



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, SEPTEMBER 29, 2025

Allen Room - 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/3h3oqdD>.
- 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

CITIZEN INPUT

The Board of Commissioners provides time during its public meetings for citizen input. This is an opportunity for citizens to communicate to the Commissioners on matters that are not otherwise on the agenda. Time is limited to 3 minutes.

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.

COMMISSIONER ANNOUNCEMENTS

AGENDA ITEMS

- [1.](#) **1:00 PM** Courthouse Expansion Update
- [2.](#) **1:15 PM** Special Road District Presentation and Discussion
- [3.](#) **1:45 PM** Potential issuance of a termination notice to the existing solid waste franchise holder, originally granted in 1972, for the purpose of replacing it with a modernized franchise agreement that reflects current operational, performance, and financial accountability standards
- [4.](#) **2:05 PM** Consideration of County Commissioner Five District Map Representation Options

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: September 29, 2025

SUBJECT: Courthouse Expansion Update

RECOMMENDED MOTION:

N/A—presentation only.

BACKGROUND AND POLICY IMPLICATIONS:

The Facilities Department will give a presentation to update the Board on the status of the Courthouse Expansion project. The update will include the work completed to date, upcoming work, and the project budget. Presentation materials are attached.

BUDGET IMPACTS:

None

ATTENDANCE:

Lee Randall, Facilities Director
Eric Nielsen, Facilities Capital Improvement Manager
Wayne Powderly, Cumming Group
Cory Loomis, Pence Contractors

Facilities

Deschutes County Courthouse Expansion Update

Board of County Commissioners Meeting

September 29, 2025



Courthouse Expansion Update



- Recently completed and ongoing work
- Construction schedule
- Project budget



Completed: Tower Crane Removal



Completed: Tower Crane Removal



Completed: Tower Crane Removal



Completed: Stair 2



Completed: Mechanical Curbs & Pads



Ongoing: Remodel Phase 1



Ongoing: Mechanical, Electrical, Plumbing



Ongoing: Interior Wall Framing



Ongoing: Exterior Wall Mock-Up



Ongoing: Exterior Wall Construction



Ongoing: Roof Parapet & Screening



Ongoing: Lobby Construction



Ongoing: Main Entry



Upcoming Work

In the coming 4 - 6 weeks...

- **Main Roof Parapet and Penthouse Construction**
- **Exterior Wall Construction**
- **Mechanical, Electrical, and Plumbing Rough-In**
- **Interior Walls and Door Frames**
- **Main Lobby Slab on Grade and Structural Steel**
- **Existing Building Renovation: offices and hearing room**



CONSTRUCTION TIMELINE

Current Progress

	2024	2025		2026
Demo, Grading, Site Utilities	Apr. '24–Oct. '24			
Permits Received	Apr. '24–Sept. '24			
Temporary Entrance Open	Jul. '24			
Building Structure		Sept. '24–Aug. '25		
Building Exterior			Jul. '25–Mar. '26	
Building Interior			Aug. '25–Apr. '26	
Sitework, Public Improvements			Nov. '25–Apr. '26	
Existing Building Renovations				Mar. '25–Jul. '26
Final Completion				Aug. '26



Questions?



Budget Update



Deschutes County
Courthouse Expansion
BUDGET STATUS REPORT
Current Through: 9/24/2025

	Budgeted Amounts		Actual Spend	Remaining	
	Original Budget	Revised Budget	to Date	Balance	Comments
CONSTRUCTION COSTS					
Cost of Work - Construction	\$ 32,510,428	\$ 38,095,938	\$ 19,541,416	\$ 18,554,522	Pence Contract (thru OCO #8)
Contractor's Contingency	\$ 1,641,965	\$ 1,641,965	\$ 140,774	\$ 1,501,191	7.49% Contractor's Contingency Remaining
Subtotal	34,152,393	39,737,903	19,682,190	20,055,713	
AJ Tucker - Demolition, Stone Salvage, and Storage	-	138,182	138,182	-	9/24/25 - Moved Pence <\$34,244> credit to County Contingency
Subtotal Construction Costs	34,152,393	39,876,085	19,820,372	20,055,713	
DIRECT COSTS					
Architecture / Engineering / Interiors / Low Voltage	2,800,397	2,971,693	2,754,402	217,291	LRS ASAs (added #11,12,14,15,16,19,20R1,21,22)
CM/GC Pre-Construction	62,040	62,040	62,040	-	Pence Contract
Land Use Attorney	50,000	-	-	-	9/24/25 - moved \$30K to Construction Testing and Special Inspections below.
Land / Building Survey / TOPO	40,000	30,000	15,150	14,850	
Arborist / Tree Surgeon	9,799	-	-	-	
Historic Conservationist/Tribal Survey	20,000	-	-	-	
Geotechnical Reports and Inspections	39,197	17,314	17,314	-	8/20/25 - Moved \$21,883 to Construction Testing and Special Inspections below.
Commissioning	97,000	97,000	30,961	66,039	
Traffic Impact Analysis	35,000	6,500	6,500	-	9/24/25 - moved \$8500 to Construction Testing and Special Inspections below.
Hazmat Assessment / Abatement	60,000	30,000	-	30,000	
Construction Testing and Special Inspections	100,000	130,383	87,633	42,750	9/24/25 - revised budget with funds from lines above
Miscellaneous (Marketing, Postcards, Prints/reprographics)	-	-	1,661	(1,661)	
Unknown Additional Services Contingency	165,672	-	-	-	
Subtotal Direct Costs	3,479,105	3,344,930	2,975,660	369,270	
ADMINISTRATION COSTS					
Project Management / Owners Representative	401,220	589,754	439,691	150,063	Cumming Contract thru ASA #3
Subtotal Administration Costs	401,220	589,754	439,691	150,063	
OTHER PROFESSIONAL FEES					
Miscellaneous / Insurance	78,394	69,889	69,889	-	
Subtotal Other Professional Fees	78,394	69,889	69,889	-	
PERMITS AND FEES					
Land Use Approval	48,996	48,996	-	48,996	Used for Plan Check and Permits
Plan Check and Permits	342,974	442,974	1,003,215	(560,241)	
System Development Charges (SDC's) and Engineering Review	385,320	485,320	-	485,320	Used for Plan Check and Permits
BOLI Fee	7,500	7,500	8,890	(1,390)	Used for Plan Check and Permits
Unknown Additional Permits and Fees Contingency	117,719	147,719	147,719	-	Used for Plan Check and Permits
Subtotal Permits and Fees	902,509	1,132,509	1,159,823	(27,315)	



Deschutes County
Courthouse Expansion
BUDGET STATUS REPORT
Current Through: 9/24/2025

Budgeted Amounts		Actual Spend to Date	Remaining Balance	Comments
Original Budget	Revised Budget			
900,000	1,089,092	-	1,089,092	8/20/25 - Adjusted for OJD transfer of \$800K July 2025
25,000	25,000	210	24,790	
58,796	58,796	-	58,796	
50,000	50,000	11,178	38,822	
-	-	56,507	(56,507)	
-	-	434	(434)	
215,584	165,584	25,858	139,726	
600,000	658,457	182,750	475,707	
1,114,438	1,342,910	-	1,342,910	5.68%
2,963,818	3,389,839	276,937	3,112,902	9/24/25 - moved AJ Tucker credit to County Contingency, + added \$130,580 for County Fund 070 to cover Re-Roof of existing Couthouse. Less adjustment for OCO #8 and LRS' ASAs
\$ 41,977,438	\$ 48,403,006	\$ 24,742,373	\$ 23,660,633	8/20/25 - Revised Budget includes additional \$800,000 in FF&E funds allocated by OJD to County.

Original Budget	\$	42,000,000
Budget Adjustment		1,900,000 (2/21/2024)
Budget Adjustment		2,900,000 (1/29/2025)
Subtotal	\$	46,800,000

Courthouse Expansion Funding Sources

Bond Proceeds	\$	20,500,000	
State of Oregon Expansion		15,000,000	
State of Oregon Remodel		1,500,000	
LATCF		4,622,145	
Interest		3,525,000	9/24/25 - increased \$100k based on current interest earnings estimate
Reserves		1,652,855	9/24/25 - reduced \$100k based on current interest earnings estimate
Total	\$	46,800,000	

Worked tracked by County with funds from other sources

AJ Tucker	\$	172,426	
OJD FF&E	\$	500,000	
OJD FF&E	\$	800,000	
Existing Courthouse Re-Roof (Fund 070)	\$	130,580	9/24/25 - added this new line item. Re-roof costs are being paid from Fund 070.
Total Budget	\$	48,403,006	



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 29, 2025

SUBJECT: Special Road District Presentation and Discussion

RECOMMENDED MOTION:

n/a

BACKGROUND AND POLICY IMPLICATIONS:

The Road Department will deliver a presentation regarding Special Road Districts in Deschutes County and address common observed issues with SRDs, as well as propose actions to improve education and outreach to SRDs and their patrons.

BUDGET IMPACTS:

n/a.

ATTENDANCE:

Chris Doty, Road Department Director

Cody Smith, County Engineer/Assistant Road Department Director



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 29, 2025

SUBJECT: Potential issuance of a termination notice to the existing solid waste franchise holder, originally granted in 1972, for the purpose of replacing it with a modernized franchise agreement that reflects current operational, performance, and financial accountability standards

RECOMMENDED MOTION:

Provide direction to the Director of Solid Waste regarding a possible notice of termination, in accordance with the terms of the 1972 agreement and County Code, to Cascade Disposal and Republic Services for their exclusive collection franchise rights. The Board may also wish to direct staff to begin the process to review and amend the County Code provisions pertaining to Solid Waste services.

BACKGROUND AND POLICY IMPLICATIONS:

In 1972 the Board of County Commissioners (BOCC) granted four separate franchises for solid waste collection as provided under the Solid Waste Collections and Disposal Ordinance. Each of these franchises have defined legal boundaries outlining the areas of service for each franchisee. Over the last 20 years these franchises, along with an additional franchise for the transfer of solid waste and other waste materials and a recycling and composting lease agreement, have been purchased and consolidated to be held by two national waste companies. Cascade Disposal (whose parent company is Waste Connections) operates a franchise originally granted to R.A. Brownrigg. Republic Services purchased the remaining franchises and lease agreements providing services to the county.

While these franchises have provided essential services to County residents, the agreements reflect the policies and conditions of the early 1970s and do not incorporate contemporary requirements for:

- **Performance standards** (e.g., customer service metrics, equipment standards, and compliance monitoring).
- **Facility designations** (e.g., landfill and transfer station use consistent with the County's Solid Waste Management Plan).

- **Financial transparency and reporting** (e.g., audited financial statements, tonnage reporting, fee reconciliation).
- **DEQ program and reporting requirements** (e.g customer outreach, required recycling program elements, contamination standards)

This lack of modern provisions limits the County's ability to ensure consistent delivery of service, protect public health and safety, and maintain proper fiscal oversight.

DISCUSSION:

Staff opinion is that updating the franchise agreement is necessary to align with industry standards and best practices. A new agreement would:

1. **Enhance Accountability** – Establish clear performance expectations and provide enforcement tools to ensure compliance.
2. **Improve Service Integration** – Specify designated facilities for disposal and processing to ensure alignment with the County's adopted solid waste management system as well as current and future County infrastructure investments.
3. **Strengthen Financial Oversight** – Require transparent and timely financial reporting, including revenue and expense audits tied to franchise fees and ensure rate payer protections.
4. **Provide Legal and Operational Clarity** – Eliminate ambiguities in the 1972 agreement and incorporate up-to-date legal protections for both the County and the franchisee.

Over the past two years, Solid Waste Department staff, in concert with staff from both the City of Bend and the City of Redmond, has been working to develop a new franchise agreement to replace the current agreements. Redmond and Bend are likewise interested to develop an updated standard franchise agreement that the County could administer on their behalf through an Intergovernmental Agreement.

Staff from the cities and the County began meeting with the two franchisees to discuss a draft replacement franchise agreement incorporating the provisions outlined above. As staff has presented to the BOCC, the goal was to develop and negotiate an agreement that would protect County investments, provide residents with service standards they could count on and that the franchisees were accountable to, and require financial reporting that was robust and transparent enough to ensure rates were appropriate and justified. In consideration for voluntarily entering into a new franchise agreement, staff was willing to continue the current contractual term of annual renewals with a seven (7) year termination notification clause, otherwise known as an "evergreen" agreement.

In August, the County agreed to entertain revisions to the agreement as proposed by Cascade Disposal. While waiting for those revisions, on September 2nd Cascade Disposal notified the County that it was no longer interested to move forward with further discussions regarding a new franchise agreement and instead preferred to operate under the existing system.

Throughout this process, Republic Services has voluntarily participated, while Cascade Disposal has largely not engaged in the process or discussions. The City of Redmond and County staff is largely in agreement with regard to terms for a new agreement with Republic Services (note: Redmond's sole service provider) with a few remaining items pending. However, the performance of Republic Services in many areas has been concerning over the past few years, to the point that the City of Redmond had provided it with a Notice of Termination at the end of 2023. The City of Bend is also close to agreement with Republic, but not with Cascade.

Without both franchisees being amenable to a new agreement, staff does not view it prudent to continue taking steps to move one party to a new franchise agreement and have the other operate under current County Code.

Options

1. Continue with the existing franchise arrangement as currently configured
 - a. Amend County Code to add more elements regarding performance standards and facility designation authority.
 - i. This approach would require allowing a relatively substantive period of time for the franchisee to come into compliance with the new code (i.e. up to 24 months) or forego their franchise.
 - ii. The County would want the franchise under these new provisions in Code to sign a franchise agreement/contract binding them to these new conditions, as laws applicable to the Code could change.
 - iii. Enforcement through County Code can be lengthy in implementation if contested.
 - iv. Since the County Code relative to the Solid Waste provisions is quite old, there may be some questions as to how well this could work for the County. There may be some limitations by law to the degree to which the County can alter those provisions under which the franchises were granted.
2. Provide Notice of Termination to both of the franchise holders which would provide the County (and potentially the cities as well) a six-year window to develop a model franchise agreement and to conduct a formal RFP procurement process.
 - a. Staff envisions that a model franchise agreement would include the various elements cited earlier in this document along with a set term (i.e., 10 or 15 years) that would be competitively bid on a regular basis.
 - b. The competitive bidding process would ensure resident rates would be at true market rate, while also allowing efficiencies of one service provider at a time for the County, ensuring consistency of services and communications throughout the County.

If Option 2 is selected, staff would likely recommend procuring the services of a seasoned industry consultant to assist in the development of the process towards a new agreement. This may include coordination with most or all of the jurisdictions within the County for a

universally adopted service franchise agreement that each city could utilize and County administer under an IGA.

BUDGET IMPACTS:

Adoption of a modernized franchise agreement would improve revenue accountability through updated fee structures and reporting requirements. While no immediate fiscal impact would result from issuing a termination notice, long-term impacts include increased accuracy in franchise fee collection and better alignment of costs with service delivery for the residents of Deschutes County.

ATTENDANCE:

Tim Brownell, Director of Solid Waste



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 29, 2025

SUBJECT: Consideration of County Commissioner Five District Map Representation Options

BACKGROUND AND POLICY IMPLICATIONS:

A proposal has been put before the Board of County Commissioners for its consideration to elect Commissioners based on the Missoula County, Montana model. The Missoula County option (which is similar to the way in which board members for the Bend-La Pine School District are elected) divides the county into districts of approximately equal population size. A Commissioner must reside within the district in which they file as a candidate, but all Commissioners are elected at-large by all the voters of the county according to which candidates receive the most votes for their respective district.

BUDGET IMPACTS:

N/A

ATTENDANCE:

Nick Lelack, County Administrator

Jen Patterson, Strategic Initiatives Manager