

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 7/29/2014 **Approx Start Time:** 10:30 a.m. **Approx Length:** 30 Min

Presentation Title: Board Structure for Proposed NCPRD Under ORS 266

Department: North Clackamas Parks & Recreation District

Presenters: Staff: Gary Barth, Director of NCPRD; Chris Storey, Assistant County Counsel

Other Invitees: 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?

Direction from the Board regarding the elected Board structure, representation and timing for the proposed NCPRD formed under ORS 266.

EXECUTIVE SUMMARY:

Governance for an ORS 266 parks and recreation district is proscribed in ORS 266.310-320 and 266.375. It requires that the new district's elected board ("Board") must consist of either 3 or 5 members, one of which will be elected by their peers to be president and one as secretary. As a preliminary matter, staff set the default composition to 5 members and have carried that assumption through the below materials. If the BCC wishes to change that and have a 3-member Board, it may do so. There are two main questions to be dealt with regarding the Board composition. The first is representation, and the second is timing.

The BCC has the option, pursuant to ORS 266.375, to establish the representational nature of the initial Board of the new district. New Board members may be elected at large, in zones that are constructed based on census data so that they are as nearly equal as possible in population, or a combination thereof. If zones are used for all 5 positions, each area would have approximately 23,200 residents per zone based on the District's estimated population of 116,000. If there are 3 zones and two at large, the zones would have populations of approximately 38,700 residents.

Staff reviewed the Board structure of three ORS 266 Park & Recreation Districts serving large urban populations and consulted their staff and board chair as to how they felt the governance model was working. The three districts of (i) Willamalane Park & Recreation District (Springfield), (ii) Tualatin Hills Parks & Recreation District, and (iii) Bend Parks & Recreation District, each had the same structure of an elected five-member Board of Directors who reside within the district boundaries and are elected by registered voters to serve volunteer, staggered four-year terms. Each member represents the District at-large rather than serving separate precincts.

In discussions with these three Districts, each advocated for the at-large structure. The reasons given were (i) the ability to attract the most qualified and engaged board

members from throughout the District with a high degree of interest in the area of Parks & Recreation and (ii) a focus on the district as a whole and not a specific area.

If board representation is based on zones, then a nominating process, if used, must be zone-specific for nominations. This is similar to the issues faced by the BCC when expanding from three to five members when it considered zone representation or at-large representational models at that time. The new district's Board has the option of proposing changes to this representational model at a future date for voter approval.

Regarding timing, the BCC had a preliminary discussion at a previous study session on this issue. The BCC may either designate that the election for the new district's Board will take place at the same time as the formation vote (November 2014) or subsequent to the formation vote (May 2015). If the former, candidates must file with the County Clerk by August 26, 2014 and have until August 28 to complete candidate statements. If the latter, the BCC would appoint an interim Board for the new district that would serve through June 30, 2015, after which the newly elected Board from the May 2015 election would take office. The BCC's initial thoughts were to have a simultaneous election with formation and ask that candidates file for election in November 2014. They would take office when the new district is formed.

FINANCIAL IMPLICATIONS (current year and ongoing):

N/A

LEGAL/POLICY REQUIREMENTS:

Governed by ORS 198 and 266

PUBLIC/GOVERNMENTAL PARTICIPATION:

The public has been highly engaged in the District Master Plan update that recommends District reformation as an independent district with its own elected board. Other park agencies organized under ORS 266 and serving large urban populations were consulted and asked for input to this staff report.

OPTIONS:

1. Allow for five positions be placed on the November 2014 ballot to be voted on during the same election as District formation. *This would re-affirm the Boards preference expressed at a previous study session.*
 - a. The five positions will be at-large
 - b. These five positions will consist of two at-large members and three "zone" members
 - c. These five positions will consist of other combinations from a and b above with "zones" containing nearly equal populations and at-large positions serving the entire District
2. Appoint five members to serve as the interim board until the five positions can be elected to staggered terms in the May 2015 election*.
 - a. The five positions will be at-large
 - b. These five positions will consist of two at-large members and three "zone" members
 - c. These five positions will consist of other combinations from a and b above with "zones" containing nearly equal populations and at-large positions serving the entire District

* Staff is awaiting confirmation from County Counsel that the election must be held in May 2015, the next election following a November 2014 vote of District formation. This confirmation will be provided at the study session.

RECOMMENDATION:

Staff understands that the Board has expressed interest in Option 1 - allow for five positions be placed on the November 2014 ballot to be voted on during the same election as District formation.

With respect to timing, staff respectfully recommends that the Board re-consider Option 2, interim appointment rather than election simultaneous with formation. Staff is concerned regarding the timing required for candidate filing. The BCC will be making a final decision on August 7. That leaves 19 days to publish and make citizens aware of the possibility that they may run for this potential office. If an interim appointment is made it would have the added benefit of allowing the Board to select appointees from among the current District Advisory Board or from past members of the District Advisory Board. These individuals already meet the criteria of residing within the District, have already shown an active interest in Parks and Recreation, and most importantly already have a strong understanding of the current NCPRD, including the Master Plan, budgets and operations. This would be a great benefit in the initial stages of District reformation.

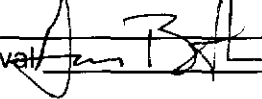
The additional decision before the Board that has yet to be decided is the make-up of the new five member board, identified as sub-options a-c under Options 1 and 2. Staff respectfully recommends sub-option a. under either Option 1 or 2. From a representational perspective, five at large positions would be consistent with the structure of the other ORS 266 Park Districts serving large urban populations and is the recommendation of those Districts, emphasizing the benefits of attracting qualified and engaged board members from throughout the District, focused on district wide benefit and outcomes. This is also consistent with the structure of the current Board of County Commissioners and reaffirmed through public engagement when the Board expanded from three to five commissioners.

Combined, the staff recommendation for governance of a new ORS 266 is Option 2a.

ATTACHMENTS:

Letter from Tualatin Hills Parks and Recreation District

SUBMITTED BY:

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

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



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July 23, 2014

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Gary Barth, Director
North Clackamas Parks & Recreation District

RE: THPRD Board Structure

Dear Gary:

The Tualatin Hills Park & Recreation District is governed by an elected, at-large five member board of directors for the purpose of determining and carrying out the mission of the District.

In the District's 59 years of existence, there has rarely been an issue in board representation being overly focused on one geographical area. Furthermore, in the current environment, it is already challenging to find qualified residents willing to step forward to lead in these types of uncompensated, voluntary leadership roles and requiring such positions to adhere to specific geographical representation would further limit the pool of qualified individuals.

For these reasons, the Tualatin Hills Park & Recreation District prefers and supports the format of an elected, at-large five member board of directors.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Menke", written over a horizontal line.

Doug Menke
General Manager