

BMPRD RESOLUTION NO. 2020-07

**A RESOLUTION OF THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS
CLARIFYING THE TIME OF SDC COLLECTION**

WHEREAS, on June 4, 2019, the Board of Directors for the Bend Park and Recreation District (the "District") adopted Ordinance No. 12 establishing System Development Charges ("SDCs") to provide a source of revenue to finance the acquisition, construction, improvement, or expansion of District parks, trails, and recreation facilities to accommodate growth; and

WHEREAS, Section 6.A. of Ordinance No. 12 establishes the time of collection for District SDCs and also allows the Board of Directors to establish, by resolution, a new or alternative time of collection for SDCs, provided that such new/alternative time of collection is consistent with the time of collection used by the City of Bend (the "City") or Deschutes County (the "County"), as applicable, it being the District's intent that the time of collection be simultaneous with that of the City or County, as applicable, to avoid any complications that might arise if different times of collection were used; and

WHEREAS, for Multi-family Dwellings, Section 6.A. of Ordinance No. 12 provides that the District's SDCs shall be "assessed and due no later than the date that a certificate of occupancy" is issued by the City or the County, as applicable; and

WHEREAS, the District has, pursuant to Section 6.A. of Ordinance No. 12, delegated responsibility for collection of the District's SDCs to the City and the County by separate intergovernmental agreements; and

WHEREAS, The District wishes to clarify the time of collection of SDCs for Multi-family Dwellings.

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

1. **Time of Collection.** By default, all SDCs are due and payable at the time a building or placement permit is issued. For Multi-family Dwellings, an applicant may defer assessment and collection of the District's SDCs to the date that a certificate of occupancy is issued by the City. (SDCs for Multi-family Dwellings subject to County approval may not be deferred.) Notwithstanding the foregoing, if responsibility for collection of the District's SDCs has been delegated to the City, the District's SDCs shall be assessed and due no later than the date on which the City's SDCs are assessed and due. In addition, if the City requires a separate or additional process (including, without limitation, execution of a deferral agreement to be recorded against the applicant's property to secure payment of the deferred SDCs) to defer collection of its SDCs to the date of issuance of a certificate of occupancy, deferral of collection of the District's SDCs is conditioned upon completion of such separate or additional process and the City's approval of the deferral. Notwithstanding any other provision of Ordinance No. 12 or this Resolution, the District's SDCs shall, in all circumstances, be assessed and due simultaneously with the City's SDCs.
2. **Miscellaneous.** All pronouns contained in this Resolution will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the context may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, or portion of this Resolution is for any reason held invalid, unenforceable, or unconstitutional, such invalid, unenforceable, or


unconstitutional section, subsection, sentence, clause, or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, or constitutionality of the remaining portion of this Resolution. The Board of Directors may, by separate resolution, correct any editorial or clerical errors in this Resolution.

ADOPTED by the Board of Directors of the District on this ____ day of June, 2020.



Ted Schoenborn, Board Chair

Attest:



Don P. Horton, Executive Director