



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY June 7, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Tony DeBone, Patti Adair and Phil Chang. Also present were Nick Lelack, County Administrator; David Doyle, 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:

- James Cook referred to financial investments which have been and are being made to address homelessness and questioned what the results are, if the investments are working, where more investment is needed and where innovations are required.

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

1. Consideration of Board Signature on letter reappointing Craig Renkert for service on the Deschutes County Investment Advisory Committee
2. Consideration of Board Signature on Letters Reappointing Jodi Burch, Summer Sears and Charles Fadeley for service on the Deschutes County Audit Committee

3. Consideration of Board Signature on Letter of Thanks to Scott Reich for service on the Deschutes County Audit Committee
4. Consideration of Board Signature on Letters of Reappointment for David Green, Wendy Holzman, Mason Lucy and Rachel Zakem, to the Deschutes County Bicycle and Pedestrian Advisory Committee
5. Approval of minutes of the May 22, 23 and 24, 2023 Budget Committee meetings

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

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

ACTION ITEMS:

6. Staff recognition: Kathy Christensen 25 years of service

Dr. Rita Bacho presented a 25-year service award to Kathy Christensen, a public health supervisor and nurse, describing her as a highly dedicated employee who has tremendous compassion for clients.

7. Informational update from the Arnold Irrigation District on its infrastructure modernization project

Bob Schuur, chair of the Arnold Irrigation District (AID) board, introduced himself as a farmer and rancher. Stating his agreement that water security is a significant economic issue for many in Deschutes County, he said had AID completed its main canal piping project before the drought, the district would have had enough water to supply agricultural customers for nearly a full season despite the extraordinarily dry conditions. Schuur shared that the AID Board spent many hours considering this project and voted unanimously to proceed.

Steve Johnson, AID District Manager, explained the process undertaken to improve the district's infrastructure, saying that of the nine alternatives initially considered, three were forwarded for further evaluation. He said while the possibility of lining the canal was investigated, it was determined that lining would cost much more than piping, and also cost more each year to operate and maintain.

Kate Fitzpatrick, executive director of the Deschutes River Conservancy, listed benefits of the piping project, including that it will increase flows in the Upper Deschutes by 30%. She said this project has the full support of the conservation community.

Rob Rastovich, AID board member, said the purpose of irrigation districts is to supply water to farmland, and those who oppose the piping project merely want to preserve the water feature that costs them nothing yet serves to enhance their property values. Rastovich said the County has no jurisdiction over this matter and should not pander to those who advocate only for their own self-interest.

Commissioner Chang expressed appreciation for the presentation and said because this project will have real negative impacts on some residents, it is important to understand why it is needed and the benefits that will result.

Commissioner DeBone acknowledged that construction will occur next to or in people's backyards, and some sheds, patios and other private amenities will be affected.

Johnson responded that post-construction, the canal will have a smaller footprint than it currently does.

Commissioner Adair relayed that some residents are concerned about the loss of seepage from the canal and how this might affect private wells. Responding to comments about Jefferson County's water needs, Johnson explained how this piping project, along with others, will benefit the North Unit Irrigation District.

8. Service Partner Annual Update – Upper Deschutes Watershed Council

Stephanie Robinson, Administrative Analyst, introduced Kris Knight, Executive Director of the Upper Deschutes Watershed Council, who presented an annual update of the Council's projects and activities to the Board.

The Commissioners expressed their appreciation of the work done by the organization.

9. Extension of a limited duration position for a project manager to work with houseless individuals

Erik Kropp, Deputy County Administrator, described the request to extend a 1.0 limited duration Health Services full-time employee through June 30, 2024 to work with unhoused persons. Kropp explained that the person in this position

would help with the Juniper Ridge remediation plan, if that is approved by the Board when it comes before them in two weeks, and also assist with responses to emergencies that impact unhoused persons.

Janice Garceau, Health Services Director, said the person in this position would help coordinate support for unhoused people who are impacted by camp closures, heat events, wildfires, smoke from wildfires or controlled burns, cold weather, and COVID-19 or other outbreaks.

In response to Commissioner Chang, Garceau said this position would coordinate with internal teams as well as outside service providers, as appropriate.

ADAIR: Move approval of Resolution No. 2023-007 to extend position number 2836 to June 30, 2024

CHANG: Second

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

A break was announced at 10:19 am; the meeting reconvened at 10:25 am.

10. Camping on Publicly-Owned Property (DCSO Proposed Code Revisions)

Sheriff L. Shane Nelson presented a proposed ordinance to amend Deschutes County Code regarding camping on public property to allow for enforcement of no-camping zones as well as enforcement of a two-week camping period in any one location. Sheriff Nelson referred to tragic living situations and said the County has a tremendous amount of resources to help those who need assistance; at the same time, people must be accountable for their actions. He said the ordinance is necessary because it will allow the County to enforce laws and rules while also offering resources.

In response to Commissioner Chang, Sheriff Nelson said camping is already forbidden on County-owned land; the ordinance will prohibit camping on publicly-owned property within one mile of the UGB or a private property line. Furthermore, the ordinance would restrict any camping which is allowed on public land outside of an official campground from continuing more than two weeks. When a camp is moved, it must be relocated at least 2.5 miles away.

Commissioner Adair expressed concern about evacuating people out of the China Hat area in the event of fire. She appreciated the proposal to require that vehicles parked as part of any encampment activity must be operational, i.e., capable of

being started and driven under their own power, or ready to be towed if designed to be towed.

Captain William Bailey relayed incidents involving homeless persons which have resulted in calls for service, including assault, setting of fires and propane tank explosions. Sheriff Nelson agreed that some of these situations pose real danger for those in the immediate vicinity as well as others who live nearby. He emphasized his duty and obligation address threats to life and safety.

Commissioner Chang asked what kind of legal challenges the ordinance might face. Sheriff Nelson referred to potential challenges related to the *Martin vs. Boise* decision handed down by the 9th Circuit Court. He said the DCSO cannot be risk-averse in what it does.

Commissioner Chang wondered about the potential costs of litigation and said it is important to understand what kind of legal challenge the County might face if it adopted this ordinance. Adding that everyone is acutely aware that something needs to be done, he said what is needed is a comprehensive solution to homelessness; when persons who are simply cleared out of one place end up camping unauthorized somewhere else, such actions do nothing to reduce the homeless population. He supported clarifying where people can camp and at the same time offering resources which provide alternatives to camping. Saying that the homeless population is growing even though people are being moved out of homelessness every day, he said the cost of not approaching this in a comprehensive way will be continuing to have to deploy law enforcement and other resources to unwanted situations.

Sheriff Nelson stated that the County must be able to tell people where they cannot camp. He said the County is trying to mitigate the effects of homelessness, and needs that population to meet it halfway. He concluded that persons who do not want to conform should move to wherever they would be free to not do that.

Commissioner Chang said many persons who work are nevertheless unable to afford rent. He said for a large number of homeless persons, a punitive law enforcement response would not assist them in moving out of homelessness.

Sheriff Nelson clarified that he is not saying that persons cannot sleep in their vehicles; rather, the County should restrict this from happening in certain areas and allow it in others.

Commissioner Chang said much more data is required to determine exactly what resources are needed and how these can be marshalled and provided.

Commissioner DeBone said 79% of land in Deschutes County is publicly-owned, and while it used to be safe for people to access, it no longer is.

Commissioner Adair shared that she recent visited Vancouver BC, and although that city has a very high cost-of-living, she saw no evidence of a homeless population. She added that California has spent \$17 billion the last four years on homelessness without resolving it.

Commissioner Chang was not supportive of moving forward with the proposed ordinance at this time, saying that while a camping ordinance is needed, it should be developed as part of a comprehensive approach to homelessness. He was concerned about legal liability and challenges and the potential costs of these.

Commissioner DeBone said these regulations are conceptual at this point and subject to change.

ADAIR: Move that this proposed ordinance, possibly with revisions, be brought back for a public hearing before the Board

DEBONE: Second

VOTE: ADAIR: Yes

CHANG: No

DEBONE: Chair votes yes. Motion Carried 2 - 1

11. First 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, presented a brief description of the request for a Comprehensive Plan amendment and Zone designation change for approximately 93 acres east of Bend and north of Highway 20.

CHANG: Move approval of first reading of Ordinance No. 2023-010, changing 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

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

Chair DeBone read the ordinance by title only.

Commissioner Chang shared that the County is working with the City of Bend and the State to move this property into Bend's UGB, which he supported as it would be a tragedy to build nine units on this property instead of hundreds.

OTHER ITEMS:

- Peter Gutowsky, Community Development Director, recounted the recent interviews held for an open at-large position on the Planning Commission and asked if the Board was ready to make a selection.

Commissioner Chang expressed his support for appointing Mark Kelly, saying that while the other candidates might do a good job, Kelly appears to be more familiar with the work at hand and thus would be better able to hit the ground running.

ADAIR: Move to appoint Patrick Towbridge to the open at-large position on the Planning Commission

DEBONE: Second

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

- County Administrator Nick Lelack presented a draft letter to Governor Kotek requesting assistance to provide rural transitional housing and similar accommodations on public and private lands.

Commissioner DeBone questioned the qualifier referencing "privately owned" EFU lands. The Board concurred to remove this qualifier to be clear that these uses are also sought to be allowed on public lands zoned EFU.

CHANG: Move approval of Board signature of the letter to Governor Kotek, as revised, requesting assistance to provide rural transitional housing and similar accommodations on public and private lands

ADAIR: Second

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

Commissioner Chang said in response to Representative Levy's suggestion that this letter be shared with community leaders and others in the hope of securing more signatories, he will circulate it for this purpose.

- Commissioner Adair said as she will be attending the COHC's retreat tomorrow, she cannot attend the Sunriver Chamber meeting.
- Commissioner Chang announced the Board of Forestry meeting in Sisters later today.
- Commissioner DeBone reported on the Central Oregon Workforce consortium meeting this past Monday for East Cascade Works.

EXECUTIVE SESSION:

At 11:27 am, the Board entered executive session under ORS 192.660 (2) (d) Labor Negotiations and ORS 192.660 (2) (e) Real Property Negotiations.

The Board moved out of executive session at 11:56 a.m. to direct staff to proceed as directed. The executive session was then recessed until 1:00 p.m.

At 1:00 p.m. the Board re-entered executive session to discuss labor negotiations. The Board moved out of executive session at 1:47 p.m. to direct staff to proceed as directed.

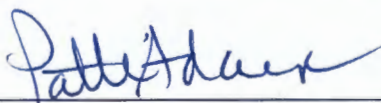
ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:47 pm.

DATED this 19th day of July 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR



PATTI ADAIR, VICE CHAIR

ATTEST:



PHIL CHANG, COMMISSIONER



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