



Bend Metro Park & Recreation District

December 20, 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

December 20, 2022

District Office Building | 799 SW Columbia | Bend, Oregon

## AGENDA



The board will meet in person with a virtual link to the regular meeting. The public may provide public input in-person at the meeting or 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**

## 5:30 p.m. CONVENE MEETING

### VISITORS

The board welcomes input from individuals at our public meetings about district-related issues. Members of the community who wish to make public comment may attend the meeting in-person or virtually. To provide public comment virtually, click on the "Raise Hand" option on the Zoom platform. You will be called into the meeting in the order received. Visitors should turn on their cameras and microphones when speaking to the board. All remarks should be limited to 3 minutes or less and relevant to a topic on the agenda. Please fill out a visitor comment card if you wish to make public comment. If there are questions, follow up will occur after the meeting. Thank you for your involvement.

### WORK SESSION

1. Out of District Registration – *Matt Mercer (20 min)*

### CONSENT AGENDA

1. Minutes 11/15/2022
2. Minutes 12/06/2022

### BUSINESS SESSION

1. Sawyer Contract Amendment – *Bronwen Mastro (10 min)*
2. Legislative and Advocacy Procedures: Resolution No. 2022-09 – *Don Horton (20 min)*
3. Board Finalists Selection – *Don Horton (20 min)*

4. Budget Committee Applications Discussion – *Kristin Donald (15 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>
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<b>AGENDA DATE:</b>	December 20, 2022
<b>SUBJECT:</b>	Out of District Registration
<b>STAFF RESOURCE:</b>	Matt Mercer, Recreation Services Director
<b>PREVIOUS BOARD ACTION:</b>	Feb 19, 2019 Approved User Fees and Charges Policy
<b>ACTION PROPOSED:</b>	Provide direction
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Community Connection
<b>Outcome 2</b>	A community better informed about the District
<b>Outcome 3</b>	District services that are accessible to all
<b>Outcome 4</b>	Exceptional customer and community experiences

**BACKGROUND**

The Board approved the current User Fees and Charges Policy on February 19, 2019. Section IV of the policy (attached) addresses Out-of-District Use and Fees. Consistent with this policy, the District currently charges an additional 20% fee to out-of-district residents for most recreation programs and rentals. This additional fee is intended to ensure out-of-district residents pay their fair share for services while limiting subsidy from in-district residents. The policy states, "In the event that non-district participation significantly displaces district residents, the district will consider implementing priority registration to in-district residents through early registration or other means". The district does not currently offer priority registration for in-district residents meaning that out-of-district residents can register for programs concurrent with in-district residents. With the current high demand for many programs and services and the limited capacity to meet this demand, staff has requested that the board provide direction regarding whether or not to consider in-district resident priority for future registrations. Staff is not seeking a final decision but rather direction on whether or not to develop a plan and recommendations. Following is a summary to help inform board discussion and direction.

The district had priority registration for in-district residents prior to 2011 but stopped the practice due to the unnecessary complications of having two different registration dates. At the time, the district had enough capacity in most programs to provide for both in-district and out-of-district demand.

Currently and historically, out-of-district participation has represented approximately 10% of overall registration. It is important to note that programs conducted in partnership with Bend La-Pine Schools are exempt from out-of-district fees and presumably registration. This includes Kids INC Afterschool Program and Middle School Basketball League. Additionally, drop-in use at

recreation facilities do not charge an out-of-district fee due to the resources that would be required to implement and the resulting customer service issues it would create.

#### Advantages of priority in-district registration

- Ensures district residents who pay taxes to support district operations have the opportunity to register for programs before non-residents.
- Will result in an increase in the percentage of in-district participation in most programs.
- Helps inform people who are out-of-district residents (although already likely to know through paying out-of-district fees).

#### Disadvantages of priority in-district registration

- Complicates registration process and communications by creating additional registration dates.
- Creates some confusion for customers as district boundaries are different from City of Bend and Bend La Pine School boundaries (although it can also serve to educate and inform people).
- Decreases revenue by reducing the number of out-of-district residents and thus the out-of-district fees collected.
- May result in some programs not filling to capacity and/or meeting minimums, especially for traditionally lower demand programs and economic downturns.
- May result in people not being able to participate together due to resident status

#### Disadvantages to out-of-district residents

- Alienates out-of-district customers who will find it increasingly difficult to participate in district programs and may feel they are already at a disadvantage by paying out-of-district fees.
- It will make it very difficult for out-of-district residents to access critical, high demand programs such as swim lessons and summer all-day camp programs.

#### **BUDGETARY IMPACT**

Out of district fees account for about 1% of overall recreation revenue or an estimated \$100,000-\$120,000 in the current fiscal year. Delaying out-of-district registration would decrease the number and percentage of out-of-district registration in programs resulting in less revenue from out-of-district fees. It is difficult to predict the decrease but assuming a decrease in out-of-district participation of 50%, this reduction in revenue would be \$50,000-\$60,000. There are not additional expenses related to delaying out-of-district registration although it will require some additional messaging.

#### **STAFF RECOMMENDATION**

None at this time. Staff will develop a recommendation should the board provide direction to pursue an in-district priority registration.

#### **ATTACHMENT**

User Fees and Charges: Section IV

## **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



# Board of Directors

November 15, 2022

District Office Building | 799 SW Columbia | Bend, Oregon

## AGENDA



*A video of the entire board meeting can be viewed on the website:*  
<https://www.bendparksandrec.org/about/board-meeting-videos/>

## BOARD PRESENT

- Deb Schoen
- Jason Kropf
- Nathan Hovekamp
- Ariel Méndez
- 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, Assistant to the Executive Director
- Michael Egging, Recreation Business Manager
- Joelle Elston, Customer Service Supervisor
- Lee Sherwin, Landscape Crew Supervisor
- Theresa Albert, Human Resources Manager
- Alicia Gifford, Recreation Administrative Assistant

## VISITORS

Justin Gottlieb – Thanked the board for their time and handed a letter to each of them. The letter is attached to the minutes.

## WORK SESSION

1. ORPA Leadership Academy – *Joelle Elston, Lee Sherwin, Michelle Healy*

Ms. Healy introduced Joelle Elston and Lee Sherwin. She explained the ORPA Leadership Academy as a program in partnership with Portland State University. She said the program is seven months of in-person and virtual participation; sixteen candidates participated and included education sessions, capstone project and work with an assigned mentor. She reviewed the timeline for next year and said that more staff will be invited to apply to the program.



Mr. Sherwin spoke about his experience in the academy and his capstone project. The project had to be independently done, contribute to the agency and be beyond the current scope of work while meeting the expectations of the academy.

Mr. Sherwin reviewed his project on creating drought tolerant and sustainable landscapes plan. This included the purpose of the plan and the desired outcomes. He said the academy was a great experience.

Mr. Elston shared her capstone project on childcare options for district employees. She gave an overview of the presentation and spoke about the challenges of finding affordable childcare for working families. She next shared her experience with the academy and said it promoted creativity and was a good experience overall.

## 2. Budget Committee Applications and Review Process – *Kristin Donald*

Ms. Donald reviewed the process for selecting new budget committee members. She said that one question on the application was changed due to board guidance at a previous meeting. The board discussed further outreach to the community for these types of positions.

## 3. Board Position Appointment – *Don Horton*

Executive Director Horton said that Director Méndez has notified the district of his intent to resign from the board leaving his position open. Director Kropf said he is not likely to be able to continue to serve past January due to the heavy schedule in his position in the legislature. He shared his concerns about appointment of board replacement members and said his preference is that the voters decide and asked if someone could fill in for the interim and not run for election of the position.

Executive Director Horton reviewed the process for appointment and candidate selection. He said the timeline mirrors the budget committee process.

## 4. Registration Process Update – *Matt Mercer and Michael Egging*

Mr. Mercer spoke about the team that was convened to review the process of registration. He said Mr. Egging leads the team that meets weekly.

Mr. Egging reviewed some of the detail of team and the topics they are addressing. He said they sent out a survey to patrons using the registration system and shared the results. From the survey and workgroup, the district decided to stagger the registration over a few days, upgrade the internet connection, moved the main website to another server from the registration server, and added a virtual waiting room. The waiting room will give staff the full picture of registration numbers and trends in registration.

**Director Kropf left the meeting for another engagement prior to the business session.**

## **CONSENT AGENDA**

1. Minutes 10/18/2022
2. Codify Personnel Policies
3. Approve the purchase of replacement vehicles

***Director Méndez made a motion to approve the minutes. Director Borja seconded. The motion was approved unanimously, 4-0.***

## **BUSINESS SESSION**

1. Resolution No. 2022–08, Approving Juneteenth Holiday – *Theresa Albert*

Ms. Albert gave some background on Juneteenth and spoke about the importance of the holiday. She said the district is following other government agencies in granting this paid holiday to employees.

***Director Hovekamp made a motion to adopt Resolution 2022-08 designating Juneteenth Independence Day as a district holiday and to recognize the importance of this day by granting paid leave for the employees of the district. Director Méndez seconded. The motion was approved unanimously, 4-0.***

2. Approve Paid Family Medical Leave Insurance employee contribution pick-up – *Theresa Albert*

Ms. Albert explained that this insurance is intended for medical leave by the State of Oregon. She reviewed some of the circumstances that are eligible and added that the executive team would like the district to pick up the employee cost for this new insurance.

***Director Méndez made a motion for the district to pick-up the employee's 60% PFMLI payroll tax contribution. Director Borja seconded. The motion was approved unanimously, 4-0.***

## **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Horton made the following remarks:

- He invited the board to attend the LCA Luncheon on Dec 1<sup>st</sup> from 11:30-1 at Unitarian Universalist Fellowship.
- He gave an update on the fish passage project stating that three parcels of property have been identified as a potential place for the fish ladder. All three properties are owned by the same person and they are open to discussing the project. He described the other options, challenges and potential costs.
- He informed the board about the National Special Districts Coalition formed in 2018 to allow special districts to be more involved in Federal legislation. He said he was asked to serve on the park and recreation committee to work with a lobbyist and two meetings have happened

so far. Two topics discussed include the ARPA funds that were not given to special districts and a related agenda item to consider a resolution for the executive director or legislative liaison to act on legislation on behalf of the district.

**PROJECT REPORT**

**BOARD MEETINGS CALENDAR**

**GOOD OF THE ORDER**

- Director Méndez said he is impressed with how the district shows it cares for it's employees. Native American Heritage month, he listened to some speakers about this and met some of the participants. He offered to help with contacts to help support cooperation and input with Warm Springs Tribe. Commended Julie Brown on her handling the difficult situation with the Silver Sneakers program.
- Director Borja said the ORPA Conference was a great experience, he mentioned the awards and thanked staff for all they do.
- Director Hovekamp said the board will have some homework to do with the upcoming board appointments.
- Director Schoen said the ORPA Conference is a pleasure to attend and she experienced the level of service that the district does for the event. She gave credit to Ms. Healy as the ORPA board president over the last year. She recommend that everyone watch the film, Elemental, on wildfire.

**ADJOURN** 7:29 pm



Prepared by,

Sheila Reed  
Executive Assistant

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Deb Schoen, Chair

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Nathan Hovekamp, Vice-Chair

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Jason Kropf

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Zavier Borja

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Ariel Méndez



# WE CAN

Justin Gottlieb, Managing Director | [justin@weCANoregon.com](mailto:justin@weCANoregon.com)

November 15, 2022

BPRD Board of Directors  
c/o Public Testimony  
799 SW Columbia  
Bend, OR. 97701

### General Questions for Elected Leadership

(Poverty, homelessness, law and organizational structure)

Dear Sir or Madam,

Thank you for serving our community as an elected official. I look forward to your response. Please consider the following:

1. Is the objective of Human Resources protecting organizational liability or creating human value?
2. How do you interpret the legal language that states "the cure does not remedy the violation"? (ORS 90.427: Landlord-Tenant relationships)
3. What happens to individuals who find themselves at the bottom of the hiring process regardless of reason, rationalization, law, logic, individual situation, documentation and/or sustainable stabilization point?
4. Is it ethical and moral to employ individuals at a rate which does not cover basic and necessary expenses based on cost-of-living data?
5. Please define the following:
  - a) Recycling:
  - b) Redemption:
  - c) Capitalism:
  - d) Human Resources:
6. Which of the following is the most cost-effective and efficient method of public investment to assist individuals in achieving sustainable stability? Choose one:
  - a. A onetime budgetary expense of \$1,000 that will cause a reoccurring additional cost.
  - b. A reoccurring budgetary investment of \$5 per day plus time, energy and legwork.
  - c. An annual matching budgetary expense of up to \$12,775 plus (a).
  - d. An annual matching budgetary expense of up to \$12,775 plus (b).
  - e. An hourly wage.
  - f. All of the above.
  - g. None of the above.

Warm regards,



# Board of Directors

December 06, 2022

District Office Building | 799 SW Columbia | Bend, Oregon

## AGENDA



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

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

## BOARD PRESENT

- Deb Schoen
- Jason Kropf
- Nathan Hovekamp
- Ariel Méndez
- 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, Assistant to the Executive Director
- Michael Egging, Recreation Business Manager
- Joelle Elston, Customer Service Supervisor
- Jenny McGee, Community Outreach Supervisor
- Jason Powell, Construction Manager
- Brian Hudspeth, Development Manager

## VISITORS

None

## WORK SESSION

1. Riverbend and Farewell Bend Parks Access and Parking Analysis Draft Report – *Rachel Colton and Karen Swirsky, Kittleson & Associates*

Ms. Colton gave an overview of how the river access and parking study was conducted over the summer.

Ms. Swirsky presented the summary of the memo including the introduction, data collection and recommendations. She said if the district wanted to follow through with any of the recommendations that further study would be needed. She said the river access parks are very popular in the summer months and planned development will reduce existing parking.

The study confirmed the number of parking spaces available, parking lot occupancy in select lots, on-street parking and direct user feedback through intercept surveys. Ms. Swirsky spoke about the parking occupancy data collection, the use of drones and surveying on concert nights. She said that when lots are at 85% occupancy, they are full or overfull. She reviewed the survey revealing that most people were in the parks to float the river, most arrived by car, over half were local to Bend and most stayed 1-2 hours. Ms. Swirsky next spoke about the following recommendations.

#### Infrastructure vs. management

- New parking is expensive
- Management is flexible
- Make the most of BRPD's current investments

#### Management can:

- Make the most of the BPRD's current investments
- Be seasonally flexible
- Reduce the volume of traffic and environmental impacts
- Support a modal shift towards more sustainable modes of transport

#### Quick fixes:

- Increase bicycle parking
- Consider adding storage lockers
- Advertise existing pump stations
- Consider adding a pump station at Farewell Bend
- Clarify accessible and loading spaces with better signage
- Seek ways to increase use of the Park & Float lot

#### Longer Term Recommendations

- Conduct further parking use analysis at Farewell Bend Park
- Consider a Parking Management Plan for Farewell Bend and Riverbend Parks (time limitations, preferred carpool parking, pricing)
- Consider a parking district with Deschutes Ridge Business Park and/or Old Mill
- Consider investing in a people mover

The board commended the report and noted that the district would need to work with other agencies to create parking districts. Ms. Swirsky said that this would have to be managed as one parking district, require a lot more discussion and would not happen overnight. She said the costs of parking is the cost of land and land use, she added that asphalt creates heat and run-off, and new state rules want to limit free and abundant parking. The board discussed some of the recommendations and shared their thoughts on the recommendations and their ideas.

#### 2. ORPA Awards – *Michelle Healy*

Ms. Healy explained that the Oregon Recreation & Park Association (ORPA) awards were acknowledged at the annual conference that was held in Sunriver this year. She said that one district project and two staff members received awards.

The awards are as follows:

- Alpenglow Community Park won a Design & Construction award for large projects more than \$1.5 million.
- Jenny McGee, the district’s Outreach Supervisor, was recognized with the Rising Professional Award.
- Joelle Elston, BPRD Customer Service Supervisor, was recognized for her previous work in Corvallis and was named Aquatics Professional of the Year by the ORPA Aquatics Section.

District staff submitted award videos for Alpenglow Park and Jenny McGee. These videos were played for the board.

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director Horton reviewed the following:

- District staff have organized an internal giving campaign to benefit a FAN family and is requesting donations.
- Registration Successes: the registration plan worked and was a success, he added that today was a bigger test with swim lesson registrations and went equally as well. Swim lessons alone had 1900 enrollments in lessons and 787 on the waitlist. He explained that there is more capacity, but not staffing to add more. He said it was a multi team effort to make registration run smoothly.

**PROJECT REPORT**

**BOARD MEETINGS CALENDAR**

**GOOD OF THE ORDER**

- Director Méndez commended staff for the successful registration. He reminded the board that this will be his last meeting and remarked about the staff and volunteers and the quality of work that they do. He thanked the staff for working well with him and thanked the board for all their support. He said he looks forward to continuing to work with the park board in his position as a city councilor.
- Director Kropf commented on Director Méndez efforts and service to the board.
- Director Borja thanked staff for the work that they do and said staff’s efforts are reflected in the OPRA awards discussed tonight.
- Director Hovekamp thanked Director Méndez for his service on the board and wished him well on the city council,
- Director Schoen remarked about Director’s Méndez tenure on the board. She said she attended the Empowering Families luncheon and said it was interesting to learn about the wide array of services that they offer the Latino community.

**ADJOURN** 7:29 pm



Prepared by,

Sheila Reed  
Executive Assistant

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Deb Schoen, Chair

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Nathan Hovekamp, Vice-Chair

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Jason Kropf

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Zavier Borja

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Ariel Méndez



<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	December 20, 2022
<b>SUBJECT:</b>	Design Consultant Additional Services Contract Amendment for Sawyer Park Asset Replacement Project
<b>STAFF RESOURCE:</b>	Bronwen Mastro, Landscape Architect Brian Hudspeth, Development Manager
<b>PREVIOUS BOARD ACTION:</b>	November 16, 2021 – Sawyer Park Project Review March 01, 2022 – Approve Design Consultant Contract October 04, 2022 – Approve Preferred Concept Design October 04, 2022 - Adopt Resolution No. 2022-06 authorizing a 2022 Land and Water Conservation Fund Grant Application for Sawyer Park
<b>ACTION PROPOSED:</b>	Approve Design Consultant Additional Services Contract Amendment
<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**

Sawyer Park is a 58.35-acre community park in northwest Bend that stretches along both sides of the Deschutes River. Formerly an Oregon State Park, it was dedicated to the district in 1980. Much of the park needs repair as it has gone beyond normal maintenance. The existing paving is rutted and pot-holed, and the park's layout and spatial planning needs to be reviewed and adjusted to meet current demand and safety concerns.

The district's 2018 Comprehensive Plan, which is the guiding plan for the next ten years of parks and recreation in Bend, identifies a renovation project at Sawyer Park. This project is included in the district's 2023-27 Capital Improvement Plan (CIP) for implementation. The scope of the project is to evaluate the capacity and location of the parking area, trails, landscaping and address ADA accessibility.

On March 01, 2022, the Board of Directors awarded a Professional Design Services contract to GreenWorks P.C. to prepare a concept design for the park.

On October 04, 2022, the Board of Directors approved the Preferred Concept Design for the project. Based on feedback from community outreach efforts, the concept design includes an expanded

scope. Features of the expanded scope include: permanent restrooms, extended accessibility improvements and additional picnic facilities.

Also, on October 04, 2022, the Board of Directors adopted Resolution No. 2022-06, which authorized the executive director to apply to the Oregon Parks and Recreation Department for a 2022 Land and Water Conservation Fund grant in support of improvements at Sawyer Park. If received, this grant funding will be used to support the design and construction of this expanded scope. The grant application was submitted on November 1.

An archeological site is recorded within the park boundary and overlaps the project area. The consultant team already conducted a pedestrian survey and surface inspection of the project area. Because of the high potential for buried archeological deposits, subsurface archeological testing is required. To complete the subsurface testing an Oregon State Historic Preservation Office (SHPO) permit is required. In coordination with the Confederated Tribes of the Warm Springs Reservation and SHPO, the consultant team developed a proposed work plan as part of the SHPO permit application. The application was submitted December 7, 2022 and is currently under review by SHPO.

Artifacts encountered by the subsurface testing will be collected and curated. It is unknown how many artifacts will be encountered until the work is complete, however a quantity has been estimated based on a tally from a test unit excavated on the east side of O.B. Riley Rd.

The work required to complete design of the expanded scope and subsurface archeological testing were not anticipated in the original scope of work and were not included in the Professional Design Services contract awarded to GreenWorks P.C. in March. Work to develop the conceptual design of the expanded scope has depleted the project contingency originally approved. GreenWorks P.C. submitted an additional services request to complete the work mentioned above, however, this requires the board approve additional funding before approving the change request.

**BUDGETARY IMPACT**

The 2023-2027 CIP allocates \$1,100,000 for the project - \$850,000 in property tax funds and \$250,000 in a potential future grant to support construction.

The GreenWorks, P.C. contract funding and proposed addition is broken down as follows:

Current board approved funding for GreenWorks, PC contract, including 10% contingency	\$199,760.55
Additional funding required to complete design, archeological investigations and permitting, including a 10% contingency	\$140,520.14
Proposed revised board approved total funding allocation	\$340,280.69

**STAFF RECOMMENDATION**

Staff recommends approving the addition of \$127,745.58 to the Greenworks, P.C. contract, plus an additional 10% contingency of \$12,774.56 to complete the design, archeological investigations and permitting of the Sawyer Park project.

**MOTION**

*I move to approve the addition of \$127,745.58 to the Greenworks, P.C. contract, plus an additional 10% contingency of \$12,774.56 to complete the design, archeological investigations and permitting of the Sawyer Park project.*

**ATTACHMENT**

None

<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	December 20, 2022
<b>SUBJECT:</b>	Approve Resolution 2022-09, Approving Legislative and Advocacy Procedures
<b>STAFF RESOURCE:</b>	Don Horton, Executive Director
<b>PREVIOUS BOARD ACTION:</b>	none
<b>ACTION PROPOSED:</b>	Approve Resolution 2022-09
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Community Relationships
<b>Outcome:</b>	The District is Strategic About Partnerships
<b>Strategy:</b>	Identify partnership opportunities in each functional area of the District and develop communications framework.

**BACKGROUND**

As topics of interest to Bend Park and Recreation District have come up in the past, there is often a need to respond quickly to legislative or regulatory proposals. Resolution 2022-09 provides clear direction to Bend Park and Recreation District staff and Board of Directors with regard to monitoring and acting upon bills during state and federal legislative sessions. The Legislative Advocacy Procedures and Advocacy Priorities will provide the Bend Park and Recreation District Executive Director, Board Chair, or other designee, discretion to advocate in Bend Park and Recreation District's best interests in a manner consistent with the goals and priorities adopted by the Board of Directors.

**BUDGETARY IMPACT**

None

**STAFF RECOMMENDATION**

Staff recommends the board adopt Resolution 2022-09 to authorize the executive director to approve the legislative advocacy policy.

**MOTION**

*I make a motion to approve Resolution 2022-09 to approving the Legislative Advocacy Policy.*

**ATTACHMENT**

Resolution 2022-09

**BEND PARK AND RECREATION DISTRICT RESOLUTION NO. 2022-09**  
**A RESOLUTION OF THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS**  
**ESTABLISHING LEGISLATIVE ADVOCACY PROCEDURES AND ADVOCACY PRIORITIES**

The purpose of this Resolution is to guide Bend Park and Recreation District (“District”) officials in considering legislative or regulatory proposals that are likely to have an impact on the District, and to allow for a timely response to important legislative issues, including monitoring and acting upon bills during state and federal legislative sessions.

**WHEREAS**, the Legislative Advocacy Procedures and Priorities, contained herein, will provide the District Executive Director, Board Legislative Liaison, or other designee (“District Officials”); discretion to advocate for Bend Park and Recreation District’s best interests. Adherence to legislative advocacy procedures will ensure that legislative inquiries and responses will be administered consistently with “one voice” and in compliance with the identified Advocacy Priorities; and,

**WHEREAS**, this Resolution provides District Officials the authority to take legislative positions without further Board of Director approval, as long as those positions generally adhere to the Advocacy Procedures and Advocacy Priorities contained herein or as periodically amended by the Board of Directors; and,

**WHEREAS**, it is the policy of District to proactively monitor and advocate for or against legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors. This process involves interaction with local, state, and federal government entities both in regard to specific items of legislation and to promote positive intergovernmental relationships. Accordingly, involvement and participation in regional, state, and national organizations and participating in their advocacy work is encouraged; and,

**WHEREAS**, whenever the Board of Directors’ position on an Advocacy Priority is unclear on how it pertains to the District, the matter shall be brought before the Board of Directors for formal direction; and,

**WHEREAS**, generally, District Officials will not address matters that are not pertinent to the District’s local government service authority as provided in ORS 266 and ORS 198, without first obtaining direction from District Board of Directors; and,

**WHEREAS**, monitoring legislation is a shared function of District and government associations such as Special Districts’ Association of Oregon and Oregon Recreation and Park Association.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bend Park and Recreation Board of Directors authorizes District Officials to advocate on behalf of the District in adherence to the following Legislative Advocacy Procedures and Advocacy Priorities:

**ADVOCACY PROCEDURES:**

1. District Officials shall review legislative concepts and bills to determine if the legislation (or concept) aligns with District’s current adopted Advocacy Priorities and are within the

powers granted to the District in ORS 266 and ORS 198.

2. District Officials will review positions and analysis completed by the Special Districts' Association of Oregon or Oregon Recreation and Parks Association and other pertinent local government associations when formulating positions.
3. If the matter aligns with the Advocacy Priorities, District Officials' response shall be sent to the legislative body reviewing the bill or measure or to the governmental association tracking the issue.
4. Legislative position correspondence initiated by District Officials shall state whether the District is requesting "support", "support if amended", "oppose", or "oppose unless amended" action on the issue and shall include adequate justification for the recommended action.
5. District Officials may also provide correspondence of concern or interest regarding a legislative issue or rule without taking a formal position.
6. When legislative correspondence is sent to a state or federal legislative body, the appropriate federal or state legislators representing the District shall be included as a copy on the correspondence. The appropriate contacts at the Special Districts' Association of Oregon, Oregon Recreation and Park Association, or other local government associations, if applicable, shall also be copied on the correspondence.
7. All legislative positions adopted shall be communicated to the Board of Directors at the next regularly scheduled Board meeting. When appropriate, District Officials will submit a report (either written or verbal) summarizing activity on legislative measures to the Board of Directors.

#### **ADVOCACY PRIORITIES:**

1. **Funding and Revenue Protection:**
  - a. Promote funding measures that affords access to revenue opportunities equal to that of other types of local government agencies.
  - b. Protect District's resources from the shift or diversion of revenues without consent.
  - c. Support legislation that increases funding for local parks, trails and recreation opportunities.
  - d. Support funding that would allow District to maximize local revenues, offset and leverage capital expenditures, support local flexibility with revenue and to diversify local revenue sources.
  - e. Oppose legislation that imposes unfunded mandates and supports the legislature's consideration of the impact unfunded mandates have on local agencies.
  - f. Protect and preserve Districts' property tax allocations.
  - g. Opposes legislation that negatively impacts the ability of the district to assess, collect, and use Park System Development Charges (SDCs), and property taxes, or pursue grants and other similar funding mechanisms whose purpose is to support park and recreation.
  - h. Oppose legislation that would divert constitutionally dedicated funds from park, recreation and natural resource uses.
  - i. Oppose any attempts to fundamentally alter the local government grant provisions

of Measure 76.

**2. Park and Recreation Service Delivery:**

- a. Promote the efficient and sustainable delivery of core local services.
- b. Support legislation that recognizes park and recreation agencies as partners in providing opportunities to pursue healthy, active lifestyles.
- c. Support anti-obesity programs, environmental education and experiences, and programs designed to connect people with the outdoors.
- d. Support programs facilitating trail and pathway connectivity and active transportation.
- e. Support programs promoting overall health and physical vitality.
- f. Support programs that serve older adult, therapeutic and out-of-school activities.

**3. Special Districts Autotomy:**

- a. Enhance special districts' ability to govern as independent, local government bodies.
- b. Encourage best practices that avoid burdensome, costly, redundant or one-size-fits-all approaches.
- c. Prevent restrictive public works requirements that increase costs to taxpayers or reduce local flexibility.
- d. Promote local-level decision-making and management of service delivery affecting special districts.
- e. Support legislation that ensures District services meet the unique needs, priorities, and preferences of each community served by special districts.

**4. Public Meeting and Records:**

- a. Oppose additional public meeting and records requirements that unnecessarily increase the burden on public resources.

**5. Recreational Immunity:**

- a. Oppose legislation that weakens the liability protections of special districts and their public officials granted under the Oregon Tort Claims Act or similar federal legislation.
- b. Support continued immunity protection for landowners who allow public access to their lands free of charge for recreational use or access to recreation sites.
- c. Support legislation on discretionary immunity and duty of care that further protects public landowners.

**6. Employment and Contracting:**

- a. Promote policies related to hiring, management, benefits and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain qualified, career-minded employees to public service.
- b. Support policies that foster productive relationships between management and employees and maintain District's ability to exercise local flexibility.
- c. Oppose legislation regarding employment requirement that do not consider the unique role of park and recreation employers who often hire seasonal and part-time employees.

**7. Contracting:**

- a. Oppose any measure that would hinder District's ability to maximize efficiencies through the use of contracted services.

- b. Encourage prudent planning for investment and maintenance of innovative long-term infrastructure.
- c. Support the contracting flexibility and fiscal tools and incentives needed to help District meet Bend's changing demands.
- d. Support the modernizing of Bureau of Labor and Industry's requirements that overburden public agencies.

ADOPTED by the Board of Directors on this 20th day of December, 2022

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Deb Schoen, Board Chair

Attest:

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Don P. Horton, Executive Director



**BOARD AGENDA COMMUNICATION**

**AGENDA DATE:** December 20, 2022

**SUBJECT:** Discuss Board Member Applications

**STAFF RESOURCE:** Don Horton

**ACTION PROPOSED:** Narrow the list of applications for the board vacancy

**BACKGROUND**

Directors Ariel Méndez and Jason Kropf submitted resignations to the board effective January 1, 2023. Staff advertised the vacancy and accepted applications for over two weeks. The application deadline closed on December 6, 2022 at 5 pm. Twenty-one applications were submitted to the board for review prior to this meeting. The board will discuss the scores of the applicants and narrow the list of selected finalist for presentations and appointment at the next board meeting on January 3, 2023. The board received applications from the following:

Aaron Rivers	David Jones	Justin Gottlieb	Robin Vora
Aspen Dalton	Donna Owens	Kari Vega	Steve Jorgensen
Betsy Tucker	Elizabeth Hughes Weide	Ken Brinich	Susan Gordhammer
Cary Schneider	Hollina Wadsworth	Kevin Fritz	
Chris Skully	James Keene	Nicole Bassett Goodkind	
Daniel Galanaugh	Jodie Barram	Robert Shannon	

**BUDGETARY IMPACT**

None

**MOTION**

None

**ATTACHMENT**

None

<b>BOARD AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	December 20, 2022
<b>SUBJECT:</b>	Receive Budget Committee applications
<b>STAFF RESOURCE:</b>	Kristin Donald, Administrative Services Director
<b>PREVIOUS BOARD ACTION:</b>	None
<b>ACTION PROPOSED:</b>	Receive Budget Committee applications

**BACKGROUND**

The district's Budget Committee consists of five members that are appointed by the Board of Directors. To be eligible to serve as a budget committee member, per Oregon's Local Budget Law, a candidate must reside within the district's boundaries, be a registered voter, and be willing to commit to serving a three-year term. There are currently two vacant seats on the district's budget committee and one seat with a one-year term remaining.

The board has been sent the eight applications for scoring and selection. The applications include the candidates' responses to supplemental questions and often a resume; the supplemental questions are intended to provide the board with information on the candidates that will assist them in making their selection. This information includes the candidate's profession, experience, community involvement, direct experience with the district, and the reasons they are interested in a position on the district's budget committee.

The board has previously committed to using the following review and selection process:

- board members receive all eligible applications and read, review and rate the candidates on their own time;
- the rating system to be used: the board will rank in order of preference the top five candidates.
- staff will summarize the data and will provide to the board at this meeting, the names of the candidates who received the highest combined ratings; and
- the board will consider those candidates for appointment at the January 3, 2023 meeting.

**BUDGETARY IMPACT**

The 2023-24 fiscal year's proposed budget is scheduled to be presented to the board and budget committee on May 23.

**STAFF RECOMMENDATION**

Staff recommends the board review and consider the finalists for appointment on January 3, 2023.

**MOTION**

None, for information purposes only.

**ATTACHMENT**

None

## Board Calendar 2022-2023

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

### **January 3**

#### Consent Agenda

- ◆ Minutes 12/20/2022
- ◆ Lease Reassignment

#### Business Session

- ◆ Accept 2021-22 Annual Comprehensive Financial Report – *Eric Baird and Brenda Bartlett (15 min)*
- ◆ Board Finalist Presentations – *Don Horton (60 min)*
- ◆ Break *(15 min)*
- ◆ Appoint Board Members – *Don Horton (15 min)*
- ◆ Appoint Budget Committee Members– *Kristin Donald (15 min)*
- ◆ Swearing in Board Appointees *(10 min)*

### **January 17**

#### Staff Introductions

Adam Kau  
Kylie Kinyon  
Park Services Staff

#### Work Session

#### Business Session

- ◆ Amended Local Contracting Rules (Purchasing Policy) – *Justin Sweet (15 min)*

### **February 7**

Board Workshop (afternoon start 2-8pm)

### **February 21**

#### Work Session

- ◆ Perception Survey: *Rachel Colton and Michelle Healy, Michelle Neiss with DHM (30 min)*

#### Business Session

### **March 7**

#### Work Session

#### Business Session

### **March 21**

#### Work Session

#### Business Session

### **April 4**

#### Work Session

- ◆ Needs Based Assistance Annual Report and Recommendation for Fiscal Year 22-23

#### Business Session

- ◆ Approve Needs Based Assistance Plan for Fiscal Year 23-24

## **April 12 Budget Tour**

### **April 18**

Work Session

Business Session

### **May 2**

Work Session

- ◆ Adopt Resolution No. XXX – Adopting a Revised Fee Schedule for System Development Charges, effective July 1, 2023 – *Kristin Donald (15 min)*

Business Session

## **May 16, 18, 19 Budget Committee Meetings**

### **June 6**

Work Session

- ◆ Juneteenth Proclamation

Business Session

- ◆ Adopt Resolution No. XXX Adopting the 2024-2028 CIP – *Michelle Healy*
- ◆ Hold Public Hearing and Adopt Resolution No. XXX – Adopting the Budget and Making Appropriations for Fiscal Year 2023-24, and Adopt Resolution No. XXX - Imposing and Categorizing Taxes for Fiscal Year 2023-24 – *Kristin Donald*

### **June 21**

Work Session

Business Session

City of Bend presentation of parking districts (Tobias Marx) – *Sara Anselment*

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

Park Services Report: Prescribed Fire – *(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)*

Website Update/Data Sharing

Approve Land Acquisition consultant RFP – *Sara Anselment*

IGA with NUID for canal trail – *Henry Stroud*

Approve SE Neighborhood Park Development Agreement – *Henry Stroud (20 min)*

COVID Property overview

Pre-Qualified A/E process – *Justin Sweet (15 min)*

Miller, McKay and Columbia Parks Contract amendment and update – *Ian Isaacson (30 min)*