



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
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Stephen L. Madkour
 County Counsel

July 28, 2022

Board of County Commissioners
 Clackamas County

Members of the Board:

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
 Assistants

SECOND READING OF AN ORDINANCE AMENDING NCPRD ORDINANCE 04-2012, ADOPTED MAY 10, 2012 ESTABLISHING AND ADJUSTING FEES, AND DECLARING AN EMERGENCY

Purpose/Outcomes	Authority to establish fees delegated to NCPRD Board.
Dollar Amount and Fiscal Impact	None
Funding Source	None
Duration	Indefinite
Previous Board Action/Review	Adoption of Ord 04-2012 on 5/10/12; amended by Ord 09-2012 on 8/23/12; First Reading of Ord 04-2022 was held on July 14, 2022.
Strategic Plan Alignment	1. <i>How does this item align with your department's Strategic Business Plan goals?</i> 2. <i>How does this item align with the County's Performance Clackamas goals?</i>
Counsel Review	<i>If item is a contract, including IGAs, leases, or other binding agreements, please put in the date of County Counsel Review and the initials of the attorney performing the review.)</i> 1. <i>Date of Counsel review: 6/22/22</i> <i>Initials of County Counsel performing review.</i>
Procurement Review	1. <i>Was the item processed through Procurement? Yes ___</i> No X 2. <i>If no, provide brief explanation.</i>
Contact Person	Stephen Madkour, County Counsel x5391

Background:

On May 10, 2012 the Board of County Commissioners, acting as the governing body of the North Clackamas Parks and Recreation District (NCPRD), adopted Ordinance 04-2012 that delegated authority to establish fees to the District Administrator or District Director.

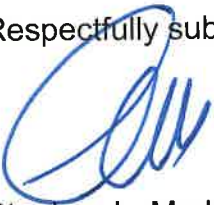
On August 23, 2012 the Board of County Commissioners, acting as the governing body of NCPRD, adopted Ordinance 09-2012 which was an amendment to Ordinance 04-2012. This amendment did not affect the delegation of authority to establish fees. It is included here for purposes of legislative history.

The purpose of the proposed Ordinance is to amend the language of Ordinance 04-2012 to withdraw authority to establish fees from the District Director and District Administrator and vest that authority directly with the District Board.

Recommendation:

Staff respectfully recommends the Board of County Commissioners acting as the North Clackamas Parks and Recreation Board hold a public hearing and read the proposed ordinance by title only for a second reading and adoption, and declaring an emergency to make the ordinance effective upon adoption.

Respectfully submitted,



Stephen L. Madkour
County Counsel

Attachment

ORDINANCE NO. 04-2022

An Ordinance Amending Ordinance 04-2012 adopted on May 10, 2012

WHEREAS, the North Clackamas Parks and Recreation District (District) provides recreational opportunities for its residents supported by property taxes and usage fees; and

WHEREAS, Ordinance 04-2012 adopted on May 10, 2012 as amended by Ordinance 09-2012 adopted on August 23, 2012, delegated the authority to establish fees to the District Administrator or District Director; and

WHEREAS the Board of Clackamas County Commissioners (Board), acting as the governing body of the District would like only the Board to establish fees for the District;

WHEREAS, the Board finds that an emergency exists; now, therefore;

The Board hereby adopts this ordinance of the District as follows:

Section 1: Fees for Athletic and Recreational Facilities and Activities

- a) The ~~District Administrator, District Director~~District Board or their written delegates shall have authority to establish fees for the use of District athletic and recreational facilities and for participation in District parks and recreational activities and programs, provided that such fees shall be based on the policies set forth below. It is the intention of the Board to allow the delegates to have maximum flexibility in interpreting and applying these policies to reach, in their reasoned judgment, the appropriate mix and level of fees and user charges in the provision of recreational services and the accomplishment of the District's mission.

~~The District Advisory Board (DAB) will review proposed or recently implemented fee changes four times per year at their regularly scheduled meetings, in conjunction with quarterly financial reports.~~

- b) The policies for setting fees authorized by this ordinance are as follows:
- i. Customer Service. Fees and charges shall assist and support the overall administration and coordination of recreational services and for the provision of parks, open space, landscapes, park improvements, recreation facilities, and their adequate maintenance.
 - ii. Cost Recovery. The District Board may set user fees and charges at an amount designed to recover a full range of costs, depending on the type of program being offered. Some programs serving district residents will be free, such as the RecMobile, which provides services at parks throughout the District in the summer months. Most programs

will recover direct costs, including, but not limited to, program labor, supplies, and materials. The next level of cost recovery is designed to recover direct costs, and all, or a portion of indirect costs, including, but not limited to, management staff, facility expenses and utilities. Youth programs and programs for older adults will generally have a lower cost recovery expectation than adult programs. Residents of the District may receive a discounted rate on fees for all programs.

- iii. Hardship factor. The District may make compensatory efforts to support patrons challenged by unusual or hardship circumstances including special service needs, disabilities, or financial hardship.
- iv. Market Responsiveness. The District fees for voluntary activities are part of a larger regional offering for recreational activities, and market demand and supply for services, programs or facilities may be included in the setting of fees.

Section 2: The Board of Commissioners hereby finds and declares that an emergency exists inasmuch as the immediate effect of this ordinance is necessary for the peace, health and welfare of the residents of the County. Accordingly, this ordinance shall be effective upon its adoption.

ADOPTED this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary