



Bend Metro Park & Recreation District

April 5, 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

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: April 5, 2015

SUBJECT: State of the Schools

PRESENTER: Shay Mikalson, Superintendent of Schools

ACTION PROPOSED: None

BACKGROUND

Shay Mikalson has been giving presentation to community groups about the State of Bend LaPine Schools and has requested time with the Board. A big part of our relationship with Bend LaPine Schools is the joint use agreement that the agencies entered into years ago and is still strong today. The Park District uses school facilities for our after schools programs, basketball and volleyball programs and certain sports fields. The school district also takes advantage of Park District facilities by using Juniper Swim and Fitness Center for high school swimming, sports fields to support school athletics and various parks across the district for classes. While Shay's presentation will not focus on the park/school agreement, this is a great time to celebrate the work we do together.

BUDGETARY IMPACT

None

MOTION

None

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	April 5, 2016
SUBJECT:	Prescribed Burning in Shevlin Park
GUEST PRESENTERS:	Alex Enna, Asst. Fire Management Officer, Deschutes National Forest
STAFF RESOURCE:	Sasha Sulia, Superintendent of Park Operations
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Respond to User Expectations
Initiative:	Develop and implement an efficient, effective and responsive way of managing the use of District parks and facilities, as well as provide park and facility maintenance based on community expectations.

BACKGROUND

Historically, fire played an essential ecological role across the Central Oregon landscape. Research shows prior to European-American settlement, most ponderosa pine forest experienced surface fires at intervals ranging from 1-30 years. These frequent low intensity fires created open-park like stands with mature ponderosa pines and other fire resilient and dependent species such as western larch and lodge pole pine. Understory fuel loads were significantly lower as shade tolerant shrubs and trees were thinned out by frequent fires.

Prior to the logging boom, Shevlin Park experienced similar wildfire intervals as described above. Due to fire suppression efforts, logging and land development, Shevlin Park and surrounding lands are outside their historical range of variability, making these lands more susceptible to catastrophic fire. Evidence of this is the 1990 Awbrey Hall Fire. This fire was fueled by high vegetation densities in both the overstory and understory. Since the Awbrey Hall Fire, the District has been actively conducting fuel reduction projects to reduce the variability, including a prescribed burn in 1996, understory thinning and pile burning, and brush mastication.

In order to continue to maintain healthy vegetative densities that can withstand wildfire, the District is proposing to partner with the USDA Forest Service to prescribed burn approximately 132 acres in Shevlin Park. The prescribed burn is planned for spring 2017. The treatment area is in the southern portion of the park adjacent to Forest Service land and their West Bend Vegetation Management Project (refer to attached maps – Attachment A and B). Along with all of the ecological benefits, the prescribed burn also meets the goals identified in the 2015 Shevlin Recreation Management Plan, which through an extensive public outreach process identified

conserving the natural and cultural resources of the park as a high priority. Prescribed burning will continue to maintain or even enhance desirable vegetation densities and composition, wildlife forage and habitat, soils and aesthetics.

BUDGETARY IMPACT

The District will need to match 20% of the total per acre cost to burn. The Forest Service estimates the cost to be \$600/acre. If all 132 acres are burned, the contribution will be approximately \$16,000. It is anticipated that the District's funding will be in-kind and met through recent fuels reduction projects completed in this area and further assistance with this prescribed burn.

STAFF RECOMMENDATION

None, information provided for discussion only.

MOTION

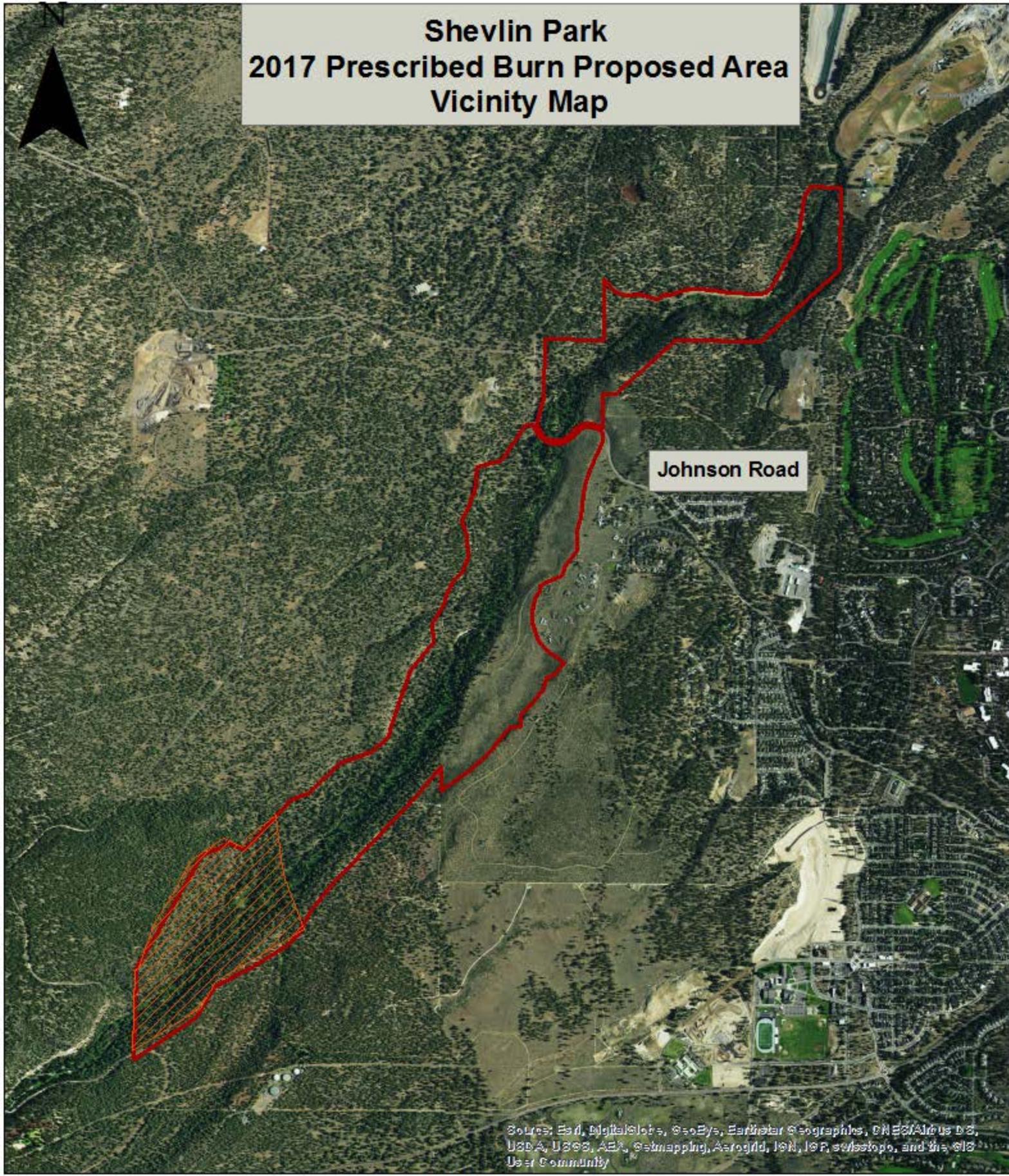
None, information provided for discussion only.

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Proposed Burn Area

Shevlin Park 2017 Prescribed Burn Proposed Area Vicinity Map

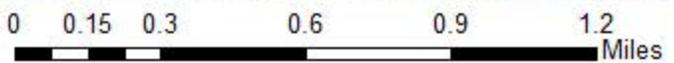


Johnson Road

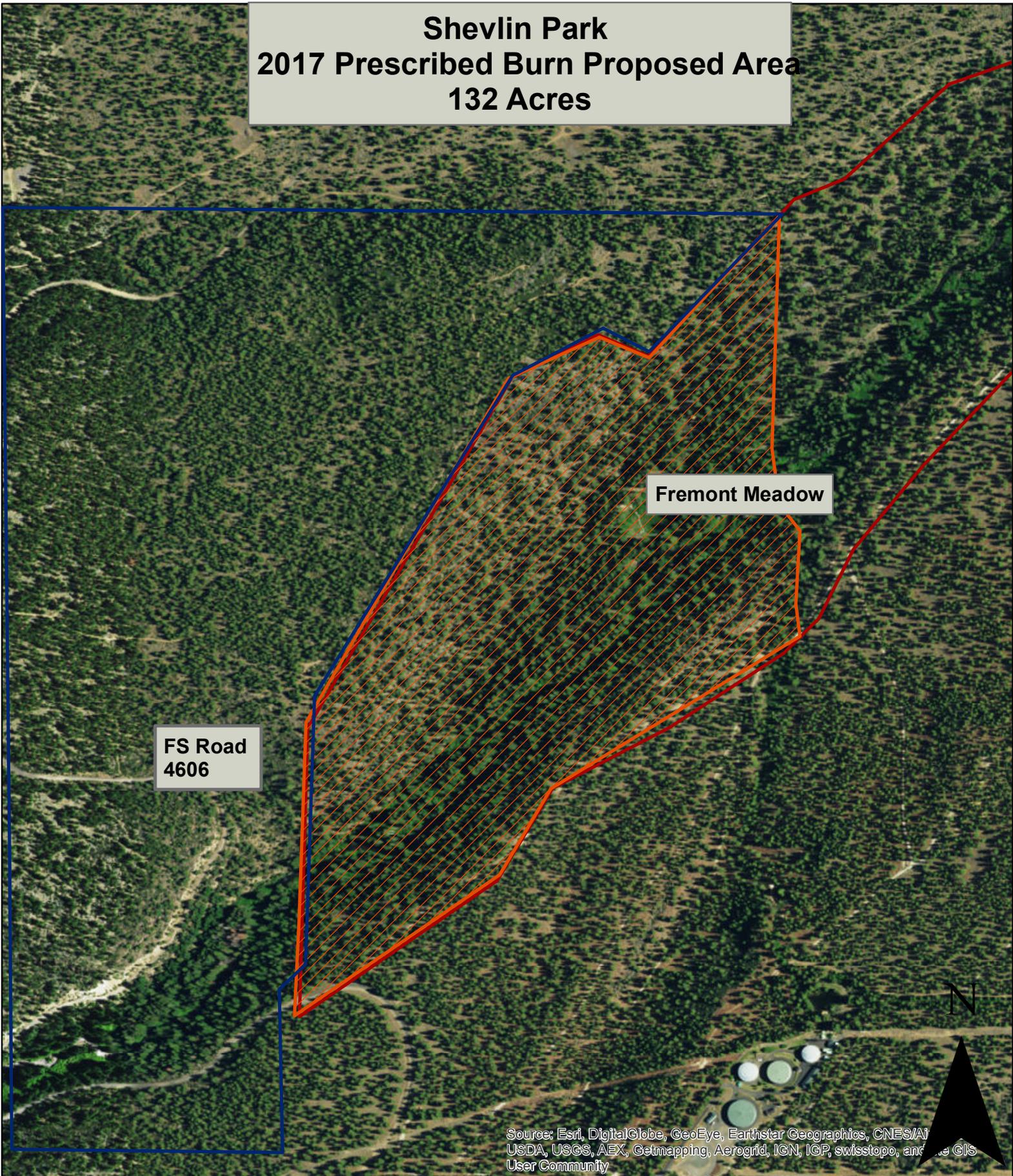
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, Sotomapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

-  Shevlin Park Boundary
-  Prescribed Burn Area

Legend



**Shevlin Park
2017 Prescribed Burn Proposed Area
132 Acres**

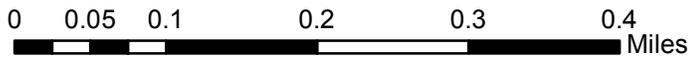


 Shevlin Park Boundary

 Forest Service Boundary

Legend

 Prescribed Burn Area



BOARD AGENDA COMMUNICATION

AGENDA DATE:	April 5, 2016
SUBJECT:	Needs-Based Assistance
STAFF RESOURCE:	Matt Mercer, Recreation Director
PREVIOUS BOARD ACTION:	December 19, 2012 - Approved new Needs-Based Assistance Policy March 18, 2015 - Approved Needs-Based Assistance Plan for Fiscal Year 15-16
ACTION PROPOSED:	Approve Needs-Based Assistance Plan for Fiscal Year 16-17
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Respond to User Expectations
Initiative:	Ensure access to critical recreation programs and services for those with limited ability to pay

BACKGROUND

The board adopted the current Needs-Based Assistance Policy on December 19, 2012. The policy established priorities in order to ensure the highest and most critical needs for financial assistance are met with available resources. Priorities are based on income level, population and type of service. A copy of the adopted policy is attached. The policy is implemented through an annual board-approved Needs-Based Assistance Plan which is then funded through the budget process.

Staff will present a report on the use and trends in Needs-Based Assistance over the past few years. Due to the effectiveness of the current year plan in addressing community needs with available resources, staff is recommended the plan for Fiscal Year 16-17 remaining the same except for updating the income guidelines to reflect the new poverty guidelines. A copy of the proposed plan is attached with highlighted sections showing where changes have occurred.

BUDGETARY IMPACT

\$271,500 was budgeted for the Needs-Based Assistance Program in the FY 14-15. The current estimate to spend for this year is \$242,000. The proposed plan for FY 15-16 will require an estimated \$275,000 to fund. The funding level represents a 13% increase over the current year's estimate, but is slightly less than what was projected in the financial forecast for FY 15-16. The increase is due to the anticipated need generated by new programs being offered at the Simpson Pavilion and continued outreach efforts to underserved populations. Anticipated funding sources for the Needs-Based Assistance Program for FY 15-16 include \$211,000 in General Fund support, \$56,000 from dedicated cell phone tower lease proceeds and \$8,000 from the Bend Park and Recreation Foundation. The Foundation also provides support for the Free Days of Play program

and a gap fund for those who need support above and beyond what the District Needs-Based Assistance Program provides.

STAFF RECOMMENDATION

Staff recommends that the board of directors approve the proposed Needs-Based Assistance Plan for the fiscal year 2016-17.

MOTION

I move to approve the fiscal year 2016-17 Needs-Based Assistance Plan.

ATTACHMENT

Needs-Based Assistance Policy

Needs-Based Assistance Plan for Fiscal Year 2016-17



Administrative Policy
Needs-Based Assistance
Approved by Executive Director
Ratified by Board of Directors: 3-18-14
Don Horton 3-18-14
Don Horton, Executive Director

Page 1 of 2

Needs-Based Assistance Policy

Purpose

The Needs-Based Assistance Policy establishes a comprehensive and sustainable approach to providing financial assistance to those with limited financial resource.

Philosophy

The district believes that everyone should have the opportunity to benefit from recreation activities. The district provides this opportunity by offering a diverse array of recreation options, from parks and trails to recreation facilities and programs. Many recreation options are available to the public without charge, including: parks, trails, playgrounds, outdoor basketball courts, tennis courts, etc. Most organized recreation programs and indoor recreation facilities require a fee to participate. The district recognizes that these fees can present a barrier for some. The goal of the Needs-Based Assistance Policy is to help provide access to fee-based recreation programs and facilities for those who are unable to pay the regular fee. While the district would like to make all programs available to district residents regardless of ability to pay, services must be prioritized to ensure that the highest and most critical needs are met with available resources.

Types of Needs-Based Assistance

Needs-based assistance is provided by the district through three methods:

- A. **Scholarship Program** uses funds from a specific Scholarship Fund to pay a portion of the regular participation fees. The Scholarship Fund is supported through revenue received from cell phone tower leases, Park and Recreation Foundation fundraising efforts, private gifts and donations, sponsorships funds and other designated sources.
- B. **Partial Fee Waivers** involve waiving a portion of the regular fees with no offsetting fund transfer.
- C. **Free or Limited Cost Programs** includes programs that are offered free to the entire community and/or subsidized services that target low income families and individuals.

Eligibility For Needs-Based Assistance

Individuals or households must qualify for needs-based assistance before obtaining scholarship assistance or being granted partial fee waivers.

- A. Eligibility will be based on documented household income level for the previous year and family size.
- B. Households whose incomes are below the Federal Poverty Income Guidelines receive priority funding and qualify for the highest level of needs-based assistance.
- C. Households whose incomes are below 170% but above 100% of the current Federal Poverty Income Guidelines are eligible for needs-based assistance at reduced levels.
- D. The District will work with the Family Action Network and other local agencies to identify and address extreme cases where assistance programs are not adequate to allow participation.

Funding Priorities

In order to ensure the most critical needs and services are funded, the following priorities have been established:

- A. Priority will be given to the following **populations** in order:
 - 1. Individuals with disabilities, including those on long-term disability.
 - 2. Youth 18 years and younger.
 - 3. Adults 19 years and older with qualifying health considerations.
 - 4. General senior population (65-years or older).
 - 5. General adult population (19-64 years).

- B. Priority will be given to the following **programs/services** in order:
 - 1. Community issue-based program.
 - 2. Core recreation programs.
 - 3. Complementary recreation programs.
 - 4. Needs-based assistance will **not** be offered for private and non-essential programs and services, or the out of district portion of fees.

- C. The following strategies will be considered when funding is not adequate to meet the demand for needs-based assistance.
 - 1. Suspend funding to lower priority populations.
 - 2. Suspend funding of complementary recreation programs.
 - 3. Reduce the percentage of fee covered by needs-based assistance programs.
 - 4. Implement limits on the amount of funding received per individual/household.

Needs-Based Assistance Plan and Funding:

A Needs-Based Assistance Plan including recommendations regarding service levels and funding requirements will be presented to the District Board of Directors annually. The funding required for the Needs-Based Assistance Plan will be included in the Cost Recovery and Subsidy Allocation Model, and approved through the budget process each year.

References and Resources:

Cost Recovery and Subsidy Allocation Model

Related Policies:

Fees and Charges Policy



Needs-Based Assistance Plan – FY 16-17

Recreation Program Assistance

Population	Core Programs	Complementary Programs
Disabled	75%/50%	50%/25%
Youth (under 18)	75%/50%	50%/25%
Adults with health considerations	50%/25%	25%/0%
Senior (65+)	50%/25%	25%/0%
General Adults	N/A	N/A

Juniper Swim & Fitness Center Pass Assistance

Frequent User and 10-visit passes	Frequency	Amount
Disabled	Unlimited	50%/25%
Youth (under 18)	Unlimited	50%/25%
Adults with health considerations	For prescribed period	50%/25%
Senior (65+)	Unlimited	50%/25%
General Adults (no 10-visit)	3-month or 20-Visit per year	50%
Family (no 10-visit)	Unlimited	25%

Pavilion Pass Assistance

10-Visit Passes	Frequency	Amount
Disabled	Unlimited	50%/25%
Youth (under 18)	Unlimited	50%/25%
Senior (65+)	One, 10-Visit per season	50%/25%
General Adults	One, 10-Visit per season	50%/25%

Ice Season Passes include Free Skate Rental

Bend Senior Center Pass Assistance

Frequent User and 10-visit passes	Frequency	Amount
Senior (65+) Fitness Only/No Social	Unlimited	50%/25%

Definitions/Explanations

1. The percentages above represent the portion of the regular fee that is provided through the Needs-Based Assistance program.

2. Where two levels of assistance are shown, the first percentage applies to households qualifying as high need and the second is for households qualifying as moderate need. Where there is a single assistance amount, the moderate need guidelines apply for all.
3. Disabilities include individuals with permanent physical or developmental disabilities, including persons qualifying for long-term disability assistance. Documentation may be required in some cases (Long-term disability award letter or SSI)
4. Adults with qualifying health considerations (temporary or chronic but not a permanent disability) require physician's prescription for exercise and duration. An updated physician's prescription is required at the time of submitting a new needs-based assistance application every 6-months.
5. Core and Complementary programs are identified through the Program Development and Delivery Process and are identified during the time of program entry into Rectrac.
6. Assistance for contract programs is limited to 25% regardless of income level. These will be identified during the time of program entry into Rectrac.
7. Some programs and services are not eligible for assistance. This includes private benefit and non-essential services (rentals, concessions, personal training, etc.) and programs already heavily subsidized (Senior Center social activities, issue-based services). These services will not have a needs-based assistance code in Rectrac.
8. The assistance amount does not apply to Out-of-District fees. Non District Residents must pay the full Out-of -District fee.

Application/Qualification Process

1. Households must complete an application to determine eligibility every 6-months. If circumstances change within the year, households may submit more current documentation for review.
2. Verification of Income is required with each application. The preferred verification is a copy of the most recent 1040 Income Tax Return. Other forms of verification that can be considered if a tax return is not available include: Proof of Social Security Benefits (SSA Benefit Statement or SSA – 1099); Proof of disability pay (SSI); Current OHP Verification of Benefits letter; Oregon Trail (food stamps) award letter, etc.
3. Households qualify for the higher level of need assistance if their income is below the Federal Poverty Guidelines. Households qualify for moderate need assistance if their income is below 185% but above 100% of the Federal Poverty Guidelines. (see chart)
4. Designated staff will review applications, determine eligibility based on the guidelines and call the applicant within five business days of receiving application to inform them if they have qualified for assistance.
5. Registration staff will activate the approved assistance level the household qualifies for in Rectrac so that household members may receive designated assistance when registering for programs.
6. Exceptional situations will be considered by the Needs-Based Assistance Program Administer. Examples include: inability to pay the participant portion of the fee; financial circumstances that

are not reflected in the income documentation; requests made by other social service organizations, etc.

Income Qualifying Guidelines

Household Members	High Need		Moderate Need	
	Annual	Monthly	Annual	Monthly
1	11,880	990	21,978	1,831
2	16,020	1,335	29,637	2,470
3	20,160	1,680	37,296	3,108
4	24,300	2,025	44,955	3,746
5	28,440	2,370	52,615	4,385
6	32,580	2,715	60,273	5,023
7	36,730	3,061	67,951	5,663
8	40,890	3,408	75,647	6,304
Each Additional	4,160	347	7,696	641

1. High need is based on the 2016 Federal Poverty Guidelines
2. Moderate need is based on 185% of 2016 Federal Poverty Guidelines (same as what is used for school reduced meal programs)

Registration Process:

1. Individuals must be approved for assistance before registering.
2. Participant is responsible for the remainder of the fee at the time of registration.
3. There are currently no limitations on the number of programs that people may register for; however, limitations may be put in place should requests exceed available funds.

Program Guide and Public Information

The following information will be used in the Program Guide, application forms and other materials describing the Needs-Based Assistance Program:

The District believes that everyone should have the opportunity to benefit from recreation activities. Financial assistance is available to qualifying individuals for many fee-based recreation programs. Funding is limited and the district’s goal is to ensure that the most critical services are available to those with the highest need including youth, seniors and individuals with disabilities.

To Apply for Needs-Based Assistance:

1. Complete an application at least one week prior to registering for the program. Applications are available online or at any of the district facilities.
2. Submit the completed application **and** a copy of your most recent IRS 1040 Income Tax Return to any of the district facilities or mail to Juniper Swim & Fitness Center, 800 NE 6th Street, Bend OR 97701.
3. A staff person will contact you by phone within five (5) business days of receiving to inform you of the status of your application.
4. Your portion of the fee will be required at the time of registration.
5. Applications are valid for 6-months. You will need to reapply after 6-months. All application materials are kept confidential.

Funding:

The estimated funding requirement to support the FY 2016-17 Needs-Based Assistance Plan is \$275,000. This amount includes reimbursements for recreation program scholarships and partial facility pass fee waivers. It does not include funding for free and low cost programs and services.

Funding for Needs-Based Assistance reimbursements will be provided through the General Fund (\$195,000), revenues from cell tower leases (\$60,000) and contributions through the Bend Park and Recreation Foundation (\$20,000). The Foundation has also designated \$15,000 toward a “gap fund” to provide financial assistance to those who need support above and beyond what the District Needs-Based Assistance Program provides. These funds can be used to assist with the participant portion of fees after scholarships, equipment needs, and transportation to and from programs. These funds are distributed through the District application process.

Free and Low Cost Programs and Services

The District also provides a variety of free and reduced cost programming specifically designed to reach either underserved populations or all population regardless of financial resources. Funding for these programs and services will be identified in the Recreation Department proposed budget and will be partially supported donations through the Bend Parks and Recreation Foundation and sponsorships.

Current free and low cost programs and services include:

- Days of Play – Free summer long programming in a variety of parks including crafts, games, sports and play for children
- Discover Nature Days – Free nature-based programs for youth in the parks in collaboration with the Children’s Forest of Central Oregon
- Art in the Parks – Fee art activities in the parks with nature focus in collaboration with the Art Station

- Free sport activities including Youth Track Meet, Learn to Fish Day, and Days of Play
- Senior Social Programs – Free and low cost social-oriented programs for seniors at the Bend Senior Center including dances, movies, book clubs, cards and games and more.
- Senior Resource Services – Free education and resource sessions offered in partnership with local agencies.
- Fitness and Wellness Opportunities – Variety of free, wellness-focused program and events at Juniper Swim & Fitness Center and the Senior Centers, including free classes, workshops and Senior Health & Fitness Day
- Community Events including 4th of July Pet Parade & Old Fashioned Festival and Let's Picnic,



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
Matt Mercer, Director of Recreation
Lindsey Lombard, Administrative Services Director
Michelle Healy, Strategic Planning & Design Director
Jeff Hagler, Stewardship Manager
Sasha Sulia, Superintendent of Park Operations
Chelsea Schneider, Landscape Architect
Quinn Kever, Planning Analyst
Dave Crowther, Business Manager

Legal: Paul Taylor

Chair Chenoweth called the meeting to order at 5:30 p.m.

Presentation of SDAO Project Award

Executive Director Horton shared that SDAO (Special Districts Association of Oregon) had awarded Chelsea Schneider and Brian Hudspeth the Outstanding Special District Program Award for the Bend Whitewater Park. The video that was part of the presentation for the award ceremony was shared with the Board. The Board and staff thanked Mr. Hudspeth and Ms. Schneider for their work getting the project up and running.

WORK SESSION

1. Deschutes River Riparian Area Assessment and Stewardship Planning – *Chelsea Schneider and Ryan Houston, Upper Deschutes Watershed Council*

Ms. Schneider stated that the District is currently managing 7.5 miles of trail and or park frontage along the Deschutes River. Staff has begun to recognize that there are challenges as it relates to river recreation and the pressures that it introduces to the riparian corridor. She said that staff started exploring different tools that there may be with community partners to develop a responsive plan for evaluating appropriate river access and areas that need to be protected. Through this process of working with community partners the Upper

Deschutes Watershed Council has developed an initiative to start exploring opportunities to be better river stewards. Ryan Houston explained that the project is in the early stages, this is really a conceptual conversation at this time; to build support and address questions and concerns. He discussed the background on the issue and Deschutes River Riparian Habitat Assessment. Mr. Houston stated that the focus is on the people interface with the river and as an organization support people connecting to the river. He said that what needs to be figured out, is how as an organization and a community, we can embrace the growing use of the river but find a way that it is compatible with the ecological health of the river. Mr. Houston's presentation covered the emerging problems of litter on the bottom of the river and habitat loss. He shared areas of concern and examples of where erosion prevention and habitat maintenance has been done well. He shared the approach, scope, and schedule and how the District can support the plan.

The agenda report and Deschutes River Riparian Habitat Assessment project summary is located at: http://bendparksandrec.org/about_us/board_meetings/

2. Preparation of New Parks, Recreation and Greenspaces Comprehensive Plan – *Steve Jorgensen and Quinn Keever (40 min)*

Mr. Jorgensen and Ms. Keever shared a presentation with the Board covering:

- 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 agenda report and is located at: http://bendparksandrec.org/about_us/board_meetings/

VISITORS:

Aleta Warren, Pilot Butte Canal Historic District – Ms. Warren provided public comment regarding the Pilot Butte Canal Trail. She asked that the District include the canal historic district in planning. Ms. Warren stated that she would love to work with BPRD, and welcomed the Board to come out to the site.

REGULAR MEETING

CONSENT AGENDA

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

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

BUSINESS SESSION

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

Mr. Crowther explained that the resolution was to update a previous resolution in place since 2011. The purpose of the update is to bring the District up to date with current Oregon attorney general public contracting rules and regulations.

The resolution and Public Contracting Rules and Procedures were provided to the Board in the meeting report to review prior to the meeting. They are available at: http://bendparksandrec.org/about_us/board_meetings/

Director Fuller made a motion 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. Director Grover seconded. The motion passed unanimously, 5-0.

EXECUTIVE DIRECTOR'S REPORT

Economic Impact Study update – Don shared that staff have been exploring what a study looks like. Through conversations have decided that we need to have a more in depth discussion with the Board before we move forward; would like to know what the Board would like to gain out of the study.

SDCs - Don shared that the SDC payment program for multi-family is going to be on the City Council work session on Wednesday, February 17. The City's Economic Development Advisory Board is going to make a recommendation that time of collection be at the time of occupancy. Staff will bring this back to the Board to discuss further after the City Council meeting.

The Pavilion – Don shared an update on ice conditions. He assured the Board that the chilling system was not failing and explained that current temperatures and wind conditions are challenging. Being an outside facility, there are going to be days where conditions are not favorable.

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

Director Hovekamp asked for clarification on the Deschutes River Riparian Area Assessment and Stewardship Planning presentation and asked if there was a specific ask that the Board needed to respond to. Executive Director Horton said that there may be a time when we know what funds are needed, but that is not known at this time. He said that right now we just wanted to make sure the Board supported the study and a letter will be provided to the Upper Deschutes Watershed Council showing the Board support to help with grant applications, etc.

Director Fuller asked about coordination of fields. Matt Mercer said that there has been no change in the process. Scheduling of fields is done to meet district program needs first, then school district requests, then all other requests from outside user groups.

Director Hovekamp shared that City Council will hold a hearing on Troy Field on February 24.

ADJOURN 7:40 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

\$15 Now Ballot Initiative – promoting a \$15/hr. min. wage

- 15 Now Oregon gathering signatures
- Deadline is July 8, 2016 for November ballot
- If successful, effective January 1, 2017
- Our budget will have a contingency for this initiative

Ms. Lombard said that there will be better cost estimates of impacts of the Senate Bill during the budget process; the Benefits Committee will also meet and look at this in a lot more detail. Staff discussed the difficulty of timing and how business may have to change to accommodate the increase.

2. PERS - *Lindsey Lombard*)

Ms. Lombard stated that the goal of the presentation was to educate and inform on how the PERS system works, how we got to where we are today and to understand how it has worked in the past. She clarified that there was no decision requested from the Board, and it is not necessarily about any impact to the District's upcoming fiscal budget, it is to make sure the Board has a general understanding of the system.

Ms. Lombard shared excerpts of the PERS Employer Town Hall meetings video. She explained that PERS Executive Director Steve Rodeman held a series of town hall meetings throughout Oregon in fall 2015. Director Rodeman discussed future employer contribution rates and the dynamics associated with pending changes, including the current system funding status. The full video and slides are available here: http://www.oregon.gov/pers/EMP/Pages/section/er_general_information/town_hall_meeting_with_employers.aspx

In addition to sharing excerpts from the PERS Employer Town Hall video, Ms. Lombard discussed PERS membership, reviewed the PERS funding equation and shared District specific PERS information.

3. City of Bend SDC Collections Agreement – *Lindsey Lombard*
This agenda item was moved to the Regular Meeting.**REGULAR MEETING**City of Bend SDC Collections Agreement – *Lindsey Lombard*

Ms. Lombard explained that the City is looking at changing the time of SDC fee collection for multi-family housing from time of building permit to time of occupancy. She said that staff had been working with the City to amend the IGA. The agreement currently states that it will be collected at the time of permit. She said that in addition to the IGA, staff have recognized that the methodology was adopted by ordinance; the ordinance needs to be revised as it also states that the fee will be collected at the time of of building permit. Ms. Lombard explained the publishing requirements and other details of the process that will be considered in the scheduling and timing.

Executive Director Horton addressed the Board and stated that they did need to make a decision as to whether the District actually wants to amend the IGA and ordinance; do you think it would help multi-family developers to have the charge at the end of construction rather than at the beginning. He said that if the Board wishes staff to move forward to make the change we will bring back language to a future Board meeting.

Carolyn Eagon, City of Bend, addressed the Board and shared the Cities experience with this process and explained that the City changed the City ordinance to allow collection at a later date than at building permit, but only when a program is adopted by resolution. She said the reason they are asking for the flexibility is so that we can create a specific multi-family deferral program. She further explained details of the City's process on fee collection and said that this is the once piece they needed cooperation on from the District.

Executive Director Horton stated that he did have a concern about what happens if the City forgets to collect the park SDC fee. Ms. Eagon replied that a certificate of occupancy would not be issued in that case; there will also be a check off list for these projects and if incomplete a certificate would not be issued. She added that they are improving all of their business processes.

The Board gave general consensus for staff to move forward.

VISITORS

Justin Gottlieb – Mr. Gottlieb stated that he had drafted a white paper on cannabis as an economic development opportunity.

Nunzie Gould – Ms. Gould provided comment in regards to Troy Field. She made a request to make a presentation to the Board on Troy Field to share historical information that may help in long range planning and encourage the Board to recognize the significance of Troy Field.

BUSINESS SESSION

1. Approve additional services for Hillside and Rockridge Parks – *Jim Figurski*

Mr. Figurski stated that the Board had before them a proposed contract amendment with Cameron McCarthy to complete full construction documents for the full build out of the master plans for both Hillside and Rockridge parks. The current contract is only for the first initial phases of the parks.

He said that the Board had reviewed the proposed 16-17 CIP, listing full funding for the master plans for both parks.

Director Fuller made a motion to authorize the Executive Director to negotiate and execute contract amendment No. 2 with Cameron McCarthy for the development of construction documents and permitting necessary to complete the master plans for Hillside and Rockridge parks in the amount of \$217,569 and to approve a total amendment not to exceed \$239,325. Director Grover seconded. The motion passed unanimously, 4-0.

STAFF REPORTS

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

EXECUTIVE DIRECTOR'S REPORT – *Executive Director Don Horton*

Moda Assist Program – The District is in competition for a grant from the Trailblazers and Moda to help build an accessible play structure. For every assist made on the court during the season, the Trail Blazers and Moda will each donate \$5 to the Trail Blazers Foundation to support building an all abilities playground in the greater Oregon community. To vote for Eagle Park visit: <http://www.nba.com/blazers/assists>

Juniper tennis court resurfacing – The project is complete, however some of the surfacing on one corner of the court is delaminating. The contractor is responsible for the repair and will complete the repair when we have warmer weather.

BWWP – The park re-opened on Saturday. BPTA helped in the process, including helping to assess potential entrapments and other safety hazards. Feedback on the improvements to the surf wave and passage channel have been good. What was previously referred to as the Safe Passage Channel will now be the Whitewater Channel for Beginners. Overall, the facility will continue to improve as the other projects are completed and the vegetation is reestablished.

BOARD MEETINGS CALENDAR REVIEW**GOOD OF THE ORDER**

Director Hovekamp shared that he had made a brief oral testimony to City Council in opposition to lifting designation on Troy Field. He said that he made it clear that he was providing testimony as a resident of Bend and formal School Board member; and when asked if he was a Park Board member, he replied yes, but reiterated that he was not there representing the Bend Park and Recreation District Board.

Chair Chenoweth referred to Ms. Gould's statement during her public comment regarding deficiencies in service. Executive Director Horton replied that she was referring to the Neighborhood Park Plan, the city divided in to 35 service areas, the downtown service areas is deficient in neighborhood parks, the plan also looks at community park amenities within that area, that zone does not include Drake Park, the thought is that Heritage Square would fill that need. He said that Ms. Gould did bring up some points that we need to talk about. Specifically the historic character and what that site has been used for and whether or not the District has a role in preserving that. In terms of if we need Troy Field to meet need, we don't, as long as we continue discussion about Heritage Square. Executive Director Horton said that the amount of research Ms. Gould has done would help to inform the discussion. Ms. Gould will be tentatively put on the agenda for the March 15 work session; it may be moved based on the City Council decision.

Director Fuller referenced the Park Services Stewardship staff report item announcing that staff was officially utilizing the new exclusion ticket book for enforcement. He said he supports what staff is doing to enforce rules, and is specifically concerned about the safety of staff. He would like to continue to get updates on the program.

ADJOURN 8:00 pm

DRAFT

BOARD AGENDA COMMUNICATION

AGENDA DATE:	April 5, 2016
SUBJECT:	Bend FC Timbers Ground Lease Amendment
STAFF RESOURCE:	Matt Mercer, Recreation Director Michelle Healy, Planning and Park Services Director Don Horton, Executive Director
PREVIOUS BOARD ACTION:	July 17, 2012: Approved Memorandum of Understanding December 17, 2013: Approved Ground Lease December 1, 2015: Provided direction to staff to draft an Amendment to extend Ground Lease.
ACTION PROPOSED:	Approve Amendment to Ground Lease
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Cultivate Partnerships
Initiative:	Seek strategic alliances to support targeted capital projects.

BACKGROUND

The Board of Directors approved a non-binding Memorandum of Understanding on July 17, 2012 with Deschutes Academy and Futball Club (previously known as Oregon Rush now doing business as Bend FC Timbers) outlining the terms of a potential partnership for the development of four soccer/multi-purpose fields and related improvements at Pine Nursery Community Park. The project was dependent on passage of the November 2012 District Bond Measure in order to fund the required infrastructure improvements necessary to develop the additional fields.

Subsequent to passage of the Bond Measure, the District and Timbers representatives began discussion on a binding agreement for the project. The Board reviewed an initial draft of a Ground Lease at the July 2, 2013 Work Session, and authorized the Executive Director to execute a final agreement at the December 17, 2013 Board Meeting. This Ground Lease was signed on April 24, 2014. The District extended the initial deadline from October 1, 2015 to November 5, 2015 through amendment due to delay in the initial signing of the lease.

On December 1, 2015, District staff and Timbers representatives gave a progress report to the Board of Directors on planning and fund raising for the project to date. Timbers representatives reported that they had secured \$464,000 in cash and in-kind commitments, short of the \$1 million goal identified in the Ground Lease. Timbers also reported that the cost of the project had also increased from original estimates. Timbers further explained that they had hired a professional

fundraising consultant and developed a more robust fundraising strategy. Timbers representatives provided a “Campaign Report” summarizing what has been accomplished and a “Campaign Timeline” for the next 5-years. As a part of this plan, Timbers requested that the District provide additional time to secure funding and approve a phased approach to the project. The phasing would entail construction of two artificial turf fields and related improvements by October 2020 with the remaining two fields being completed by 2025. Staff recommended that the Board approve an extension of the Ground Lease with Bend FC Timbers and the phased approach to the project with the condition that the Timbers demonstrate substantial progress by meeting annual planning and fundraising goals to be determined. The Board discussed and provided direction to staff to draft an Amendment to the Ground Lease for Board consideration.

Staff has since worked with legal counsel and Timbers representatives to draft the attached Amendment to the Ground Lease. The key changes to the original lease terms are as follows:

- The amendment extends the effective date of the 30-year lease term to the earlier of substantial completion of Phase 1 or October 31, 2020.
- The amendment allows the project to be developed in three phases with Phase 1 consisting of two artificial turf fields and related improvements, Phase 2 consisting of an additional two artificial or natural grass fields, and Phase 3 consisting of optional improvements including a field house or other support facilities.
- The amendment identifies specific milestones that Timbers must meet to demonstrate sufficient progress on planning and fundraising for the project.
- The amendment cleans up language regarding the title to the improvements. The original language allowed for a third party funding partner to sublease and hold the title on the improvements subject to the conditions of the lease. This was to allow Timbers to use a charitable funding strategy that they have since decided not to pursue. The language has been amended to the District’s standard language on title to improvements.

BUDGETARY IMPACT

The extension of the Ground Lease or phasing of the project does not impact the District budget since Timbers is responsible for all development and operation costs for the project. The District has completed all infrastructure improvements supporting the project and has \$200,000 allocated in the 2016-20 Capital Improvement Plan for potential expenditures related to the project.

STAFF RECOMMENDATION

Staff recommends that the Board approve the amendment to the Ground Lease with Bend FC Timbers and the phased approach to the project with the condition that the Timbers demonstrate substantial progress by meeting planning and fundraising milestones identified in the Amendment.

MOTION

I move to approve the Second Amendment to Ground Lease with Deschutes Academy and Futbol Club.

ATTACHMENT

Second Amendment to Ground Lease

SECOND AMENDMENT TO GROUND LEASE

This Second Amendment to Ground Lease (“**Amendment**”) is made between Bend Park & Recreation District, an Oregon special district (“**Landlord**”), and Deschutes Academy and Futbol Club, an Oregon nonprofit corporation, doing business as Bend FC Timbers (“**Tenant**”) effective May 1, 2016 (the “**Effective Date**”).

RECITALS

- A. Landlord and Tenant entered into a Ground Lease, dated May 1, 2014, as amended by that certain Amendment to Ground Lease, dated October 1, 2015 (as amended, the “**Lease**”), pursuant to which Tenant has leased approximately 8.5 acres located within the Pine Nursery Park for the development of athletic fields to support Tenant’s activities; and
- B. Landlord and Tenant desire to amend the Lease to modify the required development and construction timelines, and make certain other modifications. Landlord and Tenant will be bound in accordance with the terms of this Amendment from and after the Effective Date.

AGREEMENT

1. Amendments. Landlord and Tenant amend the Lease as follows:

- (A) Section 2 of the Lease is amended in its entirety to read as follows:

“Section 2. Term

Subject to the terms and conditions contained in this Lease, the term of this Lease will commence on the Effective Date and will continue, unless sooner terminated as provided in this Lease, for a period of thirty (30) years from the earlier of the following (a) substantial completion of Phase 1, or (b) October 31, 2020 (the “**Lease Term**”).”

- (B) Section 3.1 of the Lease is amended in its entirety to read as follows:

“3.1 Tenant will construct four soccer/multi-purpose fields consisting of approximately 320,000 sq. ft (total), which will include a minimum of two synthetic fields and up to two natural turf surface fields, (the “**Fields**”) and related improvements on, under, and over the Premises, including an associated irrigation system, fencing, lighting, access through the Fields (specifically excluding the Landlord improvements identified in Section 6), and related fixtures necessary to use the Fields as intended (the “**Fields Improvements**”). The Fields and all the related improvements are referred to in this Lease as the “**Project**.” (A field house (to serve as offices, meeting space, changing rooms, restrooms, concession services for the Fields, and equipment storage for Tenant) and other support facilities (the

“**Optional Improvements**”) may be included in Phase 1 or Phase 2 (each as defined below), or in a later phase, upon approval of plans for such field house or support facilities by the District in its reasonable discretion.) A preliminary site plan for the Project is shown on the attached depiction of the Premises (Exhibit A). The Project and any future alterations, additions, replacements, or modifications to the Project during the Term of this Lease are referred to in this Lease as the “**Improvements.**” The Improvements will be constructed in three phases. “**Phase 1**” will consist of two (2) synthetic fields and such related Improvements (including, without limitation, walkways, fencing, and related fixtures) as are necessary for full use of the Phase 1 fields. “**Phase 2**” will consist of two additional fields (which may be either synthetic or natural grass) and such related Improvements as are necessary for full use of the Phase 2 fields. “**Phase 3**” will consist of the Optional Improvements. Phase 1, Phase 2 and Phase 3 may each be referred to in this Lease as a “**Phase**” and, collectively, as the “**Phases.**” Construction commencement for each Phase’s Improvements is conditioned on: (a) Tenant and Landlord determining that the Project is feasible after obtaining all necessary governmental approvals; (b) approval of final plans and specifications for the Phase’s Improvements by Landlord; (c) successful completion of any prior Phase(s); and (d) Tenant providing satisfactory evidence of sufficient progress toward its fundraising goals to fund construction of the Phase in its entirety (the “**Condition**”).”

- (C) Section 3.2 of the Lease is amended in its entirety to read as follows:

“**3.2** The Condition shall be for the benefit of both parties. The Condition milestones are set forth on the attached Schedule 3.2, together with the agreed completion date for each Phase. Landlord and Tenant will update Schedule 3.2 as the Condition milestones are agreed to for subsequent Phases, if any. Each Condition milestone must be satisfied or waived by the parties on or before 5:00 p.m. on the applicable milestone date, or this Lease shall terminate and be of no further force and effect as to any unfinished Phase(s). If such termination occurs prior to the commencement of the Phase 1 Improvements, the Lease will be fully terminated and neither party shall have any further liability under this Lease except for liabilities accrued before the date of termination. If such termination occurs after the completion of the Phase 1 Improvements, the Lease will be terminated only as to the incomplete Phases. In the event of such partial termination, Landlord and Tenant agree to amend Exhibit A to reduce the size of the Premises to encompass only the completed Phase(s).”

- (D) Section 3.4 of the Lease is amended in its entirety to read as follows:

In accordance with the dates identified in Section 3 and Schedule 3.2, Tenant shall provide Landlord with a site plan and construction drawings

showing the location and identity of all Improvements to be constructed during the particular Phase (the “**Site Plans**”). Within a reasonable time after Landlord receives the subject Site Plans, Landlord shall either approve or disapprove the subject Site Plan for reasonable and material reasons (which shall be limited to the following): (i) adverse effect on the Park structure or mechanical systems; (ii) non-compliance with Landlord’s minimum Park and Field design standards and specifications; (iii) non-compliance with applicable codes; or (iv) unreasonable interference with the anticipated normal and customary operation and use of the Park (each, a “**Design Problem**”) and return the subject Site Plan to Tenant. In such event, Landlord shall require, and Tenant shall make, the minimum changes necessary in order to correct the Design Problems and shall return the subject Site Plan to Landlord. This procedure shall be repeated until the subject Site Plan is finally approved by Landlord.

(E) References in the Lease to the Project and the Improvements (and any components of the Project and the Improvements) will be deemed to refer only to the Improvements for the Phase then being designed, planned or constructed.

(F) Tenant acknowledges and agrees that Landlord has completed its construction obligations pursuant to Section 3.6 of the Lease.

(G) Section 14 of the Lease is amended in its entirety to read as follows:

“14 Title to Improvements

All Improvements constructed by Tenant shall become part of the real property and will be the property of Landlord to the extent the Improvements attach to the Premises. Title to the Improvements (to the extent the Improvements attach to the Premises) shall automatically pass to, vest in, and belong to Landlord without further action on the part of either party and without cost or charge to Landlord. At no time shall Tenant remove the Improvements without Landlord’s prior written consent. During the Lease Term, Tenant shall be entitled for all taxation purposes to claim cost recovery deductions and the like on the Improvements. Upon expiration or earlier termination of the Lease, title to all Improvements shall automatically pass to, vest in, and belong to Landlord without further action on the part of either party and without cost or charge to Landlord.”

2. Definitions; Other Provisions. Capitalized terms not otherwise defined in this Amendment will have the definitions given to such terms in the Lease. The provisions of the Lease that are not amended or deleted by this Amendment remain unchanged and in full force and effect.

3. Signatures. This Amendment may be signed in counterparts. A fax transmission of a signature page will be considered an original signature page. At the request of a party, the

other party will confirm a fax-transmitted signature page by delivering an original signature page to the requesting party.

Dated effective: March ____, 2016

Bend Park & Recreation District, an Oregon special district

By: _____
Don P. Horton, Executive Director

Deschutes Academy and Futbol Club, an Oregon nonprofit corporation

By: _____
Its: _____

SCHEDULE 3.2

Condition Milestones

As of March ____, 2016:

For purposes of this Lease, “**substantially completed**” shall mean the stage in the progress of the designated work or designated portion thereof that is sufficiently complete so that the Tenant can occupy or utilize the work for its intended use. For purposes of this Lease, “**Written Commitments**” shall refer to a summary of then-committed fundraising together with suitable supporting documentation to establish that grant funding, and cash and in-kind donations, have been received or are reasonably expected to be received for the work or portion of the designated work identified below.

Phase 1:

The Phase 1 Improvements must be substantially completed no later than October 1, 2020. The Phase 1 Condition milestones are:

- Material completion of Master Plan drawings for Phases 1 and 2, and construction drawings (to at least 50% completion level) for the Phase 1 Improvements, no later than March 1, 2017.
- Material completion of Phase 1 construction cost estimates (conducted by professional cost estimator or general contractor based on construction drawings) no later than July 1, 2017.
- Submit 100% Phase 1 construction drawings and final cost estimate for approval by District no later than September 1, 2017.
- Material completion of the Phase 1 fundraising plan no later than January 1, 2018, including District approval of naming rights and sponsor recognition programs as provided in Section 6.6 of the Lease. The naming rights and sponsor recognition program shall be subject to Section 6 of the Lease, and shall be with the further understanding that the specific sponsors/contributors need not be identified by this date.
- Tenant will have secured Written Commitments for not less than 25% of the Phase 1 Improvement costs no later than July 1, 2018.
- Tenant will have secured Written Commitments for not less than 50% of the Phase 1 Improvement costs no later than January 1, 2019.
- Tenant will have secured Written Commitments for not less than 75% of the Phase 1 Improvement costs no later than July 1, 2019.
- Tenant will have secured Written Commitments for not less than 100% of the Phase 1 Improvement costs no later than January 1, 2020.

Phase 2:

Phase 2 shall be substantially completed no later than May 31, 2025. The Phase 2 Condition milestones are as follows:

- Timely completion of the Phase 1 Improvements.

- Material completion of construction drawings (to at least 50% completion level) for the Phase 2 improvements no later than March 31, 2023.
- Material completion of Phase 2 construction cost estimates (conducted by professional cost estimator or general contractor based on construction drawings) no later than July 31, 2023.
- Tenant will have secured Written Commitments for not less than 25% of the Phase 2 Improvement costs no later than July 1, 2023.
- Tenant will have secured Written Commitments for not less than 50% of the Phase 2 Improvement costs no later than January 1, 2024.
- Tenant will have secured Written Commitments for not less than 75% of the Phase 2 Improvement costs no later than July 1, 2024.
- Tenant will have secured Written Commitments for not less than 100% of the Phase 2 Improvement costs no later than January 1, 2025.

Phase 3:

Phase 3 generally shall consist of the Optional Improvements. No substantial completion date is required for Phase 3. However, in the event Tenant elects to proceed with Phase 3 (which may be at any time concurrent with or after the construction of Phase 1 or Phase 2, at the election of Tenant). Tenant shall obtain site plan and construction drawing approval in advance of the commencement of any construction in accordance with the process identified in Section 3.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	April 5, 2016
SUBJECT:	Farewell Bend Bridge Replacement Construction Contract Award
STAFF RESOURCE:	Brian Hudspeth, Construction Manager Jim Figurski, Landscape Architect Michelle Healy, Planning & Park Services Director
PREVIOUS BOARD ACTION:	August 11, 2015, Approved consultant contract; October 20, 2015, Approved Engineer's recommendation for replacement of the bridge and authorized the Executive Director to proceed with planning and design of the new bridge.
ACTION PROPOSED:	Award Construction Contract
STRATEGIC PLAN:	
Theme:	Financial Stewardship
Objective:	Take Care of What We Have
Initiative:	Ensure sufficient resources are allocated to provide well-maintained and updated facilities. Plan for and invest in operational costs of existing facilities and programs.

BACKGROUND

The Farewell Bend Bridge is highly used by walkers, runners, bicyclists, and maintenance personnel and provides an important connection between Farewell Bend Park and Riverbend Park along the Deschutes River Trail. The condition of the bridge has deteriorated significantly over the past several years to the point that major repairs or replacement was likely.

In August 2015, the Board approved a contract with Parametrix to evaluate the condition of the bridge and provide a recommendation on whether to repair or replace the bridge. The results of this evaluation were presented to the Board in October 2015. The Board concurred with the engineer's recommendation and directed staff to proceed with design of a replacement bridge. Since then, staff has been working with the engineers on the design of the new bridge and full construction documents have been completed.

The plans call for replacing the existing bridge with a new single-span, pre-manufactured steel bridge similar to the bridge at First Street Rapids Park. Materials used in the bridge are weathered steel and wood decking to blend into the surrounding environment. The elevation of the bridge over water will be increased and the pilings that support the existing bridge have been eliminated from the design to allow for unimpeded river use. Further design details calls for a seat-wall to be

built around the Greg Congleton art piece (horses pulling a log) in order to lower the grade of the area for better accessibility.

On February 23, 2016, the District advertised the bridge replacement project as a lump sum bid per ORS 279C. A mandatory pre-bid meeting was held for all prospective bidders on March 3, 2016. Bids were opened and read on March 17, 2016.

The following bids were received:

Deschutes Construction Corporation	\$662,412
Shamrock Northwest Construction, LLC	\$944,419

The Engineer's Estimate for construction was \$677,190.

BUDGETARY IMPACT

The CIP allocated a total of \$350,000 for repair of the bridge. However, this funding was identified as a place holder in the CIP pending determination of whether a repair or replacement of the bridge was necessary.

Following the additional analysis and further conversations with the Board to replace the bridge, a total amount of \$975,000 of bond and property tax dollars was allocated in the 2015-16 mid-year CIP review for the design and construction of the new bridge. Of that total \$750,000 was estimated for construction of the bridge. With the bid price of \$662,412 plus a 10% contingency, the total funding allocated for construction will be \$728,653. The remaining funds were allocated to cover planning, design, engineering, permitting, construction administration and final BPRD site cleanup costs.

STAFF RECOMMENDATION

Staff recommends that the Board award a contract to the low bidder, Deschutes Construction Corporation, in the amount of \$662,412 and allocate an additional 10% contingency of \$66,241 for a total construction budget not to exceed \$728,653.

MOTION

I make a motion to authorize the Executive Director to award a construction contract to Deschutes Construction Corporation for the construction of the Farewell Bend Bridge, in the amount of \$662,412 and to approve an additional construction contingency of 10% for a total construction budget not to exceed \$728,653.

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	April 5, 2016
SUBJECT:	First reading of Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges
STAFF RESOURCE:	Lindsey Lombard, Administrative Services Director Michelle Healy, Parks and Planning Director Don Horton, Executive Director
PREVIOUS BOARD ACTION:	On March 3, 2009 the Board adopted BMPRD Ordinance No. 8, System Development Charges.
ACTION PROPOSED:	Board to conduct a first reading of Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges.
STRATEGIC PLAN:	
Theme:	Financial Stewardship
Objective 3:	Invest in the Future
Initiative:	Maintain the District’s System Development Charge (SDC) Program in order to ensure adequate funding for future facility need requisite of population growth.

BACKGROUND

In 2013, the Board approved the current intergovernmental agreement (IGA) between the District and the City of Bend, which identifies each agency's responsibilities regarding the collection of the District’s park System Development Charges (SDC). The District and the City now both desire to amend the IGA to allow for a change in when the SDC fees for multi-family housing are determined and collected. Staff discussed this with the Board during the March 1 Work Session, and the Board directed staff to move forward with the process required to make the proposed changes. The full process to make the proposed changes will require: amendments to the District’s SDC ordinance; adoption of a resolution changing the timing for determining and collecting the SDC fees for multi-family housing; and approval of an amended IGA with the City. This Board report speaks only to the amendments to the ordinance; other actions will be addressed under separate Board reports. The District’s SDC ordinance is an administrative framework that provides for the imposition, collection and accounting of park system development charges pursuant to ORS 223.297. Changes proposed to the ordinance include an amendment to Section 6 “Collections” that would provide the Board authority to implement by resolution a different timing for determining SDC fee(s). The ordinance currently states that the fee(s) will be based on the rates in effect on the date that the building permit application is submitted. The City has proposed to change this (for multi-family housing) to instead be based on the rates in effect on the date that the SDC fees are paid - to be no later than the time of Certificate of Occupancy (C of O).

The current ordinance also states that the Board has authority to implement by resolution a different timing for collection of the fee (e.g. collection at the time of C of O, rather than at the issue of building permit, as has been the procedure). No changes to the ordinance are required regarding the time of collection.

The process to amend the SDC ordinance requires a first and second reading (the Board may make a motion to choose that the reading be by title only) during a regular meeting of the Board of Directors on two different days at least six days apart.

BUDGETARY IMPACT

There is anticipated to be minimal budgetary impact related to collecting park SDCs for multi-family housing at the time of C of O, rather than at the time of permitting. City staff has calculated an average time of 270 days between permitting and C of O for multi-family housing projects. The change in the time of collection will reduce the interest income earned by the District over this average time period; although, this will be fairly minimal in the current interest rate environment.

Delaying the time of collection could also have a negative impact on the builder. According to the City of Bend, the fee paid would be the fee that exists at the time of collection. If an annual adjustment in the fee is upward and is approved by the Board between the time of permit issuance and the time of C of O, then the builder would pay the higher fee. Conversely, if the fee is lowered because of a recession or lower cost in building and/or land costs, then the builder would pay a lower fee. The builder will have the option to pay the fee at any time prior to a fee increase if they choose to do so.

STAFF RECOMMENDATION

The first and second readings of Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges, are scheduled for April 5, 2016 and April 19, 2016, respectively. Staff recommends that the Board adopt Ordinance No. 10, amending Ordinance No. 8 to allow for the changes regarding the timing of the assessment and/or collection of SDC fees for multi-family housing requested by the City of Bend.

There are several ways for the Board to proceed with the proposed ordinance:

- Conduct a first reading of the ordinance, as proposed, by making a motion (see below);
- Amend the ordinance and conduct a first reading of the ordinance as amended by the Board;
- Postpone the first reading and adoption of the ordinance and remand it to staff to make requested revisions; or
- Determine not to adopt the proposed revisions to the ordinance at this time.

If the motion below is made and approved, the title of the ordinance shall be read by a Board member, Recording Secretary, or the District's legal counsel.

MOTION

I move that BMPRD Ordinance No. 10 – an ordinance amending Ordinance No. 8, System Development Charges – be read by title only.

ATTACHMENTS

BMPRD Ordinance No. 10 – An Ordinance Amending Ordinance No. 8, System Development Charges
BMPRD Ordinance No. 8, System Development Charges

**BEND METRO PARK AND RECREATION DISTRICT
Ordinance No. 10**

AN ORDINANCE AMENDING ORDINANCE NO. 8 [SYSTEM DEVELOPMENT CHARGES] TO AUTHORIZE THE DISTRICT TO IMPLEMENT, BY RESOLUTION, A NEW OR ALTERNATIVE TIME OF ASSESSMENT FOR SYSTEM DEVELOPMENT CHARGES.

WHEREAS, the Bend Metro Park and Recreation District (the “District”) seeks to implement a new or alternative time of assessment for System Development Charges (“SDCs”) for multi-family dwellings; and

WHEREAS, the District Board of Directors (the “District Board”) has the authority, pursuant to Section 6 of Ordinance No. 8, to implement, by resolution, a new or alternative time of collection for SDCs, but not the authority to implement a new or alternative time of assessment for SDCs.

NOW, THEREFORE, THE BEND METRO PARK AND RECREATION DISTRICT ORDAINS AS FOLLOWS:

SECTION 1: AMENDMENT NO. 1

Subsection “V” of Ordinance Section 2 is hereby amended in its entirety to read as follows:

“V. “System Development Charge” or “SDC” shall mean a reimbursement fee and/or an improvement fee assessed or collected at the time of issuance of a placement or building permit, or such other time as may be designated by resolution of the District Board pursuant to Section 6.”

SECTION 2. AMENDMENT NO. 2

Ordinance Section 6 is hereby amended in its entirety to read as follows:

“SECTION 6. COLLECTIONS

A. The District’s System Development Charge shall be due and payable at the time of issuance of a building permit or placement permit for any residential development as defined in this Ordinance, including single-family dwellings, multi-family dwellings, manufactured homes, duplexes, and hotels and motels. SDC fee(s) will be based on the rates in effect on the date that the building permit application is submitted. Notwithstanding the foregoing, the District’s Board shall have the authority to implement, by resolution, a new or alternative time of assessment and/or collection of SDCs. The SDC methodology referenced in this

Ordinance establishes fees for each type of development. Any resolution of the District's Board may establish different times of assessment and/or collection of SDCs for different types of development. Responsibility for collecting charges may be delegated to the City of Bend and/or Deschutes County by intergovernmental agreement.

- B. If Park System Development Charges are due and payable at the time of issuance of a building permit or placement permit, and if development is commenced without an appropriate permit, the System Development Charge is immediately payable upon the earliest date that a permit was required.

SECTION 3. MISCELLANEOUS

3.1 Severability. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.

3.2 Corrections. This Ordinance may be corrected by resolution of the District Board to cure editorial and/or clerical errors.

3.3. Effective Date. This Ordinance will be in full force and effect thirty (30) days after its adoption by the District Board and signing by the _____.

ADOPTED by the Board of Directors of the Bend Metro Park and Recreation District and signed by the Board Chair this ____ day of April, 2016.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Board Chair

ATTEST:

Executive Director

**BEND METRO PARK AND RECREATION DISTRICT
Ordinance No. 8 - System Development Charges**

THE BEND METRO PARK AND RECREATION DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. PURPOSE AND SCOPE

- A. Future growth within the Bend Metro Park and Recreation District (District) should contribute its fair share to the cost of improvements and additions to parks and recreation facilities needed to accommodate such growth.
- B. Park system development charges will provide a source of revenue to finance the construction or improvement of the District's parks and recreation facilities necessitated by growth.
- C. ORS 223.297 - 223.314 authorize local governments, including special districts, to impose system development charges for parks and recreation.
- D. This Ordinance is intended to be a financing mechanism for parks and recreation facilities necessitated by new development and for reimbursement for unused capacity in existing facilities that is available for use by future residents.

SECTION 2. DEFINITIONS

- A. "Accessory dwelling unit" shall mean a second dwelling unit created on a lot with a single-family dwelling unit, whether created at the same time as or subsequent to construction of the single family dwelling. The second unit is created auxiliary to and is always smaller than the primary single family dwelling unit.
- B. "Applicant" shall mean the owner or other person, including any business or corporation, who applies for a residential building or placement permit from the City of Bend or Deschutes County for development within the boundaries of the District.
- C. "Building" shall mean any structure built and maintained for the support, shelter or enclosure of persons or property of any kind. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a building permit.
- D. "Building Permit" shall mean an official permit or certificate issued by the City of Bend or Deschutes County authorizing the construction or siting of any building.

- E. "Capital Improvements" shall mean public facilities or assets used for parks and recreation.
- F. "Citizen or Other Interested Person" shall mean any person whose legal residence is within the boundaries of the District, as evidenced by registration as a voter within the District or by other proof of residency; or a person who owns, occupies, or otherwise has an interest in real property which is located within District boundaries or is otherwise subject to the imposition of park system development charges, as outlined in Section 3 of this Ordinance.
- G. "District" shall mean the Bend Metro Park and Recreation District, an Oregon special district.
- H. "District Board" shall mean the duly elected Board of Directors of the District.
- I. "Duplex" shall mean a building designed or used for residence purposes by not more than two families and containing two single family dwelling units.
- J. "Executive Director" shall mean the chief executive officer of the District.
- K. "Hotel or motel" shall mean a building, group of buildings, or portion thereof designed or used for occupancy of individuals who are lodged with or without meals. The definition shall include but not be limited to buildings or groups of buildings designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels or similar designations. Condominiums and townhomes are excluded from this definition.
- L. "Improvement Fee" shall mean a fee for costs associated with capital improvements to be constructed after the effective date of this Ordinance.
- M. "Manufactured Home" shall mean a single-family dwelling unit that is constructed primarily at one location and is then transported to another location for either permanent or temporary siting.
- N. "Methodology" shall mean the system development charge methodology required by ORS 223.304(1) and (2). Methodology is defined further in Section 4.
- O. "Multi-family dwelling" shall mean a building or portion thereof designed or used as a residence by three or more families and containing three or more dwelling units on a single parcel of land.
- P. "Owner" shall mean the owner or owners of record of real property as shown on the tax rolls of Deschutes County, or a person purchasing a piece of property under contract. For the purposes of this Ordinance in terms of violations and binding agreements between the District and the owner, the "owner" shall also

mean the leaseholder, tenant or other person in possession or control of the premises or property at the time of the agreement or violation of agreement or the provisions of this Ordinance.

- Q. "Parcel of Land" shall mean a lot, parcel, block or other tract of land that, in accordance with city or county regulations, is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.
- R. "Qualified Public Improvement" shall be defined as a capital improvement that is:
- a) Required as a condition of development approval;
 - b) Identified in the plan adopted pursuant to Section 5 of this Ordinance; and either is:
 - 1) Not located on or contiguous to a parcel of land that is the subject of the development approval; or
 - 2) Located in whole or in part on or contiguous to a parcel of land that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
 - c) For purposes of this definition, contiguous means in a public way which abuts the parcel.
 - d) Approved/accepted by the District.
- S. "Reimbursement Fee" shall be defined as a fee associated with available capacity in the system to benefit future residents, but that has already been paid for by existing residents. The reimbursement fee will be repaid to the District to compensate existing residents for excess capacity.
- T. "Residential development" subject to SDCs shall mean all improvements on a site, including buildings and other structures which have the effect of increasing the usage of any capital improvements or which may contribute to the need for additional or enlarged capital improvements specific to this Ordinance or SDCs being enacted.
- U. "Single-family dwelling" shall mean a building designed or used for residential purposes by not more than one family and containing one dwelling unit only, including manufactured homes and townhomes, but excluding such temporary structures as tents, teepees, travel trailers, and other similar uses.

- V. "System Development Charge" or "SDC" shall mean a reimbursement fee and/or an improvement fee assessed or collected at the time of the issuance of a placement or building permit.

SECTION 3. SYSTEM DEVELOPMENT CHARGE FRAMEWORK

- A. The District's Park System Development Charge is hereby imposed upon all new residential dwelling units within the District, including single-family dwellings, multi-family dwellings, manufactured homes, duplexes, and hotels and motels, for which a building permit or placement permit is required. This shall include new construction and alteration of dwelling units, and expansion or replacement of a dwelling unit if such alteration expansion or replacement results in an increase in the number of dwelling units compared to the existing number of dwelling units in the development. For alterations, expansions and replacements, the amount of the system development charge to be paid shall be the difference between the rate for the proposed development and the rate that would be imposed for the development prior to the alteration, expansion or replacement.
- B. System Development Charge fees, related capital improvement projects, administrative review procedures and other implementing measures related to this Ordinance shall be established, and may be revised from time to time, by separate resolution(s) of the District. A change in implementing procedures, fees, qualified projects and the like shall not require an amendment to this Ordinance or the SDC methodology.
- C. The system development charges imposed by this Ordinance are separate from and in addition to any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development.

SECTION 4. METHODOLOGY

- A. The methodology used to establish or modify the reimbursement fee shall consider the cost of then-existing facilities including without limitation design, financing and construction costs, prior contributions by then-existing property owners, gifts or grants from federal, state, municipal or quasi-municipal government or private persons, the value of unused capacity available to future system users, rate-making principles employed to finance publicly-owned capital improvements, and other relevant factors identified by the District Board. The methodology shall promote the objective that future system users shall contribute no more than an equitable share of the cost of then-existing facilities.
- B. The methodology used to establish or modify the improvement fee also shall consider the estimated cost of projected capital improvements needed to increase the capacity of the system to which the fee is related. The methodology shall be

calculated to obtain the cost of capital improvements for the projected need for future system users.

- C. The methodology used to establish or modify the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the District Board. The methodology described in the accompanying resolution, "A Methodology for Calculating Park System Development Charges," and its assumptions, conclusions and findings, are herein adopted by reference to this Ordinance.

SECTION 5. EXPENDITURES

- A. The District shall establish separate accounts for each type of system development charge, i.e., reimbursement and improvement fees, which shall be maintained apart from all other accounts of the District. All system development charge payments shall be deposited in the appropriate account immediately upon receipt.
- B. Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness.
- C. Improvement fees shall be applied only to capacity-increasing capital improvement, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees shall be related to demands created by development. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the Capital Improvement Plan adopted by the District.
- D. Notwithstanding subsections B and C of this section, system development charge revenues may also be expended on the direct costs of complying with the provisions of this Ordinance and related statutes, including, but not limited to, the costs of developing system development charge methodologies and providing an annual accounting system for system development charge expenditures.
- E. The monies deposited in the above accounts shall be used solely for qualified public improvements as allowed by ORS Chapter 223 including, but not limited to:
 - 1. design and construction plan preparation;
 - 2. permitting and fees;

3. land and materials acquisition, including any costs of acquisition or condemnation;
 4. construction of capital improvements;
 5. site preparation and grading and the design and construction of new drainage facilities required by the construction of capital improvements and structures;
 6. relocating utilities required by the construction of improvements;
 7. landscaping;
 8. construction management and inspection;
 9. surveying, soils and material testing;
 10. acquisition of capital equipment;
 11. repayment of monies transferred or borrowed from any budgetary fund of the District which were used to fund any of the capital improvements as herein provided;
 12. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the District to fund adopted capital improvements;
 13. direct costs of complying with the provisions of ORS Chapter 223 including the consulting, legal, and administrative costs required for developing and updating the park system development charges methodology report, resolutions, ordinance, and capital improvement plan; and the costs of collecting and accounting for park system development charges expenditures.
- F. Funds on deposit in park system development charge accounts shall not be used for:
1. any expenditure that would be classified as a maintenance or repair expense;
or
 2. costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.
- G. Any capital improvement being funded wholly or in part with park system development charges revenue shall be included in the District's capital improvement plan. The capital improvement plan may be modified at any time and shall:

1. list the specific capital improvement projects that may be funded with park system development charges revenue;
 2. provide the estimated cost of each capital improvement project,
 3. provide the estimated timing of each capital improvement project; and
 4. be updated at least once every three years.
- H. Any funds on deposit in park system development charge accounts that are not immediately necessary for expenditure shall be invested or deposited in an interest-bearing account by the District. All income or interest derived from such investments shall be deposited in the Park System Development Charge fund accounts and used as provided herein.
- I. The District shall prepare an annual accounting report for park system development charges, including the total amount of system development charge revenue collected in the accounts, and capital improvement projects that were funded.
- J. Any citizen or other interested person may challenge an expenditure of park system development charges revenues.
1. Such challenge shall be submitted, in writing, to the Executive Director for review within two years following the subject expenditure, and shall include the following information:
 - a. The name and address of the citizen or other interested person challenging the expenditures;
 - b. The amount of the expenditure, the project, payee or purpose, and the approximate date on which it was made; and
 - c. The reason why the expenditure is being challenged.
 2. If the Executive Director determines that the expenditure was not made in accordance with the provisions of this Ordinance and other relevant laws, a reimbursement of park system development charge revenues from other revenue sources shall be made within one year following the determination that the expenditures were not appropriate.
 3. The Executive Director shall make written notification of the results of the expenditure review to the citizen or other interested person who requested the review within ten (10) days of completion of the review.

SECTION 6. COLLECTIONS

- A. The District's Park System Development Charge shall be due and payable at the time of issuance of a building permit or placement permit for any residential development as defined in this Ordinance, including single-family dwellings, multi-family dwellings, manufactured homes, duplexes, and hotels and motels. The District's Board shall have the authority to implement, by resolution, a new or alternative time of collection for SDCs. SDC fee(s) will be based on the rates in effect on the date that the building permit application is submitted. The SDC methodology referenced in this Ordinance establishes fees for each type of development. Responsibility for collecting charges may be delegated to the City of Bend and/or Deschutes County by intergovernmental agreement.
- B. If Park System Development Charges are due and payable at the time of issuance of a building permit or placement permit, and if development is commenced without an appropriate permit, the System Development Charge is immediately payable upon the earliest date that a permit was required.

SECTION 7. EXEMPTIONS

Notwithstanding Section 3A, the following development shall be exempt from payment of the Park System Development Charges as defined in this Ordinance and supporting or implementing documents:

1. Non-residential development with the exception of hotels and motels as defined in this Ordinance.
2. Alteration, expansion or replacement of an existing residential dwelling unit where no additional residential dwelling unit is created.
3. The construction of accessory buildings or structures which will not create additional residential dwelling units and which do not create additional demands on the District's capital facilities.
4. The issuance of a placement permit for a manufactured home unit on a lot or parcel on which applicable park system development charges have previously been paid.

SECTION 8. CREDITS

- A. The District may grant a credit against the park system development charges imposed pursuant to Section 3 for the donation of land for, or for the construction of any qualified public improvements.

- B. Prior to issuance of a building permit or placement permit, the applicant shall submit to the Executive Director a proposed plan and estimate of cost for contributions of qualified public improvements. The proposed plan and estimate shall include:
1. a designation of the development for which the proposed plan is being submitted;
 2. a legal description of any land proposed to be donated and a written appraisal prepared in conformity with Section 9.E.1.;
 3. a list of the contemplated capital improvements contained within the plan;
 4. an estimate of proposed construction costs certified by a professional architect or engineer; and
 5. a proposed time schedule for completion of the proposed plan.
- C. The applicant shall have the burden of demonstrating that a particular improvement qualifies for a credit. The amount of the credit to be applied shall be determined according to the following conditions:
1. When a development occurs that is subject to a park system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. No refund or credit shall be given unless provided for by another subsection of this Section.
 2. If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of the development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the District's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this subsection. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the District.
 3. Notwithstanding subsections 1 and 2 above, when establishing a methodology for a park system development charge, the District may

provide for a credit against the improvement fee, the reimbursement fee, or both, for capital improvements constructed as part of the development that reduce the development's demand upon existing capital improvements and/or the need for future capital improvements, or a credit based upon any other rationale the District Board finds reasonable.

- D. If a donation or construction of a qualified public improvement gives rise to a credit amount greater than the amount of the park system development charge that would otherwise be levied against the project receiving development approval, the excess credit may be applied against park system development charges that accrue in subsequent phases of the original development project. Any excess credit must be used not later than ten years from the date it is given.
- E. Calculation of credits will be subject to the following standards:
 - 1. The value of donated lands shall be based upon a written appraisal of fair market value by a qualified and professional appraiser based upon comparable sales of similar property between unrelated parties in a bargaining transaction; and
 - 2. The cost of anticipated construction of qualified public improvements shall be based upon cost estimates certified by a professional architect or engineer.
- F. Upon approval of the District Board, the decision of the Executive Director, as to whether to accept the proposed plan of contribution and the value of such contribution shall be in writing and issued within thirty (30) working days of the date all data is received for review. Notification shall be provided to the applicant via regular mail.
- G. Any applicant who submits a proposed plan pursuant to this Section, and desires the immediate issuance of a building permit or placement permit, shall pay applicable system development charges. Said payment shall not be construed as a waiver of any credit. Any difference between the amount paid and the amount due, as determined by the Executive Director, shall be refunded to the applicant. In no event shall refund by the District under this subsection exceed the amount originally paid by the applicant.
- H. The District may, in its sole discretion, grant a credit for land donated for park and recreational use, which does not otherwise meet the requirements of this section.
- I. Credits shall not be transferable from one development to another.
- J. Credits shall be transferable within the same development if a development or portion of it is sold prior to completion but after development and dedication of qualified public improvements as defined in this Ordinance.

- K. Credits shall not be transferable from one type of system development charge to another.
- L. Credits shall be used within 10 years from the date the credit is given.

SECTION 9. DEVELOPER RECOVERY PROCEDURES AND PAYMENTS

- A. Upon approval of the District Board, the District may enter into agreements with developers who propose to expand the park system by dedicating and/or constructing park and recreation facilities. These agreements would allow the District to repay the developer for such improvements using a portion of the Park System Development Charges collected in a designated recovery area.
- B. Such facilities may serve the proposed development only (sole recovery area) or the proposed development and areas beyond it (shared recovery area).
- C. The District Board shall adopt by separate resolution such agreements. The resolution shall address:
 - 1. Applicable District, City, and County policies, standards, rules and regulations.
 - 2. Responsibilities for paying the cost of such improvements.
 - 3. Eligibility for SDC recovery payments.
 - 4. Procedures for determining the extent of the area served by proposed improvements.
 - 5. Procedures for remitting SDCs collected in the sole or shared recovery area to eligible developers.
 - 6. Payment schedules and conditions for SDC recovery fees.
 - 7. Procedures for calculating the amount of the recovery fees.
 - 8. Procedures for determining the value of qualified improvements.

SECTIONS 10. REFUNDS, WAIVERS AND DEFERRALS

- A. Refunds
 - 1. Refunds may be given by the Executive Director upon finding that there was a clerical error in the calculation of SDCs.

2. Refunds shall not be allowed for failure to timely claim credit or for failure to seek an alternative SDC rate calculation in a timely manner at the time of submission of an application for a building permit.
3. An applicant or owner shall be eligible to apply for a refund if:
 - a. The building permit or placement has expired and the development authorized by such permit was not commenced; or
 - b. The park system development charges have not been expended or encumbered prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such charges were paid. For the purposes of this Section, first funds received shall be deemed to be the first funds expended.
4. An application for refund shall be filed with the District and contain the following:
 - a. The name and address of the applicant;
 - b. The location of the property which was the subject of the park system development charges;
 - c. A notarized sworn statement that the petitioner is the then current owner of the property on behalf of which the park system development charges were paid; including proof of ownership, such as a certified copy of the latest recorded deed;
 - d. The date the system development charges were paid;
 - e. A copy of the receipt of payment for the system development charges; and, if appropriate,
 - f. The date the building permit or placement permit was issued and the date of expiration.
5. The application for a refund shall be filed within ninety (90) days of the expiration of the building permit, placement permit, or within ninety (90) days of the end of the fiscal year following the tenth anniversary of the date upon which the park system development charges were paid. Failure to timely apply for a refund of the system development charges shall waive any right to a refund.
6. Within thirty (30) days from the date of receipt of a petition for refund, the District will advise the petitioner of the status of the request for refund, and if such request is valid, the park system development charges shall be returned to the petitioner.

7. A building permit or placement permit which is subsequently issued for a development on the same property which was the subject of a refund shall pay the park system development charges required by Section 3.

B. Waivers

1. Waivers of BMPRD SDC fees, as may be further defined in separate resolution, may be granted by the Executive Director upon finding that the subject development places no demand upon the district park system.
2. Waivers may only be issued in extraordinary circumstances for development whose use is highly specialized and will only apply to that portion of a development found not to impose any system demand. Waivers expire upon conversion of the original use to another use. Example development for which waivers may be granted include but are not limited to the following:
 - a. Hospice care facility;
 - b. Alzheimer's care facility;
 - c. End of life residential care facility.

C. Deferrals

1. A deferral of SDC fees, as may be further defined by separate resolution, may be granted by the Executive Director upon a finding that the subject development meets a category of special need in the district for which BMPRD and other service providers have agreed to grant special financial treatment in order to advance a specific public benefit.
2. Deferrals do not constitute a waiver of SDC but rather a delay in the normal schedule for collection of the fee. Example development for which waivers may be granted include but are not limited to the following:
 - a. Assisted living project; and
 - b. Low income/affordable housing units.

SECTION 11. REVIEW OF METHODOLOGY AND RATES

- A. This Ordinance, the park system development charges methodology, and the capital improvement plan shall be reviewed by the District Board at least every five (5) years. The review shall consider new estimates of population and other socioeconomic data, changes in the cost of construction, any acquisition of land by the District for park development, and adjustments to the assumptions, conclusions or findings set forth in the methodology. The purpose of this review

is to evaluate and revise, if necessary, the rates of the park system development charges to assure that they do not exceed the actual or reasonably anticipated costs of the District's capital improvements.

- B. In the event the review of this Ordinance or the methodology alters or changes the assumptions, conclusions and findings of the methodology, or alters or changes the amount of park system development charges, the methodology may be amended and updated to reflect the assumptions, conclusions and findings of such reviews. If changes in the methodology are undertaken by the District, the District shall coordinate such changes with the City of Bend and Deschutes County prior to adoption pursuant to Intergovernmental Agreements between Deschutes County and the District and the City of Bend and the District.

SECTION 12. NOTICE

- A. The District shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a methodology for a park system development charge. Written notice shall be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a park system development charge. The methodology supporting the system development charge shall be available at least 60 days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the District. No legal action intended to contest the methodology shall be filed after 60 days following adoption or modification of the park system development charge ordinance or resolution.
- B. The District may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the District must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

SECTION 13. APPEALS AND REVIEW HEARINGS

- A. An applicant who is required to pay park system development charges shall have the right to request a hearing before the District board to review any of the following:
 - 1. The denial of a proposed credit for contribution of qualified public improvements pursuant to Section 8.
 - 2. The calculation of a Park System Development Charge, or the application of the SDC fee methodology and/or adjustments of the SDC rate, provided, however, the SDC fee methodology itself may not be appealed.

3. Executive Director's decisions regarding requests for an SDC refund, credit, waiver, or deferral.
- B. Such hearing shall be requested by the applicant within thirty (30) days of the date of first receipt of the denial. Failure to request a hearing within the time provided shall be deemed a waiver of such right.
 - C. The request for hearing shall be filed with the Executive Director and shall contain the following:
 1. The name and address of the applicant;
 2. The legal description of the property in question;
 3. If issued, the date the building permit or development permit was issued;
 4. A brief description of the nature of the development being undertaken pursuant to the building or development permit;
 5. If paid, the date the park system development charges were paid; and
 6. A statement of the reasons why the applicant is requesting review.
 - D. Upon receipt of such request, the District shall schedule a hearing before the District Board at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the applicant written notice of the time and place of the hearing. Such hearing shall be held within forty-five (45) days of the date the request for hearing was filed.
 - E. Such hearing shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.
 - F. Any applicant who requests a hearing pursuant to this Section, and desires the immediate issuance of a building permit or placement permit, shall pay prior to or at the time the request for hearing is filed the applicable park system development charges pursuant to Section 3B. Said payment shall not be construed as a waiver of any review rights.
 - G. An applicant may request review under this Section without paying the applicable park system development charges as long as no building permit or placement permit has been issued.

H. The District shall advise any person who makes written objection to the calculation of a park system development charge of the right to petition for review pursuant to ORS 34.010 to 34.100.

SECTION 14. SEVERABILITY

If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 15. EFFECTIVE DATE

The Park System Development Charges authorized by this Ordinance shall be imposed on building or placement permit applications submitted on or after March 3, 2009 provided, however, that an application presented before that date, for which all necessary prior approvals have not been granted or other required predicates not met shall not be considered submitted for purposes of this section.



DEVELOPMENT PROJECT UPDATES March 2016

Bond-Funded Projects



Bend Whitewater Park: The major mechanical and structural work is complete and the contractor is now finishing up the punch list and demobilization. The Bend Whitewater Park re-opened to the public in the beginning of March.



McKay Park: Construction is underway at McKay Park. Work consists of constructing new restrooms and a changing facility with storage and work space for our Whitewater Park stewards. Other work consists of a new plaza and viewing areas. Park landscape completion is expected in late fall of 2016. Concurrently, the City of Bend has started construction of the sewer line extension along the frontage of the park, which is anticipated to continue through mid-summer. Continue to watch for road and pedestrian detours and/or closures around McKay Park through the duration of the park and sewer extension construction projects.



Riley Ranch Nature Reserve (RRNR): Work continues on preparing construction documents for phase one. Pending building permit approvals, park construction could be underway in late summer of 2016. Installation of boundary fencing is complete.



Deschutes River Trail (DRT):

Putnam to Riley Ranch Nature Reserve Bridge Segment – Staff is continuing to work with Brooks Resources on securing a license agreement for the trail alignment and a potential future trailhead parking area also on their property.

Kirkaldy Ct. to Putnam Rd. Segment – After meetings with adjacent property owners and the Awbrey Meadows HOA Board of Directors, the issue of BPRD acquiring a trail easement over the buried Tumalo Irrigation pipeline has not yet been resolved.

Pacific Park to Drake Park Segment – The trail alignment has been surveyed and conceptual drawings will be revised as needed. Any additional design work is on hold until the scope of work and timing for the Mirror Pond project is resolved.

Galveston to Miller’s Landing Park Segment – Staff has recommended “Option B – Shared Use Street” as the preferred alternative. Staff requested comments from all of the homeowners along Riverfront St. and no comments have been received to date. Staff submitted an application for an ODOT “Enhance” grant that was based on the Option B design and included the undergrounding of utilities along Riverfront Street. The status of the grant application isn’t expected until summer.

South UGB Segment – In February, Oregon Parks and Recreation Department staff recommended that the Oregon Parks Commission deny the District’s request to amend the Oregon Administrative Rule to allow bike/pedestrian bridges along the Upper Deschutes River, but also open up a review process to evaluate the Community River portion of the State Scenic Waterway. The Commission agreed with staff. The Rule evaluation process will be handled entirely by state park staff and should be getting underway in March.

Non Bond-Funded Projects



Shevlin Park: Staff is currently working on implementing the recommendations from the updated management plan, including a comprehensive wayfinding and signage program. The District has selected a signage consultant team and the project kick-off meeting is in late March.



Canal Row Neighborhood Park: Construction is underway with mass grading and excavation. Construction has also started on the right-of-way work. The park is expected to open in late fall.



Skyline Park Accessibility Improvements: Grading has been completed for the upgraded trails. The contractor is waiting for the asphalt manufacturing plants to open for the season in order to finish paving the trails. Work is complete on upgrades to the restrooms and access trails to the playground.



Hillside Park: The partitioning process (to create legal lots of record necessary for permits) and a Transportation System Plan amendment are in process with the City of Bend.

On March 1 the Board approved a contract amendment with Cameron McCarthy to complete construction documents for the development of the full master plan in anticipation of additional funding in the Capital Improvement Plan next year.



Rockridge Park: A Conditional Use Permit for the park development was approved by Deschutes County and work has begun on construction documents.

On March 1 the Board approved a contract amendment with Cameron McCarthy to complete construction documents for the development of the full master plan in anticipation of additional funding in the Capital Improvement Plan next year.



Stone Creek Neighborhood Park Property: Work on construction documents continues. The District is expecting to receive final construction documents and an updated cost estimate from the Developer by the end of March. Review and approval of these documents by the District is required prior to the start of construction. The developer hopes to begin construction of the park this spring/summer.



Eagle Park: District staff is now proceeding with additional design, permitting and preparation of construction documents. Construction is anticipated to begin in the summer or fall of 2016.



Farewell Bend Bridge: Staff will present a construction contract award approval for replacement of the bridge during the April 5 board meeting. Pending approval, construction is expected to begin in late April. The District is hosting a community open house at 5:30 p.m., on April 1, 2016 at the District Office to share construction information and answer questions.



Larkspur Center (Bend Senior Center): Staff has prepared a Request for Proposals (RFP) for design of the expansion of the Bend Senior Center (Larkspur Center). It is expected the RFP will be advertised in April and a contract award for consultant services will be presented to the Board in June.

Park Services Report

March 2016

Facilities/Construction

- Installed fence at Ponderosa Park along basketball court
- Re-lamped District office lobby lights with LED
- ADA approach to portable toilet at Hollinshead Park
- Mt. View playground repairs
- Replaced chairs at Hollinshead Barn
- Installed playground chips at Harmon, Stover and Farewell Bend parks

Construction

(See Planning and Design report)

Landscape

- Continued installing Baseline irrigation controllers for fields at Pine Nursery Park
- Installing new Baseline controller for Skyline Sports Complex; includes additional field lighting controls
- Prepping sports fields infield dirt surfaces for upcoming season
- Layout and painting soccer fields and LAX for upcoming season
- Rebuilt mound on Field 2 at Big Sky for Mt.View HS baseball program
- First mows of the season on sports turf at Big Sky, Stover and Juniper parks
- Finished installation of Weather-Matic controllers at Hixon Park, Aspen Hall, Sylvan and Hillside II parks
- Splitting two irrigation zones at Mt. View Park to boost pressure and efficiency
- Hazard tree work, thinning and pruning completed at Sawyer, Juniper, Drake, Mirror Pond and Pioneer parks
- Large Ponderosa in Drake Park was removed due to hazard assessment by Certified Arborist
- Eliminating riparian zone irrigation, renovating and rezoning multiple turf areas at Farewell Bend to provide efficient coverage as part of our departments focus on conservation and water saving measures

Natural Resources

- Crew is doing fire/fuels reduction work along West Bend Trail
- Crew treated about 5 acres for fire/fuels reduction in Shevlin Commons Easement adjacent to homes that were not treated last year
- Geese hazing and starting to look for geese nests
- Getting ready to monitor for spotted frogs in the wetland above Bend Whitewater Park
- Continuing trail work at Riley Ranch and building fences around the historic cabins with cut material on site

Shop Staff

- Received a free piece of equipment that is capable of snow removal, sweeping hard surfaces and thatching
- Fabricated and installed hand rail safety cables at the Pavilion
- Provided support at the Pavilion for unloading sports equipment
- Started winter traction tire and snow equipment removal

- Implementing a bar code system for tool checkout
- Fabricated sign brackets for Bend Whitewater Park

Park Stewardship Program

- Staff training with Bend PD, Deschutes County Sheriff staff, and Bend Patrol officers with emphasis on the exclusion process and interagency communication
- New Bend Patrol officer oriented to join Stewardship team
- Updated information handouts for staff including: Dogs in Parks, Slacklines/Hammocks, Drones/R.C. Devices and Business Operations
- March Events: Grin & Bear It, Muse Run, St Patrick's Day Dash and Elks Easter Egg Hunt
- New event proposals: 10Barrel Run and Float, River Song Preschool yoga event, Camp Tamarack kids carnival and Hamlet in Drake Park
- Coordinated and managed 15 pre and post event meetings this month
- Met with City of Bend, Deschutes County and the Old Mill District in collaboration of working together with all community events

Community Relations Department Report

March 2016

Community Relations and Communications

- Forecast priority strategies for 2016-17
- Prepare budget documents for 2016-17
- Bend whitewater park communications – website re-write, park signs, tourist brochure
- Sponsorship policy update
- Operational process for donations
- Preparation for new department manager – critical documents, processes and resources
- Summer Playbook layout, edit and proofing in process; online preview launched

Outreach/Events

- Participating in Bend La Pine Schools Early Learner Fairs at several elementary school sites
- Registration for July 4th vendors and non-profit participants
- Finalize traffic plan details with City of Bend partners
- On-going promotion and coordination for July 4th events

Targeted Campaigns/Promotions

- Recreation focus: spring break activities, sports registration, volunteer coaches, opening of summer recreation
- Bend Senior Center: indoor fitness, lunch and learn series and other free activities, dance
- Rental facility marketing: targeted rental guides
- JSFC: free family night, swim lessons
- Pavilion: end of season, special \$6 Sundays
- Bend Whitewater Park: re-opening, surf wave, wave conditions and area detours
- General Recreation: opening of summer recreation, spring break activities
- District-wide branding and communications: : tv/radio/print advertising focused on branding message.

Website/Social Media

- **Employee website**: e-newsletters sent every week. Open rate around 25.5%.
- **Updated website**: additional information to BWP pages, added teen volunteer page, redeveloped volunteer coaching page.
- **Website training**: on-going contributor training
- **March 2016 Website traffic** : compared to March 2015
52,329 visits (+17.23%) 29,404 visitors (+16.83%)
117,474 pageviews (+8.00%) 2.24 pages per visit (-8.19%)
02:10 avg. visit duration (-2.32%)
Device used: Desktop – 23,878 sessions (+11.57%), Mobile – 23,309 sessions (+30.74%),
Tablet – 5,142 sessions (+42.07%)

- **Increasing fan base in social media:**

Facebook: as 3/29/16 Twitter: as 3/29/16
BPRD – 4,414 likes BPRD – 3,850 followers
JSFC – 2,676 likes
BSC – 235 likes
BWP – 1,762 likes
The Pavilion – 1,052 likes

Volunteer program

Supporting recreation programs

- Promotion and website updates for summer teen volunteer opportunities
- Volunteer background checks and support for spring youth sports programs
- Coordinated volunteers for Senior Center dinner dance

Supporting Parks, Trails & Facilities

- New adoptee for Mountain View Park
- Coordinated March volunteer projects:
 - Summit High Vocational Program – rock clean up at Discovery Park
 - Heart of Oregon Corp – Juniper Park prep for Easter egg hunt.

Other

- Volunteer promotion and articles for Playbook
- Participated in BPRD Job Fair at JSFC
- Hosted Network of Volunteer Administrators meeting
- Participating in COCC leaderships series training

BPR Foundation

- Allocation to Access for All fund held with Oregon Community Foundation
- Review of bylaws with board committee
- Scheduled Gopher Broke Golf Tournament for Friday, September 30, 2016

District Sponsorships

- Continuing to field questions and provide information about potential sponsorship and promotion opportunities at The Pavilion and with BPRD.

**Board Calendar
2015-2016**

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

April 19

Work Session

- ◆ District-wide Website – *Colleen McNally and Josiah Dawley (30 min)*
- ◆ Comp Plan Project update – *Steve Jorgensen and Quinn Kever (30 min)*

Business Session

- ◆ Economic Impact Study – *Don Horton and Michelle Healy (30 min)*
- ◆ Approve Purchase and Sale Agreement for Goodrich property– *Don Horton (10 min)*
- ◆ Second Reading and Adoption of Ordinance No. 10 – System Development Charges, amending Ordinance No. 8 – *Lindsey Lombard (15 min)*
- ◆ Adopt Resolution No. 387 – To change the timing for determining and collecting System Development Charges – *Lindsey Lombard (15 min)*.
- ◆ Approve Intergovernmental Agreement - System Development Charges, as amended – *Lindsey Lombard (10 min)*

April 20th - Budget Committee Tour

May 3

Staff Introduction – Jeff Amaral

Work Session

- ◆ Water Conservation Planning – *Chelsea Schneider and Mike Duarte (45 min)*

Business Session

- ◆ Adopt Resolution No. 388 - SDC fee schedule annual adjustment – *Lindsey Lombard (15 min)*

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*
- ◆ Award Senior Center consultant contract for design – *Jim Figurski*

June 21

Work Session

- ◆ CIP – 4th Quarter Review

Business Session

TBD

Latino Outreach Program

Facility user priority allocation – Matt Mercer

Athletic Field Report – Matt Mercer

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

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

Strategic Plan measurements

Strategy for assessing park maintenance shop/office needs

DRT - Kirkaldy Ct. to Putnam Rd. easement

Senior Center Expansion Business and Programming Plan

Robinson fields renovation (Skyline Park)

Sponsorship Policy

Sylvan and Summit Parks tennis court replacement

Eagle Park construction award

Rockridge Park construction award

Hillside Park construction award

Riley Ranch Nature Reserve construction award

Shevlin Park Signage fabrication and construction award