



## BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

# BOCC MEETING MINUTES

9:00 AM

**WEDNESDAY August 21, 2024**

Barnes Sawyer Rooms  
Live Streamed Video

Present were Commissioners Patti Adair, Anthony DeBone and Phil Chang. Also present were County Administrator Nick Lelack, County Counsel David Doyle 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](http://www.deschutes.org/meetings).

**CALL TO ORDER:** Chair Adair called the meeting to order at 9:00 a.m.

### **PLEDGE OF ALLEGIANCE**

### **CITIZEN INPUT:**

- Carl Shoemaker spoke to the impact of corporate power on the administrative, legislative and judicial branches of governance in the United States, saying that corporations control the country's laws and regulations and direct the allocation of revenues.

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

1. Acceptance of a Justice Reinvestment Program Supplemental Grant Award for the 2023-2025 Biennium
2. Approval of an amendment to the intergovernmental agreement with Oregon Youth Authority for the expunction of juvenile records

~~3. Approval of New Policy No. IT-2 Use of Generative Artificial Intelligence (AI)  
(pulled for separate consideration; see below)~~

4. Approval of minutes of the BOCC July 10, 15 ~~and 17~~, 2024 meetings

Commissioner DeBone asked that item 3. be removed for separate consideration. Commissioner Adair asked that the minutes of July 17, 2024 be removed for revision.

DEBONE: Move approval of the Consent Agenda as amended to remove item 3. for separate consideration and also to remove the July 17, 2024 minutes for revision

CHANG: Second

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

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3. Approval of New Policy No. IT-2 Use of Generative Artificial Intelligence (AI)

Tania Mahood, Director of Information Technology (IT), shared that some staff have expressed interest in accessing generative AI. Because the County currently does not have a policy which addresses this use, IT has developed guidelines to ensure that the County's systems and data are protected when AI is utilized.

In response to Commissioner Adair, Mahood said IT has thus far approved the use of two generative AI programs by staff: MS CoPilot and ChatGPT.

Responding to Commissioner Chang, Mahood said staff who want to use AI must first undergo training to ensure knowledge of and adherence to best practices.

DEBONE: Move approval of a new policy IT-2 Use of Generative Artificial Intelligence (AI)

CHANG: Second

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

## **ACTION ITEMS:**

### **5. Recognition of Juvenile Detention Manager Rob Gilman's 30 years of service**

Deevy Holcomb, Community Justice Director, recognized Juvenile Detention Manager Rob Gilman for his 30 years of service to Deschutes County and praised his attitude and approach to his job.

Community Justice Deputy Director Sonja Littledeer-Evans said Gilman is an advocate for staff and she considered it an honor to work alongside of him.

Gilman stated his appreciation for the opportunity to have a positive impact in the lives of youth who are underserved.

The Commissioners expressed their appreciation for Gilman's contributions to the County over the past three decades.

### **6. Recognition of Accountant Chris Partain's 30 years of service**

Tim Brownell, Director of the Solid Waste Department, announced that Accountant Chris Partain has achieved 30 years of service with the County. Saying that Partain serves with passion and compassion, Brownell described her as an invaluable member of the department's team.

Noting that Deschutes County has grown a great deal since 1994, Partain spoke to her good fortune and said she took advantage of the County's tuition reimbursement program to get her degree.

The Commissioners expressed their appreciation for Partain's many contributions to the County.

### **7. Approval to apply for COHC BH 2023 Shared Savings Investment Grant**

Jessica Jacks, Behavioral Health Manager, explained the request to apply for a Behavioral Health Shared Savings Investment grant from the Central Oregon Health Council to support the Healthy Schools program. The application would seek \$391,287 of funding for fiscal year 2026.

In response to Commissioner Adair, Jacks expected to hear in October if any grant funding is awarded.

Commissioner DeBone asked to know how the amount to be applied for was determined. Jacks said of the \$391,287, \$362,587 would be used to cover 2.0 FTE

in the program and \$28,700 would support 15% of the Public Health epidemiologist position which assists with data tracking for the program.

In response to Commissioner Adair, Jacks said no youth suicides were reported for persons between the ages of 11 and 17 in 2023.

CHANG: Move to authorize the application for a Behavioral Health 2023 Shared Saving Investment grant from the Central Oregon Health Council

DEBONE: Second

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

## **8. Deliberations on the appeal of a psilocybin service center in Juniper Preserve**

Audrey Stuart, Associate Planner, reminded that the matter before the Board involves an application for a Conditional Use Permit and Site Plan Review to establish a psilocybin service center at the Juniper Preserve (formerly Pronghorn) destination resort. Stuart relayed a request that the record be re-opened to allow the refutation of claims in the applicant's final legal argument.

County Counsel David Doyle said the reason given to re-open the record is not valid as the process allows the applicant to submit a final legal argument.

DEBONE: Move approval of Board Order No. 2024-032 denying the request to re-open the record in this matter

CHANG: Second

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

Continuing, Stuart acknowledged the receipt of emails received outside of the open record period and instructed that these are not to be considered by the Board in its deliberations.

In response to Commissioner Chang regarding the applicant's submittal of a revised site plan to address the screening and field of vision concerns, Stuart confirmed that two alternatives were provided to address the screening issue as well as two options for interpreting the location of the clear vision area.

Discussion ensued regarding potential conditions of approval to satisfy these requirements.

With respect to whether the site is suitable for the proposed use based on transportation access, Stuart reminded that the use would require transporting psilocybin across a Bureau of Land Management (BLM) right-of-way (ROW).

Commissioner DeBone said the transportation access issue is a reason to deny this application. He referred to federal guidance regarding conflicts between the national Controlled Substances Act and various state laws which permit the production, distribution and use of cannabis, noting that the Cole Memorandum was specifically issued to address such conflicts with respect to cannabis but not to psilocybin.

Commissioner Adair agreed it seems proper to uphold the Hearings Officer's decision on this point.

Commissioner Chang referred to the complicated interaction between state law and federal law, saying that psilocybin is transported across federal land all over the state of Oregon without the federal government asserting federal law as that occurs. Saying he was not concerned that the BLM would revoke the ROW access granted to Juniper Preserve due to the proposed facility, he supported approving the application subject to a condition that the facility would cease operations if the BLM decided to revoke the ROW.

DEBONE: Move to uphold the decision of the Hearings Officer to deny the application for a Conditional Use Permit and Site Plan Review to establish a psilocybin service center at Juniper Preserve (formerly Pronghorn) destination resort

ADAIR: Second

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

Stuart said staff will work with Legal to craft a formal decision on this matter for the Board's consideration.

Commissioner Chang said the Board previously worked to develop time, place and manner rules for psilocybin manufacturing facilities and service centers, at which time the issue of transporting psilocybin across federal land was not addressed. He was concerned about violating the will of the voters and supported crafting conditions to directly address this specific issue.

## OTHER ITEMS:

- Peter Gutowsky, Community Development Director, announced that CDD is immediately paring back its administration of the State's Operation and Maintenance Program for septic system Alternative Treatment Technologies (ATTs) because the Onsite Wastewater Division no longer has the capacity to ensure that service providers and/or property owners 1) enter into the required maintenance agreements and 2) perform annual maintenance on these systems.

Noting that most counties across the state only perform site evaluations and inspections for new ATTs, Gutowsky spoke to the time involved in administering the related yet separate O & M program.

Todd Cleveland, On-Site Wastewater Manager, spoke to the time needed to enforce the O & M program for over 1800 ATT systems to document required servicing and maintenance for the continued proper operation of these systems. Saying that CDD does not have the capacity to conduct enforcement efforts on those who choose to not comply, Cleveland said outside of situations deemed to present a public health hazard, CDD will now only track the systems and alert potential property buyers to any non-compliance issues.

Referring to the County's goal of keeping groundwater clean, Commissioner Chang asked to know if improperly maintained ATT systems contaminate shallow groundwater.

Cleveland said while ATT systems should not discharge untreated waste if and when they malfunction, it's possible that some do. Overall, these systems perform at a high level if properly maintained.

Commissioner DeBone supported engaging with DEQ on this issue.

In response to Commissioner Chang, Cleveland said each property owner is responsible for reporting any needed repairs to the County.

In response to County Administrator Nick Lelack, Cleveland said CDD will issue notifications to property owners and service providers regarding upcoming maintenance contract expirations and the responsibilities of each party going forward. Although the County will no longer enforce property owners who lack a maintenance agreement and/or an annual maintenance report, CDD will refer service providers who fail to submit an annual maintenance contract and/or annual maintenance report on behalf of a property owner to DEQ.

- Commissioner DeBone reported that he spoke at the Sisters Park & Recreation District lunch meeting yesterday.
- The Board discussed that no Commissioner is available to attend the Central Oregon Health Council meeting on Thursday, September 12<sup>th</sup>.
- Commissioner Chang announced he will be in Washington, D.C. on September 12<sup>th</sup>, in part to advocate for the continuation of the Payment in Lieu of Taxes (PILT) program which distributes revenues to the County's Road Department in recognition of Deschutes County's inability to collect property taxes on federally-owned land.

**EXECUTIVE SESSION:** None

**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 10:31 am.

DATED this 2<sup>nd</sup> day of Oct. 2024 for the Deschutes County Board of Commissioners.

  
**PATTI ADAIR, CHAIR**

**ATTEST:**

  
**RECORDING SECRETARY**

  
**ANTHONY DEBONE, VICE CHAIR**

  
**PHIL CHANG, COMMISSIONER**