



Bend Metro Park & Recreation District

December 1, 2020

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 1, 2020

District Office Building | 799 SW Columbia | Bend, Oregon

AGENDA



To support Governor Brown’s recommendation for social distancing, the Board of Directors will conduct the regular board meeting by video.

View the board meeting [Bend Park and Recreation Facebook page](#).

5:30 p.m. CONVENE MEETING

VISITORS

The board welcomes input from individuals at our public meetings about district-related issues.

Members of the community who wish to make public comment are asked to submit comments by email to sheilar@bendparksandrec.org. Comments received by 3 p.m. December 1, will be read at the board meeting and entered into the public record. Remarks should be limited to 3 minutes or less. If there are questions, follow up will occur after the meeting. Thank you for your involvement

WORK SESSION

1. Trail Maintenance Agreement Overview – *Henry Stroud and Janet Hruby (30 min)*
2. System Development Charges (SDC) and Affordability – *Lynne McConnell and Russ Grayson, Michelle Healy and Lindsey Lombard (60 min)*

CONSENT AGENDA

1. Minutes – 11/17/2020
2. Codify Policies

BUSINESS SESSION

1. MOU on Fish Passage – *Don Horton (30 min)*

EXECUTIVE DIRECTOR’S REPORT

PROJECT REPORT -In Board Packet

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

ADJOURN



BOARD AGENDA COMMUNICATION

AGENDA DATE:	December 1, 2020
SUBJECT:	Trail Maintenance Agreement Overview
STAFF RESOURCE:	Henry Stroud, Planner
GUEST PRESENTER:	Janet Hruby, Principal Traffic Engineer, City of Bend
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Pillar:	Operations & Management Practices
Outcome:	A balance between caring for existing infrastructure and new development
Strategy:	Work with the board to determine the District's role in providing transportation options within the urban trail system in collaboration with the City of Bend

BACKGROUND

This presentation is intended to provide an overview of a new Trail Maintenance Intergovernmental Agreement (IGA) currently in development between the district and the city of Bend. The new agreement will supplement an existing IGA from 2003 that broadly defines trail maintenance responsibilities.

The presentation will cover the following topics:

1. Why a new agreement is necessary
2. Project goals
3. Trail maintenance responsibilities
4. Agreement structure and function

Currently there are more than 103 miles of trail within, or in close proximity to, the district's boundary. Collectively, these trails comprise "Bend's Urban Trail System" a combination of paved, compacted gravel and natural surface trails. Development of the trail system has happened primarily in two ways: either through BPRD sponsored projects or through private land development.

For many trails built through private development, maintenance responsibilities have not been clearly defined. The confusion surrounding trail maintenance is primarily due to not having a standardized practice of dedicating trail easements or property to the appropriate agency and the lack of clear or enforceable records that identify who is responsible for maintenance.

Unfortunately, this has caused some trails to fall into disrepair, reducing the quality and usability of the trail system.

In some instances, the district has assumed maintenance responsibilities for trails despite not having any underlying ownership or rights. Some of these segments were maintained by the district through verbal agreements, or because the community submitted safety issues or complaints that we wanted to address quickly, but didn't necessarily confirm ownership before doing so. This practice has further fueled the assumption that the district will assume maintenance of any new trails.

The new trail maintenance IGA seeks to:

- Clearly delineate trail maintenance responsibilities
- Provide legal mechanism for the district to maintain trails previously dedicated to "the City" or to "the public"
- Establish a process for new trails to be dedicated directly to the district
- Ensure coordinated trail planning going forward

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

None

MOTION

None

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	December 1, 2020
SUBJECT:	System Development Charges (SDC) and Affordability
STAFF RESOURCE:	Michelle Healy, Deputy Executive Director Lindsey Lombard, Administrative Services Director
GUEST PRESENTERS:	Lynne McConnell, Affordable Housing Manager, city of Bend Russ Grayson, Development Services Director, city of Bend
PREVIOUS BOARD ACTION:	June 4, 2019 - Adopted Ordinance 12: System Development Charges, and accompanying Resolutions No. 421, 422, 423, 424, and 425
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Pillar:	Operations and Management Practices
Outcome:	A balance between caring for existing infrastructure and new development
Strategy:	Ensure the district is maintaining its adopted level of service targets

BACKGROUND

Staff will continue bringing information to the board regarding the district's park system development charge (SDC) program for review and discussion. These discussions are prompted by a request by the city of Bend that the district lift the 400-unit cap on the district's adopted SDC waiver program for affordable housing projects.

This work session is expected to be the second of three meetings to discuss SDCs and the district's consideration of the city's request. This meeting will include a presentation by Lynne McConnell, city of Bend Affordable Housing Manager on the city's affordable housing program, an explanation on how they fund projects, and a summary of the expected future park SDC waiver needs. It will also include a presentation by Russ Grayson, city of Bend Development Services Director, on the status and timing of the district's tiered SDC fee implementation, and the status of the city's consideration of tiers for the city's transportation SDC fees.

The first meeting, on November 17, provided the board with an overview of the district's SDC program including: SDC primer; history of park SDCs; how SDCs fund the park system; how SDCs fit into the district's overall funding for services and programs; how the district supports equitable and affordable access to a desirable quality of life; a review of the 2019 new ordinance and methodology; information reflecting the affordable housing park SDC waiver program to date, and other key considerations related to the affordable housing waiver and SDC program in general.

It is anticipated that the third meeting will include staff-prepared options for the board to consider in response to the city's request, and an opportunity for board discussion and deliberation.

BUDGETARY IMPACT

SDCs are the main source of funding for the development of parks, trails and recreation facilities to serve growth. They support the district's goals of maintaining the same level of service as population increases and to assure the benefit of having parks that past generations have enjoyed. The SDC methodology establishes the SDC fees, which influence future revenues for SDC eligible projects in the district's adopted Capital Improvement Plan.

STAFF RECOMMENDATION

None

MOTION

None

ATTACHMENTS

None



Board of Directors

November 17, 2020

District Office Building | 799 SW Columbia | Bend, Oregon

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To support Governor Brown’s recommendation for social distancing, the Board of Directors conducted the regular board meeting by video.

View the board meeting via [Bend Park and Recreation Facebook page](#).

BOARD PRESENT

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

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

4:00 p.m. EXECUTIVE SESSION This meeting was held pursuant to ORS 192.660(2)(e) for the purpose of discussing real property transactions. This session was closed to all members of the public except for representatives of the news media.

5:30 p.m. MEETING CONVENED

VISITORS

Director Hovekamp explained that the board received many comments asking the board to consider extending the SDC waiver program for affordable housing. Due to the length and number of comments, the board has elected not to read them in respect to time and asked that all the comments be entered into the record and referenced in the minutes.

Robin Cooper Engle: Robin sent a letter thanking the board for their generosity with the SDC waivers for affordable housing. Robin asked the board to consider granting more to continue the building of homes for people that need affordable housing like Habitat for Humanity.

Brent Landels: Brent wrote to the board to encourage them to continue with SDC waivers. He said it is more difficult in Bend to find affordable housing.

Jessie Coughlin: Jessie expressed a desire for continued support of waivers of SDCs. Jesse noted the economy, pandemic and wildfires that have all contributed to lack of affordable housing and urged the board to do everything within their power to support the development of affordable housing locally.

Jacob Clark: Jacob wrote to express support for the SDC exemption program for affordable housing. Jacob said the waivers have greatly benefitted Habitat for Humanity. He said the saving on each home has enabled the agency to continue their commitment to the community to provide simple, decent and affordable housing.

David Welton: David commented that forcing people to move out of Bend to find cheaper housing does not allow the district to serve them with its amenities. He said dropping SDCs on affordable housing helps make parks available to all, not just the wealthy few.

Alexis Biddle: Alexis sent a letter on the behalf of 1000 Friends of Oregon, a non-profit that supports livable communities. She praised the SDC waivers and tiered methodology and said the non-profit supports the city's request to lift the cap on SDC waivers.

Lindsey Stalling: Lindsey expressed a desire for continued support of waivers of SDCs. Lindsey noted the economy, pandemic and wildfires that have all contributed to lack of affordable housing and urged the board to do everything within their power to support the development of affordable housing locally.

KayCee Weeks: KayCee expressed a desire for continued support of waivers of SDCs. KayCee noted the economy, pandemic and wildfires that have all contributed to lack of affordable housing and urged the board to do everything within their power to support the development of affordable housing locally.

Scott Roher: Scott said Habitat for Humanity has benefitted greatly from the SDC waiver program. He said with the waivers, they are able to build an additional 10 homes for every 100 they build.

Cindy King: Cindy thanked the board for the SDC waivers and spoke about the impact on the community for affordable housing. She said the savings to the buyer results in a lower amount to finance resulting in a lower mortgage payment and urged the board to continue to support this program.

Sonia Capece: Sonia, the director of HomeSource, wrote a letter on the behalf of their organization and said they support the continuation of SDC waivers. She said affordable housing is a critical need in our community, and offering the SDC waivers will deliver one of the essential tools that provide a positive incentive for affordable housing development to take place in this area.

Beth Jacobi: Beth wrote to say the housing crisis is now a housing emergency in Bend. She said affordable housing developers need the waiver programs to expand and meet the scale of need. She encouraged the board to continue with the SDC waiver program.

Cora Ives: Cora wrote to comment with gratitude for the value that BPRD adds to Bend, but noted that the demand for housing is rising, supply is dwindling and costs are going up. Cora said that it is hard to own a home here and most homes that are being developed are only affordable to those with above-median income and suggested that keeping affordable housing on the docket keeps Bend accessible to more people.

Carol Loesche: Carol is the president of the League of Women Voters of Deschutes County, she wrote a letter on behalf of the agency requesting the board renew or extend the SDC waiver program. She said this program addresses the affordable housing crisis that is predicted to continue and increase in severity into the future.

Morgan Schmidt: Morgan wrote to the board imploring them to continue waivers of system development charges for deed-restricted affordable housing developments. Morgan said the board has a chance to be a part of the larger systemic solutions that will make safe, stable housing available for those who have the most trouble accessing it.

Louie Pitt: Louie wrote in to inform the board that the Confederated Tribes of Warm Springs has tribal members attending COCC, OSU, employed in private industry and residing in Bend. He said the high unemployment, poverty rate and lack of housing has made it necessary for the tribal membership to travel and reside off-reservation. Any actions that assists the tribal membership in finding, keeping housing and generally residing in the Bend community is welcomed.

Kathryn Olney: Kathryn wrote in to support a permanent waiver of BPRD SDC waivers for affordable housing. She suggested that the costs of building parks could be placed on those that can most afford them.

Rachel Nicolosi: Rachel expressed a desire for continued support of waivers of SDCs. Rachel noted the economy, pandemic and wildfires that have all contributed to lack of affordable housing and urged the board to do everything within their power to support the development of affordable housing locally.

WORK SESSION

1. SDCs and Affordable Housing – *Michelle Healy and Lindsey Lombard*

Executive Director Horton said this is a multi-meeting topic and the city will present at the next meeting with additional follow up with the board.

Ms. Healy said this conversation is prompted by a request from the City of Bend to lift the cap on park SDC waivers for affordable housing. She explained that SDCs are allowed by state law for water, sewer, transportation, parks and recreation and flood management to pay for the cost of system improvements or expansion as a result of population growth. The district can only impose SDC fees to pay for necessary growth. She said fees are a one-time fee (not a tax) that is usually paid for by the builder at the time of securing a building permit. The SDC fees collected by the district can only be used for capital improvement that maintain service levels and cannot be used for maintenance or operations. In addition, the district must show how the fees will be used and requires the

development of a methodology, through a public process, that defines the cost basis for the determination of the fees. State law also requires financial management, tracking and reporting.

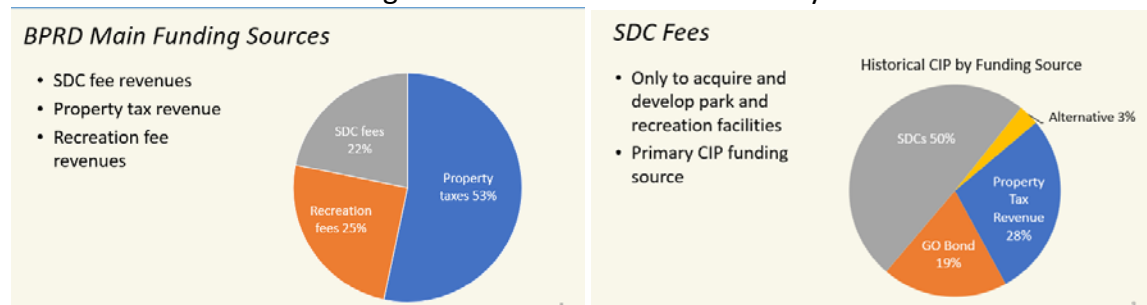
Ms. Healy next explained the formula of for the park SDC fees. The formula is the cost of projects to serve growth divided by the number of new people to attain a cost per person and then multiplied by the average number of people per dwelling type. She said SDC fees were created for the district in the early 1990's with the city administering the program from 1993-1997. In 1997, the district adopted its first methodology and updates have occurred over time to keep up with the cost of land and development. Since the first methodology adoption, Bend's population has increased from 35,000 to over 100,000 people. The rapid growth has resulted in a significant investment in new parks, trails and recreation facilities and the SDC fees collected have been critical to maintaining level of service to serve the new growth. Ms. Healy next presented the projects fully or partially funded by SDCs (since 2003):

- 27 neighborhood parks
- 15 community parks
- Riley Ranch Nature Reserve and Shevlin Park
- Miles of trails – e.g., DRT, Coyner, Larkspur, COHCT

Ms. Healy commented that parks are heavily used and valued by the community. She said recent surveys from the comprehensive plan update revealed that 61% of the respondents use district facilities or trails more than once a week and only 1% of the respondents indicated no use.

Ms. Lombard said the district is a limited-purpose special district formed under Oregon Statutes, with the single purpose of providing park and recreation services. Special district funding has legislatively defined limitations on how SDCs can be spent, which means that special districts don't have the same level of flexibility as to what purposes those funds can be used for, as other broader-purpose local governments have, such as cities and counties. She said the district is striving for balance with the social purposes and business principles and affordability and financial stability. The district strives to provide affordable services which fulfills essential community social purposes and deliver important community benefits, while also operating with sound business principles and financial stewardship. She noted that during the pandemic, trails, parks and open spaces were open to serve the community in a vital way for physical, mental and emotional health.

Ms. Lombard explained the following pie charts showing that SDC fees are 22% of the main funding sources and how that funding has been used over the last 18 years.



Ms. Lombard said the SDC fees can only be used to acquire and develop park and recreation facilities and is the primary CIP funding source. SDCs have paid for 50% of CIP funding since 2003. Alternative funding is made up of grants and are typically contingent upon significant additional funding from the district.

Recreation fee revenues cover direct costs, but not the full costs and based on the recovery model are subsidized with property taxes.

Property tax revenues fund:

- General operations
- Maintain, repair, renovate, replace (taking care of what we have)
- Non-SDC funded facilities
- Debt Service
- PERS unfunded liability
- Reserves
- Support affordable living

Supporting Affordable Living:

- Need based assistance- scholarships for programs and childcare
- Targeted outreach, programs, events- for underserved populations
- Inclusion services- programming at targeted
- Therapeutic recreation
- Subsidized recreation activities
- Operation of parks and trails open to all

Ms. Lombard explained that unlike other local governments, the district has limited additional funding tools to provide critical park, trail and recreation infrastructure. A reduction in SDC revenues creates a reduction in the level of service provided to the community, unless the funding gap can be filled in other ways. Oregon local governments do have some additional tools that can be used to “fill the gap” of waived, exempted or lower SDC fees. However, she added, as a special district, the district has fairly limited options as compared to other local governments like cities and counties.

The fill gap options for the district:

- Capital grants and donations
- General Obligation Bonds, this increases fees to everyone, not just new people coming to Bend which requires the new services
- Reduce service levels on other affordable living items
- Increase reliance on property taxes

Cities and Counties fill gap options:

- Revenue Bonds
- Transient room taxes
- Urban Renewal Agencies
- Charge other fees
- Require infrastructure
- No-cost dedicated land (BPRD typically pays for land, the city and county can take land)

Ms. Healy explained the differences with park SDCs and other SDCs. She said parks, recreation facilities and trails are land intensive, and buildable land in Bend is limited and expensive. The district spends a quarter of SDC fees purchasing land. In some cases, land is donated or dedicated at no cost to the district, but mostly the district is paying market value for land. The donated and dedicated land costs are excluded from the SDC project list and do not factor into the fee. Once land is purchased, then the district SDC fees cover the cost of construction including:

- Water, sewer, transportation SDCs.
- Offsite improvement may be necessary for half street improvements or to extend utilities.
- Utility relocation expenses in the public right of way. Public infrastructure constructed by the park district and school district is not covered by the city's franchise agreements. The city is able to require utilities to move their infrastructure at the utility provider's expense for city projects, whereas the park district and school district must bare those full costs
- Building permits, right of way permits, land use permits and affordable housing fee. (The city does pay these fees depending upon the project.)
- Affordable Housing development fee, which is 1/3 of 1% with increases being discussed. The district has paid about \$100,000 in these fees since inception.

Ms. Healy mentioned that other park agencies collect SDC fees for commercial properties, the district considered this and received a lot of push back from the community and elected to not add non-residential SDC fees.

Ms. Healy spoke about the 2019 park SDC update, stating that after nearly two years of public engagement to update the comprehensive plan, the community responded that new people moving should pay for the new development. The community reported that they did not want a reduction in services as Bend is becoming denser and parks are becoming people's backyards. With this in mind, staff worked on an update to the SDC methodology to best address funding for parks and trails needed to serve the projected new growth in the community. The new methodology estimated population growth of 23,000 new residents in the 10-year planning in the comprehensive plan. She said significant growth means a significant investment to serve new residents and retain service levels. Like many other desirable communities experiencing growth, housing affordability is an issue. The board challenged staff to develop a new methodology that was sensitive to affordability, equitably distributed costs and maintains the level of service needed to serve the community. Ms. Healy explained the process of engaging stakeholders (specifically those that are directly impacted by paying the SDCs) and the extensive evaluations (non-residential, tiered approach, impacts of tourism, etc.) done by staff to come up with the new methodology. The board adopted the new methodology with overall affordability and equity at the forefront:

- ✓ Project list reduced by **-\$17.6 million** = lower level of service
- ✓ Fees dropped **-25%** for all multi-family
- ✓ Fees dropped **-32%** for townhomes, duplexes, condos
- ✓ Deferral option for multi-family
- ✓ ADUs at lowest multi-family rate
- ✓ Overnight visitor accommodation increased to align with impact
- ✓ **Zero fee** for up to 400 units of Affordable Housing
- ✓ Approved option for tiered fees

Ms. Healy showed the following slide of the tiered SDCs 2019 fees that promote equity:

Development Type	Avg. People per Unit	SDC Charges*	% Diff (+/-)
Single-family Avg. (\$/dwelling unit)	2.5	\$8,300	
SQ FT Tiers (\$/dwelling unit)			
<1,000 SQ FT	1.86	\$6,175	-26%
1000-1600 SQ FT	2.16	\$7,171	-14%
1601-3000 SQ FT	2.45	\$8,134	-2%
>3,000 SQ FT	2.74	\$9,097	+10%
Multi-family Avg. (\$/dwelling unit)	1.7	\$5,644	
Bedroom Tiers (\$/dwelling unit)			
0 Bedrooms	1.08	\$3,586	-36%
1 Bedroom	1.19	\$3,951	-30%
2 Bedrooms	1.93	\$6,407	+14%
3+ Bedrooms	2.5	\$8,300	+47%

*As of July 2019

She said the tiered SDC fees were passed by the board in July of 2019. The city requested a delay of implementation to update their software program, the update is taking longer than the anticipated launch date of July 2020. City staff will present at the next board meeting and give an update.

The board asked if the affordable housing SDC waiver is a benefit to the developer or if the discount extends to the buyer. Ms. Healy responded that the builder does get the waiver and the SDC is one cost to the developer. She said how that is passed on is debatable because there are many factors, but acknowledged that Habitat for Humanity has used the waiver money to invest in more projects.

Ms. Healy next presented a slide that showed the increase of the median home price in Bend versus the area median income. She then gave a background of the SDC waivers explaining that the city approved a waiver program for city SDCs for affordable housing project in November of 2017. They then requested that the district approve waivers after completing the new SDC methodology. The board approved a pilot project:

- Waive up to 400 units until sunset date of Dec 31, 2022 (coincides with city sunset)
- 80% AMI for owner occupied housing
- 60% AMI for rental housing
- Minimum of 30-year deed restriction
- Approved for city SDC exemptions through affordable housing committee

Ms. Healy spoke about the 400 waivers that were approved were established based on city goals and estimate of 100 units a year. The program provided flexibility for projects to happen over of the four years that exceeded 100 units per year. To date, the city has approved 380 of the 400 waivers two years ahead of the sunset date. The city is now requesting additional waivers estimating that another 150 will be requested in the next 18 months. She said that so far, the 400 waivers cost the district \$2.3 million and the additional waivers will cost the district an additional \$850,000-\$1.4 million.

Ms. Healy said the next steps are to hear a presentation by the City of Bend on affordable housing at the next board meeting.

The board asked if there is any way to estimate how many homes would be built if SDCs were reduced and if there is any way to assure the waived SDC is passed on to the buyer. Ms. Healy replied that the developer pays the fees and a reduction does not necessarily translate to a reduced fee of the home, the market dictates the price. She said the supply would impact the buyer, but there is not a way to quantify the number of homes that would be built in this scenario. She said that because the market dictates price, she does not know of a mechanism that would ensure the SDC waivers are passed on to the buyer and suggested that this question be asked at the next meeting to the city representatives.

Executive Director Horton added that he asked a developer if SDCs were completely waived if it would affect the price of a home. The developer responded that the market dictates the price, not waivers. He then said that waivers can make it easier for apartment and rental project to pencil out for construction.

The board asked if the district compares level of service with other agencies and what is the impact of not keeping up with the level of service. Ms. Healy said the district is currently below targets of level of service, stating that it is hard to balance. It is difficult to compare to other agencies because the measurements are different. She said the district has been able to keep pace with the population growth, and other agencies that fall behind struggle to find space in dense areas to provide amenities. Director Kropf said he heard a lot of comments about affordable housing in the outreach for his recent campaign, and he would like to have a broader conversation about the SDCs and the impacts stating that there is a responsibility to tackle the greater issues and community desires.

Director Hovekamp said that this is a community wide problem and the district can and should play a part. He added that he has never had a community member say we have too many parks and commented that the district does have non-anecdotal information about the community desires.

The board requested to see the impact of adding waivers to the SDC project list and suggested that as Bend becomes denser, the metric of acres per thousand change. Executive Director Horton reminded the board that staff is using a walking metric now to keep the metric more attainable and is determining where the community is best served. Ms. Healy said the district planners will bring a presentation to the board in February to discuss their work and analysis on the demographics assessing poverty levels and need in the community.

CONSENT AGENDA

1. Minutes – 10/06/2020

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

BUSINESS SESSION

1. GMP for JSFC Pool Tank Renovation – *Bronwen Mastro*

Ms. Mastro gave a brief background on the project. She said the indoor pools (the 25-meter pool and children's pool) at Juniper Swim and Fitness Center were built in 1978 and now in need of a renovation. She said this project has been on the CIP for some time. In May, the board approved a design-build contract to Pence Construction, LLC. She shared that the project has had some delays due to COVID, and there has been some back and forth on pricing and adjustments to the design to lower costs, she said staff have arrived at a reasonable cost for the project.

The board asked about the bid process. Ms. Mastro explained that the contractor did publicly bid the work and included bids for the work that they plan to self-perform. The board agreed that this work demonstrates taking care of district property for a well-used facility.

Director Méndez made a motion to authorize the Executive Director to execute the GMP, Exhibit B of the contract with Pence Construction, LLC in the amount of \$2,988,457, and to add an additional contingency of \$298,846 for a total construction budget not to exceed \$3,287,303. Director Schoenborn seconded. The motion passed unanimously, 5-0.

EXECUTIVE DIRECTOR'S REPORT

- Mr. Mercer explained the impact of the two-week freeze on the district.
 - Indoor and outdoor recreation must close, but youth program can occur
 - Childcare programs remain open
 - School district has also made the decision to pause all sports and close indoor buildings
 - JSFC is closed
 - Some Art Station programming that serves as childcare remain in place
 - The Pavilion is considered outdoor recreation, but there may be opportunity for controlled, registered use

Mr. Mercer said the orders have caused a lot of confusion for staff and the public and more information is being gathered to make further decisions.

- Director Hovekamp gave an update on the Collective Impact group that is convened by COIC, as a cooperative group with representation of other government agencies in Bend. He said the group has met a few times and is well represented by the district. The group discusses issues that all agencies can work on together, and is currently sifting through the issues working with each agency's strengths. He committed to keeping the board updated. Director Schoenborn, who also attends these meetings, added that they are a good opportunity to discuss issues that effect the whole community. For instance, the group is looking at DEI as a topic for collaboration and other issues mentioned have been: transportation, housing, growth, legislative priorities.
- Director Schoen reported on the Decency Project that she participated in a few weeks ago. She said she was contacted by the attorney for the young woman that vandalized park district property in order to settle the restitution piece. She worked with staff and requested 50% of the cost of the restitution and for a letter of apology. Director Schoen added that if the district continues to participate in this type of restorative justice, she would like to be educated on restitution. She said that has not yet heard a response from the attorney. Director Kropf gave a brief explanation of restitution.

PROJECT REPORT

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

- Director Méndez said that Bend is heading into another hardship period with the virus for the community and staff. He said he appreciates the staff efforts to serve the community. He congratulated Director Kropf on his win and he said he is looking forward to working with the new city council.
- Director Kropf said he appreciates everyone’s efforts to control the pandemic. He shared that he has been working with Bronwen Mastro on a new sign project that acknowledges the indigenous people and suggested a acknowledgement to the indigenous people at board meetings. He added he is looking forward to serving in office and is committed to staying active with the BPRD board.
- Director Schoenborn congratulated Jason on his landslide win.
- Director Schoen commented on Director Kropf’s kind and positive campaign. She said the young woman that vandalized the park said she had issues with the park district because she does not think the district does enough to acknowledge the land owners before us. She shared that she has received a written and proposed a tree preservation policy for Bend that she will forward it to the board.
- Director Hovekamp congratulated Jason and said he looks forward to visiting him in Salem. He thanked the public that is participating in the board meetings or watching the recording and enduring the virtual format. He commented that he is open to suggestions from the public and staff on how to improve the virtual meetings. He thanked staff for keeping up with the technology to run the meetings.

ADJOURN 7:51 pm



Prepared by,
Sheila Reed
Executive Assistant

Ted Schoenborn, Chair

Nathan Hovekamp, Vice-Chair

Jason Kropf

Ariel Méndez

Deb Schoen

BOARD AGENDA COMMUNICATION

AGENDA DATE:	December 1, 2020
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, Deb Schoen and Ted Schoenborn, 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.

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: Compensation Practices, Vacation Leave, Personal Leave, Holidays, Sick Leave, Special Leaves with Pay, Flexible Spending Account and Insurance, Health and Dental.

EXHIBIT A: SUMMARY OF POLICY AMENDMENTS

The policies were amended as follows:

Compensation Practices – amended to rename the district’s Hire Rate Guidelines to Wage Rate Guidelines, changed practices and language to be in alignment with the Equal Pay Act, eliminated the orientation period adjustment language, eliminated the Top of Salary Schedule lump sum payment language, and provided clarification language for pay differentials.

The district has taken steps to operate using position control, which led the district to change the qualification process for benefit eligibility (vacation, personal leave, sick leave, holidays, special leaves with pay, and insurance). During the budget process, departments identify which positions will be benefit eligible based on the expectation for the employee in the position to work at least 1040 hours in the year. Once an employee has worked one full pay period in the position, the employee will then become eligible for benefits. If an employee chooses a work schedule that will not meet the 1040 hours in the year, the employee will be placed in a non-benefited position. The new process has increased attraction and retention to positions, year around business needs are met, and employees understand the eligibility of the benefits as well as requirements to maintain their benefits.

Previously an employee was required to work six consecutive pay periods with an average of 85 hours but work no fewer than 60 hours in any pay period. Employees were required to maintain the 85 hours per pay period or risk losing benefits, which was difficult for many employees to achieve and understand.

Vacation Leave – amended to reflect the new eligibility language.

Personal Leave – amended to reflect the new eligibility language.

Holidays – amended to reflect the new eligibility language.

Sick Leave – amended to reflect the new eligibility language.

Special Leaves with Pay – amended to reflect the new eligibility language.

Insurance, Health, Dental & Vision – amended to reflect the new eligibility language, ensure full compliance with the Affordable Care Act, and clarifying language for COBRA.

Flexible Spending Account – amended to increase to the IRS allowed maximum contribution amount, updated the eligible employees to reflect the new eligibility language, and termination of employment language was updated to be in full compliance with the IRS.



Chapter 4 – Compensation
 Section 21 – Compensation Practices
 Approved By: Don Horton, Executive Director
 Approved Date: 12/4/13
 Codified Date: 10/21/14, 11/17/15, 11/1/16, 11/7/17, 11/6/18
 Amended By: Don Horton, Executive Director
 Amendment Date: 9/2/15, 12/17/15, 8/9/16, 9/27/16, 4/12/17, 6/21/17, 1/18/18
 Page 1 of 10

COMPENSATION PRACTICES

General Information

This policy establishes standards for the equitable and consistent administration of pay.

Pay Administration

1) Initial Hire

Wages offered to initial hires to the District should be commensurate with the candidate's qualifications. Hiring supervisors shall use the District's Hire-Wage Rate Guidelines to determine the offered wage.

Exceptions: Request for salary exception to assign a higher rate than specified by the District's Hire-Wage Rate Guidelines must be made in writing from the Department Director and submitted to the Human Resources Manager. Human Resources' review will be based on the candidate's qualifications, attraction and retention issues, market conditions, ~~and~~ assessment of the recruitment and selection process, and impacts to pay equity. Human Resources will forward the exception request to the Executive Director with a recommendation for approval or denial.

2) Reemployment

When an employee is re-hired after leaving the District, the hiring supervisor shall apply the District's Hire-Wage Rate Guidelines to determine the re-hire rate.

a) Establishes the merit increase date as follows:

- (i) If reemployed at a higher rate in the same classification, the anniversary/merit increase date will be adjusted to one year.
- (ii) If reemployed at the same rate in the same classification within one year of separation, the anniversary/merit increase date will be established based on a total of 12 months worked from the last merit increase the employee received.
- ~~(iii)~~ If reemployed at the same rate in the same classification with ~~more than~~ one to three years of separation, the anniversary/merit increase shall be established as one year from the beginning of the first full pay period the employee works.
- ~~(iii)~~
- (iv) If reemployed in a different classification, the employee will serve an orientation period. The anniversary/merit increase date will be established one year from the beginning of the orientation period.

~~3) Orientation Period Adjustment~~

~~Initial hires to the District serve an orientation period. Non-exempt employees' orientation period is six full continuous months with at least 120 hours worked. If an employee does not work at least 120 hours in six months, the employee shall continue the orientation period until the 120 hours are met but for no longer than two years. Exempt employees' orientation period is 12 full continuous months. A 3% orientation period adjustment shall be provided to new non-exempt employees upon satisfactorily completing the six month orientation period, contingent upon working at least 120 hours from the beginning of the employee's orientation period (first pay period where the employee worked on the 21st of the month) and exempt employees after satisfactorily completing six months of the 12 month orientation period. An orientation period evaluation supporting either the successful completion of the orientation period or satisfactory performance must be submitted with the orientation period adjustment request.~~

~~Employees serving an orientation period due to a promotion, reclassification, or demotion will not receive an orientation period adjustment.~~

4)3) Annual or Biannual Merit Increase

The District merit pay system allows for the progression of an employee's pay from the established minimum to the maximum of a salary range based on successful job performance.

Merit increases are based upon an employee's individual performance. The prime objective is to match an employee's compensation to his/her performance.

~~A proposed merit increase rate, B~~ based on the ~~D~~ district's financial condition and the current economic environment, a proposed merit increase rate is submitted annually to the Benefits Committee for consideration and recommendation ~~s. to the Budget Committee.~~ Once the Budget Committee approves the budget, which includes the merit increase rate, it is forwarded to the Board of Directors for adoption.

Annual ~~or biannual~~ merit increases in years approved by the board shall be scheduled as follows:

- a) Following initial employment, reclassification or promotion with the ~~D~~ district, full-time employees who successfully perform their job receive annual merit increases after working 12 full pay periods, ~~one year from receiving the orientation period adjustment~~, or one year from a reclassification or promotion, which then establishes the anniversary date for future annual evaluations and merit increases.
- b) Part-time and regular part-time employees who successfully perform their job receive an annual merit increase after working 12 full pay periods ~~one year from receiving the initial hire orientation period adjustment (anniversary date)~~ provided the employee worked at least 120 hours during the evaluation period (12 pay periods months). If an employee does not work 120 hours in the ~~12 month~~ 12-month period, the employee will receive his/her performance evaluation and corresponding increase on the employee's following anniversary date (after

working a total of two years regardless of the number of hours worked). The anniversary date is calculated ~~one year from the date the employee completed the orientation period,~~ or one year from the reclassification or promotion or acceptance of an additional position.

Exceptional Performance Bonus

Department directors may request approval from the Executive Director to grant an employee a one-time bonus for exceptional performance. The request must be submitted via the Exceptional Performance Bonus Request form. The request must clearly demonstrate what and how the employee accomplished that demonstrated this level of outstanding service to the ~~D~~istrict. The Executive Director will approve or deny the request.

Denial of Merit Increase

The regularly scheduled merit increase may be withheld for deficient performance. In order to deny a merit increase, the employee must have received timely notice of performance deficiency and had an opportunity to correct the problem prior to the salary eligibility date.

Employees receiving formal disciplinary action during the evaluation period shall be denied a merit increase. Exceptions are to be approved by the Executive Director.

~~5)4)~~ Promotion

Upon promotion, the ~~D~~istrict's ~~Hire-Wage~~ Rate Guidelines and internal pay equity will be applied. An employee shall receive no less than a 5% increase. Department directors may request an exception for a greater increase due to recruitment or retention challenges, exceptional qualifications of the promoted employee, or other appropriate circumstances. Exception requests must be in writing and approved by the Executive Director.

~~6)5)~~ Transfer

A lateral transfer occurs when an employee applies for and accepts a job in which the new job classification has the same salary range.

In most situations, ~~a~~An employee's wage rate ~~normally~~ stays the same upon transfer.

~~7)6)~~ Demotion (voluntary or involuntary)

Upon demotion, the district's ~~hirewage~~ -calculator and internal pay equity will determine the appropriate rate of pay. ~~At the time of a demotion, salary placement shall be reviewed on a case-by-case basis by the Executive Director. The Executive Director may:~~

- ~~a) Reduce the employee's pay to the maximum rate of the new classification, if the employee's current pay is above the new classification; or~~

~~b)a) _____ Maintain the current pay, if the employee's pay is within the range of the new classification.~~

Merit increase eligibility date shall remain the same as the previous position held.

~~8)7) Orientation Period Removal~~

In the event an employee does not successfully complete the orientation period and returns to the former classification, the employee shall be restored to the wage in the salary range the employee would have reached taking into account annual merit increases had the employee not left the previous classification. The employee's former merit increase eligibility date shall be restored.

~~9)8) Position Classification Changes~~

Through a position evaluation process, an employee and position may be reclassified. If reclassification results in the position to be placed in a higher salary range, the position will be placed in the new pay range. If the position has an incumbent, the employee's pay shall be adjusted using the District's wage Hire Rate Guidelines and internal pay equity or a 5% increase, whichever is greater.

Exceptions for salary placement are to be approved by the Executive Director.

If the re-evaluation results in the position ~~being to be~~ placed in a lower salary range, the position will be placed in the new pay range. If the position has an incumbent, the district's Wage Rate Guidelines and internal equity will determine appropriate rate of pay. **Exceptions for salary placement are to be approved by the Executive Director.** ~~If the position has an incumbent, there is no impact on the employee's salary unless the employee's salary falls outside of the maximum of the salary range, in which case, the employee's pay shall be frozen until the salary range "catches up" with the employee's salary.~~

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If the reclassification is to a classification at the same salary range, in most situations, there is no impact on the employee's salary.

~~10)9) Salary Range Adjustments~~

~~The results of a~~ compensation study may result in adjusting the salary range of a classification(s). In the event the salary range for a classification is adjusted to a higher salary range, the implementation shall be least cost. Affected employees are retained at the existing wage with no increase unless the employee's current wage rate is below the entry rate of the new salary range. In this case, the employee's wage rate will be at the entry rate of the new salary range. Salary range adjustments do not result in the employee serving a new orientation period.

~~11)10) Cost of Living Adjustment (COLA)~~

The ~~D~~istrict may grant a COLA in any given year that is determined appropriate based on the financial condition of the district. The COLA will be based on the published consumer price index for the U.S. City Average, West Region, West-Size Class B/C for January immediately prior to the fiscal year.

When a COLA is granted, the COLA shall first be applied to the salary schedule. After the COLA has been applied to the salary schedule, individual wages will then be increased.

The salary schedule and wages will be adjusted in the July paycheck, unless otherwise stipulated.

~~12)~~11) General Wage Adjustment

~~When Human Resources conduct a general compensation/classification plan study, implementation of the study shall be least cost. Affected employees are retained at the existing wage with no increase unless the employee's current wage rate is below the entry rate of the new salary range. In this case, the employee's wage rate will be at the entry rate of the new salary range. Employees generally retain their merit increase eligibility dates.~~

Human Resources conducts district-wide compensation/classification plan studies and, based on requests, individual classification or family classification studies. Implementation of the studies shall be in a manner to continue pay equity. If the study results in employees' current wage rates falling short of pay equity, the employees' wages will be adjusted according to the district's pay equity plan. If the study results in employees' current wage rates are more than the maximum of the pay range or exceeds internal equity, the employees shall be frozen until the pay range "catches up" with the employees' rate or internal equity is achieved based on the district's plan. District-wide studies may result in unique circumstances in which Human Resources may recommend exceptions to the Executive Director.

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~~13)~~12) Lump Sum Payments

- a) The District may give a lump sum payment to an employee at the time of hiring, promotion, or lateral transfer in difficult recruitment situations. Department directors must obtain approval of a lump sum payment from the Executive Director through a written request.

Normally, lump sum payments are appropriate for management level or specialized positions where recruitment difficulties are:

- (i) Due to a significantly below-market salary range for a specific classification, where changing the salary range on a timely basis is difficult; or
- (ii) Due to a position in a generic classification being extremely sensitive to market pay fluctuations; or
- (iii) Due to the nature of the assignment (e.g., added expectations and workload for a short to medium period) that makes the position especially unattractive to potential candidates.

- ~~b) When an employee reaches the top of the salary schedule and continues to demonstrate good performance, a Top of the Salary Schedule (TOSS) monthly lump sum payment may be provided in lieu of unavailable merit increases. Criteria and eligibility for TOSS monthly lump sum payment:~~

- ~~Employees are eligible for TOSS monthly lump sum payment once they are at the top of the salary range or through a classification and/or compensation study that results in their salary/hourly rate falling outside the salary range.~~
- ~~Employee's performance evaluation should result in successful or better performance for the last performance period.~~

~~Limitations and Approvals:~~

- ~~No more than one TOSS monthly lump sum payment shall be granted in a 12 month period.~~
- ~~The performance evaluation will determine the recommended merit increase rate. The TOSS monthly lump sum payment will be calculated based on the portion of the merit increase that exceeds the top of the range. The amount that exceeds the top of the range will be paid in 12 monthly lump sum payments with each paycheck. For non-exempt employees, the monthly lump sum will be based on the number of hours worked.~~
- ~~The TOSS monthly lump sum payment will not be used to calculate succeeding years' salaries.~~
- ~~The TOSS monthly lump sum payment will be effective on the employee's annual merit increase anniversary date and paid in a monthly lump sum for 12 months.~~
- ~~All TOSS lump sum payments must be approved by the Executive Director.~~

~~Calculation of TOSS monthly Lump Sum Payment:~~

- ~~If COLA is adopted, apply COLA to the salary schedule.~~
- ~~Apply COLA to each eligible employee's rate of pay.~~
- ~~If part or all of the merit increase recommendation results in a salary over the top of the salary range, the amount that is over the range salary shall be the TOSS monthly lump sum payment.~~
- ~~For employees frozen outside of the salary range, the TOSS monthly lump sum shall be calculated based on the maximum rate of the salary range.~~

e)b) Exceptional service bonus may be granted to employees who exceed performance expectations. The one- time bonus payment is part of the annual performance evaluation process. The performance evaluation must clearly demonstrate the specific competencies, goals, and job expectations that have been consistently performed in an outstanding manner. Pre-approval by the Executive Director is required using ~~Form #3~~ [the Exceptional Performance Bonus Request form](#) ~~of the performance evaluation package.~~

14)13) Work Out-of-Class (WOC)

Work out of classification is defined as a temporary assignment of an employee to perform essentially all the duties, authority and responsibilities of a position classified at a higher salary range.

a) Rate of Pay

- (i) The WOC rate of pay for temporary duties at a higher classification is either five (5) percent of the employee's base rate of pay; or the entry rate of higher the higher WOC classification, ~~the difference between the employee's base rate of pay and the entry rate of the higher WOC salary range~~, whichever is greater. Exceptions are to be approved by the Executive Director.
 - (ii) An employee performing a work-out-of-class assignment, who is eligible for overtime in his/her regular position, continues to be eligible for overtime while performing the work-out-of-class assignment.
- b) Criteria:
- (i) An employee assigned to perform duties at a higher level classification for more than 14 consecutive calendar days.
 - (ii) An employee must meet the minimum qualifications of the higher level position in order to receive WOC compensation. Employees who do not meet the minimum qualifications may be assigned the work as a professional development opportunity. A Human Resources representative must affirm that assigned duties are of a higher classification prior to authorizing WOC pay.
 - (iii) Standards for WOC duration are 12 months or less. If a WOC assignment exceeds this standard, written documentation must be submitted.

~~15)~~14) **Holiday Compensation**

Compensation for a holiday is based on an eight (8) hour day. When employees work on a holiday, employees shall be compensated as follows:

- a) Full-time non-exempt employees required to work on an observed holiday will be paid for hours worked. In addition, the employee will also receive one of two options: 1) the employee will be paid for the 8 hours of holiday in addition to being paid for the hours worked, or 2) the employee will take an alternate date off with pay by December 20. If the employee does not take the alternate day off by December 20, the employee forfeits the holiday. The employee may request the option he/she prefers; however, based on business needs, the supervisor is responsible for making the final decision prior to the observed holiday.
- b) Full-time exempt employees that work on a holiday shall not record hours worked as holiday leave. Holiday hours that are not taken on the holiday will be scheduled and taken by December 20. If the employee does not take the alternate date off by December 20, the employee forfeits the holiday.
- c) Regular part-time employees required to work on an observed holiday will be paid for hours worked and receive holiday pay on a pro-rata basis ~~provided the employee works 85 hours during the pay period~~. For example: an employee who worked 100 hours for the month will accrue 100 hours divided by 173.33 or 57.69% of the eight our maximum accrual rate. In addition, employees will be compensated for actual hours worked on the holiday.

~~16)~~15) **Return from Layoff**

When an employee returns from layoff to the classification held prior to the layoff, the employee returns to the same wage paid at the time of layoff. Upon return from layoff to a different classification, the district's Wage Hire Rate Guidelines and internal equity will determine appropriate rate of pay. ~~an employee normally returns to the same wage at the time of layoff, not to exceed the maximum rate in the new salary range.~~

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~~17)~~16) **Equity Adjustment**

An equity adjustment is a wage adjustment to correct a salary disparity. Executive Director approval is required to make the equity adjustment. Human Resources will determine the need for an equity adjustment and write a request for Executive Director approval that includes the issue, affected employee(s), recommended adjustment, and effective date. Upon approval, a personnel action adjustment will be processed.

~~18)~~17) **Facility Closure and Emergency Cancellation**

In the event of a facility closure or emergency cancellation of programs, compensation shall be as follows:

Exempt full-time employees – A partial or full closure will not impact an employee's monthly compensation; however, the expectation is that work responsibilities will be taken care of at an alternative time, day, or location. In the event of a prolonged closure, employees may be required to take paid leave.

Non-exempt full-time employees – During a partial or full-closure, employees are paid for the hours worked; for any missed ~~time~~time, employees will be required to either: 1) make up the missed time within the same pay period (supervisor must approve) or 2) use accrued vacation or comp time. If option 1 is agreed upon and the employee is unable to make up the time with the same work week, the supervisor shall adjust hours so that the make-up hours do not result in an employee's compensation exceeding what would have been paid. (This may result in an employee working less than an 8-hour shift to adjust for overtime incurred during the week that they are making up a shift. For example, an 8-hour shift made up in a subsequent week would result in an employee working 5.33 hours at 1.5 overtime pay to equal 8 hours of missed pay).

Note: Full-time employees must use applicable leave balances before leave without pay may be authorized (see Leave Without Pay policy).

~~Non-exempt~~ Part-time employees – Employees are paid for the hours worked. If business needs allow, employees may be scheduled for make-up hours. If make-up hours are not available, employees may use accrued vacation leave if available.

Show-up pay – In the event an employee reports to work as scheduled and the decision has been made for a closure or cancellation, the employee shall be paid not less than one (1) hour. Minors are to be paid not less than one-half their scheduled shift.

Exceptions – In the event of a business closure, the Human Resources Manager may request exceptions to appropriate policies to avoid employees' loss of benefits for the Executive Director's approval.

Pay Differentials

1. Bilingual Skills

This differential applies to employees who must use bilingual skills to perform assigned duties. "Bilingual skills" means translation to and from English, interpretation of another language or the use of sign language. When the district identifies a need for a bilingual position, the position description for the position requiring bilingual skills must be updated to reflect the translation duties. Candidates and/or employees to be placed in positions that require bilingual skills will be evaluated through a language testing process where the test score of 9 or higher demonstrating language proficiency is required for the bilingual differential.

~~The employee's supervisor must assign the interpretation and translation duties. The supervisor documents the bilingual assignment through a Personnel Action form.~~

The differential is five (5) percent of base pay.

2. Lead Work

This differential applies to all employees assigned to perform "lead work" duties for 14 or more consecutive calendar days if:

- a) The class specifications for the employee's position do not include lead work duties; and
- b) The employee's position is not management/supervisory.

Employees assigned lead work duties typically perform a broader scope of work and are assigned additional responsibilities. The supervisor documents the lead work assignment through a Personnel Action form. Lead work occurs when the supervisor assigns an employee all of the following duties:

- a) Prioritize and assign tasks to efficiently complete work;
- b) Give direction to workers concerning work procedures and performance standards;
- c) Review the accuracy, quality and quantity of work; and
- d) Provide informal feedback of employee performance to the supervisor.

The differential is five (5) percent of base salary for the full period of the assignment.

Lead work differential does not apply to developmental assignments mutually agreed to by management and the employee.

3. On-Call Duty

On-call differential applies to all Federal Labor Standards Act (FLSA) non-exempt employees. An employee is eligible for the on-call duty differential when a supervisor requires the employee to be available for work outside of the employee's scheduled shift ~~his/her regular working hours~~. The employee may use the on-call time effectively for the employee's ~~his/her~~ own use. The District does not count on-call time as time worked in the computation of overtime hours worked.

On-call shall be one hour's pay at the regular straight time rate.

4. Standby Duty

Standby duty differential applies when a supervisor requires FLSA non-exempt employees to be available for work outside normal working hours, and subject to restrictions consistent with the FLSA, that prevent the employee from using the time while on standby duty effectively for the employee's own purposes. Compensation for standby duty is paid at the employee's straight time rate of pay. Overtime hours on standby are paid at the appropriate overtime pay rate.

5. Work Schedule

Work schedule differential applies to employees assigned to non-traditional work schedules. Employees shall receive the shift differential for shifts where the majority of hours are worked between 10:00pm and 5:00am. ~~It does not apply to base rates in the computation of payments for paid time off such as vacation and sick leave.~~ Overtime is computed by adding shift differential to the employee's base rate during the pay period when an employee works overtime. Work schedule differential is not paid when an employee requests an alternate work schedule to make up hours not worked during the established workweek.

The differential is five (5) percent of each shift that meet the shift differential definition.

Resource

Wage~~Hire~~-Rate Guidelines
Leave Without Pay policy, Chapter 5, Section 8



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:

Years of Service	Accrual	Vacation Days per Year
After completion of one full payroll period to 1 year	8 hours	12
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:

Years of Service	Accrual	Vacation Days per Year
After completion of one full payroll period to 1 year	6 2/3 hours	10
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 in budgeted benefited positions will begin to accrue vacation leave after working one full pay period (21st of the month to the 20th of the following month). ~~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 on ~~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 moved from out of a benefited position and into a non-benefited position will no longer be eligible to accrue vacation leave effective with the date of the change.

~~Employees dropping below 85 hours shall not accrue vacation leave. If an employee drops below 85 hours for three non-consecutive months or for two consecutive months in a 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. 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.

C. 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.

D. 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.

E. 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.

F. Changing Vacation Leave to Sick 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.

G. Timesheet

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

H. Coordination with Workers' Compensation Loss Benefits

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

I. Termination of Employment

When an employee terminates from the District, all unused vacation hours shall be paid in the final paycheck.

Forms

Request for Vacation Payment



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 budgeted benefited positions are eligible after six full consecutives pay periods (21st of the month to the 20th of the following month). ~~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 prorated based on the number of hours worked ~~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 moved from a budgeted benefited position to a non-benefited position shall no longer qualify for the personal leave benefit. ~~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.



Chapter 5 – Employee Leave
Section 3 – Holiday
Approved by: Board of Directors
Date Approved: February 6, 2007
Codified: 6/3/08, 8/4/09, 11/5/13, 11/1/16, 11/7/17
Amended By: Don Horton, Executive Director
Amendment Date: 11/25/08, 6/19/09, 7/5/13, 10/14/13, 8/9/16, 6/21/17
3/3/17, 6/21/17
Page 1 of 4

HOLIDAYS

General Information

Holiday pay is a benefit that is granted to eligible employees to provide time off with pay to observe the recognized official holidays.

Official Holidays

The following holidays shall be designated as official holidays for all full-time and regular part-time employees:

New Years Day	Veteran's Day
Martin Luther King's Day	Thanksgiving
President's Day	Friday after Thanksgiving
Memorial Day	Christmas (in years when Christmas falls on a Tuesday or Thursday, an additional day will be granted to create a four day holiday.)
Independence Day	
Labor Day	

In the event the holiday falls on Saturday, the Friday before the holiday will be observed. If a holiday falls on Sunday, the Monday after the holiday will be observed.

Veterans (as defined by Oregon law) who are scheduled to work on Veteran's Day may submit a request for the day off. Employees must provide to their supervisor a minimum of 21 days' notice of their intent to take the holiday off. Supervisors must approve or deny the request at least 14 days before Veteran's Day. In the event the request is denied as a result of significant economic or operational disruption, or create an undue hardship, the employee shall select an alternate date to take off within one year of the Veteran's Day that must be mutually agreed upon with the supervisor.

Eligible Employees

1. **Full-time employees** are eligible for the official holidays immediately upon hire.
2. **Regular part-time employees** in budgeted benefited positions are eligible for the official holidays after one full pay period (21st -of the month to the 20th of the following month) ~~working six months with an average of 85 hours per~~

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~~month with no fewer than 60 hours in any month. If the employee works 85 or more hours in the month,~~ the holiday accrual will be on a pro rata basis up to a maximum of eight (8) hours per holiday.

3. **Part-time, temporary and seasonal employees** shall not be eligible for holiday compensation.

Dropping Below Benefit Eligible Status

If an employee is moved from a budgeted benefited position to a non-benefited position, the employee will no longer qualify for holiday leave.

~~To remain eligible for benefits, an employee must be in paid status for at least 85 hours each month. 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 leave. An employee may re-qualify for holiday leave after working at least 85 hours each month for three consecutive months.~~

Compensation

Compensation for a holiday is based on an eight (8) hour shift.

Full-time employees will be granted eight (8) hours of time off with pay for each official holiday and will be compensated at straight-time only (see Overtime policy). Holiday hours in any given week shall not put an employee into overtime status. If an employee is on leave without pay, regular part-time language shall be applied.

Full-time non-exempt employees working an alternative work schedule, e.g., 4-10's, shall use other applicable leave balances to ensure the full work week equals 40 hours before leave without pay can be authorized (see Leave Without Pay policy).

Regular part-time employees will be granted time off with pay on a pro-rated basis for each official holiday ~~provided the employee works 85 or more hours during the month~~. If the employee is required to work on the holiday, the employee shall receive pay for the actual hours worked and the pro-rated holiday accrual.

Pay Status Test

Employees must be in pay status at least ½ of the last workday before the holiday and ½ of the first workday after the holiday to receive holiday pay.

Work on a Holiday

Regular Part-time employees required to work on the holiday shall receive pay for the actual hours worked and the pro-rated holiday accrual.

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Full-time non-exempt employees required to work on an observed holiday will be paid for hours worked. In addition, the employee will also receive one of two options: 1) the employee will be paid for the 8 hours of holiday in addition to being paid for hours worked at their straight time rate, or 2) the employee will take an alternate day off with pay by December 20. If the employee does not take the alternate day off by December 20, the employee forfeits the holiday. The employee may request the option he/she prefers; however, the supervisor is responsible for making the final decision based upon business need. The decision must be made before the day is worked in order for the employee to record his/her time properly. If the employee and supervisor mutually agree upon an alternate day off, the employee cannot change his/her selection to pay at a later date.

For full-time exempt employees that work on a holiday, the hours worked shall not be recorded as holiday leave. Holiday hours that are not taken on the holiday will be scheduled and taken by December 20. If the employee does not take the alternate date off by December 20, the employee forfeits the holiday.

Observed Holiday on Employee's Day Off

When a holiday falls on a full-time employee's regular day off, another day off shall be arranged by the supervisor on a date convenient to the employee and the District. -If the employee does not take the alternate date off by December 20, the employee forfeits the holiday.

Exceptions

Human Resources may submit written exception requests to the Executive Director for approval.

Procedures

Non-exempt full-time employee: Submits request to supervisor whether the worked holiday will be paid or to take an alternate day off

Supervisor/Manager: Based on business need, approves or declines request; communicates decision to employee.

Non-exempt full-time employee: Completes timesheet/time record
- If employee will be paid for the 8 hour holiday and paid for the hours on the worked holiday, the timesheet will be completed as follows:

- Enter actual hours worked; and
- Enter 8 hours under the holiday pay code
- If employee will take an alternate day off, the day of the holiday will be completed as follows:
 - Enter actual hours worked under the pay code that the hours were worked.

Supervisor/Manager:

Reviews timesheet/time record for compliance.
Approves and submits timesheet/time record to Finance Department.

Resource

Overtime policy, Chapter 4, Section 9
Leave Without Pay policy, Chapter 5, Section 8



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.

Policy

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

Full-time and regular part-time employees in budgeted benefited positions are eligible to use sick leave with pay upon completing their first pay period (21st of the month through the 20th of the following month), if employees work less than the full pay period, the sick leave will be prorated.

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~~All p~~Part-time and seasonal employees are eligible to use sick leave with pay beginning on their 91st day of employment.

Use of Sick Leave

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

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 or health condition, or need for preventive medical care, or to provide a family member's daily care activities.
2. 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;
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.

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, foster children, and any individual with whom an employee has or had an in loco parentis relationship.

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 in budgeted benefited positions - (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) — accruals are prorated and depend on the number of hours worked per pay period. -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 is moved from a budgeted benefited position to a non-benefited position, the employee's sick leave 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 be reduced to the part-time and seasonal employee rate of 1 hour for every 30 hours worked effective with the change. Regular part-time employees have ~~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 ~~D~~istrict'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.

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 ~~D~~istrict 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~~ make up 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.

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.



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 in budgeted-benefited positions. 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.

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B. Funeral Participation

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

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

C. Military Training Leave w/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 ~~D~~istrict. 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. Monies received from mileage reimbursements are not surrendered to the district.

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.

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

E. Court or Quasi-Judicial Body Witness Leave of Absence ~~W~~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 ~~D~~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 in budgeted benefited positions. Regular part-time employees are to record leave hours that reflect the hours the employee was scheduled to work.

F. Pre-Retirement Counseling Leave ~~w~~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 in budgeted benefited positions. 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 ~~w~~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 in the time and attendance system as suspended with pay leave. ~~in the time & attendance system as Suspended with Pay Leave. 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.



FLEXIBLE SPENDING ACCOUNT

General Information

Flexible Spending Account (FSA) (IRS Section 125) is a flexible spending account program that helps employees save on the cost of health and dependent care. An FSA allows an employee to set money aside before taxes to pay for a wide range of common expenses. Employees save by reducing taxes while still paying for the care an employee needs.

Benefit Programs Employees Can Elect

Un-reimbursed Eligible Health-Related Expense Reimbursement: This is for health care expenses not covered by the employee's health benefits plan, such as co-payments, co-insurance, over-the-counter (OTC), hearing or orthodontic care costs.

Dependent Care Reimbursement: This is for non-medical day care expenses for children under age 13, or disabled dependents provided that they satisfy the definition of a "Qualifying Relative" under federal tax law. Dependent day care expenses are reimbursable as long as the provider is not an employee's spouse, another dependent or an employee's child if age 19 or younger.

Group Health Insurance Premium Benefit: This is for premiums for medical and hospitalization insurance, major medical insurance, and dental insurance outside of health benefit plans through the District.

Maximum Contribution Amounts

Un-reimbursed eligible health-related expense reimbursement account maximum per plan year is ~~\$2,500~~ \$2750.

Dependent care reimbursement account maximum per plan year is \$5,000 married filed jointly or single parent and \$2,500 for married filing separately.

Eligible Employees

Full-time employees and benefited regular part-time employees are eligible to participate in the District FSA upon hire.

~~Regular part-time employees must complete six months service with an average of 85 hours per month for six consecutive months with no fewer than 60 hours in any month to be eligible.~~

Open Enrollment

The new plan year is effective June 1 of each year. Open enrollment occurs in the month of May. Employees must re-enroll each year to continue their FSA.

Procedure

- ◆ Employee to estimate out-of-pocket health and/or dependent day care expenses for the coming plan year.
- ◆ Divide the amount by the number of paychecks the employee will receive yearly. This is the amount the District will deduct from each paycheck.
- ◆ The District deposits these pre-tax dollars into a reimbursement account(s).
- ◆ Anytime the employee has an eligible expense, submit a receipt along with a Reimbursement Form for either Medical or Dependent Day Care to the [3rd third-party vendor](#). Employees will receive reimbursed funds from their account according to the reimbursement schedule.

End of the Plan Year

Employees should plan their anticipated out-of-pocket expenses as accurately as possible to put aside enough to cover them without contributing more than they need. The Federal Government requires that employees forfeit any funds remaining in employees' dependent care account at the end of the plan year and any funds exceeding \$500.00 in the medical account. To roll-over up to \$500.00 in the medical account, employees are required to re-enroll for a medical account with a minimum of \$10.00 per month.

Termination of Employment

~~In the event an employee separates from the District prior to the end of the plan year, the District shall collect the remaining plan year contribution amount from the last paycheck. The employee will continue to submit request for reimbursement for FSA expenses from the 3rd party vendor until either the contribution amount has been exhausted or the plan year ends, whichever comes first. If an employee receives reimbursement for a full plan year contribution before the end of the plan year and the last paycheck is insufficient to pay for the plan year contribution, the District will become responsible for the remaining contribution amount.~~

In the event an employee separates from the district prior to the end of the plan year, the district will notify the third-party administrator of the amount of the benefit to deduct the remaining plan year in the employee's account. Employee contributions made prior to the employee's termination date will continue to be

available for the employee to request reimbursement until the contributions have been exhausted or the plan year ends, whichever comes first. If the employee receives reimbursement that exceeds the contributions by the termination date, the district will become responsible for the remaining contribution amount.



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 [insurance plans](#) 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~~ [Regular Part-time](#) employees [in budgeted benefitted positions](#) are eligible for insurance benefits [on the first of the month following](#) ~~after working one full pay period (21st of the month to the 20th of the following month)~~ [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.](#)

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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 [and employees in](#) 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 Eligibility Status Change

[In the event, eFull-time employees working at least 130 hours per pay period are changed from a benefitted position to a non-benefitted position, employees will not lose eligibility until the current stability period ends.](#)

When variable hour regular part-time employees are moved from a benefitted position to a non-benefitted position, employees will no longer be eligible for district paid health benefits effective with the first of the month after the change.

~~or and 130 hour employees they will become ineligible for employer paid health benefits. 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~~ 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 ~~D~~ 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 regular 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 ~~D~~ district provides a Medical Expense Reimbursement Plan (MERP) where, in the event an employee or dependent is charged a deductible through the ~~D~~ district's medical insurance plan, the ~~D~~ district reimburses the employee through a ~~third party~~ third-party vendor.

Dental Insurance

The ~~d~~ District provides a self-insured plan for full-time employees and the ~~D~~ 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~~ third-party carrier. Dental premiums are paid 80% by the ~~D~~ 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.

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~~third-party carrier. Vision 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.

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 ~~60-30~~30 days of their eligibility date will not be eligible to enroll until the next open ~~enrollment period~~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~~titled “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 ~~60-30~~30 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. [Employees must submit a COBRA enrollment form within 60 days of losing coverage.](#) If an employee elects to continue ~~medical~~ [health](#) 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.~~

BOARD AGENDA COMMUNICATION

AGENDA DATE:	December 1, 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. The board discussed the revised MOU at their September 15 meeting and sent the MOU back for further clarification; specifically, requesting that the MOU focus on fish passage and not on funding sources for the Mirror Pond preservation project.

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 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 the Community Vision to 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 and enter into an IGA to accomplish the updated Community Vision for Mirror Pond.

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 and proposed project requirements and tasks;
- Recommended methods to reduce the frequency and quantity of future sediment removal efforts;
- A summary of public comments received during the public process.

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 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 the Community Vision to better enable fish passage including: (a) whether any modification of Pacific Power’s dam, to allow it to function more like a natural river can be accomplished given Pacific Power’s decision to continue power generation at the facility; and (b) ways to reduce the frequency and quantity of future sediment removal efforts.
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 8.
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. When evaluating fish passage options, the Public Process should include consideration of the seven goals included in the Community Vision by the Mirror Pond Ad Hoc Committee, and the impact of such options on the seven goals. The 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 evaluation must be performed in recognition of the extensive work and community outreach done in developing the Community Vision.

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 for the proposed fish passage project;
- A preliminary cost estimate for design and implementation of the preferred alternative fish passage project;
- Recommendations for implementation of the alternative fish passage concept and proposed project requirements and tasks;
- Recommended methods to reduce the frequency and quantity of future sediment removal efforts; 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 and the preliminary cost estimate for design and implementation of the preferred alternative. 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. Identification of Funding Sources. The City Manager and Executive Director will work together to develop a funding strategy for the alternative fish passage project that does not rely on City or BPRD funding. If necessary, the City Manager and Executive Director will seek input from the Update Committee, state agencies, other community partners and interested members of the public to develop a funding strategy. This funding strategy and alternative fish passage concept will be presented to the Bend City Council and BPRD Board of Directors in public meetings as provided in Section 5.a.

5. Additional Requirements.

a. Public Meetings. The Parties will hold public meetings, with the opportunity for public comment, to present the recommendations of the Update Committee and the funding strategy developed by the City Manager and Executive Director for implementation of the preferred alternative fish passage concept to the City Council and BPRD Board.

b. Staffing. The Parties will assign such staff as is necessary to aid: (1) COIC's facilitation of the Public Process; and (2) the development of the funding strategy for implementation of the preferred alternative fish passage concept.

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

7. 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. Mutual execution of this MOU authorizes the City Manager and Executive Director to develop an IGA for the Mirror Pond Preservation Project. The IGA will outline the responsibilities of all parties aimed at completing the Project and will include: funding and project management responsibility as outlined in the Resolutions including, without limitation, transfer of funds, binding commitments by Mirror Pond Solutions and other contributors for all funding necessary to complete the project aside from any contributions made by the Parties, liability release and indemnification from the riverbed owner, legally protected public use of Mirror Pond through a perpetual easement to BPRD, and the project solicitation method. The IGA will require City Council and BPRD Board of Directors approval.

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

9. 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. 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.

10. 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



PLANNING & DEVELOPMENT PROJECT UPDATES December 2020

COMMUNITY AND REGIONAL PARK PROJECTS



Drake Park DRT & Bank Improvement Project: The design team and staff are currently working on permitting, as well as working with the U.S. Army Corps of Engineers (USACE) and the State Historic Preservation Office (SHPO) on the Section 106 procedure through SHPO. The agreement allowing USACE to issue the joint permit for construction has been fully executed. SHPO has asked for interpretive signage to be placed in two locations within the park discussing the old seawall as mitigation for its removal. The design team has started the historical process per the executed MOA. Staff is still working with the remaining landowners to obtain the final easements needed for the project.



Alpenglow Community Park: Alpenglow went out to bid in mid-October, and bids were opened in late November. Construction is expected to begin later this winter with project completion in spring 2022. The installation of the COID bridge is underway, with the bridge placement scheduled to happen in the new year. Staff will continue to coordinate with adjacent property owners and neighbors during construction, keeping them updated on the progress of the park.



Larkspur Community Center (Bend Senior Center): Punch list items are still being completed and there are a few “long lead time” items that are on order for the project. It is expected that the punch list will be fully completed and the notice of final completion will be ready by mid-December. Currently the building is in a partial shut down mode to conserve energy awaiting opening in 2021.



JFC Pool Tank Renovation: The guaranteed maximum price (GMP) was approved by the board on November 17. The contract amendment is in progress. Construction is expected to start January 2021, once the Larkspur Center is open.



Big Sky Park Expansion: The project is currently on hold due to the effects of COVID-19. The district will reassess when to put the project back out to bid during the upcoming CIP process.

NEIGHBORHOOD PARK PROJECTS



Goodrich Pasture Park: Goodrich Pasture Park is under construction. The street and right of way work on NE Quimby and 11th Street are nearly complete; the street is paved, sidewalks installed, and landscaping nearly finished. The park itself is beginning to appear finished. Irrigation is installed, the playground nearly complete, landscaping and sod are being installed. The park is anticipated to open in the spring of 2021.



Northpointe Park: Construction documents are in progress, staff reviewed the 60% construction document (CD) set in November. 90% CDs are scheduled to be submitted this month. The project is expected to go out to bid spring 2021.



Shevlin West Park Land: Construction of the Shevlin West subdivision is underway. The developer of the subdivision is required to dedicate 3.5 acres of park land for a neighborhood park. The developer is constructing the required roads and sidewalks adjacent to the park. The district's legal counsel prepared a purchase and sale agreement (PSA) that includes reimbursement to the developer for the road and sidewalk costs. The agreement is currently being reviewed by the developer. Staff anticipates the PSA will be presented to the board in December for final approval. This new park land will fill the neighborhood park need in park search area #9, identified in BPRD's 2018 Comprehensive Plan.



Hollygrape Park ADA Improvements: Projects documents are completed for this project. A start date for bidding and construction will be discussed as the district works through the budget for the new fiscal year.

RIVER PROJECTS



Riverbend South Access and Restoration Project: UDWC applied to OWEB for the final piece of funding for the project. If successful, all required funding has been secured for the construction of the improvements. UDWC and staff will submit for permits this fall and winter with construction expected to begin in fall of 2021.



Deschutes River Access and Habitat Restoration Plan: The focus group—made up of representatives from agencies, recreational organizations, business groups and environmental organizations— has identified opportunities for access and habitat restoration at the 14 Deschutes River parks within the scope of this project. The project team sought feedback from district staff in late October and is developing a recommended project list for focus group feedback in mid-December. On January 19 staff will provide the board a draft project list in advance of public outreach.

TRAIL PROJECTS



Central Oregon Historic Canal Trail Road Crossing Safety Improvements: BPRD has completed design work for safety upgrades to four road crossings on the Central Oregon Historic Canal Trail: Blakely Road, Brosterhous Road, Ferguson Avenue and 27th Street. Staff is now working to acquire an easement near Brosterhous Road and the necessary permits to complete the work. The district intends to install the upgrades at the Blakely Road and Brosterhous Road crossings in the next fiscal year, with upgrades to the remaining crossings coming online in subsequent years as additional sections of the trail are improved near those locations. BPRD has applied to the Deschutes County MPO for a grant of \$64,218 to fund construction of the Blakely, Brosterhous and Ferguson crossings. A decision on the grant is expected in January.



Haul Road Trail: Easements have been recorded from Deschutes Brewery and the Braeburn HOA for trail work on their properties, and staff continues to work on obtaining remaining easements needed for the project. The 95% CDs were reviewed in October. Some revisions are in progress and the documents will be submitted for permitting when they are complete. Construction is anticipated to begin summer 2021.



Discovery West Trails: Brooks Resources recently submitted the final plat plan for phase 1 of the Discovery West residential subdivision. This triggered a requirement to provide BPRD with a temporary trail easement connecting the existing trails within Discovery Park to the Tree Farm neighborhood trails, which connect to Shevlin Park. The temporary trail will run along an existing gravel road that is well suited to trail use. The temporary trail easement has been completed and BPRD will begin installing signage in preparation for opening the trail in the coming weeks. As additional phases of Discovery West are platted, the temporary trail will be relocated and converted to a permanent asphalt trail that will run through land being granted to BPRD.



Trail Maintenance Intergovernmental Agreement: BPRD staff has been working with the City of Bend to draft a new agreement that will clarify trail maintenance responsibilities and improve coordination with city on trail construction that occurs through private land development. BPRD continues to update the trail map database which has been shared with the city and contains improved information regarding trail alignments, underlying easements/ownership, and current maintenance responsibilities. A draft of the agreement is complete and is currently being reviewed by the city's legal department. BPRD staff is currently working with City staff on a set of revisions to the Bend Development Code to support the agreement. BPRD staff will be presenting the project to BPRD's board on December 1. We anticipate completing the agreement in early 2021.



Southeast Area Plan Trail Development Code: BPRD staff have been coordinating with the city on code development related to trails for the Southeast Area Plan. The south east area is located between 15th Street and 27th Street south of Ferguson Road. The development code will require the development of an extensive system of multi-use trails which includes the High Desert Trail, a BPRD trail that will connect Alpenglow Park to High Desert Park, and will clearly stipulate that BPRD is granted easements for the sections of trail the district intends to operate. This new code can be used as a model for future area plans and to modify existing city code

related to trail development which is being reviewed as part of the new trail maintenance agreement.

OTHER PROJECTS AND FUTURE DEVELOPMENT



Petrosa Master Plan Development: BPRD and Pahlisch Homes are coordinating on a park and trails in the UGB northeast edge expansion area. The master plan includes a 5-acre neighborhood park, and a section of the NUID Canal Trail, which will both be managed by the district and called for in the district’s master plan (park search area #4). Other trails and open spaces will be managed by an HOA. Staff are currently negotiating a development agreement, to be considered by the board at a future board meeting. Petrosa encompasses 177 acres, and will include 120 townhomes, 442 apartments and 532 single-family detached units.

Petrosa Master Plan in Bend’s Development Code:

<https://www.codepublishing.com/OR/Bend/#!/BendDC02/BendDC0207U.html#XXI>

Developer’s website: <https://petrosabend.com/>



Murphy Road Development: BPRD and JL Ward Co. are coordinating on provision of a district park and natural area in this development in southeast Bend. The 102-acre development extends both north and south of Murphy Road and east of Country Club Drive. The proposal includes a 2.5-acre neighborhood park adjacent to an 11-acre natural area with almost a mile of natural surface trail. The development is zoned standard density residential and is expected to include 399 single-family homes and 49 townhomes.



Easton Master Plan Development: BPRD and Pahlisch Homes are coordinating on provision of a park and trails in southeast Bend. The district’s comprehensive plan calls for a park (search area #28) and a portion of the future High Desert Trail in this area. The Easton development is east of 15th Street and the future Caldera High School. The property is 75 acres and zoned standard density residential. The development will include approximately 428 single family homes and 127 townhomes, a 2.75-acre park, a recreation center and additional trails within the development.



City of Bend Transportation System Plan Update (TSP):

The City of Bend officially adopted the new Transportation System Plan on September 2nd, 2020. The updated plan will guide transportation development and spending in Bend over the next 20 years.

During the plan making process, BPRD staff attended meetings of the Citizen Transportation Advisory Committee, the Planning Commission, and the City Council. Staff also worked closely with the city’s project management team and provided data regarding the locations of existing and planned trails, gave input on the proposed network of low stress bicycle routes to promote connectivity to BPRD’s trail system, and reviewed the plan’s proposed policies and actions to ensure consistency with BPRD’s comprehensive plan and promote enhanced bicycle and pedestrian mobility.

This November, a \$190M general obligation bond to fund transportation projects was approved by voters. The bond includes:

- \$19.8M for bicycle and pedestrian improvements on 12 key routes throughout the city, many of which will provide enhanced access to parks and trails.
- \$12M for bicycle and pedestrian improvements to 3 east-west corridors that cross US97. One of these corridors runs from Juniper Park to downtown Bend via Hawthorne Avenue.
- \$3.5M for multi-modal improvements on Portland Ave between Pioneer Park and College Way.



SDC Waivers for Affordable Housing: Park SDC waivers for 380 units have been approved through coordination with the City of Bend’s Affordable Housing Committee. This leaves 20 waivers available through the end of 2022. In addition, staff and legal counsel have completed the necessary deed restriction documents for four of the developments, totaling 312 units.



Diversity, Equity and Inclusion (DEI) Initiative: Staff has selected a firm to lead a DEI initiative for the district, and is currently defining the scope of work and negotiating a contract. The project is expected to begin in early December and will include an organization assessment and action plan.

**Board Calendar
2020-2021**

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

December 15

Work Session

- ◆ Receive Budget Committee Applications and Review Process – *Betsy Tucker (10 min)*
- ◆ Team Up Update – *Matt Mercer (20 min)*

Business Session

- ◆ SDCs and Affordable Housing – *Michelle Healy and Lindsey Lombard (60 min)*

January 5

Work Session

Business Session

- ◆ Appoint Budget Committee Member– *Betsy Tucker (15 min)*
- ◆ Alpenglow Park Contract Award – *Jason Powell (10 min)*

January 19

Work Session

- ◆ River Habitat Restoration and Access Plan Update – *Sarah Bodo and Rachel Colton (30 min)*

Business Session

- ◆ Resolution on SDCs – *Michelle Healy and Lindsey Lombard (20 min)*
- ◆ Petrosa Agreement Approval (Park Search Area) – *Sarah Bodo (30 min)*
- ◆ Shevlin West Agreement Approval (Park Search area) – *Michelle Healy (15 min)*

February 2 – Board Workshop

No regular meeting

February 16

Work Session

Business Session

- ◆ Approve Petrosa Neighborhood Park Master Plan – *Ian Isaacson (10 minutes)*

March 2

Work Session

- ◆ River Habitat Restoration and Access Plan Update – *Sarah Bodo and Rachel Colton (30 min)*

Recreation Report

Business Session

March 16

Work Session

Park Services Report

Business Session

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)*
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)*