



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

1:00 PM

WEDNESDAY January 29, 2025

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang. Also present were County Administrator Nick Lelack; Senior 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.

CALL TO ORDER:

Chair DeBone called the meeting to order at 1:00 pm.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Al Shirk spoke to the letter sent by the Board to Congressman Cliff Bentz regarding the potential acquisition by the County of 40 acres of Deschutes National Forest land with the intention of selling it to a private company for surface mining. Noting that he owns a separate quarry which was established in 2020 just 2.4 miles away, Shirk said the proposed property acquisition is sought by Findley Butte Aggregate to expand its quarry, which is nearing depletion. Shirk asked that the Board send another letter to Congressman Bentz stating the proximity of his quarry.

Commissioner Chang stated his support for sending a second letter from the Board to Congressman Bentz as suggested. Commissioner DeBone also supported this.

- Mark Dickens objected to wording added to the Board's meeting agendas which disallows obscene or defamatory language during citizen comments, saying this infringes on his First Amendment rights.

Commissioner DeBone said the County will not negotiate with Dickens with regard to actions taken by its building official to follow State law.

- Ron Boozell said many jobs and services are dependent on federal grants which have been frozen by the White House. He asked to know what the Commissioner's personal favorite federal grant is, and if they would send a communication to the President encouraging its reinstatement.

Agreeing that many important services are supported by federal funding and sharing that the President's executive order freezing federal grants has been temporarily suspended, Commissioner Chang was hopeful that no further efforts to freeze this funding will be made.

Commissioner Adair reported that the Commissioners attended COCC's State of the College annual event this morning and expressed her thanks for all COCC does for the community.

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

1. Consideration of Board Signature on letter thanking Lynn McAward for service on the Dog Control Board of Supervisors
2. Consideration of Board Signature on letter correcting Gil Levy's term end date for service on the Public Safety Coordinating Council
3. Approval of the minutes of the January 17, 2025 Legislative Update meeting
4. Approval of the minutes of the BOCC January 15, 2025 meeting

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

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

ACTION ITEMS:

5. Acceptance of an Emergency Management Performance Grant

DCSO Sergeant Nathan Garibay reported the award of \$91,786 in Emergency Management Performance Grant (EMPG) funds in addition to \$12,230 received from the State pursuant to HB 3059. These funds will be used by the Sheriff's Office to support personnel costs associated with DCSO's Emergency Services Coordinators. Sergeant Garibay explained that the County's Emergency Management Program plans, coordinates and oversees all emergency services functions, including public education, preparedness, mitigation, response and recovery.

Commissioner Adair referred to the recent wildfires in southern California and asked to know how many fire trucks are in Deschutes County. Garibay confirmed he will find this out and follow up with the Board.

Commissioner Chang commented that the State has pre-positioned extra resources in Deschutes County at times when the county has been most at risk.

In response to Commissioner DeBone, Garibay said evacuation planning entails determining and sharing information on critical transportation routes and issuing public alerts based on current/expected fire behavior.

CHANG: Move to authorize the Deschutes County Sheriff's Office to accept an Emergency Management Performance Grant to support the County's comprehensive emergency management program

ADAIR: Second

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

6. Amendment to an agreement allocating ARPA funds to the City of Sisters to expand the inventory of affordable housing

Laura Skundrick reminded that in January 2023, the Board of Commissioners allocated \$500,000 in ARPA funds to the City of Sisters for the development of a 40-unit multi-family rental housing project.

Jordan Wheeler, Sisters City Manager, said the City is now asking that the agreement allocating these funds be amended to allow leasing or renting the

affordable units to individuals or families whose annual household income is at or below 80% of Area Median Income (AMI) rather than to persons whose income is at or below 65% of AMI. Explaining that this change would allow maximizing funding opportunities while still accomplishing the City's goal of increasing the supply of affordable housing, Wheeler affirmed that changing the income level to 80% of AMI aligns with the City's definition of affordable housing. He added that Department of Treasury ARPA guidelines allow for affordable rental housing units to limit maximum income up to 120% AMI.

Commissioner Chang was concerned that this change would make it less likely that someone who is currently homeless would be able to make the transition to housing. Saying that this change would result in the project serving a smaller component of the homeless population in the Sisters area, he asked what else the City will do to create pathways out of homelessness.

Clayton Crowhurst, Northwest Housing Alternatives (NHA; the City's development partner on this project), shared that NHA has agreed to set aside between five and ten of the units for Family Access Network to utilize, and is also exploring similar partnerships with other organizations. He said many people who currently reside in the forest make a living wage but cannot afford housing in Sisters.

In response to Commissioner Chang, Crowhurst said 80% AMI for a family of four is a little under \$80,000. The monthly rent for a two-bedroom unit would be \$1,800.

Commissioner Chang asked to know the specific income levels under 65% AMI, which Crowhurst agreed to provide.

Responding to Commissioner Adair, Crowhurst said three of the units will be set aside specifically for agricultural workers. He described NHA's and the City's efforts to try to lease as many of the units as possible to people who already live or work in Sisters.

ADAIR: Move approval of Document No. 2025-128, amending a 2023 agreement allocating ARPA funds to the City of Sisters to revise language in Exhibit A

CHANG: Second

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

7. Special Project Grants - Mid-Year Update

Jen Patterson, Strategic Initiatives Manager, introduced updates from the Newberry Regional Partnership and the Deschutes Basin Water Collaborative.

Julie Baumgartner, COIC Community Development Programs Manager, reviewed the background of the Newberry Regional Partnership and its goals, saying the developed action plan has seven focus areas, each with its own implementation strategies. Baumgartner noted that the working group of 18 members represents many different entities throughout the community.

Megan Tuck, COIC Program Coordinator, reviewed the proposed implementation timelines and shared that action teams will be established to shepherd the identified strategies for meeting each goal.

In response to Commissioner Chang, Baumgartner and Tuck said COIC envisions the County as a key partner in: helping property owners address failing septic systems; expanding funding and education for wildfire preparedness and prevention; addressing unsanctioned camping on public lands; and implementing traffic safety improvements for major roads and arterials as well as access routes to Highway 97.

Baumgartner invited the Commissioners to participate in the action teams phase of the Plan.

Responding to Commissioner Adair, Tuck said a community-based fire prevention and protection coordinator has not yet been hired, although the Plan proposes this.

Jim Bond, program director at Deschutes River Conservancy, next presented an update on the Deschutes Basin Water Collaborative, which was formed in 2020 and works to balance water use between humans and ecological needs.

In response to Commissioner DeBone regarding the need for both the Conservancy and the Collaborative, Bond said the Conservancy is a small group which does not have the capacity needed to engage all relevant stakeholders. In contrast, the Collaborative is meant to bring many groups together and find consensus across the differences.

Bond then shared that the Collaborative aims to develop a comprehensive water management plan which will identify supply options and how to meet water needs in view of the limited supply, in part by working to conserve water and restore flows.

8. Courthouse Expansion Budget Request

Lee Randall, Facilities Director, introduced the request to increase the budget of the Courthouse expansion project by \$2.9 million, which would bring the total project budget to \$46.8 million. Saying that the reasons for the shortage are primarily inflation, supply chain disruption, and mid-year commodity price increases, Randall noted that the project is on a restricted site downtown Bend which poses unique challenges and complexities.

Wayne Powderly from the Cumming Group attributed \$180,000 of the increased cost to unforeseen conditions, including unsuitable soils which were discovered during the excavation for the new foundations and required the addition of new underpinning foundations for the existing building. In addition, underground storage tanks were removed and disposed of, and added work was needed to ensure that the temporary entrance is safe and secure during construction.

Powderly reminded that the original Guaranteed Price Maximum, finalized in March of 2024, was based on a 90% finished set of plans. During the permitting process, \$1,200,000 in changes were made to align the work with City Code.

John Williamson from Pence Construction said extending the construction schedule out another 6.25 months raised the cost of managing and overseeing the more than 40 different trade partners. Also, labor costs rose from 2024 to 2025 and additional increases are expected from 2025 to 2026. Other higher-than-anticipated costs are attributed to material cost escalations and to the fact that some work was shifted to less desirable times of the year. Williamson described efforts to mitigate these changes as much as possible, including by reducing staff.

Paul Boundy from LRS Architects spoke to the design revisions, explaining that the City of Bend required some changes during the permitting process. He said the group continues to look for value engineering opportunities to bring costs down.

Randall summarized that the project management team has worked hard to address and resolve issues as these have arisen.

Commissioner Adair said while normally, a project of this size has a 5-10% contingency, this one proceeded with just a 3% contingency. Noting that the project was originally estimated to cost \$27 million and then \$40 million, and now is projected to cost \$46.8 million, she questioned if the total cost will continue to rise. She referred to other large public projects which are coming in

at or under budget, and worried that the Courthouse expansion project will cost more than is now being estimated.

Saying that Redmond's police station also increased in cost more than once, Randall agreed that the Courthouse project's contingency was not sufficient. He said going forward, the project will have a 4.4% contingency. When combined with the contractor's approximate 5% contingency, the total contingency will be about \$3 million.

Commissioner DeBone expressed his confidence in the project management team.

Commissioner Adair asked for project status and budget reports every month.

Commissioner Chang expressed appreciation for the detailed explanation of the increase in costs and said he has heard many similar stories at the Oregon Transportation Commission regarding project cost increases across the state.

Nick Lelack, County Administrator, referred to the many efforts made to keep the project from going further over budget. Saying that the team is trying to deliver the best possible project for the community as responsibly as it can, he committed to providing monthly updates to the Board on this matter.

Commissioner DeBone agreed that inflation is still propagating.

Commissioner Chang asked if the tariffs expected to be imposed by the federal government could further increase the project's costs. Randall said the team was proactive with respect to this concern, with the result that about 97% of the remaining needed construction materials have been secured.

CHANG: Move approval of increasing the Courthouse Expansion Project budget by \$2.9 million to a total project budget of \$46.8 million

DEBONE: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

9. 2024 Annual Report for the Prescribed Fire, Smoke and Public Health Community Response Plan

Kevin Moriarty, County Forester, summarized the 2024 Annual Report for the Prescribed Fire, Smoke and Public Health Community Response Plan, which is

needed to maintain the exemption from the one-hour air quality threshold granted for the Bend Smoke Sensitive Receptor Area. He acknowledged Thomas Stokely from the Nature Conservancy who provided the graphs in the report.

Moriarty said typically, a prescribed burn of about 300 acres is conducted in Deschutes County, but in 2024 a pilot project burned more than 1,800 acres. He described the location of smoke sensors and reported the different readings of each sensor.

Commissioner Adair said subsequent to the west side of Sisters being logged and cleaned up, the natural grass now growing there provides habitat and sustenance for wildlife.

Commissioner Chang recognized the Sisters Ranger District for the large amount of work done south of Sisters which had a significant impact on that area receiving a "moderate" rating in the fire hazard map.

CHANG: Move approval of the 2024 Annual Report for the Prescribed Fire, Smoke and Public Health Community Response Plan

ADAIR: Second

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

Commissioner Chang said while it was a substantial accomplishment to burn 1,864 acres via prescribed fires last year, ten years of such efforts are needed.

Noting that it's critical to keep landscaping trimmed to protect homes, Commissioner Adair said juniper trees should be removed from the yards of private residences.

OTHER ITEMS:

- County Administrator Nick Lelack reviewed that the Board wishes to continue COIC appointments for Chris Piper and Kristine McConnell and recruit for the third community representative position formerly held by Jay Patrick.
- The Commissioners acknowledged receipt of an invitation to participate in a bike race on June 14th.
- Commissioner Chang reported on work to develop a concept for a bill to advance a youth acute respite emergency mental health center, noting the involvement of representatives from the legislature, Jackson House, DCHS

Behavioral Health, Providence and St. Charles. He hoped that a proposal supported by all interested parties will result.

- Commissioner DeBone commented on an email from Road Director Chris Doty regarding HB 3119 and the potential ramifications if this bill passes.

Saying that California has already rejected a similar bill, Commissioner Adair said she has signed up to testify against HB 3119 at tomorrow's hearing.

EXECUTIVE SESSION:

At 3:31 pm, the Board entered executive session under ORS 192.660 (2) (e) Real Property Negotiations.

At 3:42 pm, the executive session concluded and the public was invited to return to the room. The Board then 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 3:42 pm.

DATED this 12th day of March 2025 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

ATTEST:



RECORDING SECRETARY



PATTI ADAIR, VICE CHAIR



PHIL CHANG, COMMISSIONER