



Work Session

WS

Milwaukie City Council

COUNCIL WORK SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

AGENDA

SEPTEMBER 3, 2024

Council will hold this meeting in-person and by video conference. The public may come to City Hall, join the Zoom webinar, or watch on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. For Zoom login visit <https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-355>.
Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov.

Note: agenda item times are estimates and are subject to change.

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| 1. Council Goal Update: Parks – Discussion (4:00 p.m.)
Staff: Emma Sagor, City Manager | 1 |
| 2. Milwaukie Leadership Academy – Annual Update (4:45 p.m.)
Staff: Dan Harris, Events & Emergency Management Coordinator | 5 |
| 3. Youth Engagement Strategy – Discussion (5:15 p.m.)
Presenter: Rebecca Stavenjord, City Councilor | |
| 4. Adjourn (6:00 p.m.) | |

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

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Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

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Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.

COUNCIL STAFF REPORT**To:** Mayor and City Council**Date Written:** Aug 29, 2024**Reviewed:** Justin Gericke, City Attorney, and
Joseph Briglio, Acting Assistant City Manager, and
Adam Moore, Parks Development Coordinator**From:** Emma Sagor, City Manager**Subject:** **Council goal update: Parks****ACTION REQUESTED**

Council is asked to receive a report on progress made since the last update on its parks goal and provide direction on next steps they would like to see the city take related to this goal.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Previous staff reports prepared in [August 2022](#) (page 26) and [August 2023](#) (page 26) provide a comprehensive history of the city's discussions on parks and park governance.

[April 18, 2023](#): Council discussed whether to adopt parks as a third Council goal for 2023-2024. Council approved three goals of climate action; equity, justice and inclusion; and parks by resolution [4:1].

On May 16, 2023, the circuit court ruled that the withdrawal method agreed to by the city and North Clackamas Parks and Recreation District (NCPRD) in the 2008 intergovernmental agreement (IGA) was beyond their legal authority under state law.

On June 21, 2023, the city appealed the circuit court decision to the Oregon Court of Appeals.

[June 18, 2024](#): Council received an update on the city's parks goal and directed staff to attempt to re-engage NCPRD staff to make progress on Milwaukie Bay Park.

[August 20, 2024](#): Council received an update on the development of three neighborhood parks projects.

ANALYSIS**Parks Governance**

The staff report prepared for the [August 2023](#) Council regular session contains a detailed analysis of the history of NCPRD and the city and provided the legal context and financial considerations of the city leaving the parks district.

In May 2023, the circuit court ruled that Milwaukie cannot leave NCPRD by Council vote but must follow the process outlined in Oregon Revised Statute (ORS) 198, which requires approval of a petition from the NCPRD Board of Directors with the possibility of a district-wide vote should their decision be referred to the voters.

The city appealed the circuit court decision on June 21, 2023. The city is currently awaiting the result of that appeal.

Milwaukie Bay Park

The staff report prepared for the [June 18, 2024](#), Council work session includes a summary of actions related to Milwaukie Bay Park Phase 3 to date. At that work session, Council directed staff to attempt to engage NCPRD staff to resume progress on the park and avoid losing grant funding secured for the project.

Following that meeting, the Acting City Manager reached out to the NCPRD Director to schedule a conversation. The city was informed on July 18, 2024, by Commissioner Paul Savas, operating in his capacity as a member of the NCPRD Board of Directors, that the District Board wanted to “*elevate this conversation back to the elected level*” and that “*the District continues to need assurance that investments will not be stranded, at the expense of the remaining taxpayers, should Milwaukie withdraw from the District.*” Mayor Batey asked if the District Board would be open to conversations with two Commissioners and two City Councilors to try to make progress on Milwaukie Bay Park, but Director Savas clarified that they would not resume negotiations until the appeal on the validation action is resolved or dropped. In a follow up email on July 23, 2024, Mayor Batey stated:

“I do want to clarify that the pending litigation is a validation action, clarifying if the terms set out in our IGA for close to thirty years are the correct method for leaving the district – a legal action that was only necessary because the Board contested the validity of the three decades of understanding embodied in the IGA. Milwaukie has made no decision as to whether to leave the district. While we await the decision of that validation action, we feel it is both prudent and possible to separate discussions about Milwaukie Bay Park from any discussions about the future composition of NCPRD.”

We hope the Board will reconsider their pause on discussions related to Milwaukie Bay Park. We are willing and eager to re-engage on this critical project and are ready to meet two-on-two when you are.”

The Board of Directors again declined to meet, stating their legal counsel has recommended they refrain from discussions on Milwaukie Bay Park while the appeal is pending.

Since the last parks goal update, several Milwaukie constituents and the Milwaukie Parks and Recreation Board also wrote to the Board of County Commissioners urging progress on Milwaukie Bay Park. The responses staff and City Council have been copied on have been consistent and included the following message:

“The North Clackamas Parks and Recreation District (NCPRD) Board of Directors appreciates your enthusiasm for adding amenities to this beautiful and regionally-beneficial park asset. Phase III remains a project on NCPRD’s capital improvement list.”

It is important to note, however, that NCPRD has contributed substantial resources to each phase of Milwaukie Bay Park. NCPRD staff estimates that the District has expended over \$1.1 million for the project since 2017. Clackamas County and Water Environment Services have both made investments as well. As you may know, NCPRD has the lowest tax rate of any large parks

district in Oregon, and District resources are stretched thin. The NCPRD Board and staff do not want our substantial investment in Milwaukie Bay Park to be lost.

At this time, construction of Phase III of Milwaukie Bay Park is on pause because there has been no progress on updating the intergovernmental agreement between NCPRD and the City of Milwaukie. It is our understanding the City is seeking to clarify an appropriate, legal route for their potential future withdrawal from the District. Before continuing construction, the District needs assurances that, should Milwaukie choose to depart, District investments are not removed from District ownership at the expense of the rest of the District's taxpayers.

While we appreciate your advocacy, as this is a legal matter, further conversations are most appropriate between our attorneys and at the elected official level. We encourage you to share your support for construction of Milwaukie Bay Park with the Milwaukie City Council."

It is the city's interpretation that the "legal matter" referred to in the final paragraph is the validation petition currently being considered by the court of appeals, which is limited in scope to the narrow question of the validity of language in Section VI of the 2008 intergovernmental agreement (IGA) between the city and NCPRD. A decision in Milwaukie's favor will not result in the city's departure from the district and no decision to leave the district has been made. Not discussing a new IGA is acceptable since it is necessary to fully understand the meaning of the existing IGA before negotiating a new IGA. But, as Milwaukie currently remains in the district, the city feels strongly that nothing prevents communication between district residents, the city, and NCPRD about Milwaukie Bay Park as the validation petition does not mention or concern the park.

Finally, city staff have received updates from NCPRD staff about the status of grant funds. The Oregon Parks and Recreation Department and Metro are willing to extend the timing for grants on the project without additional paperwork, but the federal funding will require a formal extension. The project will need to be completed by fall 2026 if the federal grant extension is approved. NCPRD's Director continues to ensure the city that they are doing everything possible to retain existing grant funding.

Staff are seeking direction from Council on next steps they would like to the city take related to this goal.

BUDGET IMPACT

Without clear direction on next steps, the city has not programmed significant dollars for future parks work. Depending on the outcome of the appeal and future decisions about whether to leave the parks district, the city may need to consider how to fund parks operations and maintenance costs. Estimates prepared in 2023 suggested operating expenses in fiscal year (FY) 2025/2026 would be approximately \$3.4 million.

WORKLOAD IMPACT

Staff have spent significant time analyzing alternatives and supporting negotiations with NCPRD over the last several years. Staff are seeking direction from Council on next steps to ensure staff time is spent on the highest priorities of the Council moving ahead. If Council

directs staff to advance efforts on Milwaukie Bay Park, city management will need to consider how to accommodate that workload.

EQUITY IMPACT

Access to parks and open space is a significant factor in physical and mental well-being. It is critical in park planning and development that accessibility is considered so these benefits can be enjoyed by all, and particularly benefit those who have experienced barriers or limited access historically. This includes people living on low-incomes, Black, Indigenous, and People of Color (BIPOC) individuals, and people living with disabilities. The neighborhood parks development projects have specifically focused on equitable engagement to amplify voices of those traditionally underrepresented in planning efforts.

CLIMATE IMPACT

Parks development and management is intrinsically connected to climate adaptation and resilience. Parks are spaces where tree canopies can be preserved and expanded, heat islands can be mitigated, pollinators can be supported, and natural resources can be preserved.

COORDINATION, CONCURRENCE, OR DISSENT

The content of this staff reports as well as previous reports on this topic have been developed in partnership with the city attorney, public works, and strategic engagement team.

STAFF RECOMMENDATION

Staff recommend Council provide clear direction on actions they would like to see staff take related to parks over the next quarter.

ATTACHMENTS

1. None.

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, City Manager

Date Written: August 15, 2024

Reviewed: Joseph Briglio (as to form), Acting Assistant City Manager, and
Gabriela Santoyo Gutierrez, Equity and Inclusion Coordinator, and
Katie Gavares, Climate and Natural Resources Manager

From: Dan Harris, Events and Emergency Management Coordinator

Subject: **Milwaukie Leadership Academy Update**

ACTION REQUESTED

Council is asked to receive an update on the Milwaukie Leadership Academy (MLA).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

September 19, 2023: Jason Wachs briefed Council on the previous MLA.

ANALYSIS

Since 2019, the city has hosted a leadership academy to educate community members about city operations. The program is intended to encourage civic involvement, especially in the form of participation in boards and committees.

Classes are held in the evenings one night per month. Participants generally have the option of attending in person or online, but “field trip” classes are offered only in person due to the logistical challenge of conducting web meetings during building tours.

Participants are recruited through social media, The Pilot newsletter, notifications through the school system, and various other means. There are no strict registration requirements, except that participants be connected to the wider Milwaukie community and commit to attending most of the classes. People of all ages are welcome to attend, but the class is recommended for people aged 16 years and up.

A typical session consists of an interactive briefing from representatives of two city departments, usually the department directors, with participants allowed to ask questions about the work of each department. Other presenters have included members of Council and representatives from city boards and committees.

2024 Class

The 2024 class was held from January to June 2024. Due to a staffing realignment within the city manager’s office, this was an abridged course with six sessions, rather than eight as is typical.

Twenty-two participants registered, with approximately 16 completing the course. Most participants lived within the City of Milwaukie, but some came from surrounding jurisdictions. Two participants were staff members who attended during their free time.

Participants reported enjoying the course and feeling generally satisfied with the amount they learned about city operations. Participants reported feeling special to be visited by so many

high ranking staff members and elected officials. Common criticisms of the course included a sense that there was too much information put into the allotted time, and a sense of frustration that some presenters ran out of time to finish their presentations.

Several class members reported an increased interest in participating in the community, with one elected to Council while participating in the class. One participant, who is currently employed by the City of Canby, is in the process of starting a similar program there based on his positive experience in the MLA.

2024-2025 Class

The city is currently recruiting for the 2024-2025 MLA. Classes will be extended to run from 5:45-8:00 in response to feedback from the most recent class.

The tentative syllabus is included below:

Date	Topic
Oct. 23	<i>Welcome to Leadership Academy: Course intro, City Manager and Mayor, and Form of Government</i>
Nov. 20	<i>Building the Milwaukie of Today and Tomorrow: Community Development and Planning</i>
Jan. 29	<i>How Milwaukians Shape Milwaukie: City history and boards & committees</i>
Feb. 26	<i>Designing Public Safety: Police & Engineering</i>
Mar. 26	<i>Ecological and Manufactured Systems: Public Works</i>
Apr. 23	<i>Borrowing and Lending: Finance & Library</i>
May 21	<i>Two-Way Communications: Strategic Engagement, Equity, Neighborhood District Associations and Communications</i>
Jun. 25	<i>Charting Priorities for the Future: City Council Goals – (TBD)</i>

BUDGET IMPACT

City staff anticipates no significant budgetary changes to this program. Most presenters are salaried managers, and the minimal support costs are funded out of the city manager’s office budget.

CLIMATE IMPACT

None.

EQUITY IMPACT

This program is intended to demystify local government and increase civic engagement. The program build’s public transparency, community relationships, and knowledge of government operations. Equity has also been a consistent topic integrated in the academy's programing. This year it is “*Two-Way Communications: Strategic Engagement, Equity, NDAs and Communications.*” Additionally, food is provided, along with remote participation options, to reduce barriers to participation.

WORKLOAD IMPACT

This program has been in operation for five years and is not expected to create any new workload this year.

COORDINATION, CONCURRENCE, OR DISSENT

City departments have been generally supportive of this program, with a majority of presenters having already confirmed their participation for this year.

ATTACHMENTS

None.