



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

October 12, 2022

Electronic Meeting – 6 p.m.

To view or listen to the meeting or to provide public input, see public participation instructions on page 2

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- a) APRC Special Business Meeting – September 7, 2022
- b) APRC Regular Business Meeting – September 14, 2022

III. ADDITIONS OR DELETIONS TO THE AGENDA

IV. PUBLIC FORUM

V. CONSENT AGENDA

- a) Subcommittee Minutes Acknowledgement
  - [Bee City USA Subcommittee – June 30, 2022](#)
  - [Parks & Open Space Map Subcommittee – July 1, 2022](#)
  - [Parks & Open Space Map Subcommittee – July 7, 2022](#)
  - [Ashland Senior Advisory Committee – September 12, 2022](#)

VI. DIRECTORS REPORT

VII. BUSINESS

- a) City Attorney Report on City Council/City Manager Authority Respecting Park and Recreation (Information)
- b) Ashland Parks Foundation Report – Butler Perozzi Fountain Restoration (Information)
- c) Prescribed Burning on Park Lands and Open Space (Possible Action)

VIII. ITEMS FROM COMMISSIONERS/STAFF

IX. UPCOMING MEETING DATES

- a) APRC Study Session—November 2, 2022
  - Electronic Meeting—6 p.m.
- b) APRC Regular Business Meeting—November 9, 2022
  - Electronic Meeting—6 p.m.
- c) Ashland Senior Advisory Committee—November 14, 2022
  - Electronic Meeting—3:30 p.m.

X. 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 (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](http://www.ashland.or.us).

## Public Participation Instructions

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This meeting will be held electronically. The public can view on Channel 9 or Channels 180 and 181 (for Charter Communications customers) or live stream via [rvtv.sou.edu](http://rvtv.sou.edu) - select RVTV Prime.

Written testimony will be accepted via email sent to [sean.sullivan@ashland.or.us](mailto:sean.sullivan@ashland.or.us). Please include "**Public Testimony**" in the subject line. Written testimony submitted the Tuesday 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](mailto:sean.sullivan@ashland.or.us) the Tuesday 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.

**MINUTES FOR STUDY SESSION**  
**ASHLAND PARKS & RECREATION COMMISSION**  
September 7, 2022  
Electronic Meeting – 6 P.M.

Present: Commissioners Landt (Chair), Lewis (Vice-Chair), Bachman, Bell, Director Black, Deputy Director Dials, Senior Services Superintendent Glatt, Analyst Kiewel, Manager Sullivan

Absent: Commissioner Eldridge

This meeting was recorded and uploaded to the APRC YouTube Channel: <https://youtu.be/pPn1Dfaj48Q>

**I. CALL TO ORDER**

Landt called the meeting to order at 6 p.m.

**II. OAK KNOLL GOLF COURSE IRRIGATION REPORT**

Black displayed photos of the course and gave a presentation that included the following points (starting at 1:10 in the [meeting recording](#))

- City water (potable / culinary) is not being used on the golf course
- The TID water season ran from July 2 – August 19, there was residual TID water in the pond that was being used on the greens. That water will run out September 8
- The greens are not in good shape due to a lack of available TID water
- Revenue is falling – people are choosing to golf elsewhere. The numbers are not official, and Black will bring the numbers back to the Commissioners at a later date
- Some of the greens are in better shape than others when TID water was able to be used earlier in the season. The greens will require replanting to bring them back
- Filling the pond with city water would cost approximately \$18K - \$20K and would provide approximately 35 days of water for greens only. Black is presenting for information only and was not asking for a decision at the time of the meeting
- Previous direction from Commissioners was to not use city water on the golf course
- Black stated that staff has met with the superintendents of private golf courses to get input on how to bring the greens back if water is authorized for use

Landt suggested staff bring this item to Commissioner at the next business meeting to make so a decisions can be made on the greens. No objections were raised.

Black stated that he will also be providing information on the potential to put out a request for proposals (RFP) that would allow private entities to submit plans to manage the property

**III. WILDLIFE SANCTUARY EDUCATIONAL INTERPRETATION**

Dials displayed [maps on screen](#) and gave a presentation which included the following points:

- At the July 6, 2022 Regular Meeting the Commission directed staff to work on maps that outline specific areas to designate as Wildlife Sanctuary areas. Dials recommended not using the term wildlife sanctuary, because that kind of designation often comes with special protections and long term planning that is species specific and this is an educational endeavor. Wildlife habitat zone is being used on the draft maps and is subject to change
- New signs for the areas would be installed with the idea of educating users as to why certain rules are in place and how certain activities can have a negative impact on wildlife
- Draft maps of Riverwalk, North Mountain Park and Ashland Pond were displayed and potential sign locations were discussed
  - Landt suggested giving the Rocky Top area in North Mountain Park another name because dogs are allowed in this section of the park, but nowhere else which is confusing to users
- Dials stated additional areas for review include Lithia Park and Siskiyou Mountain Park
- Black and Landt clarified that new rules would not be adopted. This program would be an educational program about existing rules
- Bell stated there are signs in Lithia Park that state dogs are not allowed, but they are not very prominent and should be made so in some areas such as the swim reservoir

Dials will continue working on this project and will bring it back to Commissioners at a later date

#### **IV. BLUEBIRD PARK SEATING AND ALCOHOL IN PARKS – CALLE POLICY EXTENSION**

Dials gave a presentation which included the following points:

- Staff presented a request to allow seating and alcohol sales in Bluebird Park on [July 13, 2022](#)
- At the July meeting, staff was directed to bring back additional information regarding the Calle Guanajuato Policy including the following
  - There are currently seven restaurants on the Calle that have a license agreement that can operate between 5-7 days per week. Hours of operation on the license agreement are 7am-10pm
  - Restaurants are required to obtain an OLCC license specific for their approved outdoor seating location that is submitted with their signed license agreement
  - Current licensees use as little as 100 sf up to 1300 sf depending on the approved area and location on the Calle
  - Season of operation is mid-March through Mid-November with a charge of \$8.00/\$5.00 per square foot.
- Staff is looking for direction from Commissioners on whether or not to continue moving forward on this request
- Dials clarified that the usable space is around 400 square feet total
  - Landt questioned this, stating the area that was marked seemed much smaller
  - Black later stated that this number needs to be confirmed
- Lewis stated that proceeding with this request would likely take a significant amount of resources for limited gain
- Landt stated that comparing this area to Calle Guanajuato is disingenuous. The Calle was a funky alley that has been recreated into a nice space. This area (Bluebird Park) is already a nice pocket park and is used as a respite area. Removing vegetation and setting up tables is not beneficial for the park
- Bachman stated there is not adequate space to make this a worthwhile endeavor

#### **Public Input**

A request to speak from an attendee of the webinar was made

**Sean Mark Nipper** of Ashland and owner of Local 31 Pub who made this request to staff spoke in favor of the use and stated that this will not only allow outdoor seating, it will also be a benefit to other restaurants by drawing attention to the area. Nipper added that increased use could reduce impacts from transients.

#### **Discussion:**

Black stated that Commissioners are not being asked to make a decision at this point but are being asked to provide staff direction on whether or to continue working on the request.

Staff was directed to verify the amount of space that is usable in the park. Bachman asked for clarification on what types of improvements would be made and what the cost would be to facilitate this use. Landt asked for clarification on who would pay for improvements and asked how much of the park is currently landscaped.

Landt suggested that staff provide information on the requested clarifications at the October business meeting and Commissioners could vote on the request at that meeting

#### **I. ITEMS FROM COMMISSIONERS/STAFF**

Bell reiterated the need for better signage regarding dog restrictions

Lewis stated the PlayGuide was recently released and it shows the amount of recreation opportunities APRC is providing.

Landt requested adding the Charter Amendment and Food and Beverage Tax Ordinance Referendum to the next business meeting agenda

#### **V. ADJOURNMENT**

The meeting adjourned at 7:02 p.m.

Respectfully Submitted,  
Sean Sullivan, Business Operations Manager

**MINUTES FOR REGULAR BUSINESS MEETING**  
**ASHLAND PARKS & RECREATION COMMISSION**  
September 14, 2022  
Electronic Meeting – 6 p.m.

Present: Commissioners Landt (Chair), Lewis (Vice Chair), Bachman, Bell, Eldridge Director Black, Deputy Director Dials, Analyst Kiewel, Irrigation Supervisor Miller, Manager Sullivan

Absent: Senior Services Superintendent Glatt

This meeting was recorded by Rogue Valley Television (RVTV). Links to recorded meetings can be found on the [City of Ashland website](#).

**I. CALL TO ORDER**

Landt called the meeting to order at 6 p.m.

**II. APPROVAL OF MINUTES**

APRC Special Business Meeting – July 6, 2022

**Motion:** Bachman moved to approve the minutes from July 6, 2022. Seconded by Lewis.

**Vote:** The vote was all yes

APRC Regular Business Meeting – July 13, 2022

**Motion:** Bachman moved to approve the minutes from July 13, 2022. Seconded by Lewis.

**Vote:** The vote was all yes

**III. ADDITIONS OR DELETIONS TO THE AGENDA**

None

**IV. PUBLIC FORUM**

None

**V. CONSENT AGENDA**

- a) Bee City USA Subcommittee Member Appointment

**Motion:** Bell moved to approve the consent agenda. Seconded by Bachman.

**Vote:** The vote was all yes

**VI. DIRECTORS REPORT**

Black reported on the following items:

**DANIEL MEYER POOL AND SPLASHPAD**

- The Daniel Meyer Pool closed for the Season on August 28. The Garfield Park Splash pad stayed open until September 9. The outdoor swim season was shortened last year due to the smoke season, and this year we were only forced to close one full day. Rec Swim Revenue last year was \$18,000 while this year it was close to \$30,000.

**EVENTS**

- Bear Creek Salmon Festival on Sat, Oct 1, 11am-4pm at North Mountain Park – A celebration of our watershed will be held with many community partners on-site with activities for the community.
- Tri4Youth Bike|Run event at Hunter Park for youth of all abilities. This is our first year to partner with FactOregon and bring Southern Oregon this all-inclusive youth and family event on Sat, Oct 1, 8:30 a.m. to noon. This event is a significant step forward in partnering with groups to bring events to our community with a focus on including youth with disabilities.
- The Ashland Japanese Garden Celebration on Sat, Oct 22 from 1-5pm. in Lithia Park. Please join us in celebrating a gift to the community and an enhancement to Lithia Park. There will be self-guided tours of the garden, exhibits and demonstrations.

## PROGRAM GUIDE

- The 2022 Fall Community PlayGuide is now available, and registration is open. Programs in the fall guide will go through December. View programs and register by visiting [AshlandParksandRec.org](http://AshlandParksandRec.org).

## VII. BUSINESS

### a) Oak Knoll Golf Course Irrigation/Management Options (Possible Action)

Attendance Note: Eldridge's feed came in and out during Black's presentation on this item due to technical difficulties

Black reviewed the [staff report included in the meeting packet](#) and gave a presentation that included two topics staff is asking Commissioners to take action on: 1) using water for greens rehabilitation 2) putting out a request for proposals to see if there is interest from a 3<sup>rd</sup> party to manage the property

#### Water Use for Greens Rehabilitation

- No City water is currently being used on the course
- TID (Talent Irrigation District) ran from July 2 – August 19
- Unable to keep the course green due to lack of available TID water resulting in falling revenue
- Greens will need to be rehabbed/replanted
- The residual TID water held in the pond after August 19 has been depleted. The residual water was used to water greens only
- Filling the storage pond with city water (to start green rehabilitation) would cost about \$20,000 and would provide water for 35 days
  - Watering the course for another month (before the rains start) would allow the rehabilitation process to begin
- Public Works responded to an inquiry from APRC staff with the following info
  - Water usage in the city is trending down
  - Using water on the greens would not represent a challenge to water production
  - Water for the greens would come from the city reservoir, which is at 57%
- Revenue at the course is trending down (overall, 5% off target or \$21,000 under projections)

#### Request for Proposal

- Staff would like Commissioners to consider issuing an RFP or RFQ to determine interest in managing the property by a 3<sup>rd</sup> party
- Interested parties have contacted staff and communicated a desire to look into submitting a proposal for consideration
- Staff recommends keeping the course open rather than closing it down if rehabilitation were to begin

#### Staff Recommendations

- Water
  - Staff recommends that the Commissioners authorize the expenditure of \$20,000 on City Water to facilitate the rehabilitation of greens at this critical time
  - Staff will identify how the overage will be covered and report on the line items that will be reduced to accommodate the overage
- RFP
  - Staff recommends that the Commissioners support the creation of an RFP or RFQ to solicit interest from private groups
- Closure
  - Staff recommends that the Golf Course remain open and playable while the green rehabilitation takes place

#### Discussion

- Black clarified that the Council approved a reduction in the APRC budget of \$350,000 from Materials and Services and \$140,000 from personnel
- Bell stated the golf course has been maintained with TID irrigation water. In recent years, there is less and less water available and this trend is likely to continue and stated rehabilitating the greens would be prudent if next year is a good water year but

he is concerned that the trend is not favorable for a rebound. Bell concluded that the \$20,000 investment is acceptable to attempt to keep the course open and playable

- Black clarified that the \$20,000 could be taken from a couple lines and will report back on specifics with the goal of pulling from lines that would result in less impacts to the community compared to the closing the golf course
- Black clarified that the City of Ashland rates for water are set and not likely to change
- Black clarified that revenue for July and August is \$29,000 and expects that play should continue at this level during greens rehabilitation
- Lewis mentioned the possibility of including disk golf as a use and supports staff recommendations

**Motion:** Bachman moved to direct staff to pursue the RFP approach to possibly forming a partnership of any kind to run the golf course. Seconded by Bell

**Discussion:** Black speculated (at a prompt from Bachman) that spending the money to keep the greens healthier would positively impact discussions with third parties who may submit a proposal. Bell stated that to date, the course has operated at a loss, and this should continue to be expected.

**Vote:** The vote was all yes

**Motion:** Bell moved to direct staff to purchase culinary water to water the greens for the next month. Seconded by Lewis.

**Discussion:** Bachman would like to amend the motion to state "not to exceed \$20,000". Lewis seconded the amendment.

Eldridge stated that this is an extremely difficult personal decision for her and she was initially opposed to using potable water, but will be voting yes, with some concerns, as a result of input received from the community

**Vote to Amend the Motion:** The motion would direct staff to purchase culinary water to water the greens for the next month, not to exceed \$20,000

**Vote:** The vote was all yes

**Vote on Amended Motion:** Bell moved to direct staff to purchase culinary water to water the greens for the next month, not to exceed \$20,000

**Discussion:** Landt stated the damage to the greens and decrease in revenue could have been avoided if culinary water were used all season, but that would have been extremely costly and there was not an easy decision to make under the existing circumstances and he supported using the funds

**Vote on Motion:** The vote was all yes

Landt stated that in order to have a long-term viable golf course, there needs to be another water source and would like to explore the feasibility of the use of wells. Black stated that staff is looking into wells and increased storage capacity on site.

Public Input

[Written testimony from Jim Hatton](#) of Ashland was received and distributed to Commissioners prior to the meeting

#### b) Calle Guanajuato Season Expansion (Possible Action)

Dials reviewed the [staff report included in the meeting packet](#) and gave a presentation that included the following items:

- The Commissioners approved a fee increase and season extension for the Calle Guanajuato early in 2022; however, when the item went to the City Council for the adoption of the fee increase, the Council denied both the fee increase to which the season extension was predicated on
- The renters on the Calle are still interested in a longer season and APRC staff are proposing that the Commissioners move forward with the longer season without a per square foot increase in fees
- Renters would be charged for extended use based on the current fees

CURRENT FEE
\$ 1.00 per sf per month (7-days/wk)
\$.62 per sf per month (weekdays only)
\$.68 per sf per month (weekend only)

- APRC cannot change the consolidated fee schedule and the City Council is unwilling to do so for the Calle rental fees at this point, but the Commissioners can extend the season based on the current fee rates in the approved schedule
- Staff recommends extending the season for year-round use by current renters through March 10, 2023 using the existing fee schedule

**Motion:** Bell moved to direct staff to arrange to extend the season to the end of March 2023 for the current Calle Guanajuato renters and the current rates. Seconded by Bachman

**Vote:** The vote was all yes

#### c) City of Ashland Management Resolution / COLA (Action)

Black reviewed the [staff report included in the meeting packet](#) and gave a presentation that included the following items:

- The City of Ashland recently passed a management resolution for unrepresented, confidential and management employees. APRC staff is asking Commissioners to adopt the same resolution for all APRC. The management resolution includes the following items
  - COLA increases for all APRC employees would be as follows:
    - Year 1: effective July 1, 2022: 4% increase
    - Year 2: effective July 1, 2022: 4% increase
    - Year 3: effective July 1, 2022: 3% increase
  - HRA Veba Increase
    - Increase in City/APRC contribution from 2% of salary to 3% of salary
  - Longevity Pay Program
    - 5 years of service: \$1,000 annual bonus
    - 10 years of service: \$1,250 annual bonus
    - 15 years of service: \$1,500 annual bonus
  - Healthcare Adjustment
    - Deductibles would go up to \$1,500 and \$4,500 (individual and family) with the option to purchase lower deductibles
    - This keeps the employee contribution at the same level
- The financial impact to APRC to fund this for one year is \$82,000, which will be covered for this year with savings from vacant positions
- Staff recommends approval of the Management Resolution

Discussion:

- Black clarified that these benefits are the same as has been approved for City of Ashland non-represented employees
  - Bachman stated that the COLA increase is less than what inflation is coming in at and is concerned that the reduced COLAs would be locked in for three years resulting in employees making less in real dollars
- Landt stated there is a Commissioner policy that directs how annual COLA calculations are determined and since this package does not meet that policy the motion should include a waiver of the policy for the three year period this package covers

**Motion:** Landt moved to waive APRC COLA policy for the duration of this recommendation and approve Resolution 2022-26, known as the "Management Resolution" for APRC employees effective immediately. Seconded by Bell



**Discussion:** Landt clarified that the policy states the COLA is based on the West Coast CPI not to be below 1% and not above 5%. Bachman stated this locks in the COLA at 4%, 4% and 3% which would come in at 5% for the next three years if inflation continues at the rate it is at and does not want to tie hands of Commissioners. Bachman stated he is trying to be an advocate for employees and will not support the motion. Black stated that in recent years staff received less than what the policy called for and sometimes did not receive a COLA at all and concluded that an actual benefit is better than the potential for an unrealized benefit in the future. Black added that this will be the largest COLA APRC will receive during his tenure at APRC. Landt stated that COLA catch-ups have been made in the past when inflation was very low. Bell stated passing this is important for staff morale

**Vote:** Lewis, Bell, Elbridge and Landt voted yes. Bachman voted no.

**d) Commissioner Position on Ballot Measures (*Food and Beverage Allocation / City Charter Amendment pertaining to APRC employees reporting to the City Manager*) (Action)**

Black stated the Commissioners asked staff to provide information on two City of Ashland ballot measures for deliberation and action. A summary of the measures was displayed onscreen (see below).

Ballot Measures from City Council

- CAPTION: Proposed amendments to Ashland's Food and Beverage Tax Ordinance
  - Question: Shall the ordinance be amended to dedicate a portion of revenues to general government services and extend the sunset date?
- CAPTION: Amend Ashland City Charter Article VII-A
  - Shall Ashland amend its city charter to delegate all authority to appoint, supervise, and remove employees to the City Manager?
- Landt prepared a proposed resolution with background information that was displayed onscreen (see below) and read aloud by Landt (Note: the version that was displayed onscreen is slightly different than what was read)

**Background**

**Measure 15-210** would move management of the Parks Director from elected Park & Recreation Commissioners to an unelected City Manager. This would create confusion and conflict as the City Charter still gives "management and control" of parks to APRC Commissioners. But if measure 15-210 passed, the Parks Director and staff would be under the direction of the City Manager, who reports to the City Council. Given City Council's recent questionable involvement in minor APRC business, increased conflicts would seem to be inevitable. The Parks Director would be in the untenable position of having two bosses, ostensibly directed by APRC Commissioners, but would be hired, fired and paid by the City Manager. And,

Discord would likely become the norm in future years as Commissioners, Councils and the City Manager all tried to have their say and way. Measure 15-210 attempts to solve a problem that would be more appropriately resolved by a Memorandum of Understanding than by a change to the City's constitution, the Charter.

**Measure 15-211** would allow  $\frac{3}{4}$  of food and beverage tax revenue to go to virtually anything that the City Manager recommends to City Council. APRC Commissioners have supported directing  $\frac{3}{4}$  of F&B revenue to APRC operating expenses, replacing property taxes dollar for dollar. APRC Commissioner Landt believes this to be a wiser use of the F&B revenues that the voters originally approved to support parks.

**Resolution of APRC Commissioners**

14 Sept 2022

Whereas, the Ashland Parks Commission was established by a vote of the electorate in 1908; and,

Whereas, said Parks Commission has had control and management of over park land, resources and staffing since 1908; and,

Whereas, said Parks Commission has built and maintained a first-class Park and Recreation system for the citizens of Ashland with the help of thousands of volunteers; and,

Whereas, passage of Measure 15-210 would be a significant step in ending APRC's role in managing Parks operations; and

Whereas, passage of Measure 15-210 would lead

**Motion:** Bachman moved to approve the resolution. Seconded by Bell.

**Discussion:** Eldridge noted there is a typo in the year of the resolution shown on screen. There was consensus to fix the typo to state 2022 rather than 2002. Bell stated Ashland is a different place than other parts of Oregon and one of the reasons is because there is an elected parks commission, which is a structure that was set up over 100 years ago with the idea that it would protect the park system and maintain separation from other city affairs. Bachman stated that should 15-210 be approved, it would be the effective end of APRC, without the control of the organization the Commissioners would cease to be relevant.

**Vote:** The vote was all yes

#### e) Parks Irrigation Report (Information)

Black reviewed the [staff report included in the meeting packet](#) and gave a presentation that included the following items:

- Staff reported to Commissioners in [May 2022](#) that if the same level of watering that occurred in the last irrigation season (2021) was used for the current irrigation season (2022), expenses would have exceeded the parks water budget by \$75,000
  - Staff is now projecting an average of ~\$30,000 and will continue to bring that number down by continuing the irrigation prioritization plan presented in [May 2022](#)

Sullivan provided the following information:

- TID was made available this year from July 5 – August 19 (45 days)
  - TID was available for approximately 30 days last year and was shut off on July 19
- TID was not fully utilized at Lithia Park and NMP because of issues with the installation of the new irrigation system.
  - NMP utilized TID water off and on in July and was taking full advantage in August
  - Lithia Park was able to partially utilize TID water in August
- Commissioners authorized the purchase of new irrigation controllers for North Mountain Park and Lithia Park to begin to modernize the irrigation system
  - Some installation issues have arisen, but are being dealt with and are expected to be addressed prior to the next irrigation season
  - Benefits from the new system, such as leak detection and optimized watering schedules, were realized during the current irrigation season
- The Upper Duck Pond is losing water faster than expected due to the ongoing drought
  - Unlike the lower duck pond, which is lined with concrete, the Upper Duck Pond has a natural bottom
  - Staff will be looking into a longer-term solution to water loss, such as lining the pond
  - Water quality will continue to be an issue as long as water quantity is low, however aerators have been installed to improve water movement

#### VIII. ITEMS FROM COMMISSIONERS/STAFF

Landt stated there is a Council meeting on September 20 that will be discussing the management and responsibilities of APRC.

Landt stated support for the Say Their Names display at Railroad Park and recently noticed that plastic flowers have added to the display and is concerned about the plastic degrading and becoming litter.

#### IX. UPCOMING MEETING DATES

- a) Bee City USA Subcommittee—September 20, 2022
  - Electronic Meeting—3 p.m.
- b) APRC Study Session—October 5, 2022
  - Electronic Meeting—6 p.m.
- c) APRC Regular Business Meeting—October 12, 2022
  - Electronic Meeting—6 p.m.

#### X. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Respectfully submitted  
Sean Sullivan, Business Operations Manager

# ASHLAND PARKS & RECREATION COMMISSION

340 S PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Rick Landt  
Jim Lewis  
Jim Bachman  
Julian Bell  
Leslie Eldridge



Michael A. Black, AICP  
Director

541.488.5340  
AshlandParksandRec.org  
parksinfo@ashland.or.us

## STAFF MEMORANDUM

**TO:** Ashland Parks and Recreation Commissioners  
**FROM:** Sean Sullivan, Business Operations Manager  
**DATE:** October 6, 2022  
**SUBJECT:** Minutes for Acknowledgement

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The following minutes are being submitted for acknowledgement by the Commission.

- [Bee City USA Subcommittee – June 30, 2022](#)
- [Parks & Open Space Map Subcommittee – July 1, 2022](#)
- [Parks & Open Space Map Subcommittee – July 7, 2022](#)
- [Ashland Senior Advisory Committee – September 12, 2022](#)

A motion to approve the Consent Agenda would adopt the following motion for this item:

*I move to acknowledge the committee minutes as submitted.*

# ASHLAND PARKS & RECREATION COMMISSION

340 S PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Rick Landt  
Jim Bachman  
Leslie Eldridge  
Jim Lewis  
Julian Bell



Michael A. Black, AICP  
Director

541.488.5340  
AshlandParksandRec.org  
parksinfo@ashland.or.us

## MEMORANDUM

**TO:** Parks Commissioners

**FROM:** Michael Black, Director

**DATE:** October 6, 2022

**SUBJECT:** Legal Review of Parks and Recreation Commission Responsibilities

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In response to requests from both me and the City Manager, the legal department has prepared the attached legal opinion regarding the authority of the Parks and Recreation Commissioners over all aspects of the organization known as Ashland Parks and Recreation. Conversely, the memo is also about the City Managers authority over the same organization.

The City Attorney was schedule to present on October 5, 2022 but was rescheduled to October 12, 2022.

Attachments: Douglas M. McGeary, Acting City Attorney Legal Opinion

# Memo

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DATE: 09-15-2022  
TO: Joe Lessard, City Manager  
Michael Black, Parks Director  
FR: Douglas M McGeary, Acting City Attorney  
RE: City Manager/Council Authority respecting Parks Commission

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## BACKGROUND:

The City Charter vests the City Council and the Mayor with all powers of the City. Charter VIII §1. The Charter, however, further establishes two separate commissions within the City organization, the "Ashland Park Commission" and the "Ashland Recreation Commission", which are elected and have their own powers. These powers include "control and management" of dedicated city park lands and open space park program lands, and of "park funds" which shall be expended "for beautifying and improving the City's parks." Because the individuals comprising the boards for both bodies are the same, the City has historically come to treat them as a combined commission.

The historic relationship between the City Council (the "City") and the two commissions appears as one of allowance under a Mayor/City Administrator or "strong mayor" form of governance until recently changed in the Charter. That is, the Mayor and City Council has allowed or authorized the Park or Recreation Commissions, as the Park and Recreation Commission, to oversee Park and Recreation operations. This deference is natural given the likely tendency for an elected official to accede to the specific charge of another elected body, particularly one that is expected to accumulate expertise in its assignment.

The City Charter of Ashland was amended by public vote in 2020 adding Article VIII-A to the City Charter that established the position of City Manager to oversee City business operations. This change transitioned the City to a Council-Manager form of government. This governance model is a manager centric or "strong manager" form of government often adopted by larger municipalities or more complex organizations. The City's Chief Executive Officer (CEO) responsibilities, once assigned to the mayor, are now assigned to the City Manager in line with a CEO in the private sector to make operational and management decisions for the organization. The successes or failures of the City Manager, therefore, is more singularly dependent upon the officer's skills and abilities to respond to Mayor and Council policy decisions and control operations of the entire operation.



The language of the City Manager amendment, however, includes language that exempts oversight and management of specific "employees" from management oversight by the City Manager:

“The Ashland Parks and Recreation Commission shall have responsibility for appointing, supervising, and removing its employees, subject to state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies.”  
Charter Article VIII-A §4 (4)a. (Emphasis added)

This section of the amendment also provides that the City Manager “shall have no responsibility for the supervision of the . . . Ashland Parks and Recreation Commission.” Charter Article VIII-A §4 (5). The above exemption provides that employees assigned to the "Park and Recreation Commission" are most notably determined by or under the City Council’s plenary authority to adopt provisions of the Ashland Municipal Code (AMC), set City administrative policies, adopt City Council resolutions, or enter into memorandums of understanding (MOUs) with the Park and Recreation Commission.

Except for the language in Article VIII-A of the Charter establishing the City Manager position, there are no other references to a "Park and Recreation Commission" in the City Charter. The two Charter established commissions are part of the City organization. They are not created as independent or separate from the City as legal entities. And in that respect, there is no specific power in the Charter for either the Park or Recreation Commission to hire employees. However, the City has created through ordinance the power for the Ashland Recreation Commission “to appoint or designate some individual to act as recreation director. . . , and such other personnel as the [Recreation] Commission deems proper.” AMC 2.16.040. This Director’s office has historically answered to the two Charter established commissions.

Before the adoption of City Manager Charter provision, where respective management or operations commingled or remained ambiguous between the City and commissions, the entities found a need to form several MOUs to separate and apportion their respective share of several responsibilities to the overall organization. One main MOU has been amended over time until its last iteration dated August 19, 2014 (the “2014 MOU”) was created prior to the change to a City Manager form of governance. The 2014 MOU predominantly leaves authority over Park and Recreation employees and park land with a Park and Recreation Commission while the agreement assigns human resource functions to the City.

#### ANALYSIS:

A. INTRODUCTION: The 2020 adoption of Article VIII-A in the City Charter establishing the City Manager position has presented a question over what degree the Council through its City Manager may have administrative authority over the city's Park and Recreation Department and its employees. As discussed above, the Commission has historically had operational oversight of the City's Park and Recreation Department under portions of the AMC and in MOUs between the City Council and the Commission. With the hiring of a City Manager, responsibilities for the overall organization are realigned and the language within the new 2020 Charter provision must be read given plain meaning to its text, but also informed by the history of agreements that have been created and are currently used by the City and Commission.



B. **TEXT AND CONTEXT.** Under a plain text reading of the Charter, the 2020 Charter amendment does not appear to otherwise change the form of the City’s government, although the creation of the City Manager's office was clearly designed to consolidate management functions into a chief executive-type position for the City in general and specifically to appoint, supervise and remove any non-elected department heads or other city employees.

C. **LEGISLATIVE HISTORY.** To further define or interpret the text and context of the 2020 Charter amendment, the voter's pamphlet can also be considered for evidence. An overall inspection of that document indicates that the 2020 City Manager amendment was to maintain the status quo otherwise created by the Charter and developed over time.

The pamphlet indicates that the City Manager is given no extra supervisory authority over the Commission. Although neither the Park Commission nor the Recreation Commission are entities specifically authorized under the City Charter to operate independent of the City or to hire or oversee employees.

D. **GUIDANCE BY ORDINANCE AND MUTUAL UNDERSTANDINGS.** Based on the City Council’s allocation of responsibilities in the 2014 MOU, the City Manager, like the City Administrator before, currently does not have authority to manage or oversee the employees of the Park and Recreation Department. Importantly and consistent with the Charter, the MOU also provides for this Commission to develop and recommend a proposed budget to the City thereby ultimately leaving decisions of adopting the final budget with the City. It is also important to note that other MOU’s between the City and Commission, or City Council adopted resolutions have established and apportioned responsibilities between the parties for other City controlled properties, programs or funds that do not fall under the definition of park lands or park funds.

Technically, the City has not established the usual structures within the City’s organization or administrative code which would clarify and enable the two City Charter established commissions to administer their chartered functions or the MOUs assigned oversight responsibilities. The City Charter does not create a Park and Recreation Department or assign its oversight to either the Park Commission, Recreation Commission or a Park and Recreation Commission. The Park Commission is defined in the City Charter simply as “The certain board ... perpetuated and continued as five (5) members.” The charter does assign “control and management” of dedicated park lands, open space park program lands and park funds to the Park Commission but not employee or department oversight. The “control and management” language, in essence, assigns asset level oversight responsibilities to the Commission, a role not usually connected with operational management in the Council-Manager form of local government or in the private sector. There are also no Ashland Municipal Code (AMC) ordinance provisions establishing a Park and Recreation Department and its oversight, as is the case for other City departments. Finally, it is the MOUs adopted by the City Council related to Park and Recreation operations that, somewhat confusingly, allocates oversight responsibilities to either the Park Commission, simply to “Parks”, to the technically undefined “Park and Recreation Commission” or to the Park and Recreation Director to whom the Park and Recreation Commission has “delegated management responsibility.”



Compounding the lack of organizational clarity or structure related to the Park and Recreation operations, is that in limited circumstances the City Manager has been given, by City Charter, operational authority over Park Commission/Park and Recreation Commission matters to ensure performance of certain budget and asset management functions necessary to the City. These limited functions include situations involving the administration of the citywide budget for compliance and financial solvency, and management responsibility for non-park property or facilities under the Park and Recreation Departments assigned responsibilities.

The Charter has established the separate charges for the City Manager, the Park Commission and the Recreation Commission. The electorate was presented with a decision to create the City Manager position with the likely understanding that the roles between these would continue substantially unchanged but also under or subject to the plenary authority of the City Council, historically exercised to assign management oversight of Park and Recreation operation responsibilities in MOUs. Currently, it is through these ordinances and agreements that the City Manager's ultimate authority can be understood. The City Council, however, retains its historic right to adopt or alter ordinances, and enter into or continue/discontinue MOU agreements.

Through ordinances and separate agreements, the City Council and Park Commission have integrated functions and agreed upon budgeting and the allocation of employees. Over time these ordinances and separate agreements seem to have satisfied the electorate that the sharing of responsibility for various management and operational functions, whether or not the efforts fall specifically within the charge of any particular office or Commission, may be appropriate and can continue. This sharing of responsibility does not change simply due to the decision made to pass the 2020 Charter amendment establishing the office of the City Manager. Regardless, the City Council retains the right, as exercised historically, to make the allocation of Park and Recreation operational oversight under its plenary authority. This right is confirmed by the language of Article VIII-A that grants the right of the Park and Recreation to oversee its employees "subject to state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies."

Where the allocation or assignment of management responsibility is now questioned or in doubt, the City Council can make changes to ordinances, if necessary, to further empower the City Manager and affect Commission operational changes that the City finds necessary in the interest of the City. Alternatively, without the existence of certain standing AMC ordinances and the MOU agreements, the default management oversight setting would appear to potentially result in the circumstance of there being no employees or operational assignments to an Ashland Park and Recreation Commission. The current authority to clarify the organizational structure and assignment of oversight for Park and Recreation Department functions rests with the City Council.

## CONCLUSION.

The Charter has established the separate charges for the City Manager and the Commission. The electorate was presented with a decision to create the City Manager position with the understanding that the roles between the two would not substantially change. Historically, these roles have primarily maintained the character as defined by the Charter and as have been adopted in ordinances and mutual





agreements found necessary to guide who should be performing what activities on behalf of the City. It is through these ordinances and agreements that the Manager's ultimate authority can be understood.

Technically, the City has not established usual structures within which the Commissions can administer their chartered functions such as creation of a Parks and Recreation Department. Based on the City Council's allocation of responsibilities in the 2014 MOU, the City Manager, like the City Administrator before, currently does not have authority to manage or oversee the employees of the Park and Recreation Department. In limited circumstances, however, the City Manager has been given, as was the City Administrator before, limited operational authority over employees assigned to the Commission to ensure performance of certain maintenance functions necessary to the City. The City Manager, therefore, has been given historical authority in limited situations involving non-park property to direct staff assigned primarily under the Commission's authority to perform management and maintenance of city non-park facilities. Hence, although city employees are assigned to the Commission, they are not considered exclusively under the control of the Commission when engaged in work outside of the scope of the Commission. Where in doubt, the City Council could make changes to ordinances or budgetary appropriation, if necessary, to further define authority or empower the City Manager and indirectly affect Commission operational changes that the City finds necessary in the interest of the City. The authority to clarify the organizational structure and assignment of oversight for Park and Recreation Department functions rests with the City Council.

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# ASHLAND PARKS & RECREATION COMMISSION

340 S PIONEER STREET • ASHLAND, OREGON 97520

COMMISSIONERS:

Rick Landt  
Jim Bachman  
Leslie Eldridge  
Jim Lewis  
Julian Bell



Michael A. Black, AICP  
Director

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AshlandParksandRec.org  
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## MEMORANDUM

**TO:** Parks Commissioners

**FROM:** Michael Black, Director

**DATE:** October 6, 2022

**SUBJECT:** Ashland Parks Foundation – Butler Perozzi Fountain Report

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The Ashland Parks Foundation has been considering launching a capital fundraising campaign for the Butler Perozzi Fountain. As part of their due diligence, they contracted with Architectural Resources Group, Inc. to do an assessment of the current condition on the fountain and provide recommendations.

Mike Gardiner, Ashland Parks Foundation President, will be attending the meeting to provide more information.

Electronic Attachments: [Butler Perozzi Fountain Condition Assessment and Recommendations](#)

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## MEMORANDUM

**TO:** Parks Commissioners

**FROM:** Michael Black, Director, Chris Chambers, Wildfire Division Chief

**DATE:** October 5, 2022

**SUBJECT:** Prescribed Burns on Parks Lands and Open Space

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### Situation

The increasing impact of wildfire on communities and natural resources is a major issue for our town. Just this summer there have been two wildfires on the Lithia Park hillside, among 7 total fires ignited in and around the community this year. After seeing the devastating impacts of regional fires over the past decade, and the horrific outcome of the Almeda Fire, we need to urgently reduce fuels in our community and create the best opportunities for stopping fires that we can. Prescribed fire, or using fire proactively during safe conditions, can both restore a long-absent ecological process that maintained our forests through millennia and further reduce fuels on properties managed by APRC that are adjacent to homes and the city's watershed. There is ample science and experience to support an increase in the use of prescribed fire for these goals and we need to increase the pace and scale of our efforts across the landscape, and APRC lands are a key component of the strategy connecting private, municipal, and federal lands in a network of fuel breaks and resilient forests.

### Background Info

APRC and City management of forests since the early 1990's has been responsive to current and developing needs and has set up many acres to be maintained by prescribed fire, much as indigenous tribes did for millennia in this place. [The 2016 Ashland Forest Plan](#), approved by APRC, laid out a vision for the stewardship of our municipal lands, and the responsible and safe use of proactive fire is a key tool to build resiliency and increase community safety as our climate warms and more wildfires take place. Prescribed burning has been employed on over 100 acres of City forests since 2012 and one demonstration on APRC managed land was completed on Siskiyou Mountain Park during that time, with success. On the adjacent Ashland Forest Resiliency Stewardship Project, the Forest Service, in partnership with Ashland Fire & Rescue, has implemented over 700 acres of prescribed burning to further reduce wildfire fuels and restore ecological health in the City's watershed. This burning, often called maintenance burning or underburning, is distinct from burning piles. Underburns are used over larger areas where fire can burn the majority of the targeted acres while being held in control by fire

lines and experienced fire crews. Many APRC parcels could be burned safely and effectively with relatively low smoke impact to surrounding homes. The AFR project has established and robust program for notifying the public of burning and giving people tools to avoid smoke exposure via the [SmokeWise Ashland](#) program.

Properties, or portions of properties, proposed for prescribed burning include: Acid Castle Park, Hald-Strawberry Park, Lithia Park hillside, Westwood Park, and Siskiyou Mountain Park. Burning could begin as soon as this fall using smaller burns this year as demonstrations for neighbors and the general public. Burning can also be an effective method to reduce non-native plant populations and re-establish native plants and trees suitable for a warming climate.

### **Analysis**

Ashland Fire & Rescue has the experience to contract and oversee safe burning on APRC lands with the support of this commission. Parks staff and commissioners can attend the burns to observe and give feedback. Funding will come from AF&R's Council-approved budget for this purpose plus grant funds secured by AF&R specifically for this purpose. There is no proposed budget impact to the APRC.

### **Recommendation**

Staff recommends that the commission approve APRC staff and Ashland Fire & Rescue to implement prescribed burning as an ongoing program to reduce community wildfire hazard and increase the resilience of APRC forestlands included in the 2016 Ashland Forest Plan.