

Oregon Parks and Recreation Commission

February 5, 2014

Agenda Item: 4a

Information

Topic: Proposed Legislative Concepts

Presented by: MG Devereux

On February 2, 2014, the Oregon State Legislature will reconvene for the interim session. This is the second interim session since the legislature moved to annual sessions. Most indications are that this session will be very focused and mainly address issues that are not directly related to Oregon Parks and Recreation Department (OPRD). While staff is monitoring this session, efforts will also be focused on developing potential legislative concepts for the full session in 2015.

2014 session

OPRD will have two active issues in the interim session.

RV Fee Distribution – A budget note in the 2013-15 budget directed OPRD to initiate an Oregon Solutions process with the Association of Oregon Counties and the Oregon Parks Association. The goal of this process was to identify a possible compromise split for fees collected on recreational vehicle registrations. Currently this revenue is temporarily split %65 OPRD/%35 Counties, but is set to revert to %70/%30 at the end of the biennium. During the Oregon Solutions process an agreement was structured to move forward legislation in the interim session to move the split in two stages. Effective upon passage the split would move to %60/%40 until July 1, 2015 when it will move to %55/%45. Additionally, OPRD has committed to convening regional recreational forums that will help identify ways that recreation providers from different levels of government can communicate more effectively to identify issues and proactively address challenges. Finally, AOC and OPA have committed to evaluating a number of OPRD properties that might be able to be transferred to county park management to decrease OPRD costs and capture operational efficiencies in county park operations.

Salmonberry Trail Planning – OPRD and the Oregon Department of Forestry (ODF) have co-lead the project development for the Salmonberry Trail concept. A legislative concept will be presented in the interim session that will provide legislative sponsorship and defined reporting measures. This concept will also create the opportunity for a special fund that can accept private donations for trail planning and/or any future development that may occur if the concept moves forward. If the concept moves forward OPRD and ODF will request additional project staff in the 2015 session, as this project is outside the anticipated resources for either agency.

2015 Session

While the 2015 session is nearly a year away, the process for developing legislative concepts has already begun. Agency requests are due for review in May of 2014. OPRD is researching several policy and budget concepts. The general issues are presented below; developed concepts will be presented to the Commission in April for final approval.

Restoration Project Contracting – OPRD has been engaged in several watershed restoration projects involving non-governmental organizations like watershed councils. OPRD can often provide a portion of funding resources or technical expertise these projects. Some watershed councils have enough capacity to fund or manage these projects. However because these projects are considered public works projects they are subject to BOLI standards and prevailing wage, making them difficult for watershed councils to fully fund or manage. OPRD is investigating the possibility that an alternative contracting potential may opened or these types of projects could be reclassified to maximize limited restoration funding.

Continuing Issues

Camping Rates – A key element of the Park System Plan is to consistently evaluate camping rates to avoid large price spikes and to ensure that regular adjustments are made to keep pace with the cost of doing business. OPRD will also continue to explore the concept of rate flexibility to allow for faster response to market conditions.

Scenic Waterway Evaluation – OPRD has been working with stakeholders to develop a process to evaluate waterways for potential nomination as scenic waterways. This effort is to help develop a process that will facilitate public input and maximize OPRD's limited resources.

Prior Action by Commission: None

Action Requested: None

Attachments: LC 156 – Distribution of RV Registration LC 152 Salmonberry Trail

Prepared by: MG Devereux

D R A F T

SUMMARY

Requires development of plan for Salmonberry Trail.
Establishes Salmonberry Trail Trust Fund. Continuously appropriates moneys in fund for developing and implementing plan.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Salmonberry Trail; appropriating money; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The State Parks and Recreation Department and**
6 **the State Forestry Department shall, in cooperation with other inter-**
7 **ested state agencies, local governments, nonprofit organizations and**
8 **other stakeholders, develop a plan to construct a trail along or adja-**
9 **cent to the portion of the former Pacific Railway and Navigation**
10 **Company line between Banks and Tillamook, to be known as the**
11 **Salmonberry Trail. The plan shall identify and address:**

12 **(a) Options for the development, maintenance and operation of each**
13 **segment of the trail and the costs associated with the development,**
14 **maintenance and operation, taking into account the existing uses of**
15 **the land where segments of the trail are to be constructed, including**
16 **active rail use, and the concerns of the public and other interested**
17 **parties;**

18 **(b) Potential sources of funding for implementation of the plan,**
19 **including but not limited to federal, state and private sources; and**

20 **(c) Options for designation of final state agency or other responsi-**

1 **bility for the development, maintenance and operation of the trail and**
2 **trail facilities as identified in the plan.**

3 **(2) The State Parks and Recreation Department and the State**
4 **Forestry Department may coordinate with nonprofit organizations to**
5 **raise funds and to develop, maintain and operate trail and trail facili-**
6 **ties as necessary to implement the plan developed under this section.**

7 **SECTION 2. The State Parks and Recreation Department and the**
8 **State Forestry Department shall submit the plan provided for in sec-**
9 **tion 1 of this 2014 Act to an appropriate interim committee of the**
10 **Legislative Assembly no later than October 1, 2015.**

11 **SECTION 3. The Salmonberry Trail Trust Fund is established in the**
12 **State Treasury, separate and distinct from the General Fund. All**
13 **gifts, grants, appropriations or donations received by the state for**
14 **purposes of developing or implementing the plan described in section**
15 **1 of this 2014 Act shall be deposited in the Salmonberry Trail Trust**
16 **Fund. All moneys in the fund are continuously appropriated to the**
17 **State Forestry Department for the purposes of developing and imple-**
18 **menting the plan.**

19 **SECTION 4. This 2014 Act being necessary for the immediate pres-**
20 **ervation of the public peace, health and safety, an emergency is de-**
21 **clared to exist, and this 2014 Act takes effect on its passage.**

22

DRAFT

SUMMARY

Until July 1, 2015, increases percentage of moneys distributed for county parks from 35 percent to 40 percent of moneys transferred to State Parks and Recreation Department from registration of travel trailers, campers and motor homes and from recreational vehicle trip permits. Beginning July 1, 2015, increases percentage of moneys distributed for county parks from 40 percent to 45 percent.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the distribution of moneys to counties from the State Parks and
3 Recreation Department Fund; creating new provisions; amending ORS
4 390.134; repealing section 3, chapter 792, Oregon Laws 2007; and declaring
5 an emergency.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1.** ORS 390.134 is amended to read:

8 390.134. (1) As used in this section:

9 (a) "Camper" has the meaning given that term in ORS 801.180.

10 (b) "County" includes a metropolitan service district organized under ORS
11 chapter 268, but only to the extent that the district has acquired, through
12 title transfer, and is operating a park or recreation site of a county pursuant
13 to an intergovernmental agreement.

14 (c) "Motor home" has the meaning given that term in ORS 801.350.

15 (d) "Travel trailer" has the meaning given that term in ORS 801.565.

16 (2) The State Parks and Recreation Department Fund is established sep-
17 arate and distinct from the General Fund. Moneys in the fund are contin-
18 uously appropriated to the State Parks and Recreation Department for the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 purposes provided by law. The fund shall consist of the following:

2 (a) All moneys placed in the fund as provided by law. Any interest or
3 other income derived from the depositing or other investing of the fund must
4 be credited to the fund.

5 (b) All registration fees received by the Department of Transportation for
6 campers, motor homes and travel trailers that are transferred to the fund
7 under ORS 366.512. The funds must be deposited in a separate subaccount
8 established under subsection (3) of this section.

9 (c) Revenue from charges pursuant to ORS 390.124.

10 (d) All funds received by the State Parks and Recreation Department un-
11 der ORS 390.141. The funds must be deposited in a separate subaccount es-
12 tablished under subsection (3) of this section.

13 (3) Any moneys placed in the fund for a particular purpose may be placed
14 in a separate subaccount within the fund. Each separate subaccount estab-
15 lished under this subsection must be separately accounted for. Moneys placed
16 in a subaccount must be used for the purposes for which they are deposited.

17 (4) All of the moneys in the fund except those moneys described in sub-
18 section (3), (5), (6), (7), (8) or (9) of this section must be deposited in a sep-
19 arate subaccount within the fund and used by the State Parks and
20 Recreation Department for the acquisition, development, maintenance, care
21 and use of park and recreation sites. The moneys deposited in the subaccount
22 under this subsection must be accounted for separately and stated separately
23 in the State Parks and Recreation Department's biennial budget.

24 (5)(a) [*Thirty-five*] **Forty** percent of the amount transferred to the State
25 Parks and Recreation Department under ORS 366.512 from the registration
26 of travel trailers, campers and motor homes and under ORS 803.601 from
27 recreational vehicle trip permits must be deposited in a separate subaccount
28 within the fund to be distributed for the acquisition, development, mainte-
29 nance, care and use of county park and recreation sites. The moneys depos-
30 ited in the subaccount under this paragraph must be accounted for
31 separately. The following apply to the distribution of moneys under this

1 paragraph:

2 (A) The moneys must be distributed among the several counties for the
3 purposes described in this paragraph. The distribution shall be made at times
4 determined by the State Parks and Recreation Department but must be made
5 not less than once a year.

6 (B) The sums designated under this paragraph must be remitted to the
7 county treasurers of the several counties by warrant.

8 (b) The department shall establish an advisory committee to advise the
9 department in the performance of its duties under this subsection. The com-
10 position of the advisory committee under this subsection is as determined
11 by the department by rule. In determining the composition of the advisory
12 committee, the department shall attempt to provide reasonable represen-
13 tation for county officials or employees with responsibilities relating to
14 county parks and recreation sites.

15 (c) The department, by rule, shall establish a program to provide moneys
16 to counties for the acquisition, development, maintenance, care and use of
17 county park and recreation sites. The rules under this paragraph shall pro-
18 vide for distribution of moneys based on use and need and, as the department
19 determines necessary, on the need for the development and maintenance of
20 facilities to provide camping sites for campers, motor homes and travel
21 trailers.

22 (6) The department shall create a separate City and County Subaccount
23 within the fund to be used to reimburse cities and counties as provided in
24 ORS 390.290.

25 (7) The department shall create a separate rural Fire Protection District
26 Subaccount to be used to provide funds for the fire protection districts as
27 provided in ORS 390.290.

28 (8) Twelve percent of the amount transferred to the State Parks and Re-
29 creation Department Fund from the Parks Subaccount shall be used only to
30 carry out the purposes and achievements described in ORS 390.135 (2) and
31 (3) through the awarding of grants to regional or local government entities

1 to acquire property for public parks, natural areas or outdoor recreation
2 areas or to develop or improve public parks, natural areas or outdoor recre-
3 ation areas. Moneys described in this subsection may not be used to pay the
4 cost of administering grants or the cost of any Secretary of State audit re-
5 quired under section 4c, Article XV of the Oregon Constitution.

6 (9) If the amount transferred to the State Parks and Recreation Depart-
7 ment Fund from the Parks Subaccount during a biennium is more than 150
8 percent of the amount that was transferred during the 2009-2011 biennium,
9 the State Treasurer shall, during the next following biennium, deposit for
10 use as described in subsection (8) of this section the amount required under
11 subsection (8) of this section plus an amount equal to the difference between
12 the amount deposited for use as described in subsection (8) of this section
13 during the preceding biennium and 25 percent of the moneys transferred to
14 the State Parks and Recreation Department Fund from the Parks Subaccount
15 during the preceding biennium.

16 (10) Subsections (8) and (9) of this section apply only for biennia in which
17 the Legislative Assembly does not require a greater percentage of the amount
18 transferred to the State Parks and Recreation Department Fund from the
19 Parks Subaccount to be used for the purposes described in subsection (8) of
20 this section. The Legislative Assembly may not authorize the percentage of
21 the amount transferred to the State Parks and Recreation Department Fund
22 from the Parks Subaccount that is deposited for use as described in sub-
23 section (8) of this section in a biennium to be less than the percentage re-
24 quired to be deposited under subsections (8) and (9) of this section.

25 (11) On or before January 15 of each odd-numbered year, the director shall
26 submit a report to the Joint Committee on Ways and Means created by ORS
27 171.555, or the Joint Interim Committee on Ways and Means, that describes
28 the measurable biennial and cumulative results of activities and programs
29 financed by moneys transferred to the State Parks and Recreation Depart-
30 ment Fund from the Parks Subaccount. Notwithstanding ORS 192.230 to
31 192.250, the director shall make the report in a form and manner as the

1 committee may prescribe.

2 **SECTION 2.** ORS 390.134, as amended by section 2, chapter 792, Oregon
3 Laws 2007, section 47, chapter 11, Oregon Laws 2009, section 5, chapter 643,
4 Oregon Laws 2011, section 25, chapter 107, Oregon Laws 2012, section 5,
5 chapter 299, Oregon Laws 2013, and section 33, chapter 492, Oregon Laws
6 2013, is amended to read:

7 390.134. (1) As used in this section:

8 (a) “Camper” has the meaning given that term in ORS 801.180.

9 (b) “County” includes a metropolitan service district organized under ORS
10 chapter 268, but only to the extent that the district has acquired, through
11 title transfer, and is operating a park or recreation site of a county pursuant
12 to an intergovernmental agreement.

13 (c) “Motor home” has the meaning given that term in ORS 801.350.

14 (d) “Travel trailer” has the meaning given that term in ORS 801.565.

15 (2) The State Parks and Recreation Department Fund is established sep-
16 arate and distinct from the General Fund. Moneys in the fund are contin-
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18 purposes provided by law. The fund shall consist of the following:

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23 campers, motor homes and travel trailers that are transferred to the fund
24 under ORS 366.512. The funds must be deposited in a separate subaccount
25 established under subsection (3) of this section.

26 (c) Revenue from charges pursuant to ORS 390.124.

27 (d) All funds received by the State Parks and Recreation Department un-
28 der ORS 390.141. The funds must be deposited in a separate subaccount es-
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5 arate subaccount within the fund and used by the State Parks and
6 Recreation Department for the acquisition, development, maintenance, care
7 and use of park and recreation sites. The moneys deposited in the subaccount
8 under this subsection must be accounted for separately and stated separately
9 in the State Parks and Recreation Department's biennial budget.

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17 separately. The following apply to the distribution of moneys under this
18 paragraph:

19 (A) The moneys must be distributed among the several counties for the
20 purposes described in this paragraph. The distribution shall be made at times
21 determined by the State Parks and Recreation Department but must be made
22 not less than once a year.

23 (B) The sums designated under this paragraph must be remitted to the
24 county treasurers of the several counties by warrant.

25 (b) The department shall establish an advisory committee to advise the
26 department in the performance of its duties under this subsection. The com-
27 position of the advisory committee under this subsection is as determined
28 by the department by rule. In determining the composition of the advisory
29 committee, the department shall attempt to provide reasonable represen-
30 tation for county officials or employees with responsibilities relating to
31 county parks and recreation sites.

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12 Subaccount to be used to provide funds for the fire protection districts as
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15 creation Department Fund from the Parks Subaccount shall be used only to
16 carry out the purposes and achievements described in ORS 390.135 (2) and
17 (3) through the awarding of grants to regional or local government entities
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19 areas or to develop or improve public parks, natural areas or outdoor recre-
20 ation areas. Moneys described in this subsection may not be used to pay the
21 cost of administering grants or the cost of any Secretary of State audit re-
22 quired under section 4c, Article XV of the Oregon Constitution.

23 (9) If the amount transferred to the State Parks and Recreation Depart-
24 ment Fund from the Parks Subaccount during a biennium is more than 150
25 percent of the amount that was transferred during the 2009-2011 biennium,
26 the State Treasurer shall, during the next following biennium, deposit for
27 use as described in subsection (8) of this section the amount required under
28 subsection (8) of this section plus an amount equal to the difference between
29 the amount deposited for use as described in subsection (8) of this section
30 during the preceding biennium and 25 percent of the moneys transferred to
31 the State Parks and Recreation Department Fund from the Parks Subaccount

1 during the preceding biennium.

2 (10) Subsections (8) and (9) of this section apply only for biennia in which
3 the Legislative Assembly does not require a greater percentage of the amount
4 transferred to the State Parks and Recreation Department Fund from the
5 Parks Subaccount to be used for the purposes described in subsection (8) of
6 this section. The Legislative Assembly may not authorize the percentage of
7 the amount transferred to the State Parks and Recreation Department Fund
8 from the Parks Subaccount that is deposited for use as described in sub-
9 section (8) of this section in a biennium to be less than the percentage re-
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11 (11) On or before January 15 of each odd-numbered year, the director shall
12 submit a report to the Joint Committee on Ways and Means created by ORS
13 171.555, or the Joint Interim Committee on Ways and Means, that describes
14 the measurable biennial and cumulative results of activities and programs
15 financed by moneys transferred to the State Parks and Recreation Depart-
16 ment Fund from the Parks Subaccount. Notwithstanding ORS 192.230 to
17 192.250, the director shall make the report in a form and manner as the
18 committee may prescribe.

19 **SECTION 3. Section 3, chapter 792, Oregon Laws 2007, is repealed.**

20 **SECTION 4. The amendments to ORS 390.134 by section 2 of this**
21 **2014 Act become operative July 1, 2015.**

22 **SECTION 5. This 2014 Act being necessary for the immediate pres-**
23 **ervation of the public peace, health and safety, an emergency is de-**
24 **clared to exist, and this 2014 Act takes effect on its passage.**

25

Oregon Parks and Recreation Commission

February 5, 2014

Agenda Item: 4b

Information

Topic: State Fair Transition

Presented by: MG Devereux

In December of 2013 the first steps toward implementation of Senate Bill 7, when Governor Kitzhaber appointed the Oregon State Fair Council. Council members, listed below, represent livestock, business, community leaders, economic development, and local government interests. The council also includes two non-voting legislative representatives, Senator Arnie Roblan and Representative Vicki Berger, and an advisory member, Linda Norris, Salem's City Manager.

- Loyal Burns, Board of Directors, Veterinary Services Inc. and Sheep Breeder
- Janet Carlson, Marion County Commissioner
- Jon Chandler, Chief Executive Officer, Oregon Homebuilders Association
- Gene Derfler, former Senate President, Oregon State Senate
- George Jennings, retired attorney and shareholder, Garrett, Hemann, Robertson P.C.
- Austin McGuigan, Community Development Director, Polk County, Dallas, Oregon
- Leah Perkins-Hagele, Fairgrounds Manager, Washington County Fair Complex
- Anna Peterson, Mayor, City of Salem
- Craig Smith, former Vice President and Chief Financial Officer, Chemeketa Community College
- Larry Tokarski, President, Mountain West Investment Corporation
- Kerry Tymchuk, Executive Director, Oregon Historical Society

The Council held its inaugural meeting on January 14, 2014, while this was largely an organizational meeting the Council began to wrestle with the issues associated with making the fair and expo center profitable.

2014 Fair

OPRD is still preparing to be the lead for delivery of the 2014 State Fair. The transition process has limited the staff resources available to implement a successful fair program. OPRD has been working with a wide variety of stakeholders to marshal resources to develop and deliver the fair program. A major element of fair delivery will be a contract with Hillman Consulting. Hillman Consulting is a nationwide leader in process improvement and fair management. This contract will shift much of the programming responsibilities to Hillman, in exchange for a percentage of the overall profit. OPRD will retain responsibility for some of the competition areas, and relationships with stakeholders in the livestock area. This contract will allow OPRD to minimize costs and still deliver a fair experience.

2013 Fair

The final accounting is nearly complete for the 2013 fair. While the overall revenue is down from 2012, the fair as an event generated approximately 1 million dollars back to the organization to help offset the operating loss from the year round operations. This continues a three year trend of event profitability. The post fair visitors indicate that overall the experience for fair patrons has held positive or improved.

Next Steps

2014 Fair Planning	December 2013 – March 2014
Initial Council Meeting	January 2014
DAS Agreement for lease of OSFEC to Council	January 2014
Recruitment for Council Executive Director	March 2014
2014 Oregon State Fair	August 22 – September 1, 2014
Progress report due Oregon State Legislature	October 2014
2015 Fair Planning	December 2014 – March 2015
Final report due to Oregon State Legislatures	December 2015

Prior Action by Commission: None

Action Requested: Information

Attachments: Historical Fair Expenses and Revenue

Prepared by: MG Devereux

**Oregon Parks and Recreation Department
Annual State Fair
For the period January 1 through December 31**

	State Fair			
	2013	2012	2011	2010
Revenues	\$ 4,527,451.56	\$ 4,503,404.09	\$ 4,738,362.11	\$ 5,160,029.98
Expenses				
Services and Supplies	\$ (3,179,734.73)	\$ (2,046,863.78)	\$ (3,197,597.55)	\$ (3,979,965.62)
Personal Services				
Temps	\$ (185,535.46)	\$ (249,342.73)	\$ (232,069.01)	\$ (234,636.93)
Permanent Staff	\$ (57,720.50)	\$ (372,193.27)	\$ (573,367.04)	\$ (1,053,199.00)
Totals	\$ 1,104,460.87	\$ 1,835,004.31	\$ 735,328.51	\$ (107,771.57)

Note 1: Made the revenue a positive number and the expenditures a negative number for your review. Back up to support this is not that way since it pulls from the datamart.

Note 2: 2009 figures were revised to reflect more accurate figures agreeing to the accounting system.

Note 3: Temps reflects wages only and doesn't include taxes or benefits for years prior to 2013.

Note 4: All wages reflect all benefits,taxes, etc

2013 Permanent Staff includes all staff salaries from 6/1/2013 through 10/31/2013

2012 Permanent Staff includes all staff salaries for August and 1/2 half of September.

2011 Permanent Staff includes costs for the period of Jan. 1 - June 30, 2011. No costs were included beyond that date.

2010 Services and Supplies include Personnel Source Temp Services

2009 Services and Supplies include Galt Foundation Temp Services

2008 Temps are not part of services and supplies, but part of personal services as temp employees