



Oregon Parks and Recreation Commission

March 15-16, 2011

Banks - Stub Stewart State Park, Cabin Loop Meeting Hall

3/16/2011 Meeting Minutes

Those attending all or part of the meeting included:

Commissioners Present:

Davis Moriuchi, Chair
Jay Graves, Vice-chair
Brad Chalfant
Jim Brown
Sharon Rudi
Sue Musser

Staff:

Tim Wood, Director
Chris Havel, Associate Director
John Potter, Assistant Director, Operations
Steve Shipsey, Assistant Attorney General
Vanessa DeMoe, Commission Assistant
Chad Montoya, Executive Assistant
Roger Roper, Assistant Director, Heritage Programs
Kyleen Stone, Assistant Director, Recreation Programs and Planning
Lisa Van Laanen, Assistant Director
Jenn Cairo, Valleys Region Manager
Cliff Houck, Real Property Manager
Jim Morgan, Natural Resources Manager
Darin Wilson, Engineering Manager
Richard Walkoski, Recreation Programs Manager
Kathy Schutt, Planning Manager
Brian Silcott, Assistant Director Oregon Exposition Center
Dan Lucas, Stub Stewart Park Manager
Bevin Clapper, Quality Assurance Program Coordinator
Larry Miller, Eastern Region Manager
Letha Crawford, Eastern Region Land Use Coordinator
Tony Stein, North Coast Land Use Coordinator
Jon Moll, Devil's Lake State Recreation Area Manager
Julie Whalen, South Willamette MU Manager
Scott Youngblood, Willamette River Greenway Park Ranger
MG Devereux, Cottonwood Canyon Project Manager

Visitors Present:

Alan Smiles, Seaside Chamber Executive Director
Eileen McLanahan, Meridian Environmental, Inc.
Mike Maloney, Soar Technologies
Kurt Conger, Consultant to Wasco PUD
Jane Heisler, Lake Oswego Tigard Water Department
James Foster, Wasco PUD
Katherine Parker

Workshop Session

1. Best Practices

Chris Havel, Associate Director

Mr. Havel stated that this workshop was to finalize the Best Practices evaluation that the Commission goes through every year as part of a performance measure that all state boards adhere to. He shared the list of the 15 best practices that have already been evaluated by the Commission. He stated that he had received evaluations from each commissioner and was pleased to report that all of the measures were passing. The Commission provided feedback on the process. Mr. Havel proceeded to discuss specific improvements that the Commission would like to see and shared the trends in the performance evaluation responses.

Mr. Havel asked the Commission what they would like to see from the report and if there was any additional information that could be provided. The following list is responses from the discussion:

- The commission would like to see the final report that is submitted
- Input from staff is welcomed if there are areas that staff think need improvement
- Commission should discuss the performance measures so there is a common understanding.
- Director Wood suggested a workshop on the Best Practices
- It was clarified that the discussion on the report is only for internal purposes, the actual report is the only thing submitted to the legislature.
- This exercise was a result from a legislative decision to make sure that the boards and commissions are engaged in the management of their agencies
- The report will be tracked throughout the year as a reminder to help with evaluation
- Could be a best practice; this could create a climate and relationship between the Commission and staff

2. Delegated Authority

Tim Wood, Director

Director Wood said that he reviewed the most recent delegated authority from the Commission to the director and assembled a list for discussion of what should be on the Commission meeting agendas that is required action and discussion items. He provided a handout of the items.

The list included:

- Rulemaking
- Real Estate Transactions
- Budget and Legislative
- Reports
- Park Master Plans
- State Scenic Waterways
- Grants
- Facility Investment / Park Improvement Program

Discussion

Commissioner Chalfant commented on the role of the Commission in grant approvals. He said that the Commission does not know the relative merit of the proposals and the Commission would be rubber stamping something. He explained that his belief is that the Commission does

not have any business picking or choosing the grants that go forward without seeing the proposals; and perhaps the Commission could enhance their role with the grant criteria. Director Wood replied that future workshops will cover grants and suggested that the Commission approve the general direction for the grants and delegate the authority for approval.

Commissioner Brown commented that capital investments, re-balancing the budget and the agency's strategic vision document are issues that the Commission should be involved in and included in the Commission meeting agenda items.

Chair Moriuchi commented that at some point there needs to be a long term scenario of the projected level of potential revenue for operations and maintenance. He said the Commission's input needs to happen early enough in the planning to provide constructive guidance without having to make a last minute decision on a contract award.

Director Wood provided a diagram on a facility improvement approval process. He explained how the process would work; the concept would be that the Commission would approve the dollar amount and the projects on the list with additional projects on the list that could be funded if savings became available. As the projects were executed by director's approval, the progress would be reported to the Commission.

Director Wood provided the current Delegated Authority to the Commission. He suggested that the provided list be looked at as an example of the agenda; he will add the other items from the discussion and bring back to the Commission as an action item at the May meeting.

Commissioner Brown confirmed that the strategic vision item would be included. He commented that in the last two or three meetings he liked the organization of the agenda; the subjects are lumped together in a way that makes more efficient use of time.

3. Heritage Programs Strategic Planning

Roger Roper, Assistant Director of Heritage Programs

Mr. Roper provided the Commission with an overview of the program and the mission. He explained that the presentation was to give the Commission a good description of what Heritage Programs accomplishes, the philosophy of the program, and how they deliver the program to the constituents.

Mr. Roper shared that the programs are split up in two ways, internal and external. He explained that the internal programs are the State Parks Archeologist and Preservation Specialist; the external programs include almost 90% of staff. He said that most of the programs have been with the agency for some time, including external programs such as archeology, historic buildings and structures and history. Mr. Roper said that we get federal funds to carry out the duties along with a list of assignments for the programs. He shared that the philosophy is to work with the "want to" customers versus the "have to" customers. Mr. Roper explained, in more detail, the philosophy and the customers that are served in the programs. Mr. Roper discussed the staffing of the programs with the Commission. He said there are twenty staff members with a \$5.8 million budget; 2.8 % of the parks budget.

Commissioner Graves asked about the increase in the budget. Mr. Roper explained that the change is because the overall budget has increased as well as changes within the program. He

said that part of the increase in 09-11 has to do with getting the limitation on the federal money that was available anyway.

Chair Moriuchi asked Mr. Roper to describe the relationship between the State Parks Commission and the boards and commissions in Heritage Programs. Mr. Roper replied that the relationship is somewhat distant, but only because all the commissions are very focused on their individual missions.

Commissioner Brown asked if the Heritage Programs commissions and boards are statutorily tied to the State Parks commission. Mr. Roper replied that some are while others are not. He said that some, such as the Oregon Historic Trails Advisory Council, are to report to the State Parks Commission and submit an annual report. Director Wood added that they are all advisory and not policy making boards.

Mr. Roper stated that when he first came on board he looked at the option of consolidating some of these groups. But over time he has grown to appreciate the unique role of each of them and the passion that they bring. He suggested that, along with the updates provided at each meeting, board members could make appearances at the State Parks Commission meetings to provide program updates.

Commissioner Musser asked about the meeting schedule of the boards and commissions and the representation. Mr. Roper replied that most of the groups meet three to four times a year and effort is made to have good geographic diversity.

Commissioner Chalfant said with such a large portion of the program funded by federal dollars, what are the projections for continued federal support. Mr. Roper replied that despite substantial cuts in some areas, there is actually growth in federal funding for SHPOs in the federal 2012 budget. This indicates that the National Park Service is committed to the philosophy of using the SHPOs as an efficient and effective delivery system for its programs.

Mr. Roper discussed the executive summary with the Commission. He said he tried to capture a good assessment of how the programs are doing. He said there is continued emphasis on partnerships and outreach. He suggested they continue to work with current model and emphasize incentives versus regulations. He shared that the grants are a big part of that, and that most of the recipients leverage their grants tremendously through volunteer efforts and their own contributions.

Commissioner Brown commented that he liked the approach.

Mr. Roper discussed the Main Street program. He said the program has a strong brand name, so it often comes across as a new and distinct program, but it is really a subset of what we do already. He said that Main Street can be a very effective part of what we do without adding cost and reiterated that it fits in well with what Heritage Programs already does. He said he was aware that there is concern that it is a new program and could take more lottery dollars, but we have actually found a way to fund the uniquely "Main Street" activities with non-lottery dollars (specifically, Federal and Other funds).

Mr. Roper stated that maintaining strong ties within the OPRD family has been a very important point, and that there is a need to help SHPO feel they are a part of OPRD. He said that they have been working hard to keep all the programs operating like they are an integrated part of the department. One way they have done this is to have the internal programs in the mix with the SHPO staff. It also allows for a broader team to be brought to OPRD issues.

Director Wood said that one of the issues is rulemaking authority. He explained that SHPO has independent statutory authority under ORS 358 to adopt rules. He said the current practice, however, is to have those rules come to the Commission, and he would prefer to continue that practice.

Chair Moriuchi said he was interested in figuring out if Heritage Programs has the support needed from the Commission. Commissioner Brown said that viewing some of the programs on the ground and incorporating them into the Commission meetings would be beneficial.

Commissioner Chalfant commented that the more we can do to provide interpretation the better job we are going to do connecting a new generation to the state and the parks system. It also helps develop long-term “ownership” and connection to the place. He noted that natural history interpretation has done a good job telling its stories.

Mr. Roper said that one key partner program is the Certified Local Government program. It is a federal partnership program from the National Park Service. He said the Oregon SHPO has chosen to embrace a large number of communities and wants to expand the program even further; by 2017 the hope is to have 55 communities (there are currently 40). He shared that the grants given to those communities are non-competitive in order to ensure that small, “beginner” communities receive funding. The program is more about nourishing the local programs so they can function effectively and not just completing projects.

Commissioner Rudi asked about the current Main Street funding. She said it is listed as one-time funding and asked if the funding has stopped. Mr. Roper said that funding was provided when the program was with the Economic and Community Development project, but that will end with the current biennium.

Chair Moriuchi asked about Native American relations with the agency. Mr. Roper said that staff members work closely with the tribes on the parks side. He said there is a tribal relations policy that outlines interactions, and overall SHPO enjoys very good tribal relations. Commissioner Rudi asked if it is normal for the tribes to be so specific about the signage, such as was the case at Iwetemlaykin. Mr. Roper said that it may be given more attention by the tribes in some cases because there may be deeper meaning and connection to the area.

Mr. Roper discussed the Historic Cemetery Grants. He shared that private funding became available in 2010 from an individual’s estate in the amount of \$25,000-\$30,000 per year along with a promise that the funding will continue into the foreseeable future.

Mr. Roper discussed the Key Performance Measures associated with the Heritage Programs.

4. Park System Planning

John Potter, Assistant Director of Operations

Mr. Potter said this workshop was an opportunity for the Commission to provide feedback on the overall approach and timeline of the Park System Planning. He would like to focus on the purpose and what we are trying to accomplish with the plan.

Commissioner Rudi asked if Mr. Potter felt this process was too cumbersome; does it need to be refined. Mr. Potter replied that he felt this process provides the opportunity to take the information in and have time to think about it and come back and have the necessary conversations.

Director Wood reported from the last Agency Heads meeting, Michael Jordan, the new Director of DAS, has a principle responsibility to lead development of 10 year plans for state agencies. Director Wood said that a lot of the work being done for this plan can be used for that purpose and might need to be informed for what the guidance is for other agencies statewide.

Commissioner Brown stated that it could answer a lot of questions the Commission has had about how we merge operationally with the vision document. He said it conveys a different message to the organization if it was called a business plan rather than a strategic plan. He said the conversation should ask how we are going to do business tomorrow in today's reality versus the way we have done business in the past. Commissioner Brown said we need to ask what the real work is that the agency wants to accomplish over the next 10 years. He referred to audit work done for the state of Utah.

Commissioner Chalfant said he appreciated Commissioner Brown's comment about a business plan versus a strategic plan.

Commissioner Musser said that when she read the outline she thought about what the benefit would be, who the audience would be and how often it would need to be revised. She said if it is geared right it will be beneficial.

Mr. Potter said that his focus so far was what can we be doing on the revenue and benefits side versus the cost side. He stated that there is a gap in the connection with Centennial Horizon and what it actually means when we manage the park system. He said he would like to make a clear connection with the Centennial Horizon and end up with something that managers can implement within their scope and available resources and deliver on for the Commission.

Commissioner Brown said he would like to see this as a top to bottom conversation; the managers should help build this plan. Mr. Potter said he tried to build that process into the plan and agreed that it is incredibly important. Commissioner Brown said that from this work process there is going to be policy questions that come up and those issues should come back to the Commission for discussion.

Mr. Potter discussed the purpose of the plan. He said that the rationale or strategy, would be refined based on the discussion to more explicitly separate out and define it as a business approach. Mr. Potter said that the purpose includes the listed objectives that would be important to cover in the plan; some of which are to express what it is we do and the expectations; explain the cost and revenue drivers that are operating on how we run the business, and what are happening to those in the future.

Chair Moriuchi said that it sounded like there are multiple audiences. He suggested to start off collectively answering the question what do we absolutely need out of this plan; if the scope is expanded too much it won't be very useable.

Commissioner Brown said that some of the sections included may be avoidable. He said that they may be more appropriate placed in the appendix. He said the plan really needed to cut to the chase of the business plan. He stated that in order to accomplish the perspective the agency needs a business plan and this document examines the cost structure, the revenue stream and makes recommendations on how we should do business to accomplish our mission.

Commissioner Chalfant said there was a little confusion on the statutory perspective. He said the reality is this department and system has gotten here the way it got here, you may not have

all the statutory definition that you might want. He suggested not spending a lot of time on that section and assume that the agency is performing an important role, state that role and do not leave it open for someone to reinterpret. Commissioner Chalfant said to make your case in looking for long term stability in the system.

Additional comments and suggestion by the Commission:

- The statutory element is important to the extent that it defines your business, would not put a lot of energy going beyond that.
- Narrow down and focus, essentially make the business case and lay out how this agency can be sustainable, that will allow you to align staff and operations.
- How do we go forward and what is important as we go forward.
- High level strategies should be the focus. Summarize background but focus just on the objectives.
- Condense to make the reader understand quickly.
- Define the audience and the purpose.
- Possible title of the document: Alternative Pathways to a Sustainable Park System – A 10 Year Business Plan
- Need simple projections of the trends, what is the system that is currently in existence and the cost, what do the existing funding sources look like, and what is the gap. If we want a sustainable system how are we going to address that. Putting the larger trends into context will help frame this discussion.
- This report would be helpful to new Commissioners and the existing Commissioners for reference.
- Make the business case and lay out how we think this agency can be sustainable, that will allow you to align staff and operations.
- What is the term of the plan? 10 year
- Be clear on who the audience is and the purpose. Need it for internal, could be for legislators, Commission
- Concept to include: facilities investment
- Brainstorm on discussion topics:
 - Asset Management
 - Level of capital investment
 - Level of acquisition
 - Level of facility investment
 - Sustainability
- House Bill 3477 and budget note discussion
- Engage stakeholders, including legislators to raise their understanding of the issues as it is being developed.
- Take the comments from the discussion and create a draft outline or table of contents and bring it back to the Commission.

Executive Session

The Commission met in executive session to discuss real property transaction negotiations and consult with counsel regarding litigation likely to be filed; the Commission met in executive session pursuant to ORS 192.660(2)(e) and (h). No decisions were made in executive session and the Commission closed the session and invited the public to join them for open session.

Business Meeting

- 1. Commission Business (Action)**
 - a) Approval of Agenda

Commissioner Graves moved to approve the March 2011 Commission meeting agenda as revised. Commissioner Musser seconded. The motion passed unanimously, 6-0.

- 2. Public Comment:**

Al Smiles – Seaside Chamber of Commerce Executive Director
Mr. Smiles read a letter to the Commission regarding the State Parks permit charges.

Mr. Walkoski commented that the agency is currently under division 16 rulemaking and a number of things have happened during the process. He said that legislation could change the way we do business; the agency plans on doing outreach to the public and to utilize a rules advisory committee. He stated there are currently no new rules in place.

Commissioner Brown commented on a statement in Mr. Smiles' letter. He stated that the agency went through a due diligence process examining whether the agency should run the reservation program or to contract it out; in the end it was more cost effective to contract it out. He explained that a Request for Proposal process was used which allowed us to analyze what proposal would benefit the agency most.

Two other letters were provided to the Commission as written comment only.

- Maple Grove Public Relations Committee regarding agenda item 7c.
- Oregon Shores Conservation Coalition regarding agenda item 8.

- 3. Approval of Commission Meeting Minutes (Action)**
 - a) January 2011

Add Nils Gabbert to the attendance list for the January 2011 meeting.

Commissioner Brown moved to approve the January 2011 Commission meeting minutes. Commissioner Rudi seconded. The motion passed unanimously, 6-0.

- 4. Director's Update**

- a) Employee Recognition

Director Wood shared that there is a newly implemented program called the Employee Recognition program where staff may nominate their coworkers. The two awards that are included in the program are the Director's Award and the Distinguished Service Award. He said that all nominations are gathered through an open nomination process throughout the department, and the program committee along with the Executive Team, make the final selection from the nominations. Director Wood said that the awards will be presented to the selected staff annually at a Commission Meeting.

The Director's Award

The Director's Award recognizes exemplary leadership by efforts and accomplishments. Characteristics and traits include: integrity, trustworthiness, initiative, innovation, common sense, the ability to effectively communicate, flexibility, a passion for the job, life and

personal growth, the drive to get things done, sustained in the face of adversity, support of co-workers and positive team morale, building effective partnerships and relations, and the ability to inspire and motivate others.

Director Wood presented the Director's Award to Justin Parker, ranger at Fort Stevens.

Director Wood presented the Director's Award to Scott Youngblood, ranger for the Southern Willamette Management Unit.

Distinguished Service Award

The Distinguished Service Award recognizes current or past employees of OPRD, they must have given at least twenty-five years of service to OPRD and demonstrated significant efforts and accomplishments over their years of service.

Director Wood presented a Distinguished Service Award to Letha Crawford in honor of Bill Crawford's service to the agency.

Director Wood recognized Larry Miller, Eastern Region Manager, for over thirty years of service with the department. Mr. Miller will be retiring effective April 29, 2011. He served in numerous positions, most recently as District and Region Manager. Director Wood thanked Mr. Miller for his commitment to the department.

Mr. Miller stated that this job became something that is so much more than a job, it became a way of life and becomes part of you as a person. He said the things that we do on the ground, the people that come to recreate, the memories we help to create is amazing. Mr. Miller shared that it is easy to get caught up in the details that have to be done to make it work, but its really about the things we do to help people get away from their every day life, the important things. He said it was tough at times, but it was very rewarding.

b) Central Business Services Update

Director Wood said the agency is looking at how we might take advantage of some of the automation that helps our central reservation system function and how the agency might be able to use the manpower available to gain efficiencies on how we manage information in the department and provide services internally while providing one stop shop center for customers. Director Wood said that Marilyn Borgelt, the Reservation Services Manager, is leading the project and the goal is to look at what kind of agency services we can consolidate and provide more efficiency. He said that with more reservations moving to the internet it may be adjustments with assignments of staff at the call center. He shared some examples of duties that may benefit: publication orders, centralizing management of information, information center for customers. Director Wood told the Commission that more information will be provided on this item at the July meeting.

c) Audit Committee Report

Director Wood said that Commissioners had been involved with doing an assessment of the enterprise risks of the department. He shared that the information gathered has been consolidated and reviewed and was adopted by the committee yesterday. Director Wood said the report will guide our auditing efforts over the next several years. He stated that the intent is the audit plan for each year will focus on specific risks that have been identified by the report. He shared that at the last Audit Committee meeting the report was reviewed and discussion focused on the progress in improving accountability of management at the Oregon Exposition Center (OEC); progress is moving forward and in the coming year Ms. Clapper, Quality Assurance Coordinator, will review the implementation from the recommendations

of the OEC prior to and during fair time and will also undertake a review across the department of contracting procedures.

Commissioner Brown said that he and Ms. Clapper took a course on internal auditing recently. He said that the presenter pointed out that organizations have 50% of their issues because of the lack of a cohesive enterprise level strategic plan. He shared that in details of the risk assessment report you will find that there is an important role for the Commission to maintain and retain the strategic vision for the agency.

5. Consent Calendar (Action)

- a) Approval of Delegated Authority Report
 1. Contracts
 2. Natural Resources
 3. ATV Grant Requests
 4. Operations Procurements and Facilities Investment Program (FIP) Projects
 5. Best Practices Report

Commissioner Brown asked about the contract listed for Shilo Inn on the contracts report. Staff replied that those charges were offset by registration fees.

Mr. Shipsey noted that on item 5a2 a beach access stairway permit was issued and an adjoining landowner has requested a contested case proceeding; the permit has been issued but there will be further proceedings.

Commissioner Brown moved to approve the consent calendar. Commissioner Graves seconded. The motion passed unanimously, 6-0.

6. Budget & Legislative

Lisa VanLaanen, Assistant Director of Administration

- a) Budget Update (Information)
 1. 2009-11 Budget Status

Ms. VanLaanen shared that the March 2011 Lottery forecast was released February 15, 2011. It reflected a decrease in Lottery Fund revenue for the Department of \$355,213. She said that since the close of session, the Lottery Fund revenue forecast has decreased by \$3,911,879. Ms. VanLaanen said that they have made the internal adjustments and are prepared for the next forecast. She reported that at the same time as the lottery forecast declining we are also seeing Park User Fees and Interest Earnings falling below projected amounts for the biennium. Internal adjustments to spending are being made to end the biennium with the appropriate cash ending balances.
 2. 2011-13 Budget Update

Ms. VanLaanen said the agency has made it through all the required steps in the audit process to get to the Governor's Balanced Budget. She said the agency budget hearings are scheduled for Monday morning and will conclude on Tuesday. Ms. VanLaanen shared a couple of things with the Commission to pay attention to; one is that adjustments will need to be made due to the lottery forecast going down and it is also anticipated that adjustments will be made to other fund revenue at the same time.

Commissioner Brown asked how long the session can run. Director Wood replied that it can run into July but it is limited by a number of days; they have given a date of June 30th as their end date.

Commissioner Brown said that given the testimony given by Mr. Smiles there is some internal fact finding that needs to happen so the issues can be discussed with the Ways and Means Committee.

Commissioner Brown asked what the implementation cost of ballot measure 76 was. Director Wood replied that in the Agency Recommended Budget before ballot measure 76 passed we had recommended \$7 million dollars for the local government grant program; when the ballot measure passed the minimum requirement became 12%, which added another \$3 million. He said there is also about \$600,000 in costs to manage the program that had to come out of our budget.

b) Legislative Update (Information)

Kyleen Stone, Assistant Director of Recreation Programs and Planning

Ms. Stone shared that staff are following more than 350 bills. She gave a brief update on some key bills; listed below:

- SB 123 – was to give Commission authority to adjust rates without having to get legislative approval. The bill was removed and the process for adjusting rates will continue to go through the legislative process.
- SB125 – housekeeping bill that we introduced; the bill declares that there would be representation on the Heritage Commission from the Tourism Commission; has had a hearing with no complications.
- SB124 - key piece of legislation that provides for flexibility to administer the fair, provides some exclusions from state procurement rules, does not exclude us from procurement rules around capital construction and public improvements; has not had a hearing at this time.
- HB2329 - ATV bill introduced by the Interim House Transportation Committee on our behalf; the bill that implements the recommendations of the ATV Advisory Committee; currently working on amendments; there are constituents that have concerns that we include language that would require land managers to allow the class 4 vehicle to use same trails as class 1 use; the agency's position so far is that it is up to the land manager as to what types of vehicles and under what conditions they are allowed; the goal of this legislation is really to define the different types of vehicles and the safety training requirements associated with the different vehicles; expect hearing in early April.
- SB 342 - implements ballot measure 76; the goal of this bill is to be non controversial; currently a debate regarding the grant percentage.
- HJR 29 – this bill is a result of negotiations when ballot measure 76 was being campaigned; there was an agreement reached between supporters and legislators trying to find a way to access lottery funds in times of economic crisis particularly on behalf of schools; this resolution attempts to put the agreements on paper; there has been a hearing with some desire to see this move forward on the part of many legislators; it would put a ballot measure on the November ballot asking voters to reconsider ballot measure 76; it would allow legislators to reach into the funds in times of economic emergencies; also adds a sunset date of 2035.

Commissioner Graves asked when they have access to lottery funds when general fund is in decline, what is the extent of the access. Ms. Stone replied that at this

time there is some confusion on how much and when they would be able to access the lottery dollars.

Commissioner Chalfant asked if this passed in November, would it impact this biennium. Director Wood replied that it could.

- SB58 - transfers the Natural Heritage Advisory Council from DSL to OPRD.
- SB933 – would transfer the Marine Board to OPRD; do not sense any appetite to create a Division of Natural Resources; nothing has been scheduled on the marine board bill.
- SB444 – makes it so that Home Brew competitions can be held at the fair.
- HB2250 - had us looking at transferring Forest Park to OPRD; Director Wood is working with Representative Greenlick to get a group together to discuss the options.
- HB2746 - prohibits OPRD from entering into agreements where we charge for a percentage of gross profits for our fee, it does not prohibit us from recovering our cost; the bill as written posed problems for administering the fair; staff have worked with Mr. Smiles and proposed an amendment that would allow the bill to move forward but would exempt the State Fair; during testimony it was communicated to the legislature that this issue could be resolved administratively; there is not a hearing scheduled at this time.
- HB2713 and HB3335 – these bills provide fee waivers for specific park services for veterans and some spouses; HB 3335, fees at yurts and horse camps would be waived for all veterans; the sponsor of the bill testified that the intention was not for the bill to be that broad; intention was for a way for veterans to reintegrate with their families upon discharge of service; possibly a 10 day State Parks vacation for veterans and their families; will be working with that legislator to craft an amendment or take care of it administratively that would have less of a fiscal impact.
- SB165 - declares Oregon Historical Society as a historical site; Chair of the Committee that has the bill indicated that it will not have a hearing.
- HB2063 – establishes a statewide database for all state agencies to track assets and deferred maintenance; have had some concern with this bill as OPRD has invested considerably in the HUB;
- SB501 - This is a bill that has been introduced for the past three biennia; it would have OPRD providing funds to an entity for the purpose of dredging the mid-Willamette River; no hearings have been scheduled.
- HB3299 - directs the Office of Emergency Management and State Parks to jointly develop a State Emergency Preparedness Parks System; Director Wood said this bill will probably not go forward; testimony by General Caldwell and John Potter stated that what we really need to be doing from the emergency planning standpoint is for parks to be at the table so that any facilities or assets that we might be able to bring to the table would be considered; OPRD will have a seat at the table for discussions.
- HB3416 - directs a WWII memorial be built on State Capitol State Park grounds; there has been an amendment that looks to build the memorial regardless of park rules; work done on preliminary designs have been introduced, staff have been participating in those discussions.
- HB3477 – currently written to privatize 10-20 state parks on a pilot basis to see if it's a model to yield economic success.
- Two bills related to Heritage that establishes task forces, HB2859 and HB3210.

7. Real Property

Cliff Houck, Real Property Manager

- a) Wasco County PUD – White River Falls Hydro Project Proposal (Information)

Mr. Houck introduced representatives of Wasco County PUD. He said this is an informational item and an opportunity for the Commission to ask questions.

Presentation by Wasco County PUD

Kurt Conger, Consultant to Wasco PUD

Mike Maloney, Soar Technologies

Eileen McLanahan, Meridian Environmental, Inc

Representatives for Wasco County PUD provided information on the proposal highlighting:

- Benefits to PUD Customers, State Park and the Community
- Description of Proposed Facilities and Structures
- FERC and State Licensing Processes
- Next Steps

[Since the March 16, 2011 presentation to the Commission, Wasco County PUD has withdrawn the proposal for a hydropower plant at White River Falls.]

- c) Waiver of Codes, Covenants and Restrictions (CC&R's) on OPRD ownership for City of Lake Oswego

Cliff Houck, Property Resource Manager

Jane Heisler, Lake Oswego Tigard Water Department

Mr. Houck said that OPRD owns lots 25 and 25A within the Maple Grove subdivision in West Linn, Oregon. He explained that these lots are also known as Willamette Greenway parcel OPRD-W07 and are adjacent to Mary S. Young State Park (which is under management agreement with the City of West Linn.) Mr. Houck explained that the City of Lake Oswego is developing a project for the expansion of the water treatment plant onto its Maple Grove lots. The expansion plans are in conflict with the existing CC & R's. The CC & R's are for residential structures only and will not allow for the plant expansion or the landscaping, trails and fencing proposed.

Commissioner Brown asked for clarification of why the waiver is needed. Ms. Heisler explained that the waiver would not be a waiver on the property owned by OPRD. She said that OPRD is involved as a member of the plat and the CC & R's indicate 75% of property owners must sign the waiver to move forward.

Ms. Heisler shared that the city had been working with the neighborhood on a good neighbor plan and have good support in a portion of the neighborhood. She shared that there is a core group that has said they will not sign and do not want the treatment plant there.

Commissioner Chalfant asked if this project had any direct implications on the park. Mr. Houck replied no; it is just a waiver of a condition restriction. The project is not on the property owned by OPRD. Ms. Heisler explained the extent of the project. She shared that there will be a subsequent decision that will come to the Commission regarding a permit for an easement to work on the park property for a pipeline.

Commissioner Brown asked about the size of the structures. Ms. Heisler said that there is an underground clear-well and a pump station that is 100' x 60', along with a generator and surge tank. She said that from any side of those above ground facilities there are over 120 ft of buffer area and the closest home would be 150 ft.

Commissioner Graves clarified that existing homes will be taken down and the land will become green space. Ms. Heisler confirmed that it will be fully landscaped and hope to leave the majority of it open for public use.

Ms. Heisler clarified that a preliminary appraisal was done to see if the development would have a negative impact on the property value; the outcome showed a zero affect. She said the \$1000.00 being offered to landowners is not compensation but for time and trouble in reviewing the information.

Commissioner Brown commented that he did not think it was our role to block a decision the city council has made.

Commissioner Chalfant asked where the City of West Linn stands on this issue. Ms. Heisler replied that they are working closely with them. She said that the city council is going to sign and has taken an active role in getting a mediator to work with the group. The City of West Linn has not signed off at this time because they feel it puts them in a bad position with the neighbors.

Commissioner Rudi asked what the benefit is of the plan. Ms. Heisler said that the benefit is that we are there only source of emergency and back up supply of water for West Linn. She discussed the benefits to Lake Oswego and Tigard as well.

Commissioner Musser commented that it felt like our one waiver wouldn't make a difference, however State Parks taking a stance might make a difference; do we want to be in that position. Commissioner Graves commented that this could be revisited once 74% of signatures have been attained. Ms. Heisler said that is the position of West Linn as well.

Mr. Houck said that a couple of reasons why OPRD might want to go forward is to avoid being named in the condemnation, another reason is that it might benefit future requests to Lake Oswego and hope they would approach us based on the project and our mission.

Commissioner Chalfant commented that he would tend to follow Commissioner Brown's lead; it is a situation that does not impact the park and the inclination would be to defer to the local jurisdictions. He stated that it sounded like the local jurisdictions are in agreement.

Commissioner Brown moved to approve the Department to consent to the amendment of the CC & R's of Maple Grove Subdivision to allow for the proposed expansion and improvements of the City of Lake Oswego Water Treatment plant and to accept the \$1000 compensation being offered. Commissioner Chalfant seconded.

Commissioner Graves suggested that we make that motion contingent on West Linn's approval. He said to give commission approval before West Linn's seemed premature. The Commission discussed that option.

Commissioner Graves stated he was uncomfortable making the decision not having enough time to fully digest the public comment provided.

The Motion was not amended.

The motion passed 4-2.

Opposed: Graves, Musser

b) Siegel Property - Beaver Creek (Information)

Mr. Houck provided a brief update on the Beaver Creek property. He said the next steps are being taken with this acquisition. He will be working with the land owner to put together a purchase and sale agreement for the wetlands.

c) Waiver of Codes, Covenants and Restrictions on OPRD ownership for City of Lake Oswego (Action)

[Item 7c was heard earlier in the agenda after Item 7a]

d) Bradwood Landing (Information)

Mr. Houck provided an update on the Bradwood Landing property. He stated there was a site review and a list of issues and benefits included. He said there is a meeting set with the Columbia Land Trust (CLT) to review the property.

Discussion

Commissioner Brown said he was concerned; his own sense of earlier discussion is that there is not a lot of interest in Bradwood and asked why we are proceeding. Director Wood replied that the lack of interest in the property is a message we can give the land trust.

Commissioner Chalfant said that it is important to convey to all of the land trusts and other groups that may bring projects to us in the future of how limited our acquisition budget is at this point. He said this is important so they don't expend dollars and energy and to make sure there is no misunderstanding of the agency's intent. Mr. Houck stated that it has been clearly communicated with CLT that there is no funding.

Commissioner Brown said if we have a number of projects on the table that we have already decided are priorities, including acquiring opportunistically, there are no other resources to get involved in these types of projects. He stated that we are in pursuit of completing the projects that we have started and are not able to take on other projects.

Director Wood referred to the process for bringing items to the Commission and stated that, with items such as this, staff are trying to keep the Commission informed about what is being proposed to them.

8. Natural Resource Management

- a) Ocean Shore Permit Issues (Information)
Tony Stein, Coastal Land Use Coordinator

Mr. Stein presented the Commission with ocean shore permit information and a presentation focused on the following topics:

- Eligible Goal 18 properties versus ineligible adjacent properties
- Placement of Shoreline Protective Structures outside of OPRD's jurisdiction
- Shifting jurisdictional boundaries at mouths of estuaries

Mr. Stein explained that the ocean shore lying between extreme low tide elevation and the Statutory Vegetation Line (SVL) or the line of established upland vegetation, whichever is "further inland."

Mr. Stein discussed Goal 18 permits that had been issued. He explained Goal 18; it states that permits for beachfront protective structures shall be issued only where development existed on January 1, 1977. He said the counties actually make the determination for Goal 18 requirements; the department generally concurs with their decision but there are times when the department might technically disagree. He shared an example of a permit recently issued allowing protection of alternating and adjacent properties that meet Goal 18. He said that the county made the determination to be "incidental" and necessary to protect the Goal 18-eligible property.

Mr. Stein said that another issue was placement of shoreline protection structures outside of the department's jurisdiction. He shared some examples of structures that had been placed during development of projects that, at the time, were not under our jurisdiction.

Commissioner Brown asked if OPRD would have jurisdiction even if the structures were pre-existing. Mr. Stein replied yes, OPRD's jurisdiction is not static; the erosion, along with other environmental factors, changes the jurisdiction and violations would be issued.

Commissioner Musser asked if we would actually ask them to remove the structures that were not permitted. Mr. Stein replied yes, according to the rules it is a violation. Commissioner Musser asked how, with the changing jurisdictions, landowners are able to work within the permitting process. Mr. Stein said that the intent of some of the structures is to protect the property for the future; if they are not eligible to get a permit from OPRD they find other ways of building the structures. He said it is a risk the landowners take because of the potential for changing jurisdictions.

The Commission discussed public awareness and notification to the public and potential buyers of property.

9. Recreation Programs and Planning/Land Use

- a) State Capitol State Park Plan (Action)
Kathy Schutt, Planning Manager
Jenn Cairo, Valleys Region Manager

Ms. Schutt stated that this was a request for an informal approval for the plan that is an initial effort for a comprehensive park plan. She explained that this was not a request for approval to go to rulemaking because it is not a formal master plan; the kinds of proposals included in the plan do not warrant taking it to that level.

The Commission complimented staff on the plan.

Commissioner Musser moved to approve the State Capitol State Park Plan. Commissioner Chalfant seconded. The motion passed unanimously, 6-0.

10. Rulemaking (Action)

- a) Request to go to rulemaking for OAR chapter 736, division 6; Local Government Grant Program
Kyleen Stone, Assistant Director of Recreation Programs and Planning

Ms. Stone stated that after the passage of Ballot Measure 76 stakeholders asked the agency to open the local government grant rules. She said there are some technical changes that need to be addressed and some questions that different forms of government are bringing to us regarding geographical equity, and other items that need to be looked at.

Ms. Stone said a grant committee is being formed to look at the rules. She said this process may take some time. She explained that the plan is to start meeting with stakeholders in the spring, bring a Grant Systems Plan to the Commission in June and be ready to adopt in the fall.

Commissioner Graves moved to approve the request to go to rulemaking for OAR chapter 736, division 6. Commissioner Brown seconded. The motion passed unanimously, 6-0.

- b) Adopt OAR chapter 736, division 19; Acquisition Rule
Cliff Houck, Real Property Manager

Mr. Houck called the Commissions attention to the adjustments made to the rule text as a result of the discussion at the January Commission meeting.

Commissioner Musser moved to approve the adoption of OAR chapter 736, division 19. Commissioner Brown seconded. The motion passed unanimously, 6-0.

- c) Request to go to rulemaking for OAR chapter 736, division 15; Veterans and Foster Fee Waiver
Proof of Eligibility
Richard Walkoski, Recreation Programs Manager

Mr. Walkoski said the fee waiver sections of the division 15 rules include fee waivers for Veterans and Foster Families; however those sections do not include the requirements for proof of eligibility to receive those waivers. He said that the requirements for proof of

eligibility are included in the Registration and Reservation Administrative Procedures (RRAP) Manual.

Mr. Walkoski shared that recent advice from DOJ indicates that requirements for proof of eligibility regarding financial impacts to customers should be in rule as opposed to policy. He said that in order to avoid opening division 15 rules continually throughout the year, it is our practice to accumulate rule related changes until there are several items or there is a critical need to open the rules, so several other reservation related rule amendments are being included in this rule making action.

Commissioner Graves asked for clarification of holding yurts and cabins for people with disabilities. Mr. Walkoski replied that we do not currently keep any aside because of the limited facilities.

Commissioner Chalfant asked if there was any fiscal impact anticipated. Mr. Wolkoski replied that there was not any fiscal impact foreseen because the yurts and cabins will only be held until the last one is reserved.

Commissioner Chalfant moved to approve the request to go to rulemaking for OAR chapter 736, division 15. Commissioner Musser seconded. The motion passed unanimously, 6-0.

- d) Request to go to rulemaking for OAR chapter 736, division 10; Compliance with new ADA rules
Richard Walkoski, Recreation Programs Manager

Mr. Walkoski said the reason this is going to rulemaking is because of the new federal regulations on ADA. He explained that “other power driven mobility device” is now defined as “any of a large range of devices powered by batteries, fuel, or other engines—whether or not designed solely for use by individuals with mobility impairments—that are used by individuals with mobility impairments for the purpose of locomotion, including golf cars, bicycles, electronic personal assistance mobility devices (EPAMD’s), or any mobility aid designed to operate in areas without defined pedestrian routes.” Wheelchairs and other devices designed for use by people with mobility impairments must be permitted in all areas open to pedestrian use. “Other power-driven mobility devices” must be permitted unless such use would fundamentally alter the entity’s programs, services or activities, create a direct threat, or create a safety hazard. This broadening of the range of devices that may now be used will require changes to OPRD rules to allow such devices for the purposes of ADA access. The new ADA regulations also define “Service Animal” which should be incorporated into division 10 rules, and require that miniature horses be allowed in specific facilities subject to certain considerations.

Mr. Walkoski said that in order to avoid opening division 10 rules continually throughout the year, it is our practice to accumulate rule related changes until there are several items or there is a critical need to open the rules. Two other division 10 rule changes are being included in this rule making action: 1) the rule on campsite occupancy needs to specify that persons must occupy the site each night during the entire length of stay. This addresses a problem caused by campers getting a site for nine or ten days, including two weekends, then leaving during the week to go home or to work. This practice ensures that they have the second weekend, but leaves the site unoccupied during the week. 2) Pet Friendly yurts and cabins need to be excluded from the rule prohibiting animals in park facilities.

The Commission discussed service animals and pet friendly facility use, including liability issues.

Commissioner Brown moved to approve the request to go to rulemaking for OAR chapter 736, division 10. Commissioner Chalfant seconded. The motion passed unanimously, 6-0.

- e) Adopt temporary rule for OAR chapter 736, division 10; Compliance with new ADA rules
Richard Walkoski, Recreation Programs Manager

Mr. Walkoski explained that the temporary rule for OAR chapter 736, division 10 is because of the new federal regulations implementing the Americans with Disabilities Act of 1990 (42 U.S.C. 12181) (ADA). He said the regulations expand the types of mobility devices that may be used for access; this broadening of the range of devices that may now be used will require changes to OPRD rules to allow such devices for the purposes of ADA access. Mr. Walkoski said that the new ADA regulations also define "Service Animal" which should be incorporated into division 10 rules, and require that miniature horses be allowed in specific facilities subject to certain considerations. He explained that the permanent rule making process will take several months, and since the new regulations are effective March 15, 2011 temporary rules are needed to conform division 10 to the new federal regulations.

Commissioner Musser moved to approve the adoption of a temporary rule for OAR chapter 736, division 10. Commissioner Rudi seconded. The motion passed unanimously, 6-0.

- f) Request to go to rulemaking for OAR chapter 736, division 201; Oregon State Fair
Brian Silcott, Assistant Director of the Oregon Exposition Center

Mr. Silcott stated that staff specifically plan to address OAR 763-201-0065 (Inspections During State Fair and Other Controlled Events) so that we can give explicit permission to conduct searches inside the fair gates and OAR 736-201-0040 (Advertising, Canvassing or Soliciting) to ensure that we have rules that are enforceable and supported by DOJ. We will make any other necessary changes as guided by DOJ to ensure all of division 201 is consistent.

Mr. Silcott reported that OPRD staff and safety personnel at the Oregon State Fair have encountered difficulty in enforcing existing OPRD policy in some situations that involve advertising, canvassing or soliciting on State Fair property. In addition staff believes it would be prudent to clarify and elaborate on inspections during state fair and other controlled events and give security personnel the ability to conduct these searches on OEC grounds.

Mr. Silcott shared that staff will meet with DOJ, Oregon State Police and Gary Chichester (Oregon State Fair Public Safety Liaison) to develop rules that provide a safe environment at the Oregon State Fair, are enforceable by Oregon State Police and are supported by DOJ.

Commissioner Brown asked if the use of the term permittee is the correct term used on the fourth line of OAR 736-201-0040 in regards to Advertising, Canvassing or Soliciting. Mr. Shipsey said that he will look into the use of the term, permittee, in this instance.

Commissioner Graves moved to approve the request to go to rulemaking for OAR chapter 736, division 201. Commissioner Chalfant seconded. The motion passed unanimously, 6-0.

11. Heritage Programs

- a) Heritage Programs Report (Information)
Roger Roper, Assistant Director of Heritage Programs

Mr. Roper provided the following items as information only. He highlighted information provided on the Oregon Digital Newspaper Project.

Dayton: A Case Study in Park Improvements and Historic Preservation

Recent developments in the small town of Dayton (Yamhill County) illustrate how a variety of OPRD programs can benefit a community. The town's historic core includes Courthouse Square Park, which occupies a full block downtown. The city received a \$118,000 Land and Water Conservation Fund grant from OPRD to make improvements to the park. Given that the downtown park is historic (listed in the National Register in 1987); the city also consulted with SHPO to make sure the historic character of the park was retained through the upgrading process.

Concurrently, downtown building owners expressed an interest in refurbishing some of the older commercial buildings adjacent to the park. SHPO staff helped develop façade improvement plans for 10 buildings and presented their recommendations at a well-attended community meeting. Inspired by the designs, the community and building owners decided to move forward, both with some of the specific improvements and with an overall plan. The city has also joined SHPO's Main Street and Certified Local Government programs, which will continue to assist it in its historic preservation and downtown revitalization efforts.

Heritage Conference

This year's conference will be held in Astoria, April 7-9, and coincides with the city's bicentennial celebration (a year-long event). Though the emphasis is, of course, on "heritage", many of the sessions and workshops address topics that are applicable more broadly. For example, there are presentations on Internet media marketing, how to make your destination more attractive and memorable, how to conduct successful events, partnerships, and the use of technology and 3D imaging for interpretive purposes. The conference agenda is available on our website: www.oregonheritage.org, then click on either the conference link, which is one of the four rotating images at the top of the page, or the Heritage Commission link on the left side.

Oregon Digital Newspaper Project

In 2007, the University of Oregon approached the Oregon Heritage Commission (OHC) and the State Historic Preservation Office (SHPO) about helping them start a long-term effort to scan all of Oregon's historic newspapers and make them available online. U of O has the largest collection of Oregon newspapers, some extending back into the 1840s. A number of other states have launched similar newspaper scanning projects, most in coordination with the Library of Congress. A key feature of the process is the "optical character recognition" (OCR) component, which makes every word searchable.

OHC and SHPO quickly realized the tremendous research opportunities this project would afford and provided a start-up grant of \$145,000 from their annual allocations from the Oregon Cultural Trust. U of O then leveraged that grant to obtain other funding. After a few years getting the project up and running, the first phase of scanning has been completed. This included 188,000 pages from 14 newspapers from around the state. This is only a small percentage of the total project, but it is a significant start. The scanned newspapers are accessible on the Library of Congress's "Chronicling America" website.

12. Operations Procurements and Facilities Investment Program (FIP) Projects

a) FIP Information Update (Information)

The FIP Information Update was provided to the Commission to update them on the status of current projects. There was no discussion.

13. Reports (Information)

The following reports were provided to the Commission as information only:

- a) Forest Management Projects
- b) Key Agency Training
- c) ODOT Agreements for paving and rest area maintenance
- d) OSP Law Enforcement Contract
- e) Fireworks Permits
- f) Planning Update for Cottonwood Canyon State Park
- g) Thompson's Mills Dam Removal Project Update
- h) Quality Assurance Report
- i) Deschutes River Management

14. Commission Planning Calendar (Information)

The next meeting of the Oregon Parks and Recreation Commission will be May 24-25, 2011 in Newberg. The meeting is currently planned to take place at the Chehalem Parks and Rec office. Tuesday, May 24th, the Commission will tour area park property and projects, including Champoeg State Park; Wednesday, May 25th, the Commission will have their business meeting at Chehalem Parks and Rec.

[Commissioner Brown will not be at the May meeting.]

The March 16th meeting of the Commission adjourned at 2:59 p.m.