



TO: House Committee on Agriculture and Land Use
FROM: Don Horton, ORPA Legislative Chair
RE: Support for HB 4106
DATE: February 3, 2020

Please consider this letter as support for HB 4106. Given the unique circumstances that lead to our support, we want to make sure an explanation is included in the legislative record.

The Oregon Recreation and Park Association is made up of more than 2,200 members, including 68 park and recreation agencies as well as professionals, and volunteers. Our membership includes 21 park Special Districts that have been watching this issue of a city withdraw from a special district with concern, especially given that it does not follow the existing statute that governs such separation.

The means and directions for a withdrawal from a Special District is clearly delineated in ORS 198, which is the appropriate process to be followed. However, under the unique circumstances with North Clackamas Park & Recreation District, Clackamas County and the city of Happy Valley, all agreeing that a legislative alternative to de-annexation is in the best interest of their community, ORPA can support HB 4106.

Our concern about past legislation on this issue is that it attempted to fundamentally change the rules for all special districts in the state by prioritizing the interests of individual cities over the interests and needs of a district's entire population and by allowing cities to dismantle a district's carefully-planned economies of scale and district-wide efficiencies built over a period of years.

HB 4106, however, does not change the statute – it is limited to the city of Happy Valley and North Clackamas Parks & Recreation District (Clackamas County) situation and their unique circumstances, and therefore is not precedent setting. In addition, ORPA's support is based on the following:

1. North Clackamas Park & Recreation District is operated under ORS 451, which classifies the District as a service district governed by Clackamas County rather than a separate entity governed by an elected Board of Directors. It is common for counties to transfer the provision of services from county control to city control.
2. There is a settlement agreement between North Clackamas Park & Recreation District and Happy Valley that prescribes how the annexation will take place which considers issues of importance to both parties. This settlement agreement is paramount to our ability to support a de-annexation that does not follow existing statute, which would likely have allowed voters within the entirety of the North Clackamas Park and Recreation District the opportunity to vote as was the case when the district was formed.
3. A serial levy to support the operations of park and recreation services within the city of Happy Valley was approved by the voters in order to continue the provision of services to their residents.

It must be made clear, that this legislation should not serve as a template or path for others to use who have a grievance. It is specific to this situation and within the context of much work, negotiations and settlements.

All this work is important to recognize as a precursor to our support of this bill.