



**BUSINESS AND COMMUNITY SERVICES
NORTH CLACKAMAS PARKS AND RECREATION DISTRICT**

Development Services Building
150 Beaver Creek Road, Oregon City, OR 97045

Laura Zentner, BCS Director

December 10, 2020

Board of County Commissioners
Clackamas County

Members of the Board:

Amendment #2 to the Cooperative Intergovernmental Agreement between the City of Milwaukie and the North Clackamas Parks and Recreation District (NCPRD)

Purpose/Outcome	This Intergovernmental Agreement governs the roles, responsibilities and requirements for NCPRD and the City of Milwaukie regarding the operation, management and administration of parks, recreational facilities and programs.
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	Ongoing
Previous Board Action/Review	January 21, 2010 Business Meeting – Approval of Amendment # 1 to the Intergovernmental Agreement.
Strategic Plan Alignment	Aligns with BCS strategic result that customers can be assured that critical infrastructure and facilities for delivery of essential community services such as parks will be built. Aligns with the County Performance Clackamas goal of “Ensuring a Safe, Healthy and Secure Community” by providing park and recreation services. Aligns with the County Performance Clackamas goal of “Building Public Trust through Good Government” by ensuring Bylaws composition covers diverse audiences and covers citizen representation from throughout the District boundaries.
Counsel Review	1. <i>Date of Counsel review: 12/1/2020</i> 2. <i>Initials of County Counsel performing review. - JM</i>
Procurement Review	1. Was the item processed through Procurement? No 2. If no, provide brief explanation: This is an IGA.
Contact Person	Laura Zentner, BCS Director 503-742-4351 Kandi Ho, Acting Director NCPRD 503-794-8001
Contract No.	N/A

BACKGROUND:

The City of Milwaukie and the North Clackamas Parks and Recreation District entered into a Cooperative Intergovernmental Agreement in 1992, following the formation of the District. The Cooperative Intergovernmental Agreement (IGA) was revised on October 21, 2008 with a new agreement and a first amendment to the IGA was entered into on January 21, 2010.

The IGA provided for a District Advisory Board. Since its establishment, the District Advisory Board has remained active and has recently unanimously agreed to amend its bylaws to provide additional process and clarity to the District Advisory Board's scope, goals, and composition.

One of the more significant changes to those bylaws concerned the name and composition of the District Advisory Board. The name of the District Advisory Board has been changed to the District Advisory Committee.

This second amendment to the IGA includes the amended bylaws in their entirety along with Attachment A.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners, acting as the governing body of the North Clackamas Parks and Recreation District, proceed with the approval of Amendment #2 to the IGA with the City of Milwaukie for parks and recreation services.

ATTACHMENTS:

1. Amendment #2 to the Cooperative Intergovernmental Agreement between the City of Milwaukie and the North Clackamas Parks and Recreation District.
2. Amended bylaws including Attachment A

Respectfully submitted,



Laura Zentner, Director
Business and Community Services

Second Amendment to the Cooperative Intergovernmental Agreement between the City of Milwaukie and the North Clackamas Parks and Recreation District

The City of Milwaukie and the North Clackamas Parks and Recreation District entered into a Cooperative Intergovernmental Agreement (IGA) on October 21, 2008. A first amendment to the IGA was entered on January 2010.

The IGA provided for a District Advisory Board. Since its establishment, the District Advisory Board has remained active and has recently unanimously agreed to amend its bylaws to provide additional process and clarity to the District Advisory Board's scope, goals, and composition.

One of the more significant changes to those bylaws concerned the name and composition of the District Advisory Board. The name of the District Advisory Board has been changed to the District Advisory Committee.

By way of this second amendment to the IGA, the City of Milwaukie accepts the amended bylaws in their entirety along with the District map both of which are included as Attachment A, and agrees to the name change from the District Advisory Board to the District Advisory Committee. Moreover, the District Advisory Board as set forth under Article V (A)(1) and (2) of the existing IGA, is amended as set forth in the amended bylaws and as follows:

- a) The 11-member committee representation will be as follows:
 - i) 2 members from the City of Milwaukie;
 - ii) 2 members who are residents of unincorporated sub-area 1 within the District depicted on Attachment A;
 - iii) 2 members who are residents of unincorporated sub-area 2 within the District depicted on Attachment A;
 - iv) 2 members who are residents of unincorporated sub-area 3 within the District depicted on Attachment A;
 - v) 2 members who are residents of unincorporated sub-area 4 within the District depicted on Attachment A; and
 - vi) 1 member from a District community center advisory board(s).

- b) The district agrees to appoint the individuals nominated by the City Council to fill the City's representative seats.

Additionally, the District Advisory Board shall now be referred to throughout the IGA as the District Advisory Committee, and Article V(A)(5) of the existing IGA is stricken in its entirety.

Approved by:

City of Milwaukie

North Clackamas Parks and Recreation District

Dated: _____ Dated: _____

**North Clackamas Parks and Recreation District Advisory Committee
BYLAWS**

ARTICLE I

NAME. The name of this Committee is the North Clackamas Parks & Recreation District Advisory Committee (DAC)

ARTICLE II

BOUNDARIES. The boundaries of the District shall be the same as those redrawn after the withdrawal of the City of Happy Valley and as depicted in Attachment A and titled NCPRD Boundaries and Advisory Committee Sub-Areas Map and dated October 28, 2020. The Boundaries of subareas 1, 2, 3, 4 and the city of Milwaukie shall be as depicted in Attachment A.

ARTICLE III

PURPOSE. The purpose of the DAC is to advise the Board of Directors of the North Clackamas Parks & Recreation District (NCPRD) on the acquisition, design, planning, and development of parks and recreation facilities within the District, and to advise the Board of Directors on programs, maintenance, and operations; to meet with the Board of Directors once yearly; and to review and provide input prior to the publication of the NCPRD annual report.

GOALS. The goals of the DAC are as follows:

- a) To evaluate and address the programs and facilities of the NCPRD concentrating on the annual work plan that addresses challenges, desires, and needs of all district residents.
- b) To make policy-level recommendations regarding acquisitions, assets, capital improvements, programs, maintenance, and operations to be approved by the Board of Directors.
- c) To provide recommendations during the annual budget process for the acquisition, development, operation and maintenance of the NCPRD facilities and programs. In addition, the DAC will identify and prioritize necessary capital projects and provide project recommendations to the Board of Directors. The recommendations for maintenance and operations, and capital improvements shall be reviewed by the District Budget Officer, who will then forward their recommendations to the North Clackamas Parks & Recreation Budget Committee. The North Clackamas Parks & Recreation Budget Committee will then submit recommendations to the Board of Directors.

ARTICLE IV

MEMBERSHIP. The DAC shall consist of eleven (11) members. The Board of Directors shall appoint all members. Membership shall not be limited by race, creed, color, gender, age, heritage, religion, national origin, or income. Membership should reflect the economic, social, demographic, and cultural diversity of the entire District. All members must be residents of the District.

- a) The 11-member board representation will be as follows:
 - i) 2 members from the City of Milwaukie;
 - ii) 2 members who are residents of unincorporated sub-area 1 within the District depicted on Attachment A;
 - iii) 2 members who are residents of unincorporated sub-area 2 within the District depicted on Attachment A;
 - iv) 2 members who are residents of unincorporated sub-area 3 within the District depicted on Attachment A;
 - v) 2 members who are residents of unincorporated sub-area 4 within the District depicted on Attachment A; and
 - vi) 1 member from a District community center advisory board(s).
- b) The Board of Directors may appoint one of its members as a non-voting liaison to the DAC.
- c) The composition of the DAC is based on the boundaries and populations depicted in Attachment A, and will be revisited and may be adjusted every four years, or in the event of significant District boundary changes or major population changes, or at the discretion of the DAC.
- d) Terms are for a period of four (4) fiscal years, beginning on July 1st of the first fiscal year and ending on June 30th of the fourth fiscal year. Committee member terms will be staggered among the eleven DAC members. At the end of each initial term, DAC members, other than those appointed under (a)(i) and (vi) above, and who wish to continue their service for a second term, will need to participate in the recruitment process used to fill vacancies and may be reappointed by the Board of Directors. The representatives appointed under subsections (a)(i) – (vi) above, may serve a maximum of two consecutive terms. Representatives may reapply for vacancies on the committee following a four (4) year break in service (one full term).
- e) All sub-areas may choose to reappoint their designees, or submit new representatives for Board of Directors' approval. New designees will be recruited and nominated by a sub-area nominating committee located within that particular sub-area, and if no such committee exists at the time of the recruitment, then from a committee composed of 2 members of Clackamas County staff, 2 members of the DAC, and 2 members of Community Planning Organizations or other community groups located within the particular sub-area. All members to be appointed by the Board of Directors.

- f) A vacancy occurs when any member of the DAC dies, resigns, is removed, has more than three (3) unexcused absences from meetings during a fiscal year, or no longer is a resident of the District. Upon failure of any member to attend three consecutive meetings without a valid excused absence, the DAC may recommend termination of that appointment to the Board of Directors, and the Board of Directors may remove the incumbent from the DAC and declare the position vacant. A valid excused absence requires that the DAC member notify a DAC officer or a District staff member prior to the meeting to be missed, except for the case of an emergency. Vacancies are filled in the same manner as initial appointments and for the unexpired term of the vacant position.
- g) All DAC members shall serve without compensation.

ARTICLE V

OFFICERS & STAFFING. The officers and staffing of the DAC shall include the following:

- a) **Chairperson.** The Chairperson shall preside over all DAC meetings, assist the NCPRD Director with setting the DAC Meeting agendas, and establish committees and appoint committee chairpersons. The Chair will serve as the DAC representative in meetings with the Board of Directors or at various community meetings when appropriate. The Chair will also serve as the official spokesperson for the DAC whenever there is an issue or statement required when it is appropriate for the DAC to make that response or statement.
- b) **Vice-Chairperson:** The Vice Chairperson shall execute all powers of the Chairperson in the absence of the chairperson;
- c) **Secretary:** The Secretary shall maintain minutes and attendance records of business meetings. Additionally, the Secretary will initiate the recruitment process to fill vacancies upon term expirations. The Secretary position is neither elected nor appointed but rather filled by NCPRD staff.
- d) **Board of Directors Liaison:** The Board of Directors may elect to appoint a liaison/liaisons to the DAC in an ex-officio capacity with no voting powers or rights but who has the authority to speak on behalf of the Board of Directors and to participate in discussions about actions under consideration for recommendation to the Board of Directors. The liaison is present as a representative of the Board of Directors and not in their individual capacity.

SELECTION OF OFFICERS. The officers shall be selected by the DAC membership by simple majority vote. Elections shall be annually as the first order of business at the first DAC meeting of the fiscal year in July. The outgoing Chair will conduct the election, and immediately following results, turn the meeting over to the newly elected Chair. The DAC

shall provide the County Public and Government Affairs Department with a current list of officers.

TERM OF OFFICE. The term of office for all officers shall be one (1) year, the officer shall continue to serve until a successor is elected to that office. Officers may be re-elected and may serve a maximum of two consecutive terms.

VACANCIES. A member may be elected as an officer to fill a vacancy and shall serve the remainder of the unexpired term and until a successor is elected.

ARTICLE VI

MEETINGS. The DAC may hold regular meetings monthly. All meetings shall be subject to the requirements of the Oregon Public Meetings Law.

Special meetings may be called by any two DAC Members and an Officer. Only business specified in the agenda for the special meeting may be considered. Notice of all meetings shall be provided as required by ORS 192.640 of the Oregon Public Meetings Law. Minutes of all meetings shall be kept and shall be available for public inspection as required by Oregon Public Meetings Law. A copy of all meeting minutes shall be provided to the County Public and Government Affairs Office.

QUORUM and VOTING. A quorum shall be present at a meeting in order for the DAC to transact business. A quorum consists of six (6) members, which is a majority of all members of the DAC. A vacancy on the DAC does not affect the quorum requirements. The concurrence of a majority of the DAC members present shall be required to decide any matter.

RECORDS. All records of the DAC shall be subject to disclosure except as allowed by exemptions of the Oregon Public Records Law.

ARTICLE VII

HEARING PROCESS AND PROCEDURE. The principles of parliamentary rules of procedures such as Robert's Rules of Order shall govern proceedings at any meeting of the DAC. The Chair shall be guided by these principles in deciding any procedural questions. The Chair's decision on procedural matters may be overruled by a majority of the members voting on the question. The DAC may establish a more detailed hearing process and procedure to provide for an orderly process for holding a public hearing. All meetings shall comply with the Oregon Public Meetings Law.

ARTICLE VIII

COMMITTEES. The DAC may from time to time create committees as required to promote the purposes and objectives of the DAC. A Chairperson for each committee shall be selected by the DAC Chairperson.

ARTICLE IX

AMENDMENTS. These bylaws may be amended at any regular DAC meeting provided written notice of the proposed amendment is submitted at a prior, regular meeting. In order to be effective such amendments must also be approved in writing by County Counsel and further submitted to the Board of Directors for final approval. The DAC may not amend Article IV Membership in any way that differs with the requirements of the IGA between NCPRD and the City of Milwaukie.

The amended bylaws shall supersede all previous bylaws and become the governing rules for the DAC.

N CPRD Boundaries and Advisory Committee Sub-Areas Map

An 11 member board with 5 subareas (2 representatives per subarea)

