



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY April 26, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Tony DeBone, Patti Adair and Phil Chang. Also present were Nick Lelack, County Administrator; Kim Riley, Assistant County Counsel; and Brenda Fritsvold, BOCC Executive Assistant.

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

CALL TO ORDER: Chair DeBone called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: None

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

1. Approval of Document No. 2023-384, Notice of Intent to Award a contract for Yard Debris and Wood Waste Management Services
3. Approval of minutes of the April 14, 2023 Legislative Update meeting
4. Approval of minutes of the March 29, 2023 BOCC meeting

CHANG: Move Board approval of the Consent Agenda after pulling the letter of thanks to Kyle Gorman for separate consideration

ADAIR: Second

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

2. Consideration of Board Signature on letter of thanks to Kyle Gorman for service on the Deschutes County Cannabis Advisory Panel

Commissioner Chang asked that the letter of appreciation to Kyle Gorman be expanded to thank him for his service to the community at large, particularly for leading efforts to make sure that adequate water is available for all users in the Deschutes Basin.

CHANG: Move Board approval of a revised letter of appreciation to Kyle Gorman as described
ADAIR: Second

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

Commissioner Adair asked to know how much the County pays for the FireFree program. Solid Waste Director Chad Centola agreed to provide this information.

ACTION ITEMS:

5. **Second reading of Ordinance No 2023-007 - Marken Plan Amendment and Zone Change**

Audrey Stuart, Associate Planner, reminded that the Board approved first reading of Ordinance No. 2023-007 on April 12th. The request is for a Plan Amendment and Zone Change for property totaling approximately 59 acres to the east of Bend and south of Highway 20.

ADAIR: Move approval of second reading of Ordinance No. 2023-007 by title only
CHANG: Second

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

Chair DeBone read the title of the ordinance into the record.

CHANG: Move adoption of Ordinance No. 2023-007 to amend Deschutes County Code Title 23, the Deschutes County Comprehensive Plan, to change the Comprehensive Plan Map Designation for certain property from Agriculture to Rural Residential Exception Area, and amending Deschutes County Code Title 18, the Deschutes County Zoning Map, to change the Zone Designation for certain property from Exclusive Farm Use to Multiple Use Agricultural

ADAIR: Second

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

At Commissioner Chang's request, Planning Manager Will Groves reported that staff met last week with representatives from the City of Bend. At this time, Bend is not pursuing urban reserves although it is willing to discuss how to best coordinate with the County to preserve future urbanization options for land outside of its UGB.

At 9:12 a.m., a brief break was announced to restore the livestream. The meeting resumed at 9:13 a.m.

6. Courthouse Progress Update

Lee Randall, Facilities Director, was joined by consultants Wayne Powderly, Mike Gorman, John Williamson, Angie Curtis and Gerry Mulrooney to provide an update on the design of the courthouse expansion project. Gorman reviewed the revised schematic design based on previous input from the Board, noting the expansion would include three separate accesses for different groups (the public, staff/judges, and persons in custody). Gorman said one proposed change is to remove the parking in front of the building and extend the curb out to Bond Street to enhance security. Randall noted this proposal is currently before the City of Bend for its consideration, along with relocating the bus stop.

In response to Commissioner Chang, Gorman said the third floor shell space is of sufficient size to accommodate two courtrooms in the future. Gorman described the exterior design and materials, saying the stone is warranted by the manufacturer for 50 years and expected to retain its color although it will require cleaning and other maintenance.

Powderly provided an updated budget for the project which was based on two independent quotes. The overall project cost is expected to be \$40.5 million, and the remodel of existing spaces would cost an additional \$1.5 million.

Powderly sought formal direction to continue with design development, saying the next step would be to generate the construction documents. Ground could be broken in early 2024.

Commissioner Adair said considering the current state of the economy, it was important to keep costs as originally planned. She hoped the amount of parking will be adequate.

Commissioner DeBone hoped for good clarity in the estimates provided and noted that material costs and interest rates can change quickly.

CHANG: Move approval of the Courthouse expansion schematic design as presented

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

7. **AJ Tucker Building Update**

Lee Randall, Facilities Director, said the AJ Tucker building at 202 NW Greenwood which will be removed to accommodate the expansion of the courthouse was advertised for sale, but no bids were received. Randall said he will return to the Board in late May or early June to present a number of options for how to proceed.

8. **Agreement with Cascade Natural Gas for the sale of landfill gas generated at Knott Landfill**

Chad Centola, Solid Waste Director, explained that a Request for Proposals was issued soliciting bids for the beneficial use of methane gas generated at Knott Landfill. Following the receipt of proposals from four private developers and two public utilities, a review and selection committee moved forward to negotiate an agreement with Cascade Natural Gas Corporation (CNGC). CNGC will construct a transmission pipeline from the landfill to a connection point in their local natural gas distribution network for consumption by CNGC's local customers.

Saying he was glad to be able to participate in the proposal review and selection process, Commissioner Chang explained this project will develop a local renewable energy source while simultaneously providing new revenue for the department, among other benefits.

Commissioner DeBone asked how the new revenues will be utilized. Centola said they could help offset costs and thus minimize rate increases over the years.

CHANG: Move approval of County Administrator signature of Document No. 2023-115, an agreement with Cascade Natural Gas for the sale of landfill gas generated at Knott Landfill

ADAIR: Second

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

9. Update on the Deschutes River Mitigation & Enhancement Committee

Associate Planner Tarik Rawlings introduced Kate Fitzpatrick from the Deschutes River Conservancy, Gerald George from the Oregon Department of Fish and Wildlife, and Craig Horrell from the Central Oregon Irrigation District (COID) who took turns providing information on the work of the Deschutes River Mitigation & Enhancement Committee, which assists in the distribution of grants for restoration projects in the Upper Deschutes River.

The Commissioners expressed appreciation for the information.

OTHER ITEMS:

- The Board recognized Stefanie Crowe, who has provided audio/visual system services to the County for ten years, upon her resignation and move out of state.
- Peter Gutowsky, Community Development Director, referred to the recent interviews of persons interested to represent the Tumalo area on the Planning Commission. He said interviews for the at-large position will take place mid-May; both appointments will be effective July 1st. Gutowsky asked if the Board wished to make its selection for the Tumalo position.

The Commissioners commented on the outstanding caliber of the candidates. Commissioner Adair indicated her support for appointing Jack Farley to the Tumalo position. Commissioners Chang and DeBone expressed their support for appointing Kelsey Carson.

CHANG: Move to appoint Kelsey Carson to the Planning Commission representing the Tumalo area, effective July 1, 2023

DEBONE: Second

VOTE: ADAIR: No

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried 2 – 1

Gutowsky recommended that Nathan Hovecamp be transitioned from the current at-large position on the Planning Commission to the position which represents the Bend area, effective July 1st. This would free up the at-large position for a different person to serve.

The Commission discussed Hovecamp’s previous association with Central Oregon Land Watch in relation to the role of Planning Commissioners and when, if ever, Planning Commissioners should recuse themselves from engaging in discussions or actions. Commissioner DeBone said ideally, the Planning Commission will allow for diverse discussions without individual Commissioners being challenged for their different points of view.

The Board was in consensus to resume this discussion the following week.

- Jen Patterson, Strategic Initiatives Manager, referred to interviews held yesterday for the Wolf Depredation and Compensation Advisory Committee.

ADAIR: Move to appoint Johnny Leason to the Wolf Depredation and Compensation Advisory Committee representing owners/managers of livestock

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

CHANG: Move to appoint Ethan O’Brien to the Wolf Depredation and Compensation Advisory Committee representing owners/managers of livestock

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

ADAIR: Move to appoint Sarahlee Lawrence to the Wolf Depredation and

Compensation Advisory Committee as a supporter of wolf conservation or coexistence with wolves

CHANG: Second

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

CHANG: Move to appoint Donna Harris to the Wolf Depredation and Compensation Advisory Committee as a supporter of wolf conservation or coexistence with wolves

ADAIR: Second

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

In response to a question regarding the length of terms on the Committee, Assistant Legal Counsel Kim Riley advised that the term lengths be staggered and the Committee members be allowed to select from an initial two- or three-year term. Those decisions will be made at the Committee's first meeting.

Commissioner Chang said establishing this committee will grant the county access to state and federal dollars for depredation activities. He hoped the committee will take a proactive role in securing such funding.

- Patterson distributed a revised draft letter from the Board to the Joint Ways and Means Committee seeking an amendment to SB 847 A.

CHANG: Move to approve Board signature of the revised letter to the Joint Ways & Means Committee seeking an amendment to SB 847 A

ADAIR: Second

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

- Deputy Count Administrator Whitney Ha'e shared a request from the Association of Oregon Counties that Behavioral Health Director Holly Harris testify in support of HB 2557 tomorrow. This bill would expand funding for coordinated crisis service systems by placing an additional tax on phone lines.

Commissioners Adair and DeBone did not favor allowing staff to testify in support of this bill for the reason that it would impose an additional tax.

- Commissioner Adair noted excellent turnout at the recent event for Bethlehem Inn, expressed her appreciation of this high-barrier program, and thanked executive director Gwenn Wysling for her leadership.
- Commissioner Chang shared information from the meeting of the Deschutes Basin Water Collaborative group last week. He said on Friday, the MPO policy board decided to distribute approximately \$500,000 to the KOR Community Land Trust's Simpson project for sidewalks and bike pathways which will connect that development to the OSU Cascades campus.
- Commissioner DeBone wished his father Bob DeBone a happy birthday and reported his attendance at a Boy Scout lunch yesterday. He commented on a recent Coffee with a Commissioner event in Redmond and asked if this program should continue. Commissioner Chang wanted to keep offering this engagement opportunity and said it is better to announce these meet-ups on social media sooner rather than later.

EXECUTIVE SESSION:

At 11:36 a.m., the Board recessed into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations and ORS 192.660 (2) (h) Litigation.

The Board moved out of executive session at 12:33 p.m. to direct staff to take the following action:

ADAIR:	Move to not require a deed restriction as a condition of the property sale to the City of Redmond
DEBONE:	Second
VOTE:	ADAIR: Yes
	CHANG: No
	DEBONE: Chair votes yes. Motion Carried 2 - 1

At 12:35 p.m., the Board moved back into executive session to take up another matter under Real Property ORS 192.660 (2) (e).

The Board moved out of executive session at 12:44 p.m. to direct staff to take the following actions:

ADAIR:	Move to convey a strip of property at NE Division Street and NW Revere Avenue in Bend to BNSF by quit claim deed to correct the ownership record
CHANG:	Second

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

CHANG: Move to authorize the Property Manager to sign the quit claim deed to effectuate the conveyance of property at NE Division Street and NW Revere Avenue in Bend to BNSF

ADAIR: Second

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

At 12:47 p.m., the Board moved back into executive session to take up another matter under Litigation ORS 192.660 (2) (h).

The Board moved out of executive session at 1:51 p.m. with no further action taken. The meeting was adjourned at 1:51 p.m.

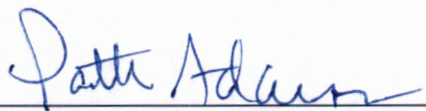
ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:51 p.m.


DATED this 6th day of June 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR



PATTI ADAIR, VICE CHAIR

ATTEST:


RECORDING SECRETARY



PHIL CHANG, COMMISSIONER