



Bend Metro Park & Recreation District

September 15, 2020

Board of Directors

Agenda and Reports

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play for life



Our Vision

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

Our Mission

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

We Value

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

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

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

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

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

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

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

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



District Office | Don Horton, Executive Director

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BOARD AGENDA COMMUNICATION

AGENDA DATE:	September 15, 2020
SUBJECT:	CAPRA Report
STAFF RESOURCE:	Michael Egging, Recreation Manager
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Pillar:	Operations and Management Practices
Outcome:	Financial well-being supported by strong business practices
Strategy:	Earn Commission for Accreditation of Park and Recreation Agencies (CAPRA) re-accreditation.

BACKGROUND

Bend Park and Recreation District is nationally accredited through The Commission for Accreditation of Park and Recreation Agencies (CAPRA). The CAPRA Commission is made up of members from seven national park and recreation agencies, including sponsorship by the National Recreation and Park Association (NRPA). There are currently only 171 accredited park and recreation agencies in the United States, including four in Oregon.

CAPRA provides standards and procedures for the evaluation of public park and recreation agencies through a program of self-evaluation and outside peer review, which enhances the performance of the agency and promotes the effectiveness of a public tax-funded agency. There are 151 standards, covering the whole range of operations, that the district must show examples to verify our compliance.

In 2012, accreditation became a key strategic initiative of the district. A team was formed, made up of staff that spans all divisions and levels of the organization. The accreditation requires ongoing inter-departmental cooperation, comprehensive system evaluation, and an in-depth look at process improvement. In 2015, the district achieved initial accreditation. In order to maintain this status, the district will go through the process every five years. The 2019-2022 Strategic Plan listed earning CAPRA re-accreditation as a strategic action, with 2020 being the re-accreditation year.

The district recently hosted a “virtual visit” from three reviewers from around the country to finish the process of re-accreditation. They reviewed the 196-page Self-Assessment Narrative and more than 800 documents showing evidence of compliance. The reviewers will present their findings to the CAPRA Commission who will vote for approval or not during the NRPA Virtual Conference in October.

The project manager for the district's CAPRA process, Michael Egging, will present the benefits of CAPRA process, reflect on how the virtual visit went, and what to expect moving forward.

BUDGETARY IMPACT

There is no direct budget impact resulting from the re-accreditation process.

STAFF RECOMMENDATION

None – For Board information only

ATTACHMENT

None

Mr. Stroud spoke about the trail development in the area. He said there are several planned trails. The goal is to be proactive and work on the following:

- Southeast Expansion Area Plan (SEAP) code, this would require developers to build trails identified in the SEAP, which includes trails from the district comprehensive plan.
- Prioritizing CIP budgets
- Coordinating with City of Bend & private developers on land use applications

Next, Mr. Stroud showed a series of slides that showed the existing and proposed trails in the area. The slide below shows the comprehensive plan.



He said that connecting the trails to Alpenglow Park are two planned bridges. One bridge will connect over the canal and the other will connect over the BNSF railroad tracks.

The board asked how people will know how the trails connect. Mr. Stroud said the goal is to physically connect to city trails and neighborhood trails. The city is planning on adding signs that tell distance to certain destinations and the district will plan to install coordinating signage.

Ms. Bodo spoke about the housing developments that have contacted the district about park locations within the neighborhoods. She showed maps to explain possible locations for the parks and trails. Mr. Stroud explained the plans for trails. Details about the neighborhoods were included in the board report.

The board shared some concerns about the location of a park near a collector road. Mr. Stroud said he spoke to the developer about the location and was unsuccessful in getting the park moved. The board commented about the high number of homes that will be built in the area without nearby amenities, requiring people to drive more and asked about the zoning in the area. Ms. Bodo explained that the zoning was designated many years ago and change is not possible now. She said there is a small convenience commercial section in the Murphy Road development.

The board asked if SDC fees are expected to cover the costs of the future trails. Ms. Healy responded that the comprehensive plan projects future population and development. The CIP methodology is designed with this in mind. She said ongoing maintenance costs are more difficult to accurately calculate. The increases in property taxes collected with the new development of homes is intended to cover maintenance. As staff gets closer to developing planned projects, they will refine the projections of cost for the project and maintenance as well, with intent to only build what can be maintained. Executive Director Horton added that Ms. Lombard, Administrative Services Director, creates annual models in the budgeting of a project.

The board expressed appreciation to the staff for their work on early planning of these neighborhoods that will be built in the next several years.

2. Update on Parks and Facilities – *Michelle Healy and Matt Mercer*

Ms. Healy began with announcing that there has been no change to the high level of people on trails and in parks. She said large pink signs have been added to the beaches that speak to social distancing and face coverings and she said they seem to be helping. Staff has also updated public health signs in parks to encourage mask wearing. Staff and volunteers have been handing out masks along the river parks and about 450 masks have been given out to patrons. In addition, the police have been patrolling more and handing out masks as well; these efforts have been positively received.

Ms. Healy reported that there has been an increase in vandalism and graffiti in the parks and damage to bathrooms. She said a play structure was recently burned and destroyed in Harmon Park. She added that the number of hours staff has to spend on cleaning up graffiti and repairs reduces time for other work that could be done.

She said staff will install new warning signs about towing. People are parking in ADA spaces, on sidewalks, in plant beds and in loading zones. Due to this, maintenance staff is having more difficulty finding parking to attend to some of the parks. The warning signs should discourage this illegal parking, but the district will tow when necessary.

Ms. Healy said there are fewer COVID-19 related complaints, staff is working hard to provide education and steer good behaviors. Making masks available in parks is helping with compliance.

The board asked if staff has considered allowing graffiti as art in designated spaces. Ms. Healy explained the graffiti that staff is dealing with is not an attempt at art, but destructive tagging.

Mr. Mercer spoke about camps, he said they are going well; masks are being worn by staff and kids. He said registrations are wrapping up in the next couple of weeks and have had about 5000 registrations in camp this summer. Lap swim and recreation swim are at 90 percent capacity, swim lessons started slow, but are at over 50 percent capacity and are expected to increase. He said the fitness offerings are lagging, operating at 30 percent capacity.

Mr. Mercer spoke about fall sports (soccer, flag football and tennis) stating that they will be played under state guidelines. Fall sports will be delayed until after Labor Day to align with the delayed school calendar (school starts Sept. 14) and this postponement allows more time for staff to handle the changes to the season. Soccer registrations are down and flag football is about the same as last year. The schools are allowing district programs to continue in the schools to fill the gap with the delayed start of school. Staff will add camps to accommodate the extended summer with the school schedule.

Mr. Mercer said the childcare guidelines for September 1 have been released. Staff has been working with Bend LaPine Schools (BLS) for the last several weeks to support childcare needs. The schools will assess changes for school attendance in 6-week blocks. District staff is working to develop a full-day childcare program at all elementary schools that had Kids, Inc. programming. The childcare would support distance learning and planning for accommodations for the hybrid model if schools move to that schedule. Staff is looking at ways to address kids that are at risk of falling further behind or may not have access to internet and prioritizing those that need it the most. Mr. Mercer said that staff is also working with the city and Better Together taskforce to access public and private funding to help serve as many kids as possible. The city has dedicated \$50,000 for the childcare programs so far. He

said the goal is to launch registration for the childcare program two weeks from today. Staff is also planning some half-day enrichment programs that compliment distance learning for parents that may not need full-time care, to keep full day options open to families that really need it. He added all staff and resources will go for full-day programming first and then focus on part-time programs with staff and partners.

The board asked the following questions: Mr. Mercer's responses are included

- What is the level support that would be offered for distance learning?
District staff would be able to provide guidance and get kids started on electronic devices for class, but not likely to be able to provide further support. The district has requested that BLS bring in support staff (Educational Assistants) for a few hours a day to facilitate deeper learning.
- How will staff work to prioritize families in need?
Staff will continue to work with partners to make people aware of all options, to prevent families from signing up for all day if they do not need it. Staff will also work with partnering agencies to better identify the families in need and offer priority registration. Staff can work with families already accessing the district scholarship programs as well.
- What is the cost of the all-day option?
The program will be about \$200 a week per child. This is inline with costs of other programs.
- What are the protocols in place if too many participants test positive for COVID-19?
Staff has already been working with small groups of kids this summer in camps. The cohort size is limited, if there is an outbreak it will be isolated to the participants in the cohort. Staff will follow guidelines in place in the event of an outbreak.

The board discussed the possibilities of increasing the scholarship fund to help families with the cost of the childcare programs. Mr. Mercer explained that scholarship use is already up. He said recreation programs are already struggling and cautioned that depleting funds could result in the cancellation of other programs. He estimated the district would need an additional \$250,000 for the program in the short-term. Executive Director Horton added that it is difficult to increase subsidies when the district has laid off and furloughed a lot of staff. He said staff is now working to get funding from partners. The board mentioned that the foundation could help raise funds with the support of the board.

The board engaged in a conversation about getting too far out from the community expectation of the role of the district. The concept of the district running all-day childcare when schools are not willing to open and taking on the burden of subsidizing the costs may seem too far from the core mission (recreation, sports, therapeutic recreation, art) of the district. There was some concern that there is a distortion of responsibilities, but all agreed that the district should step up where it can to help solve this problem.

The board concluded that there is a need for a follow up conversation about funding and subsidy costs for childcare. The board requested that more information be gathered and brought back to the board in a special call meeting next Tuesday. Staff committed to work on getting more information in anticipation of a meeting next week, but was not certain that the information would be available by that time.

3. Clarification on District Direction for Mirror Pond – *Don Horton*

Executive Director Horton said the pandemic has postponed this discussion on the dredge at Mirror Pond. The district now needs to acquire the easements for the trail and bank project in Drake Park. He said the district received a grant earlier in the year and has been reviewed by the Oregon Park and Recreation Commission and the National Park Service will review the grant this fall. It is expected that a notice to proceed will be granted this winter. Once this notice is granted, the district has two years to spend the grant, giving the district a short window to finalize the last easements for the trail project.

Executive Director Horton gave some background on the resolutions that have been passed that impact this project. He said Resolution No. 430 addresses the needs to have the easement on Mirror Pond and Resolution No. 418 addresses the funds that will be provided toward the dredge in exchange for the easement at Mirror Pond. He said he would like the board to consider making a shift in the agreement. Executive Director Horton suggested that instead of making the \$300,000 contribution for the dredge, the district could use the money to purchase the easement over the pond. He spoke about the difficulties in appraising the value of the easement and if the same formula is used in the appraisals for the other easements, the cost would exceed the \$300,000 that has been allocated. He added that he does not advocate for the district to contribute any additional funds for the easement or dredge project. This would require an addendum to Resolution No. 430.

Executive Director Horton addressed questions about the need for easements over the pond for recreational use if the area is deemed navigable. He said that part of the river has not had a navigability study, applications were started for it in prior years, but the applications were not completed. He added that it will take years to get a study completed. He said with the easement, it would allow the public to use the pond in spite of it being under private ownership.

Executive Director Horton recommended that the district manage the dredge project to help the district manage summer crowds in the park. Managing the project will incur some staff costs for the district. If all the funding needed for the dredge is not raised, then staff would not have a project to manage.

Executive Director Horton said the draft MOU for fish passage needs to be reviewed by the board so that he can sign it and move forward. He said he would like to position the district to be a part of the conversation for fish passage. The board asked if the district should take ownership of Mirror Pond instead of an easement. Executive Director Horton said this has been discussed and ownership could cost too much for further maintenance and a prior board determined that long-term funding would need to be in place for the district to own it. The board asked about the costs of the other easements that the district has had to purchase for the trail project. Ms. Healy responded that the most expensive one was about \$75,000 for the easement with PacifiCorp. In total, about \$90,000 has been spent. The board asked if easements on the banks of Mirror Pond could be purchased instead of the entire pond. Executive Director Horton said that conversation has not happened because the district was interested in an assurance that the pond could be used recreationally.

The board agreed with staff recommendations and staff will move forward.

CONSENT AGENDA

1. Minutes – 07/21/2020

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

BUSINESS SESSION

1. Construction Contract Award for 15th Street Trail Bridge Project Award – *Brian Hudspeth and Jason Powell*

Mr. Powell talked about the bridge as a connector from Reed Market Road to Alpenglow Park and said it will provide broader connections to the Central Oregon Historic Canal Trail. The district advertised the project as a lump sum bid on June 28. A mandatory pre-bid meeting was held July 9 and 12 bids were opened and read July 30. Kirby Nagelhout Construction Company was the low bid and below the engineering estimate.

Mr. Powell said the staff recommendation is to award the bid to Kirby Nagelhout Construction Company.

Director Méndez made a motion to authorize the executive director to award a construction contract to Kirby Nagelhout Construction Company, for construction of the 15th Street Trail Bridge for a total bid amount of \$349,947, and to approve an additional 10% construction contingency of \$34,995, for a total construction budget not to exceed \$384,942. Director Schoenborn seconded. The motion passed unanimously, 5-0.

EXECUTIVE DIRECTOR'S REPORT

- Executive Director Horton thanked the board members that attended the SDAO board training and added that a recording will be made available.
- Next week is the CAPRA accreditation visit, it will be done virtually. He said Director Schoen is attending the visits and asked Director Méndez to attend as well. He said Michael Egging is leading the re-accreditation and the district is one of four agencies in Oregon that is accredited. He added that Director Schoen is a CAPRA visitor and assists with accreditation approval.

PROJECT REPORT

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

- Director Schoen said the SDAO training was beneficial to attend and recommended that Director Méndez attend the Friday CAPRA review if he can only attend one.
- Director Schoenborn asked which four agencies are CAPRA accredited. Staff responded that Tualatin Hills, Hillsboro, Eugene and Bend are the accredited agencies in Oregon.
- Director Hovekamp said he did not intend to sound grumpy about the presentation given by Ms. Bodo and Mr. Stroud. He expressed some frustration with the way some things are handled with bare property that is being developed. He asked that his apologies be passed on.
- Director Kropf said he would like to see some protocol in place if ICE were to be on district property.

ADJOURN: 9:41pm

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Prepared by,
Sheila Reed
Executive Assistant

Nathan Hovekamp, Chair

Ariel Méndez, Vice-Chair

Jason Kropf

Deb Schoen

Ted Schoenborn

September 1, 2020

AGENDA

Mr. Hudspeth said the original masterplan was approved by the board in December of 2017. He added that the design has been refined and incorporated into the full construction documents and some bank work was added to the restoration project with Upper Deschutes Watershed Council. He showed some slides that detailed the bank restoration and the trail alignments.

2. All Day Childcare Program during BLP Comprehensive Distanced Learning – *Matt Mercer (40 min)*

Mr. Horton said the district has been working for months with Bend LaPine Schools (BLS) on offering childcare in the schools. He said there is a misperception on social media that the district is making money from this program, when actually the district is subsidizing it. He reported that there has been a higher percentage of people that need assistance applying for the childcare program, and staff is pleased that the people that really need the help are responding. He added that it has been challenging to hire staff for the program.

Mr. Mercer said staff has been working to build this new full-time program and plan to open registration on Monday for a lineup of additional part-time programs. Programming includes:

- Art Station classes
- Science and enrichment
- sports
- outdoor programs.

The all-day childcare program has been named Operation Recreation Team Up. He said the name is an adaption of Operation Recreation programming offered by the district on non-school days and Team Up acknowledges the partnership with the school district. Capacity of the program is about 500 and at closing of the registration, there were about 450 applications. The district will continue to accept applications. Approximately half of the applications received have requested financial assistance. Mr. Mercer attributes this higher level of scholarship applications to the outreach efforts by district and school district staff.

Mr. Mercer reported that the school district has committed to provide educational support to the program. A BLS staff member will be assigned to each cohort of 20 kids. BLS will also provide training to district staff on the structure of distance learning. Once the district has a better understanding of the needs of enrolled kids, staff can request additional support.

Mr. Mercer commended the efforts of the Community Relations team. He said they have worked on messaging through social media and emailed a newsletter about the program to district families and sent a more personal invitation to families already using scholarships. The Outreach Team, Amanda and Kathya, went door to door in communities that would qualify for scholarships and took laptops to sign people up. BLS allowed FAN advocates to work ahead of their return schedule and listed this program as a priority upon official return.

Mr. Mercer said that he is expecting an additional \$50,000 from a reputable non-profit. He said he cannot release full details yet, but the money has been committed. He is anticipating additional help from the county that may flow through the organization, Better Together. Mr. Mercer said he is hoping to scholarship 130 registrations that demonstrate high need at 100 percent.

Mr. Mercer said the challenges of the program include staffing and the uncertainty of the length of the program. Due to staffing concerns, the program may not be able to serve everyone at the

beginning, the number of students may need to be limited until staffing is fully in place. He added that other childcare providers are experiencing the same staffing challenges and finding qualified applicants.

The board commended staff on the efforts they have made on this program and the outreach that has been done to reach so many families in need. The board asked why kindergarten children were not included. Mr. Mercer responded that staff did not think it would appropriate to add this group because they have never attended school and adding this age group would have meant creating a Kindergarten cohort. This would have taken too many resources from the district focus to provide the most capacity to help families. He also said that the private sector may have better opportunities to serve this age-group; however, the district is offering other part-time programming that includes Kindergarten aged children.

The board asked for more information about the staffing challenges and scholarship levels. Mr. Mercer said that in order to open with 30 kids at each school, the district will need at least a dozen new staff members and to get to full capacity, the district will need an additional dozen. Staff will likely be retained for Kids, INC programs when school resumes, but will be working fewer hours than the 40 hours that is needed now. Mr. Mercer described as a four-tier scholarship system offering 50-100 percent relief. He said this is a higher level of scholarship than is normally offered by the district, but should better align with the assistance that families are receiving from other resources. In addition, the FAN advocates in the schools will continue to work to identify interested families that have not yet applied for the program.

Mr. Mercer said the district is looking at using some contingent funds from the district budget and anticipates that up to \$50,000 may be required. He said this may be needed later in the year depending on the school district schedule and the length of the Team Up program.

Overall, the board expressed their appreciation for the efforts and the partnerships to serve a large childcare need for families in the community.

EXECUTIVE DIRECTOR'S REPORT

- Executive Director Horton said the CAPRA review for reaccreditation was last week and asked Director Schoen to talk about the review. Director Schoen said the reviewers did not find many areas to improve upon. The reviewers said the process was very professional, there was a lot of attention to detail, and they commented that staff works well together and appear to enjoy the work. The review team did comment that they were surprised that the district did not have as many CPRP certified staff, but acknowledged that there are several staff members working on the certification now. The review team praised the district for outreach efforts and employing a full-time outreach coordinator. Director Schoen shared that the district staff member that led the reaccreditation, Michael Egging, made a passionate statement at the end of the review about the importance of being an inclusive agency. Director Schoen shared some of his comments with the board. She said she is expecting that the district will be reaccredited. Executive Director Horton echoed the praise for Mr. Egging's work and complimented Mr. Mercer and Director Schoen on their guidance as well.
- Mr. Mercer shared with the board that a long-term employee of 33 years, Russ Holliday, recently retired. He said that normally staff would have had a lunch and included the board to celebrate Mr. Holliday. He said after the pandemic, staff will do something to honor him.
- Mr. Mercer said he would have Mr. Egging present at the next board meeting on the CAPRA visit and will provide a copy of the self-assessment.

GOOD OF THE ORDER

- Director Kropf thanked Mr. Mercer and his team for their efforts they have made in addressing scholarships and families that need childcare.
- Director Méndez said he would like to see the DEI statement that Michael Egging wrote and presented at the CAPRA visit. He commended Kathya Avila-Choquez and the outreach work she has done with the Latino community and commented that she has built a lot of trust with Latino families. He expressed his respect for staff and fellow board members.
- Director Schoenborn voiced his gratitude for the CAPRA work and presentations this evening. He said it is a privilege to be a board member and recognized the good work by staff across all levels.
- Director Schoen said she saw a family at Al Moody park and they were struggling to hang a pinata in the shelter and asked if staff could install something to make the task easier.
- Director Hovekamp apologized that the meeting was not a live feed tonight and said that staff will make efforts to air the next meeting live. He added that public comments are accepted through email to be read into the record and are accepted until just before the meeting.

ADJOURN: 7:24pm

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Prepared by,
Sheila Reed
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Nathan Hovekamp, Chair

Ariel Méndez, Vice-Chair

Jason Kropf

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Ted Schoenborn

BOARD AGENDA COMMUNICATION

AGENDA DATE:	September 15, 2020
SUBJECT:	Memorandum of Understanding (MOU) 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:	Authorize executive director to execute MOU with City of Bend.

BACKGROUND and PURPOSE

Resolution No. 430, calls for the city and district to work jointly to conduct a public, independently-facilitated process to update the 2015 Mirror Pond Community Vision by developing an alternative to allow for fish passage. The resolution authorizes the Bend city manager and district executive director to execute the memorandum of understanding (MOU) detailing agency roles and process without further action; however, given the new makeup of the board the district executive director chose to take the MOU to the board for further consideration in late 2019. Since that time, the MOU has undergone several revisions to further clarify the purpose of the roles of the city and district and is now ready for further consideration from the board.

The 2015 vision was adopted under the premise that PacifiCorp would divest in the dam allowing for the dam to be modified to function more like a natural river while maintaining the pond. Given PacifiCorp's decision to maintain ownership of the dam and to continue to produce electrical power, it is not feasible at this time to invest in the spillway concept adopted in the vision.

Content of the Memorandum of Understanding – The MOU calls for a process to be led by in a third-party. Central Oregon Intergovernmental Council (COIC) has agreed to be the third-party facilitator. The committee, called the “update committee” will consist of representatives from the following: Oregon Fish and Wildlife Department, Upper Deschutes Watershed Council, PacifiCorp, Trout Unlimited, members of the Bend city council, and members of the Bend Park and Recreation

District board of directors. All meetings will be open to the public with opportunity for the public to address the committee.

The purpose of this MOU is a public process that allows participants to consider options for updating those portions of the Community Vision intended to: (a) enable fish passage, now that modification of Pacific Power's dam to function more like a natural river is unlikely given Pacific Power's decision to continue power generation at the facility; (b) reduce the frequency and quantity of future sediment removal efforts; and (c) identify a recommended funding strategy for the Mirror Pond preservation project.

The public process will conclude when the update committee delivers a report which includes the following:

- A general description of the preferred alternative fish passage concept;
- A preliminary cost estimate for design and implementation of the alternative fish passage concept;
- Recommendations for implementation of the alternative fish passage concept;
- Recommended methods to reduce the frequency and quantity of future sediment removal efforts;
- Identification of possible funding sources for the Mirror Pond preservation project; and
- A summary of public comments received during the public process.

Once the public process concludes, the city and district will enter the funding development stage by creating a funding committee. The purpose of the funding committee is to further develop strategies to fund implementation of the Mirror Pond preservation project. Additional parameters for the funding strategy development and funding committee may be provided in amendments to this MOU or in additional or restated memoranda of understanding between the parties.

Upon conclusion of the funding strategy development meetings the funding committee will deliver a report identifying a recommended funding strategy to implement the Mirror Pond preservation project, including both the preferred alternative fish passage concept, identified in the update committee's report, and the proposed dredging portion of the project.

STAFF RECOMMENDATION

Staff asks the board to authorize the executive director to sign the MOU and to allow for any minor revisions and editorial corrections made by the district's legal counsel or city attorney.

BUDGETARY IMPACT

The city will pay the reasonable costs for COIC's facilitation of the public process. BPRD will pay the reasonable costs for the fish passage consultants/design engineers to advise the update committee on fish passage alternatives. If the costs for either COIC or the fish passage consultants/design engineers exceed what the responsible party believes is reasonable, the parties will meet and reassess the cost allocation.

It is estimated that the district's expense will be less than \$10,000; however, the full scope of work will not be known until such time the update committee provides direction.

MOTION

I move to authorize the executive director to execute a memorandum of understanding with the city of Bend to modify the 2015 Mirror Pond Community Vision as defined in the attached MOU and to allow for any minor revisions and editorial corrections made by the district's legal counsel or city attorney.

ATTACHMENTS

Memorandum of Understanding

**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 "**Community Vision**"). BPRD and City are each referred to as a "**Party**" and, collectively, as the "**Parties**."

RECITALS:

- A. In June 2019, the City Council and BPRD Board each adopted resolutions 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 an MOU between the Parties.
- B. City Resolution No. 3165 and BPRD Resolution No. 430 (the "**Resolutions**"), include findings that: (1) in December 2013, the City Council and BPRD Board resolved to pursue the preservation of Mirror Pond; and (2) in 2015, the City Council and BPRD Board agreed with the recommendation of the Mirror Pond Ad Hoc Committee for a preferred alternative vision for Mirror Pond, characterized as a "middle ground" between the status quo option of dredging Mirror Pond and the "natural river" option of removing the Dam and allowing the river to flow naturally. (See City Resolutions 2932, 2981; BPRD Resolution 375). The Resolutions also include a finding that the City Council and BPRD Board support the entire Community Vision developed by the Mirror Pond Ad Hoc Committee, and this MOU is intended to move the Community Vision forward.
- C. In conformance with the Resolutions, the City Manager is authorized to enter into an MOU with BPRD and the BPRD Executive Director is authorized to enter into an MOU with the City to conduct a public, independently-facilitated process (the "**Public Process**") which recognizes the extensive work and community outreach done through the date of the Resolutions, and will update the Community Vision by evaluating options for fish passage, including modifications to the dam to function more like a natural river and ways to reduce frequency and quantity of future sediment removal efforts. The Resolutions also provide that the Public Process must include opportunity for public comment and that the update to the Community Vision for fish passage should address the seven goals identified by the Mirror Pond Ad Hoc Committee.
- D. The seven goals identified by the Mirror Pond Ad Hoc Committee are: 1) retain Mirror Pond in near historic form; 2) modify the Dam to function more like a natural part of a river environment; 3) enhance habitat; 4) enable fish passage; 5)

maintain or improve public spaces; 6) reduce the frequency and quantity of future sediment removal efforts; and 7) identify funding source(s) other than tax dollars.

- E. The Resolutions affirm a collaborative relationship between the City and BPRD to pursue reasonable solutions to accomplish the dredging portion of the Community Vision.
- F. The Community Vision assumed that Pacific Power was divesting its ownership of the Newport Dam. However, in 2016, Pacific Power, through its Sr. Vice President, released a public statement that it was “committed to the Newport Dam/Bend Hydro project for the long-term.” The Public Process should take into account Pacific Power’s intended ongoing ownership of the Newport Dam when updating the fish passage portion of the Community Vision.
- G. 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.
- H. The Resolutions provide that the City and BPRD will enter into an Intergovernmental Agreement (“**IGA**”) to accomplish the updated Community Vision, as long as documents can be negotiated that align with the key points identified in the Resolutions. The IGA must be reviewed and authorized by the City Council and BPRD Board prior to the commitment of any funds for the preservation project.

AGREEMENT:

1. Purpose. The purpose of this MOU is for Public Process participants to consider options for updating those portions of the Community Vision intended to: (a) enable fish passage, now that modification of Pacific Power’s dam to function more like a natural river is unlikely given Pacific Power’s decision to continue power generation at the facility; (b) reduce the frequency and quantity of future sediment removal efforts; and (c) identify a recommended funding strategy for the Mirror Pond preservation project.

2. 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 9.

3. The Public Process. The Public Process will be conducted as follows:

a. The Public Process will be managed by Central Oregon Intergovernmental Council (COIC) as a third-party facilitator.

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

c. The Public Process should address the seven goals included in the Community Vision by the Mirror Pond Ad Hoc Committee, see Recital D. Both Parties acknowledge that the seven goals apply to the Mirror Pond preservation project as a whole, and can be addressed through collective implementation of fish passage and other project components to meet the intent of the Community Vision.

d. As part of the public process, an advisory committee (the “**Update Committee**”) will work to update the Community Vision by evaluating alternative fish passage options, including modification of the dam to function more like a natural river and ways to reduce frequency and quantity of future sediment removal efforts. The Update Committee’s work will also recognize the extensive work and community outreach done through the date of the Resolutions.

e. The Update Committee will include voting members appointed by the City, BPRD, Oregon Department of Fish & Wildlife, Pacific Power, the Upper Deschutes Watershed Council, and Trout Unlimited. The Update Committee will act in an advisory capacity to the City Manager and the Executive Director.

f. The Update Committee will be advised on fish passage alternatives by fish passage consultants/design engineers to be selected by BPRD. The Update Committee may also be supported by technical advisors on additional relevant subjects including, but not limited to, stormwater management and hydrology and sediment transport in the upper Deschutes River Basin. The City Manager and the Executive Director will determine the need for additional technical advisors in response to requests from the Update Committee.

g. The Public Process will conclude when the Update Committee delivers a report which includes the following:

- A general description of the preferred alternative fish passage concept;
- A preliminary cost estimate for design and implementation of the alternative fish passage concept;
- Recommendations for implementation of the alternative fish passage concept;
- Recommended methods to reduce the frequency and quantity of future sediment removal efforts;
- Identification of possible funding sources for the Mirror Pond preservation project; and
- A summary of public comments received during the Public Process.

h. The City will pay the reasonable costs for COIC’s facilitation of the Public Process. BPRD will pay the reasonable costs for the fish passage consultants/design engineers to advise the Update Committee on fish passage alternatives. If the costs for either COIC or the fish passage consultants/design engineers exceed what the responsible Party believes is reasonable, the Parties will meet and reassess the cost allocation.

4. Funding Strategy Development. Upon completion of the Public Process, the City and BPRD will work together to further develop a recommended funding strategy for the Mirror Pond preservation project. The funding strategy development will be conducted as follows:

a. The City Manager and the Executive Director will select an advisory committee (the “**Funding Committee**”) made up of stakeholders, potential funders, and others relevant to developing funding strategies and recommendations for the Mirror Pond preservation project.

b. All meetings of the Funding Committee will be open to the public with an opportunity for public comment.

c. The purpose of the Funding Committee is to further develop funding strategy recommendations to fund implementation of the Mirror Pond preservation project. Additional parameters for the funding strategy development and Funding Committee may be provided in amendments to this MOU or in additional or restated memoranda of understanding between the Parties.

d. Upon conclusion of the funding strategy development meetings the Funding Committee will deliver a report identifying a recommended funding strategy to implement the Mirror Pond preservation project, including both the preferred alternative fish passage concept, identified in the Update Committee’s report, and the proposed dredging portion of the project.

5. Additional Requirements.

a. Public Meetings. The Parties will hold public meetings to present the recommendations of the Update Committee and the Funding Committee.

b. Staffing. The Parties will assign such staff as is necessary to aid COIC’s facilitation of the Public Process.

c. Adoption. The Update Committee’s report of the Public Process recommendations is intended to be adopted by the City Council and BPRD Board, as recommended or revised by those bodies, as an amendment to the Community Vision.

6. Identification of Funding Sources. As part of the Public Process, and continuing after as needed, the Parties will work together to confirm their commitment to pursue funding for the proposed Mirror Pond preservation project, including the preferred alternative fish passage concept, from private and public sources other than City and BPRD general fund revenues.

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

8. Relation to IGA for Mirror Pond Updated Community Vision. As anticipated by the Resolutions, by signing this MOU, both Parties acknowledge their intent to make

good faith efforts to negotiate a mutually agreeable IGA to accomplish the updated Community Vision for Mirror Pond.

9. Termination. Either Party may withdraw from the MOU upon 10 days' written notice to the other Party, delivered by certified mail or in person.

10. Authority 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. However, because the Public Process has been more specifically and clearly defined, the City Manager and Executive Director brought this MOU to their respective governing bodies for review and approval. Each Party, by the signature below of its authorized representative, acknowledges that it has read this MOU, and understands its terms and conditions. By signing below, the City Manager and Executive Director, represent that each has the authority to sign on behalf of the represented entity.

11. Applicable Law. This MOU shall be governed by the laws of the State of Oregon.

BEND PARK AND RECREATION
DISTRICT

CITY OF BEND

By: _____
Don Horton, Executive Director

By: _____
Eric King, City Manager

Date: _____

Date: _____

Approved as to Form:

Approved as to Form:

BPRD Attorney

City Attorney

Board Calendar 2020-2021

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

October 6

Work Session

- ◆ Update on Parks and Facilities – *Michelle Healy and Matt Mercer (20 min)*
- ◆ River Habitat Restoration and Access Plan Update – *Sarah Bodo (30 min)*
- ◆ DEI Update – *Sarah Bodo (20 min)*

Business Session

- ◆ Petrosa Agreement Approval (Park Search Area) – *Sarah Bodo (30 min)*
- ◆ Resolution - Update SDC project list – *Michelle Healy (15 min)*

October 20

Work Session

Park Services Report

Business Session

- ◆ GMP for JSFC Pool Tank Renovation – *Bronwen Mastro (10 minutes)*

November 3

Work Session

Recreation Report

Business Session

November 17

Work Session

Park Services Report

Consent Agenda

- ◆ Codify Policies

Business Session

December 1

Work Session

Recreation Report

Business Session

December 15

Work Session

Park Services Report

Business Session

- ◆ Alpenglow Park Contract Award - *Ian Isaacson (10 minutes)*

IGA with the City for Planning – *Michelle Healy and Don Horton (45 min)*
Recreation Programming Plan – Matt Mercer and Michael Egging
Transportation Discussion with CTAC– *Eric King and Susanna Julber (45 min)*
IGA with the City for Mirror Pond Silt Removal – *Don Horton (30 min)*
Annexation – Smallwood Property – *Sarah Bodo (10 min)*
Refund Policy – *Matt Mercer*
Award construction contract for Big Sky Park – *Brian Hudspeth (15 min)*
MOU for Fish Passage – *Don Horton (30 min)*
Recreation Report: Next Steps Program – *Monica McClain-Smith and Carolyn Creedican (15 min)*
Park Services Hard Surface Program – *Jason M and Alan Adams (15 min)*
Centennial Celebrations – *Julie Brown (20 min)*
Agreement for Riverbend South project with UDWC – *Ian Isaacson (20 min)*
Park Services Report: Fleet and Equipment Program – *Roy Radcliff (15 min)*
Park Services Report: Prescribed Fire – *Jeff Amaral (30 min)*
Park Services Report: Hardsurface Program – *Alan Adams and Jason Monaghan (15 min)*
Approve Credit Card Processor Contract – Justin/Jut/Betsy
Update on Bi-lingual Communications – *Julie Brown and Kathya Avila Choquez (20 min)*
SDC's and Affordable Housing
Contract Award for Hollygrape ADA – *Jason Powell (10 minutes)*