



Bend Metro Park & Recreation District

June 21, 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

June 21, 2022

District Office Building | 799 SW Columbia | Bend, Oregon

## AGENDA



### 4:30 pm 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 Kelsey Schwartz to attend [kelseys@bendparksandrec.org](mailto:kelseys@bendparksandrec.org).

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

The board will meet in person, the public is invited to attend the meeting and provide public comment in-person. The public may also provide public input via the virtual Zoom link.

Please use the link below to join the webinar:

<https://us02web.zoom.us/j/87992316039?pwd=Q3B3UkV2UUtSRFpEdUt5ZmxUTmlEUT09>

Passcode: 249613

Or Telephone:

US: +1 669 900 6833

Webinar ID: 879 9231 6039

Passcode: 249613

### 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 in-person or virtually. Meeting attendees who wish to speak are asked to submit a comment card provided at the sign-in table. To provide a public comment virtually, 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. Recreation Registration Update – *Matt Mercer (30 min)*

### CONSENT AGENDA

1. Minutes: 06/07/2022

**BUSINESS SESSION**

1. Adopt Education Assistance Policy – *Theresa Albert (10 min)*
2. Accept Mirror Pond Donation from Mirror Pond Solutions – *Don Horton (20 min)*

**EXECUTIVE DIRECTOR’S REPORT**

**PROJECT REPORT**

**BOARD MEETINGS CALENDAR**

**GOOD OF THE ORDER**

**ADJOURN**



Accessible Meeting/Alternate Format Notification

This meeting location is accessible. Sign and other language interpreter service, assistive listening devices, materials in alternate format or other accommodations are available upon advance request. Please contact the Executive Assistant no later than 24 hours in advance of the meeting at [sheilar@bendparksandrec.org](mailto:sheilar@bendparksandrec.org) or 541-706-6151. Providing at least 2 business days’ notice prior to the meeting will help ensure availability.

<b>BOARD AGENDA COMMUNICATION</b>
-----------------------------------

<b>AGENDA DATE:</b>	June 21, 2022
<b>SUBJECT:</b>	Registration Update
<b>STAFF RESOURCE:</b>	Matt Mercer, Recreation Services Director
<b>PREVIOUS BOARD ACTION:</b>	None
<b>ACTION PROPOSED:</b>	None
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Community Connection
<b>Outcome:</b>	Exceptional customer and community experiences

**BACKGROUND**

Demand for recreation programs has returned to and in some cases exceeded pre-pandemic levels with many programs filling quickly after registration opens. With this, we have learned that demand is at times overwhelming our registration processes and technology resulting in a less than optimal customer experience. The Board will receive an update on actions being undertaken to improve the registration experience.

The Board will also receive an update on Kids INC registration for next school year. Staff conducted extensive outreach to help determine how to best serve the community with available resources. This resulted in some significant changes in the way the program is being designed and how registration is being conducted.

**BUDGETARY IMPACT**

No known budget impacts at this time that were not anticipated in the adopted FY 22-23 budget.

**ATTACHMENT**

None



Ms. Healy gave an overview of the presentation regarding the evaluation and recommendations for the Whitewater Park. She informed the audience that supplemental meeting materials are available in print and electronically. Copies of these documents are included in the minutes. Ms. Healy then provided information about the accident at the Whitewater Park based on the completed reports, the timeline of events, and the protocols followed. She said that immediately following the tragedy, a review was conducted by district staff involved in the park and its construction, three engineers from OTAK (the firm that designed and constructed the white-water park), and members of Bend Paddle Trail Alliance (BPTA).

Mr. Hudspeth presented slides that described the park engineering and how it is controlled. He discussed the water levels, the cubic feet per second (CPS), and the gates and wave structures. Ms. Healy followed with the three factors that staff members and emergency personnel believe contributed to the tragedy:

- gate system
- season water level
- surf equipment

Ms. Healy reviewed the current safety guidelines in place, and stated that while the district cannot make the river perfectly safe, the district is committed to looking at any safety measures that could be improved.

Mr. Hudspeth shared how the team designed a sweeper (or block) to fill the gaps between the static kicker and pneumatic gate. He said the pieces were bolted in and successfully installed before higher water level prevented installation. Ms. Healy presented the operational changes:

- Prohibit use of leashes
- Person safety gear
- Upgrading signage and communications
- Webcam installation
- Increase system air capacity

Mr. Rae from BPTA reviewed reminders regarding the river; including what can be changed, and what cannot. He said BPTA worked with experts (swift water rescuers, Bend Fire Department and experienced surfers and kayakers) to make the recommendations and keep the park as safe as possible. He added that leashes are a large concern and quick releases do not always work or something hinders their use. His final comments centered on the need for a reporting mechanism, increased education and awareness classes, signs, and members of the surfing community making a culture shift.

The board asked questions about the risks in the surf wave with the modifications and Mr. Hudspeth said that the river is wild with inherent risks and described several types of risks that would be difficult to anticipate. The board asked about the plan for educating users. Mr. Rae responded that there will be several education opportunities, he shared some of the ideas and promoted the idea of having ambassadors for the surf park.

## **VISITORS**

1. Members of community expressed concern over leashes being banned from the white-water park. Primary concerns were centered about retrieving a board downstream, the energy to swim that far down stream, and another river user getting hit downstream by the loose board.
2. Other comments and concerns were:
  - a. Lack of rescue equipment on scene
  - b. No lifeguard on site
  - c. Lack of webcam monitoring and what would happen if a wave shaper could not be reached.
  - d. Allowing specific types of leashes in the park and/or how they are allowed to be worn.
  - e. Not wearing a leash isn't that difficult or causes the problems expressed. It's rare a board gets that far away.

## **CONSENT AGENDA**

1. Minutes 5/3/2022

***Director Kropf made a motion to approve the consent agenda as presented. Director Borja seconded. The motion passed unanimously, 4-0.***

## **BUSINESS SESSION**

1. Accept Reopening Plan for the Surf Wave – Michelle Healy

Based on the Whitewater Park evaluation and review recommendations, Ms. Healy reiterated the district's position on the recommendations for the surf wave to reopen and requested the board's support for the plan.

Board members discussed their feelings around the event, expressed their condolences, and asked district staff remaining questions regarding the surf wave, safety measures, and the recommendations for reopening. Staff responded to the questions and satisfied board's inquiries. Director Hovekamp requested that with the recommendations offered, he would like to see the following provisions added:

- A review of leashes not being permitted on the surf wave
- A review of new leash technology if it becomes available in the future
- A review of periodic swift water rescue

Director Kropf asked about the realities of having a lifeguard and safety/rescue equipment at the park. Ms. Healy responded that staff were concerned about having equipment at the park that could end up causing more danger to users without proper training, or misuse by the high numbers of users in the area during the summer. Based on review and the force of the water, neither a lifeguard nor safety equipment could have saved the surfer in this situation. Finally, Ms. Healy and Mr. Richards discussed the reality of having a lifeguard and why it is not feasible.



Director Borja added comments that he would like to see the recommendations put forward by Director Hovekamp including a website portal for users to submit concerns or issues at the whitewater park for district staff.

***Director Hovekamp made a motion to approve the reopening plan for the Surf Wave with additional board recommendations. Director Borja seconded. The motion passed unanimously, 4-0.***

2. Adopt Resolution No. 2022-03 Adopting the 2023-2027 CIP – *Michelle Healy*

Ms. Healy said there have been no changes to the capital improvement plan (CIP) since presented to the board previously and requests the board adopt the CIP as it stands.

Director Hovekamp asked about the district’s responsibility to reassess the South UGB (urban growth boundary) project to fulfill the commitment to the community for trail inequities and access in that area of town, the approved bond, and protection of the river long term. He asked if money could be removed from the miscellaneous trail fund and put toward a separate feasibility assessment project.

Ms. Healy discussed the options available for how that could be done and whether or not it needs to be a separate project at this time or in the future. Board members discussed options and agreed that funds should stay how they are at this time and can be formalized in a subsequent fiscal year. Ms. Healy suggests having a future meeting between the board and staff to discuss a plan and schedule. Executive Director Horton suggested another option of adding to the annual action plan.

***Director Kropf made a motion to adopt Resolution No. 2022-03 - Adopting the 203-2027 CIP as presented. Director Borja seconded. The motion passed unanimously, 4-0.***

3. Hold Public Hearing – Adopting the Budget and Making Appropriations for Fiscal Year 2022-23  
a. Adopt Resolution No. 2022-04 – Adopting the Budget and Making Appropriations for Fiscal Year 2022-23

Director Schoen opened the public hearing for adopting the budget and making appropriations for fiscal year 2022-23. There were no public comments and she closed the public hearing. Director Kropf noted that the last few years have been volatile financially and requested the board and district staff review the fees charged at district facilities as the economy normalizes.

Mr. Mercer noted that the district is currently operating at the low end of the cost recovery model. He said operation costs have increased including staff wages and fees for facilities have not kept pace with these increases and inflation.

***Director Kropf made a motion to adopt Resolution No. 2022-04 - Adopting the Budget and Making Appropriations for Fiscal Year 2022-23 as presented. Director Hovekamp seconded. The motion passed unanimously, 4-0.***

- b. Adopt Resolution No. 2022-05 - Imposing and Categorizing Taxes for Fiscal Year 2022-23 –  
*Kristin Donald*

Ms. Donald said there have been no changes to the resolution since last presented to the board.

***Director Borja made a motion to adopt Resolution No. 2022-05 - Imposing and Categorizing Taxes for Fiscal Year 2022-23 as presented. Director Hovekamp seconded. The motion passed unanimously, 4-0.***

**EXECUTIVE DIRECTOR’S REPORT**

Ms. Healy announced to the board that Tom Fisher resigned from the Naming Committee and his leaving an open position to be filled this fall.

**PROJECT REPORT**

**BOARD MEETINGS CALENDAR**

**GOOD OF THE ORDER**

- Director Hovekamp commented that while visitors did not follow proper protocol for comment at this meeting, he does not want to curtail positive and respectful public comment for important items like this.
- Director Schoen expressed appreciation for the board’s patience with all the comments and discussion tonight even though protocol was not always followed. She said it was important for the group to speak and share their thoughts. She also thanked Ms. Donald for the careful and thoughtful planning over the last few months on the budget documents.

**ADJOURN** 8:12 pm



Prepared by,

Kelsey Schwartz  
Administrative Assistant

\_\_\_\_\_  
Ariel Méndez, Chair

\_\_\_\_\_  
Deb Schoen, Vice-Chair

\_\_\_\_\_  
Jason Kropf

\_\_\_\_\_  
Nathan Hovekamp

\_\_\_\_\_  
Zavier Borja



## **Bend Whitewater Park Accident Evaluation, Findings and Recommendations June 7, 2022**

### **Background**

On April 30, a Bend Park & Recreation District (BPRD) employee received a call about an event while it was in progress on the surf wave at Bend Whitewater Park. A river user was surfing with several other people when he went down in the surf wave and remained underwater. The surfer was submerged at the surf wave gates in the whitewater channel. The other river users present tried, without success, to free the surfer. This phone call was concurrently timed with the call to 911 by whitewater park users on site.

The BPRD employee immediately started the emergency response protocol developed in consultation with Bend Fire Department. This protocol requires the flow control gates upstream of the surf wave to be lifted/closed to reduce water flows into the whitewater channel and to divert more water into the fish ladder. While the flow control gates were reducing water volume in the area of the entrapment, the employee observed on the webcam that the surfer still appeared to be submerged. Next, the surf wave gates were lowered, which ultimately released the surfer.

Surfers on-site retrieved the surfer and started cardiopulmonary resuscitation (CPR) until Bend Fire Department reached the island where the surfer received further treatment. Bend Fire Department took over emergency responses. The rescue effort by surfers while the victim was trapped lasted approximately six minutes. Paramedics arrived at the scene and administered lifesaving protocols for approximately 35 minutes and then transported the surfer to St. Charles Hospital. The surfer passed the following day.

### **Reviewers**

The Bend Whitewater Park and the operation of the site were inspected by three groups who conducted a thorough evaluation. The three groups were:

1. BPRD staff – A staff team most familiar with the construction and operation of the surf wave inspected the site on May 2-5.
2. Engineers – A team of three engineers, one from OTAK and two from River Restoration (whitewater park designers), visited the site on May 5. They evaluated the entire whitewater park, including the conditions of the surf wave.
3. Whitewater Users/Responders Committee – A committee was convened by the Bend Paddle Trail Alliance (BPTA) consisting of experts in swift water rescue, Bend Fire Department, and experienced kayakers and surfers reviewed the modifications recommendations and overall operations of the park. They met on May 13 and May 20. BPTA's recommendations are attached.

## **Mechanics of Bend Whitewater Park**

The surf wave operates with a pneumatic bladder system that raises and lowers two gates in order to shape the wave. The gate system operates remotely from an iPad controlled by one of two BPRD staff members. In order to keep the wave in optimal surfing condition, additional pneumatic gates are used to:

- divert flows between the channels of the park,
- maintain habitat levels for endangered frog species,
- control fish ladder flows to facilitate fish passage,
- maintain upstream fire suppression pools,
- mitigate frazil ice and ice dams, and
- aid in rescue/recovery situations.

All 26 gates must be monitored throughout the day and evening. Staff members monitor the wave and other river conditions while on-site and remotely. This effort is continual due to fluctuations in river flow.

The surf wave has been closed to public use since the accident in order for the wave and its features to be evaluated. The principal engineer prepared an inspection report following the evaluation on May 5. The bulk of the findings in the report focus on general operations of the entire park and are not specific to the surf wave. The purpose of inspecting the entire park was to identify potential hazards elsewhere and to evaluate the overall condition of the facility that opened in 2015. Per the assessment report, the park was observed to be working well, in operable condition with normal levels of wear and tear for its age.

## **Contributing factors to the accident**

Video evidence indicates that the surfer fell off his board at the interface between the static wave block and pneumatic (moveable) gate, on river left. In this location, there is approximately a 1.5" - 2" space between the static block and the pneumatic gate. There is also approximately a 3" space between the bottom of the gate and the concrete base where the bladder and gate attach to the bottom slab of concrete that supports the wave feature.

Water levels on April 30 were seasonally low, which can make it more likely for a surfer to come in contact with the bottom of the river and/or the gate system. During higher water levels this condition becomes far less likely.

The surfer was wearing a surf-leash with a quick release, which connects the board to the surfer's leg. Upon inspection days later, the leash is gray in color and is marked with black rubber across the majority of the length of the leash. The leash was significantly stretched and severed, indicating it experienced intense pressure/load. The black rubber markings likely came from the rubber framing around the pneumatic gate. The black rubber framing is intended to provide protection to a surfer from falling onto the edge of the steel plate.

A combination of the location on the wave where the surfer fell off his board, the low water levels, and the concurrent load placed on the surfer's body from the leash and surfboard caught in strong current enabled the surfer's foot, to become trapped at the interface between the static block and pneumatic

gate. It is unknown if the surfer's ankle slipped between the wave blocks by water pressure and body weight alone or if the extreme leash tension pulled the surfer's leg deep into the juncture of the two blocks.

### **Risks Assessment**

The Bend Whitewater Park is located within a dynamic river. Rivers change, carry debris (some of which can be hazards), and exhibit different flow conditions each day and throughout the day. Much attempt has been made to minimize risk, but it is not possible to eliminate all risk associated with the river. As in other recreation activities such as skate parks, swimming pools, or bike parks, inherent risk exists. The district works to minimize these risks through proper design, and implementation of operational safety measures to be carried out by staff and users, each having an important role.

Current signage addresses anticipated risks that existed prior to this accident. There is a sign located along river-left that talks about how to use the facility and a second sign at the surf wave put-in that instructs surfers not to use leashes as they can get tangled and cause death. Other district information about the whitewater park also includes warnings about the use of leashes at the park.

The placement of sweepers between the gates will reduce the chance a body part can be entrapped, but may not eliminate a cord or leash carried by a surfer. The gaps between the static and pneumatic gates prior to this accident were not perceived. Even though it is believed the leash is a contributing factor, the gap between the gates should be addressed in order to reduce this area as a risk.

Use of personal floatation devices (PFDs) by all river users would be wise. The use of PFDs on waterways in Oregon is under the jurisdiction of the Oregon State Marine Board. Other agencies have no authority to create or enforce rules on waterways. There are no state regulations for non-boaters in Oregon, which includes surfboards, body boards, inner tubes, float tubes, and anything else that isn't classified as a vessel, or viable means of transportation. In other words, unless there is a paddle or some type of motor involved, it isn't a boat and therefore isn't regulated by state authorities.

The Marine Board's regulatory authority only extends to boats, and they have no jurisdiction over the non-boating public. It would take an act of the Legislature to require PFD or helmet usage on water craft other than boats. It is recognized, however, that use of both helmets and PFDs would add to river user safety and should be strongly encouraged.

The surf wave is only one area within the whitewater park used by river users and therefore other risks are present. Continuous communication about the hazards of the river, use of proper whitewater equipment such as helmets and PFDs, and no leashes should continue and be strengthened in order to reach greater compliance.

### **Recommendations and Reopening Considerations**

Recommendations have been developed and vetted by the engineering team and whitewater user/responders committee and include the following:

- A. Modifications to the Surf Wave Blocks** – Sweepers to be installed on the static blocks to eliminate any gap between the pneumatic gate and the static gate. The sweepers are to be installed onto the static gate and flush with the rubber edge framing attached to the pneumatic

gate. (Note: These sweepers were installed on May 25 in order to take advantage of low-water level conditions. Waiting could have rendered the modification impossible to accomplish until water levels recede in the fall. The installation of the sweepers accomplished the desired effect.)

#### **B. Operational changes**

1. Prohibit the use of leashes in the park. As described above, it is not within the jurisdiction of the district to create regulations on Oregon waterways; therefore, it will continue to be the surfer's responsibility to be equipped properly. BPRD staff will flatten the wave for all surfers if a leash is observed to obtain compliance with the rule change.
2. Moving forward, PFDs and helmets will be strongly recommended with signage emphasizing their use as standard river surfing gear. Helmets and PFDs worn should be properly fitted and meet appropriate standards for class III or IV whitewater. A communications campaign will be created to support river surfers with website information, handouts at local retailers, videos, social media, etc. This is expected to be a long-term effort, similar to the seasonal support for river floating.
3. Upgrade signage on the island accessing the surf wave (river-left) and at the surf wave staging area with whitewater safety guidance (i.e., reinforce no leashes, and strongly encourage use of helmets and PFDs as standard river surfing gear, and a phone number to call for immediate attention to emergency issues (911)).
4. The pneumatic gates operate off an air compressor to inflate and deflate the gate bladders. BPRD staff to research the ability to upgrade compressor air chamber to expedite movement of the gates. The faster gates move, the quicker the response times can be.
5. Add a BPRD webcam capable to zoom, tilt and scan to better monitor the whitewater park.

#### **C. Prior to reopening**

1. Install sweepers between the static wave blocks and pneumatic gates within the surf wave on river left and right. (Completed)
2. BPRD staff to meet with Bend Fire Department to review rescue protocol and to make changes as necessary to expedite river rescue efforts.
3. Create and install signage at the surf wave put-in and along river left to educate whitewater users about safety procedural changes: the prohibition of leashes, and strongly recommend the use of helmets, and PFDs. Begin communications campaign implementation as identified above.

Tentative reopening of the surf wave is scheduled for June 18 if the three items listed above are in place.

#### **Attachments:**

- Incident Report
- BPTA letter resultant from Users/Responders Committee



## **Incident Report**

On Saturday, 4/30/2022, I, Ryan Richard, BPRD River Recreation Specialist, was in the dining room at my personal residence of 414 Norton Ave.

At 1222 hrs, I received a phone call from Josh White. Josh is a kayaker, surfer, and longtime member of the WWP community and someone whom I've known for approximately 5 years.

Upon answering, Josh stated "Ryan, I think someone is stuck in the surf wave" (also known as the Green Wave, drop #3). I asked, "Right now?". He answered, "Yes".

I immediately hung up and retrieved my BPRD iPad from the kitchen. My iPad contains the controls for the gates within the WWP and other accessory tools such as live webcams, USBR river gauges, and weather conditions.

I immediately opened the Bend Bulletin sponsored webcam. I saw surfers actively diving onto the wave and other surfers on the island showing frantic and chaotic body language. I immediately knew that this was likely not a false call or report.

I closed the webcam and opened the program that controls the WWP gates. I then put flow control gates 5-1, 5-2, 5-3, 5-4, 5-5, and 5-6 into full inflate mode. This stops the maximum amount of water volume from flowing into the center whitewater channel, where the alleged entrapment was occurring. This procedure has been practiced by BPRD staff and in conjunction with Bend Fire/Rescue during training scenarios to help facilitate rescue. While the time to push the buttons to get the 6 flow control gates moving takes a matter of seconds, the time for the gates to move from their position to fully closed off is approximately 2-3 minutes, depending on river flow and other factors.

After hitting the buttons to lift the large flow control gates, I quickly switched back to the webcam. I could see the water volume decreasing as the flow control gates continued to close, but I saw surfers continuing to dive into the wave face area. Because of this, I made the assumption that there was still an active entrapment.

Based on this assumption, I quickly switched back to the controls for the WWP gates, and hit the full deflate/lower buttons on the two adjustable gates that are under the face of the surf wave (gates 3-4 and 3-5), commonly referred to as 'kickers'. Similar to the flow control gates, it only takes a second or two to hit the buttons, but the surf wave kicker gates take approximately 30 seconds to 1.5 minutes to fully lower, again, depending on conditions and initial gate position.

After hitting the buttons to lower the two surf gates, I again switched back to the Bulletin webcam. I first noticed that the wave had "crashed" meaning whitewater foam had covered the normally "clean" face of the wave, indicating a rapid and dramatic decrease in flow. Initially, surfers and bystanders were still near the suspected entrapment area, but within a few seconds of watching, I noticed one and then two

surfers suddenly point downstream, quickly followed by everyone involved running or diving into the water to move downstream (to the RIGHT from the webcam perspective) and out of view of the camera angle.

At this point, I assumed that the entrapped person(s) had been released. I took my iPad with the park controls and immediately got into my personal vehicle and drove as quickly as possible to the WWP.

As I was pulling up to the scene, I saw Bend Fire rescuers on the river LEFT "island" of the WWP at the river LEFT "groin" area of the 2<sup>nd</sup> drop feature known as "Cricket's Wave" actively performing CPR. At this point, I paused and took a large breath knowing that I had done everything possible to facilitate the releasing of the body and emergency personnel were actively attending to the victim. I parked my vehicle on the sidewalk of the Colorado Ave. bridge near river LEFT, near an embankment that I could walk down quickly and easily to access the park.

I made my way down to McKay Park area, walked through the walkway to access the river LEFT bank, and crossed the "Fish Ladder" (river LEFT channel) at Drop number 7 (which is directly in line with the surf wave).

During this walk, I received a call at 1235 hrs., 13 minutes after the initial call from Mr. White, from Deschutes County Dispatchers alerting me to the situation, as had been practiced in our training scenarios. I answered and told the dispatcher that I had already received a call from a patron and was on scene.

After accessing the River LEFT island, I began to walk downstream towards the resuscitative effort. As I was going towards this area, I encountered at least two surfers who were in wetsuits and who were presumably there at the time of the initial event.

I recall asking what happened, to which one or both responded simply, "His foot got stuck".

Knowing that surf leashes in a river have proven to be a massive risk factor in entrapment scenarios, I then asked if he was wearing/using a leash.

Their reply was, "Yes, but it was his foot that was caught".

From my previous experience in emergency medicine and my skills in interviewing people who are actively in a panicked state, I wanted to make sure that I did not lead or influence their answers in any way. So I asked the straightforward and open-ended question "How do you know it was his foot?".

Neither person was able to give me a direct answer to that question; they simply explained that they were sure it was his foot.

I interviewed several other surfers there during the time on scene and the conversations mirrored the first two.

When I then got to the resuscitation area, I asked a firefighter to speak to the incident commander or lead medic running the call. A Bend Firefighter/medic identified as the medic running the call. I informed him that I had the controls to the park and was ready to manipulate water as needed. I told him to give me about a 2 minute head's up when they were getting ready to transport the victim from the island to the river bank, which included crossing the "fish ladder" (River LEFT channel) via a 10 ft raft on a line. The lead medic confirmed reception of my message and agreed with the plan, again, as practiced in training scenarios



[Since the park doesn't have the ability to completely "stop" or cut off the river, the "fish ladder" (River LEFT channel for tubers) had taken all the extra water volume that was cut off from the "whitewater channel" (Center channel) for the rescue, making it much more powerful and swift than under normal circumstances. For this reason, I wanted to be able to put as much water as possible back into the CENTER channel to reduce the flow in the "fish ladder" to make the crossing with the patient easier.]

I then asked the Lead Medic if they had seen any "shockable rhythms". 2 main arrhythmias during cardiac arrest are "shockable", while Asystole (no pulse, no electrical activity on the monitor, commonly known as 'flatline', along with a condition known as PEA are NOT shockable, and usually are indicative of a worse outcome.

The lead medic replied, "Yes, we've shocked him multiple times".

I continued trying to interview the surfers present as best I could, but got similar information as before.

During the resuscitation, I moved down towards the patient's legs to inspect for injury. The patient's wetsuit had been cut off, but he still was wearing neoprene booties. I visually inspected the anterior of his legs from the knees down to the ankle where the surf bootie covered his feet. I saw no obvious signs of trauma. I also physically inspected his legs with my hands from his ankles down to his toes, feeling for deformity, crepitus, etc., of which I found none. I will say that I was not able to do a full trauma inspection as I did not want to interrupt or interfere with the active CPR, however, on my brief physical inspection, I again found no signs of trauma.

During this time, I also noticed a broken leash (the half with the ankle cuff on it that connects to the surfer) laying near the feet area of the surfer. I was not able to confirm with anyone if this was the patient's leash, although based on its position relative to the body and the fact that it was broken in half made me think it was likely his.

I was then approached by a Bend PD officer who asked if I could unlock the ladder on the river LEFT abutment wall, allowing access for responders on the bridge to the river LEFT island. There were two BPD officers waiting at the top of the ladder who came down after I unlocked it. They said that they wanted to be nearby the CPR scene to offer chest compressions if necessary.

A few minutes after the police accessed the island, I noticed another Bend FD member descending the ladder with a long splitboard. Once he made it to the resuscitation area, I again asked the lead medic if they were getting close to transport to which he responded, 'Yes'.

I watched as Bend FD attached a Lucas Device/Thumper that is a machine that does automatic chest compressions. They then transferred the patient onto the long backboard/splitboard. I had manipulated the upper flow control gates to reduce the flow in the 'fish ladder' and then Bend FD made a successful transport across without interrupted chest compressions thanks to the Lucas Device.

A Bend FD ambulance had positioned itself on the grass at McKay to help get the patient loaded quickly. A Bend Police cruiser had parked near the ambulance, on the grass as well. As soon as the patient was loaded and the crew was on board, the ambulance departed emergent (lights and sirens), escorted by the Bend PD officer.

I made the call to leave the two surf gates, 3-4 and 3-5, flattened (fully lowered position) to dissuade other users from getting on the wave, as I assumed at minimum an assessment needed to be made. I locked the access ladder and left the park.

## BEND PADDLE TRAIL



### **Bend Paddle Trail Alliance Whitewater Park Surf Wave Recommendation May 30<sup>th</sup>, 2022**

**To: Don Horton and Staff  
Bend Parks and Recreation District  
Bend, OR Community**

It is our recommendation that in order to re-open the surf wave to the Bend Community a few physical and behavioral changes must be made. These recommendations are based on our Boards' collective experience, industry standard protocol for recreational users within whitewater corridors, and collaboration between First Responders, Whitewater Kayakers, Swiftwater Rescue Professionals, River Surfers, and River Industry Outfitter/Business Owners.

We also feel very strongly that the community, Bend Parks and Recreation District, specific recreational user groups, and First Responders understand that the Whitewater Park will always have inherent risks associated with recreational use that can't be eliminated by physical or behavioral changes.

It is our hope that the recommended changes below will help mitigate the risks associated with whitewater park use to the greatest extent possible. Pairing these changes with additional education outreach would be a pro-active and responsible approach by the Bend community to continue enjoying this amazing amenity.

#### **Physical Changes:**

It is our understanding that based on the in-water work conducted by Bmprd May 25<sup>th</sup>, 2022 the gaps associated with the earlier entrapment have been covered with a manufactured shim. At this point, BPTA does not recommend additional physical changes.

#### **Behavioral Changes:**

1. **No Leash:** While it is not definitive that a leash was instrumental in the incident, we believe that it is likely that a river leash worn around the calf contributed to the physical entrapment. No leashes (including releasable leashes) should be allowed for use within the whitewater park.
2. **Personal Floatation Devices (PFDs):** River safety and regulatory associations within the whitewater community including the American Canoe Association (ACA), Rescue 3 international, the International Rafting Federation (IRF), and the Oregon State Marine Board all recommend the use of PFDs in whitewater. The middle channel in the Bend Whitewater Park is considered to be class III whitewater. Additionally, as many users of the surf wave have little experience in whitewater/moving water within a river (due to some surfers primarily having ocean surf experience) we strongly recommend that PFDs should be used by recreational users within the middle channel.

**BEND PADDLE TRAIL**

3. **Helmets:** The Whitewater Park utilizes concrete, hard metal surfaces, and rocks to create the recreational wave amenities. Helmets are standard for any recreational user within a whitewater corridor. We strongly recommend that helmets should be used by all recreational users within the middle channel.
4. **Incident Protocol:** BMPRD has a strong incident response protocol that worked extremely well during the entrapment incident. There has been discussion of an emergency “shut-off” on-site which BPTA strongly discourages because of the complexity of flow requirements within the three channels.
5. **Operations:** Without going into the details of operational jurisdiction and enforcement authority BPTA acknowledges that BMPRD has a unique position in controlling the surf wave. It is our recommendation that if leashes are utilized by recreational users then the wave should be “flattened.” This will inevitably change the culture at the surf wave and allow for community policing.
6. **Gear Loaner Station:** BPTA will work with BMPRD to provide the necessary PFDs and helmets as “loaners” for use in the whitewater channel. We have partnerships with outdoor manufacturers/river outfitters that will provide this gear at wholesale or lower pricing. Prior to “opening” the surf wave we highly recommend that we have a “loaner” station onsite. It is extremely important that we do not limit any community access because they lack the financial resources to purchase the necessary equipment to enjoy this community asset. BPTA will monitor this gear in conjunction with BMPRD, Tumalo Creek, Cubicle, and Bend Surf.

**Educational Outreach:**

1. **Signage:** BMPRD should work with BPTA, Tumalo Creek, Cubicle and Bend Surf to develop more specific signage on hazards and necessary gear for recreational use within the Whitewater Park. Additionally, we need to have emergency contact numbers on the surfer island to expedite emergency and first responder response if necessary.
2. **Community Whitewater Park Awareness Classes:** BPTA will work with BMPRD to coordinate and lead classes designed for education awareness of the hazards associated with moving whitewater. It is our recommendation that we provide classes throughout the season for the community at-large. An informational class focusing on whitewater safety specific to our park would be provided free of charge to the public. We anticipate this cost to be shared by both BPTA and BMPRD (if there is any cost.)
3. **Visual Assets:** We would encourage visual assets, such as a series of educational videos specific to the Whitewater Park that could be shown on social media, websites, tube rental locations, and other community venues. Additionally, an online course specific to whitewater safety in our local community would be a phenomenal asset for our youth.
4. **Advanced Ambassador River Awareness Training:** To create culture shift at the Bend Whitewater Park it is crucial to educate and empower the “power” users within the community. These people are either known in the community, use the park on a regular basis, or are industry professionals. It is our recommendation to subsidize advanced training for these users to allow

## **BEND PADDLE TRAIL**



**for a more “top-down” education outreach approach within the park. BPTA will administer and execute an advanced course (with BMRPD collaboration) utilizing a professional certified Swiftwater Rescue Instructor once or twice a year. A rough estimate of cost would be approximately \$400/person and would be by invite only or application process. Our recommendation is to train approximately 20 people annually at a rough cost of \$8k-10k.**



**Justin Rae  
President  
Bend Paddle Trail Alliance**

<b>BOARD AGENDA COMMUNICATION</b>
-----------------------------------

<b>AGENDA DATE:</b>	June 21, 2022
<b>SUBJECT:</b>	Education Assistance Policy
<b>STAFF RESOURCE:</b>	Theresa Albert, Human Resources Manager
<b>PREVIOUS BOARD ACTION:</b>	None
<b>ACTION PROPOSED:</b>	Adopt the Education Assistance Policy
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Employees & Workplace Culture
<b>Outcome:</b>	Employees have an opportunity to learn and grow
<b>Strategy:</b>	Plan for meeting future leadership transitions.

**BACKGROUND**

Personnel policies that have a budget impact, must be adopted or codified by the board. The new Education Assistance Policy has a budget impact as the policy provides reimbursement to employees for pre-approved tuition.

In an effort to encourage employees to professionally develop and to create a short and long-term retention tool, the district developed an Education Assistance policy that will reimburse an employee seeking education from GED through master's degree programs. The Education Assistance Plan is in compliance with the Internal Revenue Code Section 127.

Many promotional opportunities in the district require an education component. The Education Assistance policy, as well as the district's professional development plan process will assist employees in qualifying for promotional opportunities. While an employee attends school, the district continues to have a productive employee as the policy requires completion of the term while working their benefited position hours to receive reimbursement. Additionally, employees tend to remain with the district for many years given the opportunity to promote.

Contingent upon the district's funding ability, the policy provides for up to \$5,250 per year, with a lifetime maximum benefit of \$21,000 for benefited employees. Reimbursement includes tuition and books based on an employee receiving a C- or higher grade or a pass in a pass/fail grading system.

In the event an employee requests a reduction in hours which results in no longer qualifying for a benefited position, resigns, retires, removed from the orientation period or dismissed, the employee will lose eligibility status and will not be reimbursed for the current term. If the employee loses eligibility status due to a business decision such as layoff or moved to a non-benefited position, the employee will be reimbursed for the current term.

To participate in the Education Assistance Plan, employees will be required to submit a request form to their supervisor before the beginning of the term in order to be considered for reimbursement.

The district has requested the services of a third-party administrator, Professional Benefit Services, to administer the plan.

**BUDGETARY IMPACT**

In the 2022-23 budget the Board of Directors adopted on June 7, 2022, the district budgeted \$50,000 for education assistance.

**STAFF RECOMMENDATION**

Staff recommends adopting the Education Assistance policy effective July 1, 2022.

**MOTION**

*I make a motion to adopt the Education Assistance policy effective July 1, 2022.*

**ATTACHMENT**

Education Assistance policy



## **EDUCATION ASSISTANCE**

### **Purpose**

The district's purpose of this policy is to assist employees in funding education pursuits that benefit the employee and district. This Educational Assistance Plan (Plan) provides eligible employees education benefits under Section 127 of the Internal Revenue Code (IRC). This policy provides information necessary to guide employees and their supervisor in administration of the program.

### **Eligibility**

Contingent upon the district's funding ability, the Plan shall benefit employees who qualify, as defined below:

Employee status: After one year of district employment and currently in a benefited position with a satisfactory performance evaluation and not under formal disciplinary process. Time off to attend school does not count towards the 1040 hours for benefited positions. All course work is to be completed on employee's own time.

An active Professional Development Plan that mutually benefits the employee and district is required for employees in positions pay ranges 8 through 21.

This policy covers formal high school and degree programs. Employees wishing to take classes for skill development or increased knowledge in an area of work are to seek assistance through their department's travel and training budget.

### **Education Assistance Guidelines**

Education assistance maximum contribution is determined by the Internal Revenue Service. Currently the reimbursement for each term is limited to \$2,000 up to \$5250 per year with a maximum lifetime benefit of \$21,000.

The district may have other scholarship or education assistance programs; employees are only eligible for one program.

Employee must be in a full-time or part-time benefited position, approved by the Board of Director, at the time of the reimbursement.

Education assistance reimbursement is limited to tuition and books.

Education assistance supports high school completion, including GED through college master's degree programs of accredited higher education institutions and accredited trade schools.

Employees shall be reimbursed only for classes that are included in the GED or college degree program they are pursuing. Classes taken for leisure or self-fulfillment will not be reimbursed.

Only classes passed with a letter grade of C- or better or a Pass for classes graded as pass/fail will be eligible for education assistance reimbursement. Grades lower than a "C-" or Fail for classes graded as pass/fail will not receive reimbursement.

Employee is expected to work for the district a minimum of 1040 hours during the 12-month period employee is attending school and seeking education assistance.

### **Loss of Eligibility**

An employee shall lose eligibility status in the Plan on the date the employee no longer meets the benefited position agreement and moved to a non-benefited position or is no longer an employee as a result of resignation, retirement, removal from the orientation period, or dismissal and will not be reimbursed the education assistance for the current semester, quarter or trimester.

If an employee is laid off, furloughed, or has lost benefit status due to business decision of the district, the employee retains the education assistance benefits under the Plan until the end of the current semester, quarter, or trimester.

### **Limitations of Education Assistance Benefits**

The amount of reimbursed benefits provided by the district shall at no time exceed the maximum amount allowed to be excluded from gross income by IRC Section 127 per calendar year. The district will reimburse eligible employees 100% of eligible costs, as defined in this policy, up to the IRC limitation amount.

Funding for the education benefit will be dependent upon available funding sources and the district's annual budget.

Any employee who receives a scholarship, fellowship, or other financial assistance from any public or private source, including a qualified tuition reduction is eligible to receive education assistance benefits under this Plan for the same plan year. Provided, however, that the amount of education assistance benefits provided under this Plan may be reduced by the amount of the financial assistance received, that when combined with the education assistance benefit, exceeds the total instructional and general fees for the academic semester,



quarter or trimester. It is the responsibility of the employee to provide the third-party administrator an accurate account of financial assistance received from outside sources.

### **Notification to District**

Employees interested in participating in the Plan shall submit an Education Assistance Plan Request form, expected reimbursement amounts and start and end dates of courses before the education activity begins in order to be considered for reimbursement under the Plan.

### **Reimbursements**

The district may use the services of a third-party administrator (TPA) to administer the Plan. Upon completion of the courses with a passing letter grade of "C-" or higher or Pass for classes graded as pass/fail, the employee must provide the TPA an official transcript of and original receipts for all items eligible for reimbursement to the district's TPA. The district will not reimburse any amounts already reimbursed by any financial assistance, scholarship, or any other financial benefit derived from public or private programs. The TPA shall reimburse the employee within 45 days of request and proper submission of supporting documents.

### **Plan Change or Termination**

The district reserves the right to change or terminate the Plan without prior notice. If the district ends the Plan, the district will reimburse all courses in process prior to termination, but will not reimburse any classes that begin after Plan termination and notification.

### **Procedures**

Employee submits Education Assistance Plan Request form to supervisor.

Supervisor and employee in professional level positions (pay range 8 and higher) jointly develop a Professional Development Plan.

Supervisor reviews and approves or denies the Education Assistance Plan Request.

Supervisor submits approved Education Assistance Plan Request form and, when applicable the Professional Development Plan, to department head for approval or denial.

Submit Education Assistance Request form and Professional Development Plan to Human Resources for processing with the third-party administrator and filing the documents in the employee's personnel file.

<b>BOARD AGENDA COMMUNICATION</b>
-----------------------------------

<b>AGENDA DATE:</b>	June 21, 2022
<b>SUBJECT:</b>	Accept donation of Mirror Pond from Mirror Pond Solutions
<b>STAFF RESOURCE:</b>	Don Horton, Executive Director
<b>PREVIOUS BOARD ACTION:</b>	December 18, 2018 - Adoption of Resolution No. 418 June 18, 2019 - Adoption of Resolution No. 430
<b>ACTION PROPOSED:</b>	Authorize executive director to finalize the donation agreement and execute all closing documents to accept the donation of Mirror Pond from MPS
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations & Management Practices
<b>Outcome:</b>	A balance between caring for existing infrastructure and new development
<b>Strategy:</b>	Ensure the district is maintaining its adopted level of service targets

**BACKGROUND**

The district is currently constructing a missing section of the Deschutes River Trail in Drake Park. As part of that project, district staff has been pursuing necessary trail easements from adjacent property owners to complete the project.

A portion of the trail project is being constructed on property owned by Mirror Pond Solutions (MPS), requiring the district to obtain a trail easement, or other rights from them. This is one of the last remaining easements necessary for the project. During the course of the negotiations for the easement, MPS offered to donate their ownership in the pond property (at no cost) to the district, rather than enter into a separate trail easement agreement. District's legal counsel has prepared a donation agreement with MPS for acceptance of their property. Key terms of the agreement are as follows:

- Closing will occur by July 1, 2022.
- Property is being donated "as is".
- MPS will convey fee simple title to the property, at no cost, to the district via a statutory bargain and sale deed. The deed will contain a restrictive covenant requiring the property to be used for public purposes.
- The district will receive a standard ALTA owner's policy in the amount of \$300,000.
- District has conducted its due diligence on the property including title and environmental review, and has until June 24, 2022, to raise any final objections.
- Bend Park and Recreation District Resolution No. 430 (City of Bend Resolution No. 3165) establishes a framework for an intergovernmental agreement (IGA) between the district

and the city of Bend for the preservation of Mirror Pond (sediment management). District acceptance of the donated property does not satisfy the requirements or preconditions for the IGA described in Resolution No. 430, and that the district is not obligated to fund its share of the Mirror Pond sediment removal project, or act as project manager for the project, unless and until an IGA is executed by the district and the city.

**BUDGETARY IMPACT**

There are no costs associated with the acceptance of this property other than some miscellaneous closing and legal costs associated with negotiating and finalizing the donation.

**STAFF RECOMMENDATION**

Staff recommends the board authorize the executive director to finalize the donation agreement and execute all closing documents required for the acceptance of the Mirror Pond property from MPS.

**MOTION**

*I move to authorize the executive director to finalize the donation agreement and execute all closing documents required for the acceptance of the Mirror Pond property from MPS.*

**ATTACHMENT**

None

## Board Calendar 2022-2023

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

### **July 5**

#### Work Session

#### Business Session

- ◆ Elect Board Chair and Vice-Chair
- ◆ Appoint Board Secretary
- ◆ Appoint Legislative Liaison
- ◆ Approve Board meeting dates and time
- ◆ Adopt revised Easement Policy – *Brian Hudspeth (20 min)*

### **July 19**

#### Work Session

#### Business Session

- ◆ Approve Human Resources Management System (software) – *Justin Sweet (30 min)*
- ◆ Approve JSFC Outdoor Pool Renovation Contract – *Matt Mercer and Justin Sweet (20 min)*
- ◆ Approve preferred concept for Little Fawn Park – *Ian Isaacson (15 min)*
- ◆ Approve Park Event Rentals Policy – *Michael Egging and Becky Rexford (20 min)*
- ◆ Approve Executive Directors Evaluation

### **August 2**

#### Work Session

#### Business Session

### **August 16**

#### Work Session

#### Business Session

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

### **September 6**

#### Work Session

- ◆ Strategic Plan update – *Rachel Colton (20 min)*

#### Business Session

### **September 20 NRPA Conference**

### **October 4**

#### Work Session

- ◆ Budget Committee Process – *Eric Baird*

#### Business Session