



**AGENDA FOR SPECIAL BUSINESS MEETING
ASHLAND PARKS & RECREATION COMMISSION**

June 23, 2022

Electronic Meeting – 6 p.m.

This meeting will be held electronically via Zoom Webinar. Registration is required to view the meeting. A link to the meeting will be sent to you once registration has been completed: https://zoom.us/webinar/register/WN_07_2LKw5Rzq-cGb3siOWJw

- I. CALL TO ORDER
- II. ADDITIONS OR DELETIONS TO THE AGENDA
- III. PUBLIC FORUM
- IV. UNFINISHED BUSINESS
- V. NEW BUSINESS
 - a) Recommendation to Mayor and Council to place PET-01 (*Allocating 100% of Food and Beverage Revenue to APRC*) on the November ballot (Action)
- VI. ITEMS FROM COMMISSIONERS/STAFF
- VII. ADJOURNMENT

Public Participation Instructions

Written testimony will be accepted via email sent to sean.sullivan@ashland.or.us. Please include “**Public Testimony**” in the subject line. Written testimony submitted the Wednesday before the meeting by 11:00 am will be made available to the Parks Commissioners before the meeting. All testimony will be included in the meetings minutes.

Oral Testimony will be taken during the electronic public meeting. If you wish to provide oral testimony, send an email to sean.sullivan@ashland.or.us the Wednesday before the meeting by 11:00 am. Late requests will be honored if possible. Please provide the following information: 1) make the subject line of the email “**Speaker Request**”, 2) include your name, 3) the agenda item on which you wish to speak on, 4) specify if you will be participating by computer or telephone, and 5) the name you will use if participating by computer or the telephone number you will use if participating by telephone. Staff will provide information necessary to join the meeting upon request.

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 (800) 735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I). Parks Commission meetings are broadcast live on Channel 9, or on CHARTER CABLE CHANNEL 180. Visit the City of Ashland’s website at www.ashland.or.us.

ASHLAND PARKS & RECREATION COMMISSION

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COMMISSIONERS:

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Jim Bachman
Julian Bell
Leslie Eldridge
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Michael A. Black, AICP
Director

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MEMORANDUM

TO: APRC Commissioners
FROM: Michael A. Black
DATE: June 17, 2022
SUBJECT: Ballot Initiative: Funding for Parks

SITUATION

The “Friends of Ashland Parks, Trails and Open Space” – a group of citizens of Ashland – has submitted a Ballot Initiative with the following Caption and Question:

CAPTION: PROPOSED AMENDMENT TO ASHLAND’S FOOD AND BEVERAGE TAX ORDINANCE

QUESTION: SHALL THE ORDINANCE BE AMENDED TO DEDICATE MOST REVENUES RECEIVED FOR PARKS AND OPEN SPACE AND EXTEND THE SUNSET DATE?

Although this is not an initiative of the Ashland Parks and Recreation Commission directly, the Commissioners may choose to support the initiative if they wish. This meeting has been called to discuss the initiative in public and to determine if the Commissioners will support the efforts of the Friends of Ashland Parks Trials and Open Space.

BACKGROUND

The Friends of Ashland Parks, Trails and Open Space has filed a Ballot Initiative with the City of Ashland. This citizen initiative – see attached – would act to place an amendment to the Food and Beverage tax ordinance on the November ballot for the voters to decide the full use of the Food and Beverage tax revenue. The initiative proposes that all revenue from the tax be dedicated to APRC as follows:

1. Twenty-five percent (25%) shall be paid into the Ashland Park Commission Capital Improvement Program (CIP) Fund account for purposes of funding parks, trails and open space related acquisition, planning, development, repair, maintenance and rehabilitation of Park, and Open Space lands, facilities and amenities consistent with adopted plans of the Ashland Parks Commission.

2. Seventy-three percent (73%) shall be paid into the Ashland Park Commission General Fund account for the purposes of funding parks, trails and open space related day-to-day operating expenses consistent with the adopted operating budget of the Ashland Park Commission.
3. The City may retain up to two percent (2%) of the tax collected for costs of administration and collection.

Effect of the Ballot Initiative

To place the proposed Friends of Ashland Parks, Trails and Open Space Ballot Initiation on the November ballot, one of two actions will need to happen:

1. The Friends of Ashland Parks, Trails and Open Space will be required to collect about 2,500 citizen signatures; or,
2. The City Council may, at their discretion, place the measure on the ballot and exempt the Friends of Ashland Parks, Trails and Open Space from the requirement to collect the 2,500 signatures.

Under either circumstance, the matter would appear on the November ballot for the citizens of Ashland to decide.

If the ballot passes, APRC will receive 100% of the revenue from the Food and Beverage Tax Revenue each year for the life of the ordinance. The funds would be used to “fund parks, trails and open space related day-to-day operating expenses consistent with the adopted operating budget of the Ashland Park Commission.”

ASSESSMENT

The number one goal of APRC is to:

INVESTIGATE, DEVELOP AND IMPLEMENT A DEDICATED PERMANENT FUNDING SOURCE TO ENSURE THE LONG-TERM FINANCIAL SUSTAINABILITY OF THE ASHLAND PARKS AND RECREATION COMMISSION.

The recent budget process directed the City Council to dedicate Food and Beverage Tax fund to APRC for operations. The Council did this for one year only. The City Manager, who was appointed after the budget process, has urged the Council to disallow APRC from using any Food and Beverage Tax revenue for operations.

The proposed Ballot Initiative from the Friends of Ashland Parks, Trails and Open Space will ensure that a portion of the APRC budget is funded through a dedicated funding source, if placed on the November ballot and the citizens vote to approve the measure.

RECOMMENDATION

The proposed Ballot Initiative is favorable to APRC and APRC would be partially funded through a dedicated funding source if it were successful, which is good and achieves a measure of long-term financial sustainability for APRC.

Staff recommends that the Parks Commissioners review the proposed Ballot Initiative and consider voicing support for the initiative and recommend that the City Council place this matter onto the November Ballot directly.

Approved Ballot Title – Friends of Ashland Parks, Trails and Open Space (this initiative has been submitted to the City and accepted by the City for the circulation of a petition).

PET-01

CAPTION: PROPOSED AMENDMENT TO ASHLAND’S FOOD AND BEVERAGE TAX ORDINANCE

QUESTION: SHALL THE ORDINANCE BE AMENDED TO DEDICATE MOST REVENUES RECEIVED FOR PARKS AND OPEN SPACE AND EXTEND THE SUNSET DATE?

STATEMENT: THE CITY OF ASHLAND’S CURRENT FOOD AND BEVERAGE TAX ORDINANCE REQUIRES THAT NOT LESS THAN TWENTY-FIVE PERCENT (25%) OF THE TAX COLLECTED BE APPROPRIATED FOR THE ACQUISITION, PLANNING, DEVELOPMENT, REPAIR AND REHABILITATION OF CITY PARKS. UP TO TWO PERCENT (2%) MAY BE APPROPRIATED FOR THE COLLECTION AND ADMINISTRATION OF THE TAX. THE REMAINING AMOUNT MAY BE APPROPRIATED FOR STREET REPAIR AND REHABILITATION AND FOR PARKS.

THIS MEASURE WOULD REQUIRE THAT NOT LESS THAN NINETY-EIGHT PERCENT OF THE TAX (98%) BE APPROPRIATED FOR CITY PARKS. THIS MEASURE WOULD ALLOW THE TAX TO BE USED FOR PARKS OPERATIONS AND MAINTENANCE IN ADDITION TO ACQUISITION, PLANNING, DEVELOPMENT, REPAIR AND REHABILITATION. IT WOULD EXTEND THE EXPIRATION DATE OF THE TAX FROM DECEMBER 31, 2030, TO DECEMBER 31, 2040. IT WOULD BECOME EFFECTIVE UPON APPROVAL OF ASHLAND VOTERS.

THIS MEASURE WOULD NOT CHANGE THE CURRENT TAX RATE OF FIVE PERCENT (5%) AND PROVIDES THAT THE TAX RATE AND USE OF TAX COULD NOT CHANGE WITHOUT VOTER APPROVAL.

EXPLANATORY STATEMENT: THE CITY OF ASHLAND FIRST ENACTED A FOOD AND BEVERAGE (F&B) TAX—A TAX ON PREPARED FOOD AND NON-ALCOHOLIC BEVERAGES SOLD BY RESTAURANTS AND CATERERS—IN 1993. THE TAX WAS CREATED TO PROVIDE A REVENUE STREAM FOR THE ACQUISITION OF OPEN SPACE AND PARK LAND. 100% (MINUS 2% FOR ADMINISTRATIVE COSTS) OF ALL COLLECTED REVENUE WAS DEDICATED TO PARKS.

THE CITY COUNCIL SUBSEQUENTLY AMENDED THE F&B TAX RATE TO INCREASE REVENUES TO PAY FOR THE CITY'S WASTEWATER TREATMENT PLANT UPGRADES. UNDER THE CURRENT ORDINANCE VERSION, NO LESS THAN 25% GOES TO PARKS AND 75% GOES TO WASTEWATER DEBT. THE WASTEWATER DEBT IS NOW PAID., SO NOW THE CITY COUNCIL HAS DISCRETION TO DISTRIBUTE ITS SHARE OF FUNDING (75%) TO EITHER THE PARKS FUND OR THE CITY STREETS FUND.

PASSAGE OF THIS BALLOT MEASURE WILL ENACT AN ORDINANCE THAT AMENDS THE CURRENT F&B TAX ORDINANCE AND COMMITS THE CITY COUNCIL TO DIRECT 100% OF F&B TAX REVENUE TO ASHLAND PARK COMMISSION FOR PARKS, TRAILS AND OPEN SPACE ACQUISITION, DEVELOPMENT, REPAIR AND MAINTENANCE. THIS MEASURE DOES NOT INCREASE THE TAX RATE. UNDER THE PROPOSED AMENDED ORDINANCE, ANY CHANGES TO THE F&B TAX RATE OR TO THE DISTRIBUTION OF FUNDING MUST BE APPROVED BY ASHLAND VOTERS.

PARKS HAS BEEN FUNDED FOR MORE THAN 100 YEARS THROUGH THE CITY'S GENERAL FUND. SINCE 1993, PARKS HAS RECEIVED UP TO 25% OF THE F&B TAX REVENUE FOR PROPERTY ACQUISITION AND MAJOR MAINTENANCE PROJECTS. COMMITTING 100% OF THE F&B TAX REVENUE TO PARKS WILL PROVIDE A DEDICATED FUNDING SOURCE FOR PARKS, TRAILS AND OPEN SPACE AND WILL REDUCE PARK'S DEPENDENCY ON THE CITY'S GENERAL FUND REVENUE (PROPERTY TAXES).

REVENUE FROM THIS TAX WOULD BE LIMITED TO PARKS, TRAILS AND OPEN SPACE RELATED ACQUISITION, PLANNING, DEVELOPMENT, REPAIR, MAJOR MAINTENANCE, REHABILITATION OF PARKS AND OPEN SPACE LANDS, TRAILS, FACILITIES AND AMENITIES AS WELL AS RELATED DAY-TO-DAY OPERATIONS EXPENSES ATTRIBUTABLE TO THE PERFORMANCE OF PARKS, AND IN CONJUNCTION WITH THE ADOPTED OPERATING BUDGET, OF THE ASHLAND PARKS, TRAILS AND OPEN SPACE PROGRAMS.

THIS MEASURE WILL EXTEND THE ORDINANCE SUNSET DATE FROM DECEMBER 31, 2030 TO DECEMBER 31, 2040. THE ORDINANCE DOES NOT CHANGE THE CURRENT TAX RATE OF 5%.

RESULT OF A "NO" VOTE

IF THIS MEASURE DOES NOT PASS, THE EXISTING FOOD AND BEVERAGE TAX ORDINANCE WILL LEAVE TO THE CITY COUNCIL THE DECISION OF HOW MUCH OF THE 75% OF TAX REVENUE WILL BE DEDICATED TO THE STREET FUND OR PARKS.