

**Board of Directors**  
**Regular Meeting**  
**Wednesday, October 28, 2009, 6:30 p.m.**  
**Willamalane Community Recreation Center**  
**250 South 32<sup>nd</sup> Street, Springfield, Oregon**

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## **Call to Order**

President Greg James called the Regular Meeting of the Willamalane Park and Recreation District Board of Directors to order.

## **Roll Call**

Superintendent Keefer called the roll. Present were President James, Lee Beyer, and Helen Wagner. Gary Ross and Danelle Ralston were excused.

Staff members present were Superintendent Bob Keefer, Jason Genck, Pam Caples, Joel Miller, Mike Moskovitz, Rita Grimes

Others present: Legal Counsel Dwight Purdy

## **Pledge of Allegiance**

President James led the Board and audience in the Pledge of Allegiance.

## **Adjustments to the Agenda**

Mr. Keefer stated that there would be no executive session.

## **Oral Requests and Communications from the Audience/Staff**

None

## **Consent Calendar**

### **Minutes**

Regular Board Meeting of September 9, 2009

### **Claims**

09/27/09 through 10/16/09 Disbursements for Approval  
Checks #78759 through 79398

### **Resolutions**

- 09-10-06 To Recognize Revenue and Appropriate Expenses for the Middle School Sports Program.
- 09-10-07 To Recognize Revenue and Appropriate Expenses for the Springfield Academic and Family Enrichment Grant I (SAFE I).
- 09-10-08 To Recognize Revenue and Appropriate Expenses for the Springfield Academic and Family Enrichment Grant II (SAFE II).
- 09-10-09 To Recognize Revenue and Appropriate Expenses for the Senior Health Insurance Benefit Assistance (SHIBA) program.
- 09-10-10 To Recognize Revenue and Appropriate Expenses in the Building and Construction Fund for the EWEB Bike Path Project.

## Consent Calendar (continued)

### Other

Approve Willamalane Citizens Planning Committee (CPC) Appointees

Director Beyer moved, seconded by Director Wagner to approve the Consent Calendar. The motion passed unanimously 3:0.

## Unfinished Business

### Legislative Report

Dwight Purdy reviewed 14 of the 214 new laws passed by the 2009 Oregon Legislature that may pertain to Willamalane. They are:

1. **Recreational Immunity** – was extended to cover all paths, roads, water courses and other rights of way while being used by a person to reach land for recreational purposes, gardening or wood cutting or the harvest of special forest products that are on land adjacent to the land that the person intends to use for recreational purposes....” This item was a priority for the Special District’s Association of Oregon (SDAO) this year.
2. **Oregon Tort Claims Act** – raises the OTCA limit for economic damages for special districts to \$500,000 per person/\$1,000,000 per occurrence. The cap increases annually until 2014 when the limit is \$666,700 per person/1,333,300/occurrence. This item was a priority for SDAO this year.
3. **Government Ethics** – amended the ethics code for government adopted by the 2007 Legislature. It narrows that definition by defining “*legislative or administrative interest*” to a particular decision or vote by the public official. The new law clarifies that gift limits do not include gifts associated with the public official’s or the public official’s relatives” private employment or volunteer work when given as part of a “usual and customary practice” (i.e. a holiday or birthday gift). And it removes the outright ban on entertainment, allowing public officials to participate in community and association events. It also provides a “Safe Harbor” in that The Ethics Commission may not impose a penalty on a public official for any good faith action the public official takes in reliance on the *Guide for Public Officials*. This item was a priority for SDAO this year.
4. **Pest Management for Schools** – This law is aimed at schools but, because of interconnection between school grounds and the District, if the District is spraying on any school/park properties, the Board is required to adopt certain policies and practices.
5. **Whistle Blowing** – provides employee protection if an employee has, in good faith, reported information that the employee believed was evidence of a violation of State or Federal law, rule or regulation.
6. **Defibrillators** – requires a facility with 50,000 square feet or more of floor space and the public congregates for purposes such as deliberation, shopping, entertainment, amusement or business activities are conducted and at least 25 individuals congregate on a normal business day have at least one external defibrillator. The owner is not liable for injury or death resulting from the use or non-use of the automatic external defibrillator.
7. **Helmets** –requires children under the age of 18 to wear helmets while operating or riding as a passenger on an all-terrain vehicle.
8. **Field Burning** – Field burning for grass seed or cereal grain crops is banned in the Willamette Valley beginning 2010.
9. **No Cell Phones While Driving** – No driver may use a cell phone while driving unless they are using a “hands-free accessory.” This law does not apply to a driver driving in the scope of that person’s employment if operation of the motor vehicle is necessary for the person’s job or is using a function of the cell phone that allows for only one-way voice communication while the

person is driving within the scope of that person's employment; or providing transit services to persons with disabilities or to senior citizens. This may pertain to Park Services employees.

- 10. Carbon Monoxide Detectors** – Property owners may not sell or rent a dwelling that contains a heater, fireplace, appliance or cooking source that uses gas, oil, or wood unless one or more properly functioning carbon monoxide alarms are installed in the dwelling. Mr. Purdy suggested that all District rentals have one installed.
- 11. Metal Theft** – To help curb metal theft, metal recyclers must pay customers by check mailed out to a valid address after a 3-day waiting period; and creates a class of “commercial metals” (i.e., utility gauge cooper wire, highway guardrails, cemetery urns, etc.) that can only be brought in for recycling by those holders of “commercial accounts.”
- 12. Pesticide Reporting System** – The 1999 Legislature adopted a pesticide use reporting system. HB 2999 made changes to the system but most do not apply to Willamalane. For reporting the location of use we may merely use the 5-digit zip code. Pesticide users are not required to report information regarding pesticide use from July 1, 2009 to June 30, 2011.
- 13. Work Place Communications** – An employer, including any public body, may not discipline an employee who declines to attend or participate in an employer-sponsored meeting or communication whose primary purpose is to communicate the opinion of the employer about religious or political matters.
- 14. Public Body Fraud** – A person may not present for payment or approval a claim that the person knows is a false claim or is based on false or fraudulent information. The Attorney General may bring action to recover all damages plus a penalty of \$10,000.00 for each violation.

#### **Facilities Rental Marketing Plan Update**

Public Affairs Manager Mike Moskovitz reviewed the tactics of the Facilities Rental Marketing Plan noting that most of the tasks were completed. A presentation to Travel Lane County (formerly CVALCO) at a monthly meeting is still pending. Public Affairs sent 1200 new brochures to all former renters as well as to Wildish Theater patrons. The result has been an uptick in people making inquiries about usage with Splash! already booking for 2010 and two bookings for the picnic shelters this summer. WPSC had seven rentals in the community room this month versus one rental in September. The Teen Center had two birthday parties booked this month. WAAC reports an increase in inquiries but no hard data to back up how many. After the first of the year, the Information on Hold system will have rental information.

Mr. Beyer asked if the District had a portable dance floor or gazebo. Mr. Moskovitz replied that the District did not but it was a good idea.

In answer to Ms. Wagner's question about how often the rates will change, Mr. Moskovitz indicated they would probably change once a year. Ms. Wagner also thought the rates for the Lively Park picnic areas were really high. Mr. Genck explained that Splash! staff had tried to benchmark other shelters in the area but there *are* no like shelters in the area. If someone wants to use the entire facility, it becomes a special event because of crowd control, parking, and maintenance, etc.

Mr. James remarked that the connection with Travel Lane County will surely result in increased use of District facilities. He also complimented the brochure designer, Janet Donnelly, saying she had done an excellent job.

Mr. Genck stated that staff is looking at the next steps for providing customer service by having a list of sponsors, preferred vendors, etc., who have paid for that privilege. Already, people can go online and look at facility availability. Mr. Keefer added that we can also add to the service with our expertise, such as having an activity leader available for children's parties or giving discounts for pool use if someone rents the entire Lively Park shelter.

### **Park SDC Deferred Payment Option Extension**

Mr. Keefer reviewed the history that led to deferring SDC payment on residential property until the occupancy permit has been issued. The original temporary deferral was effective from March 1 until October 16, 2009. On October 19, 2009, the Springfield City Council enacted the necessary ordinances and resolutions to temporarily defer both increases and collection of City SDCs and other city fees associated with residential construction through March 1, 2010. If the Board decides to extend the Willamalane SDC deferral, the District policy will be consistent with the City. Mr. Keefer noted that, of the 58 single residence building permits issued between March 1 and October 16, 2009, developers chose to defer the SDCs only nine times. The issue of possibly deferring the Park SDC fee increase until March 1, 2010, will be considered by the Board at the December 9, 2009 Regular Board meeting.

Mr. James noted that the Springfield School District is moving toward an excise tax on new construction.

Director Beyer moved, seconded by Director Wagner, to extend the SDC Payment Deferral Option until March 2010. The motion passed unanimously 3:0.

### **Business from Legal Counsel**

None

### **Standing and Special Committee Reports**

Mr. James announced that Lane Council of Governments has distributed nomination forms for individual and agency awards to be given at the annual January dinner. Mr. James would be happy to talk with anyone who has a potential nominee.

### **Superintendent's Business**

#### **Superintendent's Report #106, dated September 30, 2009**

Mr. James noted that Splash! has reopened after annual maintenance and wondered if it has been busy. Mr. Genck answered that the numbers are holding but that this is the time of year when those numbers begin to dip. They will start to go up again during the holidays. The additional No School Days have afforded more opportunities for revenue so the pool now provides continuous services between 5:30 and 6:30 p.m.

Mr. James also asked if there has been any negative feedback about the Mill Race Project because there is no dock access. Both Mr. Keefer and Mr. Miller answered no.

Mr. Beyer wondered if the Mill Race Project will meet its deadline. Mr. Miller responded that they would not because of weather and the late start. The deadline has been extended from November 15 to December 1, 2009. Mr. Keefer noted that the District intends to have the park and boat ramp open for winter fishing but may need to close it again if the Project requires bringing in big equipment.

In answer to Mr. James' question about how the revised shortened school year is affecting fourth grade swim lessons, Mr. Genck said there was no affect at this time, but that Thurston Middle School has pulled out of 6<sup>th</sup> grade lessons. No other middle schools have pulled out yet.

Ms. Wagner noted that over 500 youth attended the first Middle School dance and wondered if Willamalane pays rent to the School District. Mr. Genck explained that use of the Memorial Building for the Middle School dances is part of the School District's lease.

### **Staff Updates**

Park Services Division Director Joel Miller gave the Board an update on what staff is doing. He stated that the Division gets more calls and complaints about leaves blowing from park properties onto private properties, with the I street location and Douglas Gardens as the biggest issues. He stated that the leaves are composted completely on-site by chopping them up and blowing them back onto beds. Staff works with the neighborhoods and tries to get leaves blown two to three times per week. They also work with City to staff to make sure that leaves don't go down into sewers.

Mr. Beyer asked about the filbert harvest and Mr. Miller reported that the harvest filled 238 totes which hold approximately 1100 pounds each. The result will probably be about 190-200,000 pounds of dried nuts. In answer to Mr. James' question about the filbert blight, Mr. Miller indicated that they haven't seen any this year and are trying to stay on it with spray. Ms. Wagner wondered if there had been any more talk about planting more trees. Mr. Miller replied that they had talked about just replacing the pollinators as they are most susceptible to blight. If that is done, they will probably replace 1000 trees at a time to. Mr. Keefer stated that if crops stay at the current level, the trees may not be replaced.

#### **Upcoming Meetings/Work Sessions/Events**

- October 31 Willamalane at the Movies – Great Halloween Party, Wildish Community Theater, 1 p.m.
- November 12 Regular Board Meeting, Heron Room, 6:30 p.m.
- November 13 Willamalane at the Movies – 'Twilight' for Teens, Wildish Community Theater, 8 p.m.
- November 20 4<sup>th</sup> Annual Wildish Community Theater Benefit Gala, Wildish Community Theater, 8 p.m.
- November 26-27 Thanksgiving – offices closed

#### **Written Communications**

None

#### **Remarks from the Directors**

None

#### **Messages and Papers from the President**

None

#### **Executive Session**

No Executive Session

#### **Adjournment**

The meeting was adjourned at 7:44 p.m.

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Robert W. Keefer, Superintendent

Rita F. Grimes  
Recording Secretary