



Bend Metro Park & Recreation District

February 15, 2022

# Board of Directors Agenda and Reports

[www.bendparksandrec.org](http://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](http://www.bendparksandrec.org) | (541) 389-7275



# Board of Directors

February 15, 2022

District Office Building | 799 SW Columbia | Bend, Oregon

## **AGENDA**

**4:00 p.m. Executive Session** – The Board will meet in Executive Session prior to the regular meeting pursuant to ORS 192.660(2)(e) for the purpose of discussing real property transactions. This session is closed to all members of the public except for representatives of the news media. News media is asked to contact Sheila Reed to attend [sheilar@bendparksandrec.org](mailto:sheilar@bendparksandrec.org).

The board will meet virtually via Zoom.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85611069756?pwd=OWViVStVNWpPQVVORjRFMDBoOENvQT09>

Passcode: 006102

Or Telephone:

US: +1 253 215 8782

Webinar ID: 856 1106 9756

Passcode: 006102

## **5:30 p.m. CONVENE MEETING**

### **STAFF INTRODUCTIONS**

Katy Aceto

Daniela Ahmed

Brian Hames

### **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 may attend the meeting virtually. To provide a public comment, click on the "Raise Hand" option. You will be called into the meeting in the order received. Visitors should turn on their cameras and microphones. All remarks should be limited to 3 minutes or less and relevant to a topic on the agenda. If there are questions, follow up will occur after the meeting. Thank you for your involvement.

### **WORK SESSION**

1. Park Services Report: Fleet and Equipment Program – *Sasha Sulia and Roy Radcliff (15 min)*
2. Park Rentals – *Matt Mercer, Michael Egging and Becky Rexford (45 min)*

**CONSENT AGENDA**

1. Minutes: 01/18/2022

**BUSINESS SESSION**

1. Overview of Riverbend South Project with UDWC – *Ian Isaacson and Mathias Perle (20 min)*
  - 1a. Convene as the Local Contract Review Board to Conduct a Public Hearing and Approve Resolution No. 2022-01 - Class Public Improvement Alternative Contracting Method for River Projects with UDWC – *Justin Sweet and Brian Hudspeth (15 min)*
  - 1b. Development Agreement for Riverbend South project with UDWC – *Ian Isaacson (5 min)*
2. Approve Temporary Construction Easement and approve additional Right-of-Way dedication for Pahlisch/Pine Nursery – *Brian Hudspeth (20 min)*

**EXECUTIVE DIRECTOR’S REPORT**

**PROJECT REPORT**

**BOARD MEETINGS CALENDAR REVIEW**

**GOOD OF THE ORDER**

**ADJOURN**

<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	February 15, 2022
<b>SUBJECT:</b>	Electric Vehicles and Equipment
<b>STAFF RESOURCE:</b>	Roy Radcliff, Fleet Manager Sasha Sulia, Superintendent of Park Operations
<b>PREVIOUS BOARD ACTION:</b>	N/A
<b>ACTION PROPOSED:</b>	None, for discussion purposes only
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations & Management Practices
<b>Outcome:</b>	Be a local leader in environmental stewardship
<b>Strategy:</b>	Use environmentally responsible internal practices

**BACKGROUND**

The district's vehicle and equipment programs are managed by Park Services. The department includes a manager and four fleet technicians. This staff is responsible for the maintenance and operations of 74 vehicles and 345 pieces of equipment. Additionally, this department manages the Park Services shop complex.

The majority of the district's vehicles and small equipment are gas-powered. In continuing the district's efforts to be community leaders in environmental stewardship, staff are working on converting portions the fleet of vehicles and equipment to electric-powered. Converting to electric power also supports the city of Bend's goals identified in the climate action plan.

Over the past couple of years, staff researched and tested multiple pieces of electric-powered equipment and will share their findings during the meeting.

**BUDGETARY IMPACT**

Conversion of the district's equipment and vehicles from gas to electric power requires additional financial resources that would need to be considered during the budget development process.

**STAFF RECOMMENDATION**

None, for discussion purposes only.

**MOTION**

None, for discussion purposes only.

**ATTACHMENT**

N/A

<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	February 15, 2022
<b>SUBJECT:</b>	Park Rentals
<b>STAFF RESOURCE:</b>	Michael Egging, Recreation Business Manager Becky Rexford, Rentals & Events Supervisor Matt Mercer, Director of Recreation Services
<b>PREVIOUS BOARD ACTION:</b>	Board approved 2009 Community Special Events Administrative Policy
<b>ACTION PROPOSED:</b>	Share draft of new policy that addresses all parks rentals including special events for board input and feedback
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Community Relationships Operations & Management Practices
<b>Outcome:</b>	Exceptional customer and community experiences Financial well-being supported by strong business practices
<b>Strategy:</b>	Provide exceptional experiences during each facet of the customer's interaction with the District. Plan for long-term financial health.

**BACKGROUND**

Over the course of 15-years, the district has created or revised a number of policies that address use of parks for organized activities. The overarching goal of these policies was to strike a balance between public access to peaceful enjoyment of parks, protection of natural resources and the desire for events, commercial activity and private rentals in parks. At this time, four policies are in place:

1. Community Special Events Administrative Policy, Board approved December 2009
2. Park and Shelter Reservations and Permits Administrative Policy, approved June 2011, amended June 2015
3. Concessions/Sales in Park and Facilities Administrative Policy, approved March 2010
4. Business Operations in Parks and Facilities Board Policy, approved March 2010, amended 2014

The current policies are a mix of board-level policy direction and administrative procedures and as a result have become outdated as parks have changed and event uses have evolved. They have

become unintentionally restrictive and do not allow for needed flexibility when working with the wide range of types of rental requests received, particularly when it comes to public community events. In addition, the community which we serve has changed dramatically in the last ten years.

Staff is proposing to consolidate and update these policies into two new board policies. One policy would address park rentals including community events. The other would cover commercial operations in parks including business use of parks, concession rentals and sales.

Staff have provided a draft Event Rentals in Parks Policy for board review and feedback before seeking stakeholder input and preparing a final draft for board approval. The new policy combines the previous Community Special Events Policy and Park and Shelter Reservations and Permits Policy into one document that is more policy focused and less procedural and prescriptive. The proposed policy will allow staff to work collaboratively with renters and event planners to maintain a balance between public access to parks, protection of natural resources and the opportunity to host events in parks.

At a future board meeting, staff will share a revised Commercial Use of Parks policy that will combine the current Concessions/Sales in Park and Facilities and Business Operations in Park and Facilities policies.

#### **BUDGETARY IMPACT**

Park rental fees are based on Board-approved cost recovery guidelines. The revised definitions of events in the proposed policy may require some modifications to existing cost recovery guidelines for events and rentals. Staff will share these recommendations during the work session. Any changes approved to cost recovery guidelines will be incorporated in the 2022-23 budget and are not expected to have a significant impact on overall rental revenues or cost recovery.

#### **STAFF RECOMMENDATION**

Staff recommends that stakeholder input be solicited and considered prior to bringing a final version of the policy for board approval. Stakeholders would include event organizers, representatives from impacted neighborhoods and to the extent feasible general public

#### **ATTACHMENT**

- Draft Public and Private Event Park Rentals Policy
- Current Community Special Events Administrative Policy, approved by Board of Directors, 2009
- Park and Shelter Reservations and Permits Administrative Policy, 2015
- User Fees and Charges Board Policy, 2019



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Ariel Méndez, Chair

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## **Event Rentals in Parks**

### **Purpose**

To establish Board Policy to guide the implementation of an Event Rentals in Parks program. The policy is intended to articulate the District's philosophy regarding the use of park space for rentals ranging from smaller private functions to large special events. This policy is not intended to be administratively procedural or prescriptive. District staff will maintain clear and transparent processes and procedures consistent with this policy.

### **General Philosophy**

The primary purpose of parks is to provide public access to open space for personal enjoyment, including but not limited to leisure, recreation and connecting with nature. The District also recognizes that parks are desirable places to hold events and that many events contribute to the vitality and vibrancy of the community. Benefits of events can include: bringing culture and art opportunities to the community, celebrating certain occasions or causes, recognizing historically significant places and people, promoting health and wellness, and, perhaps most importantly, connecting people to each other and to our community.

The District strives to balance opportunities for community events and private functions in parks with the primary mission to maintain public access and enjoyment of parks while protecting natural resources.

### **Types of Event Rentals**

Events are permitted, planned and organized gatherings hosted or staged in District parks. They are organized either by the District or by external groups or individuals. Events range from small family gatherings to large festivals with thousands in attendance. For purposes of this policy and the administration of the Event Rentals in Parks program, events are categorized as follows:

**Public Event Rentals** are permitted, planned, organized gatherings that meet all of these criteria:

- The primary purpose and audience for the event is the general public or community as a whole.
- Any person may attend or participate in the event

Reviewer: Board of Directors  
Last Review Date: N/A  
Next Review Date: February 2027  
Review Schedule: 5 years



- The event is promoted and advertised primarily to the broad community.
- Examples include: cultural events, community festivals, community athletic events

**Private Event Rentals** are permitted, planned, organized gatherings that meet any of these criteria:

- The primary purpose is for members of an organization or invited guests.
- The event is promoted and advertised primarily to a specific audience or group of people. Inviting or allowing the general public as spectators or guests does not make a mostly private event public.
- Examples include: company, church and organizational events, birthday parties, family reunions, picnic shelter rentals, sanctioned sports tournaments and athletic events.

**Open Access Events** do not require registration, fee or other requirements for attendance or participation.

**Limited Access Events** require registration, ticket, entry fee, membership or other requirements for attendance or participation.

**Pass-Through Events** are gatherings or events staged off of District property that need to pass through any District park or trail.

**Freedom of Expression Events** are gatherings protected by the First Amendment of the United States Constitution. They do not require amplified sound, electricity or staging such as tables, tents or vendors. They do not advertise for businesses, are not intended to generate revenue and are not otherwise commercial in nature.

### **Policy Guidelines**

To meet a balance between primary park functions and events, some limitations on event use are necessary, including, but not limited to, the location, number, size and capacity of events. District staff will consider the following when developing event rental guidelines and evaluating event requests.

**Location** – Different parks are suitable for different types and sizes of events. Not all District parks are appropriate for event rentals and only a few select parks can accommodate large events.

**Number of Events** – The District may limit the number of events or event days at any given park to mitigate impacts on park users and neighbors, protect natural resources by providing necessary recovery time and more equitably distribute events throughout the community.

**Size/Event Footprint** – The District may limit the physical footprint and types of activities as part of an event to maintain public access and enjoyment concurrent with the event and to protect natural resources.

**Capacity** – The District may limit the number of attendees at an event due to infrastructure limitations, public safety, and impacts on public access, neighbors and natural resources.

## **Reservations and Permits**

All public and private event rentals require a permit obtained through the District reservation process. The District will maintain a clear and transparent reservation process for park rentals. The reservation and permit system is intended to ensure the suitability of the event, minimize potential conflicts and facilitate coordination between event organizers and District staff.

Applications will be reviewed to determine the availability and suitability of the event for the requested park based on the following criteria, including, but not limited to:

- Type and scope of event including expected number of attendees, planned activities, footprint and schedule including set-up and clean-up
- Infrastructure available to support the event, including parking, restrooms, water, electricity, stage, shelters, etc.
- Potential conflicts with other park users, events or programs
- Degree of impact on the park including to turf, trees, other landscaping, natural areas and facilities
- Level of impact on the neighborhood, including parking, traffic, noise and congestion
- Ability to receive approval of other stakeholders where required (City of Bend, Old Mill District, Bend-La Pine Schools)
- Event organizer's plan to manage the event and mitigate any impacts

District staff may approve a request as submitted, approve with modification or deny a request. Staff will strive to work collaboratively with event organizers and provide options wherever feasible but cannot guarantee that all requests can be accommodated. The District will have final approval of event logistics. Failure to adhere to the District's requested changes and approved logistics plan may result in event cancellation and denial of future applications.

If an event organizer disagrees with a decision, they may appeal the decision to the Executive Director. Appeals must be submitted in writing and will be responded to within ten business days. The Executive Director's decision is final.

## **Scheduling Priority**

When there are multiple event requests for the same parks and dates, or if there are more requests overall than can be approved, the District will use the following priority:

1. District Programs and Events
2. Public Event Rentals – Open Access
3. Public Event Rentals – Limited Access
4. Private Event Rentals

Prior year rentals receive first-to-use rights within their prioritization level if they comply with all applicable processes and guidelines.

## **Fees**

Fees for park rentals will be based on Cost Recovery Guidelines in the Fees and Charges Policy.

Generally, this means that events that provide open access and community-wide benefit recover a lower percentage of the costs associated with supporting the event, whereas events with more limited access and that primarily benefit invited or ticketed guests are expected to recover a higher percentage of the costs.

The District will annually calculate the cost of administering the reservation and permitting system and adjust fees accordingly to remain within cost recovery goals.

Fees charged for a specific event consider the cost of reserving the park, the size and impact of the event and any direct services that are required or requested to support the event rental. Examples: irrigation locates, water and electrical service, garbage service, clean-up, etc. The cost of special services required or requested to support the specific event will also be annually updated.

All fees will be defined during the reservation and approval process.



Administrative  
Policy  
Community Special Events  
Approved by: Board of Directors  
Approved date: December 15, 2009

## **Community Special Events**

### **Philosophy**

The Bend Park & Recreation District recognizes the value that special events have in connecting people to each other and to our community, providing a venue for raising money for worthy causes, and preserving our culture, among other benefits. The district works with event organizers in a spirit of partnership to support event goals while fulfilling the district's responsibility to care for and protect public green spaces for all to enjoy.

### **Policies**

Parks available for special event reservations will be consistent with the intended uses described in the district's Comprehensive Plan. Drake, Riverbend, McKay, Farewell Bend, Shevlin and Compass are generally available for event reservations; other community and sports parks may be available on a case by case basis. Neighborhood parks are not intended for large community events.

Event reservation approval will be based upon:

- a. The scope of the event will fit the capacity of the park and the park's amenities, including: anticipated audience, layout of the event, impact on neighboring residences and businesses, and the prospective impact on the park.
- b. The reservation does not exceed the quantity of events allowable per month.
- c. Past compliance with Event Logistics Plan and signed agreement, post event park conditions and reservation process timelines.

### **Event Reservation Process**

1. New events: Event organizer submits an event proposal. The date is penciled in on a master calendar.
2. Recurring events: Events that have been pre-approved in the prior year's post event meeting may submit an application and pay deposits to secure event date and location.
3. Event organizers are given an event packet that defines the reservation process, and provides organizers with information regarding district guidelines and expectations as well as support materials to help them plan their event.

4. Required Pre-event Meeting: Event organizer(s) and district staff meet to review proposed event logistics plan. At this time, an agreement is signed describing expectations and confirming the event reservation. This meeting must occur no later than 3 months prior to the event date.
5. Post-event Meeting - Required for all recurring events  
Event organizers wishing to renew reservations for the next year and professional event organizers representing multiple events must attend a post-event meeting. During this time district staff and event organizers will address successes, concerns and strategies for event improvement. This meeting is to occur no later than one month following the event date. A post-event meeting is recommended for all other events.

### **Fees and Charges**

- The Basic Park Fee is due at the time of reservation to hold the date.
- A refundable Performance Deposit is due 30 days prior to the event. The deposit is held to cover possible damage to the park and/or charges beyond the Basic Park Fee following the event.
- Following the post-event meeting, final billing will be made. Final payment is due within 2 weeks of billing.

Fees: Fees contribute to the administrative costs of managing the program, and the impact on and care of the park. Optional district provided services and products are available for additional costs.

Waivers: Fees may be waived under special circumstances at the discretion of the Executive Director.

### **Renewals and Cancellations**

Failure of an event organizer to conduct a pre-event Event Logistics meeting with the district within three (3) months prior to the event may result in cancellation of the park reservation.

Failure of an organization to abide by the Guidelines for Special Events in Community Parks and/or comply with event logistics prescribed by the district may result in non-renewal of future events.

Should a recurring event grow beyond the capacity of a park site, the district will work with the organizer to the best of their ability to determine a more appropriate site.

All timely public comment received regarding a special event will be considered in the renewal process.

## **Event Availability**

<b>Park</b>	<b>Site Availability -- Event season is May 1 - October 15. (Some exceptions apply.)</b>	<b>Other limitations/requirements</b>
Drake	Maximum of 6 event days per month; maximum of 2 events per week.	
Riverbend	Maximum of 6 event days per month; maximum of 2 events per week.	Requires Old Mill District co-approval
Farewell Bend	Maximum of 2 event days per month	
McKay	Maximum of 2 event days per month	No events during Osprey nesting season; April 15 . May 15
Compass	Maximum of 2 event days per month	
Shevlin	Maximum of 1 event per month	

## **Park Capacity:**

Capacity for each event will be based upon a variety of factors including space available, park features, quantity and size of tents, stages, cars, people traffic flow, impact to the park, impact to neighbors, and crowd management strategies.

## **Grievances**

Should a proposed event, whether new or returning, be denied by district event staff the following appeal process will be followed:

1. Community Relations Manager and Park Services Director
2. Executive Director

Submit appeals to: Bend Park and Recreation District,  
200 Pacific Park Ln., Bend, OR 97701

Telephone: 541.389.7275 email: [jan@bendparksandrec.org](mailto:jan@bendparksandrec.org)

## **Forms and Support Materials**

Available at [www.bendparksandrec.org](http://www.bendparksandrec.org)

- Reservation Application Form
- Step by Step Application Process
- Event Logistics Plan
- Community Event Guidelines
- Event details for each park
- Vehicle Permit Form
- Special Event Fee Schedule
- Visitor Capacity Guidelines

## Park and Shelter Reservations and Permits

Private and Business

### Purpose

Reservations and permits allow specialized use of parks by both private groups and by businesses. The permit structure exists to avoid conflicts in use, ensures maintenance schedules can be coordinated, contributes costs associated with the provision of parks for commercial use and protects parks from excessive or inappropriate use.

This policy provides direction for the use of parks. Processes for reserving a facility are defined separately. Specifically, this policy defines processes and requirements pertaining to:

- Reserving a park for private use by the general public;
- Conducting business on district property, and;
- Permitting programmed and/or scheduled activities on district property.

### District philosophy regarding business use of parks

Parks, trails and recreation facilities provide people with places to connect to the natural environment and to recreate. Limiting commercialism in the park system allows the widest breadth of opportunities for individual interests to be served.

The burden of providing a site for the operation of a business rests on a business. Using publicly funded property as the venue for a business operation transfers the burden of care and maintenance of the property to taxpayers. Using taxpayer money to subsidize a business is not in keeping with the district's commitment to responsible stewardship of public lands. Therefore, allowable business operations in parks will be limited to those defined in this policy. Use restrictions, evidence of insurance and fees and charges apply.

### Definitions (*not categories of rental opportunities*)

- Private reservations: The word 'private' refers to reservations for an activity for invited guests as opposed to the general public. (Example: Birthday party, company picnic or sales party. A private event can be hosted by an individual or a business.)
- Public events: An activity put on by a business (for profit or not for profit), affiliated group or individual where the *general public is invited* to attend.
- Business operations: Sale, rental or promotion of merchandise or service or the provision of a paid service or program. A business may be either commercial or not for profit.
- Rental facilities: Buildings available for rent include Aspen Hall, Hollinshead Park Barn, Marcoulier Event Room (Bend Senior Center) and the Riverbend Community room.
- Unaffiliated group: A group which is not part of an organization. Examples: A group of friends who play touch football on Wednesday mornings or a walking club that meets every Tuesday to exercise together in a park.
- Affiliated group: A group of people affiliated an organized group, generally a not for profit. Examples: Kiwanis Club, COTA

- Unaffiliated group: A group which is not part of an organization. Examples: A group of friends who play touch football on Wednesday mornings or a walking club that meets every Tuesday to exercise together in a park.
- Affiliated group: A group of people affiliated an organized group, generally a not for profit. Examples: Kiwanis Club, COTA

## POLICY

Designated parks may be reserved for private or business use.

Business use is defined per board policy *Business Operations in Parks and Facilities*. A summary of allowable business operations in parks is defined below. This policy speaks to district procedures for D and E below (in addition to procedures for private use).

A business may operate on park district property under the following scenarios:

- A. The business is part of a public event;
- B. The business is contracted with the district to provide a special service (such as safety or public education).
- C. The business operation is approved through a lease agreement.
- D. The business has reserved a district facility or park (shelter) to provide a one-time service or activity to invited guests**
- E. The business wishes to operate a scheduled or programmed activity to invited guests (recreation program, camp, fitness, instructional class).**

## Reservation Criteria for All Uses

Requests for reserved or permitted park use, whether commercial, not for profit or private will be based on the following criteria:

- The activity will be provided to invited guests only. (For events where the general public is invited, see Public Event process on the website.)
- The proposed activity does not conflict with other public park uses, impede care and maintenance of the park, detract from general park visitor use or enjoyment or directly compete with a district operated or contracted program.
- District rules, regulations and processes have been abided to in the past.
- There are no outstanding fees or charges.

## Reservation Opportunities

### Full day use:

- Picnic areas and park shelters are generally reserved for one activity per day. Exceptions may be made to allow for short duration use during otherwise unpopular times of day, allowing opportunity for a full day reservation.
- Specific hours of use will be defined in a permit.
- A shelter or designated picnic area may not be reserved for consecutive and/or recurring use (such as every MWF) in order to allow sufficient opportunity for general public use.



Short duration use:

Designated parks may be reserved for short duration use (less than 1.5 hours).

- Short duration use is available for businesses.
- Reservations for parks may be for one time use or for recurring or multi-day use.
- Reservations may be made up to three months prior to preferred use.
- Each park has a period of time that it is not available for reservation/permit due to regularly scheduled maintenance of the park system.
- Short duration reservations may be requested for any time of the day though most approvals will be made during the times that parks are not traditionally busy. Use is only available during open park hours.
- The parks that are available for short-duration use are listed below.

Parks available for short-duration (1.5 hr) block reservations:

Al Moody	Miller's Landing Community Park
Aspen Meadow (picnic area)	Pine Nursery Community Park
Big Sky Park	Pioneer Park
Compass Park	Ponderosa Park
Discovery Park	Riverbend Park
Farewell Bend Park	Sawyer Upper Turf area (picnic area)
Kiwanis Park	Sawyer Park
Larkspur Community Park	Skyline Park

Neighborhood Parks: Unless designated otherwise, neighborhood parks are designed for unscheduled, local use and are not available for BPRD reservation or for programmed activities.

Parks and shelters that MAY be reserved:

Shelters and picnic areas may be reserved for family, business or commercial use. Business activities may occur in a pavilion or picnic area so long as the business is conducted to invited guests and not the general public. When a business is renting a shelter or picnic site for the purpose of conducting business, insurance is required.

Reservation of a shelter or picnic area gives renters exclusive use during the rental period; it does not provide the renter with exclusive use of any portion of the adjacent parkland. Accommodation and courtesy to the general public is expected.

Parks and shelters are not available for recurring, short duration use. A rare exception may be made by Park Services when the request is for a time/day that is not commonly used and when the use meets other use criteria.

Al Moody Park	Compass Park
Aspen Meadow picnic area	Farewell Bend Park
Big Sky Pavilion's 1 and 2	Fremont Meadow picnic area
Discovery Park	Juniper Park picnic area



Kiwanis Park  
Larkspur Community Park  
Miller's Landing Park  
Pine Nursery  
Pioneer Park

Ponderosa Park  
Riverbend Park  
Sawyer Upper Turf picnic area  
Skyline Park

### **Specific Permits and Use Descriptions**

#### Metal Detector Permit

A permit is required for use of a metal detector on district property; no user fee required. The permit provides the holder with information on park rules and regulations and how to properly use a metal detector on district lands.

#### Photography/Videography/Film Permit

1. A single professional photographer with a portable camera does not require a permit or district notification.
2. Professional media production or activity requires a scope of activity and possible evidence of prescribed liability insurance based on risk. Should production require exclusive use of parkland, staff time or other district resources, a permit, park reservation and associated fees apply.

#### Public and Private Schools

Public and private schools using parks on a routine or recurring basis need to provide general liability insurance, naming the district as additionally insured. No use fees apply. Areas and times of use may be limited to accommodate care and maintenance of a park.

When schools charge a fee for a camp or program to generate a profit for the organization, they are acting as a business and applicable reservations, fees, charges and insurance is required.

#### Unaffiliated Group Use of a Park

Unaffiliated groups and clubs using parks for group activities do not require a reservation. However, if a fee is charged by the group/club as a profit generating activity, the group will be treated as a business and applicable reservations, fees, charges and insurance is required.

#### Alcohol Use Permit

Alcohol may be consumed in a park by permit. Permits are issued at the BPRD district office at no cost. Alcohol permits must be available for inspection by the permit holder.

Permits are not issued for use on athletic fields during BPRD scheduled programs.

Permits are not issued for group activities for unspecified attendees.

#### Tennis and Pickleball Courts

Tennis and pickleball courts are available on a first-come, first served basis and are not available for private, reserved use. Courts are not available for individual reservation. Courts may be reserved for district approved activities and events.

#### Horseshoe Courts

Horseshoe courts at Juniper Park are not available for individual reservation. Courts may be reserved for district approved activities and events.

#### Trails

Trails may not be reserved for private use. Running/walking events require a reservation and adherence to public event reservation procedures

#### Athletic Fields

Athletic fields are reserved separately through the Sports Division.

### **Reservation and Permit Process**

#### General Park and Shelter Reservations (Non-business use):

1. Patron checks site availability by looking at the calendars for each park on the website.
2. Patron submits a **Park Use Request** form via website or in person at the district office, Bend Senior Center or Juniper Swim and Fitness Center.
3. Customer service team notes reservation etc. in RecTrac.
4. Customer service staff responds to customer within 48 hours to gather details or finalize reservation.
5. Payment and deposit is due upon approval and necessary to complete the reservation.
6. *For shelter reservations:* Renter is sent a permit and informed that he/she is responsible for posting the reservation on the permit holder on the shelter 24 hours prior to the rental period.

#### Business Reservations of Parks or Shelters

1. Patron checks site availability by looking at the calendars for each park on the website.
2. Patron submits a **Park Use Request** form via website or in person at the district office, Bend Senior Center or Juniper Swim and Fitness Center.
3. Customer service staff will review the Park Use Request and contact patron as necessary to gather details regarding the desired use.
4. Requests for business use are then forwarded to the Stewardship Manager for approval or disapproval.
5. If approved, customer service will contact the customer to pursue fees, insurance and deposits, noting all on RecTrac. Payment and deposit is due upon approval and are necessary to finalize the reservation.
6. If not approved, customer service staff will contact the patron and note appropriately on RecTrac.



7. *For shelter reservations:* Renter is sent a permit and informed that he/she is responsible for posting the reservation on the permit holder on the shelter 24 hours prior to the rental period.

**Fees, Deposits and Insurance**

<b>Daily Use Fees</b>					
<b>Number of park users:</b>	<b>Under 3 people</b>	<b>Groups of 4-10</b>	<b>Groups of 11-30</b>	<b>Groups of 31-74</b>	<b>Groups over 75</b>
<b>Parks and shelter reservation:</b> For one-time <i>commercial</i> use to invited guests.	Not available	\$50	\$75	\$110	\$165
<b>Parks and shelter reservation:</b> For one-time <i>private or not for profit</i> use to invited guests.	Not available	\$40	\$60	\$88	\$132
<b>Short Term Park Reservation.</b> Uses of a park or shelter for no longer than 1.5 hours.	No fee.	\$20	\$50	NA	NA
Metal Detector Permit	No fee.				
Media Production	\$50 per day and insurance TBD based upon logistical needs of production				
Picnic Kit Rental	\$32 per day				
Alcohol Permit	Groups over 41 people require provision of liability insurance.				

*The fee for private and not for profit use represents 20% off the commercial rate. Management staff may approve additional reductions on a case by case basis based on use, logistics, impact and social/community benefit.*

**Insurance Requirements**

Large groups (those over 41 attendees) must provide insurance when an activity includes the consumption of alcohol. Liability insurance is for \$2M per occurrence. Insurance is due within 30 days of an event.

**Deposit Requirements**

Groups of 41 or more people require a refundable \$250 damage deposit paid within 30 days of the rental use. Providing there is no damage to the park the deposit will be returned in full within 10 business days.

**Reservation or Permit Cancellation**

The District reserves the right to limit park use or to cancel a reservation in the case of an emergency or other unanticipated District need. Notice will be given to the permit holder via telephone and/or the email address provided to the District upon reservation no less than three (3) weeks prior to reserved date unless doing so is unavoidable due to a situation outside of the District’s control (i.e. natural disaster, water line break, etc.). The District will attempt to reschedule or relocate the activity in cooperation with the renter.

Cancellation refunds will be issued as follows:

- Full refund: Notice of cancellation 6-12 months prior to the event.
- Half refund: Notice of cancellation 3-6 months prior to the event.
- No refunds: Notice of cancellation less than 3 months prior to the event

#### Reservation Denials

Park reservations and permits may be denied when:

- A proposed activity conflicts with other public park uses, impedes care and maintenance of the park, detracts from general park visitor use or enjoyment or directly competes with a District operated or contracted program;
- There has been prior noncompliance with park rules and regulations;
- The proposed activity is inconsistent with generally accepted uses of a public park.

#### Non-compliance

Noncompliance with BPRD adopted rules and regulation and policies may result in citation by an authorized agency, expulsion from District property, exclusion from District property for a period of time, and/or restriction from future reservations.

Exceptions to the policy require the authorization of the Executive Director or designee.



Brady Fuller, Chair  
Page 1 of 9

**User Fees and Charges**

**SECTION 1: GENERAL POLICY**

**1. Purpose**

The purpose of the policy is to provide Board direction to staff in setting fees and charges for programs, facilities and other services.

**2. Introduction**

The Bend Park and Recreation District relies on a mixture of tax revenue and user fees to provide high quality, accessible and diverse park and recreation services to district residents. Tax revenues fund basic services such as parks, trails and natural areas and help support a wide variety of recreation opportunities. Fees and charges are used to offset some or all of the cost of individual participation in a program or use of a facility. Fees and charges shift some of the cost of providing a service to the individuals who benefit directly from it. By charging fees, greater tax support is available to spread over a broader range of services allowing for a more diverse and sustainable park and recreation system.

**3. Funding Philosophy**

The District approach to funding park and recreation services is represented in the Funding Model below. This model illustrates the relationship between the expectation for, access to and benefit from a service and how the service is funded.



Reviewer: Director of Recreation  
Last Review Date: February 2019  
Next Review Date: February 2024  
Review Schedule: 5 years

### General Service Categories

- A. **Community-wide:** Public services that are basic expectations, are widely accessible and provide community-wide benefit make up the base of the Funding Model. These services are usually supported fully or heavily through tax revenues. Examples include: acquiring, developing and maintaining parks, trails and natural areas; completing capital improvement projects; providing essential planning and administrative services; and, facilitating outreach and inclusion so that all may benefit from the system.
- B. **Individual/Community:** Many services provided by the District are not usually considered a basic service but respond to varying levels of community expectations and offer a blend of community and individual access and benefit. These dual benefit services are supported by a mix of user fees and tax revenues proportional to the degree of community expectation and access that the service provides. Examples include: the operation of recreation facilities; most recreation programs; community events; and, facility rentals for non-profit organizations offering community programs.
- C. **Individual:** Services that are not generally expected and/or have limited access and benefit to the community at large are considered private services. These services should not be subsidized through tax revenue and in most cases should generate revenue that help support other services that provide broader community access and benefit. Examples include: concession and merchandise sales; private and/or advanced instruction; and, private and commercial use of facilities.

#### 4. Cost Recovery Methodology

- A. Cost recovery is the method for aligning fee and tax support with the funding philosophy described above. Cost recovery represents the portion of the cost of providing a program or service that is recovered through user fees. Services with broader community expectation, access and benefit therefore should have a lower cost recovery expectation than services that have more limited and individual access and benefit.
- B. Cost recovery expectations for different categories of services are approved and periodically reviewed by the Board of Directors. These cost recovery expectations provide guidance and direction to staff for establishing fees for fee-based services. The cost recovery expectations for service categories are expressed as a range. This is because a variety of factors influence actual cost recovery that cannot always be predicted during the fee setting process including: the number of enrollments; facility utilization levels; and, certain costs. By providing a cost recovery range instead of a single target, it is more realistic to ensure that services are consistently falling in the approved cost recovery guidelines.

## 5. Subsidy Allocation

Subsidy allocation is the actual amount of tax subsidy that is provided for a service based on the cost recovery expectation. For example, a service that costs \$100,000 to provide and has an 80% cost recovery expectation would require a tax subsidy of \$20,000 whereas another service that has the same cost recovery expectation but costs \$1,000,000 to provide would require a \$200,000 tax subsidy. Because tax subsidy requirements can vary greatly even with the same cost recovery expectation, it is important that subsidy allocation is considered alongside cost recovery. Subsidy allocations for different services are approved by the Board of Directors annually through the budget process.

## 6. Fee Setting Methods

- A. Fee setting for District programs and services are based primarily on the cost recovery methodology described above. Specifically, this includes:
  - Determining the appropriate category for the program/service
  - Identifying the cost of providing the program/service
  - Applying the approved cost recovery guidelines
- B. Fee setting will also take into account market considerations where applicable including:
  - What people would typically expect or be willing to pay for the service
  - Comparisons with other providers, both public and private, relative to the value of the service
  - Balancing participation goals and affordability with cost recovery expectation
- C. Program fees should at a minimum meet the cost recovery guidelines. Program fees and the resulting cost recovery may be higher when market conditions allow, freeing resources for programs and services that require higher rates of tax support.

## 7. Fee Setting Authority

- A. The Board of Directors approves cost recovery guidelines for different categories of programs and services. These guidelines are included in this policy and shall be reviewed no less than every four (4) years.
- B. Fees are established by staff for specific programs and services based on the Board-approved guidelines in this policy. Fees will be evaluated and updated to ensure they continue to meet cost recovery guidelines.
- C. The Board delegates to the Executive Director or designee the authority to approve fees that do not meet the cost recovery guidelines.



## **SECTION II: COST RECOVERY GUIDELINES FOR RECREATION PROGRAMS AND SERVICES**

1. **Program Category Descriptions:** District recreation programs and services are separated into the following categories based on the degree of community versus individual access and benefit the program provides and the relative level of expectation and reliance the community has for the program.
  - A. **Issue-Focused Services:** Programs and services designed to address a community issue or need that the District has identified as a priority for use of tax resources. Services such as needs-based assistance, inclusion services, outreach and targeted programming to underserved populations are examples.
  - B. **Core Programs:** Programs that are central to supporting the District’s mission and initiatives and that there is strong expectation that the District provides. It is also unlikely that other providers could meet the community need. Programs in this category have broad interest, access and participation such as public swimming and skating times or serve a strongly identified need such as after school care, swim lessons and youth sport leagues.
  - C. **Complementary Programs:** Programs that complement core services and contribute to fulfilling the District mission but that there is a lower expectation for the District to provide. Similar programs are typically offered by other providers. Programs in this category include activities with more specialized interest and focus and generally lower capacity and participation such as art, enrichment, STEM and facilitated outdoor programs.
  - D. **Specialized Programs:** Programs not expected and/or necessary to fulfill the mission of the District and serve a narrower population or interest. Programs often require a specific skill level and/or have very limited capacity, and are usually offered by private providers as well. Examples include advanced classes and camps, individualized instruction, small group training, etc.
  - E. **Private Benefit Services:** Services that do not directly support the District mission but are desired by some and can produce revenue to help offset the cost of providing public benefit services. Examples include food and beverage sales, merchandise for resale and private rentals of facilities.
  
2. **Cost Recovery Guidelines:** The following cost recovery guidelines will be used to establish fees for the categories of recreation programs and services described above. Operated facilities include Juniper Swim & Fitness Center, The Pavilion and Larkspur Community Center.

**Table 1: Cost Recovery Guidelines for Recreation Programs**

<b>Program Category</b>	<b>Operated Facility</b>	<b>Non-Operated Facility</b>
Issue-Focused Services	0-50%	0-50%
Core Programs	60-80%	80-100%
Complementary Programs	80-100%	100-120%
Specialized Programs	100-120%	120-140%
Private Benefit Services	120%+	140%+

3. **Costs Included in Cost Recovery:** The following cost will be considered when applying the cost recovery guidelines to the different categories of recreation programs and services.

**Table 2: Costs included in Recreation Program Cost Recovery**

Location	Direct Costs	Program Management	Registration	Marketing	Facility Operations	Organizational Support	Capital Costs
Operated Facility	Yes	Yes	Yes	Yes	Yes	No	No
Non-Operated	Yes	Yes	Yes	Yes	No	No	No

- **Direct Costs** – costs directly associated with providing the program including staff wages, payroll taxes and benefits, consumable program supplies, etc.
- **Program Management** – costs of planning, coordinating and managing the program including staff wages, payroll taxes and benefits, and indirect costs such as office supplies, phone, staff training, etc.
- **Registration** – costs associated with registration and customer service to support the activity including customer service wages, payroll taxes and benefits, credit card processing fees, printing, etc.
- **Marketing** – costs associated with marketing and communication efforts including the production and mailing of the program guide, website management, advertising and other collateral material.
- **Facility Operations** – direct costs of operating and maintaining facilities including utilities, maintenance, repairs, janitorial, and staffing and materials required to support the ongoing maintenance and operations of a facility.
- **Organizational Support** – services that support the overall operation of the District, including: Human Resources, Finance, Business, IT, Community Relations, Planning and Development, Executive Directors office, etc.
- **Capital Costs** – the initial capital costs to develop the facility, including annual debt service payments or depreciation of these investments and ongoing capital costs required to maintain and improve District facilities and assets.

### **SECTION III: COST RECOVERY GUIDELINES FOR RENTAL FACILITIES**

1. **Rental Definitions:** A facility rental is considered any third party reserved use of a District park, facility or portion thereof. Facility rentals are divided into the following three service categories for cost recovery consideration.
  - **Community Events:** Functions that are promoted as community-wide events and open to all who choose to participate.
  - **Organized Sport User Groups:** Use of facilities to operate organized sports or other recreation activities that are open with some limitations to registered participants.
  - **Exclusive Functions:** Rentals intended for exclusive use by invited guests such as weddings, birthday parties, holiday parties, reunions, etc.
  
2. **Renter Types:** The District recognizes four types of renters in its cost recovery guidelines. The renter type is based on the purpose of the rental function rather than the renting entity.
  - **Partner:** Renter is a formal partner of the District for the rental function.
  - **Non-profit:** Renter is a non-profit organization conducting activities that directly support the mission and purpose of the non-profit organization.
  - **Private:** Renter is a private individual.
  - **Commercial:** Renter is engaging in a commercial “for-profit activity” whether a fee is charged directly or not.
  
3. **Cost Recovery Guidelines:** The following cost recovery guidelines will be used to establish fees for the various categories and types of facility rentals.

**Table 3: Cost Recovery Guidelines for Rental Facilities**

<b>Rental Function</b>	<b>Partner</b>	<b>Non-Profit</b>	<b>Private</b>	<b>Commercial</b>
Community Events	0-50%	50-75%	N/A	100-125%
Organized Sport User Groups	0-50%	75-100%	100-125%	125-150%
Exclusive Rentals	0-50%	100-125%	125-150%	150-200%

4. **Costs Included in Cost Recovery:** The following cost will be considered when applying the cost recovery guidelines to the different types of facility rentals.

**Table 4: Costs included in Rental Facility Cost Recovery**

Facility Type	Reservation	Direct Service	Facility Operations	Organizational Support	Capital Improvements	Capital Costs
Parks & Shelters	Yes	Yes	No	No	No	No
Athletic Fields	Yes	Yes	No	No	No	No
Recreation Facilities	Yes	Yes	Yes	No	No	No
Rental Halls	Yes	Yes	Yes	Yes	Yes	No

- **Reservation** – costs associated with reserving and renting the facility, including processing reservations, credit card procession fees, permits, logistical plans, etc.
- **Direct Service** – cost of direct services provided by the District to support the rental activity such as athletic field preparation for specific activity, athletic field lighting, additional trash or restroom service, site and utility modifications, staff logistical support, delivery and/or set-up of equipment, etc.
- **Facility Operations** – direct costs of operating and maintaining a park or facility including utilities, maintenance, janitorial service, general turf maintenance, staffing and materials required to support the ongoing maintenance and operations of a facility, etc.
- **Organizational Support** – services that support the overall operation of the District, including: Human Resources, Finance, Business, IT, Community Relations, Planning and Development, Executive Directors office, etc.
- **Capital Improvements** – capital costs required to maintain and improve District facilities and assets.
- **Capital Costs** – the initial capital cost to develop the facility, including annual debt service payments or depreciation of these investments.

## **SECTION IV: OUT-OF-DISTRICT USE AND FEES**

1. **Philosophy:** The Bend Park and Recreation District was established to provide park and recreation services to those who reside or own property within district boundaries. District residents and property owners pay taxes to support District operations. The District recognizes visitors and residents from outside of the District's boundaries will also use and enjoy District parks, facilities and programs. In order to limit the financial subsidy of providing services to non-resident users and ensure that non-resident users pay their fair share for services, the District will normally assess additional fees to non-resident users where fees are charged.
  
2. **Recreation Programs**
  - A. Most District recreation programs are designed primarily to serve and benefit district residents; however, the District encourages non-resident participation as many would not otherwise have access to these services. Non-resident participation can also contribute to the overall financial viability of programs by filling available spots. In the event that non-resident participation significantly displaces district residents, the District will consider implementing priority registration to district residents through early registration or other means.
  
  - B. Non-residents will be charged a 20% out-of-district fee in addition to the in-district fee to participate in most recreation programs. The following recreation programs are exempt from out-of-district fees:
    - Drop-in fees at recreation facilities (due to the difficulty in verifying District residency)
    - Programs offered in partnership with Bend-La Pine Schools (for students who reside outside the Bend Park and Recreation District, but within the Bend-La Pine School District boundaries)
    - Private-benefit and specialized services that exist to generate revenue and do not require tax support (i.e. concession and merchandise sales, personal instruction, specialized training, etc.)
    - Exceptions as granted by the Executive Director
  
3. **Facility Rentals**
  - A. District facilities are developed and operated primarily to benefit district residents. Many of these facilities are made available for rent by private parties or organizations. The District will prioritize residents when feasible; however, many facilities are scheduled on a first come, first serve basis so resident priority is not possible.
  
  - B. Non-residents will be charged a 20% out-of-district fee in addition to the in-district fee to rent facilities. The following rentals are exempt from out-of-district fees.
    - Governmental agencies or non-profit organizations serving district residents
    - Exceptions as granted by the Executive Director

## **SECTION V: NEEDS-BASED ASSISTANCE**

1. **Philosophy:** The District believes that everyone should have the opportunity to benefit from recreation activities. The District provides this opportunity by offering a diverse array of recreation options, from parks and trails to recreation facilities and programs. Many recreation options are available to the public without charge, including: parks, trails, playgrounds, outdoor basketball courts, skate parks, tennis and pickleball courts, etc. Most organized recreation programs and indoor recreation facilities require a fee to participate. The District recognizes that these fees can present a barrier for some. As a result, the District provides assistance to facilitate access to fee-based recreation programs and facilities for those who are unable to pay the regular fee. While the District would like to make all programs available to district residents regardless of ability to pay, services must be prioritized to ensure that the highest and most critical needs are met with available resources.
  
2. **Types of Needs-Based Assistance:** Financial assistance is provided by the District through two primary methods.
  - A. **Recreation Scholarship Program** uses resources from a specifically budgeted line item to fund a portion of the regular participation fees. The Recreation Scholarship Program is supported through revenue received from cell phone tower leases, Bend Park and Recreation Foundation donations, and General Fund tax resources.
  - B. **Free or Low Fee Programs** includes programs that are offered free to the entire community and/or subsidized services that target low income families and individuals.
  
3. **Eligibility For Needs-Based Assistance:**
  - A. Eligibility will be based on Federal Poverty Guidelines for household income and family size. The District will have a two-tiered system: high need and moderate need. To the degree possible, the qualifying income levels will be coordinated with other assistance programs including school Free and Reduced Lunch Program, SNAP, TANF and Oregon Health Plan,
  - B. The District will work with the Family Action Network and other local agencies to identify and address extreme cases where assistance programs are not adequate to facilitate participation.
  
4. **Funding Priorities:** In order to ensure the most critical needs and services are funded, the following priorities have been established:
  - A. Priority will be given to the following **populations** in order:
    1. Individuals with disabilities, including those on long-term disability.
    2. Youth 18 years and younger.
    3. Adults 19 years and older with qualifying health considerations.
    4. General senior population (65-years or older).
    5. General adult population (19-64 years).
  - B. Priority will be given to the following **programs/services** in order:
    1. Issue-focused programs.

2. Core recreation programs.
3. Complementary recreation programs.
4. Needs-based assistance will not be offered for specialized programs, private services, rentals or the out of district portion of fees.

**5. Needs-Based Assistance Plan and Funding:**

- A. An annual Needs-Based Assistance Plan including recommendations regarding service levels and funding requirements will be approved by the District Board of Directors.
- B. The funding required for the Needs-Based Assistance Plan will be approved through the budget process each year.
- C. The following strategies will be considered if the approved funding is not adequate to meet the demand for needs-based assistance.
  1. Suspend funding to lower priority populations.
  2. Suspend funding of complementary recreation programs.
  3. Reduce the percentage of fee covered by needs-based assistance programs.
  4. Implement limits on the amount of funding received per individual/household.



# Board of Directors

January 18, 2022

District Office Building | 799 SW Columbia | Bend, Oregon



*A video of the entire board meeting can be viewed on the website:*

<https://www.bendparksandrec.org/about/board-meeting-videos/>

## **BOARD PRESENT**

- Ariel Méndez
- Deb Schoen
- Jason Kropf
- Nathan Hovekamp
- Zavier Borja

## **STAFF PRESENT**

- Don Horton, Executive Director
- Michelle Healy, Deputy Executive Director
- Julie Brown, Manager of Communications and Community Relations
- Kristin Donald, Administrative Services Director
- Matt Mercer, Director of Recreation
- Sheila Reed, Executive Assistant
- Henry Stroud, Trail Planner
- Sara Anselment, Park Planner
- Bronwen Mastro, Landscape Architect
- Sabrina Pinkerton, HR Specialist
- John Batacan-Wilson, HR Specialist
- Kevin Moriarty, Natural Resources Manager

## **LEGAL**

Paul Taylor: Bryant, Lovlien & Jarvis Attorneys at Law

## **5:30 p.m. MEETING CONVENED**

## **STAFF INTRODUCTIONS**

- Sabrina Pinkerton, HR Specialist
- John Batacan-Wilson, HR Specialist
- Kevin Moriarty, Natural Resources Manager

## **VISITORS**

None



## **WORK SESSION**

### 1. Comprehensive Plan & Level of Service Update – *Henry Stroud and Sara Anselment*

Mr. Stroud said the district level of service (LOS) is used to measure how well the district is meeting the needs of the community. It is measured by park acres and trail miles per 1,000 residents. The targets are set in the comprehensive plan and calculated annually. He spoke about the population of the district and the continuing growth that impacts the district's ability to maintain LOS goals.

Mr. Stroud spoke about several new projects that have been recently completed and some in progress, but mentioned that even with all the new projects, the district level of service cannot keep up with the growth. He explained the various types of parks and trails and how each type fits within the level of service goals. He next talked about the watershed analysis and how the district is using this to measure level of service by safe proximity to parks and trails and a new tool that is being created with equity mapping.

Ms. Anselment gave an update on the comprehensive plan projects. There are 99 projects:

- 30 in progress
- 19 Complete
- 48 Not started
- 2 Removed

She reviewed the type and priority of the projects. Mr. Stroud explained more about the equity mapping tool to the board at their request.

## **CONSENT AGENDA**

### 1. Minutes: 01/04/2022

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

## **BUSINESS SESSION**

### 1. DEI Initiative Final Assessment Report Acceptance – *Bronwen Mastro and Talitha Consultants*

Ms. Hnin gave some background of her work with the district and described her report as being about recommendations: immediate, intermediate and long term. She reviewed the following recommendations.

Internal recommendations:

- Plan and coordinate district-wide learning and development
- Formalize DEI workgroup into a committee
- Collect internal and external socio-demographic diversity data
- Evaluate and if needed expand communication which job announcements are posted
- Retention
- Board chair and vice chair hold listening sessions with the public

External Recommendations:

- Target outreach to young patrons
- Maintain a system to monitor and report of demographic diversity of stakeholders
- Adding equity as an organizational value
- Improve program registration process

Ms. Mastro said staff recommends that the board accept the report from Talitha Consults as a guide for creating the district DEI action plan. She reviewed the timeline for creating the action plan and let the board know that it would come back for board approval.

***Director Schoen made a motion to accept the Talitha Consults DEI report as a guide to create the district DEI action plan. Director Borja seconded. The motion passed unanimously, 5-0.***

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director Horton shared the following:

- He reminded the board about a tour of the COID property at 2:30 on Thursday.
- He said the board Self-evaluation is due on the 20th
- He informed the board about an outreach opportunity on Thursday for the Parrell Road property that staff is calling project #155. He added that there is a Spanish version of the meeting being held tonight.

**PROJECT REPORT**

**BOARD MEETINGS CALENDAR REVIEW**

**GOOD OF THE ORDER**

- Director Borja said he is looking forward to the COID tour on Thursday.
- Director Schoen shared that the art pieces that have been selected for Alpenglw Park will be on display in the community with opportunities for the public to comment. She added the selection will be made in February. She also acknowledged an email received from a resident about a desire to have a bridge in the south canyon.
- Director Kropf said he enjoyed the presentations tonight and thought the topics complimented each other well.
- Director Méndez told the board that he and Executive Director Horton met with Eric King and two city councilors. They discussed parking, fish passage, permit process for the DRT and the city’s desire to put in new restrooms near Drake Park.

**ADJOURN** 7:41 pm



Prepared by,  
Sheila Reed  
Executive Assistant

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Ariel Méndez, Chair

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Deb Schoen, Vice-Chair

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Jason Kropf

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Nathan Hovekamp

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Zavier Borja

<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	February 15, 2022
<b>SUBJECT:</b>	Public Hearing - Class Public Improvement Alternative Contracting Method for River Projects with Upper Deschutes Watershed Council
<b>STAFF RESOURCE:</b>	Brian Hudspeth, Development Manager Justin Sweet, Business Analyst Ian Isaacson, Landscape Architect
<b>PREVIOUS BOARD ACTION:</b>	None
<b>ACTION PROPOSED:</b>	Conduct a public hearing to discuss an exemption of a class of public improvement contracts to use an alternative contracting method for river projects with UDWC; adopt Resolution No. 2022-01, adopting written Findings of Fact; granting class bidding exemption; and authorizing selection by request for proposals
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations and Maintenance
<b>Outcome:</b>	Be a local leader in environmental stewardship
<b>Strategy:</b>	Improve efforts to be responsible stewards of the natural environment

**BACKGROUND**

Oregon Revised Statutes require a public hearing be held and for the Local Contract Review Board (LCRB) to receive comments on the findings for an exemption from the competitive bidding requirements for certain public contracts pursuant to ORS 279C.335. The Bend Park and Recreation District Board of Directors serves as the LCRB for the district.

The district proposes to use the alternative contracting method of requests for proposals for a class of river projects with Upper Deschutes Watershed Council (UDWC). Findings to support this class exemption are attached to Resolution No. 2022-01, as Exhibit A. After receiving public comment, the board shall close the public hearing. The board shall then consider public comment, the proposed findings (Exhibit A of Attachment A) and Resolution No. 2022-01 (Attachment B).

If the board adopts Resolution No. 2022-01, exempting the class of river projects with UDWC from competitive bidding and directs staff to use the alternative contracting method of request for proposals, the district, or UDWC on the district's behalf, will publicly advertise requests for proposals which are open to all qualified and experienced general contractors. The request for proposals process will be fair and unbiased.

**BUDGETARY IMPACT**

None

**STAFF RECOMMENDATION**

Staff recommends the board exempt a class of river projects with UDWC from competitive bidding and adopt Resolution No. 2022-01 authorizing staff to use the alternative contracting method of request for proposals.

**MOTION**

*I make a motion to adopt Resolution No. 2022-01 exempting a class of public improvement contracts to use the alternative contracting method of request for proposals for projects to restore, protect, or enhance upland, riparian, or wetland habitat and recreational use on District property along the Deschutes River, Tumalo creek, and adjacent trails completed in partnership with Upper Deschutes Watershed Council for multiple projects awarded through June 30, 2032.*

**ATTACHMENT**

Attachment A – Process for Exemption and Findings (Exhibit A)

Attachment B - Resolution No. 2022-01

**BEFORE THE BOARD OF DIRECTORS OF THE BEND METRO PARK AND RECREATION DISTRICT**

**Process for Exempting a Class of Public Improvement Contracts from Competitive Bidding for Projects Supporting Riparian Restoration and Management Programs and Recreational Use**

INTRODUCTION: The Upper Deschutes Watershed Council (“UDWC”) is a 501(c)3 non-profit organization that “seeks to protect and restore the two-million-acre Upper Deschutes River watershed through collaborative projects in habitat restoration, watershed education, and long-term monitoring.” In 2018, the District and UDWC entered into a Memorandum of Understanding (the “MOU”) to identify and develop projects to provide improved riparian and wetland habitat conditions while supporting recreational use of the Deschutes River, Tumalo Creek, and adjacent trails. UDWC’s staff brings specialized experience working on projects benefitting riparian, wetland, and upland habitats, including project management for instream and in-river construction projects.

The MOU contemplates that the District and UDWC would enter into project-specific implementation agreements (the first of which, a project agreement, was executed in 2019) for each identified project. Each project-specific implementation agreement allocates responsibility between the parties for project design, contract procurement, and management. Due to the complexity and sensitivity of performing construction activities instream/in-river, in areas occupied by members of the public and wildlife, District staff is recommending that the District use the Request for Proposals (“RFP”) alternative contracting method for projects conducted in collaboration with UDWC under the MOU and related project-specific implementation agreements.

The RFP process uses formal solicitation methods similar to the open, competitive, and publicly noticed Invitation to Bid process. However, an RFP requires that general contractors submit not only their pricing, but also a description of their qualifications, experience, and methodologies in response (a “Proposal”). Proposals are then impartially considered and evaluated by a committee that applies a publicly-disclosed, uniform set of criteria to all received Proposals to determine the most qualified and experienced general contractor, proposing a fair price, to award a contract. Depending on the circumstances of each project (e.g., project type, location, or available funding sources) the District and UDWC may have different roles during the RFP process.

Oregon Revised Statutes (“ORS”) 279C.335 permits the District’s Board of Directors, acting as the local contract review board (the “Board”), to exempt public improvement projects from the competitive bidding requirements of ORS 279C by following required statutory procedures, specifically, publicly advertising the proposed exemption from competitive bidding and draft written findings supporting the exemption; holding a public hearing to allow comment on the draft findings; approving the findings supporting the exemption of the project from competitive bidding and use of an alternative contracting method; and adopting a resolution exempting the project from competitive bidding.

The findings in support of the exemption must show that: (a) the exemption is unlikely to encourage favoritism or substantially diminish competition in awarding public improvement contracts; and (b) awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency that seeks the exemption.

Additionally, to exempt a class of projects from competitive bidding, the findings must also clearly identify that class by its defining characteristics, which must include a combination of: project descriptions or locations; time periods; contract values; methods of procurement; and other factors that distinguish the limited and related class of public improvement contracts from the District’s overall construction program.

RECOMMENDATION: Board members are requested to review these findings and proposed resolution, ask questions, hold a hearing to provide opportunity for public comment, adopt the resolution approving the findings and class exemption, and provide direction to District staff at the Board's February 15, 2022 meeting. Board approval of this proposal is recommended.

## EXHIBIT A

### FINDINGS

#### SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING FOR A LIMITED CLASS OF PUBLIC IMPROVEMENT PROJECTS

Bend Metro Park and Recreation District (the “District”) makes the following findings in support of a class exemption from competitive bidding and use of the Request for Proposals alternative contracting method for recreational and environmental enhancement projects to provide improved riparian and wetland habitat conditions while supporting recreational use of the Deschutes River, Tumalo Creek, and adjacent trails. These projects will be completed in partnership with Upper Deschutes Watershed Council (“UDWC”) using multiple solicitations for contracts to be awarded through June 30, 2032:

#### **FINDING #1**

It is unlikely that the exemption from competitive bidding will encourage favoritism or substantially diminish competition in awarding public improvement contracts.

Contractors will be selected through a competitive Request for Proposals (“RFP”) process authorized by the District’s Board of Directors (“Board”) and complying with public contracting rules and requirements. Any qualified general contractor may submit a proposal in response to an RFP. To leverage UDWC’s experience in procuring, contracting for, and managing in-river/instream projects, it is the District’s intention that UDWC will draft, publish, and manage the RFP processes and contract execution on the District’s behalf. All solicitation documents, contractor selections, and contract documents drafted, published, and managed by UDWC will be subject to the District’s review and approval, as projects will be performed on District property and funded in part by public sources, which may include funding from the District. Any RFPs managed by UDWC will follow this process and comply with public contracting rules.

- A. **ADVERTISEMENT:** To encourage competition, public notice of each RFP will be given in accordance with the then-current requirements of Oregon’s public contracting statutes/rules. Currently, those require that notice be published at least once in at least one newspaper of general circulation in the area where the contract is to be performed, and in at least one trade newspaper of general statewide circulation. In addition, the RFP documents will also be published on at least one website.
- B. **FULL DISCLOSURE:** To ensure full disclosure of all information, the RFP documents will include at least the following:
  - 1. A detailed description of the project and project location;
  - 2. Contractual terms and conditions;
  - 3. Selection process;
  - 4. Evaluation criteria and process to determine the responsive and responsible proposer whose proposal is the most advantageous to the District, based on the evaluation criteria;
  - 5. Requirements and location for submission of a proposal;
  - 6. Process for questions, comments, and clarifications; and
  - 7. Process for protesting award of the contract.
- C. **SOLICITATION PROCESS:** To ensure a fair and open process, the RFP solicitation process will include at least the following:



1. A pre-proposal meeting may be announced and held. The pre-proposal meeting will be open to all interested parties. The pre-proposal meeting may be a mandatory minimum requirement for submission of a proposal. During the pre-proposal meeting, as well as anytime prior to seven days before the close of the RFP, interested parties may submit questions, request clarifications, or suggest changes to the RFP documents or its contents.
  2. Sealed proposals will be accepted by the District, or UDWC on the District's behalf, at the District's Administrative Office or another suitable location, and publicly opened on the date and time specified in the RFP documents.
  3. The evaluation process will determine whether a proposal meets the qualification requirements of the RFP, and to what extent. The following evaluation process will be used:
    - a. Proposals will be evaluated for completeness. Proposers will be evaluated for compliance with the qualification requirements of the RFP. Any proposals that are materially incomplete or non-responsive will be rejected.
    - b. If a proposal is unclear, the proposer may be asked to provide written clarification. Any proposal that does not meet all requirements will be rejected.
    - c. Proposals will be independently scored by the evaluation committee in accordance with the evaluation criteria and procedures provided in the RFP. The scores will be combined and the proposals ranked.
    - d. The evaluation committee may invite the highest-scoring proposer(s) to provide or take part in a presentation, demonstration, or interview process, which will be scored by the evaluation committee. The evaluation committee members' scores for each proposer's presentation, demonstration, or interview will be combined and added to the scores given during the written proposal evaluation process.
    - e. The evaluation committee reserves the right to make an award recommendation without conducting a presentation, demonstration, or interview process.
    - f. After all scores are assigned to proposals, the evaluation committee will rank the proposers, and provide an award recommendation to the Executive Director.
  4. All proposers will be notified in writing of the intent to award a contract to the highest-ranked proposer and will be given not less than seven (7) calendar days to notify the District of any protests in writing.
  5. For RFPs led by the District, the District's Executive Director will seek Board approval for the District to proceed with contract negotiations with the highest-ranked proposer. For RFPs led by UDWC on the District's behalf, the Executive Director will seek Board approval for execution of a Development Agreement between the District and the UDWC before an RFP is published.
  6. The District, or UDWC on the District's behalf, will negotiate contract terms with the highest-ranked proposer. If agreement cannot be reached with the highest-ranked proposer, the District will have the option to negotiate and enter into a contract with the second-ranked proposer, and so forth until agreement on a contract is reached or the solicitation is canceled.
- D. **UDWC Role.** Under the project-specific implementation agreement structure contemplated under the MOU, UDWC will participate only in a project management role, and will not be providing construction services. UDWC will not, therefore, be submitting proposals in response to any project RFPs issued

under this exemption. This means that UDWC will not be in competition with any general contractors submitting proposals, and should not reduce the number of interested proposers. All compensation received by UDWC will be under the project-specific implementation agreements, each of which will be approved by the Board, and not under the construction contracts.

## **FINDING #2**

Awarding a public improvement contract under this exemption will likely result in substantial cost savings and other substantial benefits to the District or the public, based on the following:

- A. **Available Proposers.** Because each RFP will be advertised in the same manner required for a conventional invitation to bid, the District does not anticipate that using an RFP will affect the quantity of available general contractors (proposers).

**Construction Budget.** Any contract awarded under this class exemption will require an open and competitive RFP process. Through the general contractor selection process, qualifications, as well as proposed pricing will be considered and scored by an evaluation committee. The evaluation committee will work to select the most qualified and experienced general contractor who proposes a fair price, striving to find a balance between high-quality construction and low-cost. The RFP process also allows for negotiation of the contract scope and terms with the successful proposer, allowing the District to ensure that the project contract awarded is within the District's budget. (This also allows for pricing mechanisms, such as a fixed or guaranteed maximum price, to better protect against overruns.)

Effective collaboration between the District, UDWC, and the general contractor will likely realize cost savings by utilizing flexible construction documents allowing for the field fitting of some materials, reducing design consultant costs, or consideration of alternative construction methods/materials. Selection of well-qualified general contractors through an RFP is critical to ensure the general contractor has the necessary expertise and experience to successfully field fit materials or propose such alternatives.

- B. **Public Benefits.** Selection of general contractors through an RFP process allows for better evaluation of contractor qualifications, which will likely result in higher quality projects that are finished sooner, at a lower overall project cost.
- C. **Value Engineering.** Negotiation with the highest-ranked proposer prior to awarding a contract allows the District to solicit value engineering and other options to attempt to bring the contract within the District's cost estimate. Selection of a well-qualified and experienced general contractor realized through the RFP process will likely result in finding better solutions to complete projects at a reduced cost, if necessary to stay within the District's budget.
- D. **Specialized Expertise.** Projects completed under this class exemption involve complex construction, sequencing, and construction access issues. General contractors must be able to effectively collaborate with the design team, the District, UDWC, multiple authorities having jurisdiction over the work, and various experts, and community organizations. Selection of well-qualified general contractors through an RFP process will result in better-coordinated projects, speed project completion, and minimize disruptions to the public, wildlife, and surrounding habitat.

- E. **Risk Reduction.** It is expected that selecting an experienced general contractor through an RFP process will result in better construction services which will in turn result in a reduction in the various risks faced by the District and public in completing in-river and instream projects.
- F. **Funding Sources.** As a non-profit organization, UDWC has access to funding sources that the District does not. These funding sources may allow the District to undertake projects that it would otherwise be unable to, or that would only be possible at significant additional expense to the District.
- G. **Market Conditions.** Because each project will include UDWC's participation under the applicable project-specific implementation agreement, there will be two sets of eyes on relevant market conditions that may affect pricing, allowing for projects to be put on hold prior to issuing an RFP. UDWC's focus on, and familiarity with, the specific types of projects, likely gives UDWC more opportunities to identify such market conditions.
- H. **Project Complexity.** Projects completed under this class exemption will be technically complex, requiring contractors with experience performing construction services in-river and instream. Projects of this nature carry special risks, require unique techniques and methods, and necessitate an understanding of the different environments affecting instream, in-river, and upland construction projects. Because of these factors, it is imperative that the general contractors selected be experienced and qualified (see discussions above regarding field fitting, etc.), and an RFP is the best method for doing so.
- I. **New Construction and Renovation.** Projects completed under this class exemption may involve new construction, renovate or remodel existing structures, or a combination of both. Successful project outcomes will require selection of well-qualified general contractors who are able to work within the complex nuances of new construction, renovation or remodels, which is best accomplished through an RFP process.
- J. **Occupied Construction; Public Safety.** Because the areas surrounding the project locations, including adjacent waterways, will be open to, and in use by, the public, safety and protection of the public, wildlife, and surrounding habitat is of critical importance. Selection of well-qualified general contractors using the RFP process is paramount to realizing successful projects while ensuring the public, wildlife, sensitive upland, riparian, and wetland habitats are kept safe and protected during construction activities.
- K. **Construction Phases.** Depending on project conditions, including but not limited to funding, contractor availability, material availability, project complexity, or permitting, projects may need to be completed in multiple phases. In the event of phased construction, using the RFP process to select well-qualified general contractors is vital to successful project outcomes throughout all project phases.
- L. **Expertise and Experience of District staff, UDWC staff, Consultants, and Legal Counsel.** The District has planning and development staff with expertise and experience in project and construction management, and administrative services staff with expertise and experience in drafting and administering procurement and contracting processes and documents. These District staff members have utilized alternative contracting methods successfully. The District has partnered with UDWC, whose staff have expertise and substantial experience in project and construction management on in-river and instream projects. The District utilizes outside consultants and legal counsel with expertise

and substantial experience in public improvement contracting, alternative contracting methods, and contract enforcement. The District staff, UDWC staff, consultants, and legal counsel will be able to effectively administer the procurement processes, award contracts, and negotiate, administer, and enforce contract terms.

### **FINDING #3**

The defining characteristics of the class of public improvement projects to be exempted from competitive bidding are as follows:

- A. **Project Descriptions/Locations.** Contracts awarded under this class exemption will be limited to recreational and environmental projects to provide improved upland, riparian, or wetland habitats in those portions of the Deschutes River or Tumalo Creek that are adjacent to properties owned by the District or properties managed by the District under trail or other easements.
- B. **Time Periods.** Initially, it is contemplated that this class exemption will only apply to contracts awarded on or before June 30, 2032.
- C. **Contract Values.** At this time, project costs are unknown and contract values cannot be reasonably predicted.
- D. **Procurement Methods.** All contracts awarded under this class procurement will be awarded pursuant to a competitive RFP process.
- E. **Other Distinguishing Factors.** Contracts awarded under this class exemption will be limited to those projects being managed by UDWC under project-specific implementation agreements arising under the MOU. Other District projects involving restoration of upland, riparian, or wetland habitats will not be issued under this class exemption.

**BMPRD RESOLUTION NO. 2022-01**  
**A RESOLUTION OF THE BEND METRO PARK AND RECREATION DISTRICT BOARD OF DIRECTORS**

**WHEREAS**, the Board of Directors of Bend Metro Park and Recreation District (the “District”) is the District’s Local Contract Review Board (the “Board”), and in that capacity has authority to exempt certain public improvement contracts from the competitive bidding requirements of Oregon Revised Statutes (“ORS”) Chapter 279C, and

**WHEREAS**, ORS 279C.335(2) and the District’s Public Contracting Rules authorizes the Board to permit the selection of a general contractor through alternative contracting methods as set forth in Oregon Administrative Rules (“OAR”) 137-049-0600 to 137-049-0690, and

**WHEREAS**, the Board has determined that public improvement contracts for in-river and instream projects which support riparian restoration and management programs and recreational use completed in partnership with Upper Deschutes Watershed Council should be procured using a Request for Proposals (“RFP”) process, and

**WHEREAS**, a public hearing for the purpose of taking testimony on the draft Findings in support of an exemption from competitive bidding was held on February 15, 2022, as required by ORS 279C.335(5);

**NOW, THEREFORE, BE IT RESOLVED** that the Bend Park and Recreation Board of Directors, acting as the District’s Local Contract Review Board:

1. Adopts the Findings attached as Exhibit A.
2. Authorizes an exemption of a class of public improvement contracts to use the alternative contracting method of Request for Proposals for projects to restore, protect, or enhance upland, riparian, or wetland habitat and recreational use on District property along the Deschutes River, Tumalo creek, and adjacent trails completed in partnership with Upper Deschutes Watershed Council for multiple projects awarded through June 30, 2032.
3. Staff is directed to utilize the Request for Proposals process as detailed in the Findings attached as Exhibit A for public improvement projects exempted under this class.

**ADOPTED** by the Board of Directors on this 15th day of February, 2022.

\_\_\_\_\_  
Ariel Mendez, Board Chair

Attest:

\_\_\_\_\_  
Don P. Horton, Executive Director

<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	February 15, 2022
<b>SUBJECT:</b>	Development Agreement with Upper Deschutes Watershed Council for the Riverbend South Access & Restoration Project
<b>STAFF RESOURCE:</b>	Ian Isaacson, Landscape Architect Brian Hudspeth, Development Manager
<b>GUEST PRESENTER:</b>	Mathias Perle, Restoration Program Manager, Upper Deschutes Watershed Council
<b>PREVIOUS BOARD ACTION:</b>	February 16, 2016 – Project Introduction September 5, 2017 – Project Update April 3, 2018 – Approved MOU with UDWC July 16, 2019 – Project Update
<b>ACTION PROPOSED:</b>	Authorize the Executive Director to negotiate and execute a Development Agreement with Upper Deschutes Watershed Council
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations and Maintenance
<b>Outcome:</b>	Be a local leader in environmental stewardship
<b>Strategy:</b>	Improve efforts to be responsible stewards of the natural environment

**BACKGROUND**

While the Deschutes River is a popular recreation amenity for river users, it is also vital to the environmental diversity and aesthetic appeal of Bend. The district manages more than ten miles of river park frontage along the river corridor including the Bend Whitewater Park. As recreational use of the river increased over the recent years, the district recognized the challenges of balancing river recreation demands with aesthetic and environmental protection of the riparian areas along the river.

From 2016 to 2017, staff worked with the Upper Deschutes Watershed Council (UDWC) to complete an inventory and assessment of the riparian conditions of the riverbank along district-owned property. The initial assessment summarized the bank condition at 13 sites and identified numerous opportunities for riparian area restoration and improved river access. These opportunities were evaluated and prioritized with the help of a Technical Advisory Committee comprised of representatives from UDWC, Oregon Watershed Enhancement Board (OWEB), Oregon Department of Fish and Wildlife, Trout Unlimited, Botanical Developments and Bend Paddle Trail Alliance. This information was then presented separately to the district's Board of Directors and UDWC's Board of Directors. Both boards shared an interest in continuing to collaborate to improve conditions along the riverbank.

In April 2018, the district entered into a memorandum of understanding (MOU) with UDWC to formalize the ongoing commitment by both entities to work together to implement riparian area improvements along the river, while providing opportunities for public river access for recreation. The MOU outlines the goals of the partnership and defines the broad roles and responsibilities of each entity. With this MOU in place, UDWC and the district proceeded to start the Riverbend South Access & Restoration Project (project). The project is situated along the west side of the Deschutes River, between the Bill Healy vehicle bridge and the Farewell Bend footbridge.

In spring of 2018, the district supported UDWC's efforts to apply for, and receive, a technical assistance grant from OWEB.

In early 2019, the district and UDWC entered into a project agreement, in which the district provided funding, in part as a match to the OWEB technical assistance grant. UDWC used these funds to hire Environmental Science Associates (ESA) to complete engineering drawings and cost estimates for the project. ESA completed the design and associated cost estimate for the project. Design treatments include three hardened water access points, fencing and riparian habitat improvements.

Construction drawings for the project were completed in late fall of 2019, at which point UDWC applied for additional grant funding from OWEB and the Sunderland Foundation. The Sunderland Foundation grant was awarded to UDWC in spring of 2020 and the OWEB grant was awarded to UDWC in spring of 2021. With these additional grant funds secured, the district and UDWC now wish to execute a development agreement to enable construction to begin in fall of 2022.

Pursuant to the project agreement between the district and UDWC, this development agreement, if approved and executed, will serve as the second (implementation) and final phase of the project. This development agreement outlines the specific roles and responsibilities of the district and UDWC, as well as provides funding to UDWC for completion of phase two of the project. District funding is provided as a match to the OWEB and Sunderland Foundation grants. Acting on behalf of the district under this development agreement, UDWC will draft, publish and manage the solicitation process, contract negotiation and execution, and project management. Through this development agreement, UDWC acknowledges and agrees that the construction phase of the project is a public improvement as defined in state statute, and that UDWC and the general contractor, contracted by UDWC, to complete construction of the project will comply with all public contracting rules. It is the intention of the district and UDWC to work collaboratively to achieve completion of the project. All solicitation documents and processes, and contract documents will be subject to the district's review and approval.

The Riverbend Park South Access & Restoration Project was identified as the highest priority project from the assessment completed in 2017, and will be the first project from the district's River Plan efforts to be approved for construction. This project will serve as an example for future projects along the Deschutes River. The district remains committed to the stewardship of waterways within its boundaries, and this project is the first step in achieving balance between restoration and recreation.

**BUDGETARY IMPACT**

The district’s 2022-2026 Capital Improvement Plan (“CIP”) includes \$264,000 in property taxes toward the Riverbend South Access & Restoration Project. Of that amount \$24,899 has been spent to date, leaving \$239,101 within the current CIP available, which are dedicated as match for the Sunderland Foundation and OWEB grants awarded to UDWC to construct the project.

**STAFF RECOMMENDATION**

Staff recommends the board authorize the executive director to negotiate and execute a development agreement with the Upper Deschutes Watershed Council to construct the Riverbend South Access & Restoration Project.

**MOTION**

*I move to authorize the executive director to negotiate and sign a development agreement with the Upper Deschutes Watershed Council to construct the Riverbend South Access & Restoration Project.*

**ATTACHMENTS**

None



<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	February 15, 2022
<b>SUBJECT:</b>	Petrosa Subdivision Additional Right of Way acquisition and Temporary Construction Easement at Pine Nursery Park
<b>STAFF RESOURCE:</b>	Brian Hudspeth, Development Manager Michelle Healy, Deputy Executive Director
<b>PREVIOUS BOARD ACTION:</b>	January 19, 2021 – Approved Petrosa Development Agreement
<b>ACTION PROPOSED:</b>	Approve additional right of way acquisition at Pine Nursery Park, and approve a Temporary Construction Easement with Pahlisch Homes for construction of a new Roundabout at Deschutes Market and Yeomen Roads.
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations and Management Practices
<b>Outcome:</b>	Balance between caring for existing infrastructure and new development
<b>Strategy:</b>	Ensure the district is maintaining its adopted level of service targets

**BACKGROUND**

In January of 2021, the Board authorized the executive director to enter into a development agreement (DA) with Pahlisch Homes for the Petrosa Subdivision. The DA included the need for land acquisition as city of bend road right of way for the construction of a new roundabout (RAB) at the intersection of Deschutes Market and Yeomen Roads. The board approved the acquisition of 6,840 square feet of park land from Pine Nursery Park for the construction of the RAB as part of the DA approval.

Since that time, the design of the RAB has been updated, and the project now requires an additional 3,725 square feet of land for right of way for a total acquisition of 10,565 square feet (See attachment A). The additional right of way is needed to accommodate the undergrounding of power cables and other utilities along Yeoman Road, which is required by city code.

Pahlisch Homes will also need a temporary construction easement (TCE) within the park property for construction of the RAB improvements. These improvements will benefit the park property by providing safer traffic movements around the park property. Pahlisch Homes is asking for 3,165 square feet of park property for the TCE. As a requirement of the easement, Pahlisch will need to install temporary off-leash dog fencing (during construction), realign the permanent off-leash area fencing along the property boundary and replace any vegetation back to pre-construction

condition. Additionally, any tree removal will need to be reviewed and approved by district staff prior to any trees being removed.

**BUDGETARY IMPACT**

Pahlisch will pay the district \$3.50 per square foot for the property needed for right-of-way to build the roundabout required by the city at the intersection of Deschutes Market and Yeoman Roads. For the TCE, Pahlisch will restore all disturbed vegetation and install permanent OLA fencing along the new property boundary to the district’s standards.

**STAFF RECOMMENDATION**

To facilitate development of a roundabout at Deschutes Market Road and Yeoman Road, staff recommends the board find the additional 3,725 square feet in the northeast corner of Pine Nursery Park is not needed by the district for public use and that dedication of that property to improve pedestrian access to Pine Nursery Park will further the public interest. Staff also recommends that the board authorize the executive director to negotiate a temporary construction easement with Pahlisch Homes to construct the new roundabout.

**MOTION #1**

*To further the purposes of the development agreement, the board finds that an additional 3,725 square feet of district property at the northeast corner of Deschutes Market Road and Yeoman Road is not needed by the district for public use and that dedication of that property to improve pedestrian access to Pine Nursery Park will further the public interest. I hereby move to authorize the Executive Director to dedicate the additional 3,725 of park land for that purpose.*

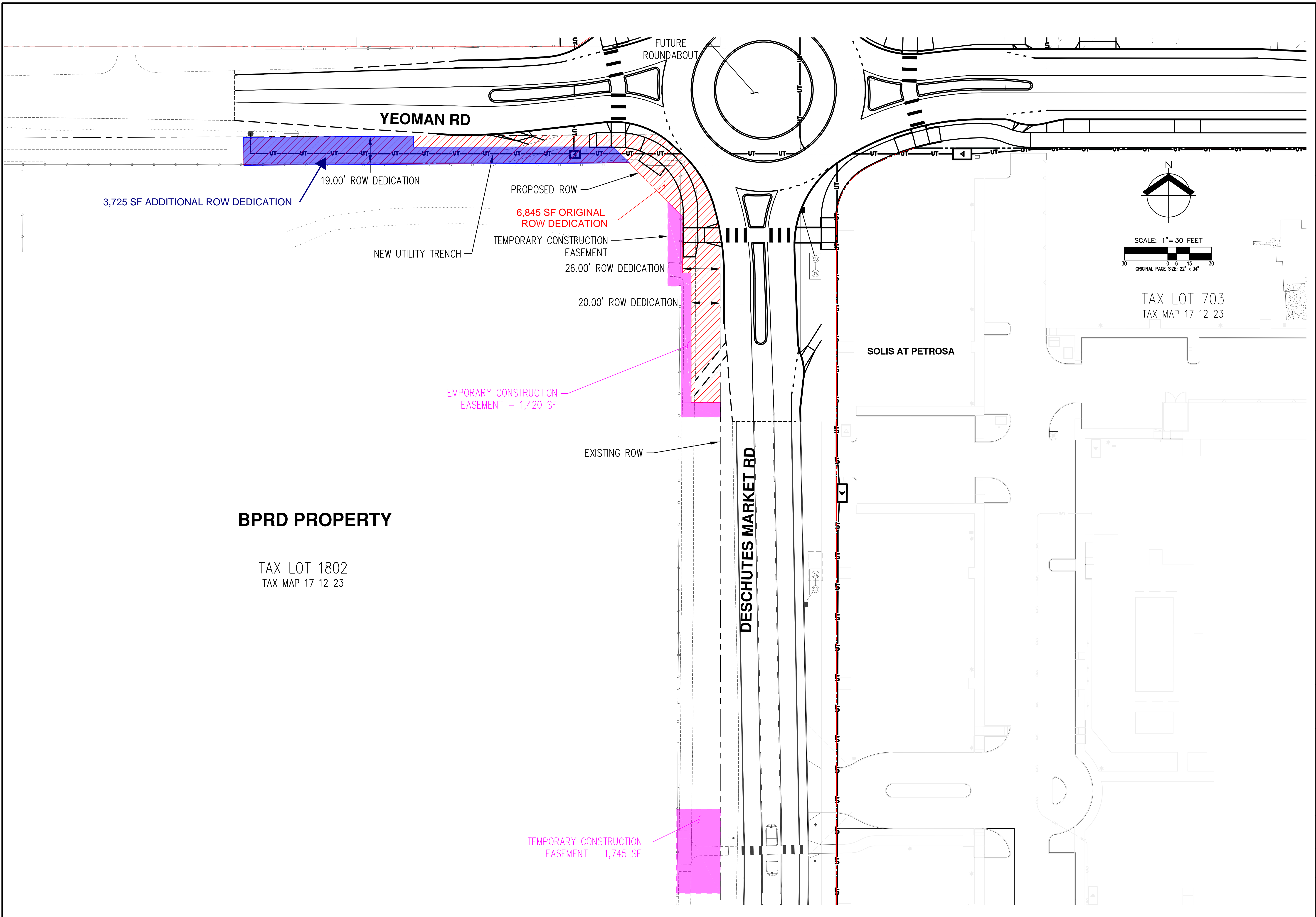
**MOTION #2**

*I move to authorize the executive director to negotiate and execute a temporary construction easement with Pahlisch Homes at Petrosa Limited Partnership for development of a new roundabout at Deschutes Market and Yeomen Roads.*

**ATTACHMENT**

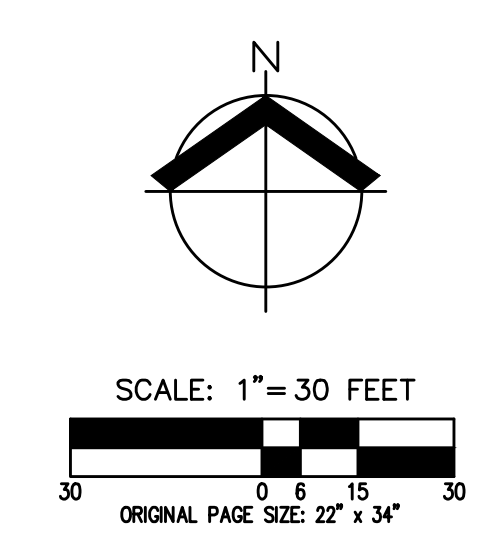
Attachment A – RAB dedication and TCE map

AKS DRAWING FILE: 6777 YEOMAN BPRD ROW DED PUBLIC ROWDWS | LAYOUT: BPRD



### BPRD PROPERTY

TAX LOT 1802  
TAX MAP 17 12 23



TAX LOT 703  
TAX MAP 17 12 23

## BPRD RIGHT-OF-WAY & EASEMENT DEDICATIONS

## PETROSA - YEOMAN RD BEND

DESIGNED BY: CTS  
 DRAWN BY: MDS  
 MANAGED BY: BLW  
 CHECKED BY: BLW  
 DATE: 12/7/2021

REVISIONS

JOB NUMBER  
6777

SHEET  
**BPRD**

**AKS**  
 AKS ENGINEERING & FORESTRY, LLC  
 2777 NW Lolo Dr., Ste 150  
 Bend, OR 97703  
 541.317.8429  
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ENGINEERING · SURVEYING · NATURAL RESOURCES  
 FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

OR



## PLANNING & DEVELOPMENT PROJECT UPDATES February 2022

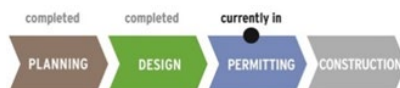
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### COMMUNITY AND REGIONAL PARK PROJECTS

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**Alpenglow Community Park:** Park construction will continue into the spring of 2022. Most elements of the park are nearly constructed, but there are many details yet to be completed. With winter here, items like structures, signage and furnishings will be finished as soon as they can, and other items such as landscaping will be completed as weather allows. The COID bridge is in place and the trail connections are in use. The pedestrian bridge that will span the railroad from the park to the Hidden Hills neighborhood is on site and placement is planned for this winter. Staff will continue to coordinate with adjacent property owners and neighbors during construction, keeping them updated on the progress of the park.



**Drake Park DRT & Bank Improvement Project:** Staff continues to work with the three landowners to obtain the required right of way easements needed to construct the trail. The State Parks LWCF grant is still under review. The National Parks Service is conducting its own section 106 permit review and has been consulting with the Confederated Tribes of Warm Springs. An early work amendment has been executed for Phase 1 of the project; this will include work within district owned property and does not require easements. The district received approval from the city on the amended WOZ permit and the district now has the city building permits. The notice to proceed from State Parks on the grant to start Phase 1 is expected in early February.



**Big Sky Park Expansion:** The current focus of this project is on site clearing and grading and some utility work. Most of this work is in the area of the new bike park features and includes the new park entry off Hamby and the new connection to the Neff entry. As weather improves this spring, the focus will move to paving and the bike park elements. The bike park elements were in part funded through a grant from the Bend Sustainability Fund. Construction is expected to be complete in the summer of 2022.



**Sawyer Park Entrance and Parking Lot Upgrades:** The design consultant has been selected. The design consultant contract is anticipated to go before the board for approval at the March 1, 2022 meeting.

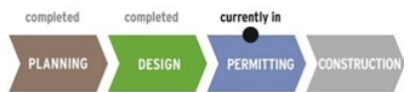
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## NEIGHBORHOOD PARK PROJECTS

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**Bend Golf and Country Club Park Site (Project #155):** Public outreach began mid-January 2022. Notifications were sent electronically to the SE Bend Neighborhood Association, homeowner associations, and community managers within the project area. Additionally, in a new attempt to engage every homeowner within a ½ mile radius of the park, staff distributed door hanger at every residence. Both the electronic and physical notifications directed residents to the project website ([bendparksandrec.org/project/project155](http://bendparksandrec.org/project/project155)) where they can find information about the project, get outreach information, take a project survey, leave comments, and sign up to receive direct project updates. Staff then held two open house events at a community clubhouse across the street from the project site; a Spanish language event on January 18<sup>th</sup> and an English language event on January 20<sup>th</sup>. The masks-required events were four hours long where staff spoke directly with visiting neighbors about the project, collected suggestions, and answered questions. With this first round of public outreach complete at the end of January, three conceptual park designs will be produced and presented to the public in round two of outreach.



**Fieldstone Park (Petrosa Subdivision) – Park Search Area 4:** Now that the board has approved the developer agreement and park master plan, staff is coordinating with Pahlisch on the design and construction of the park and trails, and conveyance of ownership to BPRD. Ninety percent of the design on the park is complete and staff and the team are working towards the 100% construction document set. Construction is anticipated to start this winter, with completion in the fall of 2022



**Northpointe Park:** Work has started on this park. The project is under construction and the new road has been roughed in with storm drainage placed. The skate spot is completed, and work will now begin on the playground and plaza areas of the park. The anticipated completion date is late spring of 2022.



**Hollygrape Park ADA Improvements:** This project went back out to bid late last month. Staff is hopeful to get some better bids than we received this summer as construction has slowed down some due to the winter weather. If costs come back within budget this project will start right away, with an anticipated completion in early summer.

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## TRAIL PROJECTS

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**Central Oregon Historic Canal Trail -Crossing Safety Improvements:** BPRD is currently installing safety upgrades at the Blakely Road and Brosterhous Road crossings which includes new signage, pavement markings, and accessibility upgrades. The district intends to install additional upgrades at the Ferguson Road crossing in 2022 which includes: crossing illumination, signage, pavement markings and accessibility upgrades.



**North Unit Canal Trail:** BPRD is preparing to issue two RFPs related to development of Phase 1 of the North Unit Canal Trail between Canal Row Park and Deschutes Market Road. One RFP is for design, engineering, and permitting and the other is to hire a right of way agent to help with the complex property transactions that are expected. In November, BPRD presented the project to the North Unit Irrigation District Board of Directors to seek approval to begin design work on Phase 1. North Unit is currently reviewing the proposal and approval is pending.

## RIVER PROJECTS



**Miller’s McKay Columbia River Access Project:** The MMC project has begun with a pre-proposal meeting on site January 20<sup>th</sup> which consultants must attend for consideration if they wish to propose on phase one of the project. This initial phase, which could be partially funded by an OSMB grant, includes data collection, site survey, analysis, and other necessary reconnaissance to help inform the district on each project’s feasibility, and if determined feasible, allow the consultant to develop initial conceptual level designs, renderings, cost estimates, and permitting analysis at each of the selected project locations. The district may, at its discretion, decide to move forward with some or all project locations after reviewing the consultant’s proposal. If determined feasible, the district intends to enter into the second phase of the project and negotiate an amendment to the original agreement to include support for district led public outreach, preferred conceptual designs, design development, land use, permitting, construction documentation, bid services, and construction administration for the selected project locations.



**Riverbend South Access and Restoration Project:** With full funding for construction secured, staff and UDWC have begun to coordinate on what will likely be a long permitting process, with the goal of breaking ground on this project in the fall of 2022. Staff has also been working on an updated development agreement with UDWC for the construction portion of the project. This agreement will come to the board for approval in February.

## OTHER PROJECTS AND FUTURE DEVELOPMENT



**Talline Development – Park Search Area 5:** BPRD is coordinating with a consortium of small developers on a preferred conceptual design development on the Shevlin Sand & Gravel property. The proposed development would include a mix of residential and commercial properties as well as a contiguous neighborhood park and natural area. BPRD is currently in preliminary negotiations with the developer group regarding potential acquisition and management of the park & natural area by BPRD.



**Murphy Road Development:** BPRD and JL Ward Co. are discussing 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 – Park Search Area 28:** 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 and a portion of the future High Desert Trail in this area. The Easton development is east of 15<sup>th</sup> Street and the newly opened Caldera High School. The development will include 763 new housing units, a 2.1-acre park, a recreation center, and additional trails within the development.

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**SDC Waivers for Affordable Housing:** Park SDC waivers for 388 units have been approved through coordination with the City of Bend’s Affordable Housing Committee. Following the board approval of an additional 150 waivers, a remaining 162 waivers are available through the end of 2022. Staff and legal counsel have completed the necessary deed restriction documents for seven of the developments, totaling 328 units. In addition, BPRD has approved SDC waivers for three temporary shelter projects, totaling 31 units.

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**Diversity, Equity and Inclusion (DEI) Initiative:** The final assessment report was shared at the January 18, 2022 board meeting. Spanish translation for part of the report is in progress. Development of the action plan, which will use the assessment report as the foundation, has kicked off.

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## Board Calendar 2022

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

### **March 1**

#### Work Session

- ◆ Tax Exemption programs – *Lynne McConnell, city of Bend (30 min – tentative)*
- ◆ Recreation Program Refunds – *Matt Mercer (20 min –tentative)*

#### Business Session

- ◆ Award Sawyer Park Asset Improvement Project design contract – *Bronwen Mastro (15 min)*

### **March 15**

#### Work Session

- ◆ Park Services Report: Work Order System – *Sasha Sulia and Joanna Edwards (20 min)*
- ◆ JSFC Pool Tank replacement project design build post construction evaluation – *Brian Hudspeth (15 min)*

#### Business Session

- ◆ Approve design consultant contract for McKay-Miller’s-Columbia river access study project – *Ian Isaacson (30 min)*
- ◆ Award Construction Contract Hollygrape Park ADA - *Jason Powell (15 min)*

### **April 5**

#### Work Session

- ◆ Needs Based Assistance Annual Report and Recommendation for Fiscal Year 22-23
- ◆ Mobility Analysis presentation – *Sara Anselment (60 min)*
- ◆ Community Sponsored Projects program update – *Rachel Colton (20 min)*

#### Business Session

- ◆ Approve Needs Based Assistance Plan for Fiscal Year 22-23
- ◆ Approve permanent utility easement at Riverbend Park – *Brian Hudspeth (20 min)*
- ◆ Approval of name for Project 155- Bend Golf Club Park site – *Rachel Colton (20 min)*

### **April 13 Budget Tour**

### **April 19**

#### Work Session

- ◆ Budget Committee

#### Business Session

### **May 3**

#### Work Session

- ◆ DEI Action Plan update – *Bronwen Mastro (30 min)*

#### Business Session



## **May 17, 19, 20 Budget Committee Meetings**

### **May 17**

Work Session

Business Session

### **June 7**

Work Session

Business Session

- ◆ Adopt Resolution No. XXX – Adopting a Revised Fee Schedule for System Development Charges, effective July 1, 2022 –
- ◆ Hold Public Hearing and Adopt Resolution No. XXX – Adopting the Budget and Making Appropriations for Fiscal Year 2022-23, and Adopt Resolution No. XXX - Imposing and Categorizing Taxes for Fiscal Year 2021-22 –
- ◆ Adopt CIP – *Michelle Healy*

### **June 21**

Work Session

Business Session

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

Park Services Report: Prescribed Fire – *Kevin Moriarty (30 min)*

Park Services Report: Hardsurface Program – *Alan Adams and Jason Monaghan (15 min)*

Update on Bi-lingual Communications – *Julie Brown and Kathya Avila Choquez (20 min)*

Sustainability Plan – *Bronwen Mastro and Joanna Edwards (20 min)*

Website Update/Data Sharing

Special/Public event policy – *Matt Mercer and Michael Egging (30min)*

Award GMP for Drake Park DRT Project – *Brian Hudspeth*

Parking Guideline Development Discussion – *Michelle Healy*

NUCT ROW and Design Consult Contract Approval – *Henry Stroud (30 min)*