

MEMORANDUM OF UNDERSTANDING
ASHLAND CITY COUNCIL AND ASHLAND PARK AND RECREATION COMMISSION

Agreement made this ___ day of ___, 2014, between the Ashland City Council (“City”) and the Ashland Park and Recreation Commission (“Parks”) and is effective upon signing by the City and Parks.

RECITALS

A. Under the Ashland City Charter, the Ashland City Council is the sovereign authority over all matters of City-wide concern and the owner of all land and other assets held in title by the City.

B. The Ashland City Charter creates an elected Ashland Park Commission, which also serves as the Ashland Recreation Commission, and empowers the Commission with “control and management of all the lands here dedicated for park purposes,” and further empowers the Commission with “control and management of all park funds, whether the same is obtained by taxation, donation or otherwise.”

C. The City and Parks wish to clearly define what is meant by “management,” and what the responsibility of each entity is within each aspect of management and to memorialize these responsibilities in this memorandum of understanding.

D. Management is generally defined as planning, organizing, budgeting, directing and evaluating as described in exhibit A.

Now, therefore, the City and Parks agree as follows:

1. Planning.

A. Parks responsibilities:

- 1) Parks will develop master plans for the development, operation and maintenance of lands and facilities under its control.
- 2) Parks will develop and execute functional plans regarding the allocation of staff and monetary resources for the operation of facilities and delivery of services within its scope of authority.
- 3) Parks will develop capital improvement plans (CIPs) for the expenditure of funds that have been dedicated to land acquisition and park/open space development.
- 4) Parks will create rules for use of park land and facilities, providing such rules are not in conflict with other ordinances of the City.

B. City responsibilities:

- 1) The City will maintain and periodically update the Comprehensive Plan, including Chapter VIII, Parks, Open Space and Aesthetics, which serves as the guiding document for all master plans, functional plans and capital improvement plans. The City will consider and respond to recommendations from Parks when amending or updating the comprehensive plan.

- 2) The City will include the Parks CIP in its biennial budget. The City will determine and implement all funding mechanisms for capital improvements (including Parks SDCs), other than donations and grants from non-City sources, and will determine the timing, manner and method of debt financing, if necessary.
- 3) The City will, as necessary and upon the advice of the Park Commission, adopt or amend the ordinances comprising Chapter 10.68 of the Ashland Municipal Code (Public Parks).

2. Organizing

A. Parks responsibilities

- 1) Parks will determine the nature and structure of functional divisions in the Department and how best to structure day-to-day responsibilities among and within functional divisions.
- 2) Parks will allocate appropriated resources within budget limits for the purpose of achieving its adopted goals and objectives, as well as the smooth day-to-day operation of the Department.
- 3) Parks will continue to contract for services as necessary and appropriate. When contracting for services, Parks will adhere to all provisions of AMC Chapter 2.50, Local Public Contract Review Board, and shall use only those bid forms and contracts that have been approved by the Finance Director, Public Contracting Officer and City Attorney.
- 4) Per City Council Resolution 2013-25 and AMC 2.16, Parks will, with the assistance of the Human Resources Office, hire its parks and recreation director, including development of search criteria and interview processes.
- 5) Parks will continue to provide a representative to the City risk management committee.

B. City responsibilities

- 1) The City will serve as the Local Contract Review Board.
- 2) The City will develop and enforce all codified public contracting rules.
- 3) The City will develop and enforce all codified personnel rules, as well as administrative policies necessary for compliance with state and federal laws.
- 4) The City will develop and enforce all risk management policies.
- 5) The city administrator will seek input from the parks & recreation director when developing public contracting rules, personnel rules and administrative policies, and risk management policies, whether for formal adoption by the City Council or administrative approval.

3. Budgeting and Financial Management

A. Parks responsibilities

- 1) As part of each annual or biennial budget process, using whatever process it deems appropriate, Parks will develop and recommend a budget to the Budget Officer.
- 2) Parks will set recreation fees and rental rates for all Parks-related facilities except the Community Center, Pioneer Hall and the Grove, for which Parks will recommend rates for adoption in the City rate review process. All Parks fees and

rates will be included in the City's Master Rate and Fee Schedule.

B. City responsibilities

- 1) The City reserves and will employ all authority assigned to it under Oregon Local Budget Law (ORS 294), the Ashland City Charter and any other applicable law. This includes the authority to:
 - a) Appropriate funds;
 - b) Adopt an annual or biennial budget;
 - c) Refer tax measures to the voters;
 - d) Set the City tax rate within the limits of the City's Measure 50 permanent tax rate;
 - e) Provide funding for capital improvements, including the issuance of debt;
 - f) Establish new, increased or decreased taxes, fees and charges (except fees and rental or program rates set by Parks), including such taxes, fees and charges as may be established without voter approval; and
 - g) Commit discrete revenue streams to specific purposes.

C. Other responsibilities for accounts payable, accounts receivable, payroll, purchasing, cash receipts, fixed assets and project accounting are shown in the attached exhibit B.

4. Directing

A. Parks responsibilities

- 1) Parks will assign duties and responsibilities to Parks staff, consistent with position descriptions and the operational requirements of Parks.
- 2) Parks will develop and implement policies and procedures regarding park land maintenance.
- 3) Parks will establish priorities for Parks staff.
- 4) Parks will implement procedural work policies for Parks staff.
- 5) Parks will create and maintain current position descriptions for all Parks staff positions. All position descriptions will continue to be reviewed as to form by the City Human Resources Manager.
- 6) In directing the work of Parks staff:
 - a) Parks will continue to adhere to all provisions of AMC 3.08, General Personnel Policies and Employment Responsibilities.
 - b) Parks will continue to adhere to all City administrative policies. Parks may adopt rules, regulations, procedures and administrative policies that are specific to its operations. Such administrative policies shall be in harmony with the requirements established in the City's codified personnel policies and adopted administrative policies and shall in no case be less restrictive than the City's adopted policies. Parks shall continue to adhere – without deviation -- to the City's adopted administrative policies regarding Prevention of Violence in the Workplace, Harassment and Non-Discrimination, Vehicle and Motorized Equipment Driving, IT Security, Electronic Media and Technology Use, Family Medical Leave, Equal Employment Opportunity and Affirmative Action, and Military Leave.
 - c) Parks will continue to take no disciplinary action against any employee

beyond a verbal reprimand without first consulting with the City Attorney and Human Resources Manager.

- d) Parks will continue to ensure that all employees attend mandatory trainings; whether mandatory as determined by the City Human Resources Manager, the City Risk Manager or by state or federal law.
- e) Parks and Recreation Director will, in consultation with the human resources manager, establish classifications for Parks employees. The Parks and Recreation Director will also establish compensation and benefit packages for Parks employees, subject to the statutory budget process.
- f) Parks, with the advisement of the City Human Resources Manager, will establish COLAs for Parks & Recreation employees, subject to the statutory budget process.
- g) Parks will continue to complete Personnel Action forms, under the supervision of the Human Resources Manager.
- h) Parks will coordinate all Parks-related worker's compensation claims, under the supervision of the Human Resources Manager
- i) Parks can develop its own Facebook and Twitter pages, as well as YouTube videos for instructional and educational purposes. Parks will comply with the City's Website and Social Media policy and adhere to the provisions of the City of Ashland Employee Communication Guide.

B. City responsibilities

- 1) The City will establish citywide personnel rules and policies.
- 2) The City will establish city classifications and compensation rates. Parks will work toward aligning classification and compensation rates with City structure whenever it is possible and appropriate.
- 3) The City will maintain all personnel files, including Parks', which will be kept in secured storage in the Human Resources Office. Personnel files will include training records. Electronic versions of Personnel Action Forms prepared by Parks staff will be stored in a secure folder on the City network, to which City HR staff has access.
- 4) The City will process all worker's compensation claims and will complete the annual OR-OSHA 300 Log.
- 5) The City will continue to coordinate the enrollment of all Parks employees in City benefit programs.
- 6) With the exception of the Parks and Recreation Director, the City will oversee all recruitment and selection processes, including:
 - a) All job postings will be processed through the Human Resources Office and posted using NEOGOV or any succeeding software.
 - b) Interviews will be scheduled/coordinated by the Human Resources Office, which will also provide input and assistance with the interview process, including development of interview questions, providing instructions to panelists, and distributing final interview packets to panelists. Panelists will be selected by the hiring manager in Parks. A Human Resources representative can serve as a panelist if desired by the hiring manager.

- c) Written job offers and advanced acknowledgement of the “critical” City policies will be handled by the Human Resources Office (excluding part-time temporary hires).
- d) The City will conduct background checks on all new hires in temporary or regular positions, using a third party vendor if necessary.
- e) In coordination with Parks, the City will provide orientation on City benefits for all new hires, or employees who promote into a regular position with benefits.

5. Evaluating

A. Parks responsibilities

- 1) Parks will evaluate employee performance (supervisors) and conduct annual reviews using City-standard evaluation forms or other forms that have been approved by the Human Resources Manager.
- 2) The Parks Commission will evaluate the performance of the director.
- 3) Parks will analyze program performance to ensure effective and efficient service delivery
- 4) Parks will review and analyze all general ledger activity reports to ensure accuracy
- 5) Parks will analyze and categorize physical conditions of facilities under Parks control
- 6) Parks will cooperate with auditors during on-site audits and throughout the year, and shall accept the CUFR after it is approved by the Municipal Audit Commission.

B. City responsibilities

- 1) The City will monitor budget compliance
- 2) The City will prepare for annual audit, including:
 - a) Compile year-end figures and financial reports, and assure balancing of funds
 - b) Work with auditors during on-site audits and throughout year
 - c) Generate CUFR (or blended CAFR if required by GASB 61)
 - d) Communicate with and staff the Audit Committee
 - e) Assure compliance with State of Oregon Statutes and provide documentation to State