



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY July 19, 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:

- Carl Shoemaker urged the wearing of helmets while riding bicycles, e-bikes and motorcycles to prevent serious head injuries.
- Ron Williams, director of outreach for the Oregon Health Justice Recovery Alliance, reported a dramatic increase in the number of people receiving addiction treatment services since the passage of Measure 110 and shared information on efforts to address the critical issue of substance abuse.

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

1. Approve Board signature of Document No. 2023-575, Amendment #3 to an agreement with Youth Villages for crisis and transition services

2. Consideration of Board Signature on Letter of Thanks to Carol Martin for service on the Deschutes County Dog Control Board of Supervisors.
3. Consideration of Board Signature on Letter Reappointing Daniel Holland for service on the Deschutes County Dog Board of Supervisors.
4. Approval of minutes of the BOCC June 5 and June 7, 2023 meetings

CHANG: Move Board approval of the Consent Agenda as presented
 ADAIR: Second

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

ACTION ITEMS:

5. Agreements for vehicle leases for the use of the Sheriff's Office

Lt. Ty Rupert from the Deschutes County Sheriff's Office presented two proposed vehicle leases, one for a Terradyne Gurkha MPV armored truck and the other for a PistenBully 100 tracked rescue vehicle. Rupert explained that the Gurkha is needed to assist in SWAT and citizen rescue operations and the PistenBully will allow the transport of 8-10 persons into and out of remote areas along with medical and other lifesaving equipment.

ADAIR: Move to authorize Captain Paul Garrison to sign Document No. 2023-705, a lease agreement with Bancorp for a Terradyne Gurkha MPV armored truck

CHANG: Second

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

CHANG: Move to authorize Captain Paul Garrison to sign Document No. 2023-706, a lease agreement with Bancorp for a 2023 PistenBully 100 Tracked Rescue Vehicle

ADAIR: Second

CHANG: Move Board approval of Resolution No. 2023-045 adopting a supplemental budget and increasing appropriations within the Solid Waste and Code Abatement funds and the 2023-24 Deschutes County budget

ADAIR: Second

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

8. Consideration of a one-time appropriation to the Central Oregon Guardian Assistance Program

Dan Emerson reminded that on June 26, 2023, the Central Oregon Guardian Assistance Program (COGAP) presented to the Board regarding the need for pro bono and low-cost guardian services to assist persons experiencing health-related crises. At that time, the Board indicated support for COGAP's request of a one-time appropriation of \$100,000 to help establish a program to train new guardians to facilitate better patient outcomes.

Emerson said Finance has identified General Funds as an eligible source of one-time funding to COGAP. A draft resolution has been prepared that would reduce contingency within the General Fund and increase Grants and Contributions by \$100,000.

Responding to Commissioner Chang regarding COGAP's vision for long-term operating funds, Megan Horner said the organization anticipates a large demand for guardian services from those who can't afford them and plans to offer a sliding scale fee service for paid fiduciary services. COGAP will also seek grants from other sources.

ADAIR: Move approval of Resolution No. 2023-046, increasing appropriations and transferring contingency within the General Fund and the 2023-24 Deschutes County Budget for the purpose of appropriating \$100,000 to the Central Oregon Guardian Assistance Program

CHANG: Second

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

9. Oregon Health Authority Medicaid Administration Reimbursement

Anne Kilty, Program Manager, explained that this agreement with Oregon Health Authority will allow the County to be reimbursed up to \$2,800,000 in Medicaid funding for health care coordination (the perinatal care coordination team, visiting nurses and other ongoing care activities) and various medical assistance-related administrative activities. Funding will be received over a five-year period from July 1, 2023 to June 30, 2028.

Commissioner Chang asked to know how many people are served with perinatal care and support in a year.

- ADAIR: Move approval of Chair signature of Document No. 2023-702, an intergovernmental agreement with the Oregon Health Authority to receive Medicaid reimbursement funding
- CHANG: Second
- VOTE: ADAIR: Yes
 CHANG: Yes
 DEBONE: Chair votes yes. Motion Carried

10. FY 2024 Q1 Discretionary grant application review

Stephanie Robinson, Administrative Analyst, presented applications submitted to the Deschutes County Discretionary Grant program for the Board’s consideration of Video Lottery fund allocations. The Commissioners specified allocations for the first quarter of the 2023-24 Fiscal Year.

OTHER ITEMS: None

EXECUTIVE SESSION:

At 10:08 am, the Board entered executive session under ORS 192.660 (2) (d) Labor Negotiations. The Board moved out of executive session at 10:31 am to direct staff to proceed as discussed.

The meeting was recessed at 10:31 am and reconvened at 1:00 p.m.

ACTION ITEMS continued

12. Public Hearing to consider proposed amendments to Deschutes County Code specific to prohibitions on camping on county-owned property

Dave Doyle, County Counsel, reviewed Sheriff Shane Nelson's proposal to amend Deschutes County Code to address camping on public property. Doyle explained that camping on public property could be disallowed only if the County identified alternate sites where people could shelter. Until that is done, the County cannot restrict persons from camping on public land.

Commissioner DeBone clarified that the proposal put forth by Sheriff Nelson differs from the alternate proposal from County Legal. He distinguished the former proposal from the latter, noting that both of them would establish a new chapter 11.04 titled "Public Use" in Deschutes County Code.

Commissioner Chang noted that Legal's proposed Chapter 11.04 addresses County-owned public property and not any other publicly-owned property such as federal land. Doyle explained that while the County cannot unilaterally impose rules on federal land, the federal government could grant the County the authority to conduct enforcement activity on federal property. Doyle described a precedence of this type of authority being granted which enables the County to enforce noise regulations at Elk Lake.

Commissioner Chang asked what alternate shelter sites would include. Doyle said that while a great deal of guidance is not available, he expected that an alternate outdoor shelter would have, at a minimum, potable water, sanitation, and trash receptacles and collection.

Commissioner Chang emphasized that the County cannot enforce a camping code without offering alternate sites for people to relocate to. He did not support establishing a campsite that had no rules, management or structure, as this would result in chaos and potentially dangerous situations.

Doyle agreed that the standard of care would rise substantially if the County authorizes an alternate site for campers.

Commissioner Adair said people need rules and need to be empowered, not enabled. She said chaos in the form of dangerous situations cannot be allowed.

The public hearing was opened at 1:28 pm.

Chair DeBone acknowledged the receipt of three emails on this subject from James Cook (transmitting signatures and comments from numerous others), Connie Peterson and Barbara Belzer.

Responding to Commissioner Chang, Chair DeBone said Sheriff Nelson would not be in attendance for the public hearing.

- Stella Larson described the proximity of her property to the China Hat encampments and expressed concern about roaming packs of dogs, environmental contamination, drug use, deer poaching, trespassing, theft, gunfire and fires. She supported the Sheriff's proposal of a buffer area between encampments and private property.
- Helen Wehre said immediate action is needed to address encampments and stated her support for the Sheriff's proposal to disallow camps within one mile of private property.
- John Heylin opposed the proposed changes to Code regarding camping, saying that over 70% of homeless people have a disability. He encouraged compassion and said a managed campsite could be located at the Fairgrounds.
- Liz Goodrich said displacing people will harm them. She preferred that the County provide resources and assistance to homeless persons rather than expend funds in legal fees.

Commissioner DeBone said the County has repeatedly sought permission from the State to site a managed camp outside of the UGB, so far without success. Commissioner Adair agreed that the County is working to get authority from the Governor's office to site managed camps, and said it is understood that some homeless persons will not go to high-barrier shelters. Commissioner Chang concurred that flexibility from the State is needed to site and host managed camps outside of city limits and the UGB.

- Joannah Johnson-Wernberg said when considering encampments, it is vital to consider alternatives that address the root causes of homelessness.
- Johnna Pahlisch supported the Sheriff's ban on camping within one mile of private property, saying that China Hat used to have 150 campers but now has more than 500. Adding that the forest is now a dangerous place and no longer available for recreation, she said safe parking programs should be expanded.

Commissioner DeBone agreed that the County needs leadership and help from its federal delegation to address unauthorized camping on federal land.

- Kevin Guadagno spoke to the growing number of encampments in China Hat and said criminal activity such as sexual assaults and drug dealing is happening along with environmental degradation of the land.
- Brooks Larson expressed support for the boundary limits proposed by the Sheriff.

- Alan Aronson said encampments pose huge dangers and supported the proposal to move campers a mile away from private property.
- Ed Murrer supported the Sheriff's initiative. He encouraged the establishment of managed camps and trespassing those who will not abide by rules.
- Ruth Mock said the situation in China Hat is chaos and agreed it is unfair that some people do not have to follow laws.
- Matthew Miller supported the Sheriff's proposal of a one-mile buffer from private property and encouraged the pursuit of an agreement with the federal government to enforce this provision on BLM land.
- Robert Fish commented that the issue of homelessness is complicated and said the City of Bend should manage the problem it is creating by attracting homeless persons.
- Jennifer Lingard said it is better to have a legal battle than the entire county blowing up or burning down.
- Sarah Ladwig supported the camping ban and said it would be much better to implement this than risk bad things happening to innocent people.
- Chris Hardy supported the Sheriff's proposal as well as people who are trying to help the homeless population. He agreed there must be accountability.
- Linda Murrer said the highest percentage of disability in the homeless population is drug or alcohol addiction. She supported Sheriff Nelson's proposal as well as its enforcement on federal property.
- Allison Eilerman said compassion is helping people get their lives back on track and live in a sanitary environment, and it is not compassionate to allow drug use. She supported the Sheriff's proposal.
- Chuck Hemingway said the Point in Time count shows that most of the homeless people in the county are from here. He did not support the Sheriff's proposal.
- Sandi Baxter said she lives near China Hat and has personally been threatened by fires and gunfire.

The public hearing was closed at 2:38 pm.

Commissioner DeBone commented on the effects from the pandemic, rising housing costs and fentanyl. He supported having the Sheriff work with the federal government to obtain authority to enforce its enforcement camping restrictions on federal land.

Commissioner Chang said while something must be done, the County must be careful to take actions which are legally defensible and enforceable. He said a new camping code is only one piece of a comprehensive approach to homelessness.

Commissioner Adair questioned how many homeless persons are in Deschutes County and said a managed camp is needed. She appreciated that the Sheriff's Office has assigned a deputy to work in China Hat full-time.

Commissioner Chang said he would be willing to support the Code language proposed by County Legal, but not the Sheriff's proposal.

Chair DeBone noted this will come back before the Board next week for possible action.

OTHER ITEMS:

- The Commissioners discussed the Governor's response to the County's request for land use flexibility in siting a managed camp outside of the Urban Growth Boundary and directed the Coordinated Office on Houseless Response and the Central Oregon Intergovernmental Council to assist in drafting answers to the Governor's questions.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 2:56 pm.

DATED this 16th day of August 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR



PATTI ADAIR, VICE CHAIR

ATTEST:



PHIL CHANG, COMMISSIONER



RECORDING SECRETARY