

**MINUTES OF THE GOAL-SETTING MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
NOVEMBER 12, 2024**

- Present:** Xanthippe Augerot, Chair; Nancy Wyse, Vice Chair; Pat Malone, Commissioner; Vance Croney, County Counsel; Rachel McEneny, County Administrator
- Staff:** Laurel Byer, Shea Steingass, Public Works; Maura Kwiatkowski, Board Staff; Toby Lewis, Bailey Payne, Petra Schuetz, Community Development; Sean McGuire, Sustainability; Erika Milo, Board Recorder
- Guests:** Leni Crow, Bernie Cummings, Ken Eklund, residents; Alex Powers, Albany Democrat-Herald; Christopher Jacobs, Economic Development Office

1. Call to Order and Introductions

Chair Augerot called the meeting to order at 9:02 a.m.

2. Review & Approve Agenda

Item 6.1 was heard before Item 5.1.

The following item as added under 8. Other:

- 8.1 Funding Request for Philomath Black History Month Event – Augerot**
Xanthippe, Commissioner

3. Announcements

Augerot acknowledged that today is the last mediation day with the American Federation of State, County, and Municipal Employees Local 2064 before a possible strike on November 13, 2024.

4. Approval of Minutes

- 4.1 Approval of the February 15, 2024 Goal-setting Meeting Minutes**

- 4.2 Approval of the April 9, 2024 Goal-setting Meeting Minutes**

MOTION: Wyse moved to approve the minutes. Malone seconded the motion, which carried 3-0.

5. New Business

5.1 *Pre-Implementation Compliance Measures Related to the Endangered Species Act (ESA) and Floodplain Regulation – Toby Lewis, Community Development

Lewis stated that each community is required to select a Pre-implementation Compliance Measure by December 1. The goals of the Biological Opinion and National Flood Insurance Program (NFIP) for the project include floodplain habitat protection and to ensure continued habitat viability for identified endangered species in special flood hazard areas in Oregon. There are approximately 200 communities within the plan implementation area. Guiding development away from sensitive habitat areas ensures development does not cause additional damage to protected endangered species. An additional goal is to strengthen the systems of accountability and implementation for the new requirements. Lewis discussed the categories of the key habitat functions.

Lewis reviewed the history of NFIP and ESA in Oregon; the project began in 2019 and in 2023, the Notice of Intent for the Environmental Impact Statement (EIS) was published. There are three primary project categories: pre-implementation compliance measures, cooperating agency participation, and long-term implementation. This happens once the Federal Emergency Management Agency (FEMA) identifies the final implementation plan and it is approved by the National Oceanic and Atmospheric Administration. Lewis shared the Pre-implementation Compliance Measure implementation timeline. FEMA has stated that communities are expected to implement one of the three compliance measures by December 1, then to begin collecting data on the decisions issued for development in the floodplain by January 31. By the following January 31, in 2026, communities will be expected to use FEMA's reporting tool to record collected data. July 31 is the deadline to have a model ordinance in place if that is the selected option.

Lewis provided copies of recent communications from electeds, an impact statement from the Association of Oregon Counties (AOC), and a Frequently Asked Questions sheet from the Department of Land Conservation and Development. FEMA had provided workshops for local communities and government staff in October and November. The workshops focused on the model ordinance option and the permit-by-permit habitat assessment option; Lewis attended two workshop sessions.

Lewis shared a map of the flood hazard areas in Benton County. Approximately 14% of Benton County is mapped as a special flood hazard area; it is the highest percentage for a county in Oregon, with Columbia and Multnomah Counties following at 12%. Each incorporated city manages its own land use and floodplain regulations. Lewis shared a chart on acreage amounts and tax lots by type of land use zone. Approximately 88% of Benton County's flood hazard area is zoned for resource use; the majority of that is farmland. Lewis continued to discuss Benton County's zoning in relation to flood hazard zones. Lewis shared a chart on the amount of structures within the floodplain zone. County GIS data cannot yet identify specific dwellings or structures, but staff used address point data because addresses are typically only given to residences or places of business. There is a total of 1,100 address points assigned to land in Benton County;

and of that, 540 are within flood hazard areas. Lewis reviewed the Pre-implementation Compliance Measures, including reporting and enforcement. Staff will need to collect data on the amount of fill that is authorized, the type of compensatory storage, and the amount of new impermeable surfaces in floodplain. Each community will need to document and submit through FEMA's reporting tool, which is currently under development.

Option 1 is to adopt an interim model ordinance, Option 2 is to perform permit-by-permit reviews, and Option 3 is to prohibit all development in flood hazard areas. County staff from Community Development; Public Works; and Natural Areas, Parks and Events have been meeting over time and evaluated projects and pre-decisional documents from FEMA on the Pre-implementation Compliance Measures and related information. Based on the current information, staff does not recommend Option 3 for Benton County. Lewis stated that both Options 1 and 2 would require an ordinance adoption. Both options require that a project must comply with the no net loss standards for the key habitat functions and require that the applicant submit documentation that proves the project will comply with those no net loss standards. Staff review and approval of information submitted is required for both options. The main difference is the language the County will add in its code; Lewis reviewed the logistics of adding either criteria into Benton County Code. Lewis provided an alternative option that at least one community is considering; because the information from FEMA is the ESA compliance required for a project requires a demonstration of no net loss, it does not require a demonstration of no-take. The group Lewis is working with recommended Option 2, because it requires less code adjustment and allows for more flexibility. Lewis discussed implementation logistics; Lewis recommended a 12-month timeframe between finalizing the habitat assessment guidance document and its implementation. Common community concerns include the ability to implement the compliance measures, the implementation timeframe, staffing, data requirements, and a lack of concise and objective standards in the model ordinance.

Wyse asked if Option 2 is considered a stopgap until an official plan is developed.

Lewis confirmed it will only be an option during Pre-implementation compliance.

Wyse asked if the County could implement both Option 1 and 2 and let the community choose which pathway to use.

Lewis stated it is possible, but both processes have similar standards and requirements; the difference is whether the Board wants to add FEMA's language into County Code.

Wyse asked if one of the options is easier for staff or community members to utilize.

Lewis stated the County does not have much flexibility to adjust the language from FEMA if it was adopted into County Code. Lewis described the current floodplain development permit application form and an ideal process to add onto it.

Augerot believed a permit-by-permit option was more user-friendly and flexible. Additionally, the County would not be required to update the Ordinance every time FEMA updated its guidance language.

MOTION: Malone moved to direct County staff to communicate that Benton County's chosen plan is Option 2, the permit-by-permit option, for the Pre-implementation Compliance Measure and implementation needs to FEMA by December 1, 2024. Wyse seconded the motion, which carried 3-0.

Augerot asked if the Board wanted to formally vote to request that FEMA provide the final habitat assessment guidance document and allow the County 12 months to complete.

The Board agreed.

Augerot suggested a motion that the County provide technical assistance for final compliance with the understanding that the County can comply for a period of 12 months following completion of the final habitat assessment guidance document.

MOTION: Wyse moved as suggested. Malone seconded the motion, which carried 3-0.

*Exhibit 1 FEMA BiOp PICM Implementation Slides

Augerot recessed the meeting at 10:13 a.m. and reconvened at 10:21 a.m.

6. Discussion Topics

6.1 Sustainable Materials Management Plan (SMMP) Update – Sean McGuire, Sustainability; Bailey Payne, Community Development

The first SMMP task force meeting was held on October 2. McGuire reviewed next steps, including a meeting with the consultant, and finalizing the task force's direction and deliverables. Deliverables are expected by June 30.

Malone and McGuire discussed potential funding opportunity through the Environmental Protection Agency.

Augerot expressed the importance to create a plan for Benton County even if it is not a SMMP deliverable.

McGuire stated the SMMP task force identified five potential subcommittees; one of the subcommittees relates to government authority issues. McGuire discussed County and City franchise agreements, contract language, and difficulties in collaboration and communication. Another issue that does not receive much attention is solid waste disposal in relation to the task force.

Malone asked if the subcommittees were flexible.

McGuire confirmed and added that the Department of Environmental Quality (DEQ) expressed interest in participating.

McGuire discussed Metro, the concept of an authority on waste management in the region, and when to enlist the private sector; these subjects have split support within the task force. Each subcommittee will define its questions, definitions, challenges, policy and funding opportunities, data, infrastructure, and equity. Another important topic is how other jurisdictions can help financially, because Benton County has funded the effort so far. McGuire discussed the upcoming SMMP meeting schedule and provided an update regarding the contract with the consultants. McGuire stated there would be remaining funds if additional technical assistance was needed. McGuire added that many people in the community expressed interest in SMMP. Staff is exploring the possibility of a Benton County Solid Waste Management Plan.

Payne will provide the Board with a memorandum that outlines options regarding long-term disposal challenges.

Augerot requested McGuire and Payne return in December to discuss the task force subcommittees.

6.2 Discussion of Requested Action Items from Valley Neighbors for Environmental Quality and Safety (VNEQS) – Sean McGuire, Sustainability; Bailey Payne, Community Development

McGuire stated the VNEQS presented concerns regarding Coffin Butte Landfill (CBL) to the Board during a recent Board of Commissioners meeting. VNEQS had provided a list of six action items, and the Board requested a conversation regarding the action items.

Payne stated Action Item 1 was an authorized action line for landfill concerns. Payne suggested adding a form on the County website that people can utilize to report an issue; the form would offer a sub-menu to select a complaint topic. Payne believed an online form would accurately capture community comments, provide an easier method for the community to report concerns, and it would help create the annual community concerns report. Payne added that one centralized line would not allow the public to submit complaints to all responsible entities: Benton County, Republic Services, and DEQ. The Republic Services' complaint hotline remains necessary for residents to contact Republic Services directly to allow for a quicker response.

Wyse believed a website form would be helpful in multiple ways and could allow a person filing a report to remain anonymous, which has been a concern brought to the Board.

Augerot stated a concern that when the Disposal Site Advisory Committee (DSAC) creates their annual complaint report, how can DSAC differentiate the data reflects separate incidents or multiple complaints that address the same incident. If the same

complaint is sent to all three entities, will it appear as three complaints or one? Augerot believed the County, Republic Services, and DEQ should have similar but separate reporting mechanisms.

Payne added that an online form would allow for an easier process to screen and cross-reference complaint data.

Malone asked how often complaints collected via the County's website would be sent to Republic Services.

Payne will normally collect several months' worth of complaints before sending to Republic Services and offered to send the complaints more frequently.

Action Item 2 was a request for monthly fire watch bulletins, and Action Item 3 was to require landfill post-incident reports. Payne suggested Item 2 was more appropriate for the Adair Rural Fire Station or the Fire Marshal. Payne asked if the County has requested this information in the past.

Wyse stated the County has asked Adair Rural Fire Station about monitoring and infrared cameras.

Augerot stated the Board must continue asking Republic Services to implement an infrared monitoring system. Additionally, the addition of a monitoring system will require collaboration between Benton County, Republic Services, and Adair Rural Fire, as well as a plan for alerting County Emergency Management as soon as an event occurs.

McEneny stated staff could collect the data from Emergency Services Manager Bryan Lee.

Augerot preferred immediate communication after an event. Augerot added that Post Incident Reports can be requested by the Fire Marshal or the Benton County Rural Fire Defense Board (RFDB).

The Board reviewed the checklist and discussed next steps in relation to Action Items 2 and 3.

Wyse asked if the Board will write a letter to Republic Services regarding the importance that a monitoring system is implemented.

Malone mentioned the monitoring system was discussed with Republic Services during a previous meeting and agreed that a letter would be appropriate.

Augerot and staff will draft the letter, then the Board will review during a meeting.

Action Item 4 is to enforce the cap on garbage intake from outside the County. Payne informed Julie Jackson at Republic Services that CBL exceeded its cap in 2023 and how much was remaining for the tonnage cap in 2024. Jackson had mentioned a

subsection 5 that identifies certain waste streams that do not count toward the tonnage cap; that includes contaminated soils. Payne was not aware of this exception and will review the subsections. Payne believed if those amounts do not count, Republic Services will be under the tonnage cap for 2023.

Malone asked if there was an exemption for the large amount of debris sent to CBL from the 2020 Labor Day fires.

Counsel confirmed.

Augerot mentioned that the Board does not receive monthly reports regarding waste sent to CBL; Payne must request the information from DEQ because Republic Services reports to DEQ on waste volumes. Augerot believed it would be useful for the Board to receive the same information as DEQ for a tonnage cap to be effective.

Payne agreed and will ask Republic Services about detailed quarterly reports.

The Board discussed Payne returning to a future Board meeting with tonnage data from Republic Services.

Wyse asked if McGuire will add information regarding the tonnage cap and types of exemptions to an existing Frequently Asked Questions page on the County website.

McGuire confirmed.

Action Item 5 is to mobilize methane and greenhouse gases factfinding. McGuire discussed a data slide on the VNEQS presentation and methane emissions at CBL that had been detected by CarbonMapper, a nonprofit organization.

Augerot agreed there is a significant amount of methane emitting from CBL and with the formula used for calculating it. Augerot stated the concern was the methodology and parameters VNEQS used for data input. CarbonMapper was not comfortable using the data because it was not based on continuous monitoring. Augerot suggested using a range when describing the amount of emissions from CBL.

Wyse asked what the County could do with the emissions data if it does not have authority over Republic Services.

McGuire agreed and discussed the importance of identifying and placing attention on the correct government entity to take action.

Malone and Payne discussed what Lane County's Clean Lane facility will do with organic materials. Malone asked if the Pacific composting facility released less greenhouse gases than CBL.

Payne confirmed, adding that the facility prevents organic material from reaching an anaerobic state that creates more methane.

Action Item 6 is to continue the dialogue and engage in future discussions. McGuire and Payne will continue to report on progress.

6.3 Proposed 2025 Board of Commissioners Schedule – Maura Kwiatkowski, Board of Commissioners Office

Kwiatkowski provided the Board with a draft public meeting schedule for 2025. Kwiatkowski reviewed regularly scheduled meetings where there is conflict with a holiday or a conference and provided alternative meeting dates.

The Board discussed the meeting schedule; changes were made as needed.

6.4 2024-25 Goals for the County Administrator – Board of Commissioners; Rachel McEneny, County Administrator

Goal One is the implementation of CivicPlus; McEneny expressed the importance on measuring the platform's effectiveness and utilizing that data to make the best use of CivicPlus.

Wyse and McEneny discussed the role McEneny would assume for that goal.

Wyse asked if the goal had a timeline.

Augerot suggested to evaluate the CivicPlus launch for effectiveness and any changes needed by September 1.

McEneny agreed.

Malone, Kwiatkowski and McEneny discussed CivicPlus.

Goal Two is the operationalization of the Crisis Center. The union contract requires negotiation to hire approximately 38 staff members. McEneny discussed additional logistics such as the budget, creating a salary structure, onboarding, and monitoring State Legislative priorities while trying to open on time. The goal is to open the Crisis Center in April 2025. McEneny will work with the Public Information Officer to create a communications plan and coordinate site tours. McEneny added that the County will need to create more recruiting efforts, such as attending job fairs.

Malone asked if recruitment for the Crisis Center has started.

McEneny stated that staff have not yet budgeted for hiring new employees at the Crisis Center. McEneny discussed recruitment and training logistics.

Wyse asked if the County can expect to be reimbursed by insurance to pay staff instead of it coming out of the General Fund.

Augerot confirmed; but the County will have to cover the costs associated with recruitment, hiring, and staff training.

Goal Three is the addition of a Change Manager position. A priority for the role will be to focus on equity, diversity, and inclusion outcomes of workplace culture.

Wyse asked for the timeline to onboard the new position.

McEneny expects recruitment to begin in late December.

The Board discussed the Change Manager role.

The Board discussed McEneny's goals from the previous year.

Wyse asked if there were additional items that Commissioners wanted to add to McEneny's goals.

Augerot stated the goals covered the highest priorities within McEneny's purview. Augerot added that other topics of interest for the community are transportation and ease of interaction with the County.

Wyse and Malone concurred.

Chair Augerot recessed the meeting at 11:27 a.m. and reconvened at 11:35 a.m.

7. County Updates

7.1 County Administrator Updates

Rachel McEneny, County Administrator:

- The County hired a Chief Financial Officer, who starts November 18.
- Attended the SMMP kickoff meeting.
- Toured the Crisis Center.
- Has attended daily strike planning meetings with Department Heads.
- Had lunch with community member Marge Popp.
- Attended the Fair Volunteer Dinner.
- Attended multiple Gallup Manager trainings.
- Will attend the 4-H Awards Dinner.
- Will attend the Association of Oregon Counties Conference for one day.

7.2 Commissioner Updates

Commissioner Wyse:

- Was re-elected.

Commissioner Malone:

- Attended the Area Commissions on Transportation meeting, Malone discussed Philomath Boulevard.
- Toured the Crisis Center.
- Attended the third Willamette Valley Broadband event at the Knife River Training Center.
- Provided a follow-up to the Corvallis-to-Albany path project.

Commissioner Augerot:

- Will attend the Willamette Innovators Network Exposition.
- Will attend the 4-H Awards Dinner.
- Will attend the investiture for Judge Smith.
- Will attend the Benton Community Foundation Philanthropic Achievement Awards.
- Will participate in a Juvenile Justice Summit.
- Will tour the Crisis Center.

8. Other

8.1 Funding Request for Philomath Black History Month Event – Augerot Xanthippe, Commissioner

Augerot discussed the funding request from the Philomath Inclusivity Committee for an event at the Philomath Museum.

Wyse proposed funding the amount requested.

Malone concurred.

MOTION: Wyse moved to allocate \$494 to the City of Philomath for the Black History Month celebration to cover lodging and mileage expenses. Malone clarified the expenditure would come from the Commissioners Discretionary Fund. Wyse confirmed. Malone seconded the motion, which **carried 3-0.**

Augerot asked if the event can advertise it was co-sponsored by Benton County.

McEneny will ask.

9. Executive Session Under ORS 192.660[2][d] – Labor Negotiations

Chair Augerot recessed the regular Board Meeting at 11:54 a.m. and immediately entered Executive Session.

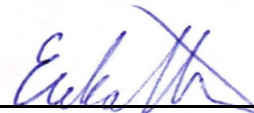
Chair Augerot exited Executive Session at 12:18 p.m. and immediately reconvened the regular Board Meeting.

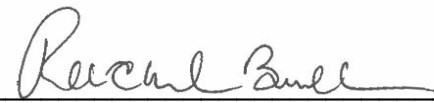
Chair Augerot recessed the meeting at 12:18 p.m. [and reconvened at 8:01 p.m.]

10. Adjournment

Chair Augerot adjourned the meeting at 8:14 p.m.



Nancy Wyse, 2025 Chair

Erika Milo, Recorder

Rachel Bulder, Transcriptionist

* NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.