

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 6/11/2014 **Approx Start Time:** 1:30 p.m. **Approx Length:** 60 Min

Presentation Title: NCPRD Master Plan Update and Governance

Department: North Clackamas Parks & Recreation District

Presenters: Staff: Gary Barth - Director NCPRD, Chris Storey, NCPRD Legal Counsel

Other Invitees: Dave Metz, Fairbank, Maslin, Maullin, Metz & Associates – Public Opinion Research & Strategy. NCPRD Senior Management Team and Advisors: Laura Zentner, Jeroen Kok, Carl Switzer, Karen Tolvstad. District Advisory Board Members.

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

That the Board of the North Clackamas Parks & Recreation District chose a permanent rate for a new ORS 266 Parks & Recreation District for consideration in the public hearings to be held on June 12th, July 17th, and August 7th

EXECUTIVE SUMMARY:

NCPRD initiated an update of its 2004 Master Plan in May 2012. As part of that effort, the District found that there was a material gap between the expectations set forth in the 2004 master plan and the district's ability to deliver. This gap arose from the fact that the 2004 master plan's assumptions -- that the district would be reformed at a higher rate and that there would be two general obligation bond measures passed to support projects -- were never approved.

Staff deliberately set the goal that this updated Master Plan, and the Capital Improvement Plans developed under it, would reflect accurate assumptions regarding resources and deliverables. In implementing this approach, two different master plan philosophies were developed: *the status quo and the aspirational.*

Under the status quo plan, NCPRD would remain a county service district at its current permanent tax rate of \$0.5382 per thousand of assessed value. Under this scenario the District will not be able to maintain its existing assets in a safe or quality manner or continue to provide the level of services currently offered in the future.

Under the aspirational plan, NCPRD would seek a higher funding level to be better able to repair, replace and refurbish its existing assets, maintain and enhance programs and services and fund targeted new capital asset development. In particular, the Level of Service analysis and community engagement identified several underserved areas that *are still lacking park assets.*

These two options were presented to the district's advisory board, which unanimously voted to support the aspirational approach.

These options were then presented to the NCPRD Board in June 2013 and the Board voted unanimously to pursue the "aspirational" path forward in finalizing a Master Plan for Board review and adoption in the spring of 2014. Consistent with that Board direction, the District has been moving forward with its Master Planning process and keeping on a timeline that included frequent Board check-ins. The draft Master Plan has been completed and published and is going through a final vetting process, including online review currently underway on the District's website.

The original timeline presented in June 2013 considered the potential of a vote of District residents to implement the higher funding level necessary to support an aspirational Master Plan in November 2014, if approved by the Board.

The Board last met for updates and to provide direction on this project on May 11, 2014. At that meeting, the Board was provided with polling results of District residents to determine voter support for the reformation of the District as a Special District and to further determine the maximum tax rate voters would be willing to support for that reformed District, if given full information on its benefits.

The polling results were generally supportive of increasing the District funding and reforming the District as an independent Special Parks & Recreation District under ORS 266. At the conclusion of that study session, the Board directed staff to pursue the formation of a new 266 District through a vote of District residents on the November 2014 ballot.

Staff was further directed to finalize polling research and provide a final recommendation for a new permanent tax rate for the 266 District for Board approval and inclusion in the ballot measure. The poll was just completed on June 1, 2014 and preliminary analysis of results were used for the recommendation in this staff report.

Staff continues to implement other elements of the project plan per Board direction, addressing prescribed tasks on critical timelines as required for a November 2014 ballot measure. These include developing the 266 District boundary descriptions and preparing an economic feasibility analysis.

The boundary of the 266 District is intended to replicate the current boundary of NCPRD. That requires adopted resolutions from each of the three cities with territory currently within the boundaries of the NCPRD, requesting inclusion in the new 266 District boundaries. Those cities are Milwaukie, Happy Valley and Damascus, the latter because a small portion of the District that currently resides in the City of Damascus, which overlapped the NCPRD boundary when the city was formed. The Milwaukie City Council adopted their Resolution for inclusion at their Council meeting on June 3, 2014. The Damascus City Council is considering adoption of their Resolution for inclusion of NCPRD property within the city at their Council meeting on June 5, 2014. The City Council of Happy Valley is discussing the issue the week of June 2, 2014 and as of June 3, 2014 no formal council action had been scheduled. NCPRD staff and legal counsel has advised city staff and the city attorney that if the city does not adopt a consent resolution for inclusion in the new 266 District boundary prior to the June 12, 2014 business meeting when the final boundary descriptions must be complete, the city cannot be included in the 266 District should voters approve formation in November 2014. Under this scenario, current NCPRD residents residing within the City of Happy Valley would not participate in the November election. Please refer to the staff report

regarding the June 12th public hearing for an explanation of how this would affect the formation process.

An economic feasibility analysis is being developed based on the permanent final rate recommendation made in this staff report. Staff has reviewed the current District budget and believes that it can maintain the same level of administrative costs as a 266. As NCPRD is currently an "economically viable" District with a permanent tax rate and a balanced budget, the District would only enhance its economic viability with any amount of increased funding and the economic feasibility report will be adjusted as necessary to reflect the Board's direction regarding permanent rate.

In keeping with the regulatory timeline for a November ballot measure, the next official NCPRD Board action would occur at a public meeting scheduled for June 12, 2014 where the NCPRD Board would request that the Board of County Commissioners initiate formation of a 266 District and the Board of County Commissioners would do so and schedule additional public hearings on the matter.

FINANCIAL IMPLICATIONS (current year and ongoing):

If the Board approves moving forward with a ballot measure to reform NCPRD as a Special District under ORS 266 then economic feasibility analyses will be completed using a proposed maximum tax rate no greater than \$0.64 per thousand. This rate is suggested by the most recent polling to be the upper end of an acceptable permanent maximum rate for the new District.

LEGAL/POLICY REQUIREMENTS:

Governance and/or funding changes require detailed steps which are highlighted in the Regulatory Timeline provided in this packet.

PUBLIC/GOVERNMENTAL PARTICIPATION:

There has been and will continue to be extensive public engagement as well as involvement of the NCPRD District Advisory Board and the cities of Milwaukie, Happy Valley, and Damascus as an integral part of the Master Plan update project.

OPTIONS:

- **A. Change in Funding and Governance with a proposed permanent rate of \$0.69/\$1000 of assessed value.** Request that the Board of County Commissioners initiate formation of a new Special Parks & Recreation District under ORS 266, governed by a dedicated and independent board elected from District residents, at a higher permanent rate of \$0.69 per thousand of assessed value for the life of the new District. The permanent rate could never change without again forming a new District which would again go through the BCC as the boundary commission of the county for decision prior to referral to voters This option supports achieving the goals of the District's aspirational master plan.
- **B. Change in Funding and Governance with a proposed permanent rate of \$0.64/\$1000 of assessed value.** Request that the Board of County Commissioners initiate formation of a new Special Parks & Recreation District under ORS 266, governed by a dedicated and independent board elected from District residents, at a higher permanent rate of \$0.64 per thousand of assessed value for the life of the new District. The permanent rate could never change without again forming a new District which would again go through the BCC as the boundary commission of the county for decision prior to referral to voters This option supports achieving the goals of the District's aspirational master plan.
- **C. Change in Governance Only.** Request that the Board of County Commissioners initiate formation of a new Special Parks & Recreation District under ORS 266, governed by a dedicated and independent board elected from among District residents, at the current permanent rate of \$0.5382 per thousand assessed value for the life of the new District. The permanent rate could never change without again forming a new District which would again go through the BCC as the boundary commission of the county for decision prior to referral to voters. This option would likely result in a decline in programs, services and facilities over time and not enable the District to pursue the aspirational plan.

RECOMMENDATION:

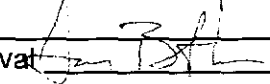
Option A, a proposed rate increase to \$0.69/\$1,000 of assessed value might be possible given public advocacy on its behalf and would produce an additional \$500,000 per year in tax revenue over the \$0.64 rate in Option B. However, Option B is the more conservative target goal with a higher probability of success and would still provide a 20% increase – roughly \$1 million a year – in increased operational funding for the District to contribute towards the aspirational goals of the District. Based on this, the staff recommendation is Option B.

If the Board chooses Option B, they would start the new 266 District formation process by requesting that the Board of County Commissioners initiate the 266 District formation at a public meeting on June 12, 2014. That would be the first official action towards new 266 District formation and would be followed by a series of required public meetings and regulatory filings over the coming months culminating in election materials being completed and filed for a ballot measure to be voted on by proposed 266 District residents in November 2014.

ATTACHMENTS:

Regulatory Timeline

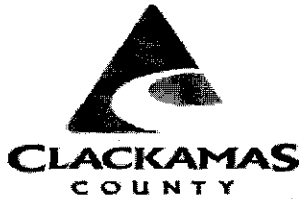
SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval  Director NCPRD
County Administrator Approval _____ Administrator NCPRD

For information on this issue or copies of attachments, please contact Lisa Meurs @ 503-742-4344

Regulatory Timing

ITEM	Board approves aspirational plan with proposed new tax rate for new district	Happy Valley and Milwaukie City Councils adopt resolutions	Last possible date for NCPRD Board governing body resolution	BCC approves petition for formation of a new district and files with County Clerk	Economic feasibility report and boundary descriptions completed	Last possible date for BCC hearing	Last possible date for second BCC hearing	Last day to submit election material	Election materials completed and filed	Vote (new tax rate; new district; old NCPRD merges into new NCPRD)
MONTH	MAY 13	MAY 13-31	JUNE 19	JUNE	JUNE	JULY 24	AUGUST 14	AUGUST 19	SEPTEMBER 4	NOVEMBER 4



June 12, 2014

Board of Commissioners
 Clackamas County

Members of the Board:

**A Public Hearing to Initiate the Formation of an
 ORS 266 Parks and Recreation Service District
 And Merge With or Remove Territory from
North Clackamas Parks and Recreation District**

Purpose/Outcome	To hold a public hearing on the initiation of formation proceedings for a new ORS 266 District and merger with or withdrawal of territory from NCPRD
Dollar Amount and Fiscal Impact	No general fund impact. Would have an impact on NCPRD budget based on the permanent rate to be determined at the public hearing.
Funding Source	None
Safety Impact	None
Duration	Permanent
Previous Board Action/Review	Study sessions in March, May and June.
Contact Person	Gary Barth, NCPRD Director – 742-4299
Contract No.	n/a

BACKGROUND:

The Board of County Commissioners, as the elected body of Clackamas County, is vested with responsibility over boundary changes by special districts within the County pursuant to Oregon Revised Statutes ("ORS") Chapter 198. North Clackamas Parks and Recreation District ("NCPRD") has been considering as part of its Master Planning process recommendations to increase its permanent rate and change of governance structure. The only available means of accomplishing this is through the formation of a new parks and recreation district that will be organized under ORS 266 ("New District"). The recommendation of NCPRD's advisory board and constituent cities was to proceed with the process of forming the New District.

Under ORS 198.720(1), territory within a city may not be included in the proposed boundaries of a district unless the city council consents to allow such territory to be included. Staff has made presentations regarding the New District to each of the city councils of Damascus, Happy Valley and Milwaukie. The City of Milwaukie adopted a resolution supporting formation of the New District and consenting to inclusion of their territory in the New District on June 3rd, 2014. The City of Damascus is scheduled to take up the question at their June 5th council meeting. The City of Happy Valley has indicated they will be discussing the matter but have not yet set the date of that discussion. Please note that the City of Johnson City, while completely surrounded by NCPRD, is not annexed into the district at this time.

This staff report is submitted on June 4th, and therefore actions by the cities regarding the process will take place after its submission and publication. Therefore this staff

report includes an explanation and supporting documents relating to the two possible scenarios for the process. Each are described below for clarity.

Scenario 1: Consents are received from all affected cities. Under this scenario, the City Councils of Damascus and Happy Valley adopt the consents necessary to allow the inclusion of territory within their respective cities into the proposed boundaries. The Board may initiate formation of the New District with boundaries that are the same as those of NCPRD. The proposal under consideration would be, if approved by voters in November 2014, the formation of the New District and simultaneous merger of NCPRD into the New District. This would assign all contractual and other obligations to the New District by operation of law and the New District would continue to provide parks and recreation service to all residents currently within NCPRD. A draft board order consistent with this scenario is attached hereto for reference.

Scenario 2: Consents are received from some but not all affected cities. Under this scenario, one or both of the City Councils of Damascus or Happy Valley decline to adopt the consents necessary to allow the inclusion of territory within their respective cities into the proposed boundaries. The City of Milwaukie has already consented to and endorsed formation of the New District. The Board may initiate formation of the New District with boundaries that would be NCPRD's current boundaries excepting therefrom either or both of the current territory of Happy Valley or that portion of Damascus currently within NCPRD. The proposal under consideration would be, if approved by voters in November 2014, the formation of the New District and simultaneous withdrawal of the affected territory from NCPRD. If passed, the portions of NCPRD that were not included in the proposed boundaries of the New District (i.e. that portion of Damascus and/or Happy Valley) would remain within a smaller NCPRD and a division of assets and obligations would take place between NCPRD and the New District. Cities retain their unilateral ability to withdraw from any service district at any time, and could withdraw from the remainder NCPRD boundaries if desired. The New District would provide park and recreation services to those citizens within its boundaries at a higher level than those provided by NCPRD. A draft board order consistent with this scenario is attached hereto for reference.

Staff will provide updates to the Board as the Cities take action and are able to deliver signed copies of their resolutions as required by law.

This area of law is governed by ORS 198, a murky statute that has not been updated for several decades. It seems clear that the ultimate goal or desire articulated by the proposed board order is permitted by the statute, but the path is not entirely clear. The Board of County Commissioners has the unilateral power to initiate formation of a new district and/or to initiate annexation of territory into a district. The merger portion of the statute is primarily focused on the merger of two existing, neighboring entities rather than the reformation by merger of a district. The withdrawal portion of the statute contemplates single parcel petitions by the owner to withdraw from an existing district. To ensure clarity to all affected parties and to ensure due public notice on the issue, staff has highlighted in public documents and will communicate in public meetings that the issue at hand is both the formation of the New District and either the merger of NCPRD into the New District or the withdrawal from NCPRD and annexation of that territory into the New District, accomplished all in a single public vote. The question of which scenario applies will be known by the June 12th public meeting due to the statutory requirement of the consents. The uncertainty on the path is a result of the timing of city council votes. Once the process is initiated, communications will clearly define the single choice that

will be placed before voters in November if sent there by the Board. The effect of a no vote would be to leave the territory annexed into NCPRD with its current permanent rate. The effect of a yes vote would be to create the New District with the ability to levy a permanent rate and either (i) merger of NCPRD with the New District or (ii) withdraw the territory from NCPRD (so properties would not be double taxed for park services) and annex it into the New District.

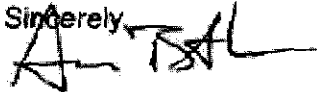
Documents that will be generated and made available to the public and the Board when available or known due to city actions will be the consents of the participating cities and a map and boundary description of the New District. The Board is meeting on June 11th to give staff direction regarding a proposed permanent rate for the New District and staff will use that direction to generate an economic feasibility report to be published at or immediately after the June 12th hearing.

By signing the attached order the Board would initiate the process for formation of the New District. After due notice, there would be a future public hearing on July 17, 2014 addressing whether the formation should be approved, denied, or modified, and making certain determinations about the governance model of the New District. If the Board approves proceeding with formation at that meeting, a second hearing would be held on the matter three weeks later, on August 7, 2014. If final approval is granted, the matter is then referred to the November 2014 ballot.

RECOMMENDATION

The staff respectfully recommends that the Board initiate the formation of an ORS 266 Parks and Recreation District with territory consistent with city consents received by June 12th, 2014.

Sincerely,



Gary Barth
Director, NCPRD

For information on this issue or copies of attachments,
please contact Chris Storey at 503-742-4623



Gary Barth
Director
North Clackamas Parks and Recreation District
Development Services Building
150 Beaver Creek Road
Oregon City, OR 97045

Board of Commissioners
Clackamas County

June 12, 2014

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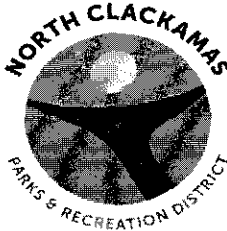
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recreation service to all residents currently within NCPRD. A draft board order consistent with this scenario is attached hereto for reference.

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annex it into the New District.

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RECOMMENDATION

The staff respectfully recommends that the Board initiate the formation of an ORS 266 Parks and Recreation District with territory consistent with city consents received by June 12th, 2014.

Sincerely,

Gary Barth
Director, NCPRD

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please contact Chris Storey at 503-742-4623



Voter Support for North Clackamas Park and Recreation District Funding Options

***Key Findings from a Voter Survey Conducted
May 29 – June 2, 2014***

220-3898

Fairbank, Maslin, Maullin, Metz & Associates - FM3
Public Opinion Research & Strategy

SANTA MONICA • OAKLAND • MADISON • MEXICO CITY

Methodology

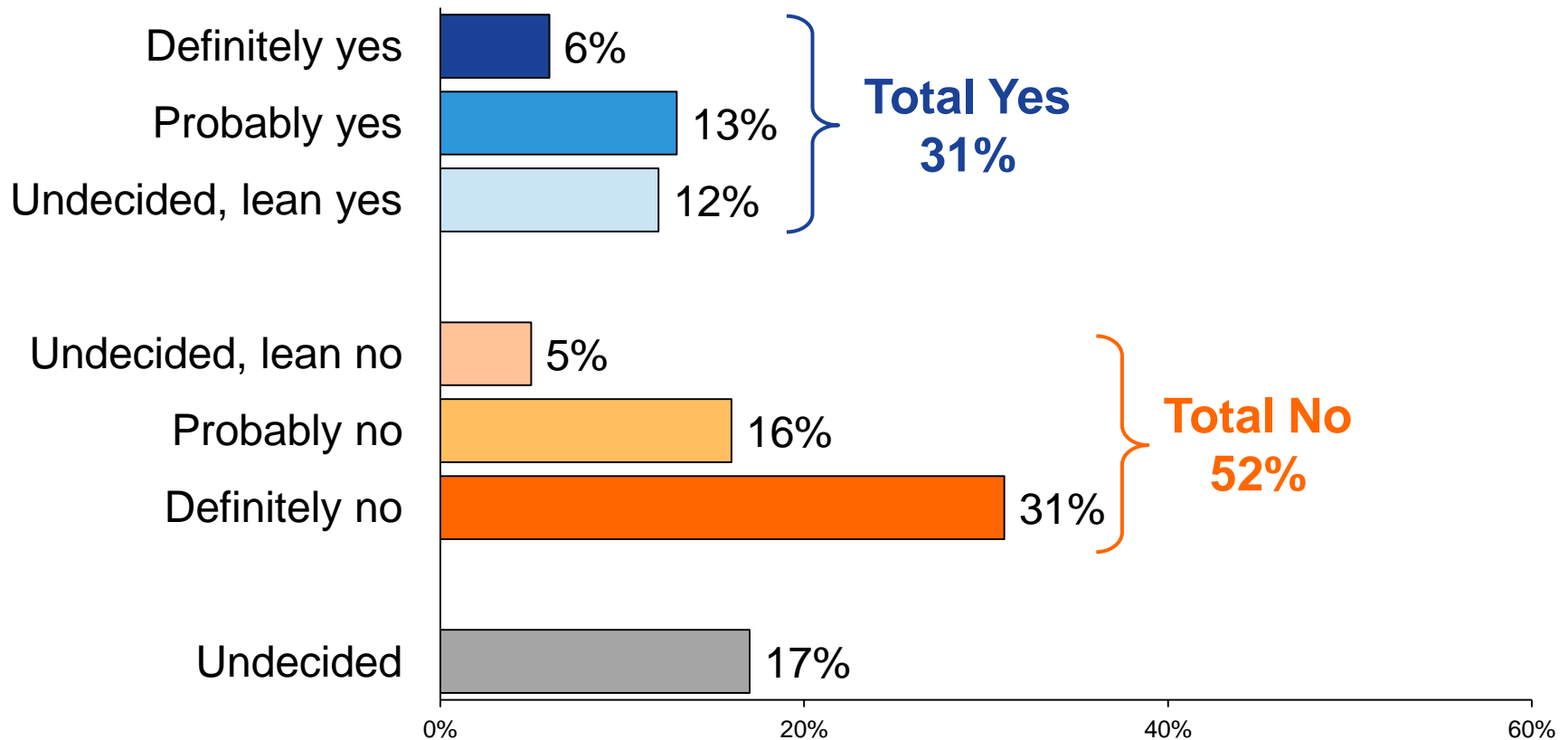
- Telephone survey of 403 randomly-selected North Clackamas PRD voters likely to cast ballots in November
 - *Interviews were conducted via landline and cell phones*
 - *Survey was conducted May 29 – June 2, 2014*
- The margin of sampling error is +/-4.9 % at the 95 % confidence level
 - *Margins of error for population subgroups will be higher*
 - *Some percentages do not sum to 100% due to rounding*

Initial Ballot Language Tested

ESTABLISH NORTH CLACKAMAS PARK AND RECREATION DISTRICT AS AN INDEPENDENT DISTRICT. Shall an independent District be formed for North Clackamas parks, recreation, land and water conservation; maximum tax of 89 cents per one thousand dollars assessed value beginning fiscal year 2015?

A majority of voters initially opposes the creation of an independent district at an 89-cent tax rate.

If the election were held today, would you vote yes in favor or no to oppose this measure?



Ballot Summary Tested

If approved, it would re-form the current North Clackamas Park and Recreation District to be independent of Clackamas County government. Currently, the Board of County Commissioners serves as the governing body. Its territory would continue to include the Cities of Milwaukie and Happy Valley and a small portion of Damascus, as well as areas of unincorporated North Clackamas County. The District would:

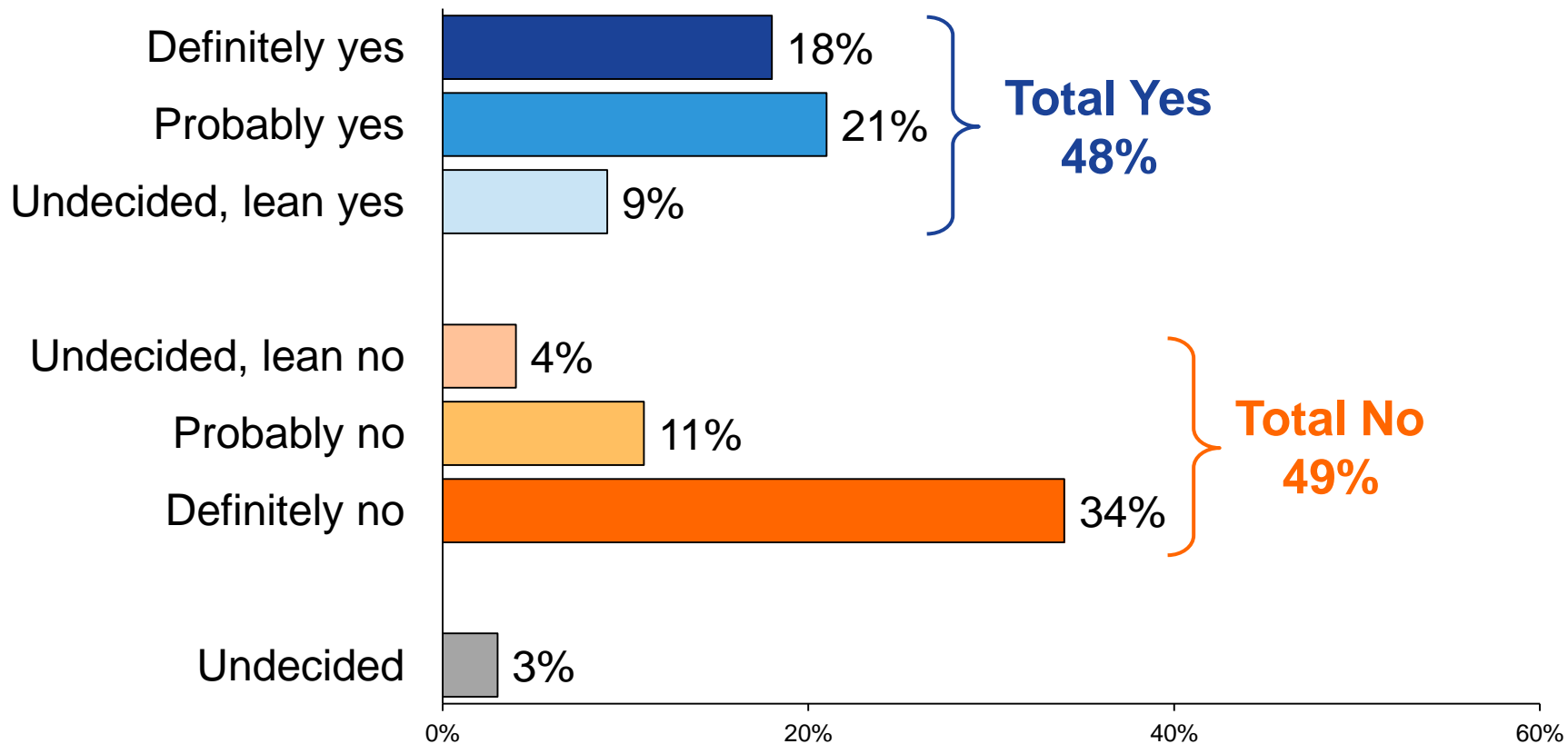
- Conserve natural areas, wildlife habitat, and land critical to preserving high quality rivers, streams, and creeks;
- Repair and maintain existing park and recreation facilities;
- Provide continued dedicated funding for parks and recreation programs, including programs for seniors and youth; and
- Create new parks, trails, ballfields, and playgrounds.

It could be funded by a maximum property tax of 89 cents per \$1,000 assessed value. You currently pay the District approximately 54 cents per thousand.

The District would be governed by its own independently-elected Board of Directors and advised by an independent citizen committee. All of the monies would be spent only on park and recreation operations and services, and an annual audit would be available to the public.

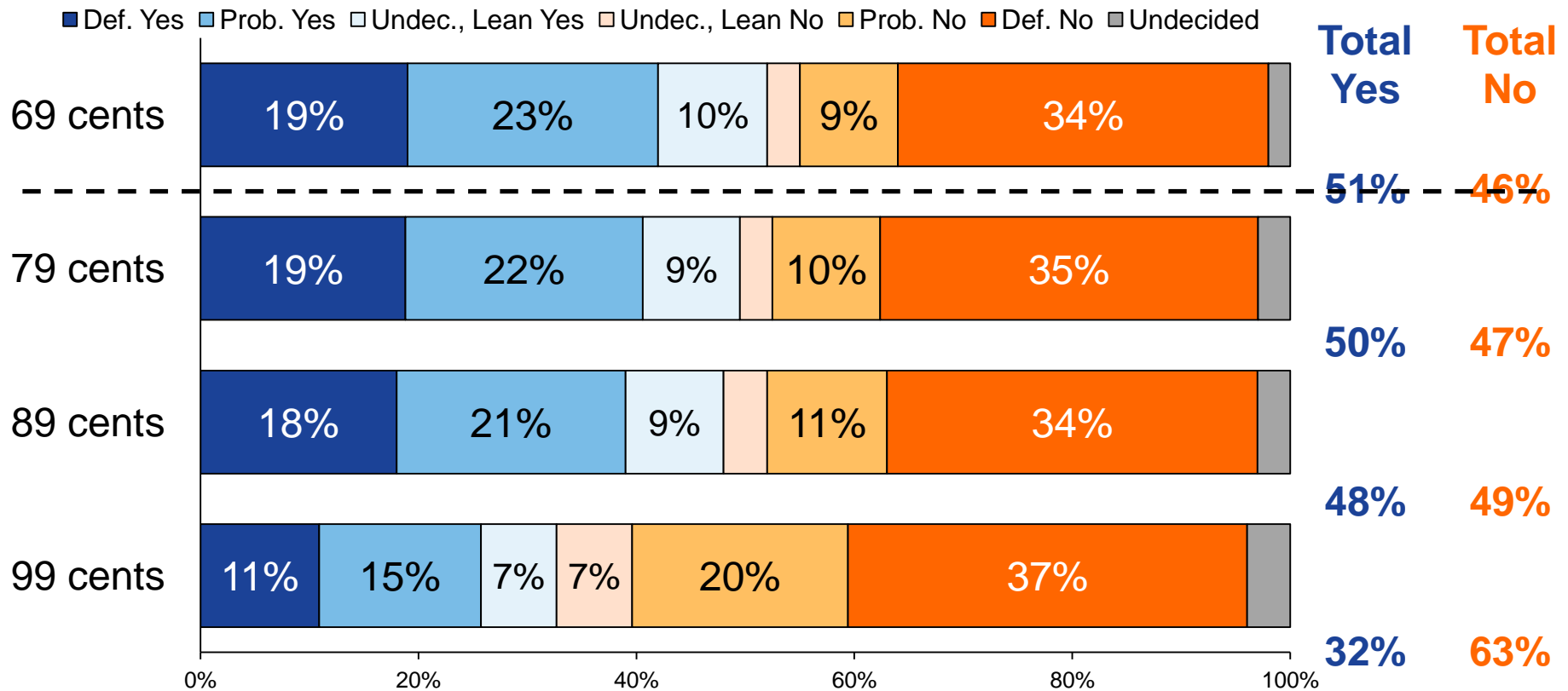
After hearing more about it, voters are more evenly divided.

If the election were held today, would you vote yes in favor or no to oppose this measure?



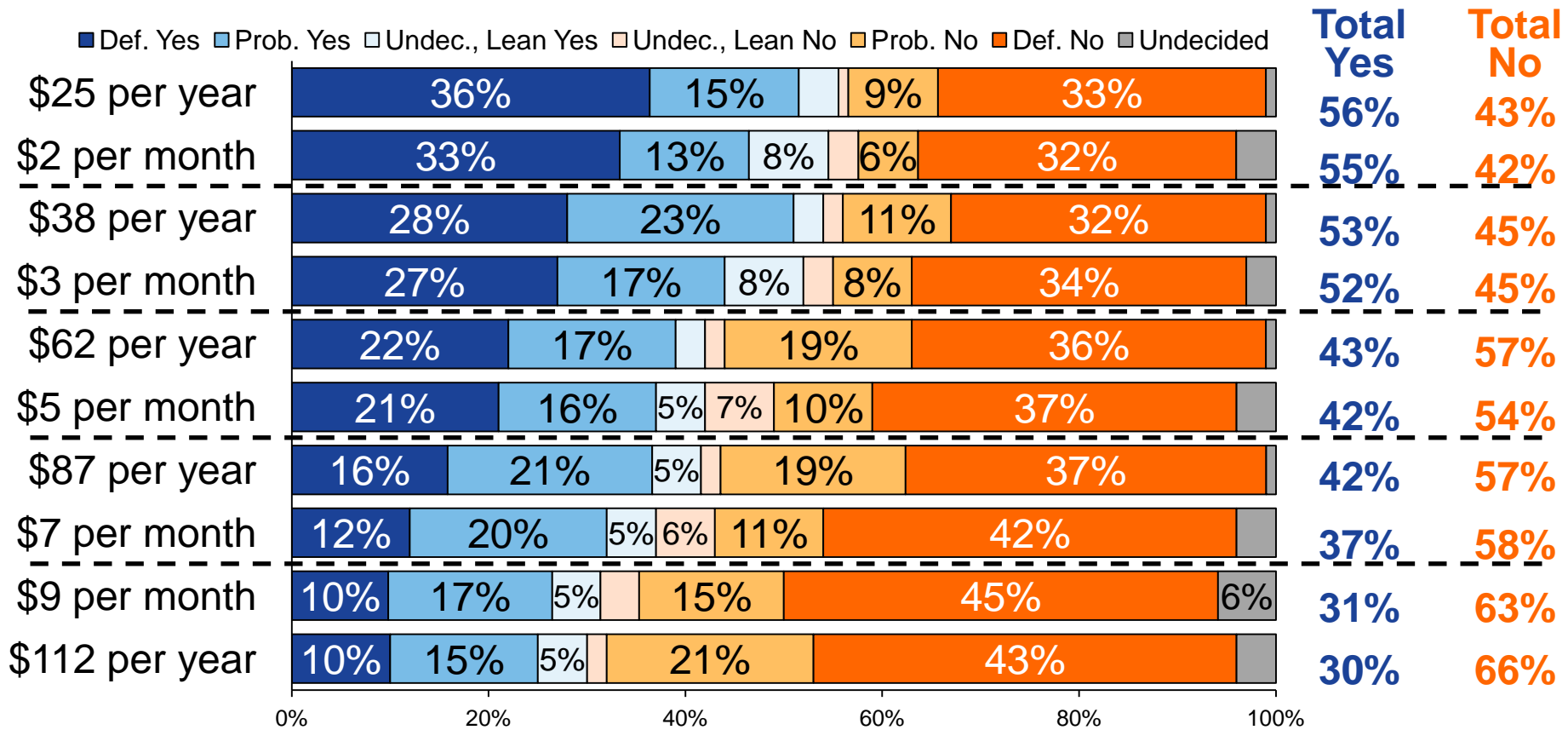
A maximum tax of 69 cents per one thousand dollars assessed value is likely the highest viable rate for this proposal.

If the election were held today, would you vote yes in favor or no to oppose this measure?



Only at an increase of \$25 per year (equivalent to 64 cents per thousand) does support solidify.

Regardless of how it were structured, suppose this measure to provide parks, recreation, and land and water conservation services in North Clackamas County would cost the average homeowner an additional _____ beyond what they are currently paying, which is about (**HALF SAMPLE**: \$132 per year) (**HALF SAMPLE**: \$11 per month). If that were the case, would you vote yes or no on the measure?

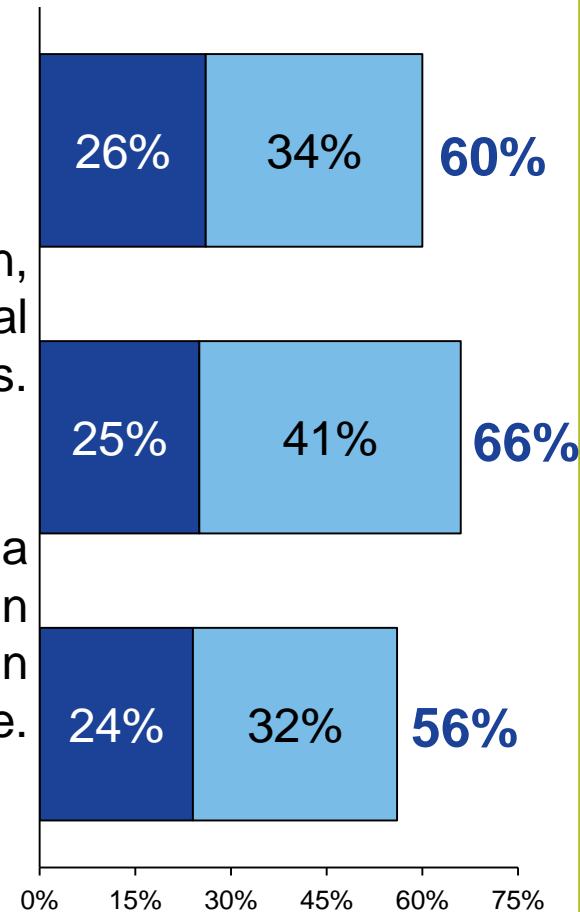


Voters are most moved to support the proposal by arguments focusing on recreation opportunities and water quality.

■ Very Conv. ■ Smwt. Conv.

(WATER QUALITY) Nothing is more important than clean, healthy water. This measure would help conserve land critical to preserving high quality rivers, streams, and creeks.

(RECREATION) Our spectacular natural areas provide a beautiful and affordable place for recreation close to home. In this economy, it is more important than ever to invest in keeping them available.

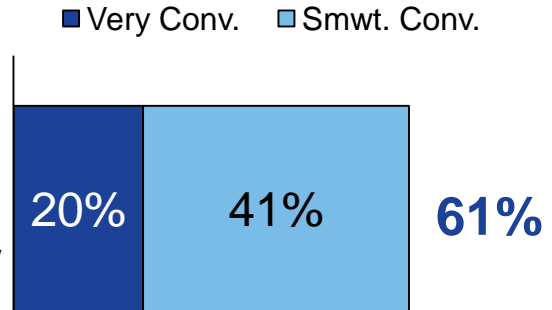


(KIDS - EDUCATION) This measure will help our kids by providing opportunities for hands-on, outdoor science and

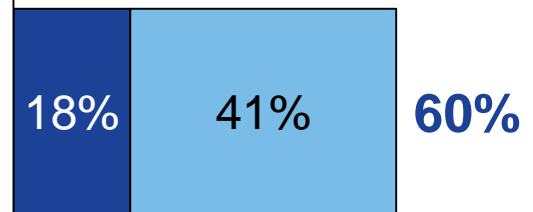
7. Here are some statements from people who support this ballot measure. Please tell me whether you find it to be a very convincing, somewhat convincing, or not too convincing reason to vote yes on this measure.

A local control message is less compelling.

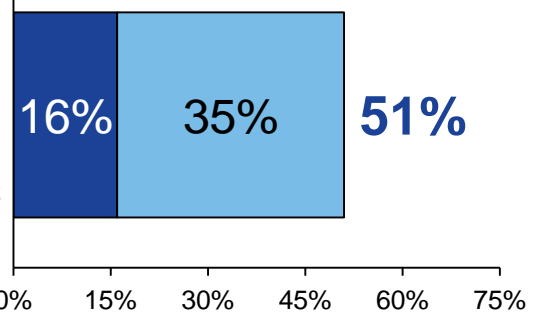
(EQUITY) Since the establishment of new parks is so reliant on fees from new development, rapidly-growing areas in the eastern part of the county have been well-served with new parks, while areas in the west side of the County have not. This measure will help to ensure that all parts of the District receive needed improvements to their parks.



(RATE) Since it was created by the voters in 1990, the tax rate for the North Clackamas Park and Recreation District has never been increased – and it is the lowest of all comparable districts in the state. The rate needs to be adjusted to prevent cuts in park and recreation services, and maintain the high-quality service residents expect.



(LOCAL CONTROL) A change in how the District is governed will allow District ratepayers to elect their own board of directors to make decisions on parks, recreation and natural areas management, rather than having them decided at the County level.

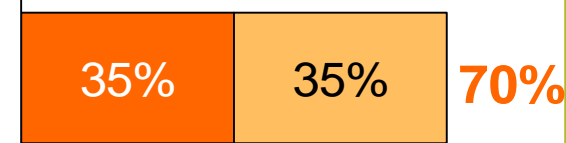


7. Here are some statements from people who support this ballot measure. Please tell me whether you find it to be a very convincing, somewhat convincing, or not too convincing reason to vote yes on this measure.

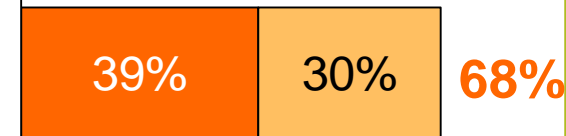
Arguments focused on the economy and the creation of new bureaucracy are the most convincing reasons for voters to oppose the proposal.

Very Conv. Smwt. Conv.

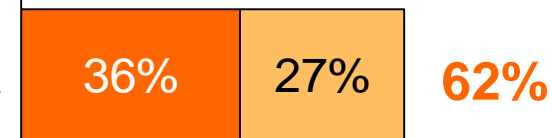
(ECONOMY) With our economy in the worst recession since the Great Depression, we simply cannot afford to enact programs that will raise taxes on Clackamas County families that are having a hard time making ends meet.



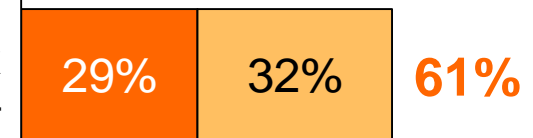
(BUREAUCRACY) This measure will create a whole new layer of bureaucracy to run local parks – with its own layer of elected officials and more bureaucrats and administration.



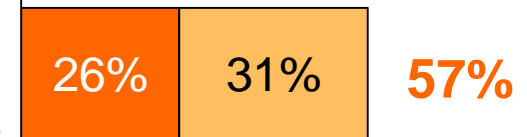
(TAXES) Taxes are too high already. We simply should not vote for anything that will increase property taxes.



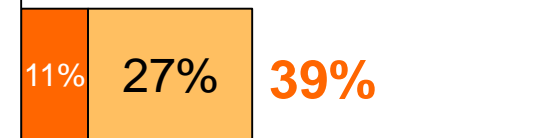
(OTHER PRIORITIES) We cannot afford to spend more of our tax dollars on the environment when there are so many other issues – such as jobs, schools, public safety and roads – that are much higher priorities.



(UNNECESSARY) Clackamas County's parks and trails are excellent and well-maintained. We do not need to raise taxes to spend more money improving existing or building new parks and trails.



(COMPRESSION) If this measure is approved, legal experts say it could force cuts in funding for vital services in our communities



everything from services for children to public safety.

9. Here are some statements from people who oppose this ballot measure. Please tell me whether you find it to be a very convincing, somewhat convincing, or not too convincing reason to vote no on this measure.

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