



BOARD OF COMMISSIONERS

1300 NW Wall Street, Bend, Oregon
(541) 388-6570

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

8:30 AM

WEDNESDAY November 13, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone (via Zoom) and Phil Chang. Also present were County Administrator Nick Lelack, Senior Assistant Legal Counsel Kim Riley and BOCC Executive Assistant Brenda Fritsvold.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal webpage www.deschutes.org/meetings.

CALL TO ORDER: Chair Adair called the meeting to order at 8:30 am.

CITIZEN INPUT:

- Carl Shoemaker re: the United States of America is a land of immigrants, but won't allow Spanish-speaking people from Mexico to immigrate

CONSENT AGENDA: Before the Board was consideration of the Consent Agenda.

1. Consideration of Board signatures on letters thanking Carol Bauer and appointing Karen Stone for service on the Newberry Estates Special Road District Board
2. Consideration of Board signatures on letters reappointing Liz Lotochinski, Mary Fleischmann and Gary Bracelin to the Cannabis Advisory Panel
3. Approval of the minutes of the BOCC October 2, 7 and 9, 2024 meetings

CHANG: Move to approve the Consent Agenda as presented
DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried

ACTION ITEMS:

4. Recognition of Central Oregon Community College's 75th Anniversary

As COCC President Dr. Laurie Chesley was not available to attend as planned, the Board was in agreement to reschedule this agenda item to a future meeting.

5. Recognition of Assessor Scot Langton's 25 Years of Service

Scot Langton, County Assessor, shared statistics showing that over the past 25 years, the County has added more than 33,000 property accounts for a total of nearly 115,000, yet the Assessor's Office grew by only 2.5 employees. Langton attributed this feat to a highly skilled, dedicated and innovative staff and their commitment to leveraging technology to realize efficiencies.

The Commissioners expressed their appreciation for Langton's leadership and the work done by his team.

Nick Lelack, County Administrator, shared a message from former Chief Financial Officer Greg Munn in which Munn expressed appreciation for Langton's ongoing engagement with public agency financial leaders to explain how the State's complicated property tax system works.

6. 5 Member Commission: Potential Creation of Districts

Dave Doyle, County Counsel, spoke to the recent passage of Measure 9-173 which directs the expansion of the Board of Commissioners from three to five members. Doyle explained that the two new positions will be up for election in 2026 for an initial two-year term which would begin in January 2027.

Doyle then explained the possibility of electing Commissioners by district instead of at-large as they are now, saying this would have to be approved by voters by way of a Board referral to a ballot or by initiative (the latter with sufficient valid signatures). If districts are established, district-elected Commissioners would not take office until January of 2029.

Doyle said another issue to consider is if some or all of the Commissioner positions should be part-time, noting that one position elected at-large could be full-time and the remaining four part-time. Currently, all of the Commissioner positions are full-time, which cannot be changed without voter approval.

Doyle concluded that the Board could choose to decide these questions on its own, or establish a committee to address them.

In response to Commissioner Adair, Doyle said there is no stipulation as to who would appoint a districting committee.

Commissioner DeBone thanked Doyle for the information and analysis and invited feedback and engagement on these questions.

Commissioner Chang said Measure 9-173 passed by an overwhelming margin, which he took to mean that voters believe an expanded BOCC will make better decisions. He said while he supported the idea of districting, he advised postponing discussion about creating districts until the new Commissioners are seated in 2027 to allow the new Commissioners to weigh in on the matter and since delaying a decision would not change the timing of district-elected Commissioners in 2029.

Commissioner Adair stated her support for creating districts and said this question should go to the voters in May of 2026.

Responding to Commissioner Adair, County Clerk Steve Dennison confirmed that because a primary is already scheduled for May of 2026, it would cost less to place a districting measure on that ballot instead of November of 2025.

County Administrator Nick Lelack questioned how long it would take a committee to develop proposed district boundaries.

Commissioner Chang referred to the home rule charter effort advanced in 2006 which had unsuccessfully proposed a four-district, one at-large chair structure for the Commission and suggested this proposal may be a reasonable starting point for a discussion.

Doyle said staff will locate that map and share it with all.

7. ARPA Update and Reallocation Considerations

Robert Tintle, Chief Financial Officer, reminded that on November 4th, staff presented information on returned and unused ARPA funds and possible reallocations of these funds. He explained staff's recommendations to reallocate \$1,883,608 in returned ARPA funds to the ARPA Revenue Replacement category and reserve in the General Fund and further to reallocate \$1,064,626 in internal project funds remaining after the end of this year for rolling over into the ARPA Revenue Replacement category.

CHANG: Move to approve reallocating \$1,883,608 in returned ARPA funds to the ARPA Revenue Replacement category and reserve in the General Fund

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried

DEBONE: Move to approve reallocating \$1,064,626 in internal project funds remaining after December 31, 2024 for rolling over to the ARPA Revenue Replacement category. These projects are: ARPA Administration, Health Services Homeless Outreach Services, Health Services Covid Unit Team, and Health Services Public Health Response and Recovery

CHANG: Second

VOTE: CHANG: Yes
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried

Commissioner DeBone spoke to funds allocated for homeless outreach services, saying that although good work is being done in this area, it would help to coordinate all of the provided services and align them with more deterministic efforts to address homelessness.

Commissioner Adair said the County's collaboration with the City of Bend to address encampments in the Juniper Ridge area must realize significant progress by the end of May, given that the Bend Fire Department has reported that 79 fires were started by homeless persons this year. Noting that the County is also working with the City of Redmond on a similar timeline, she said progress is clearly being made.

In response to Commissioner Adair, Cheryl Smallman, Health Services Business Officer, said the \$529,000 identified as rollover funds for homeless outreach services will support three FTE on the Homeless Outreach Services Team through June of 2026.

Cam Sparks, Budget & Financial Planning Manager, clarified that \$529,000 would not be sufficient to pay for all three positions through June of 2026, and Health Services has requested the additional \$45,000 needed to ensure full funding of these positions through that time period.

Commissioner Chang added that the Board had previously decided to support these positions in response to glowing feedback from the City of Sisters and other jurisdictions regarding the impact this team is making with homeless persons who have behavioral health challenges.

Laura Skundrick, Management Analyst, summarized the submitted proposals for reallocating returned ARPA funds, as follows: a homeless managed camp, ARPA administration, the Homeless Outreach Services Team, Public Health Response and Recovery (timeline extension), and a request from Shepherd's House for \$225,000. Skundrick noted that requests from the Terrebonne Sanitary District and the Tumalo Sanitary District will be funded by federal PILT revenues which are managed by the Road Department.

Commissioners Adair and DeBone supported approving the funding request from Shepherd's House.

Commissioner Chang said while he is a fan of Shepherd's House and is of the opinion that the organization has proposed a good project, various shelters and transitional housing are already available for homeless women. He spoke to the need to establish a managed camp which is a missing component to addressing homelessness and suggested a smaller investment in the Shepherd's House project in the interest of reserving as much funding as possible for one, two or more managed camps. He did not want to risk running out of money to operate a managed camp once that has been set up.

Commissioner Adair referred to the commitment from the City of Bend to contribute to 50% of the costs for a managed camp and said Redmond is poised to contribute to this type of shelter as well. Saying that winter is seven times more dangerous for homeless people, she did not want to short-change Shepherd's House with respect to this project.

In response to Commissioner Chang, Smallman said Behavioral Health may have other sources from which it could draw the needed \$45,000 to cover all three

positions on the outreach team through June 30, 2026, although this would result in projects and programs competing for funds.

Commissioner DeBone said in this case, the requested \$45,000 could be added to the funds for a managed camp.

CHANG: Move to remove the requests from the sanitary districts and the request for an additional \$45,000 from Health Services and approve all of the other listed projects as discussed

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried

8. Distribution of Remaining Grant Funds - Wolf Depredation and Financial Compensation Committee

Jen Patterson, Strategic Initiatives Manager, reviewed that the Oregon Department of Agriculture (ODA) granted Deschutes County \$32,620.75 for wolf depredation and compensation for missing livestock, and for preventative measures to reduce conflict between wolves and livestock. The Board previously approved allocations for \$24,620.75 of this amount, leaving \$8,000 remaining which must be returned to ODA if not expended by January 31, 2025.

Patterson said the Wolf Depredation and Financial Compensation Committee recommends the following distribution of funds for the Board's consideration:

1. \$2,500 to Oregon Department of Fish & Wildlife to purchase fox lights;
2. \$2,000 to Wildlife Services to support carcass removals from properties in or around known wolf activity areas within Deschutes County; and
3. \$3,500 to Long Hollow Ranch to use for preventative measures. Long Hollow Ranch has had a confirmed livestock depredation and continues to have wolf activity on or near their ranch.

In response to Commissioner Adair, Commissioner Chang said if another depredation is reported before January, the Committee could forward a claim to the State. He added that in addition to deciding recommendations for the remaining compensation funds, the Committee also discussed how to allocate the remaining prevention funds to guard against future incidents.

CHANG: Move to approve the distribution of remaining deprecation compensation funds as proposed

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried

9. Deliberations - RVs as Rental Dwellings

Tanya Saltzman, Senior Planner, reviewed the background of the staff work and Planning Commission and Board process on a possible legislative text amendment to allow recreational vehicles (RVs) as rental dwellings. After summarizing comments received in support of and opposition to this change, Saltzman noted that the County's Code Enforcement Division has shared concerns about this proposal, and the Onsite Wastewater Division has noted a high potential for septic denial on smaller lots.

Continuing, Saltzman reported comments received from fire districts which indicate that the program could work if RVs were subject to same permit requirements as ADUs. Referring to concerns about workload, enforcement, and addressing, she said the County's Building Official does not support the use of RVs for permanent dwellings for various reasons, including that they are not subject to the safety, sanitary or durability standards of ORSC.

Saltzman then contrasted RVs with ADUs, noting that RVs are not regulated by the County's building code and are not inspected by the Building Safety Division.

In response to Commissioner Chang, Will Groves, Planning Manager, spoke to the provisions of SB 762 with respect to a Wildland Urban Interface area and Wildfire Hazard area, saying that although defensible space will be required in certain areas even if a property owner is not seeking a building permit, those regulations are only associated with dwellings and structures and would not apply to RVs, wherever one may be located on a property.

Responding to Commissioner Adair, Saltzman said no language has been drafted to require that an RV must be in proximity to the main dwelling on a property.

Commissioner Chang supported determining a maximum distance allowed from the main dwelling to help address defensible space concerns and said RVs should be sited near driveways. Groves said the County could consider requiring defensible space as a condition of a permit to allow an RV as a residential dwelling.

With respect to fees and funding, Saltzman said RVs do not contribute property taxes which help fund streets and emergency and other services, with the result that all affected fire districts would have to develop their own program and fees. Discussion ensued regarding the impact of RVs on existing septic systems which already serve a primary dwelling and the consideration that an existing system may or may not accommodate adding an RV as a residential dwelling, depending on certain factors such as if the RV has a shower or washing machine.

Commissioner Chang said Deschutes County has a shortage of affordable housing, and hundreds of people already live in RVs.

Saltzman provided options for the Board's consideration, as follows: proceed with deliberations on this proposal, pause the legislative process, or withdraw the proposed amendments from consideration.

Commissioner Chang spoke to the possibility of licensing RVs used as dwellings in conjunction with licensing short-term rentals. He referred to the number of Code compliance complaints about illegal RV dwellings and supported legalizing these, noting that a portion of the license fee could pay for Code compliance efforts.

Commissioner DeBone supported proceeding with deliberations on this proposal and allowing RVs as rental dwellings on properties of at least two or possibly five acres. He further supported allowing fire districts time to work through the process of whether to charge fees for these, and if so how much.

Commissioner Chang also supported proceeding with deliberations on this proposal.

Commissioner Adair agreed it would not be advisable to allow RVs as rental dwellings on properties sized one acre or less.

Saltzman said staff will return with a matrix of decision points for the Board's consideration.

OTHER ITEMS:

- Commissioner Adair reported a meeting last Friday with Ashley Smith, founder of MPerfectly, a program that successfully helps women who are experiencing substance use disorder and other pressing issues to secure housing and gain stable employment.

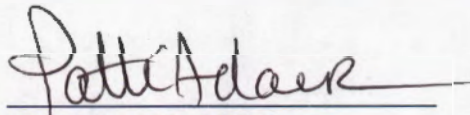
- Commissioner DeBone announced that the public is invited to attend tomorrow night's Newberry Regional Partnership roundtable action summit at the SHARC in Sunriver.
- Commissioner Debone reported on a technical visioning event held last night at La Pine High School to plan for investing in facilities needed for CTE programs which improve graduation rates and help students gain opportunities in fields such as hospitality, health services and construction.
- Commissioner Chang visited with the Sunriver Rotary Club last Wednesday and shared information on fire mitigation concerns and groundwater quality.

EXECUTIVE SESSION: None

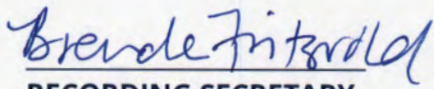
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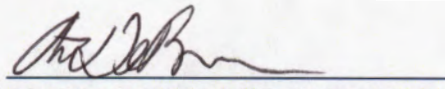
Being no further items to come before the Board, the meeting was adjourned at 10:37 am.

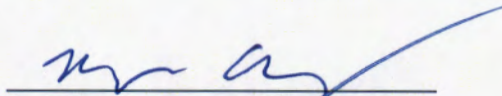
DATED this 18th day of December 2024 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, VICE CHAIR


PHIL CHANG, COMMISSIONER