



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY December 20, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Tony DeBone, Patti Adair 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.

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

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Ryan Rudnick spoke against the purchase of property on SE Wilson Avenue for male justice-involved persons and expressed concern about safety risks to children in the neighborhood. Objecting that families are being displaced from the property and that it is located only 600 feet from a park, he said the process was rushed and lacked sufficient notification, particularly for non-English speakers. He urged that the County delay this action, implement mitigating measures, and formally accept liability for any crimes or damages that result from siting a shelter at this location.

Commissioner Chang said the courts decide who is a good candidate for re-integration into the community and released on parole, not the County. He added that because most cases of child abuse and child sexual abuse involve persons who are known to

and have a close relationship with the victim and/or their family, the danger is not physical proximity to sex offenders—it's having a close relationship with them. He said the County cares about public safety and wants to provide the best opportunity for parolees to rehabilitate without risk of recidivism.

RECOGNITION:

Chair DeBone recognized County Administrator Nick Lelack's 15 years of service to Deschutes County. Lelack expressed his appreciation for the County's excellent culture, which makes it an extraordinary place to work.

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

1. Approval of Resolution No. 2023-068 adopting a supplemental budget and increasing or adjusting appropriations in the Full Faith and Credit Debt Service Fund, the General Fund and the Project Development and Debt Reserve Fund
2. Approval of a Water Pipeline and Access Easement to Avion Water Company, and a Gas Pipeline and Access Easement to Cascade Natural Gas
3. Approval of Board Order No. 2023-057 authorizing the sale of property located at 16775 CW Reeves Lane in La Pine to Pudding River Properties, and further authorizing the Deschutes County Property Manager to execute the documents associated with the sale
4. Approval of Chair Signature of Document No. 2023-1078, a Notice of Intent to Award Contract for Engineering Services for the Tumalo Reservoir Road: OB Riley Road to Sisemore Road Improvement Project
5. Approval of amendment to Oregon Health Authority grant agreement #180009-4
6. Approval of request to apply for State and Local Cybersecurity Grant Program
7. Consideration of Board Signature on letters of appointment to the Deschutes River Mitigation and Enhancement Committee
8. Consideration of Board Signature on letters of appointment, reappointment and thanks for various Committees and Special Road Districts
9. Approval of minutes of the BOCC November 27 and 29 and December 4, 2023 meetings

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

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

ACTION ITEMS:

10. Public Hearing: Plan Amendment and Zone Change at 64430 Hunnell Road

Jacob Ripper, Principal Planner, presented a request to change the Comprehensive Plan designation of property at 64430 Hunnell Road from Agricultural to a Rural Residential Exception Area and also change the zoning of the subject property from Exclusive Farm Use to Multiple Use Agricultural (MUA-10). Ripper said the first of two required public hearings was held before the Hearings Officer, who recommends approval of the requests. Ripper described the property and said a proposed four-lot subdivision has been put on hold pending the outcome of the map amendment and rezone requests. No public comments were provided at the first public hearing.

Commissioner Chang said while he has no conflict of interest in this matter, he does have interests in this general area pertaining to previous communications about the widening and paving of Hunnell Road and how that might impact future development. He therefore recused himself from participating in this matter and stepped down from the dais.

The public hearing was opened at 9:20 am.

Liz Dixon, representing the applicant, said the way in which this site was initially zoned was faulty and failed to take many relevant factors into consideration. Noting that the property is not currently being farmed and in fact has never been farmed, she shared the results of a soil analysis which determined that more than 60% of the site has Class VII and Class VIII soils, which cannot be farmed even with irrigation. She concluded that there is no commercial farming operation in the immediate vicinity.

There being no one else who wished to testify, the public hearing was closed at 9:38 am.

The Board was in consensus to close the oral and written records and immediately commence deliberations.

Commissioner DeBone said rezoning this property to MUA-10, which stipulates lots sized a minimum of ten acres, would be acceptable considering the soils analysis and no history of farming for profit. Commissioner Adair was in agreement.

ADAIR: Move approval of a Comprehensive Plan Map Amendment to change the designation of property at 64430 Hunnell Road from Agricultural to Rural Residential Exception Area, and further approve a corresponding Zoning Map Amendment to change the zoning of the subject property from Exclusive Farm Use to Multiple Use Agricultural (MUA-10)

DEBONE: Second

VOTE: ADAIR: Yes
DEBONE: Chair votes yes. Motion Carried 2 - 0

Commissioner Chang returned to the dais.

11. Resolution No. 2023-067, adding 3.00 FTE and increasing revenue and appropriations for the Intellectual and Developmental Disabilities Program within Health Services

Paul Partridge, Intellectual and Developmental Disabilities (I/DD) Program Manager, explained that this past July—after the County had adopted its 2024 Budget—I/DD was notified that its annual funding amount from the State for 2024 will be \$5,453,343, an increase of \$961,037 from the amount anticipated. I/DD proposes using the additional funds to increase capacity by adding the following positions over the next year:

- 1.0 FTE Administrative Support Specialist effective 1/1/24
- 2.0 FTE IDD Specialist I (i.e., service coordinators); one effective 1/1/24, and one effective 3/1/24

Partridge explained the services provided by I/DD, saying the average caseload per service coordinator is 45 individuals. Commissioner Adair questioned the recommendation to add an administrative support specialist instead of another service coordinator. Partridge shared a staff organizational chart and said I/DD's leadership team currently lacks the support of an administrative specialist.

Cheryl Smallman, Health Services Business Officer, explained the local match needed to secure federal funds in conjunction with the additional State grant funds and said the department will look into whether it can use interest income from the Behavioral Health reserves for the match instead of general funds.

Alternatively, it may be possible to use unbudgeted community surplus funds if those are received from the state.

Commissioner Chang recognized the need to expand the capacity of the department's case management services due to the dramatic growth in demand for those services.

CHANG: Move approval of Resolution No. 2023-067 increasing appropriations and FTE within Health Services and the 2023-24 Deschutes County Budget
ADAIR: Second
VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

12. Resolution No. 2023-069 effecting changes to the FY 2023-34 Budget to extend a .10 limited duration FTE in the District Attorney's Office by six months to support illegal marijuana market enforcement

Kathleen Meehan Coop, Management Analyst, said the County's work to combat illegal marijuana markets is a joint cooperative effort between the Sheriff's Office and the Office of the District Attorney. She explained the proposal to use rollover funds from the 2019 Illegal Marijuana Market Enforcement (DCIMME) program grant to continue funding the program coordinator position in the District Attorney's Office for six months until June 30, 2024. This will enable the department to avoid a reduction in staffing for this important work until the next grant cycle for these funds.

ADAIR: Move approval of Resolution No.2023-069 adjusting and increasing appropriations and extending a .10 limited duration FTE within the 2023-24 Deschutes County Budget
CHANG: Second
VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

13. Pre-Deliberation Update: Draft 2020-2040 Transportation System Plan

Tarik Rawlings, Senior Transportation Planner, reminded that a draft update of the Transportation System Plan was presented for public comment on November 29th. Staff now invites the Commissioners to identify topics they would like to be

included in a decision matrix that will be presented at a future Board meeting; a draft list was provided for the Board's consideration and possible revision.

In response to Commissioner Chang, Planning Manager Will Groves said that although the record is officially closed at this time, the Board could decide to re-open it to allow additional testimony.

Commissioner DeBone noted the large amount of engagement and comments already received on the draft update. With regard to the subject of paved paths, he preferred that the update include a general statement of support for multi-modal connections without specifying any particular location(s) as these projects are the jurisdiction of other agencies.

Commissioner Chang said the decision matrix should include the recommendations issued by the Planning Commission.

14. Consideration of letter providing input on a comprehensive approach to Measure 110

Erik Kropp, Deputy County Administrator, reminded that following a presentation to the Board from District Attorney Steve Gunnels on December 13th regarding the Public Safety Partners' Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis, the Board directed staff to draft a letter supporting the proposals with a few recommended changes.

Commissioner DeBone appreciated the proposals regarding drug possession and distribution. Commissioner Chang supported efforts to drive addicted persons towards treatment and recovery, and said bipartisan support will be required in the Legislature to address this issue in a comprehensive way.

Commissioner Adair reported a new total of 23 overdose deaths in Best Care's treatment facilities and suggested that persons seeking treatment reach out to Ideal Option. She expressed appreciation that District Attorney Gunnels brought these proposals forward.

CHANG: Move approval of a letter providing input to Governor Kotek on the proposed comprehensive approach to Measure 110 as developed by Public Safety Partners
ADAIR: Second
VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

15. Draft letter regarding ODF Wildfire Funding Proposal

Deputy County Administrator Erik Kropp reviewed that on December 6th, the Board had discussed a request from AOC that the County weigh in on a proposal regarding the sustainable funding of wildfire costs across the state. Kropp presented a draft memo to the co-chairs of AOC's Natural Resources Committee providing feedback on the proposal and seeking more information.

Commissioner Chang said the overarching concern is that although adequate fire suppression capacity is needed, Deschutes County residents should not be made to pay for added capacity that will benefit other parts of the state.

Commissioner DeBone added that Central Oregon also needs support for fuels reduction work.

CHANG: Move approval of a revised memo to AOC's Natural Resources Committee providing feedback on the Oregon Department of Forestry's Wildfire Funding Proposal and seeking more information

ADAIR: Second

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

A break was announced at 10:45 a.m. The meeting reconvened at 10:52 a.m.

16. Treasury Report for November 2023

Treasury Director Bill Kuhn presented the Treasury Report for November 2023.

17. Finance Report for November 2023

Chief Financial Officer Robert Tintle presented the Finance Report for November 2023.

18. Board selection of Chair and Vice Chair for 2024

Commissioner DeBone supported Commissioner Adair serving as Chair in 2024.

Commissioner Chang said for decades, the Board had a precedent and tradition of rotating the chair role among all three of the Commissioners, but this practice has been abandoned in the last three years. He objected that the ideological

majority of the Board is not adhering to tradition and instead is selecting a Chair from amongst themselves.

Commissioner DeBone nominated Commissioner Adair to serve as Chair of the Board in 2024.

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

Following Commissioner Chang's declination to serve as Vice Chair in 2024, Commissioner Adair nominated Commissioner DeBone to serve as Vice Chair of the Board in 2024.

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

OTHER ITEMS:

- Commissioner DeBone referred to a draft presentation for the Board to present at the upcoming Leadership Bend session on January 16th. Deputy County Administrator Whitney Hale said staff will edit the presentation as directed by the Board.
- Jen Patterson, Strategic Initiatives Manager, sought direction from the Board regarding when and how often to schedule meetings on the 2024 legislative session which begins in February. Following discussion, it was decided to schedule an initial work session on Friday, January 12th with regular updates each Friday thereafter.
- Following discussion, the Board was in consensus to appoint Commissioner DeBone to a voting position on the AOC's Legislative Committee for 2024.
- County Administrator Nick Lelack asked if the Board wished to revisit the proposed amendment to the intergovernmental agreement with the Oregon Judicial Department for a funding contribution to the courthouse expansion project. Following discussion, the Board was in agreement to bring this item back on January 3rd for action.
- Commissioner Adair reported that the annual Fair Association dinner will be on Monday, January 15th.
- Commissioner DeBone wished everyone a great holiday.

EXECUTIVE SESSION:

At 11:54 a.m., the Board moved into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations. At 12:18 p.m., the Board moved out of Executive Session with no action taken.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 12:19 pm.

DATED this 10th day of January 2024 for the Deschutes County Board of Commissioners.

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, CHAIR


PATTI ADAIR, VICE CHAIR


PHIL CHANG, COMMISSIONER