



## BOARD OF COMMISSIONERS

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

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# BOCC MEETING MINUTES

1:00 PM

WEDNESDAY July 5, 2023

Barnes Sawyer Rooms  
Live Streamed Video

Present were Commissioners Tony DeBone, Patti Adair and Phil Chang. Also present were Nick Lelack, County Administrator; Kim Riley, Assistant County Counsel; and Brenda Fritsvold, BOCC Executive Assistant.

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 1:00 p.m.

### PLEDGE OF ALLEGIANCE

### CITIZEN INPUT:

- Carl Shoemaker commented on affirmative action and the Supreme Court's recent decision disallowing the consideration of race in college admissions.
- Toni Williams, who represents the South County area on the Planning Commission, expressed disappointment that the mule deer winter range was not expanded and asked the Board to establish a committee to continue this work.
- Dorinne Tye said low, aggressive flying by persons connected to flight schools operating at the Bend Municipal Airport constitutes illegal activity.

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

1. Approval of Board Order No. 2023-028 authorizing the Deschutes County Sheriff's Office to donate a vehicle to a nonprofit corporation

2. Approval of a contract with Helion Software for assessment and taxation software
3. Approval of Amendment No. 1 to the Intergovernmental Agreement with the Oregon Judicial Department for Parental Custody Mediation Funds
4. Consideration of Board Signature on letter reappointing David Roth for service on the Deschutes County Bicycle and Pedestrian Advisory Committee
5. Approval of minutes of the June 23, 2023 BOCC Legislative Update meeting
6. Approval of minutes of the May 4, 2023 Budget Committee meeting
7. Approval of minutes of the BOCC May 15, 2023 meeting

ADAIR: Move Board approval of the Consent Agenda as presented

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

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#### **ACTION ITEMS:**

#### **8. Public Hearing and Board Order considering the Atias annexation to the Bend Park & Recreation District**

Dave Doyle, County Counsel, said Natascha Atias filed a petition to annex 4.77 acres on Cabin Lane into the Bend Park & Recreation District. The District has approved the request. The County Clerk certified the petition and Community Development reviewed it for land use compatibility.

*The public hearing was opened at 1:06 p.m. There being no one who wished to speak, the public hearing was closed at 1:06 p.m.*

Responding to Commissioner Chang, Doyle confirmed that this property is contiguous to the Park & Recreation District.

ADAIR: Move approval of Board Order No. 2023-024 annexing 4.77 acres on Cabin Lane into the Bend Park & Recreation District (Atias)

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

**9. Document No. 2023-668, a Collective Bargaining Agreement between Deschutes County and the Federation of Oregon Parole and Probation Officers**

Whitney Hale, Deputy County Administrator, said this collective bargaining agreement is a three-year contract effective July 1, 2023 to June 30, 2026. The agreement includes a 4% cost of living adjustment in FY 2024 and a 1 – 4 % cost of living adjustment in FY 2025 and 2026, based on the consumer price index. The agreement also includes increases in certification pay and instructor pay.

CHANG: Move approval of Board signature of Document No. 2023-668, a Collective Bargaining Agreement between Deschutes County and the Federation of Oregon Parole and Probation Officers  
ADAIR: Second  
VOTE: ADAIR: Yes  
CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

**10. Notice of Intent to Award a contract for the paving of Butler Market Road from Hamehook Road to Powell Butte Highway**

Chris Doty, Road Director, said two bids were received for this project and the apparent low bid is below the engineer’s estimate.

ADAIR: Move approval of Chair signature of Document No. 2023-413, a Notice of Intent to Award a contract for the paving of Butler Market Road from Hamehook Road to Powell Butte Highway  
CHANG: Second  
VOTE: ADAIR: Yes  
CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

**11. Intergovernmental Agreement with the Oregon Department of Transportation and Central Oregon Irrigation District for the US97: Lower Bridge Way-NW 10th St (Terrebonne) Project**

Chris Doty, Road Director, explained this project includes work within a Central Oregon Irrigation District (COID) easement that crosses Smith Rock Way. Under

the agreement, the County and COID will grant the Oregon Department of Transportation access to construct the improvements to COID's facilities as part of the project. Upon project completion, the County will continue to maintain the lateral canal crossing pipe on Smith Rock Way.

CHANG: Move approval of Board signature of Document No. 2023-588, an Intergovernmental Agreement with the Oregon Department of Transportation and Central Oregon Irrigation District for the US97: Lower Bridge Way-NW 10th St (Terrebonne) Project

ADAIR: Second

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

## **12. Submittal of Safe Streets For All grant application for the Deschutes County Transportation Safety Action Plan Update**

Chris Doty, Road Director, explained staff is seeking authorization to apply for a federal Safe Streets For All grant which would be used to update the County's Transportation Safety Action Plan (TSAP). Doty listed goals for the TSAP update, as follows:

- Document actions taken since the initial TSAP was published;
- Update the crash data summary and location-specific mitigation measures;
- Review solutions, including non-infrastructure measures, and update as appropriate;
- Evaluate effectiveness and performance measures;
- Perform safety audits of rural school zones; and
- Conduct an equity analysis of transportation safety in rural communities.

CHANG: Move to authorize the Road Department to submit a Safe Streets For All grant application for the Deschutes County Transportation Safety Action Plan Update

ADAIR: Second

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

**13. Agreement with the Central Oregon Intergovernmental Council to distribute State Transportation Improvement Funds**

Andrea Breault, Transportation Director of Cascades East Transit, highlighted projects accomplished with these funds from the last biennium and described projects planned for upcoming biennium. The 2023-2025 funding cycle anticipates programs and projects totaling \$22,013,163.

Commissioner Adair asked about the \$5 million being carried over from 2021-2023 into the next biennium. Breault said CET is awaiting delivery of six buses which were ordered in 2020 and are expected to arrive this fall.

Commissioner Adair shared that residents of Deschutes River Woods have asked to be served with public transit. Commissioner DeBone said the route in La Pine should be via Day Road instead of Highway 97.

ADAIR: Move approval of Document No. 2023-654, an agreement with the Central Oregon Intergovernmental Council for distribution of State Transportation Improvement Funds through June 30, 2025

CHANG: Second

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

**14. Community Development Department elimination of six unfilled full-time equivalents (FTEs)**

Sherri Pinner, Senior Management Analyst, presented the proposal to eliminate six unfilled full-time equivalent positions (FTEs) in the Community Development Department. This would result in a revised FTE total of 58 which the department believes is adequate to process current and projected permitting volumes.

Peter Gutowsky, Community Development Department Director, added this action is being taken in the interest of fiscal prudence, and reflects the department's current work volume which is not expected to change in the foreseeable future. CDD will continue to track workload volumes on a quarterly basis.

Responding to Commissioner Adair, Gutowsky acknowledged that the workload in the Code Compliance division exceeds staff's capacity. He said this situation will be monitored and CDD may return to the Board next year to address this if needed.

Commissioner Chang found it problematic that the Code Compliance division is funded by current project fees. He said if this division is understaffed, its work should be funded in a different way.

ADAIR: Move approval of Resolution 2023-041 to eliminate six unfilled full-time equivalent positions in the Community Development Department and transfer program appropriations to contingency

CHANG: Second

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

#### **15. Planning Division Work Plan Update / Long Range Planning / FY 2023-24**

Will Groves, Planning Manager, presented the adopted Community Development Department (CDD) FY 2023-24 Work Plan and said in light of the Board's decision on June 26<sup>th</sup> to withdraw the legislative amendment related to the mule deer inventory update, staff seeks direction on reprioritizing elements of the plan. Specifically, staff asks whether the County will convene a mule deer steering committee as recommended by the Planning Commission. Groves added that the Oregon Department of Fish and Wildlife (ODFW) is currently updating the State's Mule Deer Management Plan and is accepting public feedback as part of that process.

Commissioner Adair said it is very important to convene a stakeholder group on this subject, which staff could facilitate. She desired to find out what is causing the decline in the population of mule deer and said part of the reason may be that junipers crowd out bitter brush, which is a major source of nutrition for deer. She wanted to hear from people who live in the community.

Responding to Commissioner Chang, Groves confirmed that ODFW's update addresses habitat fragmentation and loss of habitat.

Peter Gutowsky, Community Development Director, added that in updating its 20-year-old plan, ODFW is attempting to identify all of the factors which impact the deer population. Gutowsky noted that many of these factors are outside of CDD's domain and asked for direction regarding the Board's desired outcome in this matter.

Commissioner Chang said as currently defined, the concept for a steering committee is vague in terms of its purpose. He supported directing County staff

and resources towards situations and activities which the County has jurisdiction to address, such as poaching.

Commissioner DeBone acknowledged ODFW as the domain expert on this matter and suggested inviting ODFW to meet with the Board and hear what has been done at the county level. He said everyone wants healthy wildlife, and ODFW needs the input of the Deschutes community.

With respect to the other components of the CDD Work Plan, Commissioner Chang said the County should prioritize efforts on developing local regulations to implement Senate Bill 1013, which permits counties to allow certain rural homeowners to site one recreational vehicle on their property to be used as a separate residence.

In response to Commissioner Chang, Groves explained HB 3197 which requires that clear and objective development standards be adopted before July 1, 2025. Groves said this will entail clarifying definitions and other language in order to streamline and facilitate housing opportunities. Gutowsky described the risks of not complying with HB 3197.

Commissioner Chang said the need for clear and objective standards within UGBs is different from the need for these in rural areas. He said it may be better to address questions as they arise on a case by case basis rather than attempt to address these in an abstract, wholesale way.

The Board was in consensus to direct staff to focus short-term planning efforts on rural ADUs and developing regulations to implement SB 1013.

With respect to the mule deer issue, Commissioner DeBone said the County will invite ODFW to meet with the Board to share information. Commissioner Chang asked that this invitation include a request that ODFW dedicate a portion of its presentation to the importance of habitat loss, habitat fragmentation and habitat preservation.

County Administrator Nick Lelack said ODFW will be asked to provide an overview of its plan update, which has been structured to address numerous factors including nutrition, habitat, migration, habitat fragmentation, disease, predation and poaching.

## **16. Presentation of Countywide Long-term Financial Forecast with Courthouse Debt Service**

Robert Tintle, Chief Financial Officer, and Dan Emerson, Budget and Financial Planning Manager, presented an updated long-term financial forecast which incorporated the State's recent commitment to contribute \$15,000,000 towards the County's courthouse expansion project. Emerson reviewed current available funding sources for debt and maintenance and said the vast majority of the General Reserve balance will be needed for projected annual debt service over the next 20 years.

Turning to the subject of funding for the courthouse expansion project, Emerson said this construction is estimated to cost \$40,500,000. With a buydown of \$15 million, the County would issue bonds for the remaining \$25.5 million. The annual debt service would be funded by General Funds and unallocated Transient Room Tax revenues.

Commissioner Chang asked if the County could opt to use some reserves for a larger buydown than \$15 million in order to save more money on the cost of interest. Tintle agreed this is a possibility although the County is awaiting the agreement from the State to determine specifics as far as how those funds will be distributed and under what conditions. Staff recommends buying down \$20 million in debt for this project to save an additional \$3,000,000 on financing costs while maintaining adequate future reserves. This \$20 million will come from the State's \$15 million contribution, all Local Assistance Tribal Consistency Funds (LATCF) and approximately \$380,000 in General Reserves.

With regard to the \$1.478 million left in available ARPA funds, Emerson said staff recommends using these on any eligible commitment to avoid impacting General Reserve funds. Eligible allocations include:

- Veterans Village operations of \$100,000 annually through FY26
- Veterans Village cabin expansion project--\$300,000
- FH26 Coordinated Houseless Response Office operations--\$200,000

The remaining ARPA balance of \$500,000 could be used for the Terrebonne sewer project in FY25.

Emerson referred to the Board's stated interest in granting allocations to the Housing Trust Fund and the Central Oregon Guardian Program. He said these contributions could be made with General Funds at the Board's specific direction.

In response to Commissioner DeBone, Kim Riley, Assistant County Council, said video lottery funds cannot be used for the Housing Trust Fund.



Responding to Commissioner Chang, Emerson and Tintle said the approximately \$400,000 in interest generated from ARPA funds was appropriated to the courthouse project during the adoption of the FY24 Budget.

Emerson concluded that if the Board acts to appropriate \$100,000 in one-time support for the Central Oregon Guardians Program, that would be a General Fund allocation.

ADAIR: Move approval of a \$20 million buydown for the courthouse expansion project

CHANG: Second

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

Commissioner DeBone said it may be possible to increase the amount of the buydown above \$20 million before the amount of the debt to be bonded is finalized.

ADAIR: Move approval of an allocation in the amount of \$500,000 to the Housing Trust Fund for Fiscal Year 2024 from the General Fund

CHANG: Second

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

**OTHER ITEMS:** None

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**EXECUTIVE SESSION:**

At 3:52 pm, the Board entered executive session under ORS 192.660 (2) (d) Labor Negotiations.

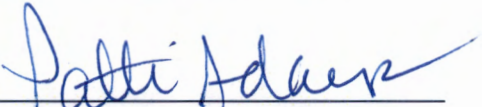
The Board moved out of executive session at 4:16 p.m. to direct staff to proceed as discussed.

**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 4:16 pm.

DATED this 9<sup>th</sup> day of Aug 2023 for the Deschutes County Board of Commissioners.

  
ANTHONY DEBONE, CHAIR

  
PATTI ADAIR, VICE CHAIR

ATTEST:

  
PHIL CHANG, COMMISSIONER

  
RECORDING SECRETARY