director's approval.



EMPLOYEE ASSISTANCE PROGRAM (EAP)

General Information

A comprehensive Employee Assistance Program (EAP) is provided by the District, at no cost, to the employee and immediate family members for the first three visits each year. The EAP is designed to provide problem assessment, short term counseling and referral services.

Counseling Services of EAP

The EAP can assist employees with:

- Family Concerns
- Career Changes
- Life Crises related to death, divorce, illness and other major events
- Personal and work pressures
- Alcohol and drug problems
- Relationship conflicts
- Financial and legal concerns
- Parenting and child care issues

The employee's privacy is guaranteed. The St. Charles Behavioral Health EAP works in accordance with state and federal regulations that ensure strict confidentiality. All records will be kept by St. Charles and will not become a part of the employee's personnel file. The District will not be informed of matters discussed unless the employee requests.

Eligible Employees

~~Full-time and regular part-time~~ All District employees are eligible to access the EAP.

Leave for EAP

Employees may be granted sick leave for treatment or rehabilitation on the same basis as is granted for ill health. Consideration may be given for the use of leave without pay.

How to Use the EAP

1. Call EAP at 541-706-2768.
2. Set up an appointment to meet with a counselor.
3. Meet with the counselor to discuss the problem and develop a plan of action.
4. If further resources or special services are required, the counselor will arrange for referrals, taking into account the employee's work schedule, personal preferences and insurance coverage.
5. The counselor will follow up on referrals and counseling to ensure that the employee has found the resources needed to resolve the problem.



INSURANCE, HEALTH, DENTAL & VISION

General Information

The District provides the opportunity to participate in health insurance, including medical, dental & vision insurance. An explanation of eligibility, benefits, limits, and enrollment requirements is defined below. The District reviews plan each year for costs and services, which may result in changes to the insurance plans.

Initial Insurance Eligibility

Full-time status, including ACA eligible, employees are eligible for insurance benefits upon initial hire. If an employee elects to enroll, coverage begins the first of the next month following the employment date.

Variable hour employees are eligible for insurance benefits if they work an average of 85 hours per pay period for 6 consecutive pay periods, with no fewer than 60 hours in any pay period.

Seasonal and temporary employees are not eligible for insurance.

Measurement & Stability Periods

The District's standard measurement and stability periods are May 1 through October 31 and November 1 through April 30.

Full-time employees in positions working at least 130 hours per pay period will remain eligible for coverage for the duration of the 6-month stability period.

Employees qualifying for coverage during an initial or standard measurement period will be eligible to enroll in coverage following an administrative period not less than of one month.

Dropping Below Benefit Eligible Status

Full-time and 130 hour employees don't lose eligibility until the current stability period ends.

Variable hour employees must be in paid status for at least 85 hours per pay period. If an employee works less than 85 hours for two consecutive pay periods or two times in a 12 month period the employee will no longer be eligible for District paid health benefits.

Employees may re-qualify for health insurance benefits by serving a new measurement period of three months.

If an employee becomes ineligible for District contributions to their health insurance the employee can elect to self-pay their health insurance premiums. If an employee is in this situation Human Resources notifies the employee of loss of coverage and provides options under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

Premiums & Coverage

Medical Insurance

For full-time employees, medical insurance premiums are paid 90% by the District for employee only. If an employee requests to add dependents (spouse and/or children under 26 years old), the employee shall pay 25% of the premium difference of the employee only rate and the dependent rate.

For part-time employees (working more than 85 hours/pay period), medical insurance premiums are paid 80% by the District for the employee only. If an employee requests to add dependents (spouse and/or children), the employee shall pay 100% of the premium difference of the employee only rate and the dependent rate.

The District provides a Medical Expense Reimbursement Plan (MERP) where, in the event an employee or dependent is charged a deductible through the District's medical insurance plan, the District reimburses the employee through a third party vendor.

Dental Insurance

The District provides a self-insured plan for full-time employees and the District pays the full cost of the plan for the employee and dependents.

Regular part-time employees (working more than 85 hours/pay period) are on a separate dental plan through a third party carrier. Dental premiums are paid 80% by the District for the employee only.

Vision Insurance

The District is self-insured for full-time employees and the District pays the full cost of the plan for the employee and dependents.

Regular part-time employees are on a separate vision plan through a third party carrier. Vision premiums are paid 80% by the District for the employee only.

New Employee Enrollment

Employees eligible for insurance benefits have 60 days from their eligibility date to enroll in health, vision, and dental insurance. Employees not enrolling within 60 days of

their eligibility date will not be eligible to enroll until the next open enrollment period unless they experience a status change triggering a special-enrollment right under the plan. The life events constituting a status change are listed in the section of this policy entitled “Qualifying Events.”

Open Enrollment

Other than status changes or a qualifying event, employees can only make changes to their insurance plans during the annual open enrollments. All employees receive notice of open enrollment in May of each year.

Qualifying Events

Employees need to contact Human Resources to submit an updated form within 60 days of any of the following changes:

- ◆ Marriage
- ◆ Divorce
- ◆ Birth/Adoption/Gaining a New Dependent (note: adoption requires a copy of the adoption papers).
- ◆ Death of a Dependent
- ◆ Dependent Losing Eligibility

Termination of Employment

In the event of termination of employment, the District shall discontinue premium payments and the employee coverage will be terminated. Employees have the option of temporarily continuing their health benefits through COBRA. If an employee elects to continue medical benefits, the employee will be responsible for the full monthly premium until the employee either opts out of benefits or the COBRA timeframe has been exhausted. Employees and/or dependents electing COBRA are not eligible for the MERP.



WELLNESS PROGRAM

Purpose

To support employee work-life balance and enrich the physical, mental and social well-being of all Bend Park and Recreation District employees. Healthier employees are more productive and effective workers, require less medical care, and are more satisfied with their jobs and their employer.

Background

In working toward a comprehensive wellness program, the District's wellness benefits are supported by a variety of programs and policies. Wellness initiatives and benefits consider work done through the Employee Relations Committee (ERC), the Safety & Ergonomics Programs and the Employee Assistance Program (EAP), as well as the District's insurance provider. The District's Wellness Committee works with the other committees, programs and policies to administer the wellness program.

Wellness Committee

The Wellness Committee's main objectives are to inform employees of the health and wellness benefits offered by the District; and promote a culture of wellness and work-life balance. The Wellness Committee maintains a Charter that provides more detail about the Committee's structure and focus.

Wellness Initiatives and Benefits

Health and wellness benefits available under the wellness program may include, but are not limited to:

- Program discounts and facilities pass – see explanation and eligibility below
- Health screenings – fees may apply to family and will be advertised accordingly
- Employee and family social events
- Health campaigns & fitness/health challenges (e.g. Hydration Challenge)
- Wellness focused presentations (e.g. Lunch 'n Learn Presentations)

The District also encourages alternative commute options, healthy food and beverage choices, and promotes the District's mission by providing recreational opportunities.

Programs & Facilities Pass

Employees and eligible family may enroll in recreation programs at the employee program fee. Employees will receive a recreation facilities pass providing access

to District recreation facilities for their personal use during their employment with the District. Passes provide full access to all facilities and *most* drop-in activities at Juniper Swim & Fitness Center, Bend Senior Center and The Pavilion. Drop-in activities will be evaluated on an ongoing basis; if a particular activity is identified as being routinely full it may be excluded, either temporarily or ongoing, from the drop-in activities available to staff and families with their pass. The employee website will be used as a tool to communicate this information to staff. Exclusions to the recreation facilities pass include equipment and facility rental fees.

Eligibility

The **Programs & Facilities Pass** benefit is provided to staff and their family as stated below. An eligible family member is defined as spouse and legal dependent children as defined by the IRS.

Employee Designation	Eligibility			
	Employee Facility Pass	Employee Program Discount	Family Pass	Family Discount
Full Time	Upon hire.	Upon hire.	Upon hire.	Upon hire.
Part Time/Seasonal	Upon hire.	Upon hire.	After 6 consecutive months of employment.	After 6 consecutive months of at least 50 hours per month.
Returning Seasonal	Upon re-hire.	Upon re-hire.	Upon re-hire.	Upon working at least 50 hours or more per month.
Board Members	Upon start of term.	Upon start of term.	Upon start of term.	Upon start of term.
Retired Employees	<u>Upon retirement from the district at age 58 or older and in a benefitted position with 15 or more cumulative years of service. Upon retirement from a PERS eligible position with</u>	<u>NaSpouse only.</u>	<u>NASpouse only.</u>	NA

	at least 15 years of employment with the District.			
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Cancellation of Privileges

Recreational privileges are subject to cancellation for reason of improper conduct, or failure to comply with adopted rules. Upon termination of employment or ending of service on the Board, all privileges will discontinue with exception of the retired benefits described above.

References and Related Policies

- Wellness Committee Charter
- Employee Relations Committee (ERC) Policy
- Risk Management and Safety Policies
- Employee Assistance Program (EAP) Policy

BOARD AGENDA COMMUNICATION

AGENDA DATE:	December 3, 2019
SUBJECT:	Public hearing, adoption of a supplemental budget for fiscal year 2019-20
STAFF RESOURCE:	Betsy Tucker, Finance Manager Lindsey Lombard, Administrative Services Director
PREVIOUS BOARD ACTION:	Adopted Fiscal Year 2019-20 Budget on June 4, 2019
ACTION PROPOSED:	Hold a Public Hearing to discuss the supplemental budget for fiscal year 2019-20, and adopt Resolution No. 433 Adopting a Supplemental Budget for Fiscal Year 2019-20
COMMITTEE ACTION:	Budget Committee approved Fiscal Year 2019-20 Budget on May 15, 2019
STRATEGIC PLAN:	
Pillar:	Operations & Management Practices
Outcome:	Financial well-being supported by strong business practices

BACKGROUND

The State of Oregon Local Budget Law requires a public hearing be held to discuss the supplemental budget as proposed by staff. After receiving public comment, the Board shall close the public hearing. After such time, the staff will present the supplemental budget to the Board, and will recommend the supplemental budget's adoption.

The following supplemental budget for fiscal year 2019-20 is required to provide for a contribution to the PERS Employer Incentive Fund (EIF). This was an anticipated expenditure at the time the 2019-20 budget was adopted and the funds were appropriated in the operating contingency of the General Fund.

During the fiscal year, money budgeted and appropriated as contingency must be transferred to another appropriation category before it can be expended. If there is no existing appropriation category suitable for the expenditure, then a supplemental budget is required to create the appropriation category and transfer the resources.

The following supplemental budget in the 2019-20 fiscal year is required to create a new appropriation category in order to transfer operating contingency in the General Fund to special payments in the General Fund:

Expenditure:	<u>Adopted</u>	<u>Adjusted</u>
Operating Contingency	\$2,850,000	\$1,350,000
Special Payments	0	1,500,000
Total	<u>\$2,850,000</u>	<u>\$2,850,000</u>

BUDGETARY IMPACT

\$1,500,000 in appropriated operating contingency will be transferred to the special payment appropriation in the administration department of the General Fund for the purpose of contributing to the PERS EIF by January 31, 2020.

STAFF RECOMMENDATION

Staff recommends the Board adopt Resolution No. 433 adopting a supplemental budget for fiscal year 2019-20.

MOTION

I make a motion to adopt Resolution No. 433, Adopting a Supplemental Budget for Fiscal Year 2019-20.

ATTACHMENTS

Resolution No. 433 Adopting a Supplemental Budget for Fiscal Year 2019-20

BMPRD RESOLUTION NO. 433

**A RESOLUTION OF THE BEND METRO PARK AND RECREATION DISTRICT BOARD OF DIRECTORS
ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2019-20**

WHEREAS, the District’s expenditures for the contribution to the PERS Employer Incentive Fund (EIF) are accounted for in operating contingency in the General Fund; and

WHEREAS, money budgeted and appropriated as contingency must be transferred to another appropriation category before it can be expended. If there is no existing appropriation category suitable for the expenditure, then a supplemental budget is required to create the appropriation category and transfer the resources from contingency; and

WHEREAS, the District intends to create a new appropriation category called special payments, from which the contribution for the PERS EIF payment will be made.

NOW THEREFORE, the Board of Directors of the Bend Metro Park and Recreation District does hereby resolve as follows:

The following supplemental budget in the 2019-20 fiscal year is required to create a new appropriation category in order to transfer operating contingency in the General Fund to special payments in the General Fund:

Expenditure:	<u>Adopted</u>	<u>Adjusted</u>
Operating Contingency	\$2,850,000	\$1,350,000
Special Payments	-	1,500,000
Total	<u>\$2,850,000</u>	<u>\$2,850,000</u>

\$1,500,000 in appropriated operating contingency will be transferred to the newly created special payment appropriation category in the administration and administrative services function of the General Fund for the purpose of contributing to the PERS EIF by January 31, 2020.

ADOPTED by the Board of Directors on this 3rd day of December 2019.

Ted Schoenborn, Board Chair

Attest:

Don P. Horton, Executive Director



PLANNING & DEVELOPMENT PROJECT UPDATES December 2019



Deschutes River Trail (DRT):

Putnam to Riley Ranch Nature Reserve Bridge Segment – Brooks Resources has 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. This easement acquisition 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: BRPD staff are reviewing documents to ensure 90 percent CD review comments are complete. Work to plant the landscape buffer on the north property edge has commenced. District staff intend to submit for building permits 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 and is moving to interior framing. The second-floor deck was poured at the end of November with wall sheeting and envelope closure happening now. The project is still on schedule with an anticipated opening in September 2020.



Alpenglow Community Park: The design team and staff are working toward the 60 percent construction drawing package which should be complete in December. Once complete, staff will submit a Type 2 land use application and a conditional use permit to the City of Bend. The relocation of the Roats water line along the east side of the property, and the City’s new water line along the west side of the property are now complete. The completion of these new facilities will clear the way for park construction to start the beginning of 2021.



Shevlin Park:

Signage – The sign package installation has been completed.



Goodrich Pasture Park: A land use decision has been received and the project continues to move forward. Staff are currently reviewing the final bid set of drawings and specifications. The construction bid will be released in the beginning of January with an expected mid-spring ground breaking.



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 in early December of this year and be complete by spring of 2020.



Drake Park DRT & Bank Improvement Project: The old building in Pacific Park has been removed. Staff are still working with the landowners for the remaining two (of six) easements to obtain, and BPRD consultants have applied for the joint permit with the Army Corp as well as the water overlay zone (WOZ) planning permit with the City of Bend. Over the next 10 months staff will be working on permitting, cost estimating and bidding for the final project. Construction on the remaining work is expected to start fall of 2020.



Pacific Crest Middle School Fields: Work is nearly complete at the athletic fields. Backstop netting, gates, final landscape elements, site furnishings, and signage are finishing up. Construction is expected to be complete in late fall. Sports play is scheduled to begin on the fields in 2020.



Haul Road Trail: Staff is continuing work to obtain outstanding easements for the trail. Survey for four easement areas is complete and coordination with the design team and property owners is ongoing to complete draft easements. The design team is working on the next phase which includes: survey, easement mapping, and alignment design. Seventy percent construction documents are expected for BRPD review in January 2020. Construction on the trail is funded to start in 2021, but Western Federal Lands (WFL) believes they can get the money released early for construction to start mid-2020. Coordination is ongoing.



Rockridge Park Restroom: Rockridge Park will soon have a new restroom, it will be located in the northern portion of the park in the location of the existing portable toilet enclosure. The restroom design has been submitted for permits by the contractor. Site work is expected to begin late fall with the restroom installation in early spring.



Northpointe Park: The property has been consolidated into a single tax lot and design is beginning. The first round of public outreach was completed in October 2019 and findings from the outreach is being used to generate a draft master plan.



Empire Crossing Park: Empire Crossing Park is being updated with accessible pathways and a new playground. Work has begun and is expected to 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 preconstruction phase of design-build was approved by the board November 5, 2019. Contract negotiations are underway. Design will commence immediately following the contract award.



Riverbend South Restoration Project: The UDWC and BPRD are in the process of reviewing the 60 percent construction drawing set. Staff will review the cost estimates and work with UDWC to determine the most appropriate grant cycle to submit the application. Currently, the plan is to postpone the project a year in order to ensure that the appropriate funding can be allocated to this important work.

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 begin 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 been awarded a technical assistance grant from the National Park Service. The effort is expected to kick off in early February with interested agencies and organizations.

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 statistically-valid survey arrived in mailboxes starting November 12. A password-protected online version is also available for residents who received a mail survey. An online survey open to all will be available November 25 through December 12. Staff are also conducting a short version of the survey with Latinx and underserved community members. Survey 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.*

December 17

Work Session

- ◆ Park Services Report Facilities Program – *Jason Monaghan and Rob Shatting (15 min)*
- ◆ Level of Service Update – *Sarah Bodo and Henry Stroud (30 min)*
- ◆ River Access & Habitat Plan update – *Sarah Bodo and Rachel Colton (30 min)*

Business Session

- ◆ Receive Budget Committee Applications and Review Process – *Lindsey Lombard (20 min)*
- ◆ Discuss Board Member Applications – *Don Horton (60 min)*

2020

January 07

Work Session

- ◆ Board Member Applicant Presentations

Business Session

- ◆ Appoint Board Member
- ◆ Appoint Budget Committee Member

January 21

*Swear in new board member

Work Session

- ◆ Park Services Report Park Steward Program – *Jeff Hagler and Charlie Redline (15 min)*
- ◆ Trails Update

Business Session

- ◆ Accept 2018-19 CAFR – *Brenda Bartlett SGA CPA (15 min)*
- ◆ Approve Northpointe site Masterplan – *Michelle Healy and Bronwen Mastro (20 min)*
- ◆ Approve Northpointe Property Name – *Don Horton (10 min)*

February 4

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 18

Work Session

- ◆ Hollinshead Partnership Presentation
- ◆ Perception Survey

Business Session

- ◆ IGA with the City for Mirror Pond Silt Removal – *Don Horton (30 min)*

March 3

Work Session

Business Session

March 17

Work Session

Business Session

Park Services Fleet and Equipment Program – Roy Radcliff (15 min)

April 7

Work Session

Business Session

April 15 Budget Tour

April 21

Work Session

Business Session

Park Services Hardsurface Program – Jason M and Alan Adams (15 min)

April - Budget Committee Tour April 15

May 5

Work Session

Business Session

May BUDGET MEETINGS (May 11, 13, 14)

May 19

Board Meeting Canceled

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

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

Transportation Discussion with CTAC– *Eric King and Susanna Julber (45 min)*