



## BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

# BOCC MEETING MINUTES

1:00 PM

Monday, September 27, 2021

BARNES & SAWYER ROOMS  
VIRTUAL MEETING PLATFORM

Present were Commissioners Anthony DeBone, and Phil Chang. Commissioner Patti Adair joined the meeting via Zoom. Also present were Tom Anderson, County Administrator; Nick Lelack, County Administrator designate; David Doyle, County Counsel; and Carol Martin, Board Administrative Assistant temp staff.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal website [www.deschutes.org/meetings](http://www.deschutes.org/meetings)

**CALL TO ORDER:** Chair DeBone called the meeting to order at 1:06 p.m.

### **PLEDGE OF ALLEGIANCE:**

### **ACTION ITEMS:**

- 1. PUBLIC HEARING: Consideration of Resolution No. 2021-068 Amending the Deschutes County Sheriff's Office 2021-2022 Fee Schedule.**

Dan Emerson, Finance Department, reviewed County Code and determined that a public hearing is not required in order to amend the fee schedule to reflect a state-mandated fee increase. A Resolution is still required. This

increase concerns a legislative fee change, in accordance with Oregon Senate Bill 554 and concerns fees associated with concealed handgun licenses. Commissioner Chang asked where the additional fee revenue would be going. Mr. Emerson will check with Joe Brundage at DCSO. Mr. Anderson, having quickly reviewed the legislation on the internet, found that the fees will go towards state administered studies on effectiveness of Gun-Free zones. There is a resolution for Board signature.

CHANG: Move approval of Resolution 2021-068 Amending the Deschutes County Sheriff's Office 2021-2022 Fee Schedule

ADAIR: Second

VOTE: ADAIR: Yes  
CHANG: Yes  
DEBONE: Chair votes yes. Resolutions passed.

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## **2. Board Order 2021-042 establishing overnight parking prohibition on Spring River Road**

Chris Doty, Road Department Director, presented this item. In 2019, this area was improved with paved parking spaces to provide safe access to the Deschutes River. Without a Board Order or County code provision, overnight stays, which are effectively camping, may be lawful. This is happening and was not intended. Board Order 2021-042 will provide law enforcement with a legal mechanism to enforce this and cite and remove violators.

Commissioner Chang is in support of the Order but asked if there are other comparably designated roads where we might run into the same issue. Mr. Doty briefed that this was being dealt with in a specific manner on an as-needed basis should the problem crop up anywhere else.

ADAIR: Move approval of the Board Order 2021-042 to establish overnight parking prohibition on Spring River Road.

CHANG: Second

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

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### **3. Applications for the Federal Lands Access Program (FLAP) 2021 Call for Projects**

Cody Smith, County Engineer, Road Department, presented an outline of the Federal Lands Access Programs, what it is, and the two proposals that the Road Department has prepared in response to the Call for Projects. This call is for projects to be delivered in FY 2024-2025. These are located at Buckthorn Road: ORS 126 to MP 1.6 and Three Creeks Road: Sisters City Limits to the Forest Service Boundary.

The project scope of the Buckthorn Road project would be to improve a 1.6 mile segment of the road adjacent to the BLM lands which is currently a gravel road. Costs for the project are estimated as being \$2.12M with a proposed FLAP request of \$1.48M (70% total) with a proposed county match of \$636k (30%).

The project scope of the Three Creeks Road would be to pave and widen 3.7 mile segment to Forest Service lands. Costs for the project are estimated at \$2.89M with a proposed FLAP request of \$2.6M (89.73%) with a proposed county Match of \$297k (10.27%).

Mr. Smith concluded that proposals are due on October 7, 2021, and already have the NF signature, but awaiting BLM endorsement. At this time the Road Department is requesting BOCC support and Chair signature on the proposal joint endorsement forms for both projects.

The Chair called for discussion and questions. Commissioner Chang noted his support, particularly for the Buckthorn project, as he still has a long term interest in the exploring the county developing a camp ground there and this would open access to that site. Letters of support from the local Representatives and Senators were discussed and would also help this project. Mr. Doty has initialed these and will follow them up with the Representatives. Commissioner Adair asked when the determination on the projects would be made. Mr. Smith confirmed it would likely be in the spring that they will do site visits and we may hear in the summer of 2022 how our projects faired.

CHANG: Move approval of Chair Signature and Road Department submittal to the FLAP applications for the Buckthorn Road: ORS 126 to MP 1.6 and Three Creeks Road: Sisters City Limits to the Forest Service Boundary projects.

ADAIR: Second

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

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#### **4. Letter of Support for ODOT FLAP Projects**

Chris Doty, Road Department Director, presented that the Oregon Department of Transportation has requested a BOCC letter of support for two Federal Lands Access Program (FLAP) projects proposed within Deschutes County. A draft letter of support is attached for chair signature.

The Bend Lava Trailhead Improvement Project would construct a trailhead facility (with parking) and an undercrossing of Knott Road in partnership with a future Bend Parks and Recreation trail connection and in association with the previous FLAP funded Bend to Lava Butte Trail Project. The project cost is \$3.5M of which ODOT is proposing the minimum match amount of 10.27%.

The US 97 - Century Drive to USFS Project would extend the existing multi-lane separated highway project (currently under construction) an additional three miles from Vandeventer to the USFS boundary. The project would include an additional two wildlife undercrossing structures and associated fencing. The project cost is \$15.0M of which ODOT is proposing the minimum match amount of 10.27%.

Mr. Anderson noted that CET is submitting a FLAP application for the continuation of the bus service on route 18 to Mt. Bachelor and are requesting a letter of support from Partners. Whitney Hale could brief the Board on their request. The Commissioners are prepared to support this. Ms. Hale will bring this to the afternoon session.

CHANG: Move approval of Board Chair signature on the letter of support on behalf of ODOT to FLAP projects.

ADAIR: Second

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

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**5. Consideration of How to Apply Funds Received in Repayment of Small Business Assistance Loans**

Greg Munn, County Treasurer and Chief Financial Officer, and Pat Gurmic from COIC, briefed the Board. The Board had discussed this item at a meeting in early February, 2021, Mr. Munn handed out a copy of that item. At that time the Board decided to leave the funds with the COIC and bring it back to the Board later. There were three options for these funds with a recommendation to take option one:

- Grant the funds to COIC to manage as an ongoing revolving loan fund to support economic development in Deschutes County.
- Return funds to Deschutes County to be repurposed at Board discretion.
- Forgive the loan(s) and convert agreement(s) to grants.

Commissioner Adair would approve option one but would want it clearly labelled as where the fund comes from – Deschutes County Loan Fund on the COIC books. Mr. Gurmic confirmed that would be easy to do.

ADAIR: Make a motion to Grant the funds to COIC to manage as an ongoing Deschutes County revolving loan fund to support economic development in Deschutes County

CHANG: Second

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

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**RECESS:** At the time of 1:59 p.m. the Board went into recess and reconvened the meeting at 2:39 p.m.

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Commissioner DeBone updated colleagues on the Zoom meeting he had just taken part in with the Governor and 36 County Chairs and Judges. Discussions about vaccines. Statements of the Hospital capacities and the health care workers coming from out of the state. The National Guard assistance to be able to run the hospitals which has been much appreciated. Frustrations that other things are not being dealt with due to the Covid patients. Keep the push on for the vaccines.

## **6. County Treasurer and Finance Report as of August 31, 2021**

Greg Munn, County Treasurer and Chief Financial Officer presented the monthly Treasurer and Finance Report as of August 31, 2021. He went over the highlights as noted on the report. Mr. Munn noted that the Investment Advisory Committee had met and Commissioner Chang and Nick Leland were part of that. The results will come back to the Board. ARPA fund update will be on September 29, 2021 and at that meeting they will ask to formalize the funding for the mobile morgue and also will provide an update on the Small Business Assistance project. On October 13, the Childcare Expansion Committee will present to the Board. Staff will also provide an ARPA update to the BOCC and City of Sisters joint meeting on October 13. Mr. Munn then briefed on Local Assistance Funds which is part of ARPA. Finally he briefed on the Biomass project. He also briefed on the current Position control summary. Other areas were reviewed and noted. Commissioner Adair asked if State funding had been received for the Fair funding of \$52k? Mr. Munn confirmed this has not yet been received. He discussed the overall Fair funding and that it was doing very well.

In follow up Commissioner Adair wanted to note for the record that the Solid Waste transfer station is up 19% which is indicative that we are still having a lot of things happen in Deschutes County.

Commissioner Chang asked in relation to the mobile morgue, that he had heard that the State might be stepping in to support that. Mr. Munn noted that was an early option before there was a commitment to use ARPA funds and this would be addressed on September 29<sup>th</sup>.

Commissioner DeBone noted income from Building permits and how the money is spent with regard to Current and Long Range planning. Nick Leland confirmed the funding lines.

Commissioner DeBone thanked Mr. Munn for his presentation.

## **7. Discussion of increasing FTE in the Health Services Fund for Behavioral Health**

Holly Harris, Program Manager, Behavioral Health, presented a request to increase a 0.6 FTE Behavioral Health Specialist II to a full-time position. Commissioner Adair noted that the change would allow that position to be eligible for benefits and this would hopefully increase applications.

Molly Wells-Darling, Program Manager, presented a case to convert 1.0 FTE Peer Support Specialist to a 1.0 FTE Behavioral Health Specialist for the Access team. This will be an item for Wednesday 29 meeting.

## **8. Reallocation of existing Facilities Department FTE from Maintenance Specialist II to Maintenance Specialist III**

Lee Randall, Facilities Director and Brian Hayward, Maintenance Supervisor presented this item. Additional square footage, increased wildfire smoke and Covid 19 precautions and an HVAC staff redundancy have all increased the workload on the current position. Commissioner DeBone noted that there has indeed been an increase in facilities and would support the proposal.

Commissioner Adair asked if it may be possible to fill this position before and Mr. Randall hoped to be able to. There will be a motion to move this forward and the item will come back through the Consent agenda.

ADAIR: Is supportive of this change.

CHANG: Is supportive of this change.

DEBONE: Chair also supportive of the change.

## **9. House Bill 3295 / Marijuana Tax Revenue / Cannabis Advisory Panel**

Peter Gutowsky, Planning Manager, briefed on the purpose of this agenda item,

- to consider appointing members to the Cannabis Advisory Panel (CAP)
- review a draft order and charter
- select a CAP meeting date in October.

Should it be necessary staff can return on Wednesday September 29<sup>th</sup> to finalize the second two. He noted that State Representatives, Jason Kropf and Jack Zica both expressed an interest in attending the first meeting and were holding the dates. He also mentioned that one of those who had applied to be a member of CAP (Liz Lotoshinski) was in attendance for this meeting and welcomed her. Chair DeBone explained that this is a local committee mandated by the Legislature to provide input on how to spend the MJ tax revenues for Deschutes County. This is not a continuation of the Marijuana Committee from 2017. The Charter explains the intent and purpose of it.

Following discussion the date of Monday October 18, 6:00-8:00 pm was selected and Mr. Gutowsky will communicate that to the Representatives.

With respect to the Committee members

- Hunter Neubauer was accepted as a Board selection
- It was agreed that Commissioner Chang would contact the two business owners and suggest the best to appoint.
- Detective Dustin Miller; the county Sheriff's designee, was accepted
- All three Commissioners would attend the first meeting; a discussion on whether they would be members with votes on the committee or ex-officio members followed
- Regarding members of the public who had applied, all three Commissioners wished to do some homework on the applications and make suggestions; more than one person from the applications can be appointed
- Kyle Gorman (Watermaster) or his designee was accepted
- Gary Bracelin was accepted

Chair DeBone advocated that the Committee try for the first meeting to meet in person rather than remotely. It will be held in the Barnes and Sawyer rooms at 1300 NW Wall Street. Mr. Gutowsky will organize a simple meal for the first meeting. Nick Lelack will work with Mr. Gutowsky to review the Charter, including the addition of Terms and who would be Chair. This item to be returned before the first meeting for approval.



## 10. DLCD 2021-2023 Technical Assistance Grant Application Discussion

Tarik Rawlings, Associate Planner, presented the staff request to approve submission for a TA grant to the Department of Land Conservation and Development. Should the grants be approved there are match funds available.

CHANG: Make a motion to approve staff submission for a TA grant to the DLCD

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

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## 11. Discussion of Possible Update of Resolution Establishing Policy on Undocumented Structures

Chris Garcia, Assistant Building Official, and Angela Havniear, Coordinated Services Manager, gave the background to this request. It is to update a version of a 1993 Resolution and it is revised for today's environment, simplifying the process. Commissioners requested that of the four options on the Resolution, the Remove and Demolish be placed after the other two options.

ADAIR: Make a resolution to adopt Resolution No. 2021-069, reaffirming and revising the policy on Undocumented Residential Structures with the new Appendix A and supporting documents

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. So moved

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## 12. American Rescue Plan Funding Update - Redmond Bethlehem Inn

Commissioner DeBone noted he had requested this item on the Agenda and briefed on the background. He hoped that the Board would agree to fund both parts of the funding to take the project forward in a timely manner. Commissioner Chang stated he had hoped that the City of Redmond would actively partner with the County in the project. He was concerned that should the County fund this in entirety, it might set a precedent for other projects. Commissioner Adair was very supportive of the project and noted that 88 beds was a good program. Commissioner Chang also noted that he would wish to have the commitment on Oasis Village and Shepherd's House dealt with at the same time and the equitability of funding. Commissioner DeBone wondered if COIC might be able to take a lead on homelessness. He had hoped this could be agreed before the City of Redmond meets on Tuesday, September 28<sup>th</sup>. Following discussion it was agreed that this item be returned for further discussion on Wednesday, September 29.

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### OTHER ITEMS:

- Whitney Hale briefed the Board on the request by COIC, operator of the Cascades East Transit (CET), to support their application for a FLAP application for the continuation of the bus service on route 18 to Mt. Bachelor. They are requesting a letter of support from Partners. Commissioner Chang has a possible change to a paragraph.

CHANG: Move Board approval of a letter of support for COIC's Federal FLAP Grant application with suggested edits

ADAIR: Second

VOTE: CHANG: Yes

ADAIR: Yes

DEBONE: Chair votes yes. So moved

### EXECUTIVE SESSION:

At the time of 4:47 p.m., the Board went into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations and ORS 192.660 (2) (d) Labor Negotiations. The

Board came out of Executive Session at 5:22 p.m.

**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 5:22 p.m.

DATED this 13 Day of October 2021 for the Deschutes County Board of Commissioners.

  
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**ANTHONY DEBONE, CHAIR**

  
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**PHIL CHANG, VICE CHAIR**

**ATTEST:**

  
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**RECORDING SECRETARY**

  
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**PATTI ADAIR, COMMISSIONER**