



Bend Metro Park & Recreation District

February 16, 2016

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

February 16, 2016

District Office Building | 799 SW Columbia | Bend, Oregon

AGENDA



5:30 p.m. CONVENE MEETING

Presentation of SDAO Project Award for Bend Whitewater Park to Chelsea Schneider and Brian Hudspeth

WORK SESSION

1. Deschutes River Riparian Area Assessment and Stewardship Planning – *Chelsea Schneider and Ryan Houston, Upper Deschutes Watershed Council (30 min)*
2. Preparation of New Parks, Recreation and Greenspaces Comprehensive Plan – *Steve Jorgensen and Quinn Kever (40 min)*

6:50 p.m. BREAK/TRANSITION

7:00 p.m. REGULAR MEETING

VISITORS

This is the time provided for individuals wishing to address the Board regarding items **not** listed in the business session. The Board may elect to ask for comment on business session items at the appropriate time. Visitors who wish to speak are asked to submit a public comment card provided at the sign-in table. The visitor’s section is not designed for a lengthy presentation. If you have a proposal for Board consideration, briefly introduce the subject, and request that the Board consider adding discussion to a future Board meeting agenda. Please state your name and address at the time you address the Board. Please limit your remarks to three minutes.

CONSENT AGENDA

1. Meeting Minutes - 1/19/2016 and 2/2/2016

BUSINESS SESSION

1. Adopt Resolution No. 386, Adopting Amended Public Contracting Rules and Procedures and Class Special Procurements and Exemptions – *Dave Crowther (15 min)*

EXECUTIVE DIRECTOR’S REPORT

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

ADJOURN

EXECUTIVE SESSION - The Board will meet in Executive Session upon adjournment of the regular meeting pursuant to ORS 192.660(2)(h) and ORS 192.660(2)(e) for the purpose of consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and 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. Matters discussed in executive session that relate to current litigation or litigation likely to be filed shall not be disclosed by the news media.



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

BOARD AGENDA COMMUNICATION

AGENDA DATE:	February 16, 2016
SUBJECT:	Deschutes River Riparian Area Assessment and Stewardship Planning
GUEST PRESENTERS:	Ryan Houston, Upper Deschutes Watershed Council
STAFF RESOURCE:	Chelsea Schneider, Landscape Architect Sasha Sulia, Superintendent of Park Operations Michelle Healy, Director of Planning and Park Services
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Respond to User Expectations
Initiative:	Develop and implement efficient, effective and responsive way of managing the use of District parks and facilities

BACKGROUND

While the Deschutes River is an iconic recreation amenity for river users, it is also vital to the environmental diversity and aesthetic appeal of Bend. The District manages more than 7.5 miles of trails and river park frontage along the river corridor, in addition to the newly built Bend Whitewater Park. As recreational use of the river has increased over the recent years, the District is recognizing the increasing challenges of balancing river recreation demands with aesthetic and environmental protection of the riparian areas along the river.

The District is proposing to partner with the Upper Deschutes Watershed Council and the City of Bend and other key stakeholders to evaluate Deschutes River riparian area improvements for habitat restoration and protection, balanced with appropriate river access for recreation. Through this collaborative planning project, the conversation about river stewardship will be taken to a broader audience engaging river users, private property owners and public land owners in an effort to come together to improve the river's riparian areas. This effort will assess existing habitat conditions, and develop site-specific solutions in order to implement stewardship projects along the river. The outcome of this process will help public and private entities to identify opportunities to restore and improve riparian areas along the river. Attachment A to this Board Agenda Communication provides a more detailed description of the project.

BUDGETARY IMPACT

UDWC estimates the cost of this planning project to be about \$50,000. In order for the project to move forward, the UDWC is seeking a grant from the Oregon Watershed Enhancement Board (OWEB) to help support this planning effort.

This spring, the District will work with and support UDWC's submission of the OWEB grant to help fund this project. The District's portion of any grant match funding, plus any additional funding to support this planning effort will be proposed in the 2016-2017 Planning and Design Department budget. Funding for implementing projects recommended in the plan will be handled on a project by project basis and planned for in future budgets.

STAFF RECOMMENDATION

None, information provided for discussion only.

MOTION

None, information provided for discussion only.

ATTACHMENTS

Attachment A: Draft project plan

Project Summary

Deschutes River Riparian Habitat Assessment

Discussion Draft - January 2016
Upper Deschutes Watershed Council (UDWC)

Introduction and Background

The 250-mile-long Deschutes River flows from the high Cascades to the Columbia River, passing through the communities of Sunriver, Bend, Tumalo, Maupin and others along its route through Central Oregon. The short reach of river that flows through the Old Mill District and downtown Bend is the most urbanized section, with a higher density of roads, bridges, homes, trails, and recreational users than any of the other reaches. Although the river flows through this major population center, the river has benefited from the protection and management brought by a long history of projects, programs and policies designed to protect and manage the habitat along the river corridor. Some of these include:

- Deschutes County / City of Bend River Study in 1986;
- Adopting Goal 5 wetland inventory by the City of Bend in 2002;
- The adoption of the City of Bend's Waterway Overlay Zone in 2002;
- The Bend Park and Recreation District's riparian protection projects at Riverbend, McKay and Farewell Bend Parks; and
- Private landowner stewardship projects along the river in the Old Mill District and other areas.

This focus on wetland and riparian area protection is particularly important in the high desert where riparian zones typically make up only 2% of the overall landscape yet 75% of bird and wildlife species depend on them for part of their lifecycle. In many places along the river, a balance between riparian protection and recreational access to the river has been achieved with a high degree of success (Figure 1). These areas are places where nesting birds, otter and other wildlife continue to thrive, and they provide good models for how urban development and recreational access can coexist with the maintenance of quality habitat that provides for a healthy river.

While these past efforts have successfully protected some important areas, the growth in recreational traffic in and along the river has contributed to loss of habitat in places where adequate habitat protections do not exist. Most of the losses in habitat have occurred where recreational users enter the river at user-created access sites that lack any specific habitat protection measures. In these areas floaters enter and exit the water at gaps along the river banks, dogs access the water along popular trails, and casual visitors picnic or play throughout the riparian zone.

Over time, user-created access sites tend to grow as vegetation is trampled, soils are compacted and native riparian plants are replaced by weeds. This leads to erosion, sedimentation in the river and the degradation of habitat. Because the fragile soils and slow-growing native vegetation do not recover rapidly enough to reverse these impacts, these types of access sites typically do not recover on their own (Figure 2).



Figure 1 (above): Riparian protection along the Deschutes River has provided for beach and trail access while still allowing native riparian vegetation to create wildlife habitat. Figure 2 (below): In areas where river users have created their own access sites, erosion, compaction and loss of vegetation and led to habitat loss.



Over the past several years the number of users on the river has increased as recreational floating has become more popular, fueled by a growing suite of services designed to promote the activity to residents and visitors (e.g., tourist promotions, inner tube rental companies, a “ride the river” shuttle system, etc.). With this increase in traffic, the impact to riparian habitat has increased as well, with local access sites becoming larger and more popular over time (see example in Figure 3).



Figure 3: A comparison of Google Earth images from 2005 and 2014 shows the loss of riparian habitat at a user-created river access site on the Deschutes River. In addition, user-created trails have expanded through the riparian area between 2005-2014, potentially signaling the development of another future access site.

Project Overview

As part of its long-term strategy to protect and restore habitat along the Deschutes River, the Upper Deschutes Watershed Council is launching a project to address this growing issue of habitat loss through a multi-year collaborative project that will:

1. Assess the scope and scale of the existing habitat conditions;
2. Develop and adopt a suite a site-specific solutions; and
3. Implement, in collaboration with the underlying landowners, stewardship projects that will protect and restore habitat while allowing recreational enjoyment of the Deschutes River

These projects, implemented over time, may include access site development (e.g., placing rocks or logs to better define access sites), riparian protection (e.g., fencing to limit the growth of access sites) and other measures as appropriate. The proposed project will begin with an assessment and planning phase as described in the graphic below, then continue into the implementation phase in the future.

Budget and Funding

The total cost of this assessment is expected to be approximately \$45,000 - \$50,000, including the costs of consultants, public outreach, UDWC staff and other expenses.

The UDWC plans to fund the project through a combination of grants from the Oregon Watershed Enhancement Board and contributions from local partners.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	February 16, 2016
SUBJECT:	Preparation of a new <i>Parks, Recreation and Greenspaces Comprehensive Plan</i>
STAFF RESOURCE:	Steve Jorgensen, Park and Trail Planner Quinn Keever, Planning Analyst Michelle Healy, Planning and Park Services Director
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Theme:	Customer – Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Review, monitor and periodically revise the Comprehensive Plan and Strategic Plan to ensure that they provide direction to address system deficiencies, respond to the needs of a growing community and plan for equitable distribution of facilities.

BACKGROUND

Bend Park and Recreation District is guided by its *Parks, Recreation and Greenspaces Comprehensive Plan*. The purpose of the comprehensive plan is to provide a broad planning umbrella that guides system-wide aspects of the District's work. The District created the first comprehensive plan in 1980 which was subsequently reviewed and revised in 1986, 1995, 1998, 2001, 2005 and 2012.

Traditionally, city or county municipal comprehensive plans serve a longer term need and are much more generalized, with a focus on advance planning. They are then implemented by a development and zoning code. Park comprehensive plans are different than municipal government comprehensive plans in that park comprehensive plans provide greater emphasis on policy and operations, and provide a more detailed framework for the agency's strategic and capital improvement planning. Park comprehensive plans contain recommendations for the provision of recreation facilities, programs and services, park land acquisition and development, maintenance and operations, administration and management.

It is customary for park comprehensive plans to have a 20-year life with periodic updates occurring every 5 years or so. In fast growing communities where trends and needs emerge at a faster-than-usual pace, both plan updates and plan re-writes occur more frequently. The District's 2005 plan was the last entirely new version of the plan and its findings and recommendation were built upon an extensive needs assessment and community input process (including a community-wide survey completed in 2004). While community surveys have been replicated since 2004, the accompanying public outreach that was done as part of the 2005 plan was not part of the 2012 update. In order for the District's plan to stay current and representative of the community's needs, a complete needs assessment and plan re-write is needed.

Staff plans to advertise a Request for Qualifications (RFQ) within the next few months to hire a firm to help guide the District's comprehensive planning process. A contract for award is expected to be presented to the Board in July 2016.

During the Board meeting on February 16, staff will provide additional information on:

- What a comprehensive plan entails and why we are preparing a new plan now.
- The goals of this comprehensive planning effort.
- Some of the anticipated policy issues/decision points.
- The preliminary public involvement strategy, including Board engagement in the process.
- The tentative project schedule*.

The tentative project schedule is:

Advertise RFQ	April/May 2016
Firm selection	June 2016
Board contract award	July 2016
Begin development of a the new comprehensive plan	August/September 2016
Community engagement and needs evaluation, system analysis, recommendations and priorities	(~12 to 18 months)
Board adoption of the comprehensive plan	TBD

*It is expected that the tentative schedule, scope and public outreach strategy will be refined and updated upon hiring a consultant team.

Following the completion of the new comprehensive plan, the District will update the strategic plan and system development charge (SDC) methodology, ordinance and resulting fees. Information gathered and recommendations from the comprehensive plan will serve as the basis for the update of these subsequent planning documents.

BUDGETARY IMPACT

Funding for the development of the new comprehensive plan will be included in the Planning and Design Department’s 2016-2017 budget.

STAFF RECOMMENDATION

None, for informational purposes only.

MOTION

None, for discussion only.

ATTACHMENT

None

2. Community Sponsored Projects – Quinn Keever (30 min.) 6:13 – 6:43

Ms. Keever provided a presentation on a new process for community sponsored projects. She gave background on the many different kinds of requests received from the community and what initiated the need for a process. Ms. Keever shared the steps taken to develop the process and highlighted the integral process elements. She briefly discussed the application questions, provided samples of project criteria and shared next steps.

The Board and staff discussed staff time involved in the process, what guidance and assistance staff would provide applicants and how the process would be communicated to the public. The Board asked for ongoing updates on the process.

CONSENT AGENDA

1. Meeting Minutes - 11/17/2015 and 12/1/2015
2. Hamilton Contract Amendment

Director Hovekamp made a motion to approve the Consent Agenda. Director Fuller seconded. The motion passed unanimously, 5-0.

BUSINESS SESSION

1. Accept 2014-15 Audited Financial Statement – Price/Fronk CPAs & Lindsey Lombard

Ms. Lombard provided background on the audit process and introduced auditors Candy Fronk and Mitchell Biss. She explained that the auditors work for the Board, not staff. She said the District must comply with Oregon Municipal Audit Law which requires an annual financial report audit of all municipal corporations. She shared that the District has a five year contract with Price/Fronk & Company, this is our fourth year.

Ms. Fronk and Mr. Biss briefly reviewed the audited financial report with the Board. They explained the process, schedule, and specific items that they review. Ms. Fronk reported that, from an audit standpoint, there were not any internal weaknesses and they did not find anything that would be considered an audit adjustment. She said that the Board would have received a letter with a recommendation for improvement if there was a finding.

The audited financial report for fiscal year 2014-15 is posted on the District's website www.bendparksandrec.org for review. Click on "About BPRD" at the top right corner of the main page and scroll down to and click on "Finance." Click on "Audited Financial Statements" in the middle of the Finance Department page and click on "View BPRD Audited Financial Statement FY 2014-15."

Mr. Schoenborn made a motion to accept the District's 2014-15 audited financial report. Director Grover seconded. The motion passed unanimously, 5-0.

2. Approve Eagle Park Master Plan – Jim Figurski and Ian Isaacson

Mr. Figurski and Mr. Isaacson gave a presentation to the Board on the Eagle Park Master Plan. They shared the existing conditions, project outreach, public outreach findings and project input and design options. Mr. Figurski shared that the park development is being done entirely in-house.

Mr. Figurski shared that there were three public meetings, all well attended. From the public outreach, staff learned that overall the public wanted balance, balance natural and developed areas, natural play with traditional play, and active and passive recreation opportunities. Staff tried to achieve that in planning, also considering the amenities ranked higher than others. He explained that all of the information gathered from the public and District priorities were vetted with staff, and the result is the conceptual master plan.

Mr. Figurski explained that the hope was to have it out to bid early summer. He shared that staff are also discussing staggering bids to be thoughtful about managing multiple projects and in-house work load.

Director Hovekamp made a motion to approve the Eagle Park Master Plan. Director Schoenborn seconded. The motion passed unanimously, 5-0.

EXECUTIVE DIRECTOR'S REPORT

- Benefits Committee
 - Need 2 Board members and 1 Budget Committee member for the committee
 - Directors Fuller and Schoenborn volunteered for the committee
- Minimum Wage
 - Discussed recent Governor's proposal for increase in minimum wage
- Discovery Park
 - Have fenced off the area by the pond, the fence will stay up until winter is over, then a more permanent solution to separate the natural area from rest of the park will be installed
 - Also need to address if we allow for the activity (sledding) to happen, if we do, we need to make some modifications to make it a safer experience
- Alcohol sales at The Pavilion
 - Vendor was acquired for the first year
 - Silver Moon will provide alcohol sales
 - Sales will only be during adult hockey and curling
 - Sales will be outside by fire pits and monitored
 - Indoor consumption/sales may be allowed on occasion
 - Sales started on 1/19/16
- The Pavilion Dedication
 - Discussed having a facility dedication. The community has already been introduced to the facility, the need is to be able to say thank you to those that made it possible. Staff will bring back more details for your consideration.
- Heritage Square
 - Discussed the School District selling of Troy Field, one condition is a zone change
 - Super Intendent and City Manager have met with Don about the desire to get Heritage Square idea going again.
 - City will lead the discussions and would like to have a series of meetings with key staff form each agency and two elected members of each agency, primary purpose of the meetings would be to establish parameters of what this might be.
 - In the end, it will likely be under the Park District's management.

- Asked the Board if they support involvement in this? If in support, who would like to be involved in the first series of meetings?
 - Director Hovekamp and Chair Chenoweth both stated they would like to be involved.

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

ADJOURN : 8:23 p.m.

EXECUTIVE SESSION - The Board met in Executive Session upon adjournment of the regular meeting pursuant to ORS 192.660(2)(h) and ORS 192.660(2)(e) for the purpose of consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and for the purpose of discussing real property transactions.

DRAFT



**Bend Park &
Recreation**
DISTRICT

Board of Directors

Board Meeting Minutes – February 2, 2016

BOARD PRESENT

Craig Chenoweth, Chair
Ted Schoenborn, Vice Chair
Brady Fuller
Nathan Hovekamp
Ellen Grover

STAFF PRESENT

Don Horton, Executive Director
Vanessa DeMoe, Assistant to the Executive Director
Jan Taylor, Community Relations Manager
Matt Mercer, Director of Recreation
Lindsey Lombard, Administrative Services Director
Michelle Healy, Strategic Planning & Design Director
Kim Johnson, Volunteer Coordinator, BPRD Foundation
Jeff Hagler, Stewardship Manager
Russ Holliday, Sports Program Manager
Kevin Collier, Sport Program Coordinator

STAFF INTRODUCTIONS

Matt Mercer introduced Mark Cain, Charlie Redline and Sue Glenn. Mark has worked for the District for the past six years part time and is now full time as a supervisor at the Senior Center. Charlie is new to the District and is a full time evening supervisor at Juniper Swim and Fitness Center. Sue is also new to the District and is the Recreation Facilities Manager; her current primary focus will be managing Juniper Swim and Fitness Center.

WORK SESSION

1. Effects of Alcohol and Marijuana on Youth - *Jessica Jacks, Julie Spackman and Evan Thibeau, Deschutes Co. Health Services*

Ms. Jacks introduced Ms. Spackman and Mr. Thibeau. She clarified that the presentation will not be speaking specifically to the effects of alcohol and marijuana, but rather about prevention best practice and how we as a community can work together on substance abuse prevention.

Ms. Spackman lead the presentation on Substance Abuse Prevention; A collective Impact Approach. She explained that her role with Deschutes County is to provide technical assistance and staff support to a community coalition made up of diverse stakeholders. She shared a video from the Shared Future Coalition and discussed their vision and mission. She explained that the approach is very deliberately a positive welcoming approach and shared the coalition values and goals. Ms. Spackman provided data on youth substance use and discussed the multiple layers of impact on youth in our community.

Ms. Spackman asked that the District lead by example and welcomed suggestion on how the District and coalition could work together in prevention. The Board discussed how the District's role

in the community is already aligned with emphasizing healthy behaviors and to also keep in mind, when creating policy, how the policies establish norms in the community. The Board asked what it meant to be a coalition member and shared their concern for staff time. Ms. Spackman explained that there are many levels of involvement; coalition membership can range from Board member to a community friend or champion. She said there is a wide range of ways for the District to be involved and still be a partner or a member. The Board agreed that being a partner with the coalition was appropriate and that staff can use the partnership as a resource for policy making.

PUBLIC COMMENT

Ron Radabaugh, Crook County resident – Mr. Radabaugh commented on the growth in Deschutes County and the evolution of parks and recreation. He provided comment on the use of the term marijuana and said that when communicating with youth the proper term, cannabis, should be used. He said that the use of cannabis is lawful in this state and education on use is important for youth.

Nunzi Gould, Deschutes County resident - Ms. Gould stated that she had testified before the Board several months ago regarding Troy Field. She said that the hearings officer had made a decision on Troy Field that the Board may want to review. She shared that there is documented recreational use of Troy Field dating back to 1907. She asked for a copy of the letter provided to the School District from BPRD. She shared that Troy Field is a historic site in our community and deserves a historic survey be completed.

2. Bend Park and Recreation Foundation – *Jan Taylor & Kim Johnson*

Ms. Taylor explained that the Foundation is a 501-c-3 tax exempt corporation that exists for the purpose of supporting the work of the Bend Park and Recreation District. The foundation incorporated in 1974 and has served the District in a wide variety of ways ranging for accepting donation of property to serving as a fiscal sponsor of community fundraising efforts to fund new District services. Ms. Taylor and Ms. Johnson shared an overview of the foundation’s history and current relationship with the District. They covered the purpose and structure of the Foundation, its mission, fundraising efforts and events and the future of the Foundation.

3. The Pavilion Update – *Matt Mercer*

Mr. Mercer gave a brief update on The Pavilion since its opening five weeks ago. He recognized Russ Holliday and Kevin Collier for their extraordinary efforts throughout this project. Mr. Mercer shared a summary of visits, skate rentals, programs and leagues and gave an update on other uses and services such as concessions, skate sharpening, and group and party rentals. The Board shared their observations and comments they have heard from the public. Mr. Mercer asked that they continue to share things they are hearing from the community. Director Horton said that he is most proud of the utilization of the facility and diversity of the programs.

STAFF REPORTS

Staff reports were provided to the Board for informational purposes only. There was no formal presentation or discussion.

EXECUTIVE DIRECTOR'S REPORT

- Bend 2030 Livability Conference planning is moving forward. Bend 2030 wants to address affordable housing, transportation and the cost of public transit and some of the City's UGB pressures. The District has decided to be a part of the existing tracks instead of creating a separate parks and recreation track. The conference is scheduled for Friday – Sunday, June 3-5.
- Local Meeting Calendar – As a follow up from the Board self-evaluation, as to how the Board can be more involved in the community, a local meetings calendar was created. The calendar captures many of the local meetings including, chamber, rotary, school district, City Club, District public meetings and others. The Board was asked if this would be a helpful tool. The Board agreed to have it be provided at each meeting for their information.
- OPRD rule change on South UGB bridge location - OPRD is going to make recommendation to the Commission later this month that they do not support the rule change as it has been submitted and that they would like more time to study it further. The Commission meeting is on February 24 in Portland. Don will attend and provide comment.

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

Director Fuller asked for an update on the Farewell Bend Bridge. Executive Director Horton shared that the project is on schedule. He said staff anticipate going out for bid later this spring and hope to complete the project by mid-summer. He said that even with being on schedule, we are not scheduling any special events that would use the bridge this summer.

Director Grover asked for an update on the Bend Whitewater Park. Executive Director Horton briefly discussed the work being done. He said the work should be complete by the end of the month if not sooner, allowing water to be moved in to the center channel so that we can see how the wave functions. He explained that a lot of work is being done on the communication plan to be sure we are clear about the intended function of the channels and to provide clear information about the experience you can expect from each channel.

ADJOURN 7:45

EXECUTIVE SESSION - The Board did not meet in executive session.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	February 16, 2016
SUBJECT:	District contracting rules and procedures
STAFF RESOURCE:	David L. Crowther, Business Manager Lindsey Lombard, Administrative Services Director
PREVIOUS BOARD ACTION:	Adopted Resolution No. 330, Adopting Amended Public Contracting Rules and Procedures and Class Special Procurements and Exemptions March 1, 2011
ACTION PROPOSED:	Adopt Resolution No. 386, Adopting Amended Public Contracting Rules and Procedures and Class Special Procurements and Exemptions
STRATEGIC PLAN:	
Theme:	Internal Business – Operational Excellence
Objective:	Improve Business Practices

BACKGROUND

The Board last adopted Resolution No. 330, amending our public contracting rules and procedures; amending class special procurements and exemptions; and adopting new class special procurements and exemptions to the public contracting code on March 1, 2011. Oregon statutes and administrative rules have changed since then and it is time to update our rules and procedures again. We will be amending the previous Resolution No. 330. The Bend Park and Recreation District Board of Directors, acting as the Local Contract Review Board (“LCRB”), has the right and obligation to regularly review and update the Oregon Public Contracting Code and the Oregon Model Rules to ensure that the amendments are consistent with current law.

Resolution No. 386 will adopt amended public contracting rules and procedures to bring the District into compliance with current Oregon statutes. We have made the required changes to Resolution No. 330 and Exhibit A and we will be retaining Exhibit B of Resolution No. 330 which will become part of Resolution No. 386 as there were no changes required.

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

Staff recommends the Board, acting as the LCRB, adopt Resolution No. 386, Amending Public Contracting Rules and Procedures.

MOTION

I move to approve Resolution No. 386, Adopting Amended Public Contracting Rules and Procedures; Amending Class Special Procurements and Exemptions; and Adopting New Class Special Procurements and Exemptions to the Public Contracting Code and its related Exhibits A and Exhibit B from Resolution No. 330.

ATTACHMENT

Resolution No. 386, Adopting Amended Public Contracting Rules and Procedures; Amending Class Special Procurements and Exemptions; and Adopting New Class Special Procurements and Exemptions to the Public Contracting Code and related Exhibits A and B.

RESOLUTION NO. 386

**A RESOLUTION OF THE BEND METRO PARK AND RECREATION DISTRICT BOARD OF DIRECTORS
ADOPTING AMENDED PUBLIC CONTRACTING RULES AND
PROCEDURES; AMENDING CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS; AND ADOPTING NEW
CLASS SPECIAL PROCUREMENTS
AND EXEMPTIONS TO THE PUBLIC CONTRACTING CODE**

WHEREAS, Bend Park and Recreation District (“**District**”) is an Oregon special district which is subject to Oregon’s public contracting laws; and

WHEREAS, the District’s Board of Directors (the “**Board**”), serves as the District’s Local Contract Review Board (“**LCRB**”); and

WHEREAS, ORS 279A.065(6) provides that a local contracting agency may adopt its own rules of procedure for public contracting that:

- (A) Specifically state that the model rules adopted by the Attorney General do not apply to the contracting agency; and
- (B) Prescribe the rules of procedure that the contracting agency will use for public contracts, which may include portions of the model rules adopted by the Attorney General; and

WHEREAS, the District has previously adopted and revised public contracting rules consistent with the Oregon Public Contracting Code then in effect; and

WHEREAS, the District has previously adopted exemptions and class special procurements under the Code which allow the District to purchase certain goods and services by alternate contracting methods; and

WHEREAS, the LCRB now desires to amend the District’s public contracting rules, and retain its existing exemptions and class special procurements, consistent with the amended Oregon Public Contracting Code; now therefore

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BEND PARK AND RECREATION DISTRICT, ACTING AS THE LCRB, as follows:

1. That, except as otherwise provided herein, the Oregon Attorney General’s Model Public Contracting Rules, Oregon Administrative Rules Chapter 137, Divisions 46, 47, 48 and 49 (“**Model Rules**”), and the Oregon Department of Energy Administrative Rules Chapter 330-135-0010 thru -0055, shall be the public contracting rules for the District, as such rules now exist or are later modified.
2. That the District’s public contracting rules (the “**Rules**”) are amended and restated as shown in Exhibit “A,” which is attached to this Resolution and incorporated herein by reference. The Rules shall be in addition to, and shall supersede any conflicting provisions in, the Model Rules.

3. That the District shall regularly review changes in the Public Contracting Code and Model Rules to ensure that the District’s Rules are consistent with current law.
4. That the exemptions and class special procurements previously adopted by the District, set forth for convenience on the attached Exhibit “B,” are hereby retained and remain part of the District’s Rules.
5. That if any portion of this resolution is deemed invalid by a court of competent jurisdiction, the invalid portion shall be severed from the resolution and the rest shall remain in full force and effect.

ADOPTED by the Board of Directors of the District on this 16th day of February, 2016.

Craig Chenoweth, Board Chair

ATTEST:

Don P. Horton, Executive Director

EXHIBIT A

PUBLIC CONTRACTING RULES AND PROCEDURES

A. Delegation.

(1) Except as otherwise provided in these Rules, the powers and duties of the LCRB under the Public Contracting Code must be exercised and performed by the Board.

(2) Unless expressly limited by the LCRB or these Rules, all powers and duties given or assigned to contract agencies by the Public Contracting Code may be exercised or performed by the Executive Director or the Executive Director's designee, including the authority to enter into emergency contracts pursuant to ORS 279B.080 and 279C.320.

(3) All public contracts estimated to cost \$150,000 or more must be approved by the Board of Directors. All public contracts estimated to cost less than \$150,000 may be entered into by the Executive Director without Board approval. However, emergency contracts may be entered into by either the Board or the Executive Director pursuant to Paragraph H of these Rules, regardless of dollar limits, subject to ORS 294.455.

(4) For the purposes of the District's public contracting Rules, "Executive Director" shall mean the District's Executive Director or the Executive Director's designee. References in the Model Rules to the "Chief Procurement Officer" shall be deemed to refer to the Executive Director.

B. Personal Services.

(1) **Definitions.** "Personal Services" shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: attorneys, accountants, auditors and other licensed professionals; computer programmers; artists; graphic designers; performers; and consultants. The Executive Director shall have the authority to determine whether any additional service not specifically mentioned in this paragraph is a "Personal Service" under this definition. "Personal Services Contract" shall mean a contract for the provision of Personal Services.

(2) **Contracts for Personal Services.** Except as provided in Paragraph (3), below, Personal Services Contracts may be directly appointed, or awarded from proposals that are solicited informally, either orally or in writing. When proposals are sought, they shall be solicited from a sufficient number of qualified prospective proposers to ensure that no fewer than two qualified proposers submit proposals. If fewer than two qualified proposers submit proposals, the efforts made to solicit proposals shall be documented in the District's files. The selection may be based on criteria including, but not limited to, each proposer's:

- Particular capability to perform the services required;
- Experienced staff available to perform the services required, including each proposer’s recent, current and projected workloads;
- Performance history;
- Approach and philosophy used in providing services;
- Fees or costs; and
- Ability to provide timely performance in the area where the services are to be performed.

Price may be considered, but need not be the determining factor. Proposals may also be solicited by using a written request for proposals, at the District’s discretion.

(3) **Contracts for Architectural, Engineering and Surveying Services, and Related Services.** Personal Services Contracts for architectural, engineering, photogrammetric mapping, transportation planning, land surveying or related services, all as defined by ORS 279C.100, shall be awarded in accordance with the source selection procedures set forth in ORS Chapter 279C and Division 48 of the Model Rules (except as otherwise provided in the District Rules). Notwithstanding the foregoing, such Personal Services Contracts may be awarded pursuant to ORS 279C.115 or 279C.120 when applicable. When using the informal selection procedures described in OAR 137-048-0210, the Executive Director will submit Request for Proposals to a minimum of three prospective consultants drawn from the following:

- (a) District’s list of consultants that is created and maintained under OAR 137-048-0120;
- (b) Another contracting agency's list of consultants that is created and maintained under OAR 137-048-0120; or
- (c) All consultants that the contracting agency reasonably can locate that offer the desired architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services, or any combination of the foregoing.

C. Contracts for Services.

Pursuant to ORS 279B.030, the provisions of OAR 137-047-0250(2)-(8) shall not apply to contracts for services awarded by the District.

D. Special Procurements and Exemptions.

(1) The LCRB may exempt from competitive bidding certain contracts or classes of contracts for the procurement of goods and services according to the procedures described in ORS 279B.085. In accordance with OAR 137-047-0285(2), the District shall give public notice of the District’s approval of a special procurement for goods and services in the same manner as public notice of competitive sealed bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the goods or services or class of goods or services to be

acquired through the special procurement. The District shall give affected persons at least seven (7) days from the date of the notice of approval of the special procurement to protest the special procurement.

(2) The LCRB may exempt certain contracts or classes of contracts for public improvements from competitive bidding according to the procedures described in ORS 279C.335. When exempting a public improvement from competitive bidding, the LCRB may authorize the contract to be awarded using a Request for Proposal process for public improvements, according to the processes described in OAR 137-049-0640 through 137-049-0690.

E. Small Procurements.

(1) Public contracts for goods and services under \$10,000 are not subject to competitive bidding requirements. The Executive Director shall make a reasonable effort to obtain competitive quotes in order to ensure the best value for the District. The District may amend a public contract awarded as a small procurement beyond the \$10,000 limit in accordance with OAR 137-047-0800, provided the cumulative amendments do not increase the total contract price to a sum that is greater than \$12,500.

(2) Public contracts for public improvements under \$5,000 are not subject to competitive bidding requirements. The Executive Director will make reasonable efforts to obtain competitive quotes in order to ensure the best value for the District. District may amend a public contract for a public improvement awarded as a small procurement beyond the \$5,000 limit, provided the cumulative amendments do not increase the total contract price to a sum that is greater than \$6,250.

F. Intermediate Procurements (goods and services <\$150,000; public improvements <\$100,000).

(1) A contract for procurement of goods and services estimated to cost between \$10,000 and \$150,000 may be awarded according to the processes for intermediate procurements described in ORS 279B.070. The District may amend a public contract awarded as an intermediate procurement in accordance with OAR 137-047-0800.

(2) A contract for a public improvement that is estimated to cost between \$5,000 and \$100,000, may be awarded according to the processes for intermediate procurements described in ORS 279B.070(3). The District may increase the contract price of a public contract awarded as an intermediate procurement through change order or amendment, pursuant to OAR 137-049-0160, (a) up to an aggregate of 25% over the original contract amount when the Executive Director determines that a price increase is warranted for additional reasonably related work; and (b) up to an aggregate of 50% over the original contract amount, when the Executive Director determines that a price increase is warranted for additional reasonably related work and the Board approves the increase.

G. Methods for Awarding Contracts Using Request for Proposal Process.

In making an award using the request for proposal process in ORS 279B.060, the District may use any evaluation method determined to be most appropriate for the selection process, including, but not limited to, the processes described in ORS 279B.060(6)(b). The evaluation process(es) to be used shall be stated in the Request for Proposals.

H. Emergency Contracts.

(1) “Emergency” shall be defined as follows: “Circumstances that (a) could not have reasonably been foreseen; (b) create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare or safety; and (c) require prompt execution of a contract to remedy the condition.”

(2) The Board Chair or the Executive Director shall have authority to determine when emergency conditions exist sufficient to warrant an emergency contract. The nature of the emergency and the method used for the selection of the contractor shall be documented.

(3) Emergency contracts may be awarded as follows:

(a) Goods and Services. Emergency contracts for procurement of goods and services may be awarded pursuant to ORS 279B.080 and section B, “Delegation,” of these Rules.

(b) Public Improvements. The District hereby adopts OAR 137-049-0150 as its contracting Rules for awarding a public improvement contract under emergency conditions, pursuant to ORS 279B.080.

I. Appeals of Prequalification Decisions and Debarment Decisions.

The review process for the District’s prequalification and debarment decisions shall be as set forth in ORS 279B.425.

J. Purchases from Federal Catalogs.

Subject to applicable Board approval requirements stated in the District’s Contracting Rules, the District may purchase goods from federal catalogues without competitive bidding when the procurement is pursuant to 10 USC 381, the Electronic Government Act of 2002 (Public Law 107-347). Purchases under other federal laws will be permitted upon a finding by the LCRB that the law is similar to such Act in effectuating or promoting transfers of property to contracting agencies.

K. Electronic Advertising.

Pursuant to ORS 279B.055 and 279C.360, electronic advertisement of public contracts in lieu of publication in a newspaper of general circulation in the area where the contract is to be

performed, is authorized when it is likely to be cost-effective to do so. The Executive Director shall have the authority to determine when electronic publication is appropriate, and consistent with the District’s public contracting policies. Notwithstanding the foregoing, publication of public improvement contracts with an estimated cost in excess of \$125,000 shall also be made in at least one trade newspaper of general statewide circulation.

L. Brand Names or Products, “or Equal,” Single Seller and Sole Source. [ORS 279B.075]

The District may enter into public contracts for the procurement of Brand Name “or Equal” products, including products to be incorporated into a public improvement, subject to the requirements of this rule.

- (A) Specifications. Solicitation specifications for public contracts must not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in Subsections (i) and (ii) of this Rule.
 - (i) “Or Equal” Specification. The District may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent,” or similar language if there is no other practical method of specification.
 - (ii) Specifying a Particular Make or Product. The District may specify a brand name, make, or product without an “or equal” or equivalent suffix if there is no other practical method of specification, after documenting the procurement file with the following information:
 - (I) A brief description of the solicitation(s) to be covered including volume of contemplated future purchases;
 - (II) The brand name, mark, or product to be specified; and
 - (III) The reasons for seeking this procurement method, which must include at least one of the following findings in the procurement file:
 - (a) It is unlikely that specification of the brand name, mark or product will encourage favoritism in the award of the public contracts or substantially diminish competition; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the District; or
 - (c) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.

- (B) **Public Notice.** The District will make reasonable effort to notify all known suppliers of the specified product and invite such suppliers to submit competitive bids or proposals; or document the procurement file with findings of current market research to support the determination that the product is available from only one seller. This requirement is satisfied by electronically posting a notice as provided in OAR 137-047-0330 for a reasonable period of time or by documenting direct contact with such suppliers in the procurement file.

- (C) **Sole Source Purchasing.** The District may purchase a particular product or service available from only one source if the District meets the Requirements of Subsection (A) and (B) of this rule and a Sole-Source Procurement pursuant to ORS 279B.075. Prior to purchase, the District must document its findings of current market research to support the determination that the product or service is available from only one seller or source and place this information in the Procurement file. The District’s findings must also include:
 - (i) A brief description of the contract or contracts to be covered including volume of contemplated future purchases;
 - (ii) Description of the product or service to be purchased; and
 - (iii) The District’s determination of a sole source which may include:
 - (I) That the efficient utilization of existing goods or services requires the acquisition of compatible goods or services; or
 - (II) That the goods or services required for the exchange of software and data with other public or private agencies are only available from one source; or
 - (III) That the particular goods or services are for use in a pilot or an experimental project; or
 - (IV) Other findings that support the conclusion that the goods or services are available from only one source.

- (D) **Sole Source, Multiple Purchases.** If the District intends to make several purchases of the product of a particular manufacturer or seller over an extended period, the District must so state in the solicitation file, the solicitation document, if any, and the public notice described in Subsection (B) of this Rule. Such documentation and public notice constitute sufficient notice as to subsequent purchases. Such purchase may not be made for a period in excess of five (5) years without new findings supporting continuation of the sole source procurement.

EXHIBIT B

CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS

The attached Class Special Procurements and Exemptions were adopted by the District Board of Directors as part of Resolution No. 330, on March 1, 2011. The Class Special Procurements and Exemptions remain in full force and effect and are set forth merely for the convenience of the reader.

EXHIBIT B

CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS

General:

The District shall regularly review changes in the Oregon Public Contracting Code and the Oregon Model Rules to ensure that the amendments in this Exhibit B are consistent with current law.

Class Special Procurements (Goods and Services):

- A. The District may award a public contract for goods and services under a Class Special Procurement pursuant to the requirements of ORS 279B.085. Such procurements allow the District to enter into one or more contracts over time without following the requirements of competitive sealed bidding, competitive sealed proposals, or small or intermediate procurements. The Executive Director may request a resolution from the LCRB exempting a particular contract or class of contracts from competitive bidding if the contract or contracts are not otherwise exempted under these rules.
- B. The LCRB declares the following as class special procurements. Unless otherwise specified in a particular special procurement rule, such contracts may be awarded in any manner that the Executive Director deems to be the most advantageous to the District, including by direct appointment or otherwise. Except as otherwise provided, the Executive Director shall make a record of the method of award.
 - 1. **Advertising Contracts, Purchase of.** The Executive Director, acting on behalf of the District, may purchase media advertising, regardless of dollar value, without competitive bidding.
 - 2. **Advertising Contracts, Sale of.** The Executive Director, acting on behalf of the District, may authorize the sale of advertising in District publications and for District activities, regardless of dollar value, without competitive bidding.
 - 3. **Equipment Repair and Overhaul.** The Executive Director, acting on behalf of the District, may enter into a Public Contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (a) Conditions.
 - (A) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or

- (B) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
 - (C) The District purchases within the limits and pursuant to the methods in (3)(b) of this Rule.
- (b) Process and Criteria. The Executive Director will use competitive methods wherever possible to achieve best value and must document in the Procurement File the reasons why a competitive process was deemed to be impractical.
- 4. Purchase of Used Personal Property.** The District may directly purchase used personal property and equipment if such property is suitable for the District’s needs and can be purchased for a lower cost than substantially similar new property. For the purpose of this rule, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the District.
- 5. Information Technology Contracts.** The Executive Director, acting on behalf of the District, shall comply with the requirements of this rule for the procurement of information technology contracts. Competitive methods will be used wherever possible to achieve best value. The reasons why a competitive process was deemed to be impractical must be documented in the Procurement file. If the anticipated purchase exceeds \$150,000, the District will solicit written proposals in accordance with District rules governing requests for proposals.
- 6. Telecommunications Systems – Hardware and Software Contracts.** The Executive Director, acting on behalf of the District, shall comply with the requirements of this rule for the procurement of telecommunications systems contracts. Competitive methods will be used wherever possible to achieve best value. The reasons why a competitive process was deemed to be impractical must be documented in the Procurement file. If the anticipated purchase exceeds \$150,000, the District will solicit written proposals in accordance with District rules governing requests for proposals.
- 7. Telecommunications Services.** The Executive Director, acting on behalf of the District, may enter into a Public Contract for telecommunications services without competitive bidding, if no competition exists within the area for the service required. To determine whether competition exists, the Executive Director will consider the following factors:
 - (A) Determination of alternative providers available within the geographic and service market area;

- (B) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance; and
 - (C) The extent to which alternative providers can respond to the District's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting District liability.
 - (D) The District will use competitive methods wherever possible to achieve best value. If competition exists as defined above, the Executive Director shall enter into contracts for telecommunications services according to the processes for procurement of goods and services as specified in the District's public contracting rules. If no competition is found to exist, the Executive Director shall document such findings and may enter into the contract in the manner deemed most advantageous for the District.
- 8. Copyrighted and Library Materials.** The District may purchase copyrighted materials where there is only one known supplier available for such goods. This includes, but is not limited to, new books, periodicals, curriculum materials, reference materials, audio and visual media, and non-mass marketed software from a particular publisher or its designated distributor.
- 9. Price Agreements (Requirements Contracts).** The Executive Director, acting on behalf of the District, may establish price agreements (requirements contracts) for the purposes of minimizing paper work, achieving continuity of products, securing a source of supply, reducing inventory, combining District requirements for volume discounts, standardization among District departments and reducing lead time for ordering. Purchases under price agreements (requirements contracts) may be made in accordance with the following:
- (A) The initial price agreement (requirements contract) must be awarded through competitive procurement procedures unless otherwise allowed under the District's rules;
 - (B) District departments may purchase the goods or services from the awarded contractor without first undertaking additional competitive procurement procedures; and
 - (C) The term of any District requirements contract, including renewals, will not exceed five years unless otherwise exempted pursuant to ORS 279B.085.

- 10. Purchases under Federal Contracts.** When the price of goods and services has been established by a contract of the federal government pursuant to a federal contract award, the District may purchase the goods and services in accordance with the federal contract without subsequent competitive bidding. In exercising its authority under this exemption, the District shall (a) determine that the original procurement was made under the Electronic Government Act of 2002 or other federal law that is determined to be similar by the Board, and (b) document the cost savings to be gained for the District from the anticipated purchases under the federal contract. The District shall not contract pursuant to this rule in the absence of an anticipated cost savings to the District by using this method.
- 11. Hazardous Material Removal and Cleanup.** The District may directly acquire services to remove or clean up hazardous material or oil from any vendor when ordered to do so by the Oregon Department of Environmental Quality pursuant to its authority under ORS Chapter 466. In doing so, the following conditions apply:

 - (A) To the extent reasonable under the circumstances, the District will encourage competition by attempting to obtain informal price quotations or proposals from potential suppliers of goods and services.
 - (B) The District department responsible for managing or coordinating the clean-up shall prepare a written description of the circumstances that require it and a copy of the DEQ order for the cleanup to the Executive Director, together with a request for contract authorization;
 - (C) The District department responsible for managing or coordinating the clean-up shall record whether there was time for competition, and, if so, the measures taken to encourage competition, the amount of the price quotations obtained, if any, and the reason for selecting the contractor to whom award is made; and
 - (D) The timeline for cleanup does not permit use of intermediate procurement procedures.
- 12. Insurance, Employee Benefit and Other.** The District may purchase employee benefit insurance and other insurance without competitive bidding, regardless of dollar amount, subject to the terms of any collective bargaining agreement between the District and represented employee groups.
- 13. Disposal of Abandoned, Seized or Non-owned Property.** Contracts or arrangements for the sale or other disposal of abandoned, seized or other personal property not owned by the District at the time the District obtains possession are not subject to competitive procurement procedures. The

Executive Director may select any legally permissible method of disposal including, but not limited to, donation to a charitable organization.

14. Disposal of Surplus Property.

- (A) Surplus property may be disposed of by any of the following methods upon a determination by the Executive Director that the method of disposal is in the best interests of the District. Factors that may be considered by the Executive Director include costs of sale, administrative costs, and public benefits to the District. The Executive Director shall maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred.
1. Governments. Without competition, by transfer or sale to another District department or public agency.
 2. Auction. By publicly advertised auction to the highest bidder.
 3. Bids. By publicly advertised invitation to bid.
 4. Liquidation Sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.
 5. Fixed-Price Sale. The Executive Director may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.
 6. Trade-In. By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.
 7. Donation. By donation to any organization operating within or providing a service to residents in the District's geographic area which is recognized by the Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- (B) Disposal of Property with Minimal Value. Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost-effective, including by disposal as waste. The District official making the disposal shall make a record of the value of the item and the manner of disposal.

- (C) **Restriction on Sale to District Employees.** District employees may compete as members of the public for the purchase of publicly-sold surplus property. However, for property to be sold to the first qualifying bidder, employees may not submit purchase offers until at least three days after the first date on which notice of the sale is first publicly advertised.
- 15. Temporary Extensions or Renewals.** Except for public improvement contracts, the District may extend or renew contracts for a single period of one year or less without competitive bidding.
- 16. Temporary Use of District Property.** The District may negotiate and enter into a license, permit or other contract for the temporary use of District-owned property without using a competitive selection process if:
- (A) The contract results from an unsolicited proposal to the District based on the unique attributes of the property or the unique needs of the proposer;
 - (B) The proposed use of the property is consistent with the District’s use of the property and the public interest; and
 - (C) The District reserves the right to terminate the contract without penalty, in the event that the District determines that the contract is no longer consistent with the District’s present or planned use of the property or the public interest.
- 17. Sponsorship Agreements.** Sponsorship agreements, under which the District receives a gift, donation or consideration in exchange for official recognition of the person making the donation or payment, may be awarded by any method deemed appropriate by the District, including without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.
- 18. Concession Agreements.** The District may enter into contracts which grant a franchise or concession to a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from District property and under which the concessionaire or promoter makes payments to the District based, at least in part, on the concessionaire’s revenues from sales or the value of such promotion to the sponsor’s business, whether on or off the District property. A concession agreement does not include an agreement which represents a rental, lease, license, permit or other arrangement for the exclusive use of public property. Concession agreements may be awarded by any method deemed appropriate by the Executive Director including without

limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.

19. **Fuel and Asphalt Contracts.** The District may purchase gasoline, diesel fuel, heating oil, lubricants, and asphaltic products if the District seeks competitive quotes from at least three vendors and makes its purchase from the least expensive source. Written records of the quotations and purchases made will be kept by the Park Services Department or Finance Department as public records.
 20. **Office Printer, Copier Purchases.** The District may enter into multiple requirements contracts for the purchase, rental, or lease of office printing, scanning and/or copying equipment in order to maintain consistent standards and improve maintenance efficiencies. Except for this multiple-award special procurement, such contracts must otherwise conform to the requirements of the District’s public contracting rules. In exercising this exemption, the District must fully consider the operating capabilities, limitations, and cost of each brand or model and select the brand that will produce the best combination of performance and cost per copy for each application.
 21. **Foodstuffs and Consumables for Educational Programs.** The District may purchase foodstuffs and other consumables for use in its educational programs without competitive Bidding if total purchases do not exceed \$7,500 per program per year.
 22. **Athletic Equipment and Supplies.** The District may purchase replacement parts or individual pieces of athletic equipment and/or supplies without competitive bidding in order to match existing supplies of same. Individual athletic uniforms may also be purchased by brand name without competitive bidding in order to match existing supplies of same. Total replacement of athletic or physical education equipment, supplies and/or uniforms must be purchased through a competitive process unless otherwise allowed by District rule.
- C. The District shall give public notice of the District’s approval of a Class Special Procurement for goods and services in the same manner as public notice of competitive sealed bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the goods or services or class of goods or services to be acquired through the Class Special Procurement. The District shall give affected persons at least seven (7) days from the date of the notice of approval of the Class Special Procurement to protest the Class Special Procurement.

Exemptions (Public Improvements):

- A. The District may award a public improvement contract under an exemption to competitive procurement pursuant to the requirements of ORS 279C.335. Such procurements allow the District to enter into one or more contracts over time without following the requirements of competitive sealed bidding, competitive sealed proposals, or small or intermediate procurements.

- B. The LCRB declares the following public improvement contracts to be exempt from competitive bidding. Unless otherwise specified in a particular exemption rule, such contracts may be awarded in any manner that the Executive Director deems appropriate to the District’s needs, including by direct appointment or otherwise. Except as otherwise provided, the Executive Director shall make a record of the method of award.
 - 1. **Use of Existing Contractors.** When a public improvement is in need of minor alteration, repair or maintenance at or near the site of work being performed by another District contractor, the District may hire that contractor to perform the work up to a total additional amount of \$35,000, provided:
 - (A) The contractor was hired through a selection process permitted by the District’s public contracting rules;
 - (B) The Executive Director first obtains a price quotation for the additional work from the contractor that is competitive and reasonable; and
 - (C) The original contract is amended to reflect the new work and is approved by the Executive Director before work begins.

 - 2. **Donated Materials or Services.** The District may authorize a person to construct an improvement on District property or perform services without competitive bidding or other competitive process and regardless of dollar amount, if:
 - (A) The person has agreed to donate all of the materials and/or services necessary to construct the Public Improvement or perform the service; and
 - (B) The person enters into a license or agreement with the District whereby the person agrees to comply with the public contract requirements applicable to the particular project and any requirements that the District deems necessary or beneficial to protect the District.

- C. **Joint Cooperative Agreement.** The District may enter into a joint cooperative agreement for a public improvement project according to these Rules, but may not enter into a permissive cooperative agreement for a public improvement project. [HB 2214 (2005).]

**Board Calendar
2015-2016**

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

March 1

Staff Introductions

- ◆ HR Staff

Work Session

- ◆ Effects of Minimum Wage Increase
- ◆ PERS

Business Session

- ◆ Approve additional services for Hillside and Rockridge Parks – *Jim Figurski*

March 15

Work Session

Business Session

- ◆ Adopt Resolution - SDC Fee Schedule annual adjustment – *Lindsey Lombard*

April 19

Work Session

- ◆ District-wide Website – *Colleen McNally and Josiah Dawley*

Business Session

April 20th - Budget Committee Tour

May 3

Work Session

- ◆ Water Conservation Planning – *Chelsea Schneider and Mike Duarte*

Business Session

May 16th & 18th BUDGET MEETINGS

May 17

Board Meeting Cancelled

May 19

Tentative Budget Meeting

June 7

Work Session

Business Session

- ◆ Adopt Resolution – Adopting Budget – *Lindsey Lombard*
- ◆ Adopt Resolution - Categorizing Taxes – *Lindsey Lombard*
- ◆ Adopt Resolution – Adopting the Capital Improvement Plan (CIP) – *Lindsey Lombard*

June 21

Work Session

- ◆ CIP – 4th Quarter Review

Business Session

TBD

Latino Outreach Program

Wildside

Approve DRT easements for Putnam to RRNR segment – *Steve Jorgensen (consent)*

Early lease extension request from Cascade School of Music – *Don Horton*

Performance measurements

Strategic Plan measurements

Strategy for assessing park maintenance shop/office needs

Economic impact study

DRT - Kirkaldy Ct. to Putnam Rd. easement

Naming Rights

Senior Center Expansion Business and Programming Plan

Senior Center (Larkspur) Contract

Culture

Scanlon & Lundgren fields renovation (Skyline Park) – *Park Services*

Athletic Field Report – Matt Mercer

Sponsorship Policy