



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY June 21, 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:

- John Heylin advocated for the expansion of the number of commissioners on the board, saying this would be in the best interest of the community and result in a more inclusive government with greater diversity. He encouraged the Board to put this proposal before voters on the next ballot.

Commissioner Chang supported the Board adding this matter to a future meeting agenda to consider the creation of a charter rule committee. Commissioner Adair asked that this subject be discussed with the County Administrator in regularly scheduled individual meetings with the Commissioners.

- Ron Boozell encouraged the County to develop a home energy score program as the City of Bend has done.

- Avery Grace referred to the proposed camping code and said encampment sweeps damage relationships with service providers. Adding that ten weeks is insufficient to connect people to resources which may not yet exist, he urged a comprehensive solution to homelessness.
- Liz Goodrich objected to sweeps of homeless encampments and said moving people does not solve the problem. She asked that any removals be paired with resources and assistance.

Commissioner Adair acknowledged three persons instrumental in securing \$15 million from the State for the County's courthouse expansion project, extending enormous appreciation to Senator Elizabeth Steiner, Representative Vikki Breese Iverson and Deschutes County Budget Committee Member Judy Trego.

Commissioner Chang expressed appreciation to the County's full delegation of State representatives and senators who worked hard on this request over the last few months.

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

1. Approval of Board signature of Document No. 2023-501, a lease with J Bar J Youth Services for space at the Juvenile Detention Facility to provide program services
2. Approval of Board signature of Document No. 2023-485, a lease with Mosaic Medical for space at 244 NW Kingwood Avenue in Redmond
3. Approval of Chair signature of an agreement accepting a Community Wildfire Risk Reduction program grant from the Oregon State Fire Marshal
4. Approval of Chair signature of a Notice of Intent to Award contracts to Oregon Living With Fire (OLWF) Co-Coordinator
5. Consideration of Board Signature on Letters of Thanks to Maggie Kirby and Dale Crawford for service on the Deschutes County Planning Commission
6. Consideration of Board Signature on Letter of Thanks to Jeff Mayernik for service on the Deschutes County Cascade View Estates Special Road District
7. Consideration of Board Signature on letter appointing Denis Sieben for service on the Deschutes County Cascade View Estates Special Road District
8. Approval of minutes of the June 9, 2023 BOCC Legislative Update meeting
9. Approval of minutes of the May 25, 2023 Budget Committee meeting

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

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

Commissioner Chang asked for information on how funding from the State Fire Marshal complements, replaces or expands existing funding for the County's natural resources office.

Commissioner Adair thanked Maggie Kirby and Dale Crawford for serving on the Planning Commission.

ACTION ITEMS:

10. Discussion and Board Direction to Address Public Health and Safety Concerns on County-Owned Land Located in North Juniper Ridge

Deputy County Administrator Erik Kropp introduced the topic of public health and safety concerns on County-owned land in North Juniper Ridge resulting from homeless encampments. Community Development Director Peter Gutowsky said the County received a Code enforcement complaint related to unsanctioned homeless encampments on County-owned property. In responding, the County found imminent health and safety concerns due to the presence of solid waste, human waste, and illegal structures with wood-burning apparatus. Gutowsky said the violations reveal extremely dangerous public health, life and safety conditions on this 50-acre site.

Commissioner Adair shared she had toured this site in the fall of 2020, at which time she observed numerous unpermitted buildings where people were burning wood. She said last year, the Forest Service distributed fire extinguishers to the encampments.

Kropp summarized a proposed draft mediation plan which would provide a phased approach to immediately mitigate hazardous and health threats on this property while providing more time to work with the individuals who reside there. The draft remediation plan includes outreach to individuals living on the property to offer services and to explore shelter options. Staff estimates that the four proposed phases could be accomplished in approximately ten weeks. Kropp reviewed certain steps such as the establishment of a project team and

development of a communication plan. After all of the encampments are removed, the property would be cleaned up.

Property Manager Kristie Bollinger emphasized that the remediation plan is in draft form at this time and would be refined as the project team is established and work undertaken.

Kropp added that work on property in Redmond which is tied to the DSL land swap would be placed on hold while Juniper Ridge is addressed. He said the Juniper Ridge work could be paid either from Fund 090 – Project Development and Debt Reserve or from the General Fund; staff requests an initial \$200,000 for remediation and associated actions.

Responding to questions, Kropp said the County will contract with a vendor for the property clean-up, which will start in phase 1.

Commissioner DeBone asked about removal of lower tree limbs on the site, which would help with fuels reduction and create an open understory. Bollinger said staff could investigate pricing and possibly add this to the plan in the fall.

Commissioner Chang said while he appreciated the need to address Code violations and the draft plan is thoughtful in some respects, ten weeks is not a very long time. He advocated for an efficient use of public funds and said what is really needed is to offer people wraparound services, sanctioned places to shelter, and pathways out of homelessness.

Responding to Commissioner Adair, Assistant County Counsel Kim Riley said because this property is outside of the UGB, it could not be used to host a sanctioned encampment.

Commissioner Adair listed various County actions to address homelessness, including Oasis Village, the safe parking program in Redmond, Bethlehem Inn, and the grant of \$1.5 million to the City of Bend, and said Veteran's Village is expanding its program while J Bar J is adding more shelter for juveniles. She said it is important to address the public health problems at Juniper Ridge as soon as possible.

Commissioner DeBone added that the County enjoys a vibrant economy and jobs are available. He agreed that people cannot be allowed to set fires and contribute to other dangerous situations.

County Administrator Nick Lelack said the proposal is to enter into contracts to address the immediate public health and safety issues first. He spoke to the

collaborative nature of the efforts that will be made and said staff will provide regular updates to the Board.

ADAIR: Move to direct staff to implement the remediation plan for County-owned property located in North Juniper Ridge, provide the County Administrator discretion to amend the plan as necessary, and authorize an initial \$200,000 for remediation and associated actions, including the provision of fire extinguishers for each camp

DEBONE: Second

VOTE: ADAIR: Yes
CHANG: (abstained)
DEBONE: Chair votes yes. Motion Carried 2 - 0 - 1

11. Discussion and Possible Board Direction on a Safe Parking Program in Unincorporated Deschutes County

Deputy County Administrator Erik Kropp said with the passage of House Bill 2006, the County can now operate safe parking programs inside the Urban Growth Boundary (UGB). These programs generally require the provision of porta-potties, trash facilities, potable water, and handwashing stations. Kropp described the safe parking programs of the cities of Bend and Redmond and reviewed three options for the Board's consideration, as follows:

1. Do not adopt a safe parking program in the unincorporated county;
2. Direct staff to draft a safe parking program code within the UGB and outside city limits for the Board's consideration; or
3. Direct staff to draft a safe parking program code for the unincorporated county both within and outside of the UGB which could be accompanied by an emergency declaration of the Board regarding homelessness.

Commissioner DeBone said some rural churches or other rural properties might be appropriate sites for a safe parking program. He supported pursuing this use inside and outside of the UGB, via emergency declaration if necessary.

Commissioner Adair said Bend and Redmond's parking programs are successful. She referred to an upcoming meeting with Rick Russell who manages the safe parking program in Redmond and said that program offers 90 days of wrap-around services to participating persons.

Commissioner DeBone presented a conceptual overview of a possible "Long-Term Visitor Area (LTVA) Program" which included draft language regarding participants, rules, facilities, services and enforcement. He suggested

establishing a work group to further develop this concept. The Board was in consensus to schedule a work session on this concept.

In response to Commissioner Chang, Community Development Director Peter Gutowsky said staff will substantiate, via GIS mapping, how much land is inside the UGB and outside of city limits. Commissioner Chang was unsure about extending this use outside of the UGB without limitation since people need to be close to services, but supported extending it within one mile of the UGB.

Commissioner Adair agreed and said the vehicles used by campers must be operable.

Kropp offered to return with two programs for the Board's consideration—one within the UGB and one within a mile of the UGB.

Assistant County Counsel Kim Riley said the program could be created by Board order. As such, a public hearing would not be required, but is recommended.

12. Public Hearing to consider amendments to Deschutes County Code to modify franchise fees for commercial and noncommercial haulers

Solid Waste Incoming Director Tim Brownell explained the proposal to increase franchise fees for commercial and noncommercial haulers from 3% to 5% to fund remediation of properties requiring Code compliance efforts. Saying this change is expected to generate \$240,000 annually, Brownell said the increases would be passed on to customers with the average residential customer paying an additional \$0.60 per month and the average commercial business paying an additional \$6 per month. He concluded that this increase would bring the County's franchise fees in line with other entities in Deschutes County.

The public hearing was opened at 10:45 am. There being no one who wished to speak, the public hearing was closed at 10:46 am.

CHANG: Move first and second reading of Ordinance No. 2023-011 by title only
ADAIR: Second

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

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

ADAIR: Move emergency adoption of Ordinance No. 2023-011 amending

CHANG: Sections 13.24.120 and 13.24.130 of the Deschutes County Code
Second

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

13. Public Hearing: Rate adjustments for waste and recyclables collection and transfer services

Solid Waste Incoming Director Tim Brownell explained that the reasons for the proposed rate increases for waste and recyclables collection and transfer services include higher staff and fuel costs, increased landfill disposal fees and other greater operational costs associated with these services.

The public hearing was opened at 10:56 am. There being no one who wished to speak, the public hearing was closed at 10:57 am.

ADAIR: Move approval of Board Order No. 2023-023 to provide for a 12.5% rate adjustment for waste and recyclables collection services provided to residents in unincorporated Deschutes County by Wilderness Garbage and Recycling, Cascade Disposal, Bend Garbage and Recycling and High Country Disposal

CHANG: Second

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

CHANG: Move approval of Board Order No. 2023-023 to provide for a 9% rate adjustment for waste and recyclables transfer services provided to Deschutes County by Deschutes Transfer Company

ADAIR: Second

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

14. Second reading of Ordinance No. 2023-010 for a Plan Amendment and Zone Change for approximately 93 acres east of Bend and north of Highway 20

Nathaniel Miller, Associate Planner, reviewed the background of this request which the Hearings Officer recommended be approved. Following a public hearing on April

5th, the Board voted to approve the application and held first reading of the ordinance on June 7th.

ADAIR: Move approval of second reading of Ordinance No. 2023-010 by title only

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

Chair DeBone read the ordinance by title only.

ADAIR: Move adoption of Ordinance No. 2023-010 amending 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

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

Commissioner Chang reported on a State housing assistance grant program which may offer the opportunity to investigate ways to advance the future urbanization of lands on the east side of Bend which are in the process of being rezoned in order to ensure the highest and best values for property owners while reaping the most housing possible.

Commissioner DeBone did not support pre-supposing how the owners of private property should develop their land.

A break was announced at 11:05 am; the meeting reconvened at 1:00 pm.

15. Second Public Hearing and consideration of Resolution No. 2023-029 adopting the Deschutes County FY 2023-24 Budget

Dan Emerson, Budget and Fiscal Planning Manager, reviewed the public hearing held on this matter on June 14th and the actions taken by the Budget Committee on May 25th. He referred to adjustments made to the approved budget of

\$619,098,853 which increase appropriations by \$6,041,975 and bring the total revised budget to \$625,140,828.

The public hearing was opened at 1:04 pm. There being no one who wished to speak, the public hearing was closed at 1:04 pm.

ADAIR: Move approval of Resolution No. 2023-029 adopting the fiscal year 2023-24 Deschutes County budget in the sum of \$625,140,828, Imposing and categorizing ad valorem property taxes at the tax rate of \$1.2783 per \$1,000 of assessed value and appropriating amounts set forth in the resolution

CHANG: Second

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

The Board convened as the governing body of the Deschutes County Extension and 4H Service District.

16. Public Hearing and consideration of Resolution No. 2023-030, adopting the Deschutes County Extension and 4H Service District FY 2023-24 Budget

Emerson presented a staff report regarding the Budget Committee's action on May 25th which approved the FY 2023-24 Proposed Budget for the Deschutes County Extension and 4H Service District.

The public hearing was opened at 1:05 pm. There being no one who wished to speak, the public hearing was closed at 1:05 pm.

CHANG: Move approval of Resolution No. 2023-030 adopting the fiscal year 2023-24 Deschutes County Extension and 4H Service District budget in the sum of \$1,057,228, imposing and categorizing ad valorem property taxes at the tax rate of \$0.0224 per \$1,000 of assessed value and appropriating amounts set forth in the resolution

ADAIR: Second

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

The Board convened as the governing body of the Deschutes County 9-1-1 Service District.

17. Public Hearing and consideration of Resolution No. 2023-031 adopting the Deschutes County 9-1-1 Service District FY 2023-24 Budget

Emerson presented a staff report regarding the Budget Committee’s action on May 25th which approved the FY 2023-24 Proposed Budget for the Deschutes County 9-1-1 Service District.

The public hearing was opened at 1:07 pm. There being no one who wished to speak, the public hearing was closed at 1:07 pm.

ADAIR: Move approval of Resolution No. 2023-031 adopting the fiscal year 2023-24 Deschutes County 9-1-1 Service District budget in the sum of \$29,186,666, imposing and categorizing ad valorem property taxes at the tax rate of \$0.3618 per \$1,000 of assessed value and appropriating amounts set forth in the resolution

CHANG: Second

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

The Board convened as the governing body of the Black Butte Ranch Service District.

18. Public Hearing and consideration of Resolution No. 2023-032 adopting the Black Butte Ranch Service District FY 2023-24 Budget

Emerson presented a staff report regarding the Budget Committee’s action on May 25th which approved the FY 2023-24 Proposed Budget for the Black Butte Ranch Service District.

The public hearing was opened at 1:08 pm. There being no one who wished to speak, the public hearing was closed at 1:08 pm.

CHANG: Move approval of Resolution No. 2023-032 adopting the fiscal year 2023-24 Black Butte Service District budget in the sum of \$2,754,386, imposing and categorizing ad valorem property taxes at the tax rate of \$1.0499 per \$1,000 of assessed value for operations and \$0.6500 per \$1,000 of assessed value for local option tax and appropriating amounts set forth in the resolution

ADAIR: Second

VOTE: ADAIR: Yes
CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

The Board convened as the governing body of the Countywide Law Enforcement District.

19. Public Hearing and consideration of Resolution No. 2023-033 adopting the Countywide Law Enforcement District (District #1) FY 2023-24 Budget

Emerson presented a staff report regarding the Budget Committee's action on May 25th which approved the FY 2023-24 Proposed Budget for the Countywide Law Enforcement District (District #1).

The public hearing was opened at 1:10 pm. There being no one who wished to speak, the public hearing was closed at 1:10 pm.

ADAIR: Move approval of Resolution No. 2023-033 adopting the fiscal year 2023-24 Countywide Law Enforcement District budget in the sum of \$49,043,440, imposing and categorizing ad valorem property taxes at the tax rate of \$1.2500 per \$1,000 of assessed value and appropriating amounts set forth in the resolution

CHANG: Second

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

The Board convened as the governing body of the Rural Law Enforcement Service District.

20. Public hearing and consideration of Resolution No. 2023-034 adopting the Rural Law Enforcement District (District #2) FY 2023-24 Budget

Emerson presented a staff report regarding the Budget Committee's action on May 25th which approved the FY 2023-24 Proposed Budget for the Rural Law Enforcement District (District #2).

The public hearing was opened at 1:11 pm. There being no one who wished to speak, the public hearing was closed at 1:11 pm.

CHANG: Move approval of Resolution No. 2023-034 adopting the fiscal year 2023-24 Rural Law Enforcement District budget in the sum of \$17,890,891, imposing and categorizing ad valorem property taxes at the tax rate of \$1.5500 per \$1,000 of assessed value and appropriating amounts set forth in the resolution

ADAIR: Second

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

The Board convened as the governing body of the Sunriver Service District.

21. Public hearing and consideration of Resolution No. 2023-035 adopting the Sunriver Service District FY 2023-24 Budget

Emerson presented a staff report regarding the Budget Committee’s action on May 25th which approved the FY 2023-24 Proposed Budget for the Sunriver Service District.

The public hearing was opened at 1:12 pm. There being no one who wished to speak, the public hearing was closed at 1:12 pm.

ADAIR: Move approval of Resolution No. 2023-035 adopting the fiscal year 2023-24 Sunriver Service District budget in the sum of \$25,178,702, imposing and categorizing ad valorem property taxes at the tax rate of \$3.3100 per \$1,000 of assessed value for operations and \$0.4700 per \$1,000 of assessed value for local option tax and appropriating amounts set forth in the resolution

CHANG: Second

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

The Board reconvened as the governing body of Deschutes County.

22. Public Hearing and consideration of Resolution No. 2023-036, increasing appropriations within the 2022-23 Deschutes County Budget

Emerson shared numerous end-of-year adjustments to the 2022-23 budget, including a \$5 million increase in the health benefits fund to address increased claims. He described the consequences of lower transient room tax revenues than expected.

Kathleen Hinman, Human Resources Director, added that the County is currently paying claims using contingency funds, and claims costs continue to rise. She shared efforts to encourage employees to obtain recommended screenings and said more staff are being prescribed higher cost drugs which do not have alternatives.

The public hearing was opened at 1:19 pm. There being no one who wished to speak, the public hearing was closed at 1:19 pm.

CHANG: Move approval of Resolution No. 2023-036 increasing appropriations within the 2022-23 Deschutes County Budget

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

23. 2023 Spay & Neuter Grant Program

Stephanie Robinson, Administrative Analyst, said the County supports spay and neuter services by offering pet owners the opportunity to make a donation to this program when they renew a pet's license. These donations, typically supplemented by general fund, are offered to local non-profit organizations which provide spay and neuter services for both feral animals and pets whose owners are unable or unlikely to access or afford the procedure. Grant funds may also be used for educational or promotional programs focused on encouraging spay and neuter procedures; the Dog Board reviews and scores grant applications which are then forwarded to the Board for a final funding decision.

Commissioner Adair said this program is very important and should be continued.

ADAIR: Move to allocate General Fund dollars to support the Spay & Neuter grant program in 2023 for a total program amount of \$10,000, including the amount currently in the donation fund

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

OTHER ITEMS:

- Assistant County Counsel Kim Riley said a matter involving a LUBA remand of a land use decision will come before the Board for a public hearing next week, and advised that the Board act to re-open the record at this time.

ADAIR: Move that the record in Remand File No. 247-23-00398-A (original file no. 247-21-000881-PA, 882-ZC, LBNW LLC) be presently re-opened in advance of the public hearing next week on June 28th

CHANG: Second

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

- Commissioner DeBone reported on a meeting of the Solid Waste Advisory Committee which included an open house to share information on the four sites remaining under consideration for a new landfill.
- Commissioner Adair commented on the Firewise meeting earlier this week and the large amount of debris which has been collected to establish defensible space. She added that \$30,000 remains available for juniper management.
- Commissioner Chang reported on a forum hosted by City Club last week on the State's land use planning system and housing, open space and forested land.
- Commissioner Chang recognized the Juneteenth holiday and its significance.
- Commissioner DeBone announced he will be interviewed by radio station KBND tomorrow morning.

EXECUTIVE SESSION:

At 1:45 pm, the Board entered executive session under ORS 192.660 (2) (d) Labor Negotiations.

The Board moved out of executive session at 1:56 p.m. with no action taken.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:56 pm.

DATED this 9th day of Aug. 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR



PATTI ADAIR, VICE CHAIR

ATTEST:


RECORDING SECRETARY


PHIL CHANG, COMMISSIONER