

**IMPORTANT:** Any citizen attending a Commission meeting may speak on any item on the agenda. If you wish to speak, please fill out the Speaker Request form located near the entrance to the meeting room. The Chair will recognize you and inform you as to the amount of time allotted to you. The time granted will be dependent to some extent on the nature of the item under discussion, the number of people who wish to be heard, and the length of the agenda.

**CITY OF ASHLAND  
PARKS AND RECREATION COMMISSION**

**Study Session  
MAY 13, 2013 @ 7:00 PM  
PARKS OFFICE ◊ 340 S. PIONEER STREET**

- Call to Order
- One-Year Policy Review of Special Events / Selling in the Park Policy
- Discussion of Proposed Ad Hoc Committee Motion
- Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28CFR 35.102-35.104 ADA Title I).

# ASHLAND PARKS AND RECREATION COMMISSION

340 SO. PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:  
Mike Gardiner  
Rick Landt  
Jim Lewis  
Stefani Seffinger  
Vanston Shaw



Don Robertson  
Director

TEL: (541) 488-5340  
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## MEMORANDUM

**TO** : Ashland Parks and Recreation Commission

**FROM** : Don Robertson, Director

**DATE** : May 8, 2013

**SUBJECT** : May 13 Study Session

The May 13 study session features two topics:

### **Review of Special Events / Selling in the Park Policy**

When the commission approved the special events policy last April, they requested a one-year review of the policy. Rachel prepared a brief report (attached) to help facilitate the discussion.

### **Ad Hoc Committee Motion**

The Ad Hoc Committee passed two motions at their last meeting. The first was rescinding an earlier motion to establish a \$750,000 ending fund balance for the biennium FY 13 – 15 for Parks and Recreation. The second was recommending the use of \$750,000 to establish a reserve account for Parks and Recreation.

During the budget meeting on May 1<sup>st</sup>, the Budget Committee tabled any action on the motions made by the Ad Hoc committee until after the commission had a chance to discuss the motion.

This item is also scheduled to appear on the commission's May 20 regular meeting agenda for potential action.

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## MEMORANDUM

**TO** : Ashland Parks and Recreation Commission

**FROM** : Rachel Dials, Recreation Superintendent RD

**DATE** : May 7, 2013

**SUBJECT** : Special Event / Selling in Lithia Park Policy

The Special Event/Selling/Booths in Lithia Park policy was approved by the Parks Commission on April 23, 2012. At that time, the commission asked for a one-year policy review.

Since the policy was adopted, three events have been approved—the Siskiyou Challenge, Southern Oregon Pride Festival, and the Monster Dash. One additional event applied for a permit but did not meet established criteria and was denied.

Staff considers this policy to be a positive addition. It has allowed staff to be flexible with events held in Lithia Park while maintaining Ashland Parks and Recreation Commission park rules and policies.

The commission may hear users asking for the policy to be altered with regard to the amount of booths permitted in the bandshell parking area. Currently the policy allows for up to ten booths. Staff feels that ten booths is an adequate number and adding more would congest the area and compromise safety.

**Attachments**

Selling in the Park—adopted policy

## **Special Event / Selling / Booths in Lithia Park Policy**

*Approved by Ashland Parks Commission on 4/23/12*

### **Scope:**

This policy applies to all persons:

1. requesting to hold a special event within a park area and to sell goods or services from booths set up within a designated park area.
2. requesting to hold a special event within a park area and to set up informational booths.

### **Current Policy:**

#### **10.68.060 Penalty for Violation:**

“No one shall sell or offer for sale any article or perform or offer to perform any service for hire in any of the parks without a written permit for such concession properly and regularly granted by the Parks Commission. No one shall hawk or peddle popcorn, ice cream, candy, soda, water, peanuts or similar wares within or on any of the park grounds of the city without first securing a permit to do so from the Parks Commission. Unpermitted commercial activity is a Class I violation.”

### **Suggested Amendment to policy:**

The Parks Commission gives authority to staff to approve exceptions if all of the following conditions are met:

1. Booths are in conjunction with an event (1-day events only).
2. Event organizer has a 501(c)(3) non-profit status (per IRS definitions) and can show proof at time of application submittal.
3. Event organizer adheres to all Ashland Parks and Recreation Commission park rules and policies.
4. Maximum number of selling events (3) allowed per month has not been exceeded.
5. Event is approved on a one-time basis only. Repeat events must reapply.

### **Criteria for Approval/Denial of application:**

In issuing an exception for an event that includes selling in the park, staff will consider:

1. Other event(s) scheduled for the same day/weekend. First consideration given to established events.
2. Proposed location is adequate for the size and nature of the event.
3. Event is not likely to cause injury to persons or property.
4. Event will not substantially interfere with the safe and orderly movement of pedestrians and vehicular traffic in the area.
5. All other permit requirements have been met.
6. All required insurance documents are submitted.
7. Previously identified issues have been addressed in the application.

## **Events that may be considered:**

1. Recreational and family events and activities
2. Athletic events (running, biking, triathlons)
3. Musical events (concerts)
4. Holiday centered events (4<sup>th</sup> of July, Memorial Day, Thanksgiving, Christmas)
5. Events that promote a healthy lifestyle

## **Exemptions to current Policy:**

- 4<sup>th</sup> of July and other significant and/or historical community wide-events
- Shakespeare's Feast of Will event
- Calle Guanajuato-Restaurant and Artisan contracts
- Concession stands at Hunter Park and North Mountain Park

## **FEES:**

All applicants pay an administrative fee of \$25 when the application is submitted. If the application is not approved, or if the applicant withdraws the request, the Recreation Superintendent or staff designee will evaluate and subsequently determine if a refund is appropriate.

**Any currently established non- profit event fees will not apply when requesting an exception to the "selling in the park" policy.**

Staff will review the proposed event application and determine fees at 100% of costs.

If the exception is approved, the applicant will be charged a

1. \$190 refundable security deposit
2. \$220 fee for use of the bandshell area.
3. \$25 per booth fee (limit of 10 booths per event)
4. \$75 street closure fee (Nutley to the Upper Duck Pond).

## **Booth Definition:**

10 x 10 tent, stall, or area at a fair or exhibit, offering some form of entertainment, information or goods for sale.

## **When does the booth fee apply?**

The booth fee is required when booth placement is approved. This applies to any booth regardless of money exchanged (i.e., Information booths).

## **Street Closure:**

Street closure from Nutley to the Upper Duck Pond is required for events where attendance is expected to be more than 200 people and where booths will be placed in the bandshell parking area within the designated booth area.

The Parks Department supports sustainable practices and encourages zero waste events. Event organizers should make efforts to prevent or reduce waste generated by the event.

The time limit of the event and street closure will be mutually agreed upon by staff and the event organizer and will depend on other events occurring in the area at that time.

**Information on the Butler Bandshell:**

- Events involving a performance or amplification may take place only at the bandshell.
- Noise level must not exceed 75 db when monitored from a point directly across from the bandshell on the park side of Granite Street.
- Maximum performance time is 1.5 hours and all performances and activities must conclude by 8pm.

**Application and Deadline:**

An application for conducting a special event in Lithia Park may be obtained from the Parks and Recreation office by calling 541-488-5340. Completed applications should be submitted to the Parks and Recreation Department no later than 90 days in advance of the event date. Applicants will be notified of permit approval at least 60 days following application submittal.

**MINTUES OF COUNCIL/PARKS AD HOC COMMITTEE  
MARCH 28, 2013 @ NOON  
PARKS OFFICE ♦ 340 S. PIONEER STREET**

Meeting was called to order at 12:30 p.m. in the Parks Office of 340 S. Pioneer Street.

Councilors Rosenthal, Marsh and Voisin, Park Commissioners Seffinger and Landt, City Attorney Dave Lohman were present.

Councilor Pam Marsh was selected as Chair for the Ad Hoc Committee.

Discussion by group began by recognizing the need for an immediate recommendation based on Parks & Recreation Department Ending Fund Balance.

Discussion points included the following: budget assumptions included in a February 21 memo from City Administrator Dave Kanner; provisional approval of proposed Parks Department budget by Parks Commission; how comfortable the Parks Commission was with the proposed Parks Department Ending Fund Balance; the theoretical and traditional process used for establishing the \$2.09 rate for the Parks Department; and how all of this is contingent upon the recommendation of this committee.

It was stated that the Budget Committee had adopted no assumptions and clarification was requested on how the Budget Committee determines assumptions for the budget. Concern was raised that the "white paper" which was identified as "Working Draft – November 12, 2012 – Parks & Recreation Funding for FY2013-15" was being used by the City Mayor and City Administrator to base assumptions on for the Parks Department Budget. City Attorney Dave Lohman stated that he was unaware if the City Administrator was using this document as a tool for the budget.

Committee discussed the need to understand the reasoning on how the 12.5% Ending Fund Balance (EFB) was determined, why it was based only on operating expenditures rather than on the entire Parks budget, and how the Ending Fund Balance is determined. It was understood that the 12.5% EFB assumes the City would guarantee any shortcomings in the Parks budget. It was noted that the Parks Department has a current policy to provide 30% EFB but may be supportive of changing it to 25% EFB.

It was recognized that a policy should be made that rewards and supports incentives for strong fiscal management.

Discussion was directed to recognizing any positives that the Parks Department may experience under the "city umbrella" which may include changing the \$750,000 EFB into an accessible Reserve Fund for the Parks Department. Concern was raised on how accessible funds would be to the Parks Department through the City General Fund and how clarity would need to be made on the difference between Ending Fund Balance and Reserve Fund. Suggestion was made that set rules and regulations would need to be established on how the Reserve Fund would be used.

Clarification on the difference between "Ending Fund Balance" and "Reserve Fund" and the need to understand Oregon Budget Law was expressed. Clarification on the policy for EFB was provided to the committee through Resolution #2010-05, which outlined the City policy for Ending Fund Balances.

Continued debate and discussion on why the issue of EFB for Parks Department was happening at this time, as it seemed to point to the expense associated with PERS (Public Employees Retirement System). There was concern raised that this is a one-time issue and that it was being used to set a process for all

future Parks budgets.

Challenges faced by the Budget Committee were acknowledged for the current budget as it pertains to the City General Fund. Comment was made that the committee should not assume what direction the Budget Committee may take.

Long-term issues were identified as "autonomy" and "organization control" for the Parks Department.

It was suggested that a "dedicated" Parks Reserve Fund be considered for the Parks Department. Mr. Lohman clarified that a "dedicated" Reserve Fund would require a continued revenue source through a 5-year levy or become a separate "district."

**JoAnne Eggers/221 Granite/Spoke** regarding the atmosphere of mistrust and voiced concern with direction on Park Funds being transferred to the City General Fund and the issue of the Ending Fund Balance. She felt it would be better if there was trust and if the same ease and conditions for access to funds were equal.

It was understood how important it was for the Park Commissioners to be comfortable with the current budget proposal and that the budget was adequate for operations and deferred maintenance. It acknowledged that it might not be adequate for the long-term. It was noted that the Meals Tax has been renewed and can be used for rehabilitating. This opportunity was not previously available.

Additional long-term issues included the need to expand the existing park system and the need to continue with many projects that have not been completed.

It was pointed out that the Parks Department had contributed to the City Reserve Fund in the past and it was questioned on how or if these funds could be returned to the Parks Department. Concern was raised on transferring Parks funds to the City General Fund and if the citizens were aware of these issues facing the Parks Department.

**Councilor Rosenthal/Park Commissioner Seffinger m/s to support current budget allocated for the Parks & Recreation Department and to establish an Ending Fund Balance of 12.5% for this biennial budget and that the City guarantee the Park & Recreation Operation Budget. To establish Parks Reserve Fund "total" commiserate to contribution made by Parks Commission to City Reserve Fund.**

DISCUSSION: It was suggested that \$1million could be placed in the City General Fund. The need to establish a long-term Reserve Fund and the importance for a recommendation by the committee was noted. Confusion on how the Ending Fund Balances are being determined and a recommendation that a Reserve Fund be established for the Parks Department in the amount of \$750,000 was voiced. Concern with providing working capital, confirmation on amount of Ending Fund Balance and difficulty with projecting future revenue based on county projections by tax assessor were also noted.

**Commissioner Landt/Councilor Voisin m/s to amend main motion that \$500,000 be transferred to a Parks Reserve Fund with funds coming from either past Parks contribution to City Revenue or reallocation of Parks Ending Fund Balance.**

DISCUSSION: Statement that there is still time to work on a policy for Parks Department Ending Fund Balance. Concern raised with the resistance that may result from an additional \$500,000 Reserve Fund over and above proposed. Concern was voiced regarding the risk associated with funds being taken away from deferred maintenance

**Voice Vote: Rosenthal, Landt and Voisin, YES; Seffinger and Marsh, NO. Motion passed 3-2.**

**Councilor Marsh/Commissioner Seffinger m/s to amend motion to include “or the projected 12.5% Parks & Recreation Department Ending Fund Balance or the current biennial Parks & Recreation Department Ending Fund Balance.”**

**Voice Vote: Rosenthal, Marsh, Seffinger and Landt, YES; Voisin, NO. Motion passed 4-1.**

Councilor Voisin left the meeting at 2:15 p.m.

**Commissioner Landt/Commissioner Seffinger m/s to amend motion to include “or the current biennial Parks & Recreation Department Ending Fund Balance.”**

**Voice Vote: all AYES. Motion passed.**

**Amended Main Motion:**

**Councilor Rosenthal and Park Commissioner Seffinger motion to support current budget allocated for the Parks & Recreation Department and to establish an Ending Fund Balance of 12.5% for this biennial budget and that the City guarantee the Park & Recreation Operation Budget. To establish a \$500,000 Reserve Fund based on either what has already been contributed to the city Reserve Fund by Parks & Recreation Department in the past or the projected 12.5% Parks & Recreation Department Ending Fund Balance or the current biennial Parks & Recreation Department Ending Fund Balance.**

Committee agreed to allow Chair Marsh to summarize the discussion leading up to the recommendation made by the approved motion and submit to the City Administrator with a request that it be placed on the agenda for the Council Study Session on April 15.

A future meeting was set for April 22 at 3 p.m. in the Parks Office.

Meeting was adjourned at 2:25 p.m.

Respectfully submitted,  
Barbara Christensen  
City Recorder

Motions by Council/Park Ad Hoc Committee:

Park Commissioner Landt/Seffinger m/s to rescind prior motion from March 28, 2013 meeting. Voice Vote: all AYES. Motion passed.

Park Commissioner Landt/Seffinger m/s that the committee propose to the Citizen Budget Committee that a new Park Reserve Fund be created with the purpose of these funds to be used for repair, restoration and improvements to Lithia Park. That the current proposed Ending Fund Balance of \$750,000 be a "zero" balance and that this amount of \$750,000 be the amount budgeted in the 2013-15 Budget for the Parks Reserve Fund.

Voice Vote: Landt, Marsh, Voisin, Seffinger and Rosenthal, YES. Motion passed.