



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY April 16, 2025

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang. Also present were County Administrator Nick Lelack; Senior 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 website www.deschutes.org/meetings.

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

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Ron Boozell referred to the first item on today's consent agenda which involves updates to the County's Generative Artificial Intelligence (AI) policy and asked that these be explained.

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

1. ~~Approval of Generative Artificial Intelligence (AI) Policy Updates*~~
2. Approval to accept a Certified Local Government grant from the State of Oregon for historic preservation

3. Authorization to accept a NEHA-FDA 2025 Track 3 Maintenance and Advancement Base and Training add-on grant, Document No. 2025-360
4. Consideration of Board Signature on letters thanking Dan Daugherty and Kevin Stock for service on the Project Wildfire Steering Committee
5. Consideration of Board Signature on letters appointing Robert Newey, and reappointing Gary Marshall, Andy Meeuwsen and Dean Richardson for service on the Project Wildfire Steering Committee
6. Consideration of Board Signature on letters appointing Patrick Addabbo, Kim Reynolds, and Meghan Windschill for service on the Bicycle and Pedestrian Advisory Committee
7. Approval of the minutes of the BOCC February 19 and 24 and March 17, 2025 meetings
8. Approval of the minutes of the April 4, 2025 BOCC Legislative Update meeting

*At Commissioner Adair's request, item #1 was pulled for separate consideration.

CHANG: Move Board approval of the Consent Agenda as presented with the exception of item #1

ADAIR: Second

VOTE: ADAIR: Yes
 CHANG: Yes
 DEBONE: Chair votes yes. Motion Carried 3 - 0

1. Approval of Generative Artificial Intelligence (AI) Policy Updates

Zachary Neemann, Information Security Manager, said the County first approved an AI policy last year, which IT determined was in need of updating to address security issues. He explained the recent availability of programs with governance and technical controls to protect personal information and ensure compliance with HIPAA directives, among other desired security features.

In response to Commissioner Chang, Neemann said staff is using AI for various tasks, including grammar and editing, to generate content, and to analyze raw unstructured data.

ADAIR: Move Board approval of the proposed updates to the Generative Artificial Intelligence (AI) Policy

CHANG: Second

VOTE: ADAIR: Yes
 CHANG: Yes
 DEBONE: Chair votes yes. Motion Carried 3 – 0

ACTION ITEMS:

9. Proclamations

Proclamation: Sexual Assault Awareness Month

Taryn Amens Ramos, Program Services Director for Saving Grace, said sexual violence affects persons of all ages and backgrounds, and raising awareness is a critical step towards preventing assaults and supporting victims.

The Commissioners read the proclamation into the record.

ADAIR: Move to proclaim the month of April 2025 as “Sexual Assault Awareness Month”
CHANG: Second

VOTE: CHANG: Yes
 ADAIR: Yes
 DEBONE: Chair votes yes. Motion Carried 3 – 0

Proclamation: Dark Sky Week

Cathie Flanigan from Dark Sky Oregon and the International Dark Sky Association said Dark Sky Week is celebrated all over the world every year.

The Commissioners read the proclamation into the record.

CHANG: Move to proclaim April 21-28, 2025 as “Dark Sky Week”
ADAIR: Second

VOTE: ADAIR: Yes
 CHANG: Yes
 DEBONE: Chair votes yes. Motion Carried 3 – 0

Proclamation: National Public Safety Telecommunications Week

Sara Crosswhite, 9-1-1 Director and Chris Perry, 9-1-1 Operations Manager, presented the proclamation for the Board’s consideration.

The Commissioners read the proclamation into the record.

ADAIR: Move to proclaim the April 13-19, 2025 as "National Public Safety Telecommunications Week"

CHANG: Second

VOTE: CHANG: Yes
ADAIR: Yes
DEBONE: Chair votes yes. Motion Carried 3 – 0

The Commissioners expressed their appreciation for the dispatchers and all of the staff at 9-1-1.

Proclamation: National County Government Month

Nick Lelack, County Administrator, said the purpose of the proclamation is to recognize all of the services provided across the organization and throughout Deschutes County.

The Commissioners read the proclamation into the record.

CHANG: Move to proclaim the month of April 2025 as "National County Government Month"

ADAIR: Second

VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried 3 – 0

Commissioner DeBone noted that all three Commissioners attended the National Association of Counties' Legislative Conference in Washington DC last month.

10. Consideration of Board Order No. 2025-014 to reopen the record for the Thornburgh Destination Resort remand hearing proceedings

Will Groves, Planning Manager, reviewed that on April 7th, the Thornburgh Resort initiated a Land Use Board of Appeals (LUBA) remand relating to the applicant's request to modify the development's Final Master Plan (FMP) with respect to its 2022 Fish and Wildlife Management Plan (2022 FWMP).

In response to Commissioner DeBone, Groves confirmed that the County has 120 days from April 7th to issue its decision. Although LUBA remanded this matter on

three separate topics, the applicant has requested that the Board limit the reopening of the record to the one topic of economic analysis only.

Groves added that the purpose of the required economic analysis is to show the expected economic impact of the proposed destination resort. Because the application as originally processed had envisioned that the resort would have three golf courses and now will have fewer, LUBA seeks additional information on if and how that will change the economic impact of the development.

Saying he remains concerned that the record does not contain sufficient evidence regarding the volume of water to be extracted from the ground for the development, Commissioner Chang supported reopening the record on all three topics in order to secure more information on whether the submittal of the 2022 FWMP to the Oregon Water Resources Department satisfies the “no net loss” standard with respect to groundwater sources for fish habitat mitigation.

Peter Gutowsky, Community Development Director, shared that the public hearing has already been noticed for May 7th. Adding that the 120-day timeline is very short, he expressed concern about meeting that deadline in light of the Board’s meeting schedule over the next two-plus months.

Responding to Commissioner Chang, Senior Assistant Legal Counsel Stephanie Marshall confirmed that if the record is reopened, the Board could change its previous decision on the underlying application. She referred to the request from the Coordinated Tribes of Warm Springs to reopen the record with respect to whether the 2022 FWMP violates the 1855 Treaty with the Tribes of Middle Oregon.

Discussion ensued regarding whether to reopen the record to all three issues or just to the topic of economic analysis.

Commissioner DeBone found the no net loss standard from Fish and Wildlife to have been well-reasoned and said the matter pertaining to the Tribal treaty is more of a State-level issue.

Saying that the Fish and Wildlife Management Plan is a County issue although it does interface with both state and federal law, Commissioner Chang said the County ignored valid issues involving Tribal treaty rights when deciding whether to approve Thornburgh’s land use application.

Noting she has seven binders of documents and records on this project, Commissioner Adair said no other proposed development in the County has likely received more scrutiny.

Marshall said the County must submit its findings to LUBA at the end of July.

Groves summarized that the question before the Board is whether it believes there is sufficient information in the record to address the two items beyond the topic of economic analysis, or if the record should be reopened on those as well to allow additional input to those issues. He stressed that the applicant has the burden of proof to show that its application conforms to all applicable regulations, Codes and other relevant conditions of approval.

Commissioner Chang spoke to the timeline of legal challenges to this project since it was initially proposed and said because the applicant chose to file a new application very recently, it should not expect relief from having the new application reviewed according to standard procedure despite the lengthy proceedings and litigation experienced with regard to the previous application.

ADAIR:	Move approval of Board Order No. 2025-014 to reopen the record of the Thornburgh destination resort modification of approval application to allow and consider new testimony and evidence related to the economic analysis required pursuant to DCC 18.113(C)(3) and (4) for the Fish and Wildlife Management Plan, as remanded by the Oregon Land Use Board of Appeals	
DEBONE:	Second	
VOTE:	CHANG:	No
	ADAIR:	Yes
	DEBONE:	Chair votes yes. Motion Carried 2 - 1

Groves said in accordance with the Board's decision, testimony at the public hearing on May 7th will be allowed only to the one issue of economic analysis and not to all three issues on remand from LUBA. Written testimony to the issue of economic analysis will also be accepted until May 7th.

11. City of Bend Tax Increment Finance (TIF) Plans

Nick Lelack, County Administrator, reported that the Bend Urban Renewal Agency has authorized three new Tax Increment Finance (TIF) developments, which, if built, would affect revenues to four of the County's taxing districts, namely: Deschutes County, Countywide Law Enforcement, County Extension, and 9-1-1.

Lelack said the Board can provide comments to the Bend City Council with respect to these three new TIF proposals.

Jonathan Taylor, Urban Renewal Project Manager for the City of Bend, said the public hearing on this matter has been rescheduled to May 21st and comments will be accepted through May 14th. Taylor described the three projects—Britta Ridge, Century and Veridian—and their estimated financial impacts on the property tax collections of the four County taxing districts which would be affected.

Noting that the proposed exemption from property taxes would be in exchange for setting the rental amounts of some units to be affordable to households earning at or below 90% area median income (AMI), Commissioner Adair questioned why 90% AMI is considered affordable.

Commissioner Chang said these units would provide middle income housing, which is also needed in addition to affordable housing. He stated his support for the use of the TIF program for these projects.

Taylor added that the City conducted a housing market analysis which found a need for middle income housing.

Commissioner DeBone spoke to possible future policy conflicts, questioned what would happen if the market went down, and said property tax exemptions which lower property tax collections can hinder local government from serving the community to the extent that otherwise would be expected. Adding that renters do not directly pay property taxes, he commented on how large bond and levy requests may be viewed by those who do not receive property tax bills.

12. Formation of Committee to Create Commission Districts

Jen Patterson, Strategic Initiatives Manager, reviewed the Board's direction to staff to return with more information for three options on how to form a committee to establish Commission districts.

Commissioner Chang said it is important to form the committee correctly, even if the ballot measure to create districts is delayed to November 2026 instead of May 2026.

Commissioner Adair noted that each of the three options presented has associated options.

Commissioner Chang referred to the value of randomly soliciting applications for the recent civic assembly, which facilitated the participation of many people who otherwise are unengaged in civic affairs. He supported appointing committee members who are representative of the county as a whole.

Commissioner DeBone agreed and supported this particular process, noting that the community could give input to the committee.

Commissioner Chang said another option would be to utilize various methods of appointing committee members instead of just one. If State elected officials and the BOCC are invited to appoint committee members, he said the cities should be allowed appointments as well, proportionate to their population.

Discussion ensued regarding how many members to appoint to the committee. Commissioner Adair supported appointing between 11 and 19, which Commissioner DeBone concurred with.

Commissioner DeBone did not see the election timing issue (i.e., May or November) as a driver. Saying that the appointment process for State Home Rule Charter is clear and easily understood, he spoke to the process used for the recent civic assembly and said invitations could be sent via postcard with an online registration set up for respondents.

Commissioner Chang said the civic assembly option would require educating respondents with respect to elections and precincts. He expected that this would take longer and cost much more than utilizing the charter process as the latter would involve political insiders selected by legislators, the BOCC and cities.

Commissioner Adair agreed with the need to look at the cost of each option.

Commissioner DeBone did not think it would be hard to instruct people on the task and how to complete it, and said staff can return with information on whether using the civic assembly process is a viable choice, cost-wise.

Commissioner Chang said members appointed to the committee will need to understand what makes districting processes fair or unfair.

Chair DeBone noted the consensus of the Board to direct staff to research the potential cost of hiring a facilitator and of mailing invitations to participate, including the price differential between sending these to every household or to every voter.

OTHER ITEMS: None

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 11:07 am.

DATED this 5th Day of May 2025 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

ATTEST:



RECORDING SECRETARY



PATTI ADAIR, VICE CHAIR



PHIL CHANG, COMMISSIONER