



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, AUGUST 21, 2024

Barnes Sawyer Rooms - Deschutes Services Building - 1300 NW Wall Street – Bend
(541) 388-6570 | www.deschutes.org

AGENDA

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, with the exception of any executive session.

Members of the public may view the meeting in real time via YouTube using this link: <http://bit.ly/3mmlnzy>. **To attend the meeting virtually via Zoom, see below.**

Citizen Input: The public may comment on any topic that is not on the current agenda. Alternatively, comments may be submitted on any topic at any time by emailing citizeninput@deschutes.org or leaving a voice message at 541-385-1734.

When in-person comment from the public is allowed at the meeting, public comment will also be allowed via computer, phone or other virtual means.

Zoom Meeting Information: This meeting may be accessed via Zoom using a phone or computer.

- To join the meeting via Zoom from a computer, use this link: <http://bit.ly/3h3oqD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *9 to indicate you would like to speak and *6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.



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, call (541) 388-6572 or email brenda.fritsvold@deschutes.org.

Time estimates: The times listed on agenda items are estimates only. Generally, items will be heard in sequential order and items, including public hearings, may be heard before or after their listed times.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: Citizen Input may be provided as comment on any topic that is not on the agenda.

Note: In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734..

CONSENT AGENDA

1. Acceptance of a Justice Reinvestment Program Supplemental Grant Award for the 2023-2025 Biennium
2. Approval of an amendment to the intergovernmental agreement with Oregon Youth Authority for the expunction of juvenile records
3. Approval of New Policy No. IT-2 Use of Generative Artificial Intelligence (AI)
4. Approval of minutes of the BOCC July 10, 15 and 17, 2024 meetings

ACTION ITEMS

5. **9:10 AM** Recognition of Juvenile Detention Manager Rob Gilman's 30 years of service
6. **9:25 AM** Recognition of Accountant Chris Partain's 30 years of service
7. **9:40 AM** Approval to apply for COHC BH 2023 Shared Savings Investment Grant
8. **9:50 AM** Deliberations on the appeal of a psilocybin service center in Juniper Preserve

OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 21, 2024

SUBJECT: Acceptance of a Justice Reinvestment Program Supplemental Grant Award for the 2023-2025 Biennium

RECOMMENDED MOTION:

Move to authorize Chair signature of Document No. 2024-708, Amendment #1 to the Justice Reinvestment Program Grant Agreement (Deschutes County Document No. 2024-161).

BACKGROUND AND POLICY IMPLICATIONS:

House Bill 3194 was passed by the Oregon Legislature to address increasing prison populations by investing in local criminal justice systems. The funding started in the 2013-2015 biennium; Deschutes County, in collaboration with LPSCC agencies, has applied for and received grant funds every application cycle. The grant this year consists of formula funding, competitive funding, and a supplemental round of funding. Deschutes County earlier received funding for the formula grant and the competitive grant.

At the end of March 2024, the Oregon Criminal Justice Commission released a solicitation for applications for 2023-2025 JRP supplemental round funding that could be used to restore or expand eligible program components. Following Board approval on May 15, 2024, to apply for these funds, Community Justice was subsequently awarded supplemental funds to support existing staff who aid in securing housing services used for JRP clients. Community Justice also received additional funding for local victim’s services providers.

BUDGET IMPACTS:

Additional \$73,912 in Justice Reinvestment Funding for the 2023-2025 biennium, which will be received in FY25. The funds will be allocated as follows:

- \$66,292 for Adult Parole and Probation
- \$7,620 additional for victim’s services providers

ATTENDANCE:

Trevor Stephens, Business Manager for Community Justice

JRP-23-08 GRANT AGREEMENT
AMENDMENT #1
CRIMINAL JUSTICE COMMISSION
JUSTICE REINVESTMENT PROGRAM

This is Amendment No. 1 to Grant Agreement No. JRP-23-08 (“Agreement”) between the State of Oregon, acting through its Criminal Justice Commission (“CJC” or “State”), and **Deschutes County** (“Recipient”).

1. Effective Date. This Agreement shall become effective on the date that it is fully executed and approved as required by applicable law.

2. Amendment to Agreement. The Agreement is hereby amended as follows:
 - A. The Grant Amount in Section 1 is amended as follows:**

Grant Amount: \$2,467,208.00

 - B. Section 3.A is amended and restated to include additional disbursements as follows:**
 - A. Disbursement. Upon execution of this Agreement and satisfaction of all conditions precedent, CJC shall disburse Grant funds to Recipient in installments as listed:
 - (1) \$598,324.00 on January 5, 2024;
 - (2) \$598,324.00 on May 5, 2024;
 - (3) \$635,280.00 on September 5, 2024; and
 - (4) \$635,280.00 on January 5, 2025.

3. Counterparts. This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.

4. Original Agreement. Except as expressly amended above, all other terms and conditions of original Agreement remain in full force and effect. By its execution of this Amendment, Grantee certifies to CJC that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

The signatures of the parties follow on the next page.

Recipient, by its signature below, acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.



STATE OF OREGON

DESCHUTES COUNTY

acting by and through its
Criminal Justice Commission

By: Ken Sanchagrin
Ken Sanchagrin, Executive Director

By: _____

Date: 7/24/2024

Date: _____

Approved as to Legal Sufficiency in accordance with ORS 291.047:

Approved by email dated N/A

Samuel B. Zeigler, Senior Assistant Attorney General



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 21, 2024

SUBJECT: Approval of an amendment to the intergovernmental agreement with Oregon Youth Authority for the expunction of juvenile records

RECOMMENDED MOTION:

Move to authorize Chair signature on Document No. 2024-710, amending the intergovernmental agreement with the Oregon Youth Authority for the expunction of juvenile records.

BACKGROUND AND POLICY IMPLICATIONS:

Senate Bill 519 was passed in 2023, modifying the expunction process for juvenile records as outlined by Senate Bill 575 (passed in 2021). SB 519 directed juvenile departments to initiate a statutory expunction process for juvenile records relating to contact that did not result in referral to juvenile court. The bill directed each juvenile department to apply for expunction of juvenile records if a juvenile had contact with the department but was never found to be under jurisdiction of the associated juvenile court.

The State provided funding through Oregon Youth Authority to help cover the cost incurred by departments processing these expunctions. The original amount approved by SB 575 was \$206.15 per qualified expunction. This amendment revises that amount to \$257.70 per qualified expunction.

BUDGET IMPACTS:

Juvenile Community Justice anticipates receiving \$40,000 for expunctions processed in FY25. The total not to exceed amount for the agreement is the same statewide and is increased to \$336,334.50.

ATTENDANCE:

Trevor Stephens, Business Manager for Community Justice
Michele Winter, Management Analyst for Juvenile Community Justice

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio tape, oral presentation, and computer disk. To request an alternate format call the State of Oregon, Oregon Youth Authority, Procurement Unit, at 503-373-7371.

**AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
EXPUNCTION OF JUVENILE RECORDS**



Agreement #14815a

1. This is Amendment No. 1 to Agreement #14815 dated January 2, 2022, between the State of Oregon, acting by and through its **Oregon Youth Authority** ("Agency"), and **Deschutes County** ("Local Government"), each a "Party" and, together, the "Parties."

Whereas, this Agreement expired on January 1, 2024; and

Whereas, the Parties wish to retroactively reinstate the Agreement to extend for time and add additional funds; and

Whereas, SB 519 (2023) modified procedures for expunction of certain juvenile records which impacted Agency's definition of Qualified Expunction; and

Whereas, the Parties desire to increase the reimbursement rate and to modify the definition of Qualified Expunction following SB 519;

Now, therefore, the Agreement is being reinstated and amended to extend the term of this Agreement, adjust the not-to-exceed amount of the Agreement to account for the additional term and increased rate, and update the Agreement language to modify Agency's definition of Qualified Expunctions.

2. The Agreement is hereby reinstated and amended as follows effective January 2, 2024: New Language is indicated by **bolding and underlining** and deleted language is indicated by **~~bolding and striking~~** unless a section is replaced in its entirety:

- a. Amend Agreement document, Section 3, titled Effective Date and Duration as follows:

Upon execution by all Parties and receipt of all required approvals, this Agreement is effective on **January 2, 2022** ("Effective Date"), and terminates on **~~January 1, 2024~~
December 31, 2025**, unless terminated earlier in accordance with Section 18.

- b. Amend Agreement document, Section 8.1 titled Not to Exceed Compensation, as follows:

8.1. Not to Exceed Compensation. The maximum, not-to-exceed compensation payable to Local Government under this Agreement, which includes any allowable expenses, is **~~\$173,990.60~~
\$336,334.50**. Agency will pay Local Government according to the invoicing terms listed in Exhibit A-Statement of Work. Agency will not pay Local Government any amount in excess of the not-to-exceed compensation of this Agreement.

- c. Amend Exhibit A of the Agreement, first paragraph only, as follows, for Services provided on and after January 2, 2024:

SB 575 (2021) contains new requirements for expunctions of juvenile records. **SB 519 (2023) further modified the expunction process for juvenile records.** SB 575 **and SB 519** would have a financial impact for Local Government to complete new work required by this legislation. Agency has analyzed the associated costs and determined an estimated cost for additional work brought forward by SB 575 **and SB 519** as described below. Through this Agreement, Agency will reimburse Local Government a flat rate per Qualified Expunction, as defined below and according to the compensation details listed in Section 2 of this Exhibit.

- d. Amend Exhibit A of the Agreement, Second paragraph only, as follows:

Agency considers the following Juvenile Records expunctions to be qualified for reimbursement (“Qualified Expunctions”):

Effective January 2, 2022 through January 1, 2024:

- Expunctions described in Section 2(2)(a) of SB 575, and
- Expunctions described in Section 6, Subsection 2(a)(A) of SB 575.

Effective beginning January 2, 2024:

- **Expunctions described in Section 2(2)(a) of SB 575;**
- **Expunctions described in Section 6, Subsection 2(a)(A) of SB 575; and**
- **Expunctions described in Section 2, Subsection (3)(b)(A) of SB 519.**

- e. Amend Exhibit A, Subsection 1.2.1, as follows for Services provided on and after January 2, 2024:

1.2.1 On the date that the youth becomes eligible for expunction under either Section 2(2)(a), or Section 6, Subsection 2(a)(A), **of SB 575, or Section 2, Subsection (3)(b)(A) of SB 519,** provide Local Government with a Business Intelligence Systems (BIS) report (“Expunction Report”) notifying Local Government of youth’s eligibility.

- f. Amend Exhibit A, Section 2, titled COMPENSATION, as follows:

2. COMPENSATION. The total not to exceed amount available for payment to Local Government is as follows:

Services (Exhibit A, Section 1.1, Local Government Responsibilities)	\$173,990.60
	<u>\$336,334.50</u>
Total Not to Exceed Amount for this Agreement	\$173,990.60
	<u>\$336,334.50</u>

2.1 Method of Payment for Services

Effective January 2, 2022 through January 1, 2024: Agency will reimburse Local Government at the rate of \$206.15 per Qualified Expunction.

Effective for Services provided on and after January 2, 2024: Agency will reimburse Local Government at the rate of \$257.70 per Qualified Expunction.

- 3. Except as expressly amended above, all other terms and conditions of the Agreement are still in full force and effect. Local Government certifies that the representations, warranties, and certifications contained in the Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

The Parties, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

LOCAL GOVERNMENT: Deschutes County

By: _____ Date: _____

Print Name and Title: _____

AGENCY: State of Oregon, acting by and through its Oregon Youth Authority

By: _____ Date: _____
Name:

ATTORNEY GENERAL: Approved for legal sufficiency

By: _____ Date: _____
Name:

AGREEMENT ADMINISTRATOR: Reviewed and approved

By: _____ Date: _____
Name: Laura Ward

PROCUREMENT UNIT: Reviewed by Contract Specialist

By: _____ Date: _____
Name: Susanna Ramus



Oregon

Tina Kotek, Governor

Oregon Youth Authority

Procurement Unit

530 Center Street NE, Suite 500

Salem, OR 97301-3765

Phone: 503-373-7371

Fax: 503-373-7921

www.oregon.gov/OYA



Document Return Statement

July 22, 2024

Re: Contract #14815a hereafter referred to as "Contract"

Please complete and return the following documents:

- This Document Return Statement
- Amendment with completed Signature Page

If you have any questions or concerns with the above-referenced Contract, please feel free to contact Susanna Ramus, Interim Procurement Manager at 971-301-0918.

Please complete the below:

I _____ (Name) _____ (Title)

received a copy of the above-referenced Contract, consisting of 3 pages between the State of Oregon, acting by and through its **Oregon Youth Authority** and **Deschutes County** by email from OYA Procurement Unit on the date listed above.

On _____, I signed the electronically transmitted Contract without change.

Authorized Signature

Date



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 21, 2024

SUBJECT: Approval of New Policy No. IT-2 Use of Generative Artificial Intelligence (AI)

RECOMMENDED MOTION:

Move approval of County Administrator signature of new County Information Technology Policy No. IT-2, Use of Generative Artificial Intelligence (AI).

BACKGROUND AND POLICY IMPLICATIONS:

The rapid development and adoption of Generative Artificial Intelligence (AI) have ushered in a new era of technological innovation, with significant implications for both public and private sectors. Generative AI technologies, capable of producing human-like text, images, and other media, are transforming how organizations operate, communicate, and make decisions. However, the integration of such powerful tools into operations requires careful consideration of ethical, legal, and security concerns. As these technologies evolve, so too must the policies that govern their use. The County's AI policy reflects a commitment to harnessing the benefits of generative AI while ensuring its application aligns with ethical standards, legal requirements, and best practices in data protection and cybersecurity. By establishing clear guidelines for the responsible use of AI, the policy aims to mitigate potential risks, such as data breaches, intellectual property violations, and biased outcomes, while promoting transparency and accountability among all users within the organization.

This policy was created by IT leadership in close partnership with the Legal department. IT staff from across the County and Department Heads have reviewed this new Generative AI policy.

BUDGET IMPACTS:

None

ATTENDANCE:

Tania Mahood, Information Technology Director/CTO



Deschutes County Information Technology Policy No. IT-2

Effective Date: x, 2024

USE OF GENERATIVE ARTIFICIAL INTELLIGENCE (AI)

STATEMENT OF POLICY

Generative Artificial Intelligence (AI) refers to technology that can generate human-like text, images, or other media content using AI algorithms. These tools are sophisticated models that predict the language, text, audio, or video that satisfies input.

Deschutes County recognizes the transformative potential of generative AI technologies in shaping the future of our business landscape. The County will regularly review and update this policy to keep it aligned with ethical and legal standards and technological advancements in AI as frequently as needed.

The purpose of this policy is to provide a set of guidelines and best practices for the responsible, ethical, legal, and secure use of AI within the business operations of Deschutes County. This policy details the requirements that employees, volunteers and others acting on behalf of the County must follow when using generative AI tools, including the security risks and the protection of confidential data.

This policy designates two approved real time request/response generative AI systems for Deschutes County. All other generative AI systems must receive approval from Deschutes County IT prior to use by filling out this form: <https://weblink.deschutes.org/Forms/AIrequests>

DEFINITIONS

GENERATIVE AI:

- Real time request/response (Online-based) - generative AI that users can interact with in real-time through the internet, providing immediate responses to their queries, requests or prompts using generative AI techniques. This type of AI could be used in various applications such as chatbots (ChatGPT, Microsoft Copilot, Claude, etc.), content generation platforms, customer support systems, image creation, and more.
- Software embedded generative AI¹ - Integration of generative AI algorithms directly into software or hardware systems, allowing them to autonomously create content, make decisions, or generate outputs based on certain inputs or parameters (virtual meeting notetakers, Slack AI, etc.). This type of AI is designed to operate within constrained environments, such as Internet of Things “IoT” devices, mobile apps, or embedded systems in various machines.

¹ Embedded AI may be more difficult to recognize. If there are questions about AI types, please reach out to Deschutes County IT staff for assistance.

DESCHUTES COUNTY IT:

- Deschutes County IT is the central IT Department for the County.

APPLICABILITY

This policy applies to all officials, employees, volunteers, and others acting on behalf of the County who use generative AI tools or platforms. This policy includes both online-based generative AI, which functions in a real time request/response format, as well as embedded generative AI which comes built into many software platforms. Any questions about the applicability of this policy should be directed to Deschutes County IT.

Unless specifically directed by their supervisor, employees are not required to use AI systems and tools. Members of the public should be informed when they are interacting with an AI tool and have an alternative to using AI tools made available to them or the option to opt out of AI use.

POLICY AND PROCEDURE

Use of AI Systems and Training:

When creating accounts with approved AI providers for generative AI tools, County staff have the option to use either their official County email address or their personal email address.

All employees are required to complete the AI training in the Deschutes County eLearning portal before using AI for work-related purposes.

Approved AI Systems

There are two* approved AI real-time request/response systems for use at Deschutes County:

1. ChatGPT (OpenAI)
2. Copilot (Microsoft)

*Please visit the IT SharePoint intranet website for a current list of vetted systems.

The use of unapproved Generative AI systems is at the discretion of the individual departments or offices, which must also assume responsibility for any associated risks. Contact Deschutes County IT for a comprehensive review regarding the use of additional AI systems.

Employees are responsible for staying updated on any changes to the platform's policies or terms of use regarding generative AI. They should also keep informed about developments in AI technology and how it may impact their usage.

Software-Embedded Generative AI

- Prior to utilizing or enabling generative AI embedded in any software platform on Deschutes County computing resources, IT shall be consulted to assist with security recommendations, configurations, and best practices.
- Employees must not give access to Deschutes County AI tools outside the organization or allow external AI tools to have access to County resources (E.g., AI Notetaker Bot, file attachment option in ChatGPT) without prior approval from Deschutes County IT.
- Employees must not share their access credentials or allow unauthorized individuals to use the generative AI tools on their behalf.
- Generative AI tools and platforms must be configured securely, following industry best practices and vendor recommendations. This includes ensuring the latest updates, patches, and security fixes are applied in a timely manner.
- Any software containing embedded AI must follow Deschutes County password policy. The recommended authentication is through Single Sign On which can be set up by Deschutes County IT.

Data Privacy and Security:

Currently, the County does not have access to any generative AI tools or platforms in which the data input/output is governed by the County. Therefore, care must be taken when utilizing generative AI tools or platforms, especially when that use involves Deschutes County data.

- Efforts should be made to anonymize data eliminating any elements that could be traced back to Deschutes County.
- Employees must adhere to Deschutes County data privacy and security standards, State and Federal laws, Health Insurance Portability and Accountability Act (HIPAA), Criminal Justice Information System (CJIS), Personally Identifiable Information (PII), and Protected Health Information (PHI) when using AI systems.
- Using restricted or confidential organizational data with AI is prohibited. Employees must not upload or share any data that is confidential, proprietary, or protected by compliance / regulation. This includes data related to customers, employees, or partners.

All employees of generative AI must comply with Deschutes County acceptable use IT-1 policy, ethical guidelines governing intellectual property, privacy, data protection, and other relevant areas.

Employees must respect and protect intellectual property rights, both internally and externally. Unauthorized use of copyrighted material or creation of content that infringes on the intellectual property of others is strictly prohibited.

All employees must familiarize themselves and comply with all terms of use (e.g. licensing agreements, privacy policies, codes of conduct, etc.) of the generative AI tool that they utilize.

Employees must notify IT if/when they are in violation of terms and condition of use of the AI tool that they utilize or if they are notified of a violation of terms of use from an AI tool.

It is the sole responsibility of employees who use AI generated output in their work product to ensure its accuracy and compliance with County policies and all applicable laws. Employees will be held solely responsible for any AI generated output that results in such violations.

Responsible Use:

Employees are responsible for ensuring that the generated content produced using generative AI is accurate and aligns with the organization's values, ethics, and quality standards. Generated content must not be used if it is inaccurate, misleading, harmful, or offensive. Any AI generated product utilized by an employee will be deemed adopted by the employee and treated as the employee's individual work product.

Employees must actively work to identify and mitigate biases produced by AI systems. They should ensure that the output utilized from the AI systems is fair, inclusive, and does not discriminate against any individuals or groups. Employees will be held solely responsible for any AI output that is utilized in their work product that is biased or discriminatory.

AI tools can generate inaccurate and false information. Employees must fact check, and review content generated by AI. Employees are responsible for the outcomes generated by AI systems and should be prepared to explain and justify those outcomes. Employees shall not retain any records of queries and are required to delete all chat history in the AI tool they utilize immediately.

Cybersecurity:

Any suspected or confirmed cybersecurity incidents related to generative AI usage should be reported promptly to the Deschutes County IT Department. Examples could include unsolicited links with responses, unknown or unverifiable scripts or code, suggested downloads from chat bots, and requests for restricted data.

Unlawful Activities:

Employees must report any suspected violations of this policy or any potential ethical, legal, or regulatory concerns related to AI use to their supervisor.

Departments/Offices may provide additional rules on departmental/office use of AI for their staff.

Non-compliance with this policy may result in disciplinary action, up to and including termination of employment, and legal consequences, if laws are violated.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 21, 2024

SUBJECT: Approval to apply for COHC BH 2023 Shared Savings Investment Grant

RECOMMENDED MOTION:

Move approval to apply for COHC’s Behavioral Health 2023 Shared Savings Investment Grant.

BACKGROUND AND POLICY IMPLICATIONS:

The Central Oregon Health Council (COHC) is a nonprofit public and private community governance organization, which partners with communities to guide and align vision, strategy and activities across industries for a healthier Central Oregon.

COHC’s Behavioral Health 2023 Shared Savings Investment opportunity is intended to invest in programs that address behavioral health in youth. Deschutes County Health Services (DCHS) requests Board approval to apply for \$391,287 of funding to support the Healthy Schools program in fiscal year 2026 (FY 26).

The Healthy Schools program focuses on improving school-wide usage of effective prevention and health promotion practices to target multiple adolescent health outcomes, listed below. These efforts strongly align with the Youth Substance use Disorder (SUD) Prevention, Treatment, and Recovery Programs focus of the Shared Savings Investment Grant.

- Increase student belonging
- Increase Positive Youth Development
- Reduce suicide-related ED visits
- Reduce 30-day substance use
- Reducing violence, bullying, and bias incidents
- Reducing sexually transmitted infections and teen pregnancies
- Reducing disparities for the above outcomes by race/ethnicity, sexual orientation/gender identity, low-income and rural areas, and disabilities

Healthy Schools embeds Deschutes County Public Health staff into public schools. Program staff work full-time in two to three public schools as dedicated on-site Public Health Specialists (PHS). Public schools are one of the best settings to reach the vast majority of

school-age youth and families with prevention, health promotion, and health care services. Public schools are also in great need of qualified support inside their buildings on a daily basis to effectively respond to the high levels of critical adolescent and community health issues emerging in their school buildings. These are often societal and public health issues that come into the building with students, families, and staff that become barriers to teaching and learning. Educators and the education system do not have the training or expertise, nor is it their mission, to be able to address these societal and public health issues effectively.

Healthy Schools is seeing positive program outcomes now which is energizing as the program works toward long-term change. For example, the percent of middle and high school students feeling depressed, stressed, or anxious decreased from 52 percent to 47 percent from 2022 to 2024, respectively. Similarly, Healthy Schools increased the proportion of behavioral health care referrals that have resulted in appointments, from 52% to 60% in just one year. Furthermore, from 2021 to June 2024, the proportion of Deschutes County suicide-related Emergency Department visits for ages 11-17 significantly decreased for zip codes with Healthy Schools (from 69% to 58%). Healthy Schools notably improved prevention education with 100% of teachers now using effective, skills-based mental health promotion and suicide prevention curriculum (up from 6%), reaching 5,154 students last year alone.

Healthy Schools expenses are covered through a 50/50 cost share between DCHS and Bend-La Pine Schools (BLS), and the proposed COHC grant application reflects this partnership. Currently, the DCHS contribution is sourced from a combination of County General Funds and state grants. If awarded, DCHS intends to use the funding to cover staff expenses, which will help offset continued increases to the County General Fund contribution in FY26. A portion of the grant funds will also offset the BLS contribution, helping to offset increases to BLS' funding sources in FY26. During the grant year, DCHS aims to complete the fall 2025 (FY26) outcome evaluation and further establish a long-term funding structure with a goal of reducing County General Fund reliance. The total request is \$391,287 of which \$362,587 will cover 2.0 FTE in Healthy Schools, additionally \$28,700 will support 0.15 FTE Public Health's Epidemiologist that assists with data tracking and evaluation for Healthy Schools. COHC does not fund indirect costs, so these would be covered by existing Healthy School resources.

BUDGET IMPACTS:

\$391,287 revenue in FY 26

ATTENDANCE:

Jessica Jacks, Public Health Program Manager



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 21, 2024

SUBJECT: Deliberations on the appeal of a psilocybin service center in Juniper Preserve

RECOMMENDED MOTION:

At the conclusion of deliberations, the Board can choose one of the following options:

- Continue deliberations to a date and time to be scheduled; or
- Close deliberations and propose a motion to approve or deny the application, and direct staff to return at a later date with a draft decision.

BACKGROUND AND POLICY IMPLICATIONS:

On July 17, 2024, the Board held a public hearing on an appeal of a Hearings Officer’s decision for a psilocybin service center within the Juniper Preserve (formerly Pronghorn) destination resort. The open record period following the Board hearing has ended and the Board may begin deliberations.

BUDGET IMPACTS:

None

ATTENDANCE:

Audrey Stuart, Associate Planner



MEMORANDUM

TO: Board of County Commissioners
FROM: Audrey Stuart, Associate Planner
DATE: August 13, 2024
SUBJECT: August 21st Deliberations for Appeal of Psilocybin Service Center

The Board of County Commissioners ("Board") is conducting deliberations on August 21, 2024, to consider an appeal of a Hearings Officer Decision denying a request for a psilocybin service center. The subject request is for a Conditional Use Permit and Site Plan Review (land use file nos. 247-23-000614-CU, 247-23-000615-SP).

I. BACKGROUND

The Applicant requests a Conditional Use Permit and Site Plan Review to establish a psilocybin service center at Juniper Preserve (formerly Pronghorn) destination resort. The subject property is zoned Exclusive Farm Use and Destination Resort Combining Zone and is located in the core area of Juniper Preserve. The applicant proposes to administer psilocybin to clients within an existing structure, under licensing from the Oregon Health Authority.

A public hearing was held before the Deschutes County Hearings Officer on March 12, 2024, and a Hearings Officer decision denying the applications was mailed on April 29, 2024. The applicant appealed the Hearings Officer's decision on May 10, 2024 (appeal file no. 247-24-000292-A). At a work session on May 29, 2024, the Board voted to hear this appeal, and a second work session was held on July 1, 2024, to prepare for the public hearing. A public hearing was held before the Board on July 17, 2024, and the written record was left open for 21 days following the public hearing.

II. PUBLIC COMMENTS

Staff has received over 200 written comments over the course of this review. This includes 153 public comments that were received prior to the Hearings Officer hearing, 25 comments that were received during the subsequent open record period, and 63 comments that were received throughout the Board hearing process.

Key issues raised by those in opposition included:

- The proposal’s compatibility with existing Resort uses and functions;
- The Resort’s existing access across BLM land;
- The proposal’s compatibility with the Resort’s Final Master Plan;
- The Resort’s distance from emergency services;
- Impact to property values.

Key issues raised in support included:

- Appropriateness of the proposed location;
- Community benefits of psilocybin treatment;
- The proposed use is permitted in the zone and does not require a modification to the Resort’s Final Master Plan.

III. BOARD DELIBERATIONS

A member of the public requested that the Board reopen the public record pursuant to Deschutes County Code 22.24.160. Prior to beginning deliberations, the Board must vote on whether or not to reopen the record. If the Board votes to reopen the record deliberations will be postponed until after the new date set for receipt of testimony. If the Board votes to deny the request to reopen the record, deliberations may proceed at the August 21st meeting.

If the Board finds that additional deliberations are necessary, the Board may schedule a future date for continued deliberations. If the Board finds no additional deliberations are necessary, the Board may then vote on whether to approve or deny the subject application.

Board Decision Matrix

Staff prepared a matrix outlining key issue areas for the Board’s deliberation. This matrix is included as an attachment, and provides additional review and discussion of the application’s compliance with applicable approval criteria. As identified on the decision matrix, there are decision points for the Board to determine whether issues areas have been sufficiently addressed.

IV. NEXT STEPS

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during the August 21, 2024, meeting, the Board may then vote on whether to approve or deny the subject application. If the Board renders a vote during the August 21, 2024, meeting, staff will coordinate with the Board to return for a future meeting to review the draft decision and relevant exhibits. If appropriate, the first reading of the ordinance can be initiated at that time.

VI. RECORD

The record for File Nos. 247-23-000614-CU, 247-23-000615-SP, 247-24-000292-A are as presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-23-000614-cu-247-23-000615-sp-psilocybin-service-center-juniper-preserve>

Attachments:

BOCC Decision Matrix

BOCC DECISION MATRIX

Juniper Preserve Psilocybin Service Center Land Use File Nos. 247-23-000614-CU, 615-SP, 247-24-000292-A					
	Issue Area	Applicable Approval Criteria	Applicant and Oppositional Responses	Hearings Officer and Staff	Board Decisions
1	Does the site plan provide adequate screening of the parking area?	<p>DCC 18.116.030(F)(1): Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.</p> <p>DCC 18.124.060(G): Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.</p>	<p><u>The Applicant</u> asserts that adequate screening and buffering will be provided based on the intervening distance, proposed landscaping, orientation of adjacent townhouses, and existing trees on the neighboring property to the south.</p> <p>Finally, the applicant has indicated they are amenable to a condition of approval requiring additional trees to be planted if the Board determines it is necessary.</p> <p><u>Oppositional comments</u> were generally directed at the overall compatibility of the service center with surrounding residences, and did not specifically address screening of the parking area.</p>	<p>The Hearings Officer (HOff) found the proposed screening along the south boundary of the parking area is not sufficient. The HOff also found the applicant did not provide sufficient evidence to address the potential conflict between these screening requirements and the clear vision area required by DCC 18.116.030(F)(7).</p> <p>The HOff found that DCC 18.124.060(G) cannot be met without also satisfying DCC 18.116.030(F)(1).</p> <p>Staff disagrees with the applicant’s argument that existing screening on a neighboring property can be used to satisfy this criterion. Staff notes this neighboring property is not subject to this land use review, and is not required to maintain existing screening.</p>	<p>Does the applicant propose sufficient screening between the parking area and adjacent residences?</p> <ol style="list-style-type: none"> 1. If yes, the Board can continue reviewing the applications, and move to overturn the Hearings Officer’s denial and approve the application. 2. If no, the Board can either: <ol style="list-style-type: none"> A. Uphold the Hearings Officer’s denial; or B. Include a condition of approval requiring additional landscaping on the subject property.

BOCC DECISION MATRIX

Juniper Preserve Psilocybin Service Center Land Use File Nos. 247-23-000614-CU, 615-SP, 247-24-000292-A					
	Issue Area	Applicable Approval Criteria	Applicant and Oppositional Responses	Hearings Officer and Staff	Board Decisions
2	Is the required clear vision area provided for the service drive?	DCC 18.116.030(F)(7): Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.	<p><u>Applicant comments</u> assert the required clear vision area is located at the intersection of the service drive and parking area. Furthermore, to the extent there is a conflict between the clear vision area and required screening of the parking area, the clear vision area takes precedence because it relates to vehicle and pedestrian safety.</p> <p>The applicant submitted a revised site plan dated July 16, 2024, which shows two possible locations of the required clear vision area. The applicant submitted a memorandum from their traffic engineer, dated July 17, 2024, which asserts the clear vision area should be located at the entrance to the parking area.</p> <p><u>Oppositional comments</u> generally did not address the clear vision area or dispute its location.</p>	<p>The Hearings Officer (HOff) found the site plan did not identify the required clear vision area or provide enough detail. The HOff did not identify the location of the clear vision area, but found that the portion of Nicklaus Drive between the parking area and the southwest corner of the subject property qualifies as a service drive.</p> <p>Comments dated July 19, 2024, from the Deschutes County Transportation Planner concur with the analysis prepared by the applicant's traffic engineer.</p>	<p>Does the subject property contain a service drive clear vision area?</p> <ol style="list-style-type: none"> 1. If no, the Board can continue reviewing the applications and find that this criterion does not apply. 2. If yes, is there sufficient evidence in the record to show that a clear vision area will be provided? <ol style="list-style-type: none"> A. If yes, the Board can continue reviewing the applications, and move to overturn the Hearings Officer's denial and approve the application. B. If no, the Board may uphold the Hearings Officer's denial.

BOCC DECISION MATRIX

Juniper Preserve Psilocybin Service Center Land Use File Nos. 247-23-000614-CU, 615-SP, 247-24-000292-A					
	Issue Area	Applicable Approval Criteria	Applicant and Oppositional Responses	Hearings Officer and Staff	Board Decisions
3	Is transportation access adequate? The use requires transporting psilocybin across a Bureau of Land Management (BLM) right-of-way (ROW).	DCC 18.128.015(A)(2): The site under consideration shall be determined to be suitable for the proposed use based on the following factors: ... Adequacy of transportation access to the site	<u>Applicant comments</u> assert: <ul style="list-style-type: none"> The Board may interpret the geographic scope of this review and only consider Nicklaus Drive, the road immediately leading to the subject property. The applicant is amenable to a condition of approval that the psilocybin service center will cease operation if BLM threatens to revoke the ROW. The HOff incorrectly interpreted the terms of the ROW, which is a third-party contract. Any arguments regarding BLM revoking access to the resort are speculative and requiring interpreting a contract, which is outside of the bounds of this land use application. Psilocybin and cannabis facilities are permitted uses in DCC despite federal illegality. <u>Oppositional comments</u> assert: <ul style="list-style-type: none"> It violates federal law to transport psilocybin across the ROW into the destination resort. BLM may revoke the ROW easement if psilocybin is transported over it, which would remove transportation access for the entire resort. This criterion does not specify that it is limited to 'direct' access, and the review is not limited to Nicklaus Drive. Staff from BLM were acting in their official capacity when they submitted comments on this application. 	The Hearings Officer (HOff) finds the Board has not previously interpreted the geographic scope of DCC 18.128.015(A)(2). The HOff found that the BLM ROW was addressed in the application materials and was subject to this criterion. The HOff concludes the site is not suitable based on transportation access because use of the ROW requires compliance with federal laws; federal law prohibits transporting psilocybin across BLM property; and the applicant intends to transport psilocybin across federal land. The HOff asserts that their findings are case-specific and do not preclude approval of psilocybin facilities under different circumstances.	Is analysis of the BLM ROW necessary to demonstrate that the site is suitable for the proposed use based on transportation access? <ol style="list-style-type: none"> 1. If no, the Board can continue reviewing the applications, and move to overturn the Hearings Officer's denial and approve the application. 2. If yes, is transportation access adequate based on both the physical capacity of the surrounding roadway and the provisions of the BLM ROW? <ol style="list-style-type: none"> A. If no, the Board may either: <ol style="list-style-type: none"> 1. Uphold the Hearings Officer's denial or 2. Impose a condition of approval requiring the proposed use to cease operation if BLM revokes the ROW. B. If yes, the Board may move to overturn the Hearings Officer's denial and approve the application.