



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY December 21, 2022

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Anthony DeBone, 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 Adair called the meeting to order at 9:01 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

Chair Adair acknowledged the receipt of one citizen input email regarding designating a position on the Planning Commission to specifically represent the Tumalo area.

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

DEBONE: Move Board approval of Consent Agenda

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

1. Consideration of Board Signature of Order No. 2022-067, Road Name Assignment of McClain Drive
 2. Consideration of Board Signature on Document No. 2022-955, Improvement Agreement for Phase A of the Caldera Springs Destination Resort Expansion
 3. Consideration of Board Signature on Document No. 2022-954, Improvement Agreement for Phase C-1 of the Caldera Springs Destination Resort Expansion
 4. Approval of Resolution No. 2022-081, recognizing the receipt of \$147,595 in grant funding from PacificSource and increasing appropriations within the Health Services Fund and the 2022-23 Deschutes County Budget
 5. Consideration of Board signature on letter appointing Danielle Grimes to the Deschutes County Central Oregon Housing Authority (dba Housing Works) Board
 6. Consideration of Board Signature on letter reappointing James Getchell to the Newberry Estates Special Road District
 7. Approval of the minutes of the December 7 2022 BOCC meeting
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ACTION ITEMS:

8. Presentation from CASA of Central Oregon

Heather Dixon, Executive Director of CASA of Central Oregon, shared that the organization's purpose is to match every child who has been neglected or abused with a trained volunteer who advocates for the child's best interest in court and at school. Dixon said children with CASA volunteers do better in school, are more likely to receive therapy and health care, are less likely to move from residence to residence or get stuck in long-term foster care, and are significantly more likely to find refuge in a safe, permanent home.

Dixon explained that when children enter the foster care system, the State becomes their parent. Although each child's personal advocate is assigned by a judge, CASA provides them with the training and support they need to make a difference in the lives of the children they are matched with. Dixon said of the 215 children currently in foster care in Crook, Deschutes and Jefferson counties, some are not yet served by a court-appointed special advocate due to the insufficient number of volunteers.

Commissioners expressed appreciation for the organization and encouraged community members to volunteer.

9. Consideration of Board signature of Document No. 2022-984, Funding

Contribution Agreement with ODOT for the US 20/Locust Project

Chris Doty, Road Director, and Bob Townsend from the Oregon Department of Transportation (ODOT) shared the history of efforts by the City of Sisters and the State to construct a roundabout at the intersection of US 20 and Locust Street to better manage traffic and provide a safe connection to the highway. Deschutes County had previously indicated its support for this initiative and pledged a \$1,000,000 contribution towards the project. Sisters has agreed to contribute \$1,250,000 and ODOT has budgeted \$5,000,000.

Townsend said the State expects to go out for bids late t2023 and start construction in early 2024. The project's estimated completion date is late May of 2024.

Commissioner Chang inquired about the trucking community's opinion of the plan. Townsend responded that the roundabout's lanes and turning configuration have been sized to their satisfaction.

DEBONE: Move approval of Board signature of Document No. 2022-984, a Funding Contribution Agreement with ODOT for improvements to US 20 at Locust Street

CHANG: Second

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

10. Informational presentation on the Tumalo Wastewater Feasibility Study

Chris Doty, Road Director, summarized that the purpose of the Tumalo Wastewater Feasibility Study was to analyze the feasibility of implementing a wastewater collection and treatment system; the analysis included various alternatives and possible rates and fees.

Commissioner DeBone said the County recognized the differences of opinion in the community on this issue, and funded the study to supply needed information. Doty agreed that the study does not mandate that a wastewater system be built but rather was done to investigate the feasibility, options and anticipated costs of such a system.

Commissioner DeBone asked if the existing system (TPOA) is privately owned and operated. Doty confirmed that it is; one of the factors considered in the study is an evaluation of the potential to expand this system beyond its current service area.

Doty emphasized that the feasibility study is limited in scope and does not address how Tumalo might change as the result of a sewer system. The study focused on the following items:

1. The gathering and evaluating of available existing septic system performance data;
2. The assembly of stakeholders and an advisory committee;
3. The development of wastewater collection and treatment options for consideration;
4. The estimating of capital costs, maintenance and operations costs, and a potential rate model; and
5. The evaluation of governance options.

Doty shared the results of the work done on each of the scoping items, noting that many septic systems in Tumalo were installed over 50 years ago. The preferred collection option of a gravity system was deemed not viable; the next best choice is a system with septic tank effluent pumps. This system would have lower capital costs and fewer impacts on the community. It would also be scalable to accommodate project phasing and system expansion.

Doty reviewed three alternatives, as follows: expand the TPOA system; install a new collection system with a new treatment and disposal site; or install a new collection system and tie into the north interceptor line proposed by the City of Bend along US 20 at Cooley. Doty summarized the benefits and challenges of each alternative and shared a table illustrating estimated monthly rates and fees according to three different grant funding models (10%, 30% and 50%).

Doty concluded that the final study is available on the County's website along with supporting documentation and other information, including recordings of the various meetings held on this subject.

Commissioner Adair requested that staff present this information to the Tumalo community.

Commissioner Chang asked how much of this information has been shared with the advisory committee. Doty responded that it was shared in a Zoom call and has also been made available to the general public via the website. He added that staff came to understand early in the process that due to the diversity of opinions on the advisory committee, that group will not transition into a sanitary sewer district formation group.

Commissioner Chang emphasized that whatever happens next will be the decision of the Tumalo community.

Commissioner Adair invited Onsite Wastewater Manager Todd Cleveland to address concerns about the soil in the Tumalo area, which has low filtration and drains very rapidly, and also explain the difference between on-site wastewater treatment and disposal systems.

Chair Adair noted that several persons signed up to comment on this issue.

Robert Fish considered the TPOA to be a good opportunity to see how that kind of system would function if expanded. He referenced his experience performing maintenance on many treatment systems, questioned how the source of impacts to water quality could be determined to come from treatment systems instead of fertilizer applications or farm animals, and asked to know specifics regarding a "relative high water table" as this pertains to the Tumalo area.

Jeannie Fraley, who served on the advisory committee, stated her understanding that the next step would be to decide as a community whether to form a sanitation district. She said if the County were to sponsor a community meeting at the school for this purpose, the space would be provided free of charge. She referred to the likelihood of having to obtain grants to offset costs and concluded that the TPOA system is limited in terms of the volume it can handle.

Jim Dunn agreed that the TPOA system is undersized. Noting that a sewer system would serve as the foundation for growth, he said Tumalo residents desire to maintain their rural community and do not want more commercial development. He believed the study should have looked at the option of a sand filter or AdvanTex system, as many who live in Tumalo could not afford a \$35,000 hook-up fee and then to pay \$95 per month.

Commissioner Chang reiterated that the County is not doing this to or for the Tumalo community. Rather, how to proceed from this point is for the community to decide.

Commissioner Adair invited other interested persons to email their comments to the Board.

11. Planning Commission Representation / Tumalo Area / Recruitment

Peter Gutowsky, Community Development Director, reviewed previous discussion of and public input on the subject of designating a specific position on the Planning Commission to represent Tumalo. Gutowsky said staff seeks guidance on whether to initiate a Code amendment to establish an *ex officio* member until the at-large position with a term expiring June 30, 2023 could be converted to a position representing Tumalo. Alternatively, the person who lives in Bend and currently serves in one of the at-large positions could be switched to one of the two Bend positions, freeing up the at-large position.

Chair Adair noted that several persons signed up to comment on this issue.

Jessica Kieras, current chair of the Planning Commission, said the Commission is supportive of waiting until the regular appointment process to address this matter rather than temporarily adding a non-voting member to its roster. She invited all interested persons to become involved and attend the Commission's meetings.

Jeannie Fraley said Deschutes County Code states that the Planning Commission shall include representation from Tumalo and also from Terrebonne. Noting that both of these communities are growing, she proposed increasing the Commission's membership to nine from seven.

Tammy Harty said it was critical that Tumalo have a representative on the Commission with full voting rights, and asked that the community be allowed to review candidates in the selection process before finalists are presented to the Board for consideration.

Jack Farley stated he had applied for the most recent at-large opening on the Planning Commission, but although he resides in Tumalo, he was not appointed. He recounted his efforts to determine when the geographic representation for Tumalo was changed to an at-large seat.

Following discussion, Gutowsky said this matter will be brought back to the Board in early 2023 with options for proceeding.

At 11:30 am, the meeting was recessed for a short break.

The meeting reconvened at 11:37 am.

12. Findings of the Ambulance Service Area (ASA) Advisory Committee with respect to allegations from St. Charles Health Systems and the La Pine Community Health Clinic against the La Pine Rural Fire Protection District

Chris Bell, Senior Assistant Legal Counsel, introduced Tom Kuhn, Ambulance Service Area (ASA) Administrator, who reviewed the authority of the ASA Advisory Committee and described allegations from St. Charles Health Systems and the La Pine Community Health Clinic against the La Pine Rural Fire Protection District. Kuhn stated that upon receiving the allegations, the Committee conducted an investigation into whether the available evidence supported them. The Committee ultimately substantiated two of the five allegations.

Bell explained that, in accordance with Deschutes County Code Chapter 8.30 and the Deschutes County ASA Plan, the Board can direct staff to issue a written notice to

the District of the two violations that were substantiated by the ASA Advisory Committee. The District would then have the opportunity to request a hearing.

Commissioner Chang stressed it is important to convey that the violations should be remedied so they are no longer issues. Commissioners Adair and DeBone concurred.

Following discussion about the improper billing of St. Charles and La Pine Community Health by the District and indications that this practice is continuing, albeit under a different ordinance passed by the District, Bell said this practice could conceivably become the subject of a second investigation.

Commissioner Adair was concerned that patients were discouraged from utilizing transport and asked if this has changed. Courtney Ignazzitto, Communications Manager of the La Pine Community Health Clinic, said she has not heard that this is continuing to happen.

Commissioner DeBone supported substantiating the two findings. Commissioner Adair wanted to ensure that the letter is adequately firm.

DEBONE: Move to accept the recommendations, support the five findings as identified, and direct staff to proceed with drafting a notice of violation for the Board's review prior to issuance

CHANG: Second

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

13. Request Board signature of Document No. 2022-870, a contract with Allied Universal Security for security at the Deschutes County Stabilization Center

Holly Harris, Program Manager, and Kimberly Bohme, Program Supervisor, presented a proposed contract with Allied Universal Security for the provision of private security services at the Stabilization Center.

CHANG: Move approval of Board signature of Document No. 2022-870, a contract with Allied Universal Security for the provision of private security services at the Deschutes County Stabilization Center

DEBONE: Second

VOTE: DEBONE: Yes
CHANG: Yes

ADAIR: Chair votes yes. Motion carried

14. Consideration to hear a land use matter involving commercial activity in conjunction with farm use (meadery)

Nathaniel Miller, Associate Planner, said an applicant seeking approval of a meadery (honey winery) and associated uses along Highway 20 near Sisters has asked that the Board hear its appeal of a Hearings Officer decision. Miller shared the history of this matter and said the Hearings Officer denied the proposal for failure to demonstrate that the meadery use will be incidental and subordinate to the farm use on the property, and for failure to adequately address impacts to farm uses in the area.

The three options before the Board are as follows:

- Decline to hear the appeal;
- Agree to hear the appeal with a limited *de novo* review; or
- Agree to hear the appeal with a *de novo* review which would allow the Board to consider the entire record as well as new evidence and testimony.

Commissioner Chang spoke to the desperate need for honeybees around the country and questioned how using land for bee hives to produce honey to make wine is different from using land to grow grapes for wine.

Miller said the applicant proposes to have events such as indoor and outdoor tasting, a food cart, and wine club gatherings, in addition to other events such as concerts on a limited basis.

Will Groves, Planning Manager, said the legislature adopted special winery land use provisions with the goal of preventing traffic and other activities from negatively affecting agricultural and farming uses. An essential question is whether these types of uses constitute agri-tourism, or commercial activity that happens in conjunction with a farm use.

CHANG: Move to hear *de novo* an appeal of a Hearings Officer decision on a proposal for a commercial activity in conjunction with farm use (meadery) in the Exclusive Farm Use Zone

DEBONE: Second

VOTE: DEBONE: Yes

CHANG: Yes

ADAIR: Chair votes yes. Motion carried

15. Request to purchase a MRL Model 1-660-ALS Paint Truck Striping Body

Randy McCulley, Road Department, referred to the Board's previous action to authorize purchasing this key piece of traffic safety equipment. The final price of \$608,850.00 is \$43,850.00 above the budgeted amount due to rising material costs; the total amount will be paid from the Road Department's Building/Equipment Fund.

CHANG: Move approval of Document No. 2022-987 to purchase a paint truck striping body from Mark Right Lines Equipment Company, Inc. in the amount of \$608,850

DEBONE: Second

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

16. Request approval to apply for OHA Workforce Incentives grant

Holly Harris, Interim Deputy Director of Health Services, sought approval to apply for a non-competitive grant in the amount of \$883,216 for workforce recruitment and retention efforts and to provide training and supervised clinical experience. Harris said the funds could also be used to offer paid internships, stipends for those who offer to supervise interns, and more tuition reimbursement. Other potential uses would be to expand part-time employment opportunities or possibly offer housing stipends for rural areas.

DEBONE: Move to authorize staff to apply for a OHA Workforce Incentives grant in the amount of \$883,216

CHANG: Second

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

At 12:54 pm, the meeting was recessed for a short break.

The meeting reconvened at 1:03 pm.

17. Adult Parole & Probation Expansion Project Skanska USA Building, Inc. Change Order No. 1—Secure Parking Lot

Lee Randall, Facilities Director, and Captain William Bailey explained the proposal to modify the contract with Skanska for the Adult Parole & Probation project to include expanding the secure parking area for the Sheriff's Office. The \$300,243 change order would be paid from the Campus Improvements Fund, FY 2023.

DEBONE: Move approval of Chair signature of Document No. 2022-991, Change Order to the Adult Parole & Probation Expansion Project contract with Skanska USA Building, Inc. for construction of a secure parking lot expansion

CHANG: Second

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

18. Adult Parole & Probation Expansion Project Skanska USA Building, Inc. Change Order No. 3—Shell Space Finish

Facilities Director Lee Randall introduced Deevy Holcomb, Community Justice Director, and Tanner Wark, Deputy Director of Adult Parole & Probation.

Holcomb described the proposal to modify the contract with Skanska to proceed with finishing 1,038 square feet of shell space at the Adult Parole & Probation work center now rather than later. The contractor is 80% done with the addition, and sufficient funds exist to cover this additional expense. Holcomb explained how the space will be used, emphasizing that the collaboration gained will improve timeliness of services.

CHANG: Move approval of Chair signature of Document No. 2022-993, Change Order No. 3 to the Adult Parole & Probation Expansion Project contract with Skanska USA Building, Inc. for interior finish of shell space

DEBONE: Second

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

19. Board selection of Chair and Vice Chair for 2023

Commissioner Chang indicated his interest in serving as Chair for 2023.

Commissioner Adair supported having Commissioner DeBone serve as Chair in 2023. Commissioner DeBone responded that he would accept this role.

Commissioner Chang objected to the deviation from the traditional chair rotation, which he took to mean that his fellow Commissioners seek to limit his input on the Board's meeting agendas, silence his voice, and force him to pursue his agenda through outside channels.

Commissioner DeBone responded that Commissioner Chang was presuming motivations that did not exist and reaching inaccurate conclusions as a result.

Commissioner Adair said the Board has many things to work on together, and hoped that next year would be more positive.

After further discussion, Commissioner Adair nominated Commissioner DeBone to serve as Chair of the Board in 2023.

VOTE: DEBONE: Yes
 CHANG: No
 ADAIR: Chair votes yes. Motion carried 2 - 1

Following Commissioner Chang's declination to serve as Vice Chair in 2023, Commissioner DeBone nominated Commissioner Adair to serve as Vice Chair of the Board in 2023.

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

OTHER ITEMS:

- Commissioner DeBone relayed a request from the Sunriver/La Pine Economic Development Program to help sponsor its annual luncheon on April 11th. He suggested sponsoring two tables for \$500 each. Commissioner Adair was supportive of funding this sponsorship from video lottery funds. Commissioner Chang preferred that the Board determine its 2023 committee assignments before making this kind of investment.

DEBONE: Move to sponsor the Sunriver/La Pine Economic Development Program's annual luncheon by purchasing two tables at a combined cost of \$1,000, paid from video lottery funds
ADAIR: Second

VOTE: DEBONE: Yes
 CHANG: Abstain
 ADAIR: Chair votes yes. Motion carried 2 - 1 - 0

- Commissioner DeBone expressed his support for signing on to the amicus brief to be put forward by the Eastern Oregon Counties Association regarding the statewide ballot measure concerning firearm regulations,

which failed to pass in all eastern Oregon counties including Deschutes County.

- Commissioner DeBone reported that the City of La Pine may request ARPA funding for sidewalks which would cost about \$300,000.
- Commissioner Chang presented a draft letter advocating for a State change to allow counties between 200,000 and 650,000 in population to pool and use tax-foreclosed property receipts to help youth and families with children attain stable housing rather than distribute those monies across various taxing districts as is currently done. He noted that this letter can be signed by the full Board of Commissioners or on an individual basis.

Commissioner Adair was unsure if diverting funding from fire districts and others would be the right thing to do.

Commissioner Chang provided an example of the estimated impact to a service district and reiterated the proposal would benefit youth and families with children by creating a revenue source for new low-income housing, flexible rental assistance, and housing placement and retention support services. He said the positive impacts of using pooled funds for these targeted programs would outweigh the revenue reduction to each district.

Commissioner DeBone said if the proposal proceeds to assignment of a bill, the County could consider directing its lobbyist to advocate for it. He was not supportive at the present time, however, as he did not want to take funding away from local jurisdictions.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:53 p.m.

DATED this 11th Day of January 2023 for the Deschutes County Board of Commissioners.



PATTI ADAIR, CHAIR


ANTHONY DEBONE, VICE CHAIR

ATTEST:


RECORDING SECRETARY


PHIL CHANG, COMMISSIONER