



Deschutes County
District Mapping Advisory Committee (DMAC)

Wednesday, August 27, 2025, 4:00 p.m.

Deschutes Services Building, DeArmond Room (1st Floor), 1300 NW Wall Street, Bend

MEETING FORMAT

In accordance with Oregon state law, this meeting is open to the public and can be accessed and attended in person or remotely.

Join Zoom Meeting

<https://us02web.zoom.us/j/81707913521?pwd=KQh55MAkiEBZT4obaHsT5S5Dmgeo9a.1>

Meeting ID: 817 0791 3521

Passcode: 611864

TOPIC	DESIRED OUTCOME
1. Introduction Neil Bryant, DMAC Facilitator and Chair <ul style="list-style-type: none">DMAC Members and Staff Support	Welcome committee members <i>30 minutes</i>
2. Review Meeting Schedule Neil Bryant, DMAC Facilitator and Chair <ul style="list-style-type: none">Overview of meeting structure	Information and discussion <i>5 minutes</i>
3. DMAC Meeting Rules and Conduct Neil Bryant, DMAC Facilitator and Chair	Information and discussion <i>15 minutes</i>
4. Public Meeting Laws & Ethics Dave Doyle, County Legal Counsel Neil Bryant, DMAC Facilitator and Chair <ul style="list-style-type: none">Overview of Public Meeting Laws	Information and discussion <i>15 minutes</i>
5. Communications Jen Patterson, Strategic Initiatives Manager <ul style="list-style-type: none">County email communicationMeeting Minutes and AgendasWebsiteStaff ContactMedia Policy and Contact – Kim Katchur, PIO	Information and discussion <i>15 minutes</i>

TOPIC	DESIRED OUTCOME
6. Review DMAC Guidelines Neil Bryant, DMAC Facilitator and Chair	Information and Discussion <i>10 minutes</i>
7. Historical Information on Census and Voting Population Neil Bryant, DMAC Facilitator and Chair	Information and Discussion <i>10 minutes</i>
8. Wrap Up Neil Bryant, DMAC Facilitator and Chair <ul style="list-style-type: none"> What are DMAC members' expectations? What are the tools DMAC members need to ensure the process is productive? 	Information and Discussion <i>15 minutes</i>
Wrap up and Adjourn	



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 388-6584 or send email to erik.kropp@deschutes.org.

Condado de Deschutes alienta a las personas cualificadas con discapacidad a participar en sus programas y actividades. Esta evento/ubicación es accesible para personas con discapacidad. Si necesita hacer arreglos para hacer posible la participación, llame al (541) 388-6584 o envíe un correo electrónico a erik.kropp@deschutes.org.

Governing Bodies Subject to Public Meetings Law

What governing bodies are subject to Public Meetings Law?

A governing body, per ORS 192.610(5), is:



Two or more members of a public body



With authority to make decisions for or recommendations to a public body on policy or administration

The governing bodies subject to Public Meetings Law, per OAR 199-050-0010(1), are:



Decision-Making Bodies

- Make decisions on policy or administration
- Including exercising governmental power and acting on behalf of the public body



Advisory Bodies

- Formed by public body
- To make recommendations to public body on policy or administration

What bodies are NOT subject to Public Meetings Law?

The bodies NOT subject to Public Meetings Law, per OAR 199-050-0010(2), are:



Fact Gathering Bodies

- Purpose is to gather and provide factual information
- Cannot make decisions or recommendations



Bodies Advising Individual Public Officials

- Appointed by an individual public official
- Can only make recommendations to that public official



Certain Multi-Jurisdiction Bodies

- Multi-jurisdictional bodies
- Oregon members do not make up a majority of the governing body's voting members

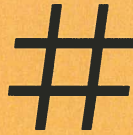
Meetings Subject to Public Meetings Law

A meeting is “the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter” [ORS 192.610(7)(a)].



CONVENING

When governing body members convene (in-person, virtually, or via other methods described in ORS 192.610(1)).



QUORUM

A quorum, or the minimum number of members needed to conduct business, is present.



DECISION / DELIBERATION

The group is talking about matters that could come before the governing body for deliberation or decision.



A Meeting
(Public Meetings Law applies)

There are a few communications where **Public Meetings Law does not apply**:

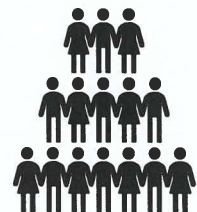
Purely informational & factual

Unrelated to governing body's deliberation or decisions

Non-substantive (scheduling, leave, etc.)



On-site
inspections



Association
gathering

Public Meetings Law does not apply so long as communications do not convey deliberations or decisions that might reasonably come before the governing body. See ORS 192.690(1)(m) and OAR 199-050-0015(3). Call OGEC at 503-378-5105 for more information.

Prohibited Serial Communications

Purpose & Definitions

Governing bodies are required to deliberate and decide matters in open public meetings. The purpose and intent of the Public Meetings Law is that the decisions of governing bodies be arrived at openly and that the public be informed and aware of the deliberations and decisions of governing bodies and the information upon which such decisions are made.

ORS 192.620

Prohibited serial communications occur when the governing body, outside of a public meeting, uses serial electronic written communications (notes, emails, texts), in-person communications, or an intermediary to communicate among a quorum of the members of the governing body for the purpose of deliberating or deciding on any matter within the governing body's jurisdiction (i.e., a matter for which the governing body has the authority to make a decision or recommendation).

OAR 199-050-005(10) & OAR 199-050-0020

Deliberating includes any discussions or communications that are part of the governing body's decision-making process. A decision-making process may include:

- (a) Identifying or selecting the nature of the decision to be made;
- (b) Gathering information related to the decision to be made;
- (c) Identifying and assessing alternatives;
- (d) Weighing information; and
- (e) Making a decision.

ORS 192.610(3) & OAR 199-050-0005(4)

An **intermediary** is a person who is used to facilitate communications among members of a governing body about a matter subject to deliberation or decision by the governing body, by sharing information received from a member or members of the governing body with other members of the governing body. An intermediary may be a member of the governing body, a staff member, or any other person who is used to facilitate communications among members of the governing body.

OAR 199-050-0005(7)

Frequently Asked Questions

1. When do communications among governing body members become prohibited serial communications?

Answer: It depends on whether the communications involved a quorum of members and on the subject and purpose of the communications. The determinative factors include:

- (A) Do the serial communications involve a quorum of the governing body?
- (B) Do the communications involve a matter within the governing body's jurisdiction (i.e., a matter for which the governing body has the authority to decide or make a recommendation)?
- (C) Did a quorum use the serial communications for the purpose of deliberating or deciding on that matter?

2. Does a quorum of the governing body have to be involved in the same communication at the same time for it to be considered a prohibited serial communication?

Answer: No. Prohibited serial communications may occur through a quorum of members being involved in the same communication or a quorum of members being involved in a series of individual or small group communications. If a member of the governing body individually communicates (in person or by telephone, email, text, etc.) one by one with enough members that a quorum of the governing body is involved, and the matter communicated is within the governing body's jurisdiction, and the communications are for the purpose of deliberating or deciding on the matter, then it is prohibited serial communications.

Using an example of a governing body comprised of seven members and a quorum of four members:

Member A calls Member B on May 1st to discuss lowering the downtown parking fines by 10%. On May 15th, Member B emails Member C to see if Member C would also be supportive of lowering the downtown parking fees by 10%. The next day, Member A sends a text message to Member D to see if Member D would support lowering the downtown parking fees by 10%. In this example, four members - a quorum - have deliberated about whether to lower the downtown parking fees by 10%. In this situation a prohibited serial communication has occurred in violation of the Public Meetings Law.

3. Can a quorum of the governing body engage in serial communications on topics not within their jurisdiction?

Answer: Yes. The prohibitions on serial communications only apply to matters within the governing body's jurisdiction. For example, it is not a prohibited serial communication for the Library Advisory Committee, with authority only to make recommendations about the Library matters, to serially communicate about the Police Department's proposed budget that includes a new K-9. Also, it is not a prohibited serial communication for members of a governing body to communicate about other non-jurisdictional matters, like one member's vacation or another member's favorite sports team.

4. I am on a governing body. If a constituent or member of the public approaches me to discuss a matter within my governing body's jurisdiction, may I speak to them without risk of engaging in a prohibited serial communication? What if that member of the public also approaches other members of the governing body to discuss the same matter?

Answer: Generally, yes. Nothing in the Public Meetings Law prohibits you from speaking to a constituent about their concerns and other topics or matters within the governing body's jurisdiction. The fact that a constituent communicates on their own with a quorum of the governing body does not mean the governing body engaged in prohibited serial communications. But if a member of the governing body asks or directs the constituent to be the go between among governing body members, in order to share information among a quorum of the governing body for the purpose of deliberating or deciding on a matter, that could be a prohibited serial communication.

5. May I speak to a member of the media?

Answer: Yes. Nothing in the Public Meetings Law prohibits a member of a governing body from speaking to the media about topics regarding the public body's business or otherwise. The stated policy and purpose of Oregon's Public Meetings Law is transparency and openness; it is not intended to limit or prohibit interactions between governing bodies and the media.

6. The governing body is scheduled to consider a matter at our next public meeting and I would like to know how other members of the governing body feel about the matter beforehand. May I ask a staff member to ask other members of the governing body and report back to me?

Answer: Generally, no. In this situation, the staff member would be considered an intermediary used to communicate among members of the governing body for the purpose of deliberating or making a decision on a matter withing the governing body's authority. If the communications occur with a quorum of the governing body, a prohibited serial communication has occurred. However, it would not be a prohibited serial communication if the communications are either:

- (1) purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the governing body;
- (2) Not related to any matter that, at any time, could reasonably be foreseen to come before the governing body for deliberation and decision; or
- (3) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.

For example, if the communications with staff was to check with other members of the governing body to determine whether to reschedule the meeting to another time, such communications would not be prohibited.

7. I am a city administrator; may I meet privately with individual members of the governing body on a routine basis to discuss matters subject to deliberation or decision by the governing body?

Answer: Yes. A city administrator or other staff member may meet with individual members of the governing body. However, if the city administrator or staff member is communicating among a quorum of members and sharing the information received from individual members with a quorum of the governing body members, such communications may be prohibited serial communications. The Public Meetings Law requires deliberations and decisions of a governing body to be conducted in a public meeting. So if the purpose of the city administrator's meetings with individual members is to facilitate communications among a quorum of the members and those communications are for the purpose of deliberating or deciding on a matter, those individual meetings may violate the Public Meetings Law.

As an example, assume the city administrator wants the council to consider whether and by how much to adjust the sound permit fee for local music concerts in the park. Consider the following scenarios:

Scenario 1: The city administrator contacts each councilor individually and asks for their thoughts on whether the sound permit fee should be adjusted. The city administrator does not convey information received to other members of the council. The city administrator uses the information gained from the discussions with individual council members to create a staff report.

The city administrator places an item on the agenda for the council to consider whether to adjust the sound permit fee and by how much. The sound permit fee is then considered at a publicly noticed council meeting where the city administrator presents the staff report. At the public meeting, the councilors debate the issue and determine the fee amount.

In Scenario 1, the city administrator is gathering information in order to create a staff report to present the issue for discussion, deliberation, and decision by the council at a public meeting. The council did not engage in deliberations or make a decision, through the city administrator as an intermediary, about whether to adjust the fee and by how much. The council had an open debate about the fee at a public meeting. In Scenario 1, it does not appear to the city council engaged in prohibited serial communications.

Scenario 2: The city administrator contacts each councilor individually and asks for their thoughts on whether the sound permit fee should be adjusted. When speaking with the Mayor, the Mayor proposes a 10% reduction in the permit fee. The city administrator then conveys to the other councilors that the Mayor has proposed a 10% reduction and asks whether they agree with that amount. Councilor A suggests it should instead be a 5% increase. The city administrator then presents the Mayor's and Councilor A's suggestions to the other councilors individually. A majority of the councilors indicate to the city administrator that they agree with the Mayor's suggestion of a 10% reduction. The city administrator then places a 10% reduction on the agenda for the council's vote.

In Scenario 2, the city administrator is acting as an intermediary, sharing information received from individual councilors with a quorum of the city council. Through the city administrator, the city council members are communicating with each other for the purpose of deliberating or deciding on the fee amount, setting the fee reduction at 10% and rejecting the proposal of a 5% increase. The city council's consideration of the competing proposals, their deliberations, and the decision reached on the fee reduction were done outside of a public meeting. In Scenario 2, the council appears to have engaged in prohibited serial communications.

8. May I attend town halls or neighborhood association meetings?

Answer: Generally, yes. Governing body members (individually or in groupings less than a quorum) can attend town halls or neighborhood association meetings where they may talk with their constituents and discuss matters within the governing body's jurisdiction. However, if a quorum of the governing body is present at the town hall or neighborhood association meeting and the topic to be discussed is a matter within the governing body's jurisdiction, then the governing body would need to hold the gathering as a public meeting and satisfy all of the Public Meetings Law requirements (public notice, accessibility and accommodations, minutes or recordings, etc.).

9. May I discuss nonsubstantive matters such as scheduling with other members of the governing body?

Answer: Yes. Communications that are nonsubstantive in nature, such as communications relating to scheduling, leaves of absence and other similar matters, are not subject to the Public Meetings Law.

10. Can prohibited serial communications occur during a public meeting?

Answer: Yes. During a public meeting, if members of the governing body communicate with each other via text message, group chat, email, or even hand-written notes, and those communications involve a matter within the governing body's jurisdiction and are for the purpose of deliberating or deciding on that matter, then prohibited serial communications are likely to have occurred, unless all of these communications were shared publicly during the public meeting.

11. How may the governing body correct a prohibited serial communications violation?

Answer: If members of a governing body realize that they may have engaged in prohibited serial communications, the best practice would be to schedule a public meeting at which the governing body publicly shares its past prohibited serial communications. For example, at the public meeting the governing body could present the emails or texts or repeat the communications and conversations previously held. At the same time, the governing body should consider and communicate how it will prevent similar violations from occurring in the future, such as by obtaining additional training.

Such a corrective action may not prevent someone from filing a grievance and submitting a complaint with the Oregon Government Ethics Commission (OGECE), but it would be a factor considered by OGECE in evaluating the case and in determining the appropriate penalties or sanctions.

12. What are the penalties if prohibited serial communications occur?

Answer: Engaging in prohibited serial communications violates the Public Meetings Law. If someone were to file a complaint with OGECE, after having satisfied the mandatory grievance process in ORS 192.705, and if OGECE were to find a violation, it could impose sanctions against each governing body member found to have participated in the prohibited serial communications. The sanctions for a violation range from a Letter of Education to a civil penalty in an amount up to \$1,000 per violation.

**** OGECE may supplement these FAQs with additional questions and answers. Please contact our office at mail@ogec.oregon.gov or 503-378-5105 with questions.**



Deschutes County Administrative Policy No. GA-25
Effective Date: May 1, 2024

**VOLUNTEER BOARDS, COMMISSIONS, AND COMMITTEES -
PUBLIC RECORDS**

In General

Deschutes County appreciates the valuable contributions of volunteers who serve on County committees and boards. Through their work, they play a vital role in supporting County government.

Volunteers serving on designated County boards, commissions, and committees must use a County-provided e-mail for any e-mail communication related to matters associated with the work of said board, commission, or committee.

The County Administrator will determine which boards, commissions and committees this policy applies to. The designated list will be communicated to departments/offices annually.

Use of County-provided e-mail ensures that the County can access public records for production in a timely and thorough manner as required for compliance with associated public records requests.

The use of private e-mail accounts by a volunteer serving on a designated County board, commission, or committee and concerning a matter(s) associated with the work of said board, commission, or committee is deemed misconduct and is strictly prohibited. Such actions support immediate removal from said board, commission or committee. County staff who serve as committee liaisons are permitted to send informational emails (meeting notifications, etc.) to a secondary email provided by volunteers.

E-mail Use

E-mail should be used as a tool by County volunteers only for County business purposes. Users should not expect privacy and shall observe courtesy and good security practices. There are a variety of ways an e-mail communication can be disclosed to people other than the intended recipient.

Deschutes County has the right to monitor the usage of volunteer's e-mail. All e-mail sent to or from the County's e-mail systems are public records, whether in printed or electronic form, and are subject to the disclosure and inspection provisions of ORS 192 as it currently exists or may from time to time be amended.

Use of Email

Volunteers should be mindful that emails associated with board/committee work are public record and those conversations are subject to public meetings laws.

A series of emails can violate public meetings law if they are used for the purpose of deliberation toward a decision. Volunteers should refer to the public meetings training provided by County Legal Counsel for additional information on this topic.

Multi-Factor Authentication

In order to access the County's e-mail system, volunteers can download an application on their personal cell phone or request a physical token.

Passwords

Volunteers must take prudent and reasonable steps to prohibit access to accounts and passwords. Passwords and accounts must remain confidential to that volunteer and should not be disclosed to any other person. If a volunteer's password is disclosed to another person, the volunteer must change their password immediately.

Passwords should not be kept in written form or in a manner that would enable access to it by another person. Passwords should be changed frequently. When changing a password, common personally related words, such as family member or pet names, should be avoided. Each volunteer shall immediately change their password if the volunteer believes any unauthorized person may have gained access to the volunteer's password information.

In the event that a volunteer becomes aware of, or suspects, that (a) any information contained in their email has been accessed by an unauthorized individual or otherwise compromised, or (b) any security system has been breached or compromised (including, without limitation, the unauthorized disclosure or use of any password), the volunteer shall immediately notify the County staff member assigned to the committee or Board they serve on.

No volunteer shall leave their e-mail open and unattended in a manner that would allow unauthorized use of such Resource. Passcodes are required to be on personal devices that access County resources.

County Records

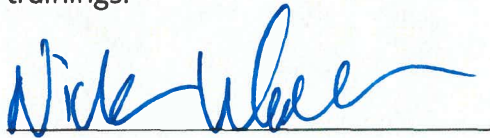
Unless otherwise specified by written agreement, all electronic documents and data generated by a volunteer using the County's e-mail system are County property. The County reserves the right to access and disclose all messages sent over the e-mail system for any purpose, including the right to disclose e-mail messages to law enforcement officials without prior notice. E-mail messages may be accessed and reviewed at any time

by the Department Head, the County Administrator, the Information Technology Director or County Legal Counsel; they may also be accessed and reviewed by computer support staff for the limited purpose of providing support services. The County further retains the discretion to assert any applicable privileges and objections if a public records request or discovery request is made for any County e-mail. Volunteers will be notified if their emails are responsive to a public records request. A volunteer desiring the County assert a privilege or objection under the Public Records law with respect to County e-mail shall notify the staff member assigned to the committee or Board they serve on, who will coordinate with Legal Counsel to make a final determination.

Volunteer Attestation and Training

Volunteers serving on designated County boards, commissions, and committees are required to sign a *Volunteer Acknowledgement* addressing the use of County-provided e-mail for communication related to matters associated with the work of said board, commission or committee.

Volunteers will also be required to attend virtual Cybersecurity and Public Records trainings.



Nick Lelack
County Administrator



DISTRICT MAPPING ADVISORY COMMITTEE GUIDELINES

July 2025

Background

Ballot Measure #9-173, approved by voters in November 2024, expands the County Commissioners to a five-seat Board. The two new positions will be elected at-large in 2026 for an initial two-year term which will begin in January 2027. The Deschutes Board of County Commissioners (BOCC) met several times between November 2024 and May 2025 to discuss BOCC interest in creating Commissioner Districts in place of having five at-large Commissioner Positions.

On March 31, 2025, the BOCC voted to move forward to develop a process to draft Commissioner Districts for voter consideration as a ballot measure in 2026. On May 5, the majority of the BOCC voted to establish a committee by BOCC nominations.

The committee will be made up of seven community members, appointed individually by Commissioners. The appointments will be as follows:

Commissioner	Number of Nominations
Commissioner DeBone	2
Commissioner Adair	2
Commissioner Chang	3

Mission and Purpose

The District Mapping Advisory Committee (DMAC) is a non-partisan committee comprised of citizen volunteers residing throughout Deschutes County. The mission of the DMAC is to take a non-partisan approach to drafting a five commissioner district map, consisting of proportional districts, for the BOCC consideration. If a draft map is approved by the BOCC, it will then be put before the voters as a ballot measure during the 2026 election cycle.

Structure and Membership

The DMAC consists of seven voting members selected via BOCC appointment.



Facilitator Neil Bryant will chair and guide the committee meetings, and a project management team consisting of county staff will support the committee in the following areas:

- Meeting logistics, facilitation, and communications
- Meeting minutes
- GIS Mapping Support
- Update the BOCC of committee activities and actions
- Provide an overview of public meeting laws and ethics, education (i.e., applicable laws and rules), technical information and memorandums, and options for decision making
- Maintain a project website
- Other necessary actions not identified above

Record Keeping and Transparency

As an official public body, Oregon's open meeting laws apply to the DMAC. All meetings will be publicly noticed, livestreamed, and will provide an opportunity for public input. Meeting minutes will be taken and posted on a designated website. Meeting minutes will be shared via email with all members prior to the meeting for review and will be approved as drafted or modified by the committee at a subsequent meeting. All opinions, perspectives, and views will be captured in meeting minutes. This guideline will be posted to the project website and remain a publicly available document.

DMAC members will be assigned a Deschutes County email address that must be used for any and all email communications related to the work of the DMAC.

Meeting Schedule and Logistics

The DMAC will have an orientation meeting in August 2025. The orientation meeting will provide information on public meeting laws, DMAC guidelines, and structure of DMAC meetings.

The DMAC will meet every Wednesday from 1:00 – 3:00 p.m., Sept. 10 – Nov. 19. If the DMAC completes their work early then meetings may end before Nov. 19. If the DMAC needs more time to complete their work then additional meetings may be scheduled to meet the Nov. 98 deadline.



Meetings will take place in different locations throughout the County which could include, but is not limited to, Bend, La Pine, Redmond, and Sisters.

Membership

The DMAC is comprised of members listed in the table below. If a committee member has to vacate their appointment for any reason, then an alternate will be appointed by the Commissioner that assigned the committee member to the vacated seat.

Name	Appointed By
Bernie Brader	Commissioner DeBone
Ned Dempsey	Commissioner DeBone
Matt Cyrus	Commissioner Adair
Phil Henderson	Commissioner Adair
Andrew Kaza	Commissioner Chang
Carol Loesche	Commissioner Chang
Melanie Kebler	Commissioner Chang

Ground Rules and Expectations

1. Attendance: The Committee strives for full in-person attendance at every meeting.
2. Inclusivity and Civility: Committee members are expected to create space for diverse or contradictory opinions, and support collaboration in all meetings.
3. A majority of DMAC members (4 or more) constitutes a quorum, and a quorum shall be required to approve any motions and/or recommendations.
4. The Robert's Rules of Order will be used by the facilitator to guide the meetings.

Map Drawing Criteria

1. Each district, as nearly as practicable, shall:
 - a. Be contiguous
 - b. Utilize existing precinct lines
 - c. Not unreasonably divide communities of common interest and geographic boundaries
 - d. Consider current growth patterns



- i. i.e. building permits and UGB expansions
- 2. No district shall be drawn for the purpose of favoring any political party, incumbent elected official or other person.
- 3. No district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.
- 4. Population
 - a. The DMAC will be provided with the following three data points in a table by precinct for consideration. Staff and the GIS support team will work with the DMAC to support additional data requests as available.
 - i. Census Population
 - 1. Census population data is from 2020, and an updated count will not be available until 2031.
 - ii. Voter Registration data from February 2022 (the date of the newly configured precincts based on state-wide re-districting).
 - iii. Current Voter Registration data will be provided as requested by the DMAC.
 - b. Maps should be drawn to approximately equal population size, recommended to be within 5% variance between the largest and smallest district.
- 5. Draft map will have five districts.

Public Input

Each DMAC meeting will allocate 15 minutes, as needed, for public input. A sign-up sheet will be available at each meeting for members of the public attending in person who would like to give their input. Online participants can indicate their desire to comment by using the "raise hand" feature on Zoom.

Each person will be allowed up to three minutes for their comments. If more than five people sign up to speak, the facilitator will adjust time limits to ensure the public comment period does not exceed 15 minutes.