



April 4, 2019

Representative Clem and House Committee on Agriculture and Land Use
Oregon Capital
900 Court Street NE
Salem, Oregon 97301

Dear Honorable Clem and the House Committee on Agriculture and Land Use,

I am writing on behalf of the Bend Metro Park and Recreation District (BPRD) Board of Directors in opposition to HB 3099. Citizens of the City of Happy Valley and Clackamas County came together to create a service district through an election of its citizens. Actions of a city council to negate this vote discounts the directive the citizens gave Happy Valley and the remaining citizens within the district boundary. Existing statute provides direction on how to withdraw from a special district, thereby negating the need for this bill. In the Happy Valley-Clackamas County case, this statutorily prescribed method to withdraw has not been attempted, making HB 3099 premature. We hope that legislative action does not support this type of overreach by a governing body.

We have been following this issue closely and want to make the following points:

1. The issue about the provision of park and recreation services in Happy Valley is a local issue. Bills like HB 3099 can have grave consequences to well-organized and high-functioning special/service districts. There is a high chance that a bill like HB 3099 could have dire unintended consequences for agencies not connected to the Clackamas County-Happy Valley dispute.
2. This bill is not solely about park and recreation. There are other special and service districts such as water, sewer, fire and library districts that would be subject to this legislation.
3. A major city withdrawing from a district can drastically affect recreation programming, especially to vulnerable populations (i.e. those that can't afford private recreation or can't travel to further destinations in order to participate). Examples include:
 - a. sports fields could become unavailable to citizens of either the city or of the remaining district,
 - b. sports leagues could become too small to host,
 - c. indoor recreation facilities such as pools and gymnasiums could become inaccessible to people who once were district residents,
 - d. out-of-district residents could now pay a higher fee to participate in district programs and facility use

play for life

District Office | Don Horton, Executive Director

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These are issue that need to be address locally and understood by the voting public before any legislation circumvents a local process.

4. In the case of many special and service districts, including here in Bend, if a major city were to withdraw from the district it would have many consequence on the remnant district that is left. These consequences include:
 - a. Bonding capacity may be stricken from the special district
 - b. State Statute states that everyone remains obligated to bonded indebtedness, whether they remain a citizen of the district or not, however, those who withdraw from the district (in this case Happy Valley) will no longer be obligated to care for the facilities built with bond proceeds, nor will they have the expressed right to use them. Funding that is dedicated through a public vote is not transferrable to the city. There should be a process to go through where taxpayers are assured that investments they made as part of the district are maintained when ownership is transferred to the city and, that they continue to have the right to use them.
 - c. As an example to (b) above, park property ownership the special district and located within the withdrawn city would still be owned by the district (who maintains this property? Is it sold to the municipality? Does it remain vacant and unmaintained?
 - d. Employees could lose their jobs!

These issues are local and need to be worked out before transfer of governance takes place. Legislation would likely complicate these discussions, not help them.

An alternate solution to this issue is for Happy Valley to supplement the level of service provided by North Clackamas Park and Recreation District. It is not uncommon in many special districts that city governments recognize the limitations in funding of the special district that serves their citizens and therefore choose to supplement those services by building and maintaining additional parks or through the provision of recreation programs. An example includes the City of Redmond served by Central Oregon Park and Recreation District. The city has chosen to purchase, build and maintain their own parks even though the District exists.

Should you wish to talk further about how this legislation may affect Special Districts or have any questions about this letter, please contact Don Horton, Executive Director of Bend Metro Park and Recreation District. He can be reached at don@bendparksandrec.org or by calling 541.280.0475.

Thank you for considering our interest and he interest of the residents of North Clackamas Park and Recreation District and the City of Happy Valley.

Sincerely,

Ted Schoenborn, Vice-Chair
Board of Director
Bend Metro Park and Recreation District