



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY, JANUARY 12, 2022

BARNES & SAWYER ROOMS
VIRTUAL MEETING PLATFORM

Present were Commissioners Patti Adair and Phil Chang, Anthony DeBone joined by video. Also present were Nick Lelack, County Administrator; Dave Doyle, County Legal Counsel; and Carol Martin Board Administrative Assistant (via Zoom conference call)

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 Adair called the meeting to order at 9:02 am. Chair Adair noted that Commissioner DeBone was attending the meeting virtually.

PLEDGE OF ALLEGIANCE:

CITIZEN INPUT:

Chair Adair noted she had a meeting with Samir Dean who is meeting with a lot of local people regarding homelessness and she thanked him and others for all the positive comments and solutions received. She encouraged others to meet with Mr. Dean.

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

CHANG: Move approval of the Consent Agenda

DEBONE: Second

VOTE: DEBONE: Yes

CHANG: Yes

ADAIR: Chair votes yes. Motion Carried

1. Consideration of Board approval and signature of Iris Telehealth contract renewal, Document Number 2021-970.
2. Consideration of Resolution No. 2022-003 Increasing 0.5 Limited Duration FTE within the District Attorney's Office and the 2021-2022 Deschutes County Budget.
3. Consideration of Resolution No. 2022-004 Increasing 0.5 Regular FTE within Health Services and the 2021-2022 Deschutes County Budget.
4. SunWest Builders Contract for remodel of the Facilities/IT Warehouse

Commissioner DeBone noted that there was frequently a request for additional staff funding on the agenda.

ACTION ITEMS:

5. American Rescue Plan Funding Update

Greg Munn, Chief Financial Officer, presented the topic for discussion. He introduced Carolyn Eagan from the City of Bend. She briefed on the background of her request to confirm the earmarked fund from 2021 for \$1.5M for homelessness. The City has already received \$750k allocation for shelter providers within the City. The ratio of homeless people to shelter beds is very high for the area and is not a traditional figure, it is currently in the region of 1000 people in need and 300 beds available. She briefed on the Navigation Center and progress towards opening in the spring. There was a general discussion on Managed Camps, move from outside to inside shelters, safe parking spaces, turnkey project and land identified for safe camping areas. She anticipates coming back to the Commission to report on

progress regularly. Commissioner Chang thanked Carolyn for her presentation and for the list provided which is specific about where the funding has been applied and current update on the projects. He felt very confident in the City of Bend efforts to continue to develop this wide range shelters and housing options for the homeless.

CHANG: Move allocation of \$750k of additional County ARPA funds to the City of Bend Partnership of shelter and transitional housing projects.

DEBONE: Second

Commissioner DeBone noted that we are growing our capacity right now and this is the time of need with Covid-19 and the current economic inflation and he encouraged everyone to be part of the economy. Commissioner Adair commented that with this vote, there will be less than \$4M left of the ARPA funds available and have already allocated \$33.5M. Commissioner Chang also noted that through this process we are learning how massive the need is and how limited the current resources are to deal with it. He hopes that we can not only deal with shelters, but to also add outside options, although he realized this will be an ongoing conversation.

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

Commissioner Adair thanked Ms. Eagan and would welcome her back for updates in the future. Ms. Eagan thanked the Commission for their support.

Erik Kropp, Deputy County Administrator briefed on his memo to the Commission on the ARPA Fund Request for continued use by the Circuit Court of the Fair/Expo Center in Redmond. He discussed the funding needs and projected costs which if not covered by ARPA funding, would be funded via the County's General Fund. Commissioner Adair noted that even if Covid-19 subsided, due to the increase in judges, they would still need the use of the Center during the Courthouse expansion. Commissioner Chang noted He agreed with the funding being requested and added that when we make a submission to State for additional funding for the Courthouse re-model project, we can demonstrate what is currently being achieved by the County. Commissioner DeBone would be supportive for this year and for the coming

fiscal year to support the Court operations.

DEBONE: Move approval of allocation of \$269,645 of additional County ARPA funds for Court operations at the Fairgrounds.

CHANG: Second

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

Greg Munn introduced the item from La Pine Rural Fire Protection District requesting funding for \$280k. Commissioner DeBone briefed that he had discussed the current operations of the Fire/EMS system with the La Pine fire chief and the need that is there. Mr. Munn confirmed the breakdown of the request was for one Medic Quick Response Unit at \$200k and four Stryker power gurneys at \$20k each. Commissioner Chang noted his concern about this request as through the last year the County has worked closely with the La Pine Rural Fire to provide them access to additional contract resources through the ASA administrative structure. He also noted that they have received \$600k for equipment in a Federal earmark congressional spending request. He noted that the constituents of the district want a better level of service without looking at their tax rates and he felt that this is something they need to do. He also felt that this is a pre-Covid-19 situation and not appropriate for ARPA funding. Mr. Munn confirmed this is an allowable funding through the ARPA rules. Commissioner DeBone noted that he would support this as a one-time request through ARPA as a special request. Commissioner Chang noted that he would be happy to support La Pine Fire to make a one-time request but felt that it should be for congressional earmark funding, not ARPA funds, of which very little is left.

DEBONE: Move approval of allocation of \$280k of County ARPA funds for La Pine Rural Fire Protection District.

ADAIR: Second

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

Mr. Munn noted the next item, a review of the ARPA funding spreadsheet. Discussion followed on specific funding lines. Also funding from other sources available to small business and non-profit businesses. Commissioner Chang asked that at the next ARPA funding allocation discussion that the \$3M currently set aside currently for Public Health funding be reviewed – lines 71 and 79, as well as line 69 of \$191k to ensure re-investment in a vibrant Public Health work force. Commissioner Adair noted that the childcare training program that the County invested \$125k (line 37) from the ARPA funds has been very successful after a slow start. Mr. Munn noted that a briefing on the Public Health funding lines would be included at the next ARPA update. COIC Small Business support was discussed and a report will be included at the next ARPA update. Clarification was given on the difference between a specific plan requests for funds versus needs assessment for funds in regard to the Sisters Cold Weather Shelter. Commissioner Chang will encourage them to get a reframed proposal to us.

Dan Emerson briefed on the Final Rule with calculations and background of the deadlines associated with it. Commissioner Adair thanked Mr. Emerson and Mr. Munn for their reports and they will return with an update in two weeks.

6. Preparation for Public Hearing: Central Oregon Irrigation District (COID) Plan Amendment and Zone Change

Tarik Rawlings, Associate Planner, briefed on the background and prepare the Commissioners for the Public Hearing that is scheduled for January 26, 2022 to consider a request for a Plan Amendment and Zone change for a 36.65-acre property to the East of Bend, submitted by COID. Peter Gutowsky, Community Development Director, provided further information on the process of re-zoning and non-primary resource land conversation and the framework that is followed. The plan today acknowledges and supports these kinds of re-designations. Anyone who wishes to have input to the Public Hearing can attend on January 26, 2022 either in person or virtually or send comments ahead of the hearing to the Community Development Department.

7. Transient Room Tax Project Proposals

Greg Munn, Chief Financial Officer, introduced the information only item to review two proposals to use the Transient Room Tax (TRT) revenue. Preliminary to the Budget process which starts next month, there are two proposals for use of the TRT revenues for the Commissioners information.

Jana Johnson, Coordinator for the Deschutes Trails Coalition (DTC) presented a proposal to invest unallocated TRT funds. Presentation attached to the record of the meeting. The request is for the County to re-invest \$1M annually from the unrestricted TRT funds into Trails and Trail Infrastructure across Deschutes County. There will be a report published shortly by the Deschutes National Forest which she can ensure the Commissioners see when it is published. There are many volunteers who have carried out over 42,000 hours in the last year, but they cannot be expected to repair all the impacts done by visitors to our regional trails. There are costly and specialist projects that require funding. Although there are many current streams of funding that the DTC can apply for, many are project specific, whereas the TRT funds are unrestricted, and can be used to prepare projects which can then lever additional funds into the region. This could be through a grant program that DTC would administer in order to assist this process. The trail and related infrastructure would be part of the projects. Ms. Johnson answered questions and confirmed that the Forest Service are in support of the application. Commissioner Chang reiterated the enormous contribution to the work on all the trails by the volunteer workforce. All agreed that investing this funding would also create local jobs in the recreation industry. Commissioner Chang would support this funding and would challenge Visit Central Oregon and Visit Bend to match our funding on an annual basis. Rika Ayotte, Chair of the DTC, confirmed that both Visit Central Oregon and Visit Bend have previously supported the DTC for the amount of \$15k annually. Commissioner DeBone would not support the challenge but would prefer to fund this directly.

DEBONE: Move approval of \$600k from the TRT for the Deschutes Trail Coalition this year, with a look at the future funding on an annual basis.

CHANG: Second

VOTE: DEBONE: Yes

CHANG: Yes
ADAIR: Chair votes yes. Motion Carried

Commissioner Adair would like a report back in 3 months after the agreement is signed. Specific before and after photos would be appreciated. Ms. Johnson thanked the Commission for their support. Commissioner Chang suggested the funding from the State for the Forest Services, could be addressed at a State level with other Commissioners within the State. Commissioner DeBone noted that if a one-off capital need were to come up, please bring them back to the Commission. Staff noted the need to be cautious in case there is a catastrophic circumstance which would reduce TRT funding on an annual basis.

Bill Hepburn, Chair of the Sunriver Service District, introduced his colleagues, John Ralston, Vice Chair, Debbie Baker, Service District Board Administrator, and James Lewis, the General Manager of the Sunriver Owners Association. He presented a request for a new Public Safety Building in Sunriver. To repurpose the current Fire Station to a new service building housing both Fire and Police departments, the Sunriver Service District is asking for a commitment of \$10M over a three year period from the Board of County Commissioners to be funded from the Transient Room Tax. The need is to support the 1,200 Residents during the winter which swell to 20,000 Visitors in the summer. The Commissioners were supportive of the request, although at a slightly lower number of \$8M over a three year period was agreed.

DEBONE: Move approval of \$8M commitment from the Unallocated Transit Room Tax, for the Sunriver Service District over a period of 3 years at \$4M, \$2M and \$2M.

CHANG: Second

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

8. Skanska USA Building, Inc. Construction Manager/General Contractor

Contract Amendment for Adult Parole & Probation Expansion Project

Lee Randall, Facilities Director, introduced the item which was a request for the Board to sign Contract Amendment 2021-999 to establish a Guaranteed Maximum Price (GMP) for the construction of the Adult Parole & Probation Expansion Project by Skanska USA Building Inc. Deevy Holcomb, Director, Community Justice, and Bob Morrow with Skanska USA joined the meeting remotely, in person was Chad Young, Project Manager and Jacob Struck, Superintendent for Skanska USA.

Background and information was provided for the Commissioners. In answer to a question Mr. Young confirmed that Skanska was working with mostly local contractors and sub-contractors and expected approximately 92% of the project dollars to be going through qualified local businesses. The GMP is in the amount of \$6,356,969. A construction start date of March 15, 2022, will be established upon approval of the proposed contract amendment.

CHANG: Move approval of Board signature of Document #2021-999 Contract Amendment to establish a Guaranteed Maximum Price for the construction of the Adult Parole & Probation Expansion Project by Skanska USA Building, Inc.

DEBONE: Second

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

Commissioner Chang noted the County is currently taking a look at a Community Benefits Bidding Process Policy and one of the things that they need to understand before they would proceed, is whether it will have impacts on our bidding pool if we required contractors for larger projects (over \$1M) to be pre-registered with us certifying that they pay living wages, have Apprenticeship programs and include full family health benefits. He asked Skanska if they had a feel for how this would affect the pool of employers. A general discussion took place.

9. Thornburgh Destination Resort, Board consider whether to hear appeals 247-21-001115-A and 247-21-001116-A of the Hearings Officer's decisions 247-21-000508-SP, 849-A and 247-21-000553-MC, 920A.

Will Groves, Planning Manager and Angie Brewer, Senior Planner, briefed the Board on whether or not to hear appeals on these Hearings Officer decisions. Mr. Groves confirmed that the decision needs to be made by February 12, 2022. Adam Smith joined the meeting remotely and confirmed the short time frame for the decision and gave legal advice in answer to other questions. Commissioner DeBone did not support the hearing at this time. Would prefer to wait until the State level to make a decision. Commissioner Chang raised concerns over destination resorts and guest lodging levels. Peter Gutowsky, Director Community Development, explained the context of both appeals.

DEBONE: Move approval Order 2022-002 an Order denying review of Hearings Officer's Decision in File Nos. 247-21-001115-A, 247-21-000849-A, and 247-21-000508-SP

CHANG: Second

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

DEBONE: Move approval of Order 2022-003 an Order denying review of Hearings Officer's Decision in File Nos. 247-21-001116-A, 247-21-920-A, and 247-21-000553-MC.

CHANG: Second

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

Commissioner Adair requested confirmation of the actual date for hearing those appeals. Mr. Groves said he would confirm and get back to the Board, but suspected that as no appeals were being heard, it was likely that no exact

date would ever be agreed. Commissioner Adair thanked all for their input and advice.

OTHER ITEMS:

- Nick Lelack noted that he will prepare Press Releases on the Transient Room Tax decisions made today and the ARPA allocations.
- Mr. Lelack noted that a work session had been suggested prior to the discussions on the Joint Office on Homelessness prior to the meeting with the City of Bend on January 28. It was agreed that this discussion be on January 24 BOCC meeting.
- Commissioner Chang noted that he would not be available for the BOCC meeting on January 19.
- Commissioner Adair noted the Fair Association Annual Dinner was being held on Monday January 17.
- Commissioner Chang briefed on the Newbury Neighborhood in La Pine and his conversations with State agencies regarding a wildlife corridor to reduce vehicle vs wildlife collisions on Highway 97. A bill will be brought during the short session for discussion.
- Commissioner DeBone briefed on his conversation with the retiring Speaker of the House regarding Homelessness and Camp Grounds.
- Commissioner Adair briefed on gas station attendants and possible temporary legislation to allow people to pump their own gas. It is a State code that attendants be present or a fine can be raised against the station. Commissioner Chang would support this fix if allowable.
- Commissioner Chang would also like to revisit Campgrounds, and in particular, a 500 acre property which is already designated Park designated. This could not only help with emergency shelters but may also become a revenue stream. He will raise this during the work session next week.

EXECUTIVE SESSION: There were no items for executive session.

ADJOURN

Being no business brought before the Commissioners, the meeting was adjourned at 1:04pm.

DATED this 2 Day of FEBRUARY 2022 for the Deschutes County Board of Commissioners.



PATTI ADAIR, CHAIR



ANTHONY DEBONE, VICE CHAIR

ATTEST:



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER