



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY January 3, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, 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 Adair called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Ron Boozell shared that as an atheist, he is highly attuned to the message which is communicated when an elected representative wears a symbol of religion on his or her clothing. He asked that elected officials not do this as it signals that the person wearing the symbol represents one group more than others.
- Ashley Schreiber objected to the selected location of housing for male justice-involved persons, saying that the concerns of neighbors have not been sufficiently addressed. She referred to claims that the organization approved to manage the housing has failed to satisfactorily manage facilities in other areas, and urged that if this project moves forward, the shelter be designated for women only.

- Ryan Rudnick introduced his wife and daughters and said their neighborhood would not be the same if the proposed shelter is allowed to move forward. He reviewed the process undertaken to select a site and a program manager and claimed that many issues were not fully understood or addressed. Noting the location's proximity to a park, a bus stop, and residences where minors live, he questioned if the proposal aligns with the interests of nearby residents. Adding that the location is in a lower-income neighborhood, he believed this situation would further marginalize this community and emphasized that at a minimum, the facility should not house level 2 or level 3 sex offenders.

In response to Commissioner Chang, County Administrator Nick Lelack confirmed that staff expects to publish answers to frequently asked questions regarding this project by tomorrow.

- Dorinne Tye spoke to the negative health impacts of lead which issues from aircraft powered by piston engines, and said increased flight activity should not be allowed.

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

1. Approval of Resolution No. 2024-001 authorizing an increase in change funds maintained by the County Clerk's Office
2. Approval of Purchase Agreement, Document No. 2024-020, and Dedication Deed, Document No. 2024-021, from Samuel Walker and George Walker for Right of Way for the Powell Butte Highway/Butler Market Road Intersection Improvement Project
3. Consideration of Board Signature on letters of appointment, reappointment and thanks for various committees and special road districts
4. Approval of minutes of the BOCC December 6 and 13, 2023 meetings

DEBONE: Move approval of the Consent Agenda as presented
 CHANG: Second

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

ACTION ITEMS:

5. Oregon Living With Fire Program Update

Erik Kropp, Deputy County Administrator, introduced the matter. Kropp now is overseeing the Oregon Living With Fire Program given Joe Stutler's retirement.

Jodie Barram and Jennifer Fenton (via Zoom), Co-Coordiators for the Oregon Living With Fire (OLWF) program, provided an update on OLWF's objectives and activities.

Barram said OLWF has partnered with the Deschutes Trail Coalition and other organizations to host events which promote awareness of how to be prepared in the event of wildfire. Last fall, a grant workshop was offered to assist property owners in learning about and applying for grants to reduce fuels and establish defensible spaces.

Commissioner DeBone agreed it is very important that people understand what defensible space is since it serves to reduce the threat from an approaching fire. He commented that the County's Road Department regularly conducts vegetation clearing efforts in the right-of-way for this reason.

Barram said citizens can sign up to receive alerts via text about prescribed fires and smoke that results from them.

6. Application for a FEMA Building Resilient Infrastructure and Communities Grant to protect the High Desert Museum and the Museum at Warm Springs from fire

Deputy County Administrator Erik Kropp described the request from Oregon Living With Fire (OLWF) to apply for a FEMA Building Resilient Infrastructure and Communities grant to protect the High Desert Museum and the Museum at Warm Springs from fire.

Commissioner Chang noted this grant was applied for last year, but not awarded. He asked why was it determined to be ineligible last time, and what changes have been made to render it eligible in the upcoming cycle.

Jennifer Fenton said the last grant application was viewed as a water delivery project and therefore not understood to be fire suppression rather than irrigation. Oregon's Department of Emergency Management supported submitting a reworded application, which was further changed to include a fire suppression system at the Museum at Warm Springs to protect indigenous

artifacts. Fenton said the grant's 10% cost match requirement would be absorbed by the organization that would build these systems.

Commissioner DeBone requested information as to which entities are eligible for BRIC grants and whether, if the North Unit Irrigation District pursues one of these, either or both applications might be impacted by the submission of the other as the projects are located in the same jurisdiction.

Commissioner Adair requested to have a copy of the letter of support from Jefferson County for this grant application, which Barram agreed to forward to the Commissioners.

CHANG: Move to authorize the submittal of an application to FEMA for a Building Resilient Infrastructure and Communities grant

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

7. Reallocation of grant funds to Bend Heroes Foundation for Veterans Village

Erik Tobiason of the Bend Heroes Foundation (BHF) provided an update on the Veterans Village program and presented a request to reallocate some of the grant funds awarded by the County for adding seven new housing units. Tobiason explained that the County had approved grant funding for several costs associated with the added units, including up to \$53,000 in system development charges expected to be owed to the Bend Parks and Recreation District. As the District has now waived those charges, the BHF asks that these funds be reallocated to the remodel of Veterans Village's community building. Tobiason added that BHF had previously agreed to return these funds to the County if the District waived the system development charges.

Commissioner DeBone noted the source of these grant funds is the County's General Fund.

Commissioner Adair said Veterans Village is a highly successful program which she is very proud of because it truly makes a difference in transitioning homeless veterans into permanent housing.

Saying he was very supportive of the program and adding the new units, Commissioner Chang said it was the County's choice to not grant a longer land

lease to Veterans Village although a lengthier lease may have resulted in the City of Bend also agreeing to waive its system development charges for this project.

Responding to Commissioner Chang, Tobiason said BHF requested a \$400,000 contribution from the City of Bend for building the new units but was denied.

Commissioner Adair appreciated that BHF has kept the cost of adding the new units below projections. Tobiason credited various contributors and partners for their fiscal responsibility and shared that some things are donated at no cost.

CHANG: Move approval of Chair signature of an amendment to the Memorandum of Understanding with Bend Heroes Foundation and Central Oregon Veterans Outreach to reallocate \$53,000 in grant funds towards the community building remodel project at Veterans Village

ADAIR: Second

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

8. Amendment to the Intergovernmental Agreement between Deschutes County and the Oregon Judicial Department for the Courthouse Improvement Project

County Administrator Nick Lelack summarized the amendment proposed by the Oregon Judicial Department (OJD) to the intergovernmental agreement (IGA) which formalizes State contributions to the County's courthouse expansion project. The proposed amendment would restrict the use of the third floor of this project for courtrooms. After reviewing the proposed amendment, County Counsel has advised certain changes.

Commissioner Chang noted that if the County receives an additional \$15 million from the State for this project, it could immediately begin earning significant interest on those funds. He said any possible interim use of the third floor space may not be a real possibility.

Commissioner Adair commented on discussions with key persons from the federal court system over the last six months regarding establishing a district court in Central Oregon, and said she will continue to pursue this.

Lelack explained that no motion is needed from the Board at this time. County Counsel will send proposed revisions to the amendment to the State for its

consideration, and return to the Board for its approval of a negotiated amendment.

OTHER ITEMS:

- Commissioner Adair announced the annual Fair Association dinner on Monday, January 15th.
- Commissioner DeBone reported that during the legislative session, Senator Findley will host a weekly conference call of elected officials from Eastern Oregon counties.
- Commissioner Adair said she may attend the wolf investigation training offered by the Umatilla Sheriff's Office in Pendleton on January 23rd.
- Commissioner Adair reported the death of a horse on New Year's Day which may have resulted from a heart attack caused by stress from fireworks.
- Commissioner DeBone stated he will travel to Salem on Monday for AOC meetings.
- Responding to Commissioner DeBone, Commissioner Chang confirmed that the Northwest Forest Plan amendment affects the upper area of the Deschutes River above the "owl line" which delineates habitat of the northern spotted owl.
- Commissioner DeBone referred to an article by Gary Lewis regarding homeless camps and how these disrupt the seasonal migration of mule deer.
- Commissioner Chang shared that he was contacted by Bend Mayor Pro Tem Perkins regarding the County's letter to AOC about a proposal for how to fund wildfire costs across the state; Perkins wishes to better understand the concerns of Deschutes County on this issue. Commissioner Chang added that Senator Goldman has proposed to explore whether reinstating a timber excise tax to fund wildfire suppression activities would be preferable to requiring that all citizens pay for fire protection in timber areas.
- County Administrator Nick Lelack referenced a letter dated December 19th from Shannon Davis, the Deputy Director of the State's Department of Environmental Quality (DEQ), requesting to meet with the County regarding future septic development and variances in South Deschutes County. Individual meetings with the Commissioners will be offered followed by a meeting with the full Board in early February.

Commissioner Chang requested an analysis of previous efforts to secure goal 11 exceptions and why these were not successful. He said if a pathway exists to securing this exception, the County should be clear on what would be required.

Commissioner DeBone said DEQ and the Department of Land Conservation and Development are at odds on this matter. He agreed that clear guidance is needed as to whether the State would authorize a goal 11 exception in South Deschutes County.

EXECUTIVE SESSION: None

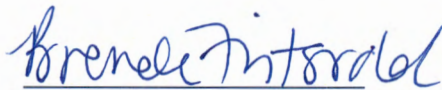
ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 10:42 am.

DATED this 17th day of January 2024 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, VICE CHAIR


PHIL CHANG, COMMISSIONER