



Bend Metro Park & Recreation District

July 18, 2023

Board of Directors Agenda and Reports

www.bendparksandrec.org



play for life



Our Vision

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

Our Mission

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

We Value

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

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

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

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

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

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

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

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

play for life

District Office | Don Horton, Executive Director

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



Board of Directors

July 18, 2023

District Office Building | 799 SW Columbia | Bend, Oregon



4:00 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 Sheila Reed to attend sheilar@bendparksandrec.org.

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=Q3B3UkV2UUtSRFpEdUt5ZmxUTmIEUT09>

Passcode: 249613

Or Telephone:

US: +1 669 900 6833

Webinar ID: 879 9231 6039

Passcode: 249613

5:30 pm 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 a public comment in person, please fill out one of the brief cards and submit it to staff in the back of the room. To provide public comment virtually, click on the "Raise Hand" option. You will be called into the meeting in the order received. Virtual visitors should turn on their cameras and microphones. All remarks should be limited to 3 minutes or less. If there are questions, follow up will occur after the meeting. Thank you for your involvement.

STAFF INTRODUCTIONS

Zara Hickman, Natural Resources and Trails Manager

Jeffrey Olander, Park Steward

CONSENT AGENDA

1. Minutes: 6/14/2023
2. Minutes: 6/20/2023

BUSINESS SESSION

1. Elect Board Chair and Vice-Chair
2. Appoint Board Secretary
3. Appoint Legislative Liaison
4. Approve board meeting dates and time
5. Discovery West Art Corridor – *Henry Stroud and Romy Mortenson Brooks Resources (15 min)*
6. Naming Committee Member Appointment – *Rachel Colton (15 min)*
7. Approve Ammendment to Professional Services Contract for MMC River Access Project – *Ian Isaacson (15 min)*
8. Approve Gifts Policy – *Julie Brown (15 min)*
9. Executive Director Recruitment – *Nathan Hovekamp (20 min)*

EXECUTIVE DIRECTOR’S REPORT

BOARD MEETINGS CALENDAR REVIEW

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 or 541-706-6151. Providing at least 2 business days’ notice prior to the meeting will help ensure availability.



Board of Directors

June 14, 2023

District Office Building | 799 SW Columbia | Bend, Oregon



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

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

BOARD PRESENT

- Deb Schoen
- Nathan Hovekamp
- Jodie Barram
- Donna Owens

BOARD ABSENT

- Zavier Borja

CITY COUNCIL PRESENT

- Melanie Kebler
- Megan Norris
- Anthony Broadman
- Mike Riley
- Megan Perkins
- Barb Campbell
- Ariel Méndez

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
- Henry Stroud, Planner

BUSINESS SESSION

1. Juneteenth Proclamation – Melanie Kebler and Deb Schoen

Ms. Kebler read the Juneteenth proclamation that was included in the board report.

Councilor Broadman made a motion to accept the Juneteenth Proclamation. Councilor Campbell seconded. The motion was approved unanimously, 11-0.

2. Fish Passage at Mirror Pond – Don Horton, Eric King and Fish Passage Committee

Mr. Horton gave a background on the Mirror Pond Advisory Committee and described who served as members of the committee. He gave a brief review of the 2015 Mirror Pond Community Vision, including the split in the community to remove or not to remove the dam and the seven goals identified for the dam and Mirror Pond. He reviewed the primary elements of the middle ground option.

He said the city and the park district adopted the same resolution in June 2019 and this included forming the fish passage committee. This process was managed by a third party, open to the public with a wide range of representation with consideration made to Pacific Corp retaining the dam.

Ms. Ediger, facilitator of the fish passage committee, reviewed the advisory committee process, the constraints of building a fish passage, effectiveness, safety, operations, costs, and social and aesthetic conversations of the committee. She spoke about the public input at the meetings and the integration of that information into the decision making.

Mr. Wright spoke about and shared the alternatives development for review. He shared the design objectives and showed the various alternative designs they chose from that included:

- Alternative 1: traditional: small footprint, concrete structure, could be made to look more natural.
- Alternative 2: Nature-like fishway: Some concrete, but blends more into nature, small footprint, minimum impact to the dam. Common approach to getting fish passage around a dam.
- Alternative 3: Rock Ramp (Partial Span) natural channel, full span rock ramp or partial span rock ramp

Ms. Ediger shared the discussion tool that the committee used to rank the alternatives. She said the nature-like fishway was selected as the best option with the traditional ladder as the second best option. She said the letter in the packet lists the committee's next request including funding to move forward on this project, easements, ownership and maintenance (for a minimum of 10 years), providing flow, and monitoring flow of the fish.

Mr. Knight, executive director of Upper Deschutes Watershed Council, said Upper Deschutes Watershed Council (UDWC) is prepared to seek funding for this project. Mr. Tripp, Committee member, said he is optimistic about this project. He said the committee considered in the design if the dam were to be removed in the future.

Director Hovekamp shared some comments about the fish passage and working on the committee. He said a lot in this community is driven to the river and this is an opportunity to give back to the river and give it a win.

Councilor Riley asked about costs and commented that he would like to see effective passage for fish in both directions. Executive Director Horton said that it is likely this project can be done without further funding from the city or park district. Mayor Kebler added that the city does not have funding for this project nor the capacity to own this project.

Councilor Méndez made a motion to accept the Mirror Pond Fish Passage Advisory Committee's recommendation to modify the 2015 Mirror Pond Vision by replacing the Mirror Pond Dam modification called for in the vision with a nature-like fishway proposed by the committee and to further instruct staff to remain involved with the committee to help identify funds to construct the passageway and to assist with determining ownership and care of the facility. Director Barram seconded. The motion was approved unanimously, 11-0.

ADJOURN 5:08pm



Prepared by,

Sheila Reed
Executive Assistant

Deb Schoen, Chair

Nathan Hovekamp, Vice-Chair

Donna Owens

Zavier Borja

Jodie Barram

BUSINESS SESSION

1. Approve Trail Easement and Amendment to Agreement with Central Oregon Irrigation District
– *Henry Stroud and Michelle Healy*

Mr. Stroud gave a background on the Central Oregon Irrigation District (COID) property, the Deschutes River Trail (DRT) 2005 trail easement, the Central Oregon Historic Canal Trail (COHCT) 2002 agreement and the Federal Energy Regulatory Commission (FERC) license. He explained that all these trails are on property owned by COID and have been long used by the community and tolerated by COID as long as it has not conflicted with operations of their facilities.

Mr. Stroud said recent COID actions include a contract with Pahlisch Homes to sell a portion the land for homes and consultation with the district on a proposed amendment to the FERC license, which includes a relocation of a chemical toilet and record of easement in favor of the district for the FERC trail. COID was asked to reach out to the district for the amendment and ultimately took it further and offered an easement.

Mr. Stroud explained the proposed changes:

- Amend 2002 agreement to extend DRT River Canyon Natural Area
- Clearly show the location of the COHCT on COID property
- Grant an easement in favor of BPRD for the FERC Trail

Mr. Stroud described the easement as permanent, to be a minimum of 20 feet wide, with access that is consistent to what is currently available, and transferrable in a sale. He said the easement is relocatable, but must be approved by the district. He added that the trail is relocatable for any unforeseen issue that comes up in the future that would require the movement of the trail.

He explained the amended agreement is not as permanent as an easement, but this is property that COID will retain and is consistent with the rest of the trails that the district has with COID in the area. He said there is an easement for the trails to the footbridge that was required to build the footbridge and COID granted the easement.

Director Schoen asked if there were requirements of the trail by FERC and Mr. Stroud responded that the requirement was to connect Brookwood Blvd to the river. He said COID created a trail that did that and it was added into the agreement. There were no further requirements such as minimum trail width or quality of the trail. Mr. Stroud explained that the FERC trail has never been a district facility and he speculated that there may be some misconception in the community that it is due to some wayfinding signage in the area. He commented that the FERC license is directly tied to the operation of the power facility, explaining that if COID closes the power plant, the public requirement for the trail dissolves; adding the easement now guarantees some level of access.

Mr. Stroud said the next steps are to finalize the FERC Trail Easement Agreement and Addendum 1 to the 2002 agreement and continue to work with Pahlisch Homes through the land use development process to evaluate opportunities for additional trails and open space.

Director Hovekamp asked several questions about other trails and how these agreements compare. Staff answered that these agreements are not uncommon and shared other trails that are similar. Ms. Healy commented that COID did not have to provide this easement to the district, but are doing so as a community benefit. Executive Director Horton said there is more opportunity to work with this through the land use process.

Director Hovekamp said there is much to celebrate with the proposed amendment and easement. He said the area is identified as a opportunity area and a mechanism to provide additional housing; a tradeoff to avoid sprawl. He said he has personally walked and jogged these trails for 25 years, and the public comments received have resonated. He said this community has been too cavalier about removing trees and said he is torn on voting in favor in this motion for the chance of getting more out of the agreement.

Directors Owens, Barram and Schoen all spoke in favor of the motion and the benefits of having some ownership of the trail.

VISITORS

Cory Bittner: Mr. Bitner, representing Pahlisch Homes, said he would like to express his support for the trails and said this is an amazing opportunity to do something special for connectivity and access. He said there are no immediate plans to develop on the COID property, but when they do, the community will be involved in the process.

Lana Benrath: Ms. Benrath said she has used these trails for a long time for various activities. She said she understands that Bend needs homes, but these will not be affordable homes. She commented that the property reminds her of Shevlin Park and she does not see adding homes to the property as a benefit. She added that she does not understand how the park district has not thought of purchasing the space and not just accept the trail easement.

Aimee Jameson: Ms. Jameson requested the board consider naming the Shevlin West Park in honor of Bill and Jessica Valentine, who both died of pancreatic cancer and were longtime residents of Bend.

Stacy Nyman: Ms. Nyman expressed support for naming the Shevlin West park for the Valentines, she said there is a memorial service this Sunday at 1 pm in Sunriver that is open to the public.

Director Barram made a motion to authorize the executive director to finalize and execute an amendment to the 2002 trail agreement between the district and COID, and to finalize and execute a new trail easement for the trail connecting Brookwood Blvd to the DRT. Director Owens seconded. The motion was approved unanimously, 4-0.

2. Approve Business Use in Parks policy – *Matt Mercer and Michael Egging*

Mr. Mercer said this is an update to the policy that allows for better decision making with various requests that staff receive. Mr. Egging shared the related policies: Park Rules and Regulations Ordinance, Business Operations in Parks & Facilities Board Policy and Concession/Sales in Parks and Facilities.

Mr. Egging shared some examples of business use in parks and spoke about concessions operations. He said the district will decide what, where and when concessions are appropriate and will normally be awarded through a competitive process. He added that there is also a pilot program option. He explained instructional programs are by application and accepted at any time, staff determines suitability of activity for park based in impact, permits approved on a first-come, first-served basis with the priority for recurring users in good standing. Merchandise and other services are not allowed unless part of an approved park rental or event or permitted concession operation.

Mr. Egging said the following considerations are used to make decisions:

- Complement and support park use and do not negatively impact park experience
- Nature and scope of operation
- Infrastructure to support
- Conflicts with other users
- Impact on park resources
- Impact on neighborhood
- Plan to manage and mitigate impacts

Mr. Egging explained that fees charged are associated with the cost recovery methodology to recover direct cost and additional revenue to help offset park maintenance costs or can include a flat rental fee or percentage of revenue. Mr. Mercer added that this policy and others will be looked at more frequently as things continue to change.

Director Hovekamp suggested adding a stipulation under permits for food and beverage that consideration is given to packaging to mitigate trash.

Director Hovekamp made a motion to adopt the Business Use in Parks Policy as presented and as amended to include a stipulation substantially in line with consideration given to minimizing product packaging and the generation of trash which can end up as litter on parkland or in the river and to abolish the board-approved 2014 Business Operations in Parks and Facilities and 2010 Concessions/Sales in Parks and Facilities policies. Director Owens seconded. The motion was approved unanimously, 4-0.

3. Approve park name for Shevlin West park site – *Rachel Colton*

Ms. Colton gave a description of the park site located in Northwest Bend in the Shevlin West neighborhood. She reviewed the naming process, including public engagement, staff recommendation, naming committee review and board approval tonight. She reviewed the potential names that include:

- Manzanita Ridge
- Wild Rose Park

- Cascade View Park
- Coyote Ridge Park
- Mt. Hood Park
- Summit West Park

Ms. Colton referred to the public comment tonight that suggested naming the park Valentine Park and reviewed the district criteria for naming a park after a person or people. She mentioned the recommendation in the policy that naming a park for a person or people should occur at least a year after the death of the person or people and the suggestion tonight does not meet that criteria, she added that the board did have the ability to make the decision. The board shared their support for the year wait period.

Director Owens made a motion to approve Manzanita Ridge Park as the name for the Shevlin West neighborhood park property. Director Barram seconded. The motion was approved unanimously, 4-0.

4. Approve Resolution No. 2023-08 for land acquisition – *Michelle Healy*

Executive Director Horton said the property for approval tonight has been discussed in executive session. He reviewed the details of the property and said the purchase price is less than the appraised price. He explained the current zoning and said the masterplan for development will have to be approved by the county.

Director Barram commented that a property of this size is an opportunity for future development for the community and a good use of public funds. Director Schoen said she appreciates the work that staff has put into this and the opportunity to see the property. Director Hovekamp added his appreciation that the resources are available to take advantage of these types of purchases.

Director Hovekamp made a motion to approve Resolution 2023-08 authorizing the executive director to proceed with the purchase of the Rose & Associates L.L.C., property for an amount not to exceed \$3.9 million, plus all related closing costs. Director Owens seconded. The motion was approved unanimously, 4-0.

EXECUTIVE DIRECTOR’S REPORT

Executive Director Horton said there is one vacancy on the Park Naming Committee the board will appoint at the July meeting. The board will have only one meeting in July and no meetings in August. He shared that he and Ms. Healy met with Eric King and Russ Grayson, City of Bend, and they requested a meeting with the board to further discuss the authority to make decisions on MUPTE projects. The meeting could also include a discussion of each agency’s needs and celebration of collaborative successes. Director Barram made a suggestion that there be the same opportunity for all of the other governmental agencies involved with MUPTE. Executive Director Horton said this should be added as a topic to the monthly meetings with the city when the district board leadership changes next month.

PROJECT REPORT

BOARD MEETINGS CALENDAR

GOOD OF THE ORDER

- Director Owens thanked the staff for responding to the emails on the Canopy Trail.
- Director Barram said the Big Sky Bike Park opening and Larkspur Health Fair were really great events to attend.
- Director Hovekamp said he appreciates the public input on the COID land and asked people to stay engaged. He said there is a lot to celebrate and apologized for his tone during the topic. He said he is quite pleased that there will be continued access to these trails.
- Director Schoen said she appreciated all the public input and hopes the community stays engaged.

ADJOURN 8:10 pm



Prepared by,

Sheila Reed
Executive Assistant

Deb Schoen, Chair

Nathan Hovekamp, Vice-Chair

Donna Owens

Zavier Borja

Jodie Barram

BOARD AGENDA COMMUNICATION

AGENDA DATE: July 18, 2023

SUBJECT: Election of Chair and Vice Chair

STAFF RESOURCE: Don Horton, Executive Director

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: Conduct election of board officers

BACKGROUND

The board of directors annually elects a chair and vice chair at the first meeting in July of the new fiscal year, the chair and vice chair each serve a one-year term. Duties and responsibilities of the chair include presiding at board meetings, appointing committees and signing ordinances, resolutions, proclamations, correspondence, the executive director's employment contract, etc., on behalf of the board of directors. The chair may also represent the board of directors in meetings with other agency officials, and at public functions requiring a presence of the district. In the event the chair is absent from a meeting or unavailable for any of the duties mentioned above, the vice chair will substitute for the chair.

MOTION

I nominate _____ to serve as chair of the Bend Park & Recreation District Board of Directors for Fiscal Year 2023-2024.

I nominate _____ to serve as vice chair of the Bend Park & Recreation District Board of Directors for Fiscal Year 2023-2024.

BOARD AGENDA COMMUNICATION

AGENDA DATE: July 18, 2023

SUBJECT: Appoint Executive Secretary of the Board of Directors

STAFF RESOURCE: Don Horton, Executive Director

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: Appoint Don Horton, executive director, as executive secretary of the board of directors

BACKGROUND

The board of directors is required to appoint an executive secretary according to Oregon State Statute 266.370. As a matter of formality, the board annually appoints the executive director to serve in this capacity. The executive secretary represents the board in business matters and signs ordinances, resolutions, proclamations, correspondence, contracts, deeds, etc., on behalf of the board of directors and the district.

STAFF RECOMMENDATION

Appoint Don Horton, executive director, to serve as the executive secretary of the board.

MOTION

I move to appoint Don Horton, executive director, to serve as executive secretary of the Bend Park and Recreation District Board of Directors for fiscal year 2023-24.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 18, 2023
SUBJECT:	Appoint Legislative Liaison
STAFF RESOURCE:	Don Horton, Executive Director
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	Appoint legislative liaison to represent the board of directors

BACKGROUND

The board of directors recognizes the needs of the district to take an active role in the legislative process as it relates to legislation affecting the district and recreation in general. To aid the board in this effort, the board shall appoint one of its members as legislative liaison. The legislative liaison will be elected annually at the first meeting in July of the new fiscal year.

The duties of the legislative liaison are to:

- Work with the executive director to keep abreast of legislation that may affect the district
- Keep the other members of the board up to date on legislative issues and district involvement
- Discuss course of action and level of involvement on legislative issues with the board
- Represent the board during the legislative session; provide testimony, compose written testimony and other correspondence

MOTION

I move to appoint _____, to serve as legislative liaison for the Bend Park and Recreation Board of Directors for fiscal year 2023-24.

BOARD AGENDA COMMUNICATION

AGENDA DATE: July 18, 2023

SUBJECT: Board of Directors Meeting Dates and Times

STAFF RESOURCE: Don Horton, Executive Director

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: Set board meeting dates and times for 2023-24

BACKGROUND

The board formally determines the meeting dates and times for the year at the first meeting in July. Meetings are typically held the first and third Tuesday of each month with a work session beginning at 5:30 p.m., unless otherwise noticed, and a business session following the work session.

MOTION

I move to conduct the Bend Park and Recreation District Board of Directors public meetings on the first and third Tuesdays beginning a 5:30 pm with a work session at 5:30 p.m., unless otherwise noticed, and a business session following the work session.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 18, 2023
SUBJECT:	Discovery West Art Corridor
STAFF RESOURCE:	Henry Stroud, Planner
GUEST PRESENTER:	Romy Mortenson, Vice President Sales & Marketing Brooks Resources Corporation
PREVIOUS BOARD ACTION:	August 17, 2021 - Approve Gift of Public Art
ACTION PROPOSED:	Approve Potential Gift of Public Art
STRATEGIC PLAN:	
Pillar:	Community Relationships
Outcome:	Strategic Partnerships
Strategy:	Be viewed as a collaborative organization in the community

BACKGROUND

In August 2018, the board authorized the executive director to enter into a park development agreement with NWX2 LLC (the developer) for the provision of parks and trails within the Discovery West master planned community. Per the terms of the agreement, the development will include approximately 3 acres of neighborhood park property and 35.8 acres of natural area that will be managed by the district. Additionally, the Outback Trail will be constructed by the developer through these areas and will connect Discovery Park to Shevlin Park with a paved multi-use trail. To date, the district has acquired just under 10 acres of open space through this agreement in phases 1 and 2 of the development (see attached DW Phasing Plan Map).

The district and the developer have worked cooperatively to install two art pieces within the open space properties already transferred to the district. The Women of Discovery mural was installed on the Outback Trail underpass of Skyline Ranch Road, and the Annie Londonderry sculpture was installed in one of the previously donated open space parcels in Discovery West. Both pieces highlight important female figures from the past. The developer is preparing to record the final plat for phase 5 of the development and transfer an additional 15-20 acres of open space to the district. They would like to include up to four additional pieces of art within this area that feature works from female artists living today.

This presentation will provide an overview of the new proposal including discussion of potential locations and preliminary ideas for the types of art that could be installed. Additionally, the developer would like to apply for a grant of up to \$150,000 from the Bend Sustainability Fund to support this effort.

The district's gift policy requires Board consideration and approval of gifts valued over \$5,000. Collectively, the four pieces are estimated to have a value between \$105,000 and \$250,000. While the district has an agreement with Art in Public Places (AIPP) for the placement and acceptance of

public art on district properties, these pieces would be a public art donation directly from the developer and not part of the AIPP agreement.

If the board approves acceptance of up to four pieces of art, and the developer is successful in securing the necessary funds for the project, the district would develop and enter into a memorandum of understanding with the developer that would stipulate that the art work will be paid for and installed by the developer at no cost to the district.

BUDGETARY IMPACT

Construction and installation of the art would be paid for by the developer. The district would be responsible for maintaining any additional art pieces installed within the open space tract and the exact maintenance costs would be determined by the type of art installed.

STAFF RECOMMENDATION

Staff recommends the board support the proposal and authorize the district to accept up to four additional public art donations from NWX2.

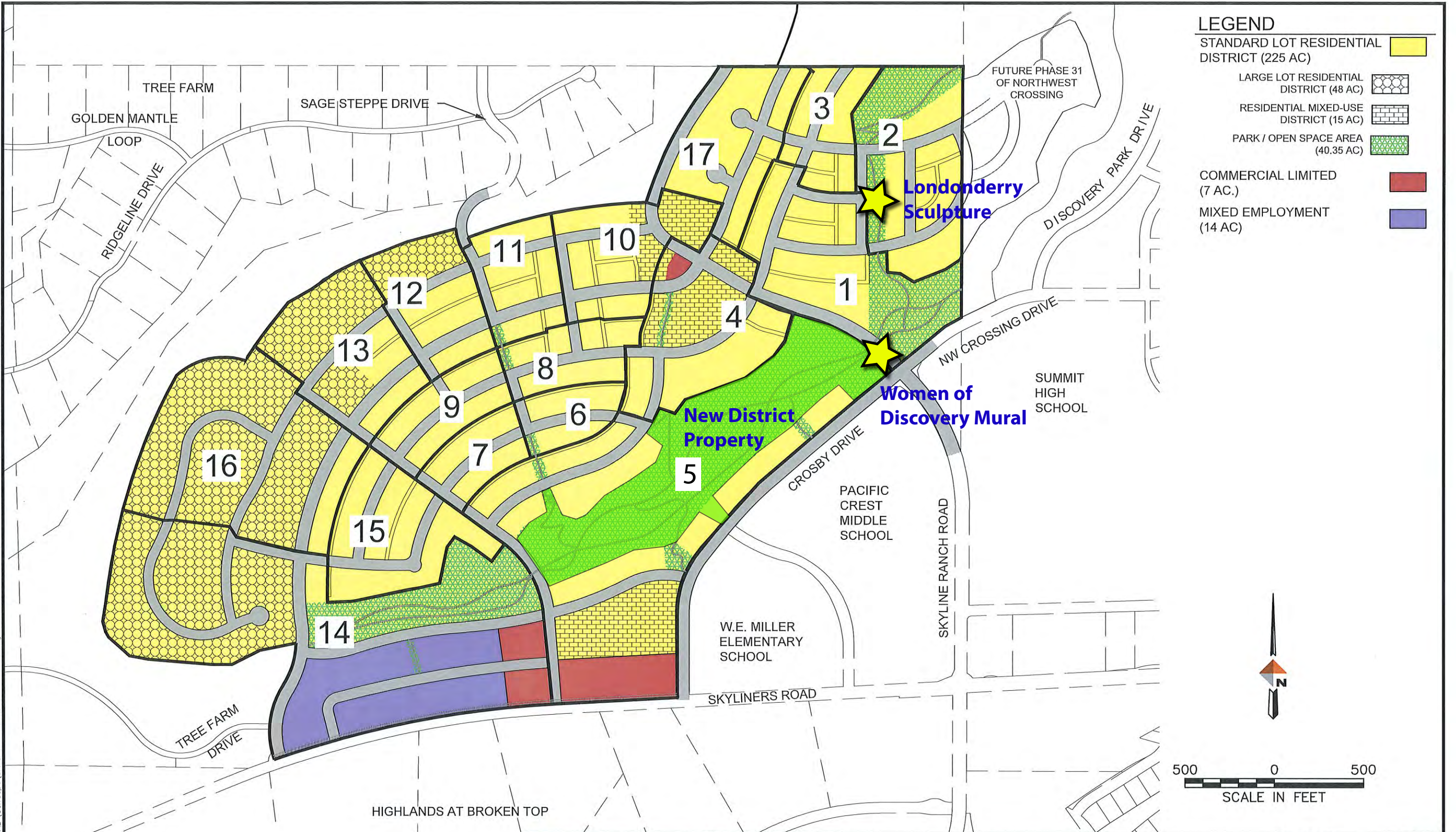
MOTION

I make a motion in support of the Discovery West Art Corridor proposal and to approve up to four public art gifts from NWX2 LLC to the Bend Park and Recreation District.

ATTACHMENT

DW Phasing Plan Map

Q:\22\14142-01\65CAD\Concept\SA16-MP-14142-01-EX-EFG.dwg PLOT DATE 2018-12-13 15:40 SAVED DATE 2018-12-13 12:02 USER: klover



DOWL
 www.dowl.com
 963 SW Simpson, #200
 Bend, Oregon 97702
 541-385-4772

DISCOVERY WEST
 PROPOSED PHASING PLAN
 BEND, OREGON



PROJECT	14142.01
DATE	12/13/2018
EXHIBIT F	

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 18, 2023
SUBJECT:	Approve Amendment to Professional Services Contract for McKay, Miller’s Landing and Columbia Parks River Access Project
STAFF RESOURCE:	Ian Isaacson, Project Manager
PREVIOUS BOARD ACTION:	November 2, 2021 – Board adopted the Deschutes River Access & Habitat Restoration Plan January 17, 2023 - Project Update and Professional Services Contract Amendment #1 approval March 21, 2023 – Initial Concept Design approval
ACTION PROPOSED:	Approve Amendment #2 to Professional Services Contract
STRATEGIC PLAN:	
Pillar:	Operations and Maintenance
Outcome:	Be a local leader in environmental stewardship
Strategy:	Improve efforts to be responsible stewards of the natural environment

BACKGROUND

In March 2022, the district hired Environmental Science Associates (ESA) to provide the necessary planning, design and engineering services for the McKay, Miller’s Landing and Columbia Parks River Access project. The original professional services agreement (phase 1) included data collection, site survey, analysis and other necessary reconnaissance to allow for the development of initial conceptual level design alternatives, renderings, cost estimates and permitting analysis at each of the project locations.

Amendment #1 to the original contract covered the second phase of design which included public outreach support, preparation of preferred conceptual designs for each location, and preparation of preliminary conceptual designs for the renovation of the Gilchrist Bridge that connects Columbia Park to the east side of the river. The board provided staff direction to further design based on the conceptual designs prepared during this phase on March 21, 2023.

Amendment #2 to the ESA professional services covers the third phase of design and includes further progressing the river access preferred conceptual designs at each site and investigation of regulatory permit applications for Miller’s Landing and Columbia Parks. (It was anticipated that the district would negotiate this second amendment to the professional services contract with ESA once the scope and scale were clear following the refinement of the preferred concepts in phase 2.)

Staff will return to the board later this summer with refined renderings and cost estimates for each of the four access points reviewed by the board in March. At that time, staff will be seeking feedback on the next steps for the project, which could include project prioritization, further design development, permitting and construction.

BUDGETARY IMPACT

The current funding allocation for the McKay, Miller's Landing and Columbia Parks River Access Project in the 2024-2028 Capital Improvement Plan is \$933,295 in property tax revenue and alternative funding sources. The current contracted amount for design services is \$210,000, with an additional design contingency of \$13,000. Of the current total board approved budget of \$223,000, \$51,127 has been paid for via a grant the district received in August 2022 from the Oregon State Marine Board and \$90,000 will be paid for via a grant the district received from the Bend MPO.

The cost for amendment #2 is \$174,696, bringing the total contracted amount for design services to \$384,696. With the original design contingency of \$13,000 plus an additional a 10% design contingency for amendment #2 of \$17,470, the total board approved design budget will now be \$415,166. The district was awarded a \$100,000 Visit Central Oregon Future Fund grant in May 2023. These funds will go towards the work being completed as part of this third phase of the project.

STAFF RECOMMENDATION

Staff recommends that the board approve contract amendment #2 with ESA, including the additional 10% contingency to complete the third phase of design for the McKay, Miller's Landing and Columbia Parks River Access Project.

MOTION

I move to authorize the executive director to negotiate and execute amendment #2 to the contract with Environmental Science Associates for the McKay, Miller's Landing and Columbia Parks River Access Project in an amount not to exceed \$174,696 and to approve an additional contingency amount of \$17,470, for a revised total design budget not to exceed \$415,166.

ATTACHMENTS

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 18, 2023
SUBJECT:	Naming Committee Member Appointment
STAFF RESOURCE:	Rachel Colton, Park Planner
PREVIOUS BOARD ACTION:	Adopted Park, Facility and Trail Naming Policy, July 6, 2021 Naming Committee Selection Process, August 17, 2021 Naming Committee Appointment, October 5, 2021 Naming Committee Member Appointment July 5, 2022
ACTION PROPOSED:	Appoint one member to the district’s naming committee
STRATEGIC PLAN:	N/A

BACKGROUND

The July 2021, the Park, Facility and Trail Naming Policy (policy) established the need for a five-member Naming Committee (committee) to help name district assets. Committee member recruitment occurred in fall of 2021. Five members were appointed to the committee at that time. One member had to step down in Spring 2022, and was subsequently replaced in Summer 2022. The replacement appointee has stepped down due to relocation.

Per the policy, committee members shall be “from an underrepresented population of the community, are a member of the BPRD Foundation Board, have relevant historical knowledge, are familiar with the district and community character, and/or have a passion for placemaking and community building.” In addition, committee members shall also:

- Reside within district boundaries
- Serve a four-year term (or fulfill the remaining portion of a vacant term)
- Attend Naming Committee meetings as scheduled – generally no more than two times per year
- Volunteer time

Advertisement to fill this committee position was initiated on June 12, with the application period spanning through June 30. Two applications were received, which were provided to the board along with a ranking sheet. From July 5 through July 13, the board reviewed all applications and ranked each applicant based upon criteria such as, but not limited to, the candidates’ skills,

experiences, background, demographics, and prior experience with the district or within the community.

At the July 18 board meeting, staff will provide the board with the name of the candidate who received the highest combined rating based upon the completed ranking sheets submitted by the board. The board will consider this candidate for appointment and may select the candidate by a different method if they so desire.

BUDGETARY IMPACT

Advertising and outreach to the community to solicit new naming committee members generated some minor costs to the district. However, those costs were insignificant, and are covered through existing operating funds included in the district’s adopted budget. Committee meetings are staffed by BPRD employees, and all committee members volunteer their time when serving on the committee

STAFF RECOMMENDATION

Staff recommends that the board appoint one individual to the naming committee.

MOTION

I make a motion to appoint _____ to serve on the Bend Park and Recreation District’s naming committee for the completion of an existing term through October 2025.

ATTACHMENTS

****Please have the candidate applications package emailed on July 5 available for reference at the meeting as necessary****

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 18, 2023
SUBJECT:	Gifts and Dedications Policy
STAFF RESOURCE:	Julie Brown, Communications and Community Relations Manager
PREVIOUS BOARD ACTION:	February 1, 2011 – Board approved Gifts Policy
ACTION PROPOSED:	Approve updated Gifts and Dedications Policy
STRATEGIC PLAN:	
Pillar:	Community Relationships Operations & Management Practices
Outcome:	District services that are accessible for all
Strategy:	Financial well-being supported by strong practices

BACKGROUND

In February 2011, the BPRD board of directors approved a gifts policy. Staff have used the policy to guide evaluations and acceptance of gifts in accordance with the policy. While the district appreciates the generosity and spirit that prompts donations, acceptance is dependent upon the gift meeting a need of the district and must be consistent with the district's mission, philosophy and policies. As best practice, the policy was reviewed for possible updates and improvement opportunities. Updates include:

- **Added bench and picnic table dedications:** Bench and table dedications occur regularly at the request of community members. Each dedication has fees included to cover the direct costs of the memorial plaque and labor needed for installation, plus a \$1,000 contribution to BPRD scholarships. In 2022, dedications contributed \$12,000 in scholarships, with the support of the BPR Foundation.
- **Changed the value of gifts needing board approval:** Gifts with a value of \$25,000 or less may be accepted upon approval of the executive director or designee. Gifts with an estimated value that exceeds \$25,000 shall be considered by the district Board of Directors. Previously, board approval was required for gifts over \$5,000.
- **Added donation of artwork section:** Added language pertaining to donation of artwork and the four-party agreement with the district, BPR Foundation, Art in Public Places and Bend Foundation.
- **Added donation of consumable goods section:** Added language pertaining to the donation of consumable goods such as art and craft supplies typically used in recreation programs.

BUDGETARY IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends the board approve the Gifts and Dedications Policy as a replacement for the 2011 Gifts Policy.

MOTION

I make a motion to adopt the Gifts and Dedications Policy as presented and to abolish the board-approved 2011 Gifts Policy.

ATTACHMENT

Attachment A: Draft Gifts and Dedications Policy

Attachment B: 2011 Gifts Policy



Nathan Hovekamp, Chair

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Gifts and Dedications Policy

Purpose

The Bend Park and Recreation District welcomes gifts from civic groups, organizations, individuals and businesses for a variety of community programs, projects and events. It also offers a bench dedication program. This policy ensures that gifts and dedications do not encumber the district with cost or liability in excess of the benefit provided and that the gift and/or dedication is in keeping with the mission, policies and philosophy of the district.

Definitions

Gift: A gift is a charitable donation from an individual or organization in the form of financial or in-kind support for a specific district asset or program. Gifts usually take the form of monetary donation, material, supplies, art or real property.

The donation of real property is further described in the Parkland Acquisition Policy. Gifts may be made toward the purchase, installation and maintenance of park furnishings and amenities in dedication of another person, event or organization.

Dedication: A dedication is an exchange of fee for service to recognize a loved one on an existing feature in a park or on a trail on district property, such as a bench or picnic table.

Evaluation of Potential Gifts

While the district appreciates the generosity and spirit that prompts donations, acceptance is dependent upon the gift meeting a need of the district and must be consistent with the district's mission, philosophy and policies. Evaluation of a gift should include:

- Whether a gift has an impact on district resources. An example of such a gift is land or a gift requiring routine care and maintenance.
- Whether restrictions are placed on the gift. The district will not accept gifts that are deemed too restrictive. Once the district has accepted a gift, it becomes the property of the district at which time the donor has no direct decision making regarding the disposition or care of the gift, unless the donation is accepted with an agreed upon restriction.

Gift Acceptance Authority

Gifts with a value of \$25,000 or less may be accepted upon approval of the executive director or designee. Gifts with an estimated value that exceeds \$25,000 shall be considered by the district Board of Directors. Acceptance of a gift with a time-sensitive nature may be accepted by the executive director on behalf of the district Board of Directors and shall be reported to the board at the next scheduled board meeting.

Reviewer: Communications and Community Relations Manager
Last Review Date: July 2023
Next Review Date: July 2028
Review Schedule: 5 years

Solicitation of Gifts and Donations

To help the district ensure consistency and prevent duplication of solicitations within the community, the executive director or designee will administer and coordinate the offer and solicitation of gifts.

Fundraising for Capital Improvements

All privately supported capital improvement projects must be fully funded. All donated monies or in-kind services needed for the project should be committed before the commencement of work. All capital improvement projects donated to the district require a separate agreement that describes the responsibility of each party.

For such projects that include a fundraising campaign, the campaign must be completed before commencement of work. The total cost of any project includes planning, design, project construction, project administration and contingencies.

Donation of Artwork

There is a four-party agreement for acceptance of artwork on district property. The agreement includes Bend Park and Recreation District, BPR Foundation, Art in Public Places and Bend Foundation. See agreement for details.

The district may accept artwork not associated with the four-party agreement if it serves an identified need or is determined to have a potential benefit to the park, trail or recreation experience in the potential location as determined by the executive director or designee.

Donation of Plant Material

The district will accept donations of plant material if the donated plants are of consistent quality with other plant material use at the selected site; the plants are consistent with district standards for the selection of plant material; there is a need for the donated vegetation; and the plant material is consistent with the site's design and maintenance standards. Site selection will be made with input from the donor. This coordination will include a review by the executive director or designee to ensure it is consistent with and supports the overall district strategy.

Donation of Equipment

The district will consider donations of equipment only when it serves an identified need, is in good operating condition as determined by the executive director or designee, and supports the overall district strategy.

Dedications

It is the intent of the district and Bend Park & Recreation Foundation to honor dedications as a personal expression while providing stewardship and oversight for public land to keep those spaces as welcoming, safe and accessible for everyone. All dedications are property of the district.

The price for a custom dedication placed at an existing bench or table is based on current costs for materials and labor. The fee includes a plaque, installation and the donation to support recreation scholarships. Total costs are variable and are subject to change based on market cost for labor and supplies.

Opportunities for the installation of a new bench at a special location must be approved by the executive director or designee. If authorized, prices cover the full cost of materials and labor for the project, and include a donation to support recreation scholarships.

Dedications to pets are limited to bench and table locations at designated off leash areas. Opportunity for having a dedication installed may vary based on the time of year and weather permitting conditions.

Life Cycle of Gift or Dedication

Gifts will be cared for and maintained by the district only for the expected life of the amenity. Should a park be redeveloped or the amenity become in disrepair, the district may remove or replace the gift or dedication.

If the district chooses not to replace the gift, or if the donor chooses not to renew, any recognition of the original gift will be removed and the site may be offered to a new donor or redeveloped at the district discretion.

Relocation

The district retains the right to relocate any donated amenity and/or plaque at any time. If a donated item needs to be relocated, the district will attempt to inform the donor of the district's decision and consider the desires of the donor before making a final decision.

Acknowledgement

Gift giving is designed to enable community members to support the district through tax-deductible contributions. Donations with an estimated value of \$100 or more will be acknowledged with a letter to the donor.

Uniformity

All donated furnishings and amenities will conform to the design standards of the park or trail for which the donation is intended as determined by the executive director or designee. Donated item may only be installed in a new location with the approval of the executive director or designee.

Recognition Plaques

Recognition plaques may be placed with a bench or picnic table. Recognition plaques are not allowed for gift of plant material. Proposed information on a donation plaque is subject to approval by the executive director or designee. The district reserves the right to disallow content that may not align with district mission or values.

On an individual basis, a plaque may be allowed on gifts of significant park amenities such as a playground structure or pavilion. These plaques will be designed to fit the circumstance and must be approved by the executive director or his/her designee before placement.

Bend Park and Recreation Foundation

The Bend Park and Recreation Foundation was incorporated in 1977 as a non-governmental, not-for-profit organization that exists to raise funds for the district. The foundation maintains its own policy in regard to gift acceptance and solicitation that conforms to the district's Gift Policy. The foundation may consider acting as the fiscal sponsor for fundraising projects such as the development of Farewell Bend

Park and the Bend Heroes Memorial. Significant projects must be in writing and approved by the Foundation Board.

Conflict of Interest

The district urges all prospective donors to seek the assistance of their legal and financial advisors in matters relating to their gift and the resulting tax and estate planning consequences. District staff shall not advise potential donors on tax or estate planning issues but may be a facilitator in order to help the donor understand their options.

Sale or Disposition of a Gift

The district is responsible for filing IRS Form 8282 upon the sale or disposition of any asset sold within three years of receipt by the district when the stated charitable deduction value of the item or group of similar items exceeds \$5,000, and the district signed an IRS Form 8283 on the original date of the gift. The district must file this form within 125 days of the date of sale or disposition of the gift.

Donor Information

In the event that a donation item needs to be moved or needs to be replaced, the district will attempt to contact the donor if contact information is available. Donors should notify the district of any contact information change.

References

- Oregon Ballot Measure 2-Authorizing State Acceptance of Gifts
- IRS Form 8282
- Parkland Acquisition Policy
- Art in Public Places Agreement



Gifts Policy

Purpose

The Bend Metro Park and Recreation District welcomes gifts from civic groups, organizations, individuals, and businesses for a variety of community programs, projects and events. This policy ensures that gifts do not encumber the district with cost or liability is in excess of the benefit provided and that the gift is in keeping with the mission, policies, and philosophy of the district. This policy defines the evaluation, protocol, and acceptance procedure for considering gifts.

Definition of a Gift

For the purpose of this policy, a gift is a transfer of assets from a person or organization to the district where no goods or services are expected, implied or forthcoming for the donor. Gifts usually take the form of cash, material, supplies, art, or real property. The donation of real property is further described in the Parkland Acquisition Policy. Gifts may be made toward the purchase, installation and maintenance of park furnishings and amenities in dedication of another person, event or organization. Gifts of park benches, picnic tables and drinking fountain dedications are common. However, larger park amenities such as the construction of a picnic shelter, playground, sports field or other recreation facility may better meet the desires of the donor.

Evaluation of Potential Gifts

While the district appreciates the generosity and spirit that prompts donations, acceptance is dependent upon the gift meeting a need of the district and must be consistent with the district's mission, philosophy and policies. Evaluation of a gift should include:

- Whether a gift has an impact on district resources. An example of such a gift is land or a gift requiring routine care and maintenance.
- Whether restrictions are placed on the gift. The district will not accept gifts that are deemed too restrictive. Once the district has accepted a gift, it becomes the property of the district at which time the donor has no direct decision making regarding the disposition or care of the gift, unless the donation is accepted with an agreed upon restriction.

Gift Acceptance Authority

Gifts with a value of \$5,000 or less may be accepted upon approval of the Executive Director. Gifts with an estimated value that exceeds \$5,000 shall be considered by the district Board of Directors. Acceptance of a gift with a time-sensitive nature may be accepted by the executive



director on behalf of the district Board of Directors and shall be reported to the board at the next scheduled board meeting.

Solicitation of Gifts and Donations

To help the district ensure consistency and prevent duplication of solicitations within the community, the Executive Director or designee will administer and coordinate the offer and solicitation of gifts.

Fundraising for Capital Improvements

All privately sported capital improvement projects must be fully funded. All donated monies or in-kind services needed for the project should be committed before the commencement of work. All capital improvement projects donated to the district require a separate memorandum-of-understanding or contract that describes the responsibility of each party. For such projects that include a fundraising campaign, the campaign must be completed before commencement of work. The total cost of any project includes planning, design, project construction, project administration, and contingencies.

Donation of Plant Material

The district will accept donations of plant material if the donated plants are of consistent quality with other plant material use at the selected site; the plants are consistent with district standards for the selection of plant material; there is a need for the donated vegetation; and the plant material is consistent with the site's design and maintenance standards. Site selection will be made with input from the donor. Plantings that appear on any Oregon prohibited plant list will not be accepted for any location. A list of prohibited plantings may be found on the Oregon Invasive Species web page.

Donations for Recreation Programs

Individuals or businesses often donate supplies or funds to support recreation programs. It is the Executive Director or designee's responsibility to coordinate the solicitation and acceptance of gifts that support the recreation program. This coordination will include a review by the Executive Director or designee to ensure it is consistent with and supports the overall district strategy.

Life Cycle of Park Furnishings and Artwork

Gifts will be cared for and maintained by the district only for the expected life of the amenity. Should a park be redeveloped or the amenity become in disrepair, the district may remove or replace the gift. If the district chooses not to replace the gift, or if the donor chooses not to renew, any plaque recognizing the original gift will be removed and the site may be offered to a new donor or redeveloped at the district discretion.



Relocation

The district retains the right to relocate any donated amenity and/or plaque at any time. If a donated item needs to be relocated, the district will attempt to inform the donor of the district's decision and consider the desires of the donor before making a final decision.

Acknowledgement

Gift giving is designed to enable residents to support the district through tax-deductible contributions. Donations with an estimated value of \$100 or more will be acknowledged with a letter to the donor. All gifts with an estimated value of \$500 or more will be recognized in the district's annual financial report.

Uniformity

All donated furnishings and amenities will conform to the design standards of the park for which the donation is intended as determined by the Executive Director or designee. Donated item may only be installed in a new location with the approval of the Executive Director or designee.

Recognition Plaques

Recognition plaques may be placed with a bench, picnic table, or water fountain. Recognition plaques will not be allowed for gift of plant material. Information on a donation plaque may include the date on which the gift took place or a date to commemorate an event, and the name of the donor or the name of someone the donor wishes to recognize. If the gift is commemorating an event or the life of an individual, the plaque may state one of the following:

"Dedicated to..."

"Donated by..."

"Commemorating..."

"In recognition of..."

"In honor of..."

On an individual basis, a plaque may be allowed on gifts of significant park amenities such as a playground structure or pavilion. These plaques will be designed to fit the circumstance and must be approved by the Executive Director or his/her designee before placement. Quotes or additional information are not allowed on recognition plaques.

Bend Park and Recreation Foundation ("Foundation")

The Bend Park and Recreation Foundation was incorporated in 1977 as a non-governmental not-for-profit organization that exists to raise funds for the district. The Foundation maintains its own policy in regard to gift acceptance and solicitation that conforms to the district's Gift



Policy. From time to time, the foundation will consider acting as the fiscal sponsor for fundraising projects such as the development of Farewell Bend Park and the Bend Heroes Memorial. Significant projects must be in writing and approved by the Foundation Board.

Conflict of Interest

The district urges all prospective donors to seek the assistance of their legal and financial advisors in matters relating to their gift and the resulting tax and estate planning consequences. District staff shall not advise potential donors on tax or estate planning issues, but may be a facilitator in order to help the donor understand their options.

Sale or Disposition of a Gift

The district is responsible for filing IRS Form 8282 upon the sale or disposition of any asset sold within three years of receipt by the district when the stated charitable deduction value of the item or group of similar items exceeds \$5,000, and the district signed an IRS Form 8283 on the original date of the gift. The district must file this form within 125 days of the date of sale or disposition of the gift.

Donor Information

In the event that a donation item needs to be moved or needs to be replaced, the donor will be contacted if contact information is available. Donors should notify the district of any contact information change.

References

Oregon Ballot Measure 2-Authorizing State Acceptance of Gifts

IRS Form 8282

Parkland Acquisition Policy

Oregon Invasive Species web page

**Board Calendar
2023-2024**

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

August 1 – Canceled

August 15 – Canceled

September 5

WORK SESSION

BUSINESS SESSION

- Approve MMC preferred concept designs and implementation – *Ian Isaacson (45 min)*

September 19

WORK SESSION

BUSINESS SESSION

October 3

WORK SESSION

BUSINESS SESSION

October 17

WORK SESSION

BUSINESS SESSION

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

IGA with NUID for canal trail – *Henry Stroud*

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

Approve preferred concepts for MMC – *Ian Isaacson*

City of Bend Housing Need Overview TBD

Approve construction contract for Little Fawn Park – *Jason Powell*