

# Council Communication

## August 19, 2014, Business Meeting

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### **Approval of Memorandum of Understanding Between the Ashland City Council and the Ashland Parks and Recreation Commission**

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**FROM:**

Dave Kanner, City Administrator, kannerd@ashland.or.us

**SUMMARY**

This memorandum of understanding (MOU) is an agreement between the City Council and the Parks & Recreation Commission that memorializes the management responsibilities of each party with regard to parks. The agreement is divided into the five major categories that generally constitute “management:” planning, organizing, budgeting, directing and evaluating. Although the MOU is not legally binding on the two parties, it is intended to avoid misunderstandings about roles and responsibilities in the future.

**BACKGROUND AND POLICY IMPLICATIONS:**

In March 2013, Mayor Stromberg appointed an ad hoc Parks Funding Committee to examine long- and short-term Parks funding issues in greater depth. One of the recommendations of the Committee was that the City Council and the Parks Commission enter into a memorandum of understanding to clarify the Commission’s management responsibilities. During these discussions, Parks Director Don Robertson and I created an outline showing how such responsibilities are informally divided, using the commonly accepted definition of management as planning, organizing, budgeting, directing and evaluating. The Committee requested that this outline be fleshed out and presented in the form of an MOU.

The MOU has gone through several iterations and was reviewed in study sessions by the Parks Commission. It is now in what staff considers to be its final form.

In addition to the Committee’s request, the City’s external auditor has noted the absence of an MOU between the Commission and the Council as a deficiency that needs to be corrected. Even if the MOU is approved by both the Commission (on August 18) and the Council (on August 19), this is likely to be noted again in the 2014 audit report, since approval did not occur prior to the close of the 2014 fiscal year.

**FISCAL IMPLICATIONS:**

N/A

**STAFF RECOMMENDATION AND REQUESTED ACTION:**

Staff recommends approval of the MOU between the City Council and the Parks & Recreation Commission.



**SUGGESTED MOTIONS:**

I move approval of Memorandum of Understanding between the Ashland City Council and the Parks & Recreation Commission.

**ATTACHMENTS:**

Memorandum of Understanding



**MEMORANDUM OF UNDERSTANDING  
ASHLAND CITY COUNCIL AND ASHLAND PARK AND RECREATION COMMISSION**

Agreement made this \_\_\_\_ day of \_\_\_\_, 2014, between the Ashland City Council and the Ashland Park and Recreation Commission and is effective upon signing by the City and Parks.

**RECITALS**

A. Under the Ashland City Charter, the Ashland City Council is the sovereign authority over all matters of City-wide concern and the owner of all land and other assets held in title by the City.

B. The Ashland City Charter creates an elected Ashland Park Commission, which also serves as the Ashland Recreation Commission, and empowers the Commission with “control and management of all the lands here dedicated for park purposes,” and further empowers the Commission with “control and management of all park funds, whether the same is obtained by taxation, donation or otherwise.”

C. The City Council and Parks Commission wish to clearly define what is meant by “management,” and what the responsibility of each entity is within each aspect of management and to memorialize these responsibilities in this memorandum of understanding.

D. Management is generally defined as planning, organizing, budgeting, directing and evaluating as described in exhibit A.

E. For purposes of this agreement, “City” means the Ashland City Council or the City Administrator, to whom the Council has delegated management responsibility, as well as any other individuals to whom the City Administrator has delegated specific responsibilities as contained herein. “Parks” means the Ashland Parks and Recreation Commission or the Parks and Recreation Director, to whom the Commission has delegated management responsibility, as well as any other individuals to whom the Parks and Recreation Director has delegated specific responsibilities as contained herein.

Now, therefore, the City and Parks agree as follows:

**1. Planning.**

A. Parks responsibilities:

- 1) Parks will develop master plans for the development, operation and maintenance of lands and facilities under its control.
- 2) Parks will develop and execute functional plans regarding the allocation of staff and monetary resources for the operation of facilities and delivery of services within its scope of authority.
- 3) Parks will develop and propose capital improvement plans (CIPs) for the

expenditure of funds that have been dedicated to land acquisition and park/open space development.

- 4) Parks will create rules for use of park land and facilities, providing such rules are not in conflict with other ordinances of the City.

**B. City responsibilities:**

- 1) The City will maintain and periodically update the Comprehensive Plan, including Chapter VIII, Parks, Open Space and Aesthetics, which serves as the guiding document for all master plans, functional plans and capital improvement plans. The City will consider and respond to recommendations from Parks when amending or updating the comprehensive plan.
- 2) The City will include the Parks CIP in its biennial budget, subject to section 3.B, below. The City will determine and implement all funding mechanisms for capital improvements (including Parks SDCs), other than donations and grants from non-City sources, and will determine the timing, manner and method of debt financing, if necessary.
- 3) The City will, as necessary and upon the advice of the Park Commission, adopt or amend the ordinances comprising Chapter 10.68 of the Ashland Municipal Code (Public Parks).

**2. Organizing**

**A. Parks responsibilities**

- 1) Parks will determine the nature and structure of functional divisions in the Department and how best to structure day-to-day responsibilities among and within functional divisions.
- 2) Parks will allocate appropriated resources within budget limits for the purpose of achieving its adopted goals and objectives, as well as the smooth day-to-day operation of the Department.
- 3) Parks will continue to contract for services as necessary and appropriate. When contracting for services, Parks will adhere to all provisions of AMC Chapter 2.50, Local Public Contract Review Board, and shall use only those bid forms and contracts that have been approved by the Finance Director, Public Contracting Officer and City Attorney.
- 4) Per City Council Resolution 2013-25 and AMC 2.16, Parks will, with the assistance of the Human Resources Office, hire its parks and recreation director, including development of search criteria and interview processes.
- 5) Parks will continue to provide a representative to the City risk management committee.

**B. City responsibilities**

- 1) The City will serve as the Local Contract Review Board.
- 2) The City will develop and enforce all codified public contracting rules.
- 3) The City will develop and enforce all codified personnel rules, as well as administrative policies necessary for compliance with state and federal laws.
- 4) The City will develop and enforce all risk management policies.
- 5) The city administrator will seek input from the parks & recreation director when

developing public contracting rules, personnel rules and administrative policies, and risk management policies, whether for formal adoption by the City Council or administrative approval.

### **3. Budgeting and Financial Management**

#### **A. Parks responsibilities**

- 1) As part of each annual or biennial budget process, using whatever process it deems appropriate, Parks will develop and recommend a budget to the Budget Officer.
- 2) Parks will set recreation fees and rental rates for all Parks-related facilities except the Community Center, Pioneer Hall and the Grove, for which Parks will recommend rates for adoption in the City rate review process. All Parks fees and rates will be included in the City's Master Rate and Fee Schedule.

#### **B. City responsibilities**

- 1) The City reserves and will employ all authority assigned to it under Oregon Local Budget Law (ORS 294), the Ashland City Charter and any other applicable law. This includes the authority to:
  - a) Appropriate funds;
  - b) Adopt an annual or biennial budget;
  - c) Refer tax measures to the voters;
  - d) Set the City tax rate within the limits of the City's Measure 50 permanent tax rate;
  - e) Provide funding for capital improvements, including the issuance of debt;
  - f) Establish new, increased or decreased taxes, fees and charges (except fees and rental or program rates set by Parks), including such taxes, fees and charges as may be established without voter approval; and
  - g) Commit discrete revenue streams to specific purposes.

C. Other responsibilities for accounts payable, accounts receivable, payroll, purchasing, cash receipts, fixed assets and project accounting are shown in the attached exhibit B.

### **4. Directing**

#### **A. Parks responsibilities**

- 1) Parks will assign duties and responsibilities to Parks staff, consistent with position descriptions and the operational requirements of Parks.
- 2) Parks will develop and implement policies and procedures regarding park land maintenance.
- 3) Parks will establish priorities for Parks staff.
- 4) Parks will implement procedural work policies for Parks staff.
- 5) Parks will create and maintain current position descriptions for all Parks staff positions. All position descriptions will continue to be reviewed as to form by the City Human Resources Manager.
- 6) In directing the work of Parks staff:
  - a) Parks will continue to adhere to all provisions of AMC 3.08, General Personnel Policies and Employment Responsibilities.

- b) Parks will continue to adhere to all City administrative policies. Parks may adopt rules, regulations, procedures and administrative policies that are specific to its operations. Such administrative policies shall be in harmony with the requirements established in the City's codified personnel policies and adopted administrative policies and shall in no case be less restrictive than the City's adopted policies. Parks shall continue to adhere to the City's adopted administrative policies regarding Prevention of Violence in the Workplace, Harassment and Non-Discrimination, Vehicle and Motorized Equipment Driving, IT Security, Electronic Media and Technology Use, Family Medical Leave, Equal Employment Opportunity and Affirmative Action, and Military Leave.
- c) Parks will continue to take no disciplinary action against any employee beyond a verbal reprimand without first consulting with the City Attorney and Human Resources Manager.
- d) Parks will continue to ensure that all employees attend mandatory trainings; whether mandatory as determined by the City Human Resources Manager, the City Risk Manager or by state or federal law.
- e) Parks and Recreation Director will, in consultation with the human resources manager, establish classifications for Parks employees. The Parks and Recreation Director will also establish compensation and benefit packages for Parks employees, subject to the statutory budget process.
- f) Parks, with the advisement of the City Human Resources Manager, will establish COLAs for Parks & Recreation employees, subject to the statutory budget process.
- g) Parks will continue to complete Personnel Action forms, under the supervision of the Human Resources Manager.
- h) Parks will coordinate all Parks-related worker's compensation claims, under the supervision of the Human Resources Manager
- i) The Parks Department can develop its own Facebook and Twitter pages, as well as YouTube videos for instructional and educational purposes. The Parks Department will comply with the City's Website and Social Media policy, except that the Parks Department may develop non city-standard web sites for senior populations and stand-alone recreation enterprises. Parks will, to the greatest extent practical, adhere to the provisions of the City of Ashland Employee Communication Guide, until the Department, in cooperation with the City, prepares its own Employee Communication Guide.

#### B. City responsibilities

- 1) The City will establish citywide personnel rules and policies.
- 2) The City will establish city classifications and compensation rates. Parks will work toward aligning classification and compensation rates with City structure whenever it is possible and appropriate.
- 3) The City will maintain all personnel files, including Parks', which will be kept in secured storage in the Human Resources Office. Personnel files will include training records. Electronic versions of Personnel Action Forms prepared by Parks staff will be stored in a secure folder on the City network, to which City HR

staff has access.

- 4) The City will process all worker's compensation claims and will complete the annual OR-OSHA 300 Log.
- 5) The City will continue to coordinate the enrollment of all Parks employees in City benefit programs.
- 6) With the exception of the Parks and Recreation Director, the City will oversee all recruitment and selection processes, including:
  - a) All job postings will be processed through the Human Resources Office and posted using NEOGOV or any succeeding software.
  - b) Interviews will be scheduled/coordinated by the Human Resources Office, which will also provide input and assistance with the interview process, including development of interview questions, providing instructions to panelists, and distributing final interview packets to panelists. Panelists will be selected by the hiring manager in Parks. A Human Resources representative can serve as a panelist if desired by the hiring manager.
  - c) Written job offers and advanced acknowledgement of the "critical" City policies will be handled by the Human Resources Office (excluding part-time temporary hires).
  - d) The City will conduct background checks on all new hires in temporary or regular positions, using a third party vendor if necessary.
  - e) In coordination with Parks, the City will provide orientation on City benefits for all new hires, or employees who promote into a regular position with benefits.

## **5. Evaluating**

### **A. Parks responsibilities**

- 1) Parks will evaluate employee performance (supervisors) and conduct annual reviews using City-standard evaluation forms or other forms that have been approved by the Human Resources Manager.
- 2) The Parks Commission will evaluate the performance of the director.
- 3) Parks will analyze program performance to ensure effective and efficient service delivery
- 4) Parks will review and analyze all general ledger activity reports to ensure accuracy
- 5) Parks will analyze and categorize physical conditions of facilities under Parks control
- 6) Parks will cooperate with auditors during on-site audits and throughout the year, and shall accept the CUFR after it is approved by the Municipal Audit Commission.

### **B. City responsibilities**

- 1) The City will monitor budget compliance
- 2) The City will prepare for annual audit, including:
  - a) Compile year-end figures and financial reports, and assure balancing of funds
  - b) Work with auditors during on-site audits and throughout year
  - c) Generate CUFR (or blended CAFR if required by GASB 61)
  - d) Communicate with and staff the Audit Committee

- e) Assure compliance with State of Oregon Statutes and provide documentation to State

For the Parks & Recreation Commission:

For the Ashland City Council:

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Stefani Seffinger, chair

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John Stromberg, mayor

DRAFT

## **Management: Planning; Organizing; Budgeting; Directing; Evaluating**

### **Planning**

#### Parks

Master plans  
Functional plans  
Capital improvement plans  
Create rules for use of park land and facilities

#### City

Comprehensive plan (parks input)  
CIP funding, incl. debt financing

### **Organizing**

#### Parks

Determine functional divisions  
Allocation of appropriated resources  
Contract for services within limits

#### City

Local Contract Review Board

### **Budgeting**

#### Parks

Recommend budget to Budget Officer  
Set recreation fees and rental rates\*  
\* exc. Comm. Ctr., Pioneer Hall and The Grov

#### City

Appropriate funds and adopt budget  
Refer tax measures, set tax rate  
CIP funding, incl. debt financing  
Establish other revenue streams  
Establish SDCs

### **Directing**

#### Parks

Assign duties and responsibilities to Parks staff  
Establish priorities for Parks staff  
Procedural work policies  
Policies re park land maintenance  
Establish personnel rules and policies  
(with guidance from Legal, Finance and Personnel)  
Establish classifications and compensation rates  
Determine COLAs and benefits

#### City

Establish citywide personnel rules and policies  
Establish city classifications and compensation rates

### **Evaluating**

#### Parks

Evaluate employee performance (supervisors)  
Evaluate director (commission)  
Analyze program performance  
Monitor budget compliance  
Analyze and categorize physical conditions

#### City

Monitor budget compliance

EXHIBIT B

| Service  | City's Responsibility  | Parks' Responsibility  |
|--|--|--|
| <p><b>Accounts Payable:</b><br/>- The process for issuing checks for all invoices.</p>           | <p>Enter the expense in correct period (monthly)<br/>Request and manage w-9's from the vendor<br/>Ensure payment is correct, accurate and on time.<br/>Maintain all documentation for review<br/>Report and maintain 1099's</p>    | <p>Validate that the expenses are necessary and needed<br/>Approve all expenses<br/>Code the expense to the proper category<br/>Turn in paper work on timely basis.<br/>Attach the appropriate documentation</p>   |
| <p><b>Accounts Receivable:</b><br/>- The process for issuing invoices (bills) owed to Parks.</p> | <p>Enter the revenue in the correct period (monthly)<br/>Enter and mail out the invoice on a timely basis<br/>Ensure the payment is received<br/>Notify the department of status<br/>Maintain all the documentation for review</p> | <p>Validate that revenue on bills is correct and meets current rates.<br/>Code the Revenue to the proper category<br/>Turn in paper work on timely basis.</p>  |
| <p><b>Payroll:</b><br/>- The process for issuing employees pay.</p>                              | <p>Enter payroll costs in correct period<br/>Ensure checks are issued on time and accurate<br/>Report W-2's<br/>Report Federal and State Taxes<br/>Maintain all the documentation for review</p>                                   | <p>Validate the employee's FTE &amp; coding<br/>Review and approve timesheets to ensure employee is recording their time correctly<br/>Turn in timesheets on a timely basis<br/>Review and ensure employees are in compliance with using leave that is available.</p>  |
| <p><b>Purchasing:</b></p>  | <p>Issue Purchase order<br/>Maintain back-up documentation<br/>Assist with bids &amp; quotes for purchases</p>   | <p>Ensure employees are purchasing only appropriate items<br/>Following the purchasing rules and regulations<br/>Turn in appropriate documentation</p>   |
| <p><b>Cash Receipts:</b></p>   | <p>Balance to the bank accounts<br/><br/>Notify supervisors of substantial discrepancies</p>   | <p>Enter it into Financial System on a daily basis<br/>Be consistent when posting to Revenue<br/>Validate that the daily deposits match the Cash receipts</p>  |
| <p><b>Fixed Assets:</b><br/><br/><b>Project Accounting:</b></p>                                  | <p>Enter, Maintain and disposal of assets in Financial System<br/>Keep all records<br/><br/>Generate Project number<br/>Provide informational reports<br/>Make project Adjustments</p>   | <p>Sign off quarterly of Listing<br/>Ensure that fixed assets are kept safely and prevent loss of assets<br/>Dispose of the fixed assets per code.<br/><br/>Request number for project<br/>Turn in proper documentation<br/>Code Revenues a and Expenses to project as needed<br/>Notify staff of project status</p> |
| <p><b>Reporting:</b></p>   | <p>Have reports available for review on a consistent basis<br/>Be able to tie the numbers</p>  | <p>To be able to speak to abnormal changes<br/>To be able to speak to your activities<br/>To understand and fully review all monthly activity reports from the GL and be able to analyze data to ensure that it is accurate and reasonable.</p>  |