

City of Ashland
PARKS AND RECREATION COMMISSION
Regular Meeting
Minutes
June 26, 2017

Present: Commissioners Gardiner, Heller, Landt, Lewis, Miller; Director Black; Recreation Superintendent Dials; Interim Parks Superintendent McFarland; Executive Assistant Dyssegard; Assistant Manuel

Absent: City Council Liaison Mayor Stromberg

CALL TO ORDER

Chair Gardiner called the meeting to order at 7:00 p.m. at Council Chambers, 1175 E. Main Street.

APPROVAL OF MINUTES

Special Meeting—May 3, 2017

Motion: Lewis moved to approve the Special Meeting Minutes for May 3, 2017. Landt seconded.
The vote was all yes.

Study Session—May 15, 2017

Motion: Landt moved to approve the Study Session Minutes of May 15, 2017. Lewis seconded.
The vote was all yes.

Regular Meeting—May 22, 2017

Motion: Landt moved to approve the Regular Meeting Minutes of May 22, 2017. Lewis seconded.
The vote was all yes.

ACKNOWLEDGMENT OF MINUTES

Trail Master Plan Update Committee Meeting—June 2, 2017

The previously approved Minutes were acknowledged by the Commissioners.

PUBLIC PARTICIPATION

• **Open Forum**

Dennis Miller of Ashland was called forward.

Miller noted that he had sustained recent injuries – one on concrete and one on grass. He compared the two, noting that the fall on concrete resulted in a broken bone while the fall on grass did not.

Miller talked about the Oak Knoll Golf Course, noting that there were some gopher holes on the grounds. He suggested that the uneven terrain could result in injuries and APRC might wish to improve the course with additional landscape maintenance.

ADDITIONS OR DELETIONS TO THE AGENDA

There were none.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

- ***Save Our Schools and Playgrounds Discussion (Action)***

Black summarized previous discussions relating to APRC and efforts made by the group known as Save Our Schools and Playgrounds to retain the Briscoe and Lincoln Elementary School playing fields and playgrounds. He said the properties are owned by the Ashland School District and their disposition is currently under consideration.

Black noted that the playing fields and playgrounds are considered “parks” under the Open Space Plan. He called for a motion of support for continued public access and use of the properties as neighborhood parks.

Public Comment

Len Eisenberg of 233 Granite St. in Ashland was called forward.

Eisenberg said he is a member of the Save Our Schools and Playgrounds Subcommittee. He relayed that APRC maintains the Briscoe Geology Park as part of an agreement when the park was developed. He advocated for the official designation of the Briscoe Geology Park as an Ashland City park.

Eisenberg noted that the current status of the Geology Park was not clear. He said signage honored APRC volunteers, yet the park was not listed in the City’s directory of parks. He reviewed the educational materials sponsored by the APRC Nature Center, highlighting the school programs offered by the Nature Center and the value of the Geology Park as a community resource.

Hazel Chlebowski of 399 Beach in Ashland was called forward.

Miss Chlebowski told her story as a neighborhood child who plays on the playground and open spaces of Lincoln Elementary School. She said playing there makes her happy.

Motion: Landt moved to approve an action whereby APRC would continue to work with the Ashland School District to ensure that the fields and playgrounds of Lincoln and Briscoe schools function as neighborhood parks and remain permanently under public ownership, based on the approved 2002 City of Ashland Open Space Plan that includes Lincoln and Briscoe playgrounds and fields as designated neighborhood parks and on the City’s approved Comprehensive Plan that states a goal of providing a park within a quarter mile of every resident. Lewis seconded.

The vote was all yes

Discussion

Melissa Mitchell-Hooge of 271 High Street in Ashland was called forward.

Mitchell-Hooge thanked the Commissioners for their vote of support to preserve Briscoe & Lincoln playgrounds and playing fields as official “dedicated” City parks.

Mitchell-Hooge described efforts by others to seek improved maintenance of the grounds at Lincoln School, noting that the playing fields are deteriorating due to a lack of grounds care. She detailed many uses for both Lincoln and Briscoe grounds, stressing multi-generational activities. Mitchell-Hooge discussed The Nature Fix by Florence Williams that highlights the beneficial efforts of green space and the value of setting aside neighborhood spaces.

Mitchell-Hooge invited the Commissioners to a final Briscoe Community Forum to be held on June 28, 2017, at the Ashland High School Library at 7:00 p.m.

- **Amendments to the City's Ethics Code (Information)**

City Attorney **Dave Lohman** was called forward.

In response to a question by Lewis, Lohman stated that the City of Ashland had revised the City's Ethics Ordinance to align the Code more closely with the Ethics Code for the State of Oregon. He noted that the State's Code focuses on conflicts of interest that are financial in nature, while the City of Ashland requires disclosure of all actual or potential conflicts of interest, both financial and non-financial. Lohman stated that public officials must individually decide if their judgment or actions would be impaired. If the individual feels that his or her judgment might be impaired, disclosure is warranted. Once disclosed, the official may continue to participate in the deliberation and vote. If the conflict of interest is actual and would impair judgment, then disclosure is mandatory and participation in the deliberation and vote is not permitted.

Heller asked whether disclosure was appropriate if an individual had a significant interest in an issue or activity and advocated for it in their role as a public official. Lohman replied that the decision would be based upon independence of judgment. If the individual felt that their vote would be fair and impartial, then participation would be appropriate after disclosure of the potential conflict. If the official felt that a vote would be biased, then the individual needed to request recusal.

Landt indicated that the process for addressing conflicts of interest seemed to be based upon an honor system. Lohman agreed, noting that the State had sanctions in place should it become apparent that a financial conflict of interest was not properly disclosed. An investigation would ensue, undertaken by the State Ethics Commission. Lohman noted that Ashland City Council would conduct the investigation if the apparent conflict was identified as non-financial in nature. He added that a non-financial issue would be more complex, in part because APRC Commissioners were elected. Because there were no specific provisions for elected officials, there would be no specific sanctions.

Black asked about best practices concerning ethical procedures or processes that apply to official business communications such as emails. Lohman differentiated between *broadcasting information* (considered a one-way communication) and *serial conversations* (considered two-way communications). Public meeting laws dictated that public business be conducted with a quorum present. Lohman noted that sanctions for public business discussions conducted in a non-public manner could be consequential.

Landt noted that the issue with emails had to do with the ability to "*reply all*" to a communication. Lohman relayed that expressing an opinion to all those in receipt of the initial communication could potentially violate public meeting laws. He recommended against using the "*reply-all*" function.

Lohman highlighted portions of City of Ashland Ethics rules. He noted that Ashland officials could not give a constituent special consideration that would not be available to any other citizen. No public actions could result in personal financial gain or loss for a public official or his / her relatives. Officials should not accept gifts from a source with a legislative or administrative interest in public duties. Confidential information should not be disclosed or used for personal gain. When disclosing a potential or actual conflict of interest, the specifics should be described.

Lohman shared a script that would assist officials in disclosing a potential or actual conflict of interest. He recommended over-disclosing and advised against discussing official matters in a social setting. Lohman stressed

that no gathering of officials would be considered as a proper meeting unless a quorum was present and the meeting was properly noticed.

There followed a brief discussion about public meeting laws and the difficulties inherent in meeting protocols. Lohman indicated that the rules might be subject to changes by the Oregon Supreme Court given the level of difficulty in adhering to public meeting rules. Ex parte communication was also questioned. Lohman referred to Oregon's land-use laws, noting that ex parte contacts were specific for land-use actions – something that APRC would not normally be involved in.

- ***RVTV Contract Renewal***

Black said RVTV, a division of Southern Oregon University, televised APRC's monthly business meetings as well as any special meetings the Commissioners might request on a case-by-case basis. RVTV's biennial contracts outlined costs for services provided, including charges for off-site video services. He recommended approval of the 2017-19 RVTV contract, noting that although the contract was within his authority for approval, traditionally it was approved by the Commissioners.

Black initiated a discussion about the approval process, stating that he would continue to bring the contracts to the Commissioners for approval if so directed. In response to a question by Heller, Black noted that the cost of the service was \$5,550 for the biennium, payable over two years. He detailed the costs for other types of services such as the cost per view for the video and extraordinary costs such as recording off-site. He stated that expenses related to those services would most likely not exceed \$7,500.

Landt asked about other contracts approved by Black that were typically approved without an action by the Commissioners. Black replied that there were contracts for surveys, engineering and other project-related agreements, all considered administratively routine. Landt noted that the RVTV contract was similar to a utility bill. He compared the payment for RVTV services to those such as telephone services. He stated that in his opinion, it was not necessary to obtain the Commissioners' approval for the biennial contract.

Black noted that he would inform the Commissioners of any changes possibly impacting the service such as a change in taping schedule. In reply to a question by Gardiner, Black stated that he expected the occasional incremental increase in costs for the service.

Motion: Landt moved to approve the 2017-19 RVTV contract as presented for the period spanning July 1, 2017, through June 30, 2019. Heller seconded.

The vote was all yes.

- ***Lithia Park Master Plan RFP Update***

Black stated that three qualified applications were received in response to APRC's Request for Proposals (RFP). He outlined the process, noting that the Lithia Park Master Plan Subcommittee would rate and review the proposals and prepare a recommendation for Commissioner approval.

Black explained that the approval process was a qualification-based process in that proposals were rated based on the applicant's qualifications, performance on previous projects and references. Once the applicant with the highest rating was selected, costs for providing the service were negotiated.

In response to a question by Heller, Black stated that \$250,000 had been budgeted for the Lithia Park Master Plan. If the qualified applicant submitted a bid that was more than the amount budgeted and no agreement could be reached, the process would begin again with a second applicant.

Black expressed hope that the recommended proposal could be brought to the Commissioners for a vote in July.

- ***Budget Wrap-up (Information)***

Black reported that the City Council had approved APRC's budget for the 2017-2019 biennium. He stated that Council had scheduled one additional meeting to potentially amend the City's budget. Black noted that other City services were under scrutiny but APRC's budget would not be affected.

SUBCOMMITTEE AND STAFF REPORTS

- ***ACP / Applegate Trail Marker Ribbon-Cutting Ceremony Report***

McFarland said a ribbon-cutting ceremony was conducted on Friday, June 23, at 11:30 a.m. at Ashland Creek Park. The event honored the placement of an historical marker at the precise location of a campsite on the original Applegate Trail. Commissioner Lewis spoke about the history and significance of the event. Also in attendance were Bob Black, Director of Trails West, along with the Vogel family (former property owners of ACP) and members of the Ashland Chamber of Commerce. McFarland relayed that a comment from a pioneer journal noted that the Applegate Trail party camped at the site on October 11, 1846, and indicated it was one of the best campsites they experienced.

- ***July Events***

Dials highlighted the *4th of July Run* slated for Tuesday, July 4, 2017, and said registration was available online. Additionally, a first annual *Pollinator Garden Tour* would be held on Sunday, July 9, from 10:00 a.m. to 2:00 p.m. A commemorative booklet detailing Ashland's pollinator gardens would be made available for participants.

Dials further reported that the annual *Island Night* at Daniel Meyer Pool would be held on Saturday, July 22, 2017. Festivities would include a hula dance performance, hula workshop and night swim. Also on July 22 would be the annual *Up and Down Bike Ride* to and from Emigrant Lake in celebration of the Cascade/Siskiyou Scenic Bikeway, with proceeds benefiting the Bear Creek Greenway Foundation.

ITEMS FOR COMMISSIONERS

Gardiner reminded Commissioners that Park View articles for September through December had yet to be scheduled.

UPCOMING MEETING DATES

Study Session—July 17, 2017 @ The Grove, 1195 E. Main—5:30 p.m.

Regular Meeting—July 24, 2017 @ Council Chambers, 1175 E. Main—7:00 p.m.

Gardiner noted that Lewis would be absent for both July meetings. He reminded Commissioners to continue notifying Administration in advance about meeting absences so that quorums could be established or confirmed.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Betsy Manuel, Assistant
Ashland Parks and Recreation Commission

These Minutes are not a verbatim record. The narrative has been condensed and paraphrased at times to reflect the discussions and decisions made. Ashland Parks and Recreation Commission Study Sessions and Regular meetings are digitally recorded and are available upon online.