



## BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

# BOCC MEETING MINUTES

9:00 AM

**WEDNESDAY October 25, 2023**

Barnes Sawyer Rooms  
Live Streamed Video

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

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

### PLEDGE OF ALLEGIANCE

### CITIZEN INPUT:

- Dorinne Tye listed serious negative impacts from lead exposure and said the Bend airport is a large source of airborne lead. Adding that no level of lead exposure is safe, she urged the County to protect children and address this problem.

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

1. Approval of Document No. 2023-932 granting a power line easement to Central Electric Cooperative over a portion of County-owned property
2. Authorization to establish a new Money Market Sweep Account with First Interstate Bank

- ~~3. Approval of a contract with Maxim Healthcare Staffing Services for the Adult Jail's medical staffing needs (removed for separate consideration—see below)~~
4. Approval of Board Order No. 2023-047 authorizing the advance of taxes, assessments and charges to small tax districts
5. Approval of a lease with Oregon State University for use of space at South County Services Building to operate the Supplemental Nutritional Assistance Program Education program
6. Approval of the minutes of the October 11, 2023 BOCC meeting
7. Approval of the minutes of the October 12 BOCC Joint Meeting with the Circuit Court

CHANG: Move approval of the Consent Agenda as amended to remove item 3. for separate consideration

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

**3. Approval of a contract with Maxim Healthcare Staffing Services for the Adult Jail's medical staffing needs**

DCSO Captain Michael Shults referred to staffing shortages across the country and said because it has been especially difficult to hire and retain nurses, just four of the eight FTE registered nurse (RN) positions in Deschutes County's Adult Jail are filled. Shults said until more nurses can be hired, the proposed agreement would be used to contract for four RNs as temporary staff to bridge the service gap.

Responding to Commissioner Chang, Shults said the DCSO is also down one behavioral health specialist.

Commissioner Chang noted that St. Charles recently negotiated a new contract with its nursing staff at a higher rate of compensation.

ADAIR: Move approval of Chair signature of Document No.2023-890, a contract with Maxim Healthcare Staffing Services to provide temporary relief for the Deschutes County Adult Jail's medical staffing needs

CHANG: Second

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

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**ACTION ITEMS:**

**8. Public Hearing and Board Order considering the annexation of 18.26 acres at 61150 Cabin Lane to the Bend Park & Recreation District**

Assistant Legal Counsel Kim Riley said this petition has been approved by the Bend Park & Recreation District and reviewed by all relevant County departments as appropriate.

*The public hearing was opened at 9:15 am.*

Sara Anselment, representing the Bend Park & Recreation District, shared the District's support for this annexation and said the property is also being annexed into the City of Bend.

Commissioner Chang noted that the boundary of the Park & Recreation District is larger than Bend's Urban Growth Boundary. Anselment said there are no plans to further expand the District's boundary beyond the UGB, and any future changes are anticipated to simply align with it.

*There being no one else who wished to testify, the public hearing was closed at 9:17 am.*

CHANG:        Move adoption of Board Order No. 2023-045 approving the Calvin Gabert annexation into the Bend Park & Recreation District

ADAIR:        Second

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

**9. Community Wildfire Defense Grant Application for Community Wildfire Protection Plan Revision**

Kevin Moriarty, County Forester, explained the request to apply for a Community Wildfire Defense Grant for the purpose of revising and combining the County's

seven Community Wildfire Protection Plans (CWPPs). If granted, the funds would be used to contract with the Central Oregon Interagency Council to complete this work, which is estimated to take approximately two years.

Commissioner Chang spoke to the value of having separate CWPPs, which has allowed stakeholders the opportunity to engage in intense discussions and focus in a detailed way on the varying conditions and specific needs of each area. He sought confirmation that the combined plan will facilitate seven sub-groups that will continue to meet on an individual basis, which Moriarty verified.

Responding to Commissioner Chang, Moriarty said after the plans are combined into one, it will be updated every five years. Moriarty added that although CWPPs have up to a ten-year lifespan, the County has chosen to issue updates every five years.

Commissioner Adair noted that the Upper Deschutes River CWPP was last updated in 2018 and is therefore due for an update. Moriarty said staff has been working on this and has already held two meetings to date. He added that part of the work to be done hinges on information from the State's wildfire hazard map, which has not yet been issued. Commissioner Adair added that the Greater Sisters CWPP was last updated in 2019, so its five-year update will be due next year. She noted that the mileage reimbursement amount referenced in the draft grant application should be changed from the 2022 rate to the current rate.

- CHANG: Move to authorize the Natural Resources Department to apply for a Community Wildfire Defense Grant for the purpose of revising and combining the County's seven Community Wildfire Protection Plans
- ADAIR: Second
- VOTE: ADAIR: Yes  
CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

**10. Notice of Intent to Award a contract for new shelter and housing units for male justice- involved individuals**

Trevor Stephens, Community Justice Business Manager, reviewed that after the County received State funding for the creation of short-term shelter and longer-term housing options for up to 24 supervised individuals annually, an RFP was issued to solicit and select a service provider. One proposal was received and evaluated; staff recommends awarding a 122-month contract to Free On the Outside for a not-to-exceed amount of \$1,078,518.

Commissioner Chang appreciated that this program offers an on-site housing manager, the application of rules and structure, and wrap-around case management.

Commissioner Adair noted the deadline of January 9, 2024 to commence facility operations. She was impressed with the 1% recidivism rate claimed by the selected provider and asked where the organization fell short in the criteria used to evaluate its proposal. Stephens explained that the provider's proposal had failed to clearly identify how it meets low-barrier shelter standards. After the review panel was able to get its questions answered, it was satisfied with the explanations provided as those alleviated many of its initial concerns.

Commissioner Adair asked why, after ten years of operating the facility, the provider would be granted full ownership of the property. Stephens said this condition is stipulated in the State grant funding for this project, which is part of the Governor's emergency shelter order.

ADAIR: Move to authorize the County Administrator to sign Document No. 2023-954, a Notice of Intent to Award a contract to create short-term shelter and longer-term housing options for up to 24 individuals annually supervised by the Adult Parole and Probation Division

CHANG: Second

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

## **11. Preparation for Public Hearing: Historic Landmarks Commission Amendments**

Tanya Saltzman, Senior Planner, said the purpose of the proposed amendments is to provide an option to suspend the operations of the Historic Landmarks Commission (HLC) under a Board order. She shared reasons why this action could be appropriate, noting that the duties of the HLC are limited, it primarily serves as a review body, and the Commission has experienced a slowdown in activity and currently lacks a quorum. If the HLC was suspended, its review authority would be vested in the Planning Divisions of Deschutes County or the City of Sisters, as applicable. Saltzman said if the Board did suspend the HLC's operations, it could later choose to reinstate the Commission at any time.

Saltzman added that one public comment has been received objecting to this change.



Commissioner Chang referred to an email which suggested that the County work to establish a joint landmarks commission with the cities.

Peter Gutowsky, Community Development Director, said the County was part of a regional HLC in the past, but both Bend and Redmond established independent HLCs in order to have local control of the processes as well as the ability to apply for and receive their own grants. Noting that the County has not approved a local inventory since 1992, he advised that the Board proceed with the public hearing scheduled for next week, after which the Board can either take action on this proposal or defer it.

Saltzman concluded that the public hearing will be held on November 1<sup>st</sup>.

#### **OTHER ITEMS:**

- The Board resumed its discussion regarding sending a letter concerning Measure 110 to Governor Kotek. A new draft letter was presented for the Board's consideration and possible signature by the Commissioners and District Attorney Stephen Gunnels.

District Attorney Gunnels explained his criticism of Measure 110 is that it decriminalized drug possession. He said the letter should not state or imply that drug possession should remain decriminalized.

Commissioner Adair said many families and children are experiencing significant negative effects due to drug use, and some users overdose multiple times. Adding that Oregon has an extremely low number of residential treatment beds per capita, she stated that she will write and send a separate letter advocating for the repeal of Measure 110.

Commissioner Chang expressed his appreciation for the District Attorney's concerns about Measure 110. While he concurred that decriminalizing possession is not necessarily the right thing, he did not agree that persons who possess small amounts of drugs should end up with a criminal record as a consequence.

Gunnels said although the goal of the criminal justice system with regard to possession of small amounts of drugs is treatment, this should be approached within the framework of the criminal justice system. For example, simple possession could be categorized a class A misdemeanor and first-time offenders offered a diversion option (e.g., mandatory treatment with 12 months' probation). Gunnels said compelling treatment can be effective.

Commissioners Chang and DeBone were in agreement to modify the letter as suggested by District Attorney Gunnels to state in part that Deschutes County supports providing treatment and recovery services for persons with a substance use disorder "within the criminal justice system, including diversion approaches."

DEBONE: Move to approve the edited letter to Governor Kotek and others concerning Measure 110 as discussed

CHANG: Second

VOTE: ADAIR: No

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried 2 - 1

- Commissioner Adair asked when the safe parking proposal will be presented to the Board. Deputy County Administrator Erik Kropp said it will come forward on November 8<sup>th</sup>.
- The Board was in consensus to not meet on Monday, November 6<sup>th</sup>.
- Deputy County Administrator Erik Kropp relayed a request from COIC that the Board's representative to the Central Oregon Regional Housing Council (currently, Commissioner Chang) and the Coordinated Houseless Response Office (currently, Commissioner Adair) be the same person. Following discussion, the Board concurred to not change these designations at this time.
- Commissioner Chang reported his attendance at a meeting with the Oregon Early Learning Council, which brings focus to childcare needs across the state. He said the Council expressed its appreciation for the ARPA funds awarded by the County to address childcare needs.

**EXECUTIVE SESSION:** None

**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 10:47 am.

DATED this 29<sup>th</sup> day of Nov. 2023 for the Deschutes County Board of Commissioners.

**ATTEST:**

Pamela Fitzgerald  
**RECORDING SECRETARY**

Anthony DeBone  
**ANTHONY DEBONE, CHAIR**

Patti Adair  
**PATTI ADAIR, VICE CHAIR**

Phil Chang  
**PHIL CHANG, COMMISSIONER**