

### **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: <a href="http://bit.ly/3mmlnzy">http://bit.ly/3mmlnzy</a>. **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: <a href="http://bit.ly/3h3oqdD">http://bit.ly/3h3oqdD</a>.
- 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 <a href="mailto:brenda.fritsvold@deschutes.org">brenda.fritsvold@deschutes.org</a>.

**Time estimates**: The times listed on agenda items are <u>estimates only</u>. 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
- 2. 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**



### **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**

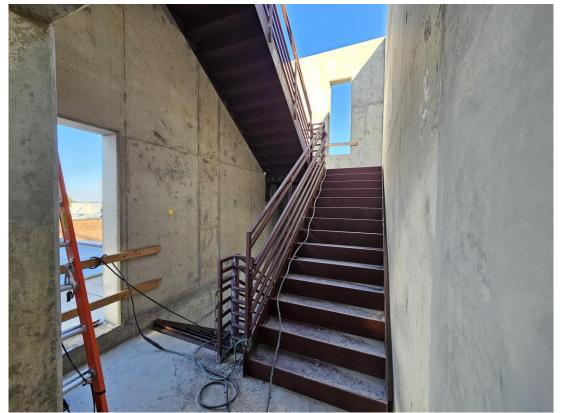






## Completed: Stair 2







09/29/2025 Item #1.

### **Completed: Mechanical Curbs & Pads**

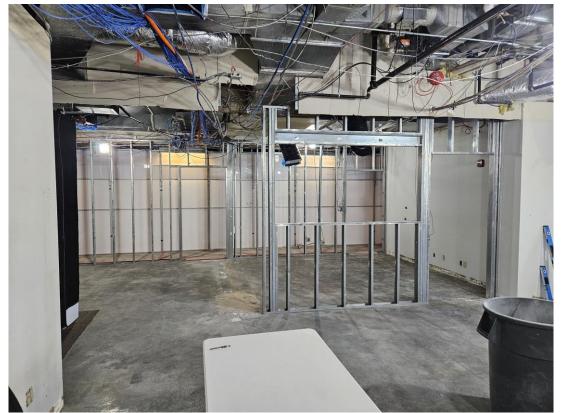






## **Ongoing: Remodel Phase 1**

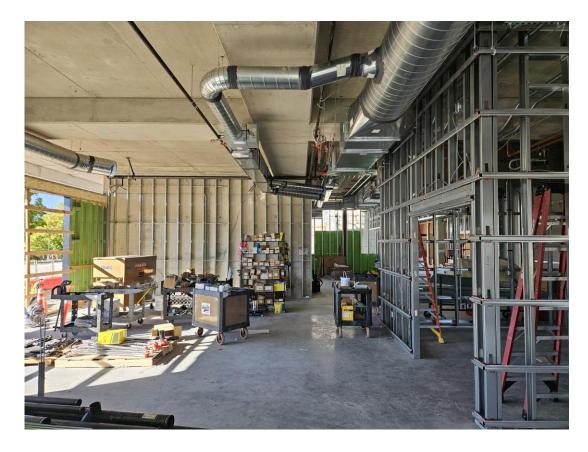


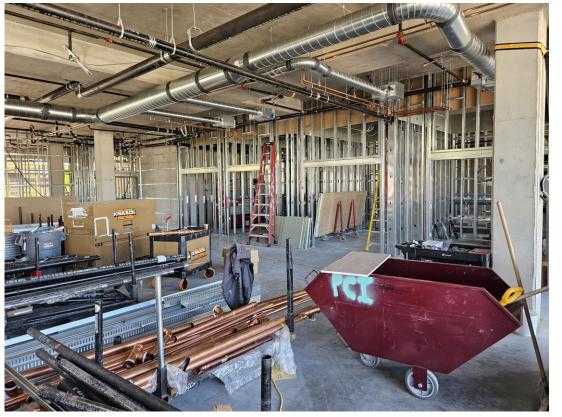




09/29/2025 Item #1.

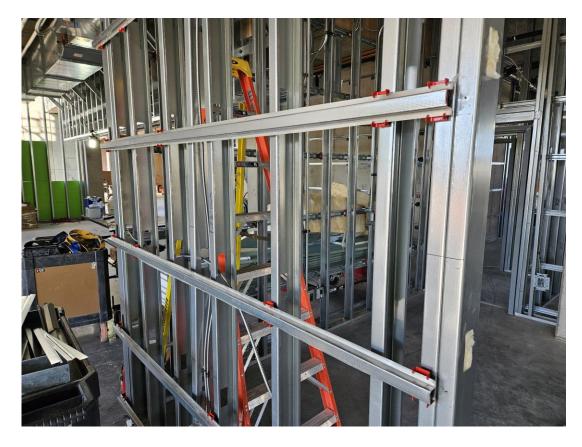
### Ongoing: Mechanical, Electrical, Plumbing







## **Ongoing: Interior Wall Framing**







## **Ongoing: Exterior Wall Mock-Up**







### **Ongoing: Exterior Wall Construction**







## **Ongoing: Roof Parapet & Screening**







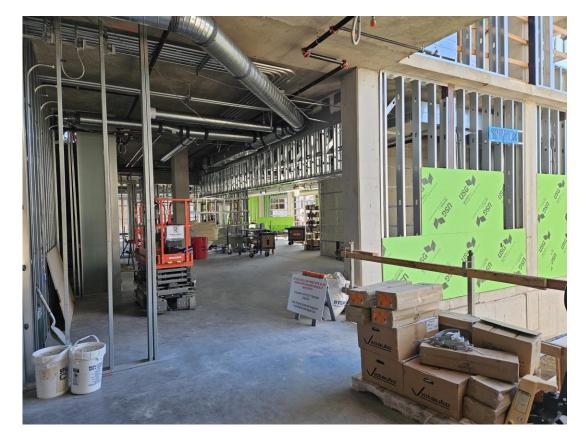
# **Ongoing: Lobby Construction**







## **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-M	ar. '26	
Building Interior			Aug. '2	5-Apr. '26	
Sitework, Public Improvements			N	ov. '25-Apr. '26	
Existing Building Renovations				Mar. '25	-Jul. '26
Final Completion				[	Aug. '26



# Questions?



# **Budget Update**



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		Budgeted A			Actual Spend	Remaining	Comments	
	Ori	ginal Budget	Ke	evised 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 Specical 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	
						00.000	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 Specical 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)		
Cubicitati Cilinto una i Coo		002,000		1,102,000	1,100,020	(27,010)		



Guilent Hillough. 3/24/2023	<b>Budgeted Amounts</b>		ts	Actual Spend	Remaining			
	Origina	al Budget	Revi	sed Budget	to Date	Balance	Comments	
OWNER COSTS / THIRD PARTY CONTRACTS								
FFE (incl A-V Systems / communications, fit-out)		900,000		1,089,092	_	1,089,092	8/20/25 - Adjusted for OJD transfer of \$800K July 2025	
External / Internal Signage		25,000		25,000	210	24,790	6/20/23 - Adjusted for ODD transfer of \$6000k July 2023	
Telephone / Data / Network Build		58,796		58,796	-	58,796		
Mover / Relocation / Temp Facilities/ Fairgrounds Building Rental		50,000		50,000	11,178	38,822		
Misc / Bldg & Grounds R&M / Supplies / Furn & Fixt.		-		-	56,507	(56,507)		
Travel Expenses		_		_	434	(434)		
City Services & Street Improvements & Utility Connections		215,584		165,584	25,858	139,726		
Green Energy Costs Mandated per Oregon State (1.5%)		600,000		658,457	182,750	475,707		
(,		,		,	,	,	9/24/25 - moved AJ Tucker credit to County Contingency, + added	
							\$130,580 for County Fund 070 to cover Re-Roof of existing	
County Contingency		1,114,438		1,342,910	-	1,342,910	5.68% Couthouse. Less adjustement for OCO #8 and LRS' ASAs	
Subtotal Owner Costs / Third Party Contracts		2,963,818	-	3,389,839	276,937	3,112,902		
,	<del></del>							
							8/20/25 - Revised Budget includes additional \$800,000 in FF&E	
PROJECT TOTALS	\$ 4	41,977,438	\$	48,403,006	\$ 24,742,373	\$ 23,660,633	funds allocated by OJD to County.	
	Orio	ginal Budget	¢	42,000,000				
	_	Adjustment			(2/21/2024)			
	_	Adjustment			(1/29/2025)			
	Duuget	Subtotal	-	46,800,000	(1/25/2025)			
		Subtotat	φ	40,000,000				
	Courthou	se Expansio	n Func	ding Sources	<u>i</u>			
		nd Proceeds		20,500,000				
	State of Orego			15,000,000				
	State of Oreg			1,500,000				
		LATCF		4,622,145				
Interest  Reserves							ed on current interest earnings estimate	
					9/24/25 - reduc	ed \$100k based	on current interest earnings estimate	
		Total	\$	46,800,000				
	Worked tr	racked by Co	ounty v	with funds fr	om other source	es		
		AJ Tucker	\$	172,426				
		OJD FF&E	\$	500,000				
		OJD FF&E	\$	800,000				
Existing Courth	nouse Re-Roo	f (Fund 070)	\$	130,580	9/24/25 - added	d this new line ite	em. Re-roof costs are being paid from Fund 070.	
	Т	Total Budget	\$	48,403,006	-			



### **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



### **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 2<sup>nd</sup> 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

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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



### **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