



BOARD OF COMMISSIONERS

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

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BOCC MEETING MINUTES

1:00 PM

MONDAY July 15, 2024

Allen Room
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang. Also present were County Administrator Nick Lelack; Deputy County Administrator Whitney Hale; Senior Assistant County 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 1:01 pm. Commissioner DeBone arrived at 1:08pm.

CITIZEN INPUT: None

AGENDA ITEMS:

1. **General Administrative Policy No. GA-26 – Tax Foreclosed and Tax Deeded Property: Management and Disposition Policy**

Senior Assistant Legal Counsel Kim Riley explained the need to establish processes for tax foreclosed and tax deeded properties as a result of a 2023 United States Supreme Court decision (*Tyler v. Hennepin County*) which determined that the surplus value of tax foreclosed property (when the value of the property seized is greater than the tax debt) is protected by the Fifth Amendment's Takings Clause. In 2024, the Oregon State Legislature approved

HB 4506 which requires that each county establish a process by which surplus proceeds are determined, implement notification procedures for the surplus proceeds to interested parties, determine who has the right to surplus proceeds, and deposit surplus proceeds in an interest-bearing account until there is any distribution of surplus proceeds.

Riley said the proposed policy would require that any unclaimed funds be held in an interest-bearing account for a minimum of two years. It would also encourage the sale of all tax-deeded properties, with few exceptions, at public auction instead of just some of them; recommend that at future auctions tax deeded properties will have an assigned minimum bid of the property costs and fees; require that purchasers of tax deeded properties pay the full purchase price within 30 calendar days of the auction; and establish a 90-day claim period, outside of which any claim would be waived.

In response to Commissioner DeBone, Riley said there are claim periods as short as 20 days. Commissioner DeBone supported a 90-day claim period, as proposed.

Responding to Commissioner DeBone, Riley clarified that all new tax-deeded properties will be put to auction.

In response to Commissioner Adair, Kristie Bollinger, Property Manager, said about 350 foreclosed properties are currently in inventory.

Responding to Commissioner Chang, Riley said the proposed policy was based on the one used by Yamhill County. Although HB 4056 requires only that a process be in place, staff advises formalizing the County's process via a policy.

Commissioner DeBone expected that the Legislature will provide more clarity on this subject in the next year or two.

DEBONE: Move approval of General Administrative Policy No. GA-26 – Tax Foreclosed and Tax Deeded Property: Management and Disposition Policy

CHANG: Second

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

The Board convened as the governing body of the Sunriver Service District.

2. **Sunriver Service District Legal Services Proposal**

David Doyle, County Counsel, said the Sunriver Service District (SSD) has asked if it can formally receive legal services from County Legal. Doyle said in the past, County Legal has provided a minimal amount of advice to the SSD totaling five to 15 hours per year. This time is not tracked, and the County has not billed SSD for it.

Noting that SSD does not pay County internal service charges, Doyle said the request is for enhanced legal services such as litigation support and other general in-house counsel inquiries. If the Board approves, County Legal could provide these services via a retainer and billing. He added that while he has never experienced a conflict of interest situation with respect to services provided to SSD, if one did arise, County Legal would not provide services in that instance.

Commissioner DeBone asked why the Special District Association of Oregon is not able to represent SSD. Doyle said SDAO's services are more for litigation purposes rather than general operations and pre-litigation civil matters.

Doyle allowed that this arrangement would become more defined over time as the parameters of the inquiries and services were determined. If the Board supports proceeding, Legal can explore this idea further and return with a specific proposal.

Commissioners DeBone and Chang stated their comfort with proceeding as described.

The Board reconvened as the governing body of Deschutes County.

3. **2024 Public Safety Campus Plan**

Lee Randall, Facilities Director, reviewed the process undertaken to develop the 2024 Public Safety Campus Plan ("Plan"). Referring to the Board's interest in obtaining information on the potential development of a managed residential housing facility for male justice-involved individuals on the campus, he said staff has submitted a memo outlining various considerations and listing recommended actions and decisions before that concept is explored further.

Commissioner DeBone said the Plan is a valuable road map of future development. Commissioner Chang agreed, saying that the plan defines important work to be accomplished.

Commissioner DeBone did not support proceeding with the proposed managed residential housing facility at this time.

Commissioner Chang said the plan can always be amended at a later date.

Commissioner Adair concurred that the plan is flexible and can be changed.

CHANG: Move approval of Document No. 2024-389 adopting the
2024 Deschutes County Public Safety Campus Plan

DEBONE: Second

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

OTHER ITEMS: None

EXECUTIVE SESSIONS:

At 1:37 pm, the Board entered 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 2:40 pm to direct staff to proceed as discussed.

ADJOURN:

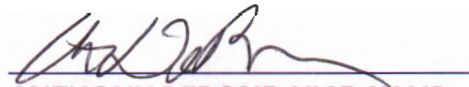
Being no further items to come before the Board, the meeting was adjourned at 2:40 pm.

DATED this 21st day of August 2024 for the Deschutes County Board of Commissioners.



PATTI ADAIR, CHAIR

ATTEST:



ANTHONY DEBONE, VICE CHAIR



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER