



Bend Metro Park & Recreation District

March 16, 2021

Board of Directors

Agenda and Reports

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play for life



Our Vision

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

Our Mission

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

We Value

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

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

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

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

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

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

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

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



District Office | Don Horton, Executive Director

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

BOARD AGENDA COMMUNICATION

AGENDA DATE:	March 16, 2021
SUBJECT:	Diversity, Equity and Inclusion (DEI) Initiative Update
STAFF RESOURCE:	Sarah Bodo, Park Planner Natalie Broadus-Beard, Recruiting Specialist Michelle Healy, Deputy Executive Director
PREVIOUS BOARD ACTION:	Adopted Strategic Plan, June 18, 2019 DEI Update, July 7, 2020 DEI Update, October 6, 2020
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Pillar:	Community Relationships
Outcome:	District services that are accessible to all
Strategy:	Foster a climate of inclusion for all community members

BACKGROUND

In November, the district hired Talitha Consults to lead a diversity, equity and inclusion (DEI) initiative. The district's strategic plan calls for implementation of a DEI program, and Talitha Consults' work will be a first step in this ongoing work.

To date, Talitha Consults has gathered information by meeting with staff and the board on the district's DEI strengths and areas for improvement. Next steps for the project include a staff survey and a community survey. Talitha Consults will synthesize the survey results in an assessment report, which will be shared with staff, the board and the community. Talitha's final deliverable will be a DEI assessment and engagement plan, which will include a recommended implementation schedule. This plan will also be shared with staff, the board and the community. Talitha Consults will lead the district in engaging staff, external stakeholders and the board throughout the process.

Tentative Timeline

April – Staff and Board Survey, Community Survey
May – Assessment Report
July – Draft DEI Assessment and Engagement Plan
August – Final DEI Assessment and Engagement Plan

BUDGETARY IMPACT

The planning and development department 2020-2021 fiscal year operating budget includes \$20,000 to support the initial work on the district's DEI efforts.

STAFF RECOMMENDATION

None – for board discussion only.

MOTION

None

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	March 16, 2021
SUBJECT:	CM/GC Contract Closeout for Larkspur Community Center
STAFF RESOURCE:	Brian Hudspeth, Development Manager
PREVIOUS BOARD ACTION:	<p>December 20, 2016 Approve Resolution 397 Authorizing the use of a Construction Manager/ General Contractor (CMGC) Contract for construction</p> <p>April 18, 2017 CMGC Award to LCG Pence; March 6, 2018 Update on the VE (Value Engineering) status;</p> <p>December 18, 2018 Update on status of GMP February 5, 2019 Award GMP (Guaranteed Maximum Price</p>
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Pillar:	Operations & Management Practices
Outcome:	A balance between caring for existing infrastructure and new development
Strategy:	Ensure the district is maintaining its adopted level of service targets

BACKGROUND

In December 2016, the district Board of Directors authorized resolution #397 directing staff to forgo the normal bid procedures for construction of the Larkspur Community Center project, and pursue an alternate form of construction contracting known as a CM/GC, or Construction Manager/General Contractor, in compliance with ORS 137-049-0690.

In April 2017, the board approved a contract with LCG Pence, LLC (Pence) for CM/GC services for Larkspur Community Center. Pence acted as the district's Construction Manager (CM) until February 2019 when the board approved the Guaranteed Maximum Price (GMP) provided by Pence for construction of the project.

Upon board approval of the GMP, Pence has served as the General Contractor (GC). Pence has overseen construction of the project, and has reached final completion. The notice of final completion was sent Pence on February 1, 2021 with receipt of the final invoice. The CM/GC contract has been fulfilled and paid out per the terms of the contract.

Per ORS 279C.355, the Contracting Authority (the district) is required to prepare a “Post Construction Report” for the evaluation of the CM/GC contract. Attachment A is the report prepared for the Larkspur Community Center’s CM/GC contract. Staff will review the report during the board meeting.

BUDGETARY IMPACT

There is no financial impact as a result of this agenda item. The following is a summary of the financial impact of the project.

The district’s Capital Improvement Plan (CIP) allocated \$44,442 (contract) and \$4,442 in additional contingency for CM services; \$17,909,118 (contract), and \$900,000 in additional contingency for the GMP, or GC services, for a total CM/GC contract of \$17,963,560, with contingency of \$904,442 for a total project budget not to exceed 18,868,002. With the final payment and all change orders reconciled, the total CM/GC contract was \$18,672,142.22 for a total savings to the district of \$195,859.78.

STAFF RECOMMENDATION

None

MOTION

No motion required. Review of the Post-Construction Report is a requirement to fulfil requirements under ORS 279C.355.

ATTACHMENT

Attachment A - Larkspur Community Center Expansion Project Post-Construction CM/GC Evaluation

**Larkspur Community Center Expansion Project
Post-Construction CM/GC Evaluation
Construction Management by General Contractor**

Evaluation of public improvement projects more than \$100,000 not contracted by competitive bidding
(<https://www.oregonlaws.org/ors/279C.355>)

Date: February 1, 2021
Presented to the Bend Park and Recreation District Board of Directors on
Tuesday, February 16, 2021

Project Name: Larkspur Community Center

Solicitation: 047-02

Project Description: Construction of an approximately 40,000 sq. ft. recreational facility addition including a natatorium and fitness center, and connection to and minor renovation of an existing 14,000 sq. ft. senior center.

Owner: Bend Park and Recreation District
799 SW Columbia St.
Bend, OR 97702

Project Manager: Brian Hudspeth, Development Manager, BPRD

Location: 1600 SE Reed Market Rd.
Bend, OR 97702

Contractor: LCG Pence, LLC
19570 Amber Meadow Dr, Suite 150-F
Bend, OR 97702

BPRD Project #: 047

Actual Project Costs: CM - \$44,442.00
GC - \$18,627,700.22

Contract Start Date: April 25, 2017

Date of Last Contract Payment to CM/GC:	February 10, 2021
Original Project (CM/GC) estimated cost (from RFP):	\$15,700,000.00
Guaranteed Maximum Price (GMP):	\$17,909,118.00
Change Orders:	\$718,582.22
Total Cost:	\$18,627,700.22
Difference between original RFP estimate and actual costs:	\$2,927,700.22
Percentage of Change Orders against original contract:	4.01%

The number of project change orders issued by BPRD:

- Number of Early Work Amendments and GMP Adjustments: 0
- Change orders correcting contract Language (\$0 change to scope of work): 2
- Number of Change Orders after GMP that changed scope of work: 25

1. Project Narrative

The Larkspur Center addition to the existing Bend Senior Center is the largest “monetary” project the district has completed. The project included over a decade of planning and outreach and cumulated with 24 months of construction to build a 40,000 sq. ft. expansion of the existing Senior Center. Included within the expansion is a 10,568 sq. ft. natatorium that houses over 5,000 sq. ft. of warm water for fitness, therapy and play. The 8,980 sq. ft. upper floor contains a functional fitness area including cardio, weight training, fitness offices, restrooms, mechanical and janitorial rooms. Surrounding the fitness area is a 14 lap per mile indoor walk/jog track. The new facility also includes two dedicated fitness rooms, as well as locker rooms, classrooms, storage, mechanical and reception areas.

This project expanded the current Senior Center, while keeping the current center open seven days a week. The project schedule included a 3-month shut down of the existing center for the primary tie-in into the new facility. During this shut down, the Senior Center was moved off site to Marshall High School with support from the Bend La Pine School District. Timing for this move was critical as it needed to match with the School District’s summer season. The projects construction saw some challenging times as the onset of the COVID-19 pandemic changed the way work was done. While construction in Oregon was not shut down, the effects of separation and employee space had to be managed during the heart of construction. The primary advantage of the pandemic was the closure of the existing Senior Center, allowing contractors full access to the property without having to manage public visitation. With the shut-down of normal travel to conduct construction meetings, the team had to form new ways to communicate to design professionals for review and acceptance of work. Digital documentation was used to convey construction issues to team members who could not be onsite. Pence was very proactive in this approach and were well equipped to handle the additional digital demands of the construction site. The allowed the work to progress on schedule.

The completed project turned out well. It is a project the community can be proud of and will serve the for many years to come. One of the community’s highest identified needs was a warm-water, swimming pool, and this project addresses those needs. The addition of the fitness areas will provide much-needed relief for the current Juniper Swim and Fitness facility that has been operating at capacity for years. The seniors within the community will now have dedicated fitness space and programming for them in a new modern facility.

2. Procurement

The Larkspur Community Center Project's General Contractor was selected through a competitive Request for Proposal process where applicants were evaluated on the following:

Proposal Content	Percentage of Total Score
• Prime Contractor Staff	10%
• Subcontractor Selection	10%
• Approach and Process	33%
○ Existing Facilities	
○ Safety Plan	
○ Sustainability	
○ Project Innovation	
○ Quality Control	
○ Public Involvement	
○ GM/GC Services	
• Experience	33%
○ Budget Consideration	
○ Timeliness	
○ Quality	
○ Risk Management	
○ Service Disruption	
○ Project Acceptability	
○ Claims	
• References	4%
• Miscellaneous Consideration	10%
○ Claims/Litigation History	
○ Current Workload	
Total	100%

Three well-qualified contractors submitted proposals to manage construction of the Larkspur Community Center. The proposals were evaluated by a committee that consisted of five staff members. All three contractors were local to the Bend area. The evaluation committee completed the scoring phase and selected all three firms for in-person interviews. The interviews were scored, and LCG Pence, LLC was selected to manage the construction of the Larkspur Community Center.

The contractor worked with staff and the design team through the end of design development and through construction documents. They provided budget assistance and constructability review of the architectural documents.

Upon completion of the construction documents, staff requested the contractor provide a Guaranteed Maximum Price, (GMP) to complete the project - the project was publicly advertised and subcontractors were invited to bid on the project. The district's CM/GC contract requires a minimum of three subcontractor bids on all bid items. Furthermore, per the district's contract, the general contractor is required to competitively bid against themselves on items they wish to self-perform. The GC was out bid against themselves on division 3, concrete, and awarded the concrete bid to a subcontractor.

The bids were delivered to the district for review and acceptance prior to the GC issuing any contracts. All bids were reviewed and approved by staff per the GC's recommendations.

3. Cost Savings and Value Engineering

Prior to the Larkspur Community Center's CM/GC being selected, the project included several amenities that were eventually value engineered from the project. The most prominent items being an indoor gym facility and a water slide. While the slide was totally eliminated from the project, the building was designed to someday accommodate the addition of a gymnasium. The gym was planned to be constructed on the northwest side of the new facility with a connection at the emergency/staff entrance stairwell located at the northwest corner of the building. The GC put together a list of other value engineering items that staff and the design team evaluated, with the majority of items being accepted with the final GMP.

4. Construction Phasing

The project team identified three phases for the project, allowing for construction around the existing Bend Senior Center. Phase 1 included mobilization and grading for the new building. Phase 2 included the closing of the existing center and construction of the primary tie in points of the buildings, and the new parking area along the south side of the existing building. Phase 3 reopened the existing center in the fall of 2019 and consisted of finishing the new facility's construction. The COVID pandemic changed phase 3, allowing the contractor full access to the site in March 2020, and substantial completion was issued at the end of August 2020.

Unfortunately, due the COVID pandemic, the facility remains closed to the public. The commissioning and operational training on the facility has been ongoing since substantial completion, without interference from public occupancy. The project team, as well as the district is anxious to open the facility to the public and showcase this great project.

5. Competitive Bidding and Funding Source

Upon request for GMP from the district, the GC advertised the project for bid. All solicitations were done per the requirements of ORS 279C.355. District staff evaluated all bids received prior to the GC's acceptance. All documentation was transparent and made available to the public at request.

The funding sources for the Larkspur Community Center project was a combination of district's property tax revenue and system development charges (SDCs) collected by the district. The property tax funds were saved over multiple years to fund the project. The SDCs were applied to the project around the start of construction by the district's Board of Directors. By allowing a larger portion of this funding source the project was able to be fully funded and built without the need for alternative funding avenues such as debt or additional tax levies on the public.

6. Benefit of CM/GC over hard bid for Larkspur project:

The Larkspur Center maintained only a 4.01% total change orders for the entire project due to the CM/GC working with the design team to fill in any gaps in the drawings prior to bid. Having the contractor onboard early in the design stage allowed for cost estimation that lead to early value engineering decisions.

The CM provided value constructability advice to the design team that lead to savings that likely would not have been captured in a hard-bid process. For example, discussing with staff the savings that could be incurred by shutting down the senior center during a portion of the construction allowed the GC to move faster and without interruptions. Because of the cost savings the district accepted the shutdown of the Senior Center as discussed earlier in this report.

Hiring the CM/GC early in the process gave an understanding of the Larkspur Community Center's complex event schedule. The CM/GC and project team were able to modify certain sequences of work so existing Senior Center events proceeded without construction interference, which helped the district maintain its existing facility and cash flow for the six months prior to the COVID Pandemic shutting the facility down.

For more information, please contact:

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Bend Park and Recreation District
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Bend, OR 97702
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(541) 706-6137

February 16, 2021

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The board meeting can be viewed on the website:

BOARD PRESENT

Ted Schoenborn

Sarah Bodo, Park Planner

Paul Taylor, LBJ Lawyers

Richard Coe, Bend Bulletin

None

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camp style programs, more small indoor options, outdoor sports are open and adult classes will resume at the Art Station. Mr. Mercer said the challenges are understanding maximum indoor capacity. He said the district would like to get through two periods of orange or better to ensure that facilities do not close and is targeting the first of April to open Larkspur Center, he added that staff will have more internal discussions. He said it is great to see staff back working and welcoming back the public.

2. Comprehensive Plan – Level of Service Update – *Sarah Bodo and Henry Stroud*

Ms. Bodo gave an overview of level of service (LOS) as a quantitative tool used to measure park acres, trails and miles per 1,000 residents. She said it is updated annually and staff uses the walkshed analysis to update the LOS. She reviewed the population in 2019 and 2020 and spoke about the estimated growth through 2028 which is projected to grow to just under 115,000.

Mr. Stroud spoke about the trail user count and said that total users has increased by 23 percent in the last year with only one trail showing a decrease, the South Canyon loop. He explained that use may have declined due to one-way traffic and people choosing less crowded trails.

Mr. Stroud showed the following slide that explains the three categories of the LOS:

Category	Target Per 1,000	2019 LOS	2020 LOS	Current Need
Neighborhood + Community Parks	7.85	7.76	→ 7.67	17 acres
Regional Park	10.0	12.3	→ 12.1	0 acres
Trails	1.0	0.8	→ 0.9	6 miles

Mr. Stroud spoke about the LOS metrics in more detail:

Neighborhood and Community Parks

Current = 7.76 (target 7.85)

- 17 acres needed

Recently Completed

- Pacific Crest Athletic Fields (5.5 ac)

Upcoming Projects

- Goodrich Park (2.5 ac)
- Alpenglow Park (37 ac)
- Northpointe Park (2.0 ac)
- Discovery Park Expansion (5.7 ac)
- Shevlin West (3.5 ac)

With the addition of parks that are about to begin construction, Mr. Stroud estimated the LOS data will exceed goals over the next two years, but with the projected growth it will not be met in 2023-2026 without acquiring more acreage.

Regional Parks

LOS = 12.3 (target 10.0)

Current Need = 0 ac

Recently Completed

- Riley Ranch Nature Reserve (180 ac)

Upcoming Projects

- No need before 2028

Mr. Stroud commented that there is no current need, but staff will be thinking about where the next regional park may be planned for the future.

Trails

LOS = 0.9 (target 1.00)

Current Need = 6 mi

Recently Completed

- Westgate + Manzanita Trails (1.56 mi)
- Discovery Park (0.4 mi)
- Empire Road Extension (1.18 mi)
- Upcoming Projects
- Discovery West Single Track (1.22 mi)
- North Unit @ Petrosa (0.4 mi)
- Canal Row Park Connection (0.1 mi)
- Alpenglou Park Connections (0.3 mi)
- Manzanita Trail (0.71 mi)

Mr. Stroud said the current CIP has identified around 6.6 miles total (trails) in district projects and staff has factored in another five miles that will be built by private developers during this same timeframe.

Mr. Stroud reviewed the walkshed analyses, he said it evaluates the spatial distribution of parks and trails and helps prioritize projects to ensure assets are spread equitably throughout the district. The walkshed is calculated using geographic information system (GIS) data for distance and then analyzed for physical barriers. The data shows that 49 percent of the district residents live within a park walkshed. As park and trail planning becomes increasingly focused on equity, staff is exploring ways this tool can be used, combined with other data, to make better decisions regarding district project work. The trail walkshed identified that 36 percent of district residents live within a trail walkshed.

Mr. Stroud explained that staff is working on a new [BPRD data portal](#) developed to understand demographics, he reviewed all the data that can be considered on the portal and is anticipating more current information with the census update. In addition, staff is working with a team of stakeholders from other local agencies on equity mapping.

The board asked about collaboration opportunities that are available to fill in gaps in the transportation system for walking and biking. Mr. Stroud responded that staff is working hard to collaborate with the city to build a cohesive network and worked with the city as part of the Transportation System Plan (TSP) update on their planned network and how it works with district trails.

Executive Director Horton commented that it is worthwhile for staff to serve on city committees to provide input on crossings and connections in the TSP.

Mr. Stroud expanded on the desire of the staff to have a better understanding of how various groups use the trails and facilities and accommodating that use. He said that this is part of the diversity,

equity and inclusion project in the district. This information can help make project and design decisions for future projects.

The board asked how density may impact park resources. Ms. Healy responded that the measure that the district uses of acres per thousand will no longer be valid, this is the reason the district began focusing on the ½ mile walkshed. Some parks will be more crowded with density and may have to look at other types of open spaces. Executive Director Horton said that with density the district will be required to work with more partners to create parks in developments. The district LOS is likely to drop as a result. He added that a compact community is cheaper to build but more expensive to add parks.

CONSENT AGENDA

1. Minutes 01/19/2021

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

BUSINESS SESSION

1. Shevlin West Purchase and Sale Agreement Approval – *Henry Stroud and Michelle Healy (15 min)*

Mr. Stroud described the location of the park and reviewed some of the information from a prior presentation. He said there is a lot of active development in the area. The park is located in an area in need of a park and said there are 1500 people living within a half mile. The plan for the park development is as follows:

Street Improvements

- Street, sidewalk, and utility connections will be constructed by developer
- BPRD will pay the seller the cost of the improvements from the road centerline to the property line
- Total cost is \$147,287, quantities based on roadway plans included in purchase and sale agreement

Overview

- BPRD is seeking to acquire 3.5 acres of land near Shevlin Park to facilitate development of a neighborhood park
- Staff have negotiated the sale of the property from Empire Shevlin LLC to BPRD for \$147,287

The district has allocated \$1.4 million in the CIP for development of this park with design beginning in summer of 2022 and park completion in 2024.

Director Méndez shared some concerns about equitable park locations. He gave a presentation on the surrounding number of people per acre in this area compared to the area around Providence Park on the east side of Bend and pointed out that the density is much greater around Providence Park. Director Mendez suggested putting a pause on projects in these types of neighborhoods (Shevlin West) until equity is better integrated into the park search analysis.

Ms. Healy explained that this search area was added to include ½ mile access for all residents to have access to a park, regardless of density. This area is part of the expansion of the UGB, and an adopted need in the comprehensive plan. Staff has been working with the developer of this property for over two years. She said density does create a disparity, and it is challenging to say that 1500 people do not deserve a park. This land is free to the district and Providence Park land and development was costly, and stated there is more to consider in the projects.

Mr. Stroud acknowledged the concerns that were shared and reviewed the park walkshed map that show six park search areas on the east side. He said these are identified because of the knowledge that dense growth is going to happen here. He said there is a flurry of development on the west side and it is almost done and the district needs to take advantage of the available land because it will be too difficult to acquire it later after all the building has occurred. He added that in the denser areas, there is no further land to provide parks because they were not planned in the beginning.

Executive Director Horton stated that the district is collecting about \$4 million in SDC fees for the homes in this development (Shevlin West) and the district is only spending about \$1.4 million for the park and the rest will be used in other areas of town. He said not building parks in the areas where the SDCs are collected could create a bigger problem for the district over time.

The board engaged in a discussion about the challenges of equity. Director Kropf asked when this decision could have been made prior to this point. Executive Director Horton replied that this decision was made at the time the comprehensive plan was approved. He added that this specific area has been discussed in executive session and no concerns were raised. He reiterated that by not acting on parks when communities are being built risks not providing a park for that community and all residents should have parks to use.

The board shared that they be interested in what the district LOS looks like under an equity lens taking into consideration the effects of density. Some board members expressed that the district must serve all residents, including people that live on the west side in less dense areas. The board agreed that this project should move forward under the circumstances. The board expressed interest in staff taking a larger look at inequities systemwide.

Executive Director Horton said that the development strategy is led by the comprehensive plan. This plan took two years with a full-time staff member, a consultant and robust community participation. He said if the board wants to change the comprehensive plan direction, it will take a lot of staff time and will take away key staff from developing parks and trails. He said to change the model, there needs to be thoughts about how to include the public. He said there is middle ground on this to take a look at equity. New tools are available that were not created when the plan was adopted. Even with a shift, he said he does not see that parks should not be put in neighborhoods with bigger lots. He added that he did not think the community would support this, but stated that staff can look for strategies aimed at equity.

Mr. Stroud said staff is constantly exploring using data to make better decisions. He said he does not see some of these issues as an either/or, the park search areas identify need in the higher density areas. The walkshed is aimed at serving all Bend residents and it is a lofty goal to have all of the community within a ½ mile of a park. He agreed that it would be nice if areas with a stronger need presented opportunities first, but that doesn't mean that the district should give

up good opportunities that make for good planning. He added that the comments shared tonight can be incorporated into further decision making.

Director Schoenborn made a motion to authorize the executive director to negotiate and execute a Purchase and Sale Agreement with Empire Shevlin LLC for the acquisition of 3.5 +/- acres of property for an amount not to exceed \$147,287, plus all related closing, legal and due diligence costs. Director Schoen seconded. The motion passed unanimously, 5-0.

2. Smallwood Property Annexation – Sarah Bodo (10 min)

Ms. Bodo asked for the annexation of a 100-acre property at Pacific Heights Road on the north end of Bend. She said there is a 10-lot subdivision being planned for development and the county code requires district annexation to approve the subdivision; in addition, the property owner is requesting it. She said that in 2018 the board approved an annexation policy. This policy asks the board to approve annexations on a case by case basis. The property is within urban reserve area, adjacent to the district boundary, and in close proximity to parks and trails.

Director Méndez made a motion to adopt resolution No. 2021-02 authorizing annexation of a 100-acre property including map tax lot number 1712070000501 to the district. Director Schoenborn seconded. The motion passed unanimously, 5-0.

EXECUTIVE DIRECTOR'S REPORT

- Executive Director Horton asked for a volunteer from the board to serve as a liaison for the foundation, Director Schoen volunteered to serve.
- The emergency COVID policy passed last spring has expired that allows for the Executive Director to approve some items. He said staff is getting vaccinated for COVID and some part-time staff may need some time off for the side effects. Some of this staff may not have sick time to use and he would like to be able to approve paid time off for COVID side effects. He said he would like to bring the emergency policy to the board at the next meeting.
- The DEI focus group meeting with the board is scheduled for March 15, 10 am-11:30 am, he told the board that the email about this was sent to them this morning.
- The 15-unit development for Veterans Village is underway. He said he will bring a resolution to waive SDC fees for this project to the board at the next meeting.
- A board volunteer is needed to serve on the fish passage committee. Director Hovekamp agreed to serve.

PROJECT REPORT

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

- Director Kropf said he is pleased to see the COVID numbers going down and trending in the right direction.
- Director Méndez spoke about the power outages in Oregon and remarked that it makes him think about the government's role in tackling the tough issues. He commented about the importance of government and said he is proud to serve.

- Director Schoen said she looks forward to the discussion on the legislative update. She said she appreciates the conversations tonight and that equity was brought up in every presentation. Stating that everyone is on the right track by talking about it; she added that staff and the board should be acknowledged for bringing it up.
- Director Schoenborn commented that he is looking forward to meeting face to face. He complimented the trail maintenance staff, calling them more than outstanding. He said he wants the staff at park services to know how much he appreciates their work.
- Director Hovekamp said Collective Impact Bend may need another board member to rotate in and he wanted the board to have this on the radar. Executive Director Horton said the group is now figuring out what the priorities are going to be: DEI, homelessness and active transportation may be the top priorities.
Director Hovekamp commented that the district has processes and documents (comp plan) and asked respectfully of staff, when the time is right, to remind the board when the opportunity is right to make changes to these documents. He said he relies on the passion of the board for addressing inequities, fairness, justice and equal access. He said he values the discussions and commented that there is a need to be careful to not speak in a way that puts people in a corner of defensiveness.

ADJOURN 8:43 pm

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Prepared by,
Sheila Reed
Executive Assistant

Nathan Hovekamp, Chair

Ariel Méndez, Vice-Chair

Jason Kropf

Deb Schoen

Ted Schoenborn

BOARD AGENDA COMMUNICATION

AGENDA DATE:	March 16, 2021
SUBJECT:	Consider Extension of Resolution 2020-05, Declaring Emergency Conditions Exist and Granting Authority to Take All Necessary Actions to Prepare and Respond Effectively to the Coronavirus (COVID-19)
STAFF RESOURCE:	Don Horton, Executive Director
PREVIOUS BOARD ACTION:	March 30, 2020 – Board approval of Resolution 2020-05, May 5, 2020 – Board extended approval of Resolution 2020-05,
ACTION PROPOSED:	Extend Resolution 2020-05 to the end of the COVID-19 pandemic

BACKGROUND

The board held a special call meeting on March 30, 2020 in response to the COVID-19 pandemic. Due to conditions changing quickly in the state, the board approved Resolution 2020-05 for the purpose of declaring that emergency conditions exist and granting authority to the executive director to take all actions necessary to prepare and respond effectively to the COVID-19 pandemic. The resolution expired on April 30, 2020. An extension was approved May 5, 2020 that expired July 7, 2020.

The pandemic is not yet over and in order for the district to react to the continually changing environment, the board is asked to consider extending the expiration date of the resolution to the end of the pandemic.

BUDGETARY IMPACT

Unknown at this time

STAFF RECOMMENDATION

Staff recommends that the expiration date of Resolution 2020-05 be extended to the end of the COVID-19 pandemic.

MOTION

I make a motion to extend the expiration date of Resolution 2020-05 until the end of the COVID-19 pandemic.

ATTACHMENT

Resolution 2020-05

RESOLUTION 2020-05

RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEND PARK & RECREATION DISTRICT

A RESOLUTION DECLARING EMERGENCY CONDITIONS EXIST AND GRANTING AUTHORITY TO TAKE ALL NECESSARY ACTIONS TO PREPARE AND RESPOND EFFECTIVELY TO THE CORONAVIRUS (COVID-19)

WHEREAS, on March 8, 2020, Governor of Oregon Kate Brown declared a State of Emergency due to the outbreak and spread of a novel coronavirus (COVID-19); and

WHEREAS, on March 12, 2020, Governor Brown issued an Executive Order prohibiting large gatherings of more than 250 people including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; concerts, conventions, fundraisers, and any similar events or activities, if a safe distance between individuals cannot be maintained, and encouraged individuals in high-risk populations (those over 60 years of age, or those with an underlying health condition) to avoid gatherings of more than ten (10) people for four weeks until April 8, 2020; and

WHEREAS, ORS 266.410 gives the Board of Directors authority to set rules governing the parks and facilities within the District and strict compliance with various existing District policies and administrative procedures/regulations, would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19; and

WHEREAS, it is imperative to prepare for and implement measures to respond to the potential spread of COVID-19; and

WHEREAS, it is imperative to have the tools to ensure the health and safety of District staff and visitors to District parks and facilities; and

WHEREAS, it is imperative to have the tools to provide such programs and recreational opportunities as may safely be conducted under the foregoing circumstances; and

WHEREAS, the foregoing circumstances require a response beyond that which occurs routinely; and

WHEREAS, the foregoing circumstances are anticipated to remain in effect for at least 30 days; and

WHEREAS, Oregon's Public Meetings Law (ORS 192.610 et seq.) allows the Board of Directors to convene an emergency meeting on such notice as is appropriate under the circumstances.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bend Park & Recreation District:

- (1) Finds that the circumstances described in the foregoing recitals constitute an emergency condition; and
- (2) Authorizes the Executive Director or the Executive Director's designee to take any and all actions necessary to ensure the continuation of District services to the extent appropriate/practicable, and protect the health and safety of patrons and staff at District sites, including but not limited to: (a) relocating District patrons and staff; (b) providing alternative recreation options; (c) modifying personnel policies to account for COVID-19 impacts; (d) making needed alterations, repairs, or improvements for the protection, repair, and maintenance of District property; (e) transferring or redirecting any District funds necessary or appropriate for uses or purposes related to the emergency; (f) limiting the congregation or gathering of individuals on District property; (g) closing or limiting access to District property and District facilities; (h) adopting and implementing such actions, precautions, measures, or procedures as are ordered or recommended by federal, state, or local governments or agencies; (i) requesting or applying for available assistance from federal, state, or local governments or agencies to support the District's response to and recovery from the emergency condition described in this Resolution; or (j) extending the effective period of this Resolution, if a quorum of the Board of Directors is unavailable, as necessary to respond to the emergency condition described in this Resolution; and
- (3) Declares that emergency procurements of goods and services are authorized pursuant to ORS 279A.010(1)(f), 279B.080, 279C.320, 279C.335(6), and all other applicable rules, and delegates to the Executive Director or the Executive Director's designee the authority to make such procurements and to approve and execute such emergency contracts in any dollar amount.

THIS DECLARATION IS EFFECTIVE ON MARCH 23, 2020 AND SHALL REMAIN IN EFFECT UNTIL APRIL 30, 2020 UNLESS EXTENDED.



Ted Schoenborn, Board Chair

ATTEST:



Don Horton, Executive Director

BOARD AGENDA COMMUNICATION

AGENDA DATE:	March 16, 2021
SUBJECT:	Approve Resolution No. 2021-03 Waiving System Development Charges (SDC) for the Veterans Village Project
STAFF RESOURCE:	Michelle Healy, Deputy Executive Director Lindsey Lombard, Administrative Services Director
PREVIOUS BOARD ACTION:	June 4, 2019 - adopted Ordinance 12: System Development Charges, and accompanying Resolutions No. 421, 422, 423, 424, and 425; January 5, 2021 - adopted Resolution No. 2021-01
ACTION PROPOSED:	Adopt Resolution No. 2021-03
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

Earlier this year, the Bend Heroes Foundation applied for a waiver of park SDCs for the Veterans Village project. The Veterans Village project includes the development of a temporary shelter, with wrap around services, to house veterans experiencing homelessness. The goal of the project is to transition residents to permanent, or permanent supportive housing, within two years from when they first begin living in Veterans Village. The development includes a community building for meals and services, plus 15 single occupancy, modular units with water and electricity. Veterans Village will be located on the Deschutes County Public Safety Campus, off of Poe Sholes Drive, through a ten-year lease agreement with the county. Central Oregon Veterans Outreach (COVO) will operate the village.

On January 5, 2021, the board approved Resolution No. 2021-01, which waives SDCs for temporary/emergency shelter developments. The resolution requires that shelters be operated by a government or non-profit organization, be approved for city SDC exemptions, and have a minimum deed restriction of 30 years. The Veterans Village project meets all of the requirements of the district's waiver program for shelter developments, except the deed restriction requirement due to the unique partnership with Deschutes County to lease land. However, the district's SDC Ordinance No. 12 provides the board of directors the discretion to waive SDCs through separate resolution. After consultation with the district's legal counsel, this approach is recommended for consideration of the SDC waiver for the Veterans Village project. The proposed resolution 2021-03 (attachment A) lays out the terms of an SDC waiver for the Veterans Village project. If approved,

the waiver would be memorialized through a separate SDC waiver agreement prepared by legal counsel between the district and the participating parties.

The City of Bend has already exempted the city's SDCs, as well as approved city affordable housing funds for this project. The Bend Heroes Foundation secured funding commitments from the City of Bend, Deschutes County, private foundations, and private donors to make this project happen. Progress on the development of the village is underway and expected to be completed in summer of 2021.

If approved, these waivers would be excluded from the district's annual limitation on SDC waivers for affordable housing. The value of the district's SDC waivers for the Veterans Village project is \$88,980.

BUDGETARY IMPACT

SDCs are the main source of funding for the development of parks, trails and recreation facilities to serve growth. The SDC methodology establishes the SDC fees, which influence future revenues for SDC eligible projects in the district's adopted Capital Improvement Plan. The forgone SDC revenue for the Veterans Village project is \$88,980.

STAFF RECOMMENDATION

Staff believes the Veterans Village project meets the intent of the district's desire to waive SDCs for temporary shelters, and recommends approval of Resolution No. 2021-03 waiving SDCs for the project.

MOTION

I move to approve Resolution No. 2021-03 waiving SDCs for the Veterans Village project.

ATTACHMENTS

Attachment A – Resolution No. 2021-03, approving an Affordable Housing SDC waiver for Veterans Village

BEND PARK AND RECREATION DISTRICT RESOLUTION NO. 2021-03

**A RESOLUTION APPROVING AN AFFORDABLE HOUSING SYSTEM DEVELOPMENT CHARGE WAIVER
FOR VETERANS VILLAGE**

WHEREAS, in addition to the limited supply of affordable long-term housing, Bend has a shortage of short-term, temporary housing to meet emergency or other immediate housing needs such as homeless shelters; and

WHEREAS, the cost to develop short-term, temporary housing includes not only the cost of land and construction, but also the cost of associated permits and fees, including System Development Charges (“SDCs”); and

WHEREAS, Bend Heroes Foundation (“BHF”) plans to build, and Central Oregon Veteran & Community Outreach, Inc., dba Central Oregon Veteran’s Outreach (COVO) (“COVO”) plans to operate, a community program, to be known as “Veterans Village,” providing temporary housing for veterans in Central Oregon; and

WHEREAS, Veterans Village will be located on approximately 1.25 acres of real property leased from Deschutes County at its Public Safety Campus located at 20355 Poe Sholes Drive, Bend, Oregon (the “Site”); and

WHEREAS, Veterans Village will provide most essential services including but not limited to meals, showers, toilet and laundry facilities, community meeting and activity space, as well as case management and wraparound services as needed; and

WHEREAS, Bend Park and Recreation District Ordinance No. 12 imposes park system SDCs on Residential Development, including temporary housing, constructed, or placed within the District’s boundaries; and

WHEREAS, Ordinance No. 12, and the associated Methodology Report: Parks System Development Charges, includes provisions allowing the Board to designate by resolution the types of Residential Development for which a waiver from SDCs may be applied; and

WHEREAS, COVO has requested a waiver of park system SDCs otherwise payable for Veterans Village; and

WHEREAS, Bend Park and Recreation District Resolution No. 423 and Resolution No. 2021-01 authorize SDC waivers for deed-restricted affordable housing, but the Veterans Village project will not be deed restricted and, therefore, does not qualify for waiver based on the foregoing resolutions; and

WHEREAS, the District desires to approve an Affordable Housing SDC waiver for Veterans Village on the terms and conditions described in this Resolution.

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

Veterans Village Homeless/Emergency Shelter

1. Parks SDCs shall be waived for Veterans Village if the project satisfies the terms and conditions of this Resolution and is approved for exemption from City transportation, water, and sewer SDCs by the City of Bend Affordable Housing Advisory Committee.

2. In addition to City of Bend exemption approval, the waiver provided in this resolution is conditioned upon the following:
 - a. BHF and COVO shall enter into an agreement with the District acknowledging and agreeing to the terms and conditions applicable to the Affordable Housing waiver authorized by this Resolution.
 - b. The Veterans Village improvements shall be used only for short-term, temporary housing and related services, available at no cost to persons in need of such housing.
 - c. Veterans Village must be operated at the Site in accordance with the terms and conditions of a ground lease with the County.
 - d. Veterans Village must continue to be operated by COVO, or a successor 501(c)(3) charitable organization providing short-term, temporary housing and related services, or by a government agency.
3. The Affordable Housing waiver authorized by this Resolution is limited to the operation of Veterans Village at the Site. If the Veterans Village improvements are moved to another location, park system SDCs shall be payable unless a new waiver is available at that time and is authorized by the District for the new location.
4. The Affordable Housing waiver authorized by this Resolution will terminate if the Veterans Village improvements are no longer being operated as short-term, temporary housing in accordance with the terms and conditions of this Resolution. Upon such termination, the District's then-current SDCs shall be due and payable by the Site owner, if the improvements remain on the Site in use as Dwelling Units other than short-term, temporary housing.
5. If the Site is later used for Residential Development other than short-term, temporary housing, park system SDCs shall be payable on such Residential Development as provided in Ordinance No. 12 (as the same may be amended or replaced from time to time).
6. As provided in Resolution 2021-01, because Veterans Village is being developed as short-term, temporary housing, the Affordable Housing waiver authorized by this Resolution shall not be applied against the limitation on the number of waivers that may be approved for Deed Restricted Affordable Housing units.
7. The Affordable Housing waiver authorized by this Resolution shall not be construed as authorization of an Affordable Housing waiver for any other short-term, temporary housing development in any other location, each of which must apply and be approved for its own Affordable Housing waiver.

Miscellaneous

1. Capitalized terms used, but not defined, in this Resolution shall have the meanings given such terms in Ordinance No. 12.
2. All pronouns contained in this Resolution, and any variations thereof, will be deemed to refer to the masculine, feminine, or neutral, singular, or plural, as the context may require. The singular includes the plural, and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, or portion of this Resolution is for any reason held invalid, unenforceable, or unconstitutional, such invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by resolution of the board to cure editorial or clerical errors.

ADOPTED by the Board of Directors of the District on this 16th day of March 2021.

Nathan Hovekamp, Board Chair

Attest:

Don P. Horton, Executive Director

Board Calendar 2021

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

April 6

Work Session

- ◆ River Habitat Restoration and Access Plan Update – *Sarah Bodo and Rachel Colton (60 min)*
- ◆ Trails Update – *Henry Stroud (60 Min)*
- ◆ Legislative Update – *Don Horton (20 min)*
- ◆ Recreation Update – *Matt Mercer (15 min)*

Business Session

April 14 Budget Tour (Tentative)

April 20

Work Session

Needs Based Assistance Annual Report and 2021-22 Plan – *Matt Mercer and Michael Egging (30 min)*

Consent Agenda

Needs Based Assistance 2021-22 Plan Approval

Business Session

May 4

Work Session

Recreation Report

Business Session

BUDGET MEETINGS May 18, 20 and 21

May 18 Canceled

June 1

Work Session

Recreation Report

Business Session

- ◆ Adopt Resolution No. XXX – Adopting a Revised Fee Schedule for System Development Charges, effective July 1, 2021 – *Lindsey Lombard*
- ◆ Hold Public Hearing and Adopt Resolution No. XXX – Adopting the Budget and Making Appropriations for Fiscal Year 2021-22, and Adopt Resolution No. XXX - Imposing and Categorizing Taxes for Fiscal Year 2020-21 – *Lindsey Lombard*
- ◆ Adopt CIP – *Michelle Healy*

June 15

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*

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

Contract Award for Hollygrape ADA – *Jason Powell (10 minutes)*

Park Naming Policy