



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY December 13, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Tony DeBone and Phil Chang. Also present were County Administrator Nick Lelack; Assistant Legal 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 webpage www.deschutes.org/meetings.

CALL TO ORDER: Chair DeBone called the meeting to order at 9:00 a.m. and noted the excused absence of Commissioner Adair.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: None

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

Item 2 was pulled from the Consent Agenda for separate action—see next page.

1. Approval of Purchase Agreement and Dedication Deed from the Jesse and Kimberly Dent Joint Trust for Right of Way for the Powell Butte Highway/Butler Market Road Intersection Improvement Project
3. Consideration of Board Signature on letters thanking Pamela Ferguson, and appointing Denise Gardiner, for service on the Newberry Estates Special Road District

4. Consideration of Board Signature on letter appointing Diane Tolzman for service on the OSU Extension / 4H Advisory Council

CHANG: Move approval of the Consent Agenda items 1, 3 and 4
DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 - 0

2. Approval of a grant agreement with Free on the Outside for the purchase and operation of new shelter and housing units for male justice-involved individuals on supervision with Deschutes County Parole and Probation

Commissioner Chang said while he supported this proposal, he agreed that in light of constituent concerns, further discussion was warranted. Noting that the Board had discussed this grant and project in previous public meetings, he said if the courts, law enforcement and the County's parole and probation team all agree that someone is ready to re-enter the community under supervision, this project will allow that person to be housed in a supportive transitional setting where they are monitored and regularly engaged with. The alternative is to release that same person back into the community where, if they are unable to find housing, they may become homeless with no support, no supervision, and out of the bounds of all regulatory framework. Commissioner Chang argued that the former scenario is much better for all.

Commissioner DeBone said while the thought of having persons convicted of certain crimes living nearby can be scary or awkward, this proposal represents a best practice to provide a grounding environment to change behavior with the support of parole and probation staff. He concluded that this project is something to celebrate.

CHANG: Move approval of a grant agreement with Free on the Outside for the purchase and operation of new shelter and housing units for male justice-involved individuals on supervision with Deschutes County Parole and Probation

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 - 0

ACTION ITEMS:

5. Ballot Measure 110: Public Safety Partners Presentation on a Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis

District Attorney Steve Gunnels said the Oregon Association of Chiefs of Police, the Oregon State Sheriffs' Association, the Oregon District Attorneys Association and the League of Oregon Cities have collaboratively developed numerous policy proposals to address Oregon's severe addiction crisis and its many negative effects. Together, these proposals comprise a comprehensive approach which seeks to address the following: legislative changes; modifications in charging drug crimes; specialty court funding; stabilization, detoxification and treatment; opioid overdose quick response teams; and residential and secure residential facilities.

Saying the County is on track this year to prosecute just 10% of the methamphetamine possession charges it prosecuted in 2019, Gunnels explained it is difficult to deal with the demand side of drug use if people cannot be prosecuted for possessing small amounts. He viewed the inability to prosecute such cases as hundreds of missed opportunities to assist people in receiving treatment and support.

Gunnels expounded on the proposals, which include a reform of Measure 110 to reclassify the possession of hard drugs as a Class A misdemeanor. The goal of this change would be to steer users into treatment, and diversion options would be offered to avoid a conviction. Gunnels believed this change would significantly improve community safety and public health.

Other proposed changes are to revise the definition of delivery to include possession with intent to deliver as well as the actual transfer of drugs, and to allow a pre-trial hold for persons charged with dealing drugs. Also, since it's estimated that 50-80% of property crime is committed by people with drug or alcohol addiction, it's proposed that addicted persons who are charged with a property crime are screened and connected to mandatory treatment when needed.

Gunnels presented the remainder of the proposals, as follows:

- Create a new Class A misdemeanor for using drugs in public to align with current law which prohibits public use of alcohol and marijuana;
- Create a new Class A misdemeanor for using drugs in enclosed public spaces in a way that endangers another person who is not willing to be exposed;

- Prioritize adequate and sustainable funding for specialty courts, which can be very successful at reducing recidivism;
- Allow welfare holds of up to 72 hours for intoxicated persons who pose a danger to themselves or others;
- Fund sustainable investments in sobering centers and stabilization and treatment bed capacity for adults and juveniles;
- Support the establishment of Opioid Overdose Quick Response Teams; and
- Support aligning the siting of residential and secure residential facilities with the requirements in the Fair Housing Act.

Commissioner Chang asked about the proposal to establish Opioid Overdose Quick Response Teams. Gunnels said these could be done via public/private partnerships but would have to involve law enforcement to ensure the safety of team members.

Commissioner DeBone said these changes are a high priority for many across the state and expressed his appreciation for the specific recommendations. Commissioner Chang agreed that all of these actions are needed to address the crisis.

In response to the consensus of the Commissioners to send a letter to the Governor and State legislators expressing support for these proposals, County Administrator Nick Lelack said staff will draft a letter for the Board's consideration next week.

6. Public Hearing and consideration of ordinance to amend section 2.37.120 of Deschutes County Code to clarify contract processing procedures

Dave Doyle, County Counsel, explained that the amendment would clarify the County's procedure for processing contracts administratively after a Notice of Intent to Award has been approved by the Board of Commissioners.

The public hearing was opened at 9:52 am. There being no one who wished to testify, the public hearing was closed at 9:52 am.

CHANG: Move approval of first and second reading of Ordinance No. 2023-026, amending Section 2.37.120 of Title 2.37, Contracting, of Deschutes County Code

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 - 0

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

CHANG: Move emergency adoption of Ordinance No. 2023-026, amending Section 2.37.120 of Title 2.37, Contracting, of Deschutes County Code, to take effect on January 1, 2024

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 – 0

7. Sale of property at 51950 Huntington Road in La Pine to Habitat for Humanity La Pine Sunriver

Kristie Bollinger, Property Manager, reviewed the Board’s direction to donate and sell a combination of five acres in La Pine to Habitat for Humanity of La Pine Sunriver for the development of affordable housing.

CHANG: Move approval of Board Order No. 2023-043 designating the Deschutes County Property Manager, Kristie Bollinger, as the Deschutes County representative for the purpose of signing documentation to complete the sale of 5.02 acres of County-owned property located at 51950 Huntington Road in La Pine

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 – 0

The Commissioners spoke to the various benefits of this sale and project.

8. Veteran Behavioral Health Peer Support Specialist Program Grant Application

Kristin Mozzocchi, Behavioral Health Program Manager, explained the request to apply for a grant for the purpose of expanding the availability of peer-delivered services to veterans who have behavioral health needs in order to improve their health and well-being. Mozzocchi said if awarded, the grant would continue the work done via a different grant that will expire at the end of this month. The new funds would enable the provision of outreach and engagement services to veterans who are high-risk and/or difficult to engage for another 19 months.

CHANG: Move to authorize the application for a Veteran Behavioral Health Peer Support Specialist Program grant from the Oregon Health Authority

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 – 0

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

9. Contract with L3Harris for completion of DC911 Radio Enhancement Plan

Sara Crosswhite, 9-1-1 Service District Director, presented a proposed contract with L3Harris for equipment and services to complete the District Radio Enhancement Plan in FY25, specifically by installing equipment at the new 911 back-up center and at the County's Road Department. Crosswhite said this contract is being brought forward before FY25 to allow the vendor to order and stage the necessary equipment to complete both radio sites in FY25.

CHANG: Move approval of Chair signature on Document No. 2023-1042, an agreement with L3Harris for 911 radio system enhancements

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 – 0

The Board reconvened as the governing body of Deschutes County.

10. Oregon State Weed Board Grant Application for Deschutes County Noxious Weed Project

Kevin Moriarty, County Forester, sought the Board's approval to apply for a State Weed Board grant of \$30,780, \$12,000 of which would be used for public outreach with \$15,000 allocated to survey and treat key noxious weed species. \$3,780 would go toward administrative or indirect costs.

Commissioner DeBone recalled previous "Let's Pull Together" events which organized community efforts to eliminate noxious weeds.

CHANG: Move to authorize the submittal of an application for an Oregon State Weed Board Grant

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 – 0

11. Work Session: Plan Amendment and Zone Change at 64430 Hunnell Road

Jacob Ripper, Principal Planner, previewed a public hearing to be held next week on a request to change the Comprehensive Plan designation of property at 64430 Hunnell Road from Agricultural to a Rural Residential Exception Area and also change the zoning of the subject property from Exclusive Farm Use to Multiple Use Agricultural (MUA-10). Ripper said the first of two required public hearings was held before the Hearings Officer, who recommended the requests be approved. Ripper described the property and said a proposed four-lot subdivision has been put on hold pending the outcome of the map amendment and rezone requests. No public comments were provided at the first public hearing.

12. Ordinance No. 2023-027 – Bend Airport Text Amendments

Audrey Stuart, Associate Planner, reminded that on November 29th, the Board adopted the recommendation of the Hearings Officer to approve the City of Bend's application for text amendments to allow an air traffic control tower as a new permitted use at the Bend Municipal Airport and also allow such a tower to be up to 115 feet in height. Stuart said since the Board's approval, Bend has asked that the enabling ordinance be adopted by emergency to take effect sooner than 90 days.

Commissioner DeBone proposed that the ordinance be adopted by emergency effective in 30 days; Commissioner Chang was amenable to this suggestion.

DEBONE: Move approval of first and second reading of Ordinance No. 2023-027 amending Deschutes County Code Title 18, Chapter 18.76, Airport Development ("AD") Zone, and Chapter 18.80, Airport Safety ("AS") Combining Zone, to add an air traffic control tower as a new permitted use and allow an air traffic control tower to be up to 115 feet in height

CHANG: Second

VOTE: CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 2 - 0

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

CHANG: Move adoption of Ordinance No. 2023-027 by emergency effective in 30 days

DEBONE: Second

VOTE: CHANG: Yes
 DEBONE: Chair votes yes. Motion Carried 2 – 0

13. Long Range Planning - Work Plan Update

Will Groves, Planning Manager, said the Community Development Department's current Long Range Planning Work Plan contains several projects which are nearing completion—these include the 2040 Comprehensive Plan update, the Transportation Systems Plan update and the update of the Tumalo Community Plan. Groves reminded that the purpose of the Work Plan is to decide upcoming projects and implement the Board's priorities within available resources.

Commissioner Chang asked if CDD anticipates the Legislature will relieve counties of the requirement to determine clear and objective standards for housing in rural areas. Groves said this is not expected; rather, Planning envisions that this work will have to be done by mid-2025 to comply with State law. Groves added that once the County has adopted the required clear and objective standards, it can also offer a subjective path should an applicant choose to proceed in that way. Saying that this work will ensure that the County's Code is enforceable and not subject to appeal, he expected to assign this task to two long-range planners for 18 months.

Responding to Commissioner DeBone, County Administrator Nick Lelack explained that this work will be different for other counties which have opted to simply adopt the State's regulations pertaining to residential construction in rural areas. Because Deschutes County has instead opted to be more restrictive, it will have to develop the required clear and objective standards while still protecting Goal 5 resources.

Continuing, Groves said following the completion of the Tumalo Community Plan, other regional community plans due for updates are Newberry and Terrebonne.

Commissioner Chang questioned if Terrebonne's plan should be updated before or after sewer is put in. Groves agreed that because the lack of sewer has constrained development in Terrebonne, its availability will change the landscape in that area.

Following further discussion and guidance from the Board, Groves said staff will return with more specific proposals for these two updates before proceeding, with Newberry being the initial effort ahead of Terrebonne.

With respect to other possible work items which have not been initiated, Commissioner Chang supported pursuing regional efforts to expand childcare availability in the community.

OTHER ITEMS:

- Commissioner DeBone reported on the Oregon Business Leadership Summit held earlier this week in Portland.
- County Counsel Dave Doyle presented a proposed amendment to the intergovernmental agreement with the Oregon Judicial Department (OJD) concerning the County's courthouse expansion project.

Doyle said after initially agreeing to contribute \$2 million to this project, the State subsequently agreed to contribute an additional \$15 million. The proposed amendment to the IGA would formalize this second contribution and at the same time grant OJD first right of refusal for the use of the third floor shell of the expansion. Doyle recommended that the County restrict this potential future use "for courtroom purposes" when and if needed and a 9-month advanced notification.

Following further discussion, the Commissioners were in consensus to support the proposed amendment to the IGA as revised by County Counsel.

- Deevy Holcomb, Community Justice Director, asked if the Board supports protesting a decision by the Criminal Justice Commission to not award grant funding to one of the applications put forth by the County because the application, from In Our Backyard, sought revenue for prevention services as well as victim services, and the former is ineligible for JRI grant funding. Holcomb added that protests must be submitted by December 20th.

Commissioner Chang supported submitting a protest. Commissioner DeBone was neutral but did not oppose submitting a protest. Holcomb stated that the County will proceed with submitting a protest along with a revised application from In Our Backyard that is specific to the eligible victim services.

A break was taken at 11:30 am. The meeting resumed at 11:34 am.

EXECUTIVE SESSION:

At 11:34 am the Board went into Executive Session under ORS 192.660 (2) (d) Labor Negotiations and ORS 192.660 (2) (h) Litigation.

The Board exited Executive Session at 12:22 pm with no action taken.

ADJOURN:


Being no further items to come before the Board, the meeting was adjourned at 12:22 pm.

DATED this 3rd day of January 2023²⁴ for the Deschutes County Board of Commissioners.


ANTHONY DEBONE, CHAIR

ATTEST:


RECORDING SECRETARY


PATTI ADAIR, VICE CHAIR


PHIL CHANG, COMMISSIONER