

Oregon Parks and Recreation Commission

February 11, 2015

Agenda Item:	10a	Action
Topic:	Request to go to Rulemaking – OAR 736-010, General Park Area Rules	
Presented by:	Richard Walkoski	

Background:

OPRD is making a number of changes to our reservation procedures in 2015 aimed at improving customer service and streamlining operations at the call center to reduce costs. The changes being made to the reservation process are outlined in “Reports - Item 12d”. The department has also eliminated Discovery Season discounts as of May, 2015. Our general park area rules (division 10) and rate rules (division 15) must now be revised to reflect the new procedures.

Prior Action by Commission: None

Action Requested:

Staff requests approval to begin the rulemaking process for OPRD rules, chapter 736, division 10, relating to reservation policy and discount programs.

Attachments: None

Prepared by: Richard Walkoski

Oregon Parks and Recreation Commission

February 11, 2015

Agenda Item:	10b	Action
Topic:	Request to go to Rulemaking – OAR 736-015, Rates	
Presented by:	Richard Walkoski	

Background:

OPRD is making a number of changes to our reservation procedures in 2015 aimed at improving customer service and streamlining operations at the call center to reduce costs. The changes being made to the reservation process are outlined in “Reports - Item 12d”. The department has also eliminated Discovery Season discounts as of May, 2015. Our general park area rules (division 10) and rate rules (division 15) must now be revised to reflect the new procedures.

Prior Action by Commission: None

Action Requested:

Staff requests approval to begin the rulemaking process for OPRD rules, chapter 736, division 15, relating to reservation policy and discount programs.

Attachments: None

Prepared by: Richard Walkoski

Oregon Parks and Recreation Commission

February 11, 2015

Agenda Item: 10c Action
Topic: Request to go to Rulemaking – Veterans and War Memorial Grants
Presented by: Larry Warren

Background:

The Veterans and War Memorial (VWM) Grant Program was created in 2005 by the legislature as a part of the Local Government Grant Program, which provides Lottery-funded grants to local and regional governments for parks, trails, and outdoor recreation facilities. VWM grants are used to repair and upgrade existing memorials and to construct new ones. Traditionally the department has provided approximately \$150,000 per biennium for VWM grants.

Why Change the Rule?

To better serve grant applicants/recipients, enable more projects to access the grant funds, and make the grant selection process more efficient.

What Changes are Proposed?

1. Allow grant funds to be spent on monuments located on any type of public land, not just land owned by regional or local governments. Many potential and otherwise very worthy projects, especially those involving existing monuments that need improvements, are currently not eligible because they are located on state, federal, tribal, or other land. [Note: Applicants and project sponsors will still be required to be local or regional governments, with long-term agreements with the landowners.] Many existing memorials are on state, federal and tribal property and should be supported with restoration funds. For new memorials, some of the most accessible, appropriate and available land is on other than local government property.
2. Change the selection committee from the Local Government Grant Program Advisory Committee to an *ad hoc* OPRD-appointed committee with focused expertise on monuments, military history, etc. This allows the LGGPAC to focus on its primary duty. This is consistent with past decisions to turn over to the department the selection process for other minor components of the Local Government Grant Program, specifically Small Grants and Planning Grants. The *ad hoc* nature of the committee would also allow flexibility for bringing in experts as needed to help review applications with specialized proposals (restoration, ADA access, etc.). Veterans organizations will always be represented.

Current members of the Local Government Grant Advisory Committee and veterans who have served on the selection committee in the past have reviewed the proposed changes and expressed their support.

Prior Action by Commission: None

Action Requested: Staff requests approval to begin the rulemaking process for OPRD Rules, Chapter 736, Division 17, relating to the Veterans and War Memorial Grant program. Proposed rule language is included in Attachment A.

Attachments: A – Draft rule language

Prepared by: Kuri Gill and Roger Roper

PARKS AND RECREATION DEPARTMENT

DIVISION 17

VETERANS AND WAR MEMORIAL GRANTS

736-017-0000

Purpose

The purpose of this division is to establish the procedures and criteria that the Oregon Parks and Recreation Department (OPRD) will use in recommending Veterans and War Memorial Grants for funding to the commission pursuant to ORS 390.180(1)(d).

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0005

Definitions

As used in this division, unless the context requires otherwise, the following definitions apply:

- (1) "Agreement" means the formal contract between OPRD and the Project Sponsor describing the terms and conditions associated with any granting of funds. Also called "Grant Agreement."
- (2) "Commission" means the Oregon Parks and Recreation Commission.
- (3) "Committee" means the Veterans and War Memorial Grant Review Committee described in OAR 736-017-0010.
- (4) "Department" means the Oregon Parks and Recreation Department (OPRD).
- (5) "Construction" means the creation of a new memorial on public property.
- (6) "Director" means the director of the Oregon Parks and Recreation Department.
- (7) "Eligible Project" means a construction or restoration undertaking which satisfies the requirements of the Veterans and War Memorial Grant Program.

Item 10c – Attachment A – Draft Rule Language

Formatted: Font: 14 pt

(8) "Governmental Entity" means a body of government, whether district, local, or regional, state, federal or tribal, that owns or leases the property on which the project is to reside.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

(9) "Grant" means an award from the Veterans and War Memorial Grant Program.

(10) "Grant Application" means the form and its format as developed by the OPRD that an applicant uses to request a grant.

(11) "Match" means project sponsor's budgeted funds, donated funds, value of equipment, materials, labor, planning, or any combination thereof.

(12) "Maintenance" means the continuation or preservation of a memorial. It includes the routine maintenance of or around a memorial such as landscaping, power washing, general cleaning, dusting, or removal of trash.

(13) "Memorial" means a monument or place designed to commemorate or preserve the memory of wars involving the United States of America or to honor veterans of the Armed Forces of the United States of America.

(14) "Nonprofit Veterans' Organization" means a group that:

(a) Is a nonprofit group that represents veterans of the Armed Forces of the United States, or is established for the purpose of supporting or recognizing such veterans;

(b) Has an established membership, that includes officers, and bylaws; and

(c) Is physically located in Oregon or has a chapter that is physically located in Oregon.

(d) Is also called a "Veterans' Nonprofit Organization".

(e) Is recognized as an existing non-profit status by the Internal Revenue Service.

(15) "OPRD" means the Oregon Parks and Recreation Department.

(16) "Planning" means the research, design, engineering, environmental, and site survey of any Memorial construction or restoration project.

(17) "Project Completion" means satisfaction of all requirements of a grant agreement as determined after review or inspection by OPRD.

(18) "Project Authorization" means the Agreement that authorizes the project as signed by the director and the Project Sponsor.

Item 10c – Attachment A – Draft Rule Language

Formatted: Font: 14 pt

(19) "Project Sponsor" means the recipient of the grant funds and the responsible party for implementation of the project. A Project Sponsor must be a local or regional government.

(20) "Public Property" means public lands, premises and buildings, including but not limited to any building used in connection with the transaction of public business or any lands, premises or buildings ~~owned or leased by a local or regional government~~ owned or leased by a government entity.

(21) "Restoration" means the improvement, rehabilitation, repair, or reconstruction of an existing memorial. It does not include routine maintenance.

(22) "Veterans and War Memorial Grant Instruction Manual" means a manual prepared by the OPRD containing state policies, procedures, instructions and grant criteria to assist applicants and Project Sponsors wishing to participate in the Veterans and War Memorial Grant Program.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0010

Veterans and War Memorial Grant Review Committee

(1) The Veterans and War Memorial Grant Review Committee shall be composed of ~~five~~¹² members selected by the department for their interest or expertise in veteran or military issues, at least two of which represent either a veterans organization or a governmental agency responsible for the administration of law relating to veterans. ~~The committee shall include:~~

~~(a) Three staff or community members~~The Local Government Grant Advisory Committee described in OAR 736-006-0145; and

~~(b) Two people appointed by the director to four-year terms that represent either a veterans' organization or a governmental agency responsible for the administration of law relating to veterans.~~

~~(2) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.~~

~~(3) The committee shall meet upon the call of the director.~~

~~(4)~~ (12) The Veterans and War Memorial Grant Review Committee shall follow grant application review procedures as provided in this division.

Item 10c – Attachment A – Draft Rule Language

Formatted: Font: 14 pt

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0015

Director Authority

- (1) In addition to those considered by the committee, the director may recommend eligible projects to the commission for grant funding. The director may recommend grants for construction and restoration.
- (2) The director may recommend funding eligible projects either in whole or in part.
- (3) The director may establish minimum or maximum grant award amounts each funding cycle.
- (4) The director may establish funding priorities or other criteria for each funding cycle.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0020

Eligibility

- (1) ~~The department may consider a grant application from any local or regional government that meets the requirements of this section. The applicant and project sponsor must be either a local or regional government.~~
- (2) Site. To be eligible for a grant, a memorial must be placed on public property. ~~The property must be~~ If the property is not owned or controlled by ~~a local or regional government~~ the project sponsor, or bethere must be an agreement must be in place withbetween the local government project sponsor and the public property owner stating that the memorial will remain in place for at least 25 years.
- (3) The project sponsor must agree in writing to keep in place and maintain the memorial for ~~:(a) Having the memorial sited and maintained for not less thanat least 20-25 years from completion of the project. If the property is not owned or controlled by the project sponsor, there must be an agreement in place between the project sponsor and the public property owner stating that the memorial will remain in place for at least 25 years.~~
~~(b) An applicant must provide in their grant application:~~

Formatted: Font: 12 pt

- ~~(A) General description of the intended construction or restoration project;~~
- ~~(B) Documentation that demonstrates cooperation with a non-profit veterans' organization assisting in the construction or restoration of a memorial;~~
- ~~(C) Location of project with site maps;~~
- ~~(D) Conceptual design drawings, engineering plans, or both.~~
- ~~(E) Description of project time period including proposed beginning and completion dates;~~
- ~~(F) Roles and responsibilities of the project sponsor and veterans' organization including post-project completion responsibilities;~~
- ~~(G) Description of financing plan for eligible projects, including sources of funds and match;~~
- ~~(H) Summary of proposed budget for the eligible project;~~
- ~~(I) Allowance by the state for any audits.~~

(4) Matching Requirements. The Veterans and War Memorial Grant program provides, subject to the availability of funds, for up to 80 percent funding assistance with a minimum of 10 percent cash match. The project sponsor shall provide a minimum 10 percent cash match. The project sponsor may provide the remaining match by ~~planning work done prior to project authorization or~~ planning, construction, or restoration work performed following project authorization.

(5) Ineligible costs for grant:

(a) Overhead — The regular operating expenses of either the applicant or the governmental entity receiving the memorial such as rent, building upkeep, utilities, and all fixed costs associated with the daily operations of a business, agency or group;

(b) Overtime;

(c) Expenses for equipment or materials used outside the scope of this project;

~~(d) Costs or expenses incurred prior to a Grant Agreement except planning work done prior to project authorization under section (4) above.~~

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0025

Application Process

(1) When the commission has Veterans and War Memorial Grant Program funds to award, the director will announce through a variety of media the availability of, application procedures for, deadlines and other information for applying for a grant, including whether the director has established funding priorities for that funding cycle.

(2) Applicants must submit a grant application to the department. Applicants may use the "*Veterans and War Memorial Grant Instruction Manual*" for guidance in preparing and submitting a grant application to the department.

(3) A grant application that contains multiple work items must be structured so that the commission may award partial funding to a specific work item proposed in the grant application.

[ED. NOTE: Forms referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0030

Evaluation of Applications

(1) The department will review eligible applications that the department receives by the announced deadline for completeness. The department will provide all complete, eligible applications to the committee.

(2) The committee will rank applications based on the following criteria:

(a) Whether the application meets the director's funding priorities for that funding cycle;

(b) Whether the application has demonstrated the need for the project;

(c) Whether the applicant has demonstrated that adequate budget and financial controls are in place to properly administer the grant; and

(d) Any other criteria determined by the director prior to the announcement of the availability of grant funding, and which are contained in that announcement.

(3) The committee recommends funding grants up to the amount of funds that may be available in the program that biennium. The committee may also rank several alternates in priority order that may be funded if any of the recommended grants are not awarded.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0035

Award of Grants

(1) Grants will be subject to binding grant agreements between the OPRD and the Project Sponsor. The grant agreement will specify the terms and conditions of the grant, generally including:

(a) The total project costs, the match to be provided by the Project Sponsor, and the amount of the grant;

(b) A statement of the work to be accomplished;

(c) When the grant-assisted project may begin and a schedule for accomplishing work, reporting on progress, delivering products, and project completion.

(2) If grant funds remain or become unobligated, the department may reallocate such funds to other department grant programs.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0040

Disbursement of Grant Funds

(1) All grant funds shall be disbursed to project sponsors on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Project sponsor shall supply information substantiating billings if requested by the department.

(2) Under certain conditions such as reduction or increase of these funds an emergency procedure for awarding or canceling grants may be initiated at the discretion of the director.

(3) In implementing the emergency procedure, the director shall consider the availability of funds; the scope and need of projects available for funding; and the urgency and statewide

importance of prospective projects. The director may propose projects to the commission for funding under this section and the commission may waive other requirements of these rules for the purpose of obligating funds in a timely manner.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0050

Recovery of Grant Funds

(1) Project sponsors that fail to complete approved projects to the department's satisfaction shall return all unexpended grant funds.

(2) Project sponsors shall maintain records adequate for audit purposes for a period of not less than five years after project completion and shall reimburse the department for any costs questioned in audit findings.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State. [Terms and Conditions of Use](#)

Oregon Parks and Recreation Commission

February 11, 2015

Agenda Item:	10d	Information
Topic:	Ocean Shore Rulemaking Requests from Local Government	
Presented by:	John Allen and Richard Walkoski	

Background: The Oregon Revised Statutes governing OPRD management of the ocean shore makes provisions for local residents and governmental jurisdictions adjacent to the shore to request that OPRD make specific rules on vehicle and aircraft use on the beach in specific zones. The statute outlines procedures for making the request and the steps OPRD must take when a request is received. The last time rulemaking was conducted under this division of the park OARs was in 1996 for Lane, Douglas and Coos County.

Here are the statutory requirements for rulemaking under ORS 390.678:

390.678 Motor vehicle and aircraft use regulated in certain zones; zone markers; proceedings to establish zones. (1) The State Parks and Recreation Department may establish zones on the ocean shore where travel by motor vehicles or landing of any aircraft except for an emergency shall be restricted or prohibited. After the establishment of a zone and the erection of signs or markers thereon, no such use shall be made of such areas except in conformity with the rules of the department.

(2) Proceedings to establish a zone:

(a) May be initiated by the department on its own motion; or

(b) Shall be initiated upon the request of 20 or more landowners or residents or upon request of the governing body of a county or city contiguous to the proposed zone.

(3) A zone shall not be established unless the department first holds a public hearing in the vicinity of the proposed zone. The department shall cause notice of the hearing to be given by publication, not less than seven days prior to the hearing, by at least one insertion in a newspaper of general circulation in the vicinity of the zone.

(4) Before establishing a zone, the department shall seek the approval of the local government whose lands are adjacent or contiguous to the proposed zone. [Formerly 390.668]

There is currently interest in restricting driving on south Tillamook County beaches near Cape Kiwanda. It is likely OPRD will receive a formal request to adopt vehicle restrictions in that area soon.

Prior Action by Commission: None

Action Requested: None - Information item only

Attachments: None

Prepared by: Richard Walkoski