



## BOARD OF COMMISSIONERS

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

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# BOCC MEETING MINUTES

1:00 PM

**MONDAY January 26, 2026**

Allen Room  
Live Streamed Video

Present were Commissioners Phil Chang, Anthony DeBone and Patti Adair. Also present were County Administrator Nick Lelack; Deputy County Administrator Whitney Hale; 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: [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

**CALL TO ORDER:** Chair Chang called the meeting to order at 1:01 pm.

### **CITIZEN INPUT:**

- Chris Koback, representing Jason Bethers who last year applied for a gate permit on Conquest Road, said the application meets all necessary requirements and should be approved. Adding that Deschutes County's Resolution on gate permits is consistent with State law, he said Bethers's application should be decided under the current standards and process, with any changes to the process taken up separately.
- Jason Bethers, the applicant for the aforementioned permit, stated his belief that he had provided sufficient information to show that his application meets all applicable criteria.

Commissioner Adair acknowledged the receipt of an email sent by Bethers to all three Commissioners earlier that day.

Commissioner DeBone acknowledged that he has talked with Koback and Bethers on the phone regarding the requested permit.

*(see page 3 for additional related discussion)*

#### **COMMISSIONER ANNOUNCEMENTS:**

Commissioner Adair reported that Dr. Sejal Hathi, director of the Oregon Health Authority, has confirmed receipt of correspondence from the County describing administrative burden concerns and indicated that further follow-up with Commissioner Adair and Health Services Director Holly Harris will occur.

Commissioner Chang provided an update on the Highway 97 Safety Coalition effort, saying that a draft letter developed with commissioners from Jefferson County and Klamath County was nearly ready to circulate for review. He explained that the letter is intended to be used by the participating county commissions for legislative advocacy and related outreach.

#### **AGENDA ITEMS:**

##### **1. Courthouse Expansion Update**

Facilities Director Lee Randall introduced the monthly courthouse expansion update. Capital Projects Manager Erik Nielsen first reported on the solar project at the Fairgrounds which is being accomplished with funds allocated in association with the courthouse expansion's green energy technology requirement. Nielsen described the installation as an approximately 340-kilowatt system split across two buildings and said the total system is expected to generate roughly 108% of the needed energy for the identified buildings, with any excess energy sold back to the grid.

Commissioner DeBone asked about possibly tying the value of electricity produced at the Fairgrounds to courthouse-related energy costs. Randall offered to return with a proposal for how savings might be measured and accounted for over time.

Turning to the construction status of the courthouse expansion, Nielsen said work on the exterior will continue into late March and be followed by occupancy and transition activities. The project's substantial completion target date is March 27, 2026, although additional remodel work will continue beyond that date.

Randall described planning for a "soft opening" and later a ribbon cutting/grand opening once the opening date has been confirmed.

Discussion ensued of the HVAC system and the decision to select a more robust hydronic hot-water system serving the expansion, with natural gas heat and mechanical/electric cooling via two rooftop units. The performance of the selected system exceeds Code by about 25%, so energy savings are expected.

Wayne Powderly provided the monthly budget update, saying that the project remains within budget and the contingencies are holding.

Randall described change orders in process on both the County and contractor sides and said potential additional cost areas will continue to be monitored through completion, including for remaining remodel work.

## **2. Consideration of Gate Permit No. G-25-01**

Cody Smith, County Engineer / Assistant Road Director, spoke to the receipt of an application from Jason Bethers for a permit to gate the northernmost .72 miles of Conquest Road. Explaining that Conquest Road is a public local access road, Smith summarized the statutory authority for gate permits on public roads and listed conditions under which a permit may be approved. Relevant factors include dead-end road status, public use considerations, impacts on other parcels and public lands, and whether a proposed gate would be in the public interest.

Smith relayed the reasons given by the applicant for the permit, including concerns about security and unwanted activity. At the time the application was submitted, the applicant owned all of the lots on Conquest Road. Since then, some lots have been sold but their owners are not signatories to the application.

Smith said the Road Department recommends that the permit be denied due to several findings, as follows:

- Conquest Road is a public road serving seven developable residential lots beyond the proposed gate location.
- The proposed gate would restrict access to five lots and partially restrict access to two lots under ownership by parties who are not signatories to the gate permit application.
- Conquest Road would function as a de facto private road north of the gate if installed, despite it being a public local access road.

Smith further noted other concerns such as potential impacts on emergency responders—and the County's possible liability in such cases—and the ability of utility providers to access their facilities within the public right-of-way. He said gating a public road should be viewed akin to vacating a public right-of-way and reminded that the public is entitled to the full and free use of public right-of-way.

Smith said while the Road Department found no extraordinary or compelling circumstances to support approving the permit, the final decision on whether to grant or deny the permit is up to the Board. He said aside from this particular application, the Road Department will work to develop a more modernized Code framework for gate permits on public roads.

Commissioners discussed the item at length, including the balance between concerns stated by the applicant and broader public interest considerations, potential emergency response complications, and the distinction between gating public roads and fencing and/or gating private property.

Commissioner Chang stated support for revisiting the existing regulations and developing updated Code language to clarify the process and standards. He preferred not to approve the current application while the broader framework is being updated and said although the Bend Fire Department stated no concerns with the proposed gate, a crew sent to respond to a large wildfire may not be from Bend FPD.

Senior Assistant Legal Counsel Kim Riley clarified that the application being discussed must be reviewed according to existing County standards.

Commissioners DeBone and Adair discussed specific circumstances in the case of Conquest Road, including the dead-end nature of the roadway and the applicant's stated concerns. They supported updating the 1990 regulations to enhance clarity of the process and the conditions required for permit approval.

Noting support from a majority of Commissioners to consider approving the application submitted by Bethers for a gate permit on Conquest Road, Smith indicated he will bring that back for formal Board consideration at an upcoming meeting.

Commissioners also discussed the ability of the Board to impose conditions on the permit to address public interest and access concerns, e.g., a requirement to provide pedestrian access from one side of the proposed gate to the other side.

### **3. Development of FY 2027 County Goals and Objectives**

Jen Patterson, Strategic Initiatives Manager, presented the FY 2026 County Goals and Objectives as determined by the Board last year and asked if any changes are desired for FY 2027.

Following discussion, the Commissioners were in agreement to make one change, as follows: reword the final sentence in the "Healthy People" section to "Apply

lessons learned from emergency response, community recovery, pandemic response, and other events to ensure we are prepared for future events.”

#### **4. Treasury Report for December 2025**

Bill Kuhn, Deschutes County Treasurer, presented the Treasury Report for December 2025, including a high-level economic overview.

#### **5. Finance Report for December 2025**

Robert Tintle, Chief Financial Officer, presented the Finance Report for December 2025. He responded to questions regarding property tax collections, budget projections, and the distribution of PILT funding across County funds.

Commissioner Adair noted a \$244,000 loss on the Fair in 2024 and a projected loss of \$131,000 in 2025.

#### **OTHER ITEMS:**

- Jen Patterson sought direction from the Board on whether to cancel the Legislative Update meeting scheduled for this Thursday as no bills will be available to track until after the meeting. The Board was in consensus to cancel the meeting.
- Commissioner Chang supported finalizing a letter regarding needed safety improvements on US 97 by February 9<sup>th</sup> if possible. Patterson will bring a draft letter on that subject to the Board at its February 4<sup>th</sup> meeting.
- Commissioner DeBone announced he will be in Salem on February 9<sup>th</sup> and 10<sup>th</sup> attending AOC meetings and events.
- Commissioner DeBone shared that members of the CORE3 Board will meet at the Deschutes County Services building tomorrow regarding a possible public/private partnership for that project.
- Commissioner Chang will attend meetings of the Coordinated Homelessness Response Office and the Regional Housing Council in Redmond this evening
- Commissioner Adair asked that the agreement with the City of Bend regarding the extension of the TSSA explicitly state that only persons who are currently in the TSSA will be authorized and no additional persons will be allowed.

#### **EXECUTIVE SESSION:**

At 3:21, the Board **convened as the Governing Body for the 9-1-1 Service District** and entered Executive Session under Executive Session under ORS 192.660 (2) (d) Labor Negotiations.

Commissioner Chang exited the Executive Session at 3:36 pm and left the BOCC meeting.

At 3:40 pm, the Executive Session concluded and the public was invited to return to the room. The Board directed staff to proceed as discussed during the Executive Session.

**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 3:40 pm.

DATED this 26<sup>th</sup> day of February 2026 for the Deschutes County Board of Commissioners.

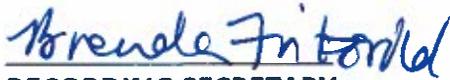


**PHIL CHANG, CHAIR**

**ATTEST:**



**ANTHONY DEBONE, VICE CHAIR**



**RECORDING SECRETARY**



**PATTI ADAIR, COMMISSIONER**