



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY February 22, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Anthony 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.

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

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

Chair DeBone acknowledged the receipt of citizen input emails from Nunzie Gould, Elisa Chang, Jackie Keogh, Denise LaBuda, Beth Jacobi, Mark McConnell and Nate Wyeth; and also from Jaime Eder representing Visit Central Oregon and Visit Bend.

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

ADAIR: Move Board approval of Consent Agenda

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

1. Consideration of Board Signature on letters reappointing Patti Gentiluomo and Ariel Cowan to the Deschutes County Project Wildfire Steering Committee
 2. Consideration of Board Signature on letters reappointing Mary Meier to the Extension/4-H Advisory Council/Budget Committee and thanking Pat Kolling for her service on the Extension/4-H Advisory Council
 3. Approval of minutes of the February 10, 2023 Legislative Update meeting
 4. Approval of the minutes of the January 18 and 20, 2023 BOCC annual retreat
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ACTION ITEMS:

5. Document No. 2023-180, a Notice of Intent to Award Contract for the Supply and Delivery of Asphalt Oil for Chip Seal 2023

Cody Smith, County Engineer, said one bid was received in response to the advertisement. Commissioner Adair noted the bid amount is below the engineer's estimate.

Commissioner DeBone asked how the oil will be transported. Smith said the company has a facility in Madras and the oil will be delivered by tanker truck.

CHANG: Move Chair signature of Document No. 2023-180, a Notice of Intent to Award a contract for the supply and delivery of asphalt oil for the 2023 chip seal project

ADAIR: Second

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

6. Resolution No. 2023-012, declaring a countywide State of Emergency and requesting a State Declaration of Drought Emergency within all of Deschutes County

Sergeant Nathan Garibay said this is the fourth year in a row the County is issuing a drought declaration.

Commissioner Chang noted the reservoirs are very low, and the snowpack is currently about average. He asked how the reservoirs would be impacted if snowpack and precipitation remains average.

Jeremy Griffin, Deschutes Basin Watermaster, said in that case, 2023 would still be one of the lowest years as far as reservoir levels. This is because flows on the Deschutes River are the lowest natural flows ever seen, due to several years in a row of below-average precipitation. Griffin said it is likely that service to the Arnold Irrigation District will be halted early for the fourth year in a row—in contrast, that had only happened once in the 100 preceding years.

Commissioner Chang asked if the amount of precipitation received in snow or rain makes a difference. He also asked about the effect on water supply availability in the summer months.

Griffin explained that all of the precipitation goes into the aquifer. When it comes to snow or rain, the county would be better off receiving snow because of the runoff. He added that the natural spring flow at Fall River is the lowest documented in 90 years.

Responding to Commissioner Adair, Griffin said because the Deschutes River is spring-fed, it's extremely easy to reliably forecast its flows. This is not the case for the Little Deschutes, however.

Commissioner DeBone shared that Crook County issued its drought declaration last month. He spoke to the effects of drought over continued years and said the Wickiup reservoir won't fill the same way it once did. Griffin agreed this is unlikely.

Commissioner DeBone referred to the piping projects in Tumalo and other areas and looked forward to the efficiencies and energy savings realized from these investments. Commissioner Adair added that pipes create sediment and corrosion in irrigation systems.

Commissioner Chang said COID's Smith Rock project is estimated to save 10,000 AF of water per year.

Griffin shared his concern about the drop in groundwater levels of about 1.5 to 2 feet per year. While the basin is continually monitoring these levels and trying to address leakage where it can, the biggest reason for the decline is the reduction of precipitation in the Cascades.

Commissioner Chang summarized that the deep recharge of groundwater happens in the mountains, and commented that the decline in groundwater is variable across the county with the largest declines happening in the northeast.

ADAIR: Move approval of Resolution No. 2023-012, declaring a countywide State of Emergency and requesting a State Declaration of Drought Emergency within all of Deschutes County

CHANG: Second

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

Commissioner Chang spoke to what the drought declaration does and does not do, noting one benefit is to offer some flexibility and relief for farmers.

7. Resolution 2023-003, accepting grant funds and increasing limited duration FTE and appropriations within the FY22-23 Deschutes County Budget to assist victims of domestic violence and sexual assault

Ashley Beatty, Victims' Assistance Program Manager, described the grant sources and how the funds will be used. Budget Manager Dan Emerson recognized the Roundhouse Foundation pledge of matching funds in addition to a grant from United Way and federal funds from the Stop Violence Against Women Act (VAWA).

Responding to Commissioner Chang, Beatty said these funds will be used to co-locate a domestic violence victims' advocate halftime in Redmond and halftime in La Pine. This expansion of services will enable the provision of pre-conviction services to victims and offer critical support during investigations as those proceed.

ADAIR: Move approval of Resolution 2023-003, accepting grant funds and increasing limited duration FTE and appropriations within the FY22-23 Deschutes County Budget to assist victims of domestic violence and sexual assault

CHANG: Second

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

8. Treasury Report for January 2023

Bill Kuhn, County Treasurer, presented the Treasury Report for January 2023 including a high-level overview of the current economic market.

Responding to Commissioner Chang, Kuhn said the County incurs roughly \$10 million in operating expenses each month and strives to keep three months' worth of projected operating expenses perpetually on hand.

9. Finance Report for January 2023

Robert Tintle, Chief Financial Officer, presented the Finance Report for January 2023.

In response to Commissioner Chang, Tintle agreed if the County were to borrow funds, it would be better to pay interest to itself if that could be managed. Tintle added in the case of a construction bond for a project such as the courthouse expansion, this would depend on how much money could be tied up for 20 years.

The Commissioners asked about and received answers to questions about position level changes in Community Development, Administration and Risk Management.

10. Congressionally Directed Spending -- Discussion of Possible 2023 Requests

Whitney Hale, Deputy County Administrator referred to an email from the Association of Oregon Counties regarding the process for Congressionally Directed Spending requests, which are due next week.

Commissioner Chang noted successful efforts last year to secure \$3.09 million for the expansion of the La Pine Community Health Clinic and \$700,000 for the Forest Road 4606 alternate route. He said the highest priority need is the extreme shortage of behavioral health treatment beds and respite facilities and reported on a concept developed by St. Charles for support and stabilization opportunities for youth experiencing mental health crises; another concept is an in-patient psychiatric unit with six or eight beds to treat people who are potentially violent. While important, he doubted that these ideas are ready to submit for funding requests and suggested the County consider working towards developing a proposal of this kind for submittal next year.

Commissioner Adair reported that all of the County's seven legislators along with Judge Ashby support the \$25 million request from the State for the courthouse expansion project. She agreed that it would be beneficial if the Deer Ridge facility was open and actively helping persons with substance use disorder or

mental illness. She expressed concern about the growing federal debt and deficit and said citizens are experiencing the effects of inflation which has made it harder for them to make ends meet.

Commissioner Chang said it is not wrong to ask for allocations to fund valuable investments in the community, and CDS is an extremely small portion of the federal budget.

Hale offered to reach out to the cities and ask if any CDS requests are planned and return with a summary of those, if any.

OTHER ITEMS:

- Commissioner Chang suggested that the County sponsor a table at REDI's annual luncheon on March 21st. Chair DeBone noted the consensus of the Board to approve this sponsorship.
- Commissioner Chang reported his efforts to determine if any suitable federally-owned land could be used for partially siting the County's next landfill. He said at least three potential locations have been identified for a possible federal land conveyance for this purpose and added that under the Recreation and Public Purpose Act, requests for up to six hundred acres are much more streamlined than larger requests.

Commissioner DeBone supported these efforts and advised involving SWAC and Parametrix in this work.

- Commissioner Adair attended a recent FireFree meeting where the Bend Fire Department gave an outstanding presentation on ways to prevent in-home fires.
- Commissioner Adair reported on the possibility of including federal court operations in the County's expanded courthouse.
- Commissioner DeBone attended the recent City Club meeting where workforce recruiting was discussed; the Sunriver/La Pine Chamber meeting; a meeting of the Redmond Airport Advisory committee; a La Pine High School site committee meeting; the REDI's Government Affairs Committee meeting; and a ribbon-cutting event for the Stepping Stone shelter.
- Commissioner DeBone toured the Tumalo Irrigation District canal.
- Commissioner DeBone reported on his participation in the Coffee with a Commissioner program in La Pine and said this resulted in great discussions with residents.
- Deputy County Administrator Erik Kropp shared a request from Wild Mike's Pizza to extend its Enterprise Zone Agreement, which is due to expire on March 26th, for nine months. Commissioners DeBone and Adair were

supportive of bringing this matter to the Board before it continues to the City of Sisters for action.

- County Administrator Nick Lelack spoke to the issue of homelessness and reminded the Board that last fall, it discussed directing a surge of resources to combat this problem in three specific areas: Hunnell Road, the Redmond Airport zone, and County-owned property offered to the State in exchange for a different property (aka the DSL land swap in Redmond). He said staff has been working to coordinate these activities with the cities of Bend and Redmond, with Hunnell Road identified for possible first steps.

Deputy County Administrator Erik Kropp described the City of Bend's request to join with the County to coordinate the clearing of encampments on Hunnell Road and the establishment of a separate supportive camp for some persons displaced from that area. Kropp outlined four options for proceeding, as follows:

Option 1 -

1. Use City land located in the City or City land located in the County
2. County hire contractor/non-profit using reallocated ARPA funds to provide basic needs (trash collection, porta-potties, maybe water)
 - a. County can require contractor to purchase insurance, name County and City as additional insureds
3. 1-year pilot program with options to renew

Option 2 -

1. Use County land
2. County hire contractor/non-profit using reallocated ARPA funds (unless no services will be provided)

Option 3 -

1. Use private party land under County jurisdiction

Option 4 -

1. Decline the City's request
2. Respond to the City about the upcoming County road project in the area of Hunnell Road

Cheyenne Purrington, Director of Houseless Strategies and Solutions, said this proposal represents an attempt to break the cycle of shifting cleared encampments from one area to another. She believed the County should provide minimum critical support services to address public health needs as well as access to case management services, and supported an approach that would intervene in a time-limited and funds-limited manner that could

be scaled. She expected to have state and federal funding available to address shelter and housing needs in about nine months, and recommended offering an unsheltered, supported camp in the meantime to reduce morbidity and mortality. Purrington concluded that well over 80% of the homeless population in Deschutes County is unsheltered.

In response to Commissioner Chang, Purrington said any funding received as a result of the Governor's initiative will not be able to be used on unsheltered programs.

The Commissioners commented on possible benefits and drawbacks of the proposal. Commissioner Adair noted negative effects on businesses and the community in the area of the Hunnell Road encampment and agreed that more affordable housing is needed.

Kropp shared that the City of Bend has identified a one-acre City-owned parcel it is willing to offer for a supportive camp. The City has asked for an answer from the County by the end of this month.

Commissioner Chang said there is currently no authorized, managed outdoor shelter in all of Deschutes County. He viewed this as an opportunity to offer a camp that is well-managed and has accountability.

Responding to Commissioner Chang, Purrington said a one-acre site could accommodate 20 to 25 people. She added that more than one location might be needed since it would be challenging to manage a large encampment. She said the County knows of many engaged providers who could be involved.

Commissioner DeBone noted the potential problem of disregarding the County's own land use codes and restrictions, and said campers might not want to move to a managed site.

Discussion continued regarding embarking on a pilot project; meeting with the City of Bend; partnering with the State on this proposal; the idea of siting a camp on resource land; the \$1.5 million in ARPA funds allocated by the County to the City of Bend to address homelessness; whether the clearing of the Hunnell Road encampment can be delayed for six or nine months; and possibly issuing an emergency order to allow the use rural or EFU land for a supportive camp.

Commissioner Adair noted the Hunnell Road encampment has up to 110 persons and wondered if more than 20 to 25 people could be accommodated on a one-acre site.

The Board was in consensus to bring this matter back for further discussion at its Monday meeting.

- Strategic Initiatives Manager Jen Patterson distributed a draft letter in support of extending sunsets for the Oregon Enterprise Zone Tax Abatement program.

CHANG: Move approval of Board signature of the letter supporting extending sunsets for the Oregon Enterprise Zone Tax Abatement program

ADAIR: Second

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

The meeting was recessed at 12:21 pm, and reconvened at 1:00 pm.

EXECUTIVE SESSIONS:

At 1:00 p.m., the Board went into Executive Session under ORS 192.660 (2) (h) Litigation. The Board moved out of executive session at 1:11 p.m. to take the following action:

ADAIR: Move Board signature of Document No. 2023-209, a letter authorizing County Counsel Dave Doyle to sign the national opioid settlement documents regarding settlements reached with Teva, Allergan, CVS, Walgreens, and Walmart

CHANG: Second

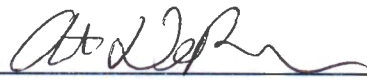
VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

At 1:12 p.m., the Board went into Executive Session under ORS 192.660 (2) (e) Real Property. The Board moved out of executive session at 1:16 p.m. with no action taken.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:16 p.m.

DATED this 22nd Day of March 2023 for the Deschutes County Board of Commissioners.


ANTHONY DEBONE, CHAIR


PATTI ADAIR, VICE CHAIR

ATTEST:

RECORDING SECRETARY


PHIL CHANG, COMMISSIONER