

AGENDA

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, November 2, 2021

GoToMeeting: <https://global.gotomeeting.com/join/791864525>

or Dial 1 (872) 240-3212; Access Code 791-864-525#

Livestream: <http://facebook.com/BentonCoGov>

(Chair May Alter the Agenda)

THE BOARD WILL TAKE A BRIEF RECESS BETWEEN THE WORK SESSION AND BUSINESS MEETING

9:00 A.M.

I. Opening:

A. Introductions

B. Announcements

II. Comments from the Public

Time restrictions may be imposed on public comment, dependent on the business before the Board of Commissioners. Individual comment may be limited to three minutes.

III. Review and Approve Agenda

IV. Work Session

- 4.1 9:00 a.m., 30 minutes - Update from Department Operation Centers –
Suzanne Hoffman, April Holland; Health Department
- 4.2 9:30 a.m., 30 minutes – OSU Covid-19 Update – *Steve Clark, Jenny Haubenreiser, Dan Larson; Oregon State University*
- 4.3 10:00 a.m., 30 minutes – Discussion Regarding Amending Benton County Code Chapter 31 - Enforcement – *Gordon Kurtz, Public Works; Greg Verret, Community Development*
- 4.4 10:30 a.m., 30 minutes – Discussion and Update on the Justice System Improvement Project (JSIP) – *Nick Kurth, JSIP Program Manager*

The Board of Commissioners may call an executive session when necessary pursuant to ORS 192.660. The Board is not required to provide advance notice of an executive session. However, every effort will be made to give notice of an executive session. If an executive session is the only item on the agenda for the Board meeting, notice shall be given as for all public meetings (ORS 192.640(2)) and the notice shall state the specific reason for the executive session as required by ORS 192.660.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Board of Commissioners Office, (541) 766-6800.

BUSINESS MEETING

V. Consent Calendar

- 5.1 In the Matter of Appointing Advisory Members to the following Boards and Committees:
Home, Opportunity, Planning and Equity – Cindee Lolik
- 5.2 Approval of the September 28, 2021 Tuesday Board Meeting Minutes

VI. Proclamations

- 6.1 In the Matter of Proclaiming November 2021 Native American Heritage Month in Benton County – *Luhui Whitebear; Joe Hahn, Equity, Diversity and Inclusion Coordinator*
- 6.2 In the Matter of Proclaiming November 11, 2021 as Veterans Day in Benton County – *Ryan Vogt, Molly Murphy, Cascades West Council of Governments*

VII. Departmental Reports and Requests

- 7.1 Discussion and Decision to Approve Order #D2021-072 Granting Exceptions to the Benton County Code Chapter 2 – Sole Source, to Contract with Oregon Family Support Network – *Dannielle Brown, Deputy Director, Behavioral Health Services*
- 7.2 Discussion and Decision to Adopt Order #D2021-074 Approving the Statewide Transportation Improvement Fund (STIF) Advisory Committee Project Recommendations for Benton Area Transit – *Gary Stockhoff, Public Works; Lisa Scherf, Brad Dillingham, City of Corvallis*
- 7.3 Discussion and Decision to Approve Order #D2021-075 Authorizing Payment of Property Taxes to Certain Municipalities and Other Taxing Districts – *Debbie Bauer, Finance Services*

VIII. Other

ORS 192.640(1)" . . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects."

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MINUTES OF THE MEETING BENTON COUNTY BOARD OF COMMISSIONERS

GoToMeeting link: <https://global.gotomeeting.com/join/791864525>

Livestream: <http://facebook.com/BentonCoGov>

Tuesday, November 2, 2021

9:00 a.m.

- Present:** Xanthippe Augerot, Chair; Nancy Wyse, Commissioner; Pat Malone, Commissioner; Vance Croney, County Counsel; Joe Kerby, County Administrator
- Staff:** Debbie Bauer, Finance; Dannielle Brown, Suzanne Hoffman, April Holland, Health; Rick Crager, Finance; Teresa Farley, Joe Hahn, BOC Staff; Nick Kurth, JSIP Coordinator; Gordon Kurtz, Gary Stockhoff, Public Works; Erika Milo, BOC Recorder; Alyssa Rash, Public Information Officer; Greg Ridler, Sheriff's Office; Greg Verret, Community Development; Matt Wetherell, Juvenile Department
- Guests:** Steve Clark, Jenny Haubenreiser, Dan Larson, Luhui Whitebear, Oregon State University; Brad Dillingham, Lisa Scherf, City of Corvallis; Ross Hatton, Geoffrey Hollinger, Nance Kiesling, Arlene Merems, Cynthia Stickle, Shelley Su, Corvallis residents; Hyatt Lytle, Charles Maughan, Corvallis City Council; Molly Murphy, Ryan Vogt, Cascades West Council of Governments

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

- I. Opening:
 - A. Introductions
 - B. Announcements

No announcements were made.

II. Comments from the Public

Charles Maughan: Maughan expressed concern about negative impacts on south City of Corvallis from the potential south JSIP site, such as higher development costs, deterrent to visitors, lack of emergency services access during natural disasters such as earthquakes and floods, and lack of access to other areas of the County. Maughan asked the Board to reconsider using the south site.

Nance Kiesling: Kiesling opposed use of the potential south JSIP site for the same reasons given by Maughan, and expressed concern that a bond measure for the west or south sites would fail due to neighborhood opposition. Kiesling felt the north McFadden site would gain widespread community support. The north site is close to downtown and the Corvallis Emergency Services training facility, connected by existing bus routes, within Corvallis city limits, does not need wetlands mitigation, is above the 100-year floodplain, and is not near any seismic faults.

Hyatt Lytle: Lytle and Maughan hosted a community meeting on October 30, 2021 to hear residents' concerns about the south JSIP site. Lytle stated that the community understands the need for an expanded JSIP site to reduce the County's high rate of cite-and-release and failure to appear. However, Lytle feels that public outreach was insufficient. Lytle shared community concerns about negative impacts on south Corvallis from the potential south site: the need for

annexation and rezoning, higher development costs, ecological issues such as the millrace project and wetlands mitigation, increased traffic, and emergency access in the event of natural disasters. South Corvallis is intended to be a gateway area. Research shows that jails deter visitors, economic development, and urban renewal. Lytle and Maughan will continue to meet with residents and share community concerns.

Augerot stated that the Board will keep all comments in mind when selecting a site.

III. Review and Approve Agenda

The following items were added to the agenda under VIII. Other:

8.1 Discussion Regarding Public Access to County Facilities – Joe Kerby, County Administrator

Executive Session under ORS 192.660(2)(e) – Real Estate, ORS 192.660(2)(d) – Labor Negotiations, and ORS 192.660(2)(h) – Discussion of Potential Litigation

IV. Work Session

4.1 Update from Department Operation Center (DOC) – Suzanne Hoffman, April Holland; Health Department

Holland reported that although COVID-19 cases continue to decrease statewide, Benton County cases remain at a high plateau, with an average of 185 cases per week in the last 4 weeks and 183 in the past 8 weeks. The 7-day case rate is 195 cases per 100,000 of population (in Centers for Disease Control guidance, over 100 is considered high transmission). The 14-day case rate is 384 per 100,000. There were 89 cases in June 2021, 220 in July 2021, 658 in August 2021, 750 in September 2021, and 801 in October 2021. Breakthrough case rates remain steady at about 27% of all cases in both County and state. Three-quarters of Benton cases are from the one-third of the population that is not vaccinated (even though some of those individuals had recent COVID-19 infections). Testing positivity rate is good at 4.5%. Due to the high transmissibility of Delta variant and increase of indoor gatherings, disease modeling now predicts that case numbers will probably not decrease significantly until late December 2021.

COVID-19 levels remain high in Kindergarten-12th grade schools, with 8 outbreaks of more than one case reported in the last two weeks, and at least twice as many in the last month. Household transmission is very common. Children ages 5-11, who cannot be vaccinated yet, comprised 10% of the past month's cases, but are 5% of the County population. Youth ages 12-17 are 9% of cases and 5% of the population. Cases have increased in people ages 18-29, who are 30% of cases and 30% of the population. Hospitalizations have decreased statewide; Good Samaritan Regional Medical Center (GS) had a 7-day average of 13 COVID-19 patients. Hospital region 2 (Benton, Lincoln, Linn, Marion, Polk, and Yamhill Counties) had 8 of 87 staffed Intensive Care Unit (ICU) beds available and 17 out of 569 adult non-ICU beds as of November 1, 2021.

Benton County is 67.2% fully vaccinated out of all residents. Vaccine demand has slowed, but people keep coming. The primary focus is access and outreach to underserved populations. Pfizer, Moderna and Johnson & Johnson booster administration is underway. Approval to vaccinate children ages 5-11 is expected today; staff have ordered initial doses for that age group and expect doses to arrive this week or next week. Vaccination continues to use existing providers, pharmacies, and clinics. Last week, the Federal Emergency Management Agency held 6 days of drive-through clinics and 5 smaller clinics in Benton County; 2,770 people were vaccinated, including over 2,400 at the Fairgrounds and 335 at smaller clinics. Holland

encouraged everyone to get a booster shot. Eventually vaccination will be available in the medical community at large. Many parents prefer that children be vaccinated by a pediatrician. Samaritan Health Services, Corvallis Health Clinic, Linn-Benton Community Health Centers, and Corvallis Children's Clinic have ordered Pfizer vaccine for clients. The County will hold clinics for initial doses and limited booster doses in November and December 2021 at Garfield Elementary, Lincoln Elementary, Alsea High, Philomath High, Monroe High, North Albany High, and Boys and Girls Club of Corvallis.

Malone asked about the typical severity of COVID-19 cases per week, and whether some GS COVID-19 patients are from other areas.

Holland replied that GS provides a weekly update on the number of hospitalized Benton County residents. Over 70% of current cases are unvaccinated people, varying in age. The older and/or more immunocompromised a person is, the more likely that the virus will cause serious impacts. Delta variant is a difficult illness even for those who are vaccinated. Hospitalization and death rates always follow case numbers. The County has at least one long-term care facility outbreak. There are not a lot of severe hospitalized cases right now.

4.2 Oregon State University (OSU) Covid-19 Update – Steve Clark, Jenny Haubenreiser, Dan Larson, Oregon State University

Larson praised the partnership between County Health and OSU, and described COVID-19 preventive measures at OSU. Ongoing pandemic response includes vaccine compliance, testing, and follow-up by the Health Center team, led by Haubenreiser. Vaccination is required for students and employees. Students are 99.9% compliant with the requirement, with 93% fully vaccinated. Only a handful will not be able to maintain student status due to the requirement. Employees are 98% compliant, with 95% fully vaccinated. Under Presidential Executive Order 14-042, all Federal contractors and sub-contractors (including OSU) must have a fully vaccinated workforce by December 8, 2021. Philosophical exemptions are no longer allowed. Unvaccinated people on campuses in the Cities of Corvallis and Bend are required to test regularly, and many people voluntarily test as well.

OSU continues to test wastewater in the Cities of Corvallis, Bend, and Newport to determine prevalence and type of COVID-19 variants. Individuals must show proof of vaccination at some OSU events and activities, which has been well received by event planners. Masks are required indoors and outdoors where physical distancing cannot be maintained. OSU may continue to require masks even if state mandates are lifted, particularly in higher-density environments. OSU is using a Johns Hopkins University operational toolkit for higher education institutions to assess and mitigate risk. OSU scored at a very low risk level, indicating high preparedness for COVID-19 impacts.

Haubenreiser described OSU COVID-19 vaccination, testing, contact tracing, isolation, quarantine, and care. Gerald Dyer, Benton County Health, manages the OSU Communicable Disease program and oversees case investigation. Willamette Toxicology has performed 8,800 tests at OSU through two walk-in testing sites on campus, allowing OSU to respond immediately to COVID-19-positive students. The Student Health Center continues to see symptomatic cases, including other respiratory illnesses. Remote classwork is available. So far this term, only one student has been quarantined and about 40 students have been isolated. Some ill students choose to go home. It has not been necessary to cancel classes due to a COVID-19 case. In-person education is critical for students and instructors.

Clark shared that 2021 OSU Corvallis enrollment is up by 3%, with more students enrolled in online courses. OSU provides a culture of care which needs to extend to other employers, with flexible work opportunities and considerations for personal healthcare. OSU's Office of Equal Opportunity and Access addresses accommodations. Remote work agreements combine work on- and off-site. A taskforce will review the future of work this fall. Clark shared OSU's interest in collaborative work with the County on public health and safety.

Augerot agreed that OSU and the County can work together for a more resilient community. Areas include childcare/early childhood education and housing, especially affordable workforce housing. Clark could join County meetings periodically to discuss issues in common. Despite concerns about unmasked people at OSU football games, such events did not cause a significant uptick in cases.

Clark noted that OSU and University of Oregon (UO) led efforts to require proof of vaccination or a negative test at games. OSU has not seen issues with athletic events and will continue to work on attendee compliance.

Wyse asked if OSU is taking other steps to ensure compliance at large events.

Larson replied that the challenge is that people may remove masks when 'actively eating or drinking'. Staff are the primary response to reinforce requirements.

Haubenreiser added that OSU Athletics meets weekly with University of Oregon officials to share information and protocols for student athletic events. It is difficult to police mask-wearing in game settings. The media focus on attendees who are not wearing masks.

Malone encouraged OSU to go slowly in repealing the mask requirement, even when case numbers begin to fall, and stressed the importance of a community approach to prevention.

4.3 Discussion Regarding Amending Benton County Code Chapter 31 - Enforcement – Gordon Kurtz, Public Works (PW); Greg Verret, Community Development (CD)

Verret explained this is a joint CD-PW effort. CD uses the Code Enforcement Chapter of Benton County Code (BCC) for planning and building-related issues, among others.

Kurtz explained that the two amendments relate to the County's permit compliance process with the federal National Pollution Discharge Elimination System (NPDES) for storm water quality and public outreach. The new permit was issued in 2019. County compliance involves implementing six control measures. Staff have complied with two measures and are working to complete two more by the end of February 2022. The last two are due in 2023. The current two measures relate to management of the County facility and of illicit (non-storm water) discharges through County systems or direct channelization into lakes, streams, and wetlands. The Department of Environmental Quality (DEQ) requires that the Illicit Discharge Code in Chapter 36 include a five-stage escalating enforcement system from verbal notice to fines, giving people the greatest opportunity to comply before being fined. Before modifying the non-storm water discharge code, staff want to modify the supporting enforcement code. Kurtz proposed that the code be centralized, streamlined, and apply County-wide.

Verret added that in Chapter 31, staff expanded positions identified as enforcement officers. 31.020 describes the escalating enforcements, aiming to resolve issues at the lowest possible

level. Working with Counsel, staff wrote in flexibility so enforcement can begin at a higher step for an egregious violation.

Responding to a question from Malone, Verret replied that storm water violations are rare, whereas CD encounters several land use and building code violations per month. Other amendments include adding a voluntary compliance agreement (VCA) as a tool to gain compliance without going to court. VCAs have worked well in other jurisdictions and allow the County and the permittee to agree on what needs to happen, by when. Failing to meet the VCA is a potential violation. VCAs are separate from NPDES. An error in 31.505 will be corrected in the Ordinance.

Augerot praised codifying the County's standard operating procedures to provide clarity and a stronger legal basis.

Kurtz noted this will enable updating an internal policy about reporting and staff process, which will be part of final compliance.

MOTION: Wyse moved to direct staff to bring the proposed amendments to County Code Chapter 31 - Enforcement to a public hearing for potential adoption. Malone seconded the motion, which **passed 3-0.**

Chair Augerot recessed the meeting at 10:35 a.m.

Chair Augerot reconvened the meeting at 10:40 a.m.

4.4 Discussion and Update on the Justice System Improvement Project (JSIP) – *Nick Kurth, JSIP Program Manager*

Kurth reviewed the JSIP public engagement and site selection calendar.

Rash described the release and reception of a November 29, 2021 County press release that announced exploratory discussions about the north site for JSIP consideration and the Board's decision to defer site selection decisions until November 30, 2021 (south site) and December 14, 2021 (west site). The press release was provided to local news media and published on the County main website and JSIP site. Rash and Kurth have not received public comment on these items.

Augerot noted that Corvallis residents who provided comment today mentioned the press release.

Kurth discussed the option of moving the JSIP bond date from November 2022 to May 2023, and implications for funding the new Courthouse (NCH). Otley and Crager are examining the option of the County self-funding its NCH matching funds for the first several years or the full lending period. Staff also need to explore what funding schedule adjustments the State might make. The current schedule involved a single appropriation of \$20.4 million to build the NCH before the end of the next biennium. Projects that span multiple biennia usually receive an allocation phased by biennium; the State might make an exception, but that was the assumption when the County submitted its final funding request to the State. Kurth to provide a cost-benefit analysis of moving the bond date at the November 16, 2021 Board Meeting. Kurth received an inquiry from Representative Shelly Boshart-Davis's office; the County should assure the State and Representatives that a NCH can be built with anticipated Oregon Courthouse Capital Construction & Improvement (OCCC&I) funding, or that the County has an alternative plan.

Augerot observed the State has been very flexible in working with counties on courthouse matching funds, as long as the County's needs and timelines are clearly communicated. Augerot to contact Boshart-Davis and Representative Dan Rayfield regarding the bond date and NCH funding.

Kurth suggested advancing the NCH on the proposed timeline even if the project could be deferred. Possibly OCCC&I funding could be phased over multiple biennia, with some in 2023 for design and initial construction, and the remainder in 2025. Or the County could proceed with the NCH more quickly by self-funding the match in anticipation of the bond.

V. Consent Calendar

5.1 In the Matter of Appointing Advisory Members to the following Boards and Committees: Home, Opportunity, Planning and Equity – Cindee Lolik

5.2 Approval of the September 28, 2021 Tuesday Board Meeting Minutes

MOTION: Malone moved to approve the Consent Calendar of November 2, 2021. Wyse seconded the motion, which **passed 3-0.**

VI. Proclamations

6.1 In the Matter of Proclaiming November 2021 Native American Heritage Month in Benton County – Luhui Whitebear; Joe Hahn, Equity, Diversity and Inclusion Coordinator

Hahn and Whitebear read aloud the proclamation.

MOTION: Malone moved to proclaim November 2021 Native American Heritage Month in Benton County, Proclamation 2021-021. Wyse/Malone seconded the motion, which **passed 3-0.**

6.2 In the Matter of Proclaiming November 11, 2021 as Veterans Day in Benton County – Ryan Vogt, Molly Murphy, Cascades West Council of Governments

Murphy read aloud the proclamation.

MOTION: Malone moved to proclaim November 11, 2021 as Veterans Day in Benton County, Proclamation 2021-022. Wyse seconded the motion, which **passed 3-0.**

Augerot noted that Murphy is now the County's lead at the Veterans Affairs Office with Cascades West Council of Governments (COG).

VII. Departmental Reports and Requests

7.1 Discussion and Decision to Approve Order #D2021-072 Granting Exceptions to the Benton County Code Chapter 2 – Sole Source, to Contract with Oregon Family Support Network (OFSN) – Dannielle Brown, Behavioral Health Services

Brown explained that OFSN provides family-peer support services for the County Children and Families Program, specifically the children's wraparound program and crisis transition services for youth experiencing mental health crisis. OFSN is the only area provider of this service.

Counsel noted this is the first sole source under the County's new contract procedures. The cutoff for sole source contracts that require Board approval is now \$100,000.

MOTION: Malone moved to approve Order #D2021-072 granting exceptions to the Benton County Code Chapter 2 to contract with Oregon Family Support Network. Wyse seconded the motion, which **passed 3-0.**

7.2 Discussion and Decision to Adopt Order #D2021-074 Approving the Statewide Transportation Improvement Fund (STIF) Advisory Committee Project Recommendations for Benton Area Transit – Gary Stockhoff, Public Works; Lisa Scherf, Brad Dillingham, City of Corvallis

Dillingham explained that Benton County passes STIF funding to local transit providers through the STIF Advisory Committee and the Board of Commissioners. The STIF plan submitted to the State in January 2021 included the item “Unanticipated Projects of Regional Significance (UPRS),” which reserves funds for unbudgeted projects. Initially, \$2.9 million was budgeted for UPRS, to consist of unspent funds from the previous STIF cycle. Because COVID-19 vaccine rollout caused an uptick in ridership, and because Benton Area Transit (BAT) and Albany Public Transportation were able to purchase vehicles, the STIF cycle ended with a \$2.1 million reserve instead. Two potential UPRS projects:

- Making the Philomath Connection fareless. This was done during the pandemic, and the City of Philomath wants to continue this in each STIF biennium.
- Upgrading BAT dispatch software. Current software is about 10 years old. This project was on the previous STIF cycle but was not funded due to time constraints.

Responding to questions from Kerby and Stockhoff, Dillingham explained that the software will belong to the County and is not dependent on a specific contractor. Staff are partnering with COG, which also seeks software for non-emergency dispatch.

Scherf noted that a previous STIF project collaboration with COG went well.

Augerot approved of the partnership and asked if farelessness increased ridership on the Philomath Connection.

Dillingham and Scherf did not have that data, but opined that farelessness has helped the Highway 99 Express service to the City of Adair Village. Ridership is almost at pre-pandemic levels.

Hahn recommended that the County continue fareless options for greater transportation equity.

Scherf added that State funding was allocated with lower-income populations in mind.

Malone praised the COG collaboration, regional approach to transit systems, and fareless option.

MOTION: Malone moved to approve Order #D2021-074 accepting the projects recommended by the Benton County STIF Advisory Committee to be funded

using the “Unanticipated Projects of Regional Significance” project from the Benton County STIF Plan. Wyse seconded the motion, which **passed 3-0.**

7.3 Discussion and Decision to Approve Order #D2021-075 Authorizing Payment of Property Taxes to Certain Municipalities and Other Taxing Districts – Debbie Bauer, Finance Services

Bauer explained that the County annually advances funds to about 17 small taxing districts (under \$13,000), which the districts repay once tax revenues are received.

MOTION: Malone moved to approve Order #D2021-075 authorizing the payment of property taxes to certain municipalities and other taxing districts as detailed in the attachment to the Order. Wyse seconded the motion, which **passed 3-0.**

VIII. Other

8.1 Discussion Regarding Public Access to County Facilities – Joe Kerby, County Administrator

Kerby explained that most County facilities have been closed to the general public since the surge of Delta variant cases in August 2021. The Executive Committee recommends extending this policy at least through end of year, to be reviewed in mid-December 2021.

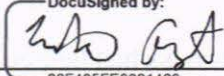
The Board concurred with this recommendation.

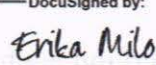
Chair Augerot recessed the meeting at 11:35 a.m.

Chair Augerot reconvened the meeting at 11:45 a.m. and immediately entered Executive Session under ORS 192.660(2)(e) – Real Estate, ORS 192.660(2)(d) – Labor Negotiations, and ORS 192.660(2)(h) – Discussion of Potential Litigation

IX. Adjournment

Chair Augerot exited Executive Session at 1:56 p.m. and immediately adjourned the regular meeting.

DocuSigned by:

 86F405F58021409...
 Xanthippe Augerot, Chair

DocuSigned by:

 736EA4FEB0B0496...
 Erika Milo, Recorder

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

4.3WS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/02/21

[View Agenda Tracker](#)

Suggested Placement * Work Session

Department * Community Development

Contact Name * Linda Ray

Phone Extension * 0250

Meeting Attendee Name * Gordon Kurtz

Agenda Item Details



Item Title * Discuss Amending Benton County Code Chapter 31 - Enforcement

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ Discussion and Action
- ☒ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 30 minutes

Board/Committee Involvement *
☐ Yes
☒ No

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues ***

The current National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer Systems (MS4) Permit requires that the County update its code to provide an escalating enforcement structure to govern illicit (non-stormwater) discharges. Staff representatives from Community Development, Environmental Health, and Public Works working together in the MS4 Stakeholders' Group meetings have concluded that Chapter 31 of the Benton County Code (Enforcement) should be modified to meet the requirements of the permit and that the escalating enforcement structure be used for enforcement actions Countywide, where applicable. Staff has identified other elements of Chapter 31 that require updates and corrections. It was determined to be an expedient use of the Board's time to address these updates and corrections at the same time.

Options *

- 1) Assessment, analysis, discussion, and directives to staff.
- 2) The code language will be modified as the Board directs. This will be executed by staff and a revised document produced for a public hearing and first reading on November 16, 2021, with a second reading and acceptance of the new code scheduled for December 7, 2021.

Fiscal Impact *

- ☐ Yes
☒ No

2040 Thriving Communities Initiative

Mandated Service? * ☒ Yes
☐ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description * If this agenda checklist describes a mandated service or other function, please describe here.
Pursuant to the Clean Water Act and Oregon DEQ rules, Benton County is required to regulate discharges to surface waters and the stormwater system.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values * Select all that apply.

- ☒ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☒ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☒ Community Resilience
- ☐ Equity for Everyone
- ☒ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

Vibrant, Livable Communities – The proposed code modifications strengthen and clarify the process of enforcing our environmental and water quality standards. The new code allows a progressive escalation of enforcement to ensure protection of our environmental resources.

Community Resilience – The proposed code modifications provide staff with tools to respond to violations that threaten public health and the function of our lands and waterways.

High Quality Environment and Access – The code modifications help to protect our lands and waterways ensuring their preservation and protection so they may be enjoyed by the citizens of Benton County.

Health in All Actions – The Code modifications protect the public health and wellbeing by empowering enforcement officers to take action when violations are reported or discovered.

**Focus Areas and
Vision ***

Select all that apply.

- ☒ Community Safety
- ☒ Emergency Preparedness
- ☒ Outdoor Recreation
- ☐ Prosperous Economy
- ☒ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ NA

**Explain Focus Areas
and Vision
Selection ***

Vibrant, Livable Communities – The proposed code modifications strengthen and clarify the process of enforcing our environmental and water quality standards. The new code allows a progressive escalation of enforcement to ensure protection of our environmental resources.

Community Resilience – The proposed code modifications provide staff with tools to respond to violations that threaten public health and the function of our lands and waterways.

High Quality Environment and Access – The code modifications help to protect our lands and waterways ensuring their preservation and protection so they may be enjoyed by the citizens of Benton County.

Health in All Actions – The Code modifications protect the public health and wellbeing by empowering enforcement officers to take action when violations are reported or discovered.

Recommendations and Motions

Item Recommendations and Motions

Staff	Staff recommends acceptance of the proposed code modifications. Staff also
Recommendations *	recommends that the BOC set a public hearing for November 16th to present the code amendments.

Work Session	I move to ...
Motions *	I move to direct staff to bring the proposed amendments to County Code chapter 31 - Enforcement to a public hearing for potential adoption.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

Chapter 31 amendments.pdf

251.35KB

Comments (optional) In the attachment, the proposed changes show up in various colors of text. The distinction between the colors is not relevant. Sorry if that confuses anyone.
If you have any questions, please call ext.6800

**Department
Approver**

GREG VERRET

Department Approval

Comments

Signature



Greg Verret

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

County Administrator Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cliney

County Administrator Approval

Comments

Signature



Joseph Kerby

BOC Final Approval

Comments

Signature



Teresa Farley

CHAPTER 31

ENFORCEMENT

ADMINISTRATION

31.005 Purpose. The purpose of this is to provide for the welfare, safety and health of the citizens of Benton County by establishing a procedure wherein the ordinances of Benton County can be enforced. [Ord. 99-0147]

31.010 Definitions. For the purposes of BCC Chapter 2631, the following definitions shall be used:

(1) **"County ordinance"** as used in this ordinance shall include any County ordinance, order, resolution, license or permit and any State statute or administrative rule which the County is authorized to enforce. Excepted from this definition is "Dog Hearing Proceedings" under ORS 609.150 and Benton County Code Section 9.705.

(2) **"Infraction complaint"** means that document(s) which, when properly served upon the alleged ordinance violator, brings the matter before the appropriate court for resolution. The elements of an infraction complaint are set forth in Section 731.130 of this ordinance.

(3) **A "person" includes:**

(a) The United States or agencies thereof, any state, public or private corporation, limited liability company, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof. For the purpose of this ordinance, "person" also includes those residing in or conducting business or activities in the incorporated or unincorporated areas of Benton County; and

(b) The owner, title holder, contract seller, or contract buyer of the land upon which the violation is occurring, is equally responsible for the violation of County ordinance, as is the possessor of the land, user of the land, or the person who is taking the action, conduct or omission which constitutes a violation of any County ordinance.

(4) **"Enforcement officer"** means that person(s) who is appointed to serve infraction complaints pursuant to Sections 2631.015, 31.020, and 2631.105 of this Ordinance.

(5) **"Violator"** means any person who has admitted violation of County ordinance or a person who has been adjudicated to have violated a County ordinance. [Ord. 99-0147]

31.015 Enforcement Officers. The Benton County Planning Official, Building Official, ~~and Public Works Director~~, Health Administrator, Sheriff and/or County Counsel, or their appointed designee, shall act as enforcement officer(s) for the purpose of issuing infraction complaint(s), abstract of record and summons.

In addition, the Board of Commissioners may appoint one or more persons to act as enforcement officer(s) for the purpose of issuing infraction complaint(s), abstract of record, and summons. The appointment(s) shall be made a part of the Board's records. [Ord. 99-0147]

[Ord. 99-0147]

31.020 Escalating Enforcement Response Procedure

(1) In responding to an apparent violation of County ordinance, the County's enforcement officer(s) shall proceed through the following escalating enforcement responses. The process may begin with either subsection (a) or (b) and shall move sequentially through subsections (c) through (e) as necessary to achieve compliance. For major violations as defined in subsection (2), the process may begin at any level deemed appropriate by the enforcement officer.

- (a) Verbal Notice of Violation: The enforcement officer or designee communicates the nature of the violation and the ordinance sections violated verbally to the property owner or the property owner's agent or contractor, in person or by telephone, and documents the communication in appropriate County records.
- (b) Written Notice of Violation: The enforcement officer or designee issues by mail or in person to the property owner and agent or contractor a Written Notice of Violation identifying the nature of the violation(s), the ordinance sections violated, the action(s) needed to correct the violation(s), and options for appeal. If a Verbal Notice of Violation was issued pursuant to subsection (a), a Written Notice of Violation shall be issued within five (5) working days if the violation is not corrected within that time.
- (c) Written Notice to Comply: The enforcement officer or designee shall, in instances described in subsection (i) and (ii) below, issue by mail or in person to the property owner and agent or contractor a Written Notice to Comply. Said Notice shall describe the violations, expected corrections, a schedule for correction, and notification of appeal options. The Notice to Comply is to specifically document the date and time when a stop work order or a suspension of permits will be executed if the applicant does not comply.
 - (i) At least five (5) working days following transmittal of a Written Notice of Violation if the enforcement officer deems that the response to the Written Notice of Violation is inadequate; or
 - (ii) As an initial step for violations deemed to be major violations by the enforcement officer pursuant to subsection (2) of this section.
- (d) Written Stop Work Order, Suspension of Permits, and Warning of Legal Action and/or Fines: The enforcement officer may issue any of these by mail or in person to the property owner and agent or contractor on or after the date specified in the Written Notice to Comply.
- (e) Legal Action and/or Citations: The enforcement officer may issue infraction complaints or citations pursuant to Section 31.105.

(2) In instances where the enforcement officer deems that a violation is egregious, negligent, a direct threat to public health, safety or wellbeing, the environment, public infrastructure, or any

combination thereof, enforcement may be escalated to levels (c) through (e) without verbal or written notice.

(3) Failure of an enforcement officer to conform to this escalating enforcement response procedure shall not invalidate an enforcement proceedings. If such failure prevented the violator from being able to comply within deadlines to avoid fines, the remedy shall be the waiving of said fines.

INFRACTION COMPLAINT AND SUMMONS

31.105 Service of Infraction Complaint.

- (1) Service of the infraction complaint shall be by the enforcement officer, their designated appointee or a peace officer upon the person(s) whose conduct, action(s) or omission(s) constitute the ordinance violation(s).
- (2) If the ordinance violator is not the owner, title holder, contract buyer or contract seller of the property and is the person whose action, conduct or omission is creating or causing (by act or omission) the ordinance violation, then the owner, title holder, contract buyer and contract seller may also be served personally with an infraction complaint.
- (3) If personal service cannot readily be made, substitute service can be made as provided by ORCP 7(D). [Ord. 99-0147]

31.110 Jurisdiction of the Courts. A justice court or circuit court have concurrent jurisdiction of all infraction complaints for violation of a county ordinance. [Ord. 99-0147]

31.115 Designation of Attorney for Benton County. The Benton County Board of Commissioners hereby elects to have the prosecution of infraction complaints and/or any other remedy provided by law to be conducted by Benton County Legal Counsel or Assistant Benton County Legal Counsel. [Ord. 99-0147]

31.120 Service of Summons, Complaint and Abstract of Record.

- (1) An infraction complaint issued pursuant to this ordinance shall comply with the requirements of Sections 26.125, 26.130 and 26.135 respectively.
- (2) The enforcement officer issuing an infraction complaint shall cause:
 - (a) The summons to be delivered to the person;
 - (b) A copy of the complaint, abstract of record and summons to be delivered to Legal Counsel within two (2) business days after service of the summons; and
 - (c) The complaint and abstract of record to be delivered to the appropriate court within two (2) business days after service of the summons. [Ord. 99-0147]

31.125 Infraction Complaint; Occurrence; Other Remedies.

- (1)
 - (a) Except as otherwise specifically provided in this ordinance, an infraction complaint may be used for violation of any County ordinance.
 - (b) Infraction complaints may be filed against the same person for repeated violations of the same ordinance or for a continuing violation of the same ordinance.
 - (c) Each 24-hour period constitutes a separate occurrence.
- (2) The County may, at any time, whether before or after the issuance of one or more infraction complaints, institute a complaint in the Benton County Circuit Court for any other remedy provided by law, including injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate the violation.
- (3) In addition to any other remedy provided by law to the County, the County may seek a fine of \$500 for each separate violation and a fine of \$1,000 for a continuing violation of any County ordinance, pursuant to this ordinance. [Ord. 99-0147]

31.130 Infraction Complaint.

- (1) The infraction complaint shall consist of four (4) parts. The required parts are:
 - (a) The complaint.
 - (b) The abstract of record.
 - (c) The enforcement officer record.
 - (d) The summons.

Each of the parts shall contain the information required by this ordinance.

- (2) The complaint shall contain a form or certificate in which the enforcement officer shall certify that he/she has sufficient grounds to believe, and does believe, the person served with the infraction complaint violated a County ordinance, contrary to law. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.
- (3) Minimum requirements for infraction complaint: The infraction complaint is sufficient if it contains the following:
 - (a) The name of the court, the name of Benton County, in whose name the action is brought, and the name of the violator(s).

(b) A statement or designation of the alleged violation of County ordinance in such a manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the violation of County ordinance is alleged to have occurred.

(c) A certificate signed by the enforcement officer issuing the infraction complaint.

(4) Motion to set aside. The complaint shall be set aside by the court upon motion of the violator, before a plea, when the complaint does not conform to the requirements of this section. A pretrial ruling on a motion to set aside may be appealed by the County. The court may allow Benton County to amend the complaint or to file an amended complaint. [Ord. 99-0147]

31.135 Summons. A summons in an infraction complaint is sufficient if it contains the following:

(1) The name of the court, the name of the person cited, the date on which the infraction complaint was issued, the name of the complainant, and the date, time and place at which the person cited is to appear in court.

(2) A statement or designation of the violation of County ordinance in such a manner as can be readily understood by the person making a reasonable effort to do so, and the date, time and place at which the ordinance violation is alleged to have occurred.

(3) A notice to the person cited that an infraction complaint will be filed with the court, based upon the alleged violation of County ordinance.

(4) The fine for violation of the ordinance:

(a) For a single occurrence, a minimum of \$25.00 and not to exceed \$500.00, unless otherwise specified.

(b) For a continuing occurrence, a minimum of \$25.00 and not to exceed \$1,000.00 unless otherwise specified.

(5) A written notice on the face of the summons that the County may seek any and all other legal remedies, including but not limited to injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate the ordinance violation. [Ord. 99-0147]

HEARING PROCEDURE

31.205 Violator's Appearance; Payment of Fine; Request for Hearing; Statement; Admission of Violation.

(1) The violator shall either appear in court at the time indicated in the summons, or prior to such time may:

- (a) Request a hearing;
 - (b) Admit violation of the County ordinance and give a statement of matters in explanation or mitigation of the violation; or
 - (c) Submit to the court an executed appearance, waiver of hearing, and admission of violation as set forth on the summons. A statement in explanation or mitigation may also be submitted with the admission of violation of County ordinance.
- (2) In any case in which the violator personally appears in court at the time indicated in the summons, and the violator desires to admit the violation of the County ordinance and court accepts the admission, the court shall hear any statement in explanation or mitigation that the violator desires to make.
- (3) If the violator does not appear in court at the time indicated in the summons, and has not, prior to such time, submitted an executed appearance and waiver of hearing to the court together with cash, check or money order in the amount of the fine set forth in the summons, or requested in writing a continuance of the time to appear in court, the court shall enter a judgment against the violator in an amount equal to the fine set forth on the face of the summons, together with court costs and any special costs. [Ord. 99-0147]

31.210 Statement as Waiver of Hearing and Consent to Judgment; Fine Forfeiture. If a violator has not requested a hearing, but has submitted to the court any written statement in explanation or mitigation of the ordinance violation, the statement constitutes a waiver of hearing and consent to the entry of judgment against the violator. The court may declare a forfeiture of the fine or portion thereof on the basis of the statement and/or any testimony or written statement of the enforcement officer or other person, if any, which may be presented to the court. [Ord. 99-0147]

31.215 Hearing Date; Notice to Violator; Waiver.

- (1) If the violator requests a hearing, the court shall fix a date and time for the hearing, and advise the violator of the date.
- (2) If the violator fails to appear at the time set for the hearing without having previously requested a continuance in writing, the court shall enter a judgment against the violator in the amount of the fine set forth on the summons.
- (3) No warrant of arrest can be issued for any violation of a County ordinance. [Ord. 99-0147]

31.220 Hearing; Trial; Commencement; Burden of Proof; Pretrial Discovery; Violator Witness.

- (1) The hearing of any infraction complaint shall be by the court without a jury.

(2) The hearing of any infraction complaint shall not commence until the expiration of seven (7) days from the date of the infraction complaint.

(3) The County shall have the burden of proving the violation of the ordinance by a preponderance of the evidence.

(4) The pretrial discovery rules set forth in the Oregon Rules of Civil Procedure shall apply to infraction complaints. The County may call the violator as a witness at the hearing.

(5) Proof of negligence, malfeasance, misfeasance, nonfeasance, willful conduct, knowing conduct, intentional conduct, or any other culpable mental state is not an element of any ordinance violation.

(6) At any hearing involving an infraction complaint, an attorney shall not be provided at public expense. At any hearing involving an infraction complaint, the County's attorney may appear, but is not required to appear. [Ord. 99-0147]

31.225 Prosecution of Infraction Complaint. Notwithstanding any provision of the Oregon Rules of Civil Procedure or any other provision of this ordinance, the prosecution of one infraction complaint shall not bar the subsequent prosecution of additional County ordinance violations occurring or committed at the same time or as part of the same act or transaction or as part of the same occurrence as other ordinance violation(s). Evidence of prior ordinance violation(s) shall be admissible in any subsequent prosecution of any ordinance violation. [Ord. 99-0147]

31.230 Civil Judgment. A judgment upon an infraction complaint is a civil judgment, as is any other civil judgment at law. The judgment involves only a fine, and does not incur loss by forfeiture, suspension or revocation of any license or any other privilege or other civil penalty. A person against whom a judgment is issued does not suffer any disability or legal disadvantage, based upon said judgment, other than the enforcement by Benton County of the judgment. [Ord. 99-0147]

31.235 Consent Decree. The County and the violator may enter into a consent decree. The consent decree shall provide that the violator does not admit a violation of County ordinance but will make necessary corrections, as set forth in the agreement, to bring the violator's actions, conduct, omissions or property into conformance with appropriate County ordinances.

The violator, the violator's attorney, if any, and the County Legal Counsel shall sign all consent decrees.

The consent decree shall be filed with the court as a final adjudication of the proceedings and shall constitute a dismissal of the action when violator performs as agreed. The violator or Benton County may seek a court order dismissing the case upon completion of the conditions of the consent decree.

The violator's failure to comply with the consent decree allows Benton County to seek any additional remedies provided by law or this ordinance. [Ord. 99-0147]

APPEAL

31.305 Appeal from Judgment. An appeal from a judgment may be taken by either party as follows:

- (1) From a proceeding in Justice Court, as provided in ORS Chapter 53; or
- (2) From a proceeding in Circuit Court, as provided in ORS 19.005 to 19.026 and 19.029 to 19.200. [Ord. 99-0147]

COSTS AND FINES

31.405 Court Costs.

- (1) The court, in addition to the fine, shall charge court costs to the violator where:
 - (a) The violator admits violation of the County ordinance and the minimum fine is imposed;
 - (b) The violator admits violation of the County ordinance and a fine other than the minimum fine is imposed;
 - (c) The violator fails to appear for the hearing or is found to have violated a County ordinance following a hearing; or
 - (d) The violator enters into an agreement with the County for a consent decree whereby the violator does not admit violation of the County ordinance but agrees to make necessary corrections, as set forth in the agreement, in order to bring the violator's conduct, actions or property into compliance with County ordinances.
- (2) Court costs shall be \$25. Said costs cannot be waived by the County, the violator or the court in any proceeding. If the violator fails to pay the costs, the costs shall be entered as a judgment against the violator in the same manner and with like effect as a judgment for a fine. [Ord. 99-0147]

31.410 Fines. All fines collected shall be distributed as follows:

- (1) One-half (½) of the fine shall be credited to the account of the Department or Division employing the enforcement officer to offset the cost of enforcement.
- (2) One-half (½) of the fine shall be credited to the account of Benton County Legal Counsel to offset the cost of enforcement. [Ord. 99-0147]

31.415 Special Costs.

(1) The County shall be entitled to recover all special costs and disbursements that are reasonable and necessary expenses incurred in the successful prosecution of an infraction complaint other than for legal services, but including the costs/expenses/salaries of officers, employees and witnesses, the necessary expenses of taking depositions, the expense of publication of summons or notices, postage, compensation of expert witnesses, the expense of copying any public record, book or document used as evidence in the trial.

(2) The special costs shall be allowed to the County in the same manner as a judgment for fines. [Ord. 99-0147]

ADDITIONAL PROVISIONS

31.505 ~~Private Right of Action~~ Voluntary Compliance Agreement.

(1) The County may enter into a written voluntary compliance agreement with the property owner or the property owner's agent or contractor at any point in the Escalating Enforcement Response Procedure described in Section 31.020. The agreement shall include the applicable code provision(s), required corrective action, time limits for compliance, fines if applicable and shall be binding.

(2) The fact that a person alleged to have committed a violation enters into a voluntary compliance agreement shall not be considered an admission of having committed the violation.

(3) The County will delay further processing of the alleged violation during the time allowed in the voluntary compliance agreement for the completion of the required corrective action.

(4) Failure to comply with any term of the voluntary compliance agreement constitutes a separate violation, and shall be handled in accordance with the procedures established by these provisions, except no further notice after the voluntary compliance agreement has been signed need be given before further enforcement proceedings are initiated. The County may also proceed on the alleged violation that gave rise to the voluntary compliance agreement.

31.505 Private Right of Action.

(1) Any person, whether acting as principal, agent or employee, ~~whose~~^{whose} interest is or may be affected by any violation of a Benton County ordinance may, in addition to the other remedies provided by law, file an infraction complaint in the following manner:

(a) The private citizen shall prepare and present the infraction complaint to the appropriate enforcement officer. If the enforcement officer fails to act upon the infraction complaint within ten (10) days, the citizen may submit the infraction complaint to Legal Counsel. Legal Counsel may investigate the alleged violation of a County ordinance and, after consultation with the appropriate department or division head, shall either (A) serve the infraction complaint and prosecute; or (B) decline to serve the infraction complaint or to prosecute. Legal Counsel shall notify the private citizen of said action within ten (10) days from the date the infraction complaint is presented to Legal Counsel.

(b) The private citizen, following notice by Legal Counsel of Legal Counsel's refusal to prosecute, may, within sixty (60) days of such notice, bring an action pursuant to this ordinance, in the citizen's name against the alleged violator in the same manner and form as provided by this ordinance. Should the private citizen prevail against the violator, any fine imposed, and special costs shall be awarded to the plaintiff private citizen. [Ord. 99-0147]

31.510 Severability Clause. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which the ordinance or such portion thereof was enacted. [Ord. 99-0147]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

In the Matter of Appointment to the	)	
Home, Opportunity, Planning and Equity (HOPE)	)	ORDER #D2021-076
Executive Committee	)	

THE ABOVE ENTITLED MATTER COMING NOW FOR THE CONSIDERATION
OF THE BOARD AND,

IT APPEARING TO THE BOARD

THAT the following qualified and knowledgeable individual has indicated a willingness
to serve on this executive committee:

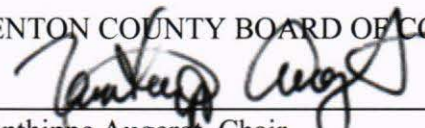
<u>Name</u>	<u>Appointed & Position</u>
Cindi Lolik	Appointment starts: 01/01/22

NOW, THEREFORE, IT IS HEREBY ORDERED that the above individual is hereby
appointed to the Home, Opportunity, Planning and Equity (HOPE) Executive Committee.

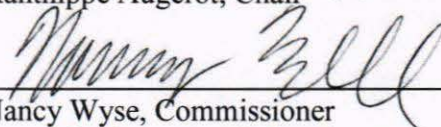
Adopted this 2nd day of November, 2021.

Signed this 2nd day of November, 2021.

BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair



Nancy Wyse, Commissioner



Pat Malone, Commissioner



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In the Matter of Proclaiming November)
Native American Heritage Month) Proclamation #P2021-021
in Benton County)**

Since time immemorial, Indigenous populations have lived in what is now known as the United States of America. Since 1986, there have been national recognition dates of Native American Heritage. Jerry C. Elliot High, a Cherokee and Osage Indian, authored legislation in 1976 to observe what was called "Native American Awareness Week." Overtime this observation expanded to the entire month of November and is now called Native American Heritage Month. Benton County joins the nation and many state and local jurisdictions in observing this important cultural month.

Benton County has been inhabited by a variety of Indigenous communities. This includes but is not limited to Alsea and Kalapuya people. These communities were harmed in the colonization of Oregon through forced removal, violence, exposure to European diseases, and assimilation of Native children in boarding schools. Today, descendants of these tribes primarily live in our communities and are members of the Confederated Tribes of Grand Ronde or The Confederated Tribes of Siletz. Additionally, the state of Oregon has a government relationship with seven other tribal governments. We also have many Indigenous people from other states and territories who have made Benton County their home.

As the original caretakers of this land, Native Americans such as the Kalapuya tribe helped cultivate the land and maintained the lush Willamette Valley through practices such as controlled burns. Indigenous communities have over 175 languages in the United States, and a vast variety of cultures, practices, traditions, and experiences. Benton County is committed to further collaboration with the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz, and the Kaku-Ixt Mana Ina Haws (one of the cultural centers) at Oregon State University, as well as any other organization and individuals dedicated to service to Indigenous communities.

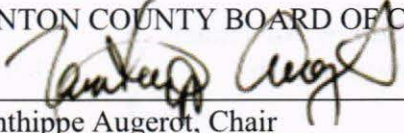
We call upon settlers working, living, and learning in Benton County to learn about the injustices enacted on Indigenous people and about the cultures and experiences that make up the diverse Indigenous communities in our area and country. We celebrate and encourage respectful appreciation of Indigenous people and their cultures. We encourage everyone to continue to learn more about our shared history and foster stronger relationships to improve the lives of Indigenous people throughout Benton County.

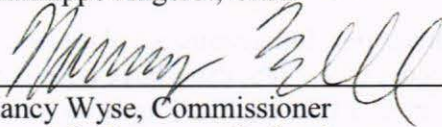
THEREFORE, BE IT PROCLAIMED that November is Native American Heritage Month in Benton County, and all community members are encouraged to join in this observance.

Adopted this 2nd day of November, 2021.

Signed this 2nd day of November, 2021.

BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair

Nancy Wyse, Commissioner

Pat Malone, Commissioner

Drafted by JoeHahn, Equity, Diversity, and Inclusion Coordinator
Read by Luhui Whitebear and JoeHahn



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

In the Matter of Proclaiming)
November 11 as Veteran's Day) **PROCLAMATION #P2021-022**
in Benton County)

The United States Congress has provided that November 11 of each year shall be set aside as a public holiday to honor veterans; with respect for and in recognition of the contributions our service members have made, we urge all Americans to recognize the valor and sacrifice of our veterans; and

The Officers at Oregon Cascades West Council of Governments and residents of Linn, Benton, and Lincoln Counties have the deepest gratitude toward all veterans and honors the commitment and courage of the many people who have served in the armed forces; and

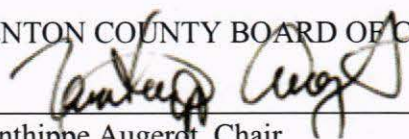
The Officers at Oregon Cascades West Council of Governments particularly extends its heartfelt gratitude and good will to the Oregon National Guard members and the personnel of all armed services who are currently serving overseas and who have been mobilized locally to assist with the fight against COVID-19. These people have earned the respect and admiration of a grateful Nation.

THEREFORE, BE IT PROCLAIMED that the Officers at Oregon Cascades West Council of Governments proclaim November 11, 2021, as the day set aside for honoring our veterans and their families and for holding activities in observance of their contribution to our community, our state, and our Nation.

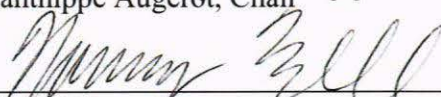
Adopted this 2nd day of November, 2021.

Signed this 2nd day of November, 2021.

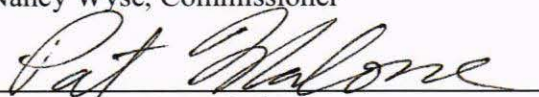
BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair



Nancy Wyse, Commissioner



Pat Malone, Commissioner

Drafted by Oregon Cascades West Council of Governments
Read by Molly Murphy, Veteran Services Officer

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/02/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Health Services

Contact Name * Dannielle Brown

Phone Extension * 6620

Meeting Attendee Name * Dannielle Brown

Agenda Item Details

Item Title * Sole Source Contract Request - Oregon Family Support Network

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☒ Contract/Agreement
- ☐ Discussion and Action
- ☐ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☐ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Board/Committee Involvement *

☐ Yes

☒ No

Advertisement *

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues ***

I propose that Benton County Health Department contract with Oregon Family Support Network(OFSN) using a sole source contract exemption, for the purposes of family support services, to be utilized in the Behavioral Health Division Children and Family treatment programs.

Benton County Health Department is in need of an organization to provide family support services to the County's Behavioral Division. The provider of these services must be familiar with navigating the systems of behavioral health, physical health, developmental disabilities, special education, child welfare and juvenile justice and have a proven record of providing services in an evidenced based manner.

Based upon a search of the Oregon Health Authority's list of qualified, evidenced based providers, Oregon Family Support Network is the only provider of Family Support Services in the Benton County area.

Options *

Approve or deny proposed sole source contract

Fiscal Impact *

- ☒ Yes
☐ No

**Fiscal Impact
Description ***

Contract is currently in place for OFSN services. Approval of the sole source contract will allow for contract renegotiation to occur. Without approval a full RFP is required to be submitted for bids. This will negatively impact the services being provided and result in non-compliance with IHN-CCO contract.

2040 Thriving Communities Initiative

Mandated
Service? *

- ☐ Yes
☒ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the [website HERE](#).

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☐ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☒ Health in All Actions
- ☐ N/A

Explain Core Values Selections *

This contractor provides family peer support services that assist and support families with understanding and navigating treatment programming. These services create peer relationships to assist families engaged in care to create positive, long-term supportive relationships in order to work toward recovery for mental health conditions.

Focus Areas and Vision *

Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☒ N/A

Explain Focus Areas and Vision Selection *

Recommendations and Motions

Item Recommendations and Motions

Staff Approve sole source contract for Oregon Family Support Network.
Recommendations *

Meeting Motions * I move to ...
I move to approve Order No. D2021-072 granting exceptions to the Benton County Code Chapter 2 to contract with Oregon Family Support Network.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

HE_OFSN Sole Source Exemption ORDER.docx 15.37KB

Comments (optional) See attached recommended order.

If you have any questions, please call ext.6800

Department
Approver

SUZANNE HOFFMAN

Department Approval

Comments

Signature



Suzanne Hoffman

BOC Initial Approval

Approvals Required ☒ Counsel

☒ Finance

☐ HR

Counsel Approver VANCE CRONEY

Finance Approver MARY OTLEY

County
Administrator
Approver JOE KERBY

Comments

Counsel Approval

Comments

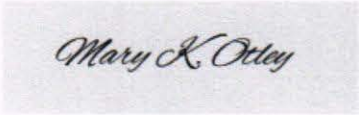
Signature

Vance H. Cheney

Finance Approval

Comments

Signature



Mary K. Otley

County Administrator Approval

Comments

Signature



Joseph Kerby

BOC Final Approval

Comments

Signature



Teresa Farley

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

**In the Matter of Granting Exceptions)
to the Benton County Code Chapter 2)
to Purchase from a Sole Source Vendor)**

ORDER NO. D2021-072

THAT, the above-entitled matter comes now for the consideration of the Benton County Board of Commissioners (the Board), a request for sole source exemption pursuant to BCC 2.725 of the Benton County Contract Code; and

THAT, the Board finds the Benton County Health Department is in need of an organization to provide family support services to the County's Behavioral Health Division. The provider of these services must be familiar with navigating the systems of behavioral health, physical health, developmental disabilities, special education, child welfare and juvenile justice and have a proven record of providing services in an evidenced based manner; and

THAT, the Board finds that Oregon Family Support Services has a unique role in providing family support services in an evidenced based manner; and

THAT, the Board finds that the Benton County Health Department completed a search with the Oregon Health Authority to determine what organizations provided Family Support Services in Benton County to which Oregon Family Support Network was the only agency listed on the OHA list of approved organizations; and

THAT, the Board finds that the Benton County Health Department has a current working relationship with Oregon Family Support Network to provide Family Support Services and

Any competitive contracting process would not result in competitive bids as no other agency is approved by OHA to provide the services in an evidenced based manner; and

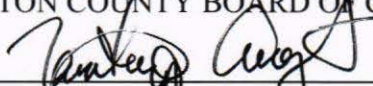
THAT, the Board finds the Benton County Health Department requests a sole source exemption to the RFP process pursuant to BCC 2.725.

NOW, THEREFORE, IT IS HEREBY ORDERED, based on the findings above, that the Benton County Board of Commissioners authorizes use of the sole source exemption to the RFP process, as described in BCC 2.725, to contract with Oregon Family Support Network for Family Support Services as described above.

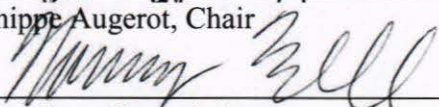
Adopted this 2nd day of November, 2021.

Signed this 2nd day of November, 2021.

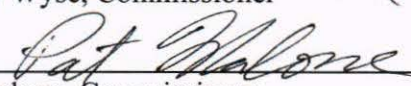
BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair

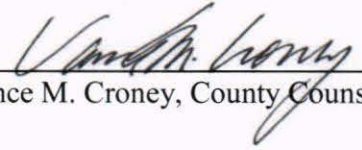


Nancy Wyse, Commissioner



Pat Malone, Commissioner

Approved as to form:



Vance M. Croney, County Counsel

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/02/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Public Works

Contact Name * Brad Dillingham

Phone Extension * 1748

Meeting Attendee Name * Brad Dillingham, Lisa Scherf, and Gary Stockhoff

Agenda Item Details

Item Title * Order approving usage of the "Unanticipated Projects of Regional Significance (UPRS)" project from the Benton County Statewide Transportation Improvement Fund (STIF) Plan as recommended by the STIF Advisory Committee

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☒ Discussion and Action
- ☐ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☒ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Estimated Time * 10 minutes

Board/Committee Involvement * ☒ Yes
☐ No

**Name of
Board/Committee**

Statewide Transportation Improvement Fund

Advertisement*

☐ Yes

☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Benton County is the Qualified Entity (QE) for handling distribution of the Statewide Transportation Improvement Fund (STIF) revenues generated in Benton County by the statewide 0.10% employee payroll tax dedicated to public transportation. On July 17, 2018, the Board appointed members to the STIF Advisory Committee and adopted Bylaws for the Committee. The Committee and Bylaws were established to carry out the statutory requirements of ORS 184.758 and ORS 184.761, and the rules creating the procedures and requirements for administration of program revenues, as set forth in OAR Chapter 732, Division 040.

At its January 11, 2021, meeting, the Benton County STIF Advisory Committee recommended to fund all projects listed on the Benton County STIF Project List (Attachment A). This recommendation was sent to the Benton County Board of Commissioners on February 2, 2021 and was approved for submittal to the State as the Benton County STIF Plan. The Oregon Transportation Commission approved the Plan on May 13, 2021

Staff, with the recommendation and approval of the STIF Advisory Committee and the Board of Commissioners, respectively, included a project called the "Unanticipated Projects of Regional Significance (UPRS) as the last project on the Benton County STIF Plan (See project ALL-1 on Attachment A). The UPRS is intended to fund projects and opportunities for Public Transportation Service Providers (PTSPs) as they arise over the current STIF cycle. Ideally, projects funded by the UPRS would not require ongoing funding unless a future funding source is identified to maintain the project once it has been implemented. A good example of a UPRS project would be a one-time purchase, a small shortfall in an already-approved project, or as a resource to help PTSPs deal with short-term financial obstacles.

Using a projection at the time, QE staff estimated that \$2,914,247 would go unspent from the previous STIF period. This amount was used as a placeholder in the STIF Plan until the actual amount was identified at the end of the last STIF cycle. The actual total for the UPRS project is \$2,165,591.

Below is a list of new projects recommended to the Board of Commissioners by the STIF Advisory Committee, using the UPRS project:

1. Philomath Connection – Fareless Service – \$49,800

The City of Philomath has requested a STIF project that would make the Philomath Connection (PC) a fareless transit service. The biennial cost of the project would be \$49,800. This amount accounts for \$12,400 in projected lost fare box revenue, \$27,000 in projected lost OSU Group Pass revenue, and \$10,400 in projected lost revenue from ADA Paratransit fares to Benton Area Transit (BAT). PC is planning to include the cost of remaining fareless as part of their ongoing service expansion in future STIF cycles.

2. Benton Area Transit – Dispatch Upgrade – \$128,000

Benton Area Transit (BAT) needs to update its current dispatch software. In the previous STIF cycle, STIF funds were allocated to BAT for procuring a new dispatch software but due to staff turnover and complications from the pandemic, staff was unable to purchase the upgrade in time. For the FY18-21 STIF cycle, BAT requested \$120,000 for the purchase. This request reflects that same purchase, while considering a 3% inflation rate.

Options *

1. Approve the projects as recommended by the STIF Advisory Committee. Staff recommends this option.
2. Approve the project list with changes to the funding amounts for either or both projects. Applicants will need to be notified, and Board rationale for the changes would be requested by the STIF Advisory Committee to assist in review of future applications.
3. Deny funding to either or both projects. Applicants will need to be notified, and Board rationale for the denial would be requested by the STIF Advisory Committee to assist in review of future applications.

FISCAL IMPACT:

Fiscal Impact *

- ☒ Yes
☐ No

**Fiscal Impact
Description ***

There is no fiscal impact to the County General Fund. This funding stems from a payroll tax collected across the State and allocated to the Qualified Entities (Benton County) for projects. If the Philomath Connection project is not funded, it will be up to the City of Philomath to determine how to implement it with other funds or simply retain fares for its service. If Benton County's Dispatch Upgrade project is not funded, it will not be implemented and BAT will continue to use dated legacy software.

2040 Thriving Communities Initiative

Mandated Service? * ☒ Yes
☐ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description * If this agenda checklist describes a mandated service or other function, please describe here.
Services are a mandate from the state legislature in HB2017.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values * Select all that apply.

- ☐ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☒ Equity for Everyone
- ☐ Health in All Actions
- ☐ N/A

Explain Core Values Selections * By making the Philomath Connection fareless, the cost barrier for individuals getting between the communities of Corvallis and Philomath is eliminated. Fares can often be an obstacle for low-income users and addressing the needs of this population was a key intent of the Legislature when it created this funding stream. The Philomath Connection serves a large number of OSU students as well as low-income commuters between the two communities.

Focus Areas and Vision * Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☒ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☐ N/A

**Explain Focus Areas
and Vision
Selection ***

BAT currently provides door-to-door service to individuals who are at least 65 years old and individuals who are eligible for ADA paratransit using an outdated dispatch software. With a new software, BAT would be able to provide this service in an effective and efficient matter through easier batching of rides. It will also allow for more strategic vehicle dispatching, to put the right vehicles on the right service and be more nimble throughout the service day. The new dispatch software will provide Benton Area Transit, and its contracted staff, the equipment necessary to improve service to the population that it is intended to serve.

Recommendations and Motions

Item Recommendations and Motions

Staff

Recommendations *

Staff recommends the Board of Commissioners approve the STIF Advisory Committee's recommendation to use the "Unanticipated Projects of Regional Significance" to fund fareless service for the Philomath Connection and a new dispatch software for Benton Area Transit.

Meeting Motions *

I move to ...

I move to approve Order #D2021-074 accepting the projects recommended by the Benton County STIF Advisory Committee to be funded using the "Unanticipated Projects of Regional Significance" project from the Benton County STIF Plan.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

STIF Plan Order for UPRS FY2022-23 & Att A.pdf 362.38KB

Comments (optional) Order will be emailed

If you have any questions, please call ext.6800

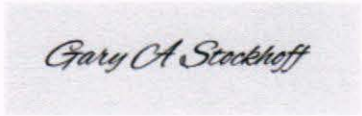
**Department
Approver**

GARY STOCKHOFF

Department Approval

Comments

Signature



Gary A Stockhoff

BOC Initial Approval

Approvals Required ☒ Counsel
☒ Finance
☐ HR

Counsel Approver VANCE CRONEY

Finance Approver MARY OTLEY

County
Administrator
Approver JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cheney

Finance Approval

Comments

Signature



Mary K. Otley

County Administrator Approval

Comments

Signature



Joseph Kerby

BOC Final Approval

Comments

Signature



Teresa Farley

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

In the Matter of Approving Usage of the	)	
"Unanticipated Projects of Regional	)	
Significance Project from the Benton	)	ORDER No. D2021-074
County Statewide Improvement Fund	)	
(STIF) Plan as Recommended by the	)	
STIF Advisory Committee	)	

THAT, Benton County is the designated Qualified Entity for the purposes of receiving and disbursing funds generated by formula through the Statewide Transportation Improvement Fund to public transportation service providers serving Benton County; and

THAT, Benton County is required by the Oregon Department of Transportation to develop a Statewide Transportation Improvement Fund Plan with public transportation projects submitted by public transportation service providers serving Benton County; and

THAT, the bylaws of Benton County's Statewide Transportation Improvement Fund Advisory Committee authorize the Committee to initiate advice and recommendations to the Benton County Board of Commissioners for purposes of developing projects for inclusion in the Benton County Statewide Transportation Improvement Fund Plan; and

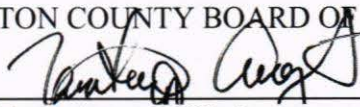
THAT, the Committee has recommended funding the following projects using the "Unanticipated Projects of Regional Significance" project from the Benton County Statewide Transportation Improvement Fund Plan, attached hereto as Attachment A – Unanticipated Projects of Regional Significance.

NOW, THEREFORE, BE IT HEREBY ORDERED that the recommendations of Benton County's Statewide Transportation Improvement Fund Advisory Committee described as Attachment A – Unanticipated Projects of Regional Significance be adopted for incorporation into Benton County's FY2022-23 Statewide Transportation Improvement Fund Plan.

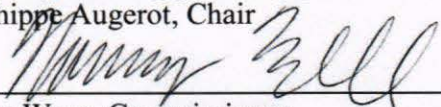
Adopted this 2nd day of November, 2021.

Signed this 2nd day of November, 2021.

BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair



Nancy Wyse, Commissioner



Pat Malone, Commissioner

Approved as to form:



Vance M. Croney, County Counsel

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 11/02/21

[View Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Finance

Contact Name * Debbie Bauer

Phone Extension * 6281

Meeting Attendee Name * Debbie Bauer

Agenda Item Details



Item Title * An order authorizing the payment of property taxes to certain municipalities or other taxing districts in advance for the tax year 2021-22 as authorized by ORS 311.392.

Item Involves * Check all that apply

- ☐ Appointments
- ☐ Budget
- ☐ Contract/Agreement
- ☐ Discussion and Action
- ☐ Discussion Only
- ☐ Document Recording
- ☐ Employment
- ☐ Notice of Intent
- ☒ Order/Resolution
- ☐ Ordinance/Public Hearing 1st Reading
- ☐ Ordinance/Public Hearing 2nd Reading
- ☐ Proclamation
- ☐ Project/Committee Update
- ☐ Public Comment
- ☐ Special Report
- ☐ Other

Board/Committee Involvement * ☐ Yes ☒ No

Advertisement * ☐ Yes ☒ No

Issues and Fiscal Impact

Item Issues and Description

**Identified Salient
Issues ***

ORS 311.392 allows the county, at the discretion of the governing body, to advance to certain municipalities the total amount of taxes, assessments, or other charges levied against property in the county. This advance comes from the general fund of the county.

This year, we are advancing taxes to all districts with net levies of less than \$13,000. Last year, we advanced taxes to all districts with net levies of less than \$13,000.

The amount advanced to the municipalities is added to Benton County's levy and is subsequently collected and distributed to Benton County along with its own levy.

This is a normal procedure that occurs every year. Generally the same districts are involved year after year.

Options *

- 1) Adopt Order
- 2) Don't Adopt Order

Fiscal Impact *

- ☒ Yes
- ☐ No

**Fiscal Impact
Description ***

The County will advance the levy amounts (\$74,623.70) to the districts. This amount will be collected by the County in subsequent months.

2040 Thriving Communities Initiative

**Mandated
Service? ***

- ☐ Yes
☒ No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values *

Select all that apply.

- ☐ Vibrant, Livable Communities
- ☐ Supportive People Resources
- ☐ High Quality Environment and Access
- ☐ Diverse Economy that Fits
- ☐ Community Resilience
- ☐ Equity for Everyone
- ☐ Health in All Actions
- ☒ N/A

**Explain Core Values
Selections *** Helps out the smaller taxing districts.

Focus Areas and Vision *

Select all that apply.

- ☐ Community Safety
- ☐ Emergency Preparedness
- ☐ Outdoor Recreation
- ☐ Prosperous Economy
- ☐ Environment and Natural Resources
- ☐ Mobility and Transportation
- ☐ Housing and Growth
- ☐ Arts, Entertainment, Culture, and History
- ☐ Food and Agriculture
- ☐ Lifelong Learning and Education
- ☒ N/A

**Explain Focus Areas
and Vision
Selection *** The smaller taxing districts will receive their funds in a lump sum

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Approve the Order

Meeting Motions * I move to ...
I move to approve Order #D2021-075 authorizing the payment of property taxes to certain municipalities and other taxing districts as detailed in the attachment to the order.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

FIN_Tax Payment to Municipalities ORDER.docx 18.34KB

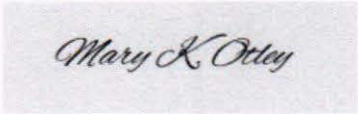
Comments (optional) If you have any questions, please call ext.6800

Department MARY OTLEY
Approver

Department Approval

Comments

Signature



Mary K. Otley

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

County Administrator Approver
JOE KERBY

Comments

Counsel Approval

Comments

Signature

Vance H. Cheney

County Administrator Approval

Comments

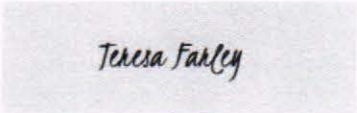
Signature

A rectangular box containing a handwritten signature in cursive script that reads "Joseph Kerby".

BOC Final Approval

Comments

Signature



Teresa Farley

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE STATE OF OREGON, FOR THE COUNTY OF BENTON**

An Order Authorizing the Payment of)
Property Taxes to Certain Municipalities)
or Other Taxing Districts in Advance)
for Tax Year 2021-22 as Authorized by)
ORS 311.392)

ORDER #D2021-075

WHEREAS, ORS 311.392(1) states that "If, in the discretion of the county court, it is more economical to advance to those municipalities from the general fund of the county the total amount of taxes, assessments or other charges levied against property in the county, the county court may advance from the general fund of the county the full amount of the taxes, assessments and charges levied by those subdivisions and the county court may order the county tax collector to revise the tax distribution schedule provided by ORS 311.390 so that all taxes, assessments and charges advanced by the county will be allocated to the county..."; and

WHEREAS, ORS 311.392(2) authorizes the county, provided the county makes payment to the municipality by December 1, 2021 to deduct from the levy the three percent discount which would have been given by the district had all the taxes been paid by November 15, 2021; and

WHEREAS, the Tax Collector for Benton County (the County) has recommended that, in the interest of economy, the County advance to the districts listed in the Attachment to this Order, whose individual levy does not exceed \$13,000, the amount of their levy less the three percent discount as identified in Schedule I, "Net Levy".

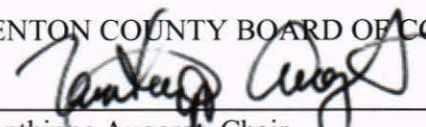
THEREFORE IT IS HEREBY ORDERED THAT the Tax Collector shall:

1. Advance to those districts listed in Schedule I of Attachment the amount of their tax levy less the three percent discount, the net amount identified in Schedule I, "Net Levy."
2. Revise the county's tax distribution schedule as provided by ORS 311.390 so that all taxes, assessments and charges advanced by the county to these Taxing Districts will be allocated to the county.

Adopted this 2nd day of November, 2021.

Signed this 2nd day of November, 2021.

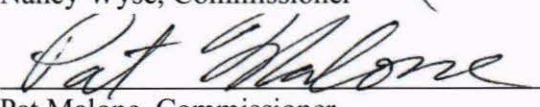
BENTON COUNTY BOARD OF COMMISSIONERS



Xanthippe Augerot, Chair



Nancy Wyse, Commissioner



Pat Malone, Commissioner