



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY February 21, 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 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:

- Richard Gorby expressed his appreciation to the Board for its efforts to address homelessness and the fentanyl crisis. Noting he has worked in veteran services for his entire career, he said people will change only when they want to.

Commissioners Adair and DeBone thanked Mr. Gorby for his service to Deschutes County and the veteran population.

- Carl Shoemaker recited lyrics by Roy Zimmerman which posed the question of how many Mozarts are born amongst the poor.
- Patricia White shared that she was a victim of assault by someone who is addicted to drugs and has children. She encouraged identifying what kind of assistance would help this person and others like her change her life, and she also supported

efforts to boost the morale of parole officers who are doing the difficult but necessary work of trying to motivate people to change their behavior.

Commissioner Chang said in addition to parole and probation officers, behavioral health staff and deputy district attorneys also attempt to address these kinds of situations with the hope of helping to improve them.

- Tom Gugg questioned the status of the previous tenants who were displaced by the County's purchase of the triplex at 640 Wilson, referred to requests that have been made for public records, and said this facility should not be located in this neighborhood.

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

1. Approval of an intergovernmental agreement with the Department of Corrections accepting Measure 57 funding for the 2023-2025 Biennium
2. Acceptance of Justice Reinvestment Funding for the 2023-2025 Biennium
3. Approval of an amendment to the PacificSource Community Solutions Preferred Provider Agreement
4. Approval of the minutes of the February 9, 2024 BOCC Legislative Update meeting
5. Approval of minutes of the BOCC January 31, 2024 meeting

CHANG: Move approval of the Consent Agenda as presented

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

ACTION ITEMS:

6. Recognition of Todd Sween, Solid Waste Operations Manager – 25 years of service

Solid Waste Director Tim Brownell recognized Todd Sween, Solid Waste Operations Manager, who has worked for Deschutes County for 25 years. Saying that Sween was originally hired as a temporary employee and has since held various positions, Brownell credited Sween with assembling an extraordinary staff underneath him.

The Commissioners expressed appreciation for Sween’s work and leadership.

7. Intergovernmental Agreement with the City of Redmond and the Terrebonne Sanitary District

Road Director Chris Doty reviewed the proposed intergovernmental agreement, explaining that it would establish terms between the City of Redmond and the Terrebonne Sanitary District pertaining to the acceptance, treatment and disposal of effluent from Terrebonne to Redmond’s wetlands complex. The agreement would also formalize Deschutes County’s total \$1 million contribution towards these improvements, \$500,000 of which will come from ARPA funds already authorized by the Board and the other \$500,000 from the Road Department’s FY 2025 PILT revenues.

Commissioner Adair expressed gratitude to Senator Bonham who was instrumental in securing a \$1 million State contribution to this endeavor.

Responding to Commissioner Chang, Doty said the PILT funds have been authorized and are expected to be received this summer.

DEBONE: Move approval of Chair signature of Document No. 2024-170, an Intergovernmental Agreement with the City of Redmond and the Terrebonne Sanitary District to contribute \$1,000,000 towards wastewater treatment infrastructure for the community of Terrebonne

CHANG: Second

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

8. Continued Public Hearing: Redmond Airport Master Plan Update Text Amendments

Tarik Rawlings, Senior Transportation Planner, said this public hearing is being continued from January 31st. He added that Exhibit B to the draft ordinance is forthcoming.

The public hearing was re-opened at 9:35 am. There being no one who wished to speak, the public hearing was closed at 9:37 am.

The Board agreed to commence deliberations at the close of the public hearing and proceeded to take action on the proposed text amendments.

DEBONE: Move approval of the Hearings Officer's decision concerning the proposed text amendments to the Airport Safety Combining Zone (Deschutes County Code section 18.80.030), associated with the Redmond Municipal Airport

CHANG: Second

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

Rawlings said an implementing ordinance will be brought forward for the Board's consideration and adoption.

9. Letter of Support: Redmond Municipal Airport's Connect Oregon 9 grant application

Senior Transportation Planner Tarik Rawlings presented a request from the Redmond Municipal Airport for a letter of support from the County for the airport's Connect Oregon 9 grant application, which relates to its terminal expansion project.

Commissioners asked to know when the application is due, the amount of grant funding being sought, and if any other Connect Oregon 9 grant requests are being submitted from Deschutes County.

Commissioner Adair said the Central Oregon Area Commission on Transportation will review the Connect Oregon 9 applications in April.

10. Amendment to the contract with Pence Contractors for the Deschutes County Courthouse Expansion Project

Lee Randall, Facilities Director, reviewed the history of the County's previous actions to contract with Pence Contractors to provide construction management, pre-construction and early work construction services on the Courthouse Expansion project. Following a solicitation for bids from subcontractors, Pence proposes a total Guaranteed Maximum Price of \$36,722,789, which includes both pre-construction fees and all project construction costs. Randall noted this figure represents a \$1.9 million increase over the last estimate and includes a contingency amount of 4.25%. Construction is expected to be finished in December of 2025.

Commissioner DeBone expressed appreciation for all the work done to get to this point.

Responding to Commissioner Chang regarding the source of the needed additional \$1.9 million, Robert Tintle, Chief Financial Officer, said this will come from the Capital Projects fund which has been reimbursed for costs which were incurred prior to the bond funding.

Commissioner DeBone acknowledged that as part of this project, the County will contribute \$153,975 to the school district under the State's Student Success Act.

CHANG: Move approval of Document No. 2024-138, Amendment No. 2 to Deschutes County Contract No. 2022-452 and further amending Document No. 2023-839, Amendment No. 1 with Pence Contractors for the Courthouse Expansion Project

DEBONE: Second

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

11. Intent to Award 2024 Qualified Pool of Fuels Reduction Contractors

Kevin Moriarty, County Forester, explained that the County annually establishes a pool of contractors who are interested to bid on fuel reduction projects. He recommended that all 17 applicants be added to the 2024 qualified pool, noting that no contracts are entered into until specific projects are identified and advertised for bid.

Commissioner DeBone noted that these contracts will involve fuels treatment services which include pruning, chipping, mowing and the removal of flammable organic material ("fuels") such as pine needles.

Discussion ensued regarding the difficulty homeowners are experiencing in obtaining or renewing property insurance at reasonable rates and the possibility of property owners receiving insurance premium discounts for work done to establish defensible space.

In response to Commissioner Chang, Moriarty confirmed that the cost of fuels reduction work has grown by 20% to 30% since three years ago.

DEBONE: Move approval of Chair signature of Document No. 2024-173, Intent to Award the 2024 Qualified Pool of Fuel Reduction Contractors

CHANG: Second

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

12. Ordinance No. 2024-003 – Miller Pit Plan Amendment and Zone Change

Audrey Stuart, Associate Planner, outlined edits made to the draft ordinance following the first reading which was conducted on February 7th. The changes are as follows:

1. Correction of the applicant to Caldera Land, LLC (incorrectly listed as the City of Bend in the draft ordinance);
2. The removal of the subject property from the inventory of surface mine sites contained in Table 5.8.1 of the Deschutes County Comprehensive Plan; and
3. The addition of language specifying that the Surface Mining Impact Area Combining Zone associated with the subject property will be removed, per the Hearings Officer's decision and as required by Deschutes County Code.

Stuart said as these edits do not materially alter the draft ordinance, a new first reading is not required.

CHANG: Move approval of second reading of Ordinance No. 2024-003, as revised following first reading, by title only

DEBONE: Second

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

Chair Adair read the title of the ordinance into the record.

DEBONE: Move adoption of Ordinance No. 2024-003 amending Deschutes County Code Title 23, the Deschutes County Comprehensive Plan, to change the Comprehensive Plan Map designation for certain property from Surface Mine to Rural Residential Exception Area, and amending Deschutes County Code Title 18, the Deschutes County Zoning Map, to change the Zone designation for certain property from Surface Mining to Multiple Use Agricultural

CHANG: Second

VOTE: CHANG: Yes
DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

Commissioner Chang stressed that this application further illustrates why the County should pay close attention to the State housing bill and possible new opportunities to expand Urban Growth Boundaries. He explained that just six homes could be built on these 65 acres at MUA10 zoning, but if the property was brought into the UGB, it could be developed at 10 homes per acre.

13. Community Development Block Grant for Housing Rehabilitation

Erik Kropp, Deputy County Administrator, presented the proposal to accept up to \$400,000 in Community Development Block Grant funds from Business Oregon; these funds would be sub-granted to NeighborImpact for loaning to eligible homeowners for needed structural and other repairs.

Commissioner Adair asked to know how much NeighborImpact is charging to administer this program.

Commissioner Chang said these loans offer homeowners a way to make needed repairs at a very low interest rate.

Jen Patterson, Strategic Initiatives Manager, said the particular interest rate to be charged for the loans is not listed in the contract. Commissioner Adair wanted to know what interest rate will be charged, noting that the County is accepting these funds as a grant, yet the homeowners will be required to pay back the loaned amounts.

Commissioner Adair said Habitat for Humanity also helps facilitate home repairs that keep people housed, without charging homeowners or placing a lien on their property. Commissioner Chang noted that payment on a CDBG loan is deferred until the home is sold.

Commissioner DeBone agreed this program stabilizes homeownership and stated his support for optimizing these investments.

CHANG: Move approval to accept a Community Development Block Grant from Business Oregon and authorize the County Administrator to sign Document No. 2024-125 accepting the grant

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion carried

14. Short Term Rental Program Consideration

On January 10, 2024, staff from various departments presented information on possibly establishing a Short-Term Rental (STR) business license. Following the gathering of more information, staff seeks direction from the Board with respect to the possible establishment of such a license.

Commissioner DeBone was not supportive of establishing a license for STRs if such licenses would constitute a land use issue. He agreed that outside of a full licensing system, property owners which engage in short-term rentals must provide contact information in case of complaints, and he also agreed that information about best practices should be provided by the applicable fire districts.

Commissioner Chang suggested prohibiting outdoor fire pits for short-term rentals in the unincorporated county outside of resort communities. Commissioner DeBone supported permitting small warming fires when allowed by the relevant fire district.

Stephanie Marshall, Assistant Legal Counsel, raised the question of enforcement, noting that placing any limitations or prohibitions on STRs would require enforcement by an entity which presumably would be responsible for any injuries associated with the rental if those limitations or prohibitions were not enforced.

Peter Gutowsky, Community Development Director, spoke to the difficulty the department is currently experiencing in meeting its core responsibilities in the absence of adequate staffing, and said that licensing STRs could exacerbate this situation if CDD was required to inspect properties to ensure that fire and life safety issues were addressed.

Commissioner Chang said the cost of conducting these inspections could be covered by a fee. Noting that CDD's Code enforcement division is already understaffed and backlogged, he suggested that collecting fees for STR licenses could pose an opportunity to address this capacity issue.

Gutowsky believed that a STR license program would place significant demand on the department, pointing out that the work done to respond to pre-application questions and inquiries would not be compensated. He said additional resources would be needed to accommodate these added responsibilities.

Commissioner Adair said the County already receives Transient Room Tax revenues from STRs and staff does not receive many complaints regarding them.

Commissioner Chang stressed that a short-term rental is a business, and paying a license fee is a cost of doing business. He said requiring licenses would help ensure that persons who own or operate STRs are not negatively impacting surrounding neighborhoods.

With respect to fire and life safety issues, Commissioner DeBone asked whether the County assumes a STR to be fit for habitation if it operates within a permitted residential structure. Gutowsky said some residences are modified post-permit; a licensing program would allow for making sure a dwelling is safe and has adequate egress in the event of fire, for example.

Robert Tintle, Chief Financial Officer, described the current process by which Finance issues a certificate of authority for STRs. He said certain applications which do not appear to meet land use regulations are referred to CDD.

Michele Assisi, Management Analyst, confirmed that Finance has referred about 45 applications seeking STR certificates of authority to CDD—some for apparent zoning issues, and others for structural concerns such as indications that the area being rented is not the primary dwelling.

Commissioner Chang said the current system does not address potential risks to public health and the safety of STR guests.

Saying she did not support taking action at this time, Commissioner Adair expressed interest in reviewing documentation of specific problems being experienced with STRs.

A break was announced at 11:40 am. The meeting resumed at 11:43 am.

15. Department Performance Measures Updates for FY '24 Q2

Strategic Initiatives Manager Jen Patterson introduced representatives from four departments selected to provide updates on progress made during the second quarter of FY 2024 on selected performance measures which fall under the County Goal and Objective of "Safe Communities."

Chris Perry, 9-1-1 Operations Manager, and Adam Goggins, Behavioral Health Program Manager, reported on the program established to divert certain crisis calls from law enforcement to the Behavioral Health division's crisis team. Goggins said since this program went live on May 1, 2023, approximately 1,350 calls have been resolved over the phone. He said this program has reduced the number of 911 calls responded to by DCSSO as well as Bend Police Department.

Trevor Stephens, Community Justice Operations and Innovations Manager, and Amy Nortrom, Community Justice Behavioral Health Supervisor, described the department's efforts to address adolescent substance use and abuse, saying the department is working to get a certificate of approval to offer outpatient treatment and recovery services for youth.

Ashley Beatty, Manager of the Victim's Assistant Program, District Attorney's Office, and Kathleen Meehan Coop, Manager, District Attorney's Office, reported on the department's Veterans Intervention Strategy, which aims to maintain a recidivism rate of no greater than 20% for enrolled veterans, and on the Victims Assistance Program.

Justice of the Peace Charles Fadeley shared the performance measure targeting a 50% rate of collections on fines within 90 days of judgment, saying the timely collection and distribution of fines and fees supports law enforcement programs and court functions. The current rate of collections is 82%; Judge Fadley said that approximately \$2 million in uncollected sanctions are in arrears.

16. Presentation for Annual State of South Deschutes County Breakfast

Strategic Initiatives Manager Jen Patterson reviewed updates made to the presentation for the annual State of South Deschutes County breakfast following Board feedback.

OTHER ITEMS:

- Strategic Initiatives Manager Jen Patterson presented a request from the La Pine Community Health Center seeking a letter of support for approximately \$2.5 million in Congressionally-directed funding for a diagnostic imaging center as part of its planned expansion. Commissioners Chang and DeBone stated they will sign the letter of support; Commissioner Adair will not due to the high federal deficit.
- Patterson presented a request from the City of Redmond for a letter supporting its request for approximately \$2 million in Congressionally-directed funding for the Cinder Hollow affordable housing project. The Commissioners declined to support this request.
- Patterson presented a proposed letter of support for SB 1537 regarding one-time expansion of Urban Growth Boundaries. The Commissioners indicated their willingness to sign this letter.
- Commissioner DeBone announced he will be absent from the Board's meeting on March 4th.

- Commissioner Chang attended yesterday's Project Wildfire meeting and reported important policy issues to be followed up on with regard to homeowners/property insurance.
- Commissioner Chang reported on the REDI Board meeting earlier this morning.

EXECUTIVE SESSION: None

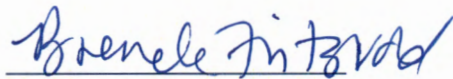
ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:40 pm.

DATED this 27th day of March 2024 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:



RECORDING SECRETARY


ANTHONY DEBONE, VICE CHAIR


PHIL CHANG, COMMISSIONER