



(REV 1)

AGENDA*(Chair May Alter the Agenda)***BENTON COUNTY BOARD OF COMMISSIONERS****Tuesday, September 20, 2022, 9 AM**

How to Participate in the Board of Commissioners Meeting			
In-Person	Zoom Video	Zoom Phone Audio	Facebook LiveStream
Kalapuya Building 4500 Research Way Corvallis, OR	<u>Click for Zoom link</u>	Dial: 1(253) 215-8782	<u>Click for Facebook LiveStream link</u>
	Zoom Meeting ID: 826 7859 4845		
	Zoom Passcode: 036491		

1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

2. 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.

3. Review and Approve Agenda**4. Work Session**

- 4.1 9:00 a.m., 15 minutes – COVID Update from Department Operation Center
– *Suzanne Hoffman, April Holland; Health Services*
- 4.2 9:15 a.m., 15 minutes – Update from Benton County Talks Trash Solid
Waste Process Workgroup – *Darren Nichols; Community Development D*
- 4.3 9:30 a.m., 20 minutes – Update from Justice System Improvement Program
– *Nick Kurth, Justice System Improvement Program Manager*
- 4.4 9:50 a.m., 10 minutes – Update on Secure Rural School Act Funds
Reauthorization – *Rick Crager, Chief Financial Officer*

The Board will take a brief recess between the Work Session and Business Meeting

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

5. Consent Calendar

- 5.1 In the Matter of Approving the August 2, 2022 Board of Commissioners Meeting Minutes

6. Proclamations

- 6.1 In the Matter of Proclaiming September 15 to October 15 Hispanic Heritage Month in Benton County – *Rocio Muñoz; Health Equity and Communications Interim Manager*

Public Hearings

(Hearings are heard at 11:00AM, time certain or as soon thereafter as the matter may be heard)

Those wishing to speak should sign the “Public Comment” sign-in-sheet – Thank you.

PH1 In the Matter of Requesting an Exemption From Competitive Bidding for the Construction Management/General Contracting Services for the Courthouse/District Attorney’s Office Component of the Benton County Justice System Improvement Plan – *Gary Stockhoff, Public Works*

8. New Business

- 8.1 Discussion and Action Regarding Exotic Animal Ordinance Working Group - *Lynne McKee, Natural Areas, Parks, and Events Director*

9. Departmental Reports and Requests

- 9.1 Oregon House Bill 4123 Coordinated Homeless Response Memorandum of Understanding – *Rebecca Taylor; Home Opportunity Planning Equity (HOPE) Project Manager*

10. 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**

Zoom link: <https://us06web.zoom.us/j/95150142198?pwd=NVdyWWJQazFrYnUxQ3loa09KV0Nndz09>

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

Tuesday, September 20, 2022

9:00 a.m.

Present: **Nancy Wyse**, Chair; **Xanthippe Augerot**, Commissioner; **Pat Malone**, Commissioner; **Vance Croney**, County Counsel; **Tami Tracy**, Acting County Administrator

Excused: **Joe Kerby**, County Administrator

Staff: **Julie Arena**, **Rebecca Taylor**, Home, Opportunity, Planning, & Equity Project; **Rick Crager**, Finance; **Marriah De La Vega**, **Amanda Makepeace**, BOC Staff; **Cynthia De La Torre**, **April Holland**, **Rocio Muñoz**, **Xavier Navarro**, **John Pegg**, Health; **Cory Grogan**, Public Information Officer; **Nick Kurth**, Justice System Improvement Program Manager; **Lynne McKee**, Natural Areas, Parks & Events; **Erika Milo**, BOC Recorder; **Darren Nichols**, Community Development; **Gary Stockhoff**, Public Works

Guests: **John Harris**, Horsepower Productions; **Sam Imperati**, ICM Resolutions; **Peggy Lynch**, League of Women Voters of Oregon; **Brigitta Olson**, City of Corvallis

Chair Wyse called the meeting to order at 9:00 a.m.

I. Opening:

A. Introductions

B. Announcements

No announcements were made.

II. Comments from the Public

No comments were offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

4.1 COVID-19 Update from Department Operation Center – *Suzanne Hoffman, April Holland; Health Services*

Holland explained that Oregon Health Authority (OHA) has discontinued certain COVID-19 dashboards and has moved others to different schedules. Though the COVID-19 situation in Oregon is much better than ever before, the pandemic is still present and continues to disrupt lives. Comments that the pandemic is over run at cross-purposes to public health efforts. Holland encouraged everyone to get the bivalent vaccine when possible to reduce the impact of future surges. The Centers for Disease Control (CDC) report shows 77 COVID-19 cases per 100,000 of population in Benton County, down from 95 per 100,000 two weeks ago. Oregon had 254 hospitalizations as of September 13, 2022, down from 464 in mid-July 2022. In Hospital Region

Two, 26 people were hospitalized as of September 14, 2022. In the last few weeks, regional hospitalizations have been steady around 25-35 daily. The last time hospitalizations were at this level was mid-May 2022. The CDC shows 3.1 COVID-19 admissions per 100,000 of population in Linn and Benton Counties, down from 4.5 per 100,000 two weeks ago. Efforts to distribute bivalent boosters to community members have mostly gone well. A local OHA partner administered 2,117 vaccines at the Fairgrounds and Oregon State University. Samaritan Health Services, Linn-Benton Community Health Centers, and local pharmacies and healthcare providers are also providing the vaccine. It is hoped that bivalent vaccine eligibility will be expanded to younger age groups soon. Between now and late October is also the time to get an annual influenza vaccine.

4.2 *Update from Benton County Talks Trash Solid Waste Process (SWP) Workgroup – Darren Nichols, Community Development Director

Nichols provided an update on the SWP Workgroup (WG). At the first meeting on September 8, 2022, the WG discussed the five charges in the WG Charter and the format of the final report. WG homework included reviewing a preliminary draft of the Common Understandings Document (CUD), a survey of member interests, and developing a table of contents for the Sustainable Materials Management Plan (SMMP). On September 15, 2022, the WG triaged the CUD section on prior Land Use Commission approval. On September 24, 2022, the WG will tour Coffin Butte Landfill (CBL). On October 1, 2022, the WG will tour the neighborhood around CBL. On October 6, 2021, the WG will hear presentations on public officials and land use, and will continue to discuss the SMMP, prior land use conditions of approval, the CUD, and Charge B, clarifying the County's existing policies on land use applications regarding the landfill. There was interest in forming WG committees, which could include other community members who have expressed interest.

Imperati explained there is a WG vacancy because Brandon Bates cannot serve; this should be filled by the next WG meeting. In a poll of WG members on whether the WG is balanced fairly, seven members agreed and four disagreed. Imperati asked how the Board would like to fill the Bates slot.

Augerot noted that other community members have expressed interest in the project, along with those interested in the subgroups; Augerot recommended considering both groups, who are most likely to be up to speed on the topic.

Malone felt that any community members who attended at least one of the two WG meetings should be considered.

Wyse felt that would be ideal, but a community member who did not attend could still get up to speed by watching video recordings of the meetings.

The Board deliberated and directed staff to compile a list of individuals who originally expressed interest in the WG and individuals who attended the meetings, with the decision to be made at the September 27, 2022 Board Meeting.

Imperati shared that the assessment gathered several comments on whether Republic Services (RS) had complied with past conditions in the land use process. Staff created a document of all applications and associated conditions. This week, the WG is providing feedback on staff conclusions, to result in a list of key community concerns for a WG committee to examine. Volunteers for that committee include residents Joel Geier and Nancy Whitcombe, RS

employees, and a County staff member. Imperati recommended inviting Paul Neifeld, resident, who gave a presentation on numbers issues around landfill capacity and the impact of the quarry. The second key issue in the assessment is to identify the best known facts on those topics. Imperati recommended an offline facilitated meeting of this group, which would bring its conclusions to the WG for final comment and polling. Imperati asked the Board's permission to form those committees and use that process.

The Board confirmed.

Imperati to implement the subcommittees and invite members of the public. Imperati to consult with Counsel on providing notice of those meetings.

{Exhibit 1: BCTT Workgroup Poll Results}

4.3 Update from Justice System Improvement Program (JSIP) – Nick Kurth, *Justice System Improvement Program Manager*

Kurth provided an update on the JSIP schedule. On September 13, 2022, the JSIP Mental Health Forum discussed how proposed facilities will improve outcomes in crisis response and the justice system. There were 72 attendees in person, via Facebook, and via Zoom. Tracy Olmon and Brenda Downing (JSIP Consultant) are compiling participant questions. Due to some glitches with Zoom, staff will contact participants to ensure all feedback was captured. A report of questions and responses will be shared with the Board and posted on the new JSIP website in early October 2022. Next is the Community Safety Forum on October 19, 2022.

Malone commented that the current jail video was well done and should be promoted to the wider community.

Kurth noted the video is available on the JSIP website. Results from another community survey should be available tomorrow, with a formal presentation in October 2022. A qualitative survey will go out soon. In October 2022, the new Courthouse (NCH) design phase will officially begin with architects DLR Group under contract, and Stockhoff will convene the Community Advisory Committee. The NCH funding agreement is gaining traction.

Counsel noted the last redline version of the agreement was from May 6, 2022. The State has not worked on it. Last week, the State gave the go-ahead to communicate attorney to attorney. The main challenge is that Benton County does not own the site. The State's template for courthouse funding agreements is based on the County owning the land. Counsel emailed Department of Justice attorneys about Counsel's edits to reflect the eminent domain proceeding, so that the template can be amended to recognize that the eminent domain process will confer the County's authority to access and develop the property, rather than typical deed ownership. Hopefully this will advance the agreement.

Kurth shared that ground-breaking events for the Crisis Center and the Community Safety and Justice Campus are planned in October-November 2022. Kurth is inviting State and Federal Representatives to attend, exact dates to be determined. Kurth and the communications team are discussing another forum in November 2022-January 2023. A third survey is also being discussed, but staff will wait for results of survey two. The Board has only two opportunities in December 2022 to discuss honing the contents of the bond measure, and could decide in December 2022 or January 2023. The final title filing date is February 24, 2022, after which the

County enters safe harbor. Staff will work on safe harbor language with the Oregon Secretary of State throughout January and February 2023.

Counsel noted that the Secretary of State may need more lead time to review the ballot title than in the past, which may restrict January 2023 timing. Counsel recommended Board deliberation at the beginning of December 2022.

Kurth concurred. Kurth to meet regularly with DLR Group to determine final costing in December 2022. Numbers should not change substantially before filing for the bond measure. DLR will also provide final dimensional renderings of the NCH, District Attorney's Office, Sheriff's Office (SO), and Correctional Facility (CF) which can be shared broadly with the public.

Malone stated it would be good to share any information about the appearance of the CF with the public as soon as possible.

Kurth noted the renderings are still conceptual. The public will be involved in the design process.

Wyse asked if there had been further investigation of attaching the SO to the CF.

Kurth replied that after communication between DLR and the SO, those buildings will be pushed closer together for continuity.

4.4 Update on Secure Rural School Act Funds Reauthorization – Rick Crager, Chief Financial Officer

Crager followed up on the Secure Rural Schools Act discussion. Now that the County has this funding, it is possible to change the election between various titles. The current allocation has been in place since 2012, with 85% to Title I and 15% to Title II. The funds are maintained at the Federal level for projects under specific criteria. Last week the Board discussed moving to Title III, with 7% of the funds directed to emergency service needs. However, Title III funds are more limited than staff realized; the County would probably not be able to use the funds as discussed, and may be able to use the funds only in a small portion of County, not necessarily where needed most. Crager proposed maintaining the 85/15% split, which will not require any declaration. Staff can examine Title II more aggressively, and apply or encourage partners to apply.

Malone concurred with this approach.

Augerot had been excited about Title III because it was thought funds could be used to implement the Community Wildfire Protection Plan, but the geography where funds could be used is limited; it would be difficult to meet Title III funds on or adjacent to Bureau of Land Management, Forest Service, or Oregon and California Railroad Revested lands. Augerot felt that keeping the current allocation is the right decision.

Wyse agreed with Augerot and Malone, given that funding for Search & Rescue could only be used in the Siuslaw National Forest.

Chair Wyse recessed the meeting at 9:54 a.m. and reconvened the meeting at 10:00 a.m.

V. Consent Calendar

5.1 In the Matter of Approving the August 2, 2022 Board of Commissioners Meeting Minutes

MOTION: Malone moved to approve the Consent Calendar of September 20, 2022. Augerot seconded the motion, which **carried 3-0.**

VI. Proclamation

6.1 In the Matter of Proclaiming September 15 to October 15 Hispanic Heritage Month in Benton County – Rocio Muñoz, Health Equity and Communications Interim Manager

Muñoz read the proclamation aloud in English and Spanish. The 2022 national theme is “Unidos” (United). Benton County stands in solidarity with most nations, calling for immediate end of separation of families at the border, closing child detention camps, and establishment of compassionate processes for refugee asylum requests.

MOTION: Augerot moved to proclaim September 15 to October 15 as Hispanic Heritage Month in Benton County, Proclamation #P2022-018. Malone seconded the motion, which **carried 3-0.**

VII. Public Hearing

PH1 In the Matter of Requesting an Exemption From Competitive Bidding for the Construction Management/General Contracting Services for the Courthouse/District Attorney’s Office Component of the Benton County Justice System Improvement Plan – Gary Stockhoff, Public Works

Chair Wyse recessed the meeting at 10:30 a.m. and reconvened the meeting at 11:00 a.m.

Chair Wyse explained public hearing procedures and opened the public hearing at 11:01 a.m.

Staff Report

Stockhoff referenced previous discussion on this exception to the bidding procedures, requesting a Construction Manager / General Contractor approach. Staff initially wanted to do this for the entire JSIP campus, but felt it was best to begin with the new Courthouse and District Attorney’s Office.

Public Comment

No comment was offered.

Chair Wyse closed the public hearing at 11:03 a.m.

MOTION: Augerot moved to approve the Order and attached Exhibit A requesting an exemption from competitive bidding for the CM/GC services for the Courthouse/District Attorney’s Office component of the Benton County JSIP, Order #D2022-070. Malone seconded the motion, which **carried 3-0.**

VIII. New Business

8.1 Discussion and Action Regarding Exotic Animal Ordinance Working Group – Lynne McKee, Natural Areas, Parks, and Events Director

McKee explained that the Exotic Animal Ordinance (EAO) was passed in 2018. During the 2019 Benton County Fair and Rodeo, it was discovered that stingrays in an exotic animal show were banned. Staff found that the banned categories cover about 2,000 species including horses. The Ordinance was updated by the Board. A working group was created to examine the Ordinance and develop a recommendation. One recommendation is to not have a list of banned animals. The State already has a list through the Fish and Wildlife Department. The main concern is the welfare of animals exhibited in traveling shows. The group referenced existing welfare ordinances and received input from Jacob Kamins, State prosecutor for animal cruelty. Benton County Animal Control Officer Erica O'Neill requested a special use permit process with a fee. The exhibitor would fill out a form noting what animals are being shown, where shown, how housed, and a veterinarian contact, making it easier for O'Neill to perform inspections. Only about two animal shows per year are anticipated. The recommendation includes an exclusion for common domestic animals such as dogs, cats, and 4-H livestock. The work group recommends examining the welfare of animals and monitoring travel through the County. The Board could leave the Ordinance as is, or draft an Ordinance with this recommendation.

Wyse supported the recommendation.

Augerot was engaged in the first round of this discussion and agreed that treatment was the biggest issue. Augerot felt this was a fair approach given the challenges created by the original Ordinance.

Malone agreed.

McKee noted that Kamins also supported this direction.

Counsel shared that the current Ordinance is incredibly difficult for staff and the public to understand, so simplification is a great step forward.

Malone asked if the Board needed to repeal the existing Ordinance.

Counsel replied that this action is within the context of the larger Ordinance; sections will be repealed.

MOTION: Augerot moved to direct staff to draft an updated Ordinance based on the recommendations of the Exotic Animal Ordinance Work Group and bring it back to the Commissioners for review and discussion. Malone seconded the motion, which **carried 3-0.**

IX. Departmental Reports and Requests

9.1 Oregon House Bill 4123 Coordinated Homeless Response Memorandum of Understanding – Rebecca Taylor, Home, Opportunity, Planning, & Equity (HOPE) Project Manager; Brigitta Olson, Corvallis Housing Division; Julie Arena, HOPE Coordinator

Olson reported that last night the Corvallis City Council approved the Memorandum of Understanding (MOU) for Coordinated Homeless Response between Benton County, Corvallis, and Community Services Consortium (CSC). There will be a joint work session between City and County staff about the new office. Staff are inviting peers in more rural cities in the County to participate. This office will enable a systems approach to houselessness, with coordinated entry, data on sheltering needs, and upstream solutions for permanent supportive housing.

Arena shared that staff met with Philomath City Manager Chris Workman, Monroe City Manager Steve Martinenko, and will meet with Adair Village City Manager Pat Hare. Initial reception from Philomath and Monroe has been very positive; the Cities would like to be more engaged on this topic and appreciate greater communication and cooperation. HOPE staff may attend other City Council meetings to provide updates on this topic.

Taylor explained that the County is the fiscal agent of the grant funding, and will convene the parties and coordinate the work. The County will identify members for the Advisory Board as described in the MOU, including partnership with HOPE. A meeting tomorrow will discuss strategic planning and other elements to accomplish all aspects of House Bill (HB) 4123. The MOU is template language largely taken from HB 4123.

Augerot asked about the role of the coordinated office Advisory Board in relation to the HOPE Executive Committee, which appear to overlap somewhat. Augerot asked if Philomath or Monroe would also have two members on the advisory body if choosing to join.

Taylor replied that as defined in HB 4123, the Advisory Board must include two elected officials from each member government to make decisions for the office. The HOPE Advisory Board is mentioned in the MOU, with coordination of community stakeholders.

Arena added that staff are working to define the Advisory Body, but the HOPE Board already plays a key role with public engagement, which is a key part of the legislation, so the intention is to use the existing structure of the HOPE Board and Committee.

Malone asked if the additional communities would have a separate MOU, or be part of this one.

Taylor replied that is still to be determined. The MOU might vary based on participation level. The body of the MOU is not specific to Corvallis and CSC, so others could join as is, but there might be clarification of roles and responsibilities of each member government, in which case there would be a new MOU with revised language.

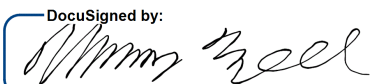
MOTION: Malone moved to approve the City of Corvallis/Benton County/Community Services Consortium Memorandum of Understanding, HB 4123: coordinate homeless response office. Augerot seconded the motion, which **carried 3-0.**

X. Other

No other business was discussed.

IX. Adjournment

Chair Wyse adjourned the meeting at 11:04 a.m.

DocuSigned by:

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 Nancy Wyse, Chair

DocuSigned by:

 736EA4FEB0B0496...
 Erika Milo, Recorder

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

WORK SESSIONS

- Workgroup comments about balance of the workgroup membership.
- Homework Polling Q4. Responses to "All things considered, the BCTT Workgroup membership is balanced fairly."

Fifteen Responses:

	Strongly Disagree (zero)	(one)	(two)	Neutral (three)	(four)	(five)	Strongly Agree (six)	Avg.
Polling Votes	2	0	2	1	4	1	2	3.3
Ex- Officio Votes	0	0	0	0	3	0	0	4
Total Votes	2	0	2	1	7	1	2	3.5

- Specific names to consider:
- BIPOC, students could be added.
- Confused on the site location and what surrounds it. Is the Oregon Game Commission next to this landfill? Should they be involved? Ex Officio member?
- Filling in missing info on landowners butting against the landfill. ODFW & private landowners.

JSIP Program Timeline 2022/23

January 2022	✓ Suburban Site Decision ✓ Marketing Strategist RFP Issued ✓ Courthouse site decision ~~Finalize Lumen LOI (February)~~ ~~New courthouse funding agreement (TBD)~~
February 2022	✓ Decision on Crisis Center construction ~~Decision on EOC location~~ ✓ Decision on Construction Manager scope of work ✓ Construction Manager RFP Issued ✓ Eminent Domain process initiated
March 2022	✓ Marketing Strategist Hired
April 2022	✓ Communication Coordinator Hired
May 2022	✓ Construction Manager on Board ✓ Site Name Determined ✓ Survey #1
June 2022	✓ Survey #1 Results ✓ Architectural Design Consultant RFP Issued ✓ CSJS Survey and Topo work complete
July 2022	✓ Reactivate Community Advisory Committee ✓ DLR Finalize Space Planning ✓ Public Engagement Plan ~~Survey #2 (tentative w/o 7/25)~~ ✓ Commissioners debate Courthouse/DAO funding and inclusion in bond measure
August 2022	✓ Draft Communications Plan ✓ Corvallis Planning Commission considers Text Amendment ✓ Last Best Offer ✓ Commissioners decide Courthouse/DAO funding and inclusion in bond measure ✓ Courthouse/DAO A&E selected ✓ Draft CSJC Site Master Plan ~~Survey #2 (tentative w/o 8/29)~~ ~~Develop Qualitative Community Survey~~ ✓ New JSIP Website Live (by 8/29) ~~Courthouse Funding Agreement with OJD~~
September 2022	✓ City Council considers/approves GI text amendment (9/6) ✓ Present CSJC Master Plan to BOC (9/6) ✓ Survey #2 (9/7 – 9/14) ✓ Forum/Bond Measure mailer (9/7 – 9/9) ✓ File for Eminent Domain (9/9) ✓ Community MH Forum (9/13) - Qualitative Survey (timing tbd)
October 2022	- Courthouse/DAO design begins - Community Safety Forum Advertising - Community Safety Forum (10/19) - Crisis Center Groundbreaking - Small stakeholder sessions - Courthouse Funding Agreement

November 2022	Community Safety & Justice Campus groundbreaking Forum #3 (timing tbd) Community Survey #3 (if applicable) Final Facility Renderings Small stakeholder sessions
December 2022	BOC begin bond measure components discussion DLR Group Final Costing BOC continue/align on bond measure components Potential PAC Formation Small stakeholder sessions
January 2023	Commissioners align on bond measure components (final) Develop "Safe Harbor" language with SOS
February 2023	BOC approve bond measure language/title File SEL-805/title (2/24) Safe Harbor begins Factual stakeholder sessions (tbd)
March 2023	File SEL-801/notice of measure (3/16) Factual stakeholder sessions (tbd)
April 2023	Factual stakeholder sessions (tbd)
May 2023	Bond Measure (5/16)
TBD	Crisis Center Opening

CONSENT CALENDAR

MINUTES OF THE MEETING

BENTON COUNTY BOARD OF COMMISSIONERS

Zoom link: <https://zoom.us/j/91699829646?pwd=MzE1Slk0dVJnWVpwckhwYUF2c3VUQT09>;

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

Tuesday, August 2, 2022

9:00 a.m.

- Present:** Nancy Wyse, Chair; **Xanthippe Augerot**, Commissioner; **Pat Malone**, Commissioner; **Vance Croney**, County Counsel; **Joe Kerby**, County Administrator
- Staff:** **Marriah De La Vega**, **Amanda Makepeace**, BOC Staff; **Suzanne Hoffman**, **April Holland**, **Carla Jones**, Health; **Bryan Lee**, Emergency Management; **Nick Kurth**, JSIP Manager; **Erika Milo**, BOC Recorder; **Jef Van Arsdall**, Sheriff's Office
- Guests:** **Michael Curran**, **Mike Wilson**, Oregon Department of Forestry; **John Harris**, Horsepower Productions; **Mitch Hein**, **Justin Stranzl**, DLR Group; **Carisa Hettich**, Red Cross

Chair Wyse 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

No comments were offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

4.1 *COVID-19 Update from Department Operations Center – Suzanne Hoffman, April Holland; Health Services

Holland presented a COVID-19 situational update. In a graph of reported COVID-19 cases by month in Benton County (BC), January 2022 had a spike of 6,113 recorded cases due to the Omicron wave; since then, there have been several more sub-variant waves. The seven-day case rate per 100,000 of population peaked at 1,710 cases in late December 2021/early January 2022. In Centers for Disease Control (CDC) community levels, above 100 cases per 100,000 of population is “medium” transmission; if hospitalization metrics are also met, the level would be “high”. Since April 2022, BC has stayed consistently above 200 cases per 100,000. Just before the Omicron peak, PCR testing was prominent, with about one in four cases detected; during the surge, about one in 14 cases was detected. Now, with mainly unreported rapid antigen tests being used, an estimated one in 30 cases is reported. Reported cases have continued to decrease. On July 24, 2022, Benton County had around 200 cases per 100,000, so this is encouraging even though cases are underreported.

Holland showed a graph of Corvallis COVID-19 concentration from wastewater surveillance, which showed moderate to strong signals. Rises in wastewater signals in July 2021 and January 2022 predicted the Delta and Omicron surges about three weeks before cases started to rise. Before the BA.4 and BA.5 variants, there was a rising range of wastewater signals, but cases did not consistently increase. This indicated a lot of activity and some increase was expected. Now signals are decreasing towards moderate, which is encouraging. The main circulating variant is currently BA.5. There are no significant new variants at this time.

A graph of statewide COVID-19 hospitalizations showed peaks for each major variant. BA.4 and BA.5 caused smaller waves. The number of Emergency Department visits for COVID-19 has declined in the last week, but the total number of visits remains very high.

There have been 6.4 million COVID-19 deaths globally, one million in the United States, 8,061 in Oregon, and 76 in BC. COVID-19 was the third leading cause of death nationally in 2020 and 2021, and one of the top five causes in every age group.

In BC, 74% of residents of all ages have completed the primary vaccine series, and 69% of those eligible (18 and older) have received one booster. For the second booster, BC is currently averaging 54 vaccinations per day. Those numbers came down in June 2022, then popped back up in July 2022. Of children aged six months-four years in BC, 13.4% or 488 have had the first dose, which is higher than in most places.

Holland emphasized prevention messages such as masking to protect selves and others; staying up to date with vaccination; washing hands often; seeking well-ventilated spaces; and using rapid antigen tests before large gatherings, meeting with vulnerable persons, traveling, or if feeling ill.

Public Health continues to ensure access to COVID-19 vaccines, tests, therapeutics, and N95/KN95 masks. The team provides outbreak support to long-term care facilities and other high-risk locations. The Communications Team conducts outreach to community-based organizations, homeless service providers, Kindergarten-12th Grade schools, and Oregon State University in the form of radio and print ads, mailers, and social media. Staff track data, genomics, and wastewater surveillance, monitoring developments here and abroad.

Food & Drug Administration (FDA) advisors recommend updated boosters targeting forms of the Omicron variant. Moderna should introduce a bivalent vaccine this fall, to include the original strain and Omicron variant BA.1. The Joseph Biden administration secured 66 million doses of Moderna's variant-specific vaccine for use in fall and winter 2022.

Malone asked about the recommendation for number of months between boosters and whether a person should get the regular vaccine now or wait for the new one.

Holland shared that there is not a rotating timeframe for getting additional boosters. People age 50 and older or with certain immune-compromised conditions are eligible for a second booster. People who are under 50 and do not have those conditions are not recommended to get a booster. That recommendation may stay in place for the current vaccine due to the bivalent booster coming soon. It is better to wait rather than get shots too close together. There may be no additional boosters for people under 50 till the Moderna product is authorized by the FDA and approved by the CDC and Oregon Health Authority (probably in September or October 2022.)

{Exhibit 1: COVID-19 Situational Update}

4.2 Update on Habitat Conservation Plan (HCP) for State Forest Lands –
Michael Curran, West Oregon District Forester, Mike Wilson, State Forests Division Chief, Oregon Department of Forestry (ODF)

Curran explained that in May 2022, the Board requested a presentation on the HCP, particularly the draft Environmental Impact Statement (EIS) that was issued to ODF from the Federal services that are working with ODF on the HCP. Curran possible described impacts on BC. Under the current Forest Management Plan (FMP), ODF operates under ‘take avoidance,’ which means ODF avoids taking any listed threatened or endangered species. This is a very expensive model under the current FMP, with many uncertainties. ODF spends a great deal on wildlife surveys for current and future planned timber sales and recreation activities. Detections during surveys can cause modifications to those plans, and can impact ODF’s management activities. If future species are listed, it can impact ODF’s Greatest Permanent Value mandate for managing State forest lands, which can impact County revenues from harvested timber. The Board of Forestry (BOF) directed ODF to create an HCP. In October 2020, BOF voted unanimously to adopt an HCP. An HCP provides greater operational certainty, setting aside habitat for future listings and setting aside available acres for harvest and recreational activities. This also provides more certainty about county revenues and other conservation measures and public values for State forests.

The HCP covers 640,000 acres west of the Cascades Range, covers 17 terrestrial and aquatic species, and designates habitat conservation areas (HCAs) and riparian conservation areas (RCAs) to enhance habitat for both types of covered species under the HCP. Current estimated HCA and RCA configurations that ODF submitted to the Federal services make up about 50% of that permit area. The other half is available for harvests. ODF estimates an average of 225 million board feet cut per year in the 50-70 year term of an HCP, which is on par with current production. ODF is working on a new FMP, which is required to implement the HCP. The FMP must be approved by the BOF and a permit acquired from the Federal services in order to proceed.

Augerot asked how RCAs would interact with the landscape scale of Private Forest Accord (PFA) riparian conservation rules, and whether the two processes make the management approaches more similar.

Curran replied those processes and outcomes are separate from ODF’s work for State forests. Part of the PFA goal is to get an HCP on private timberlands in Oregon.

Wilson added that the HCP that goes with the PFA will be distinct. Current measures in our HCP exceed the measures in the PFA, but have many of the same functional components.

Curran explained that the West District manages about 36,000 acres of State forest land, of which 8,300 are within BC. Under the current FMP, there are about 3,500 acres with no current constraints. With 2020 initial modeling estimates, those acres will increase to 4,700. For western Oregon as a whole, acreage either stays similar to the present, or increases (in Benton and Polk Counties) if an HCP is adopted.

Augerot asked if that was partly because this area has very fragmented acreage.

Curran confirmed, but ODF has bigger blocks to set aside for HCAs. At times, that fragmentation is created as additional species detections are made. The district is sitting fairly

favorably if an HCP is adopted, still maintaining good quality habitat for the listed species. Current annual harvest level for the district is about 12 million board feet; with the HCP, this would be similar or increase slightly.

Wilson discussed the draft EIS. Adopting or issuing incidental take permits based on the HCP is a Federal action which must go through the National Environmental Policy Act (NEPA) process. The EIS frames a proposed action within reasonable alternatives. When a non-Federal entity proposes the plan, there is only one proposed action, or a 'no action' option, which is continued management under the current FMP. Services are responsible for developing alternatives based on public comment through the initial scoping process. A more important element for the HCP is the issuance of biological opinions for covered species by the National Oceanic and Atmospheric Administration and United States Fish & Wildlife Service, which is more detailed than the EIS and compares increased take balanced against the mitigation in the HCP. For the draft EIS, NEPA chose to adopt ODF's 2020 modeling to frame alternatives for HCP and 'no action'. ODF showed that the HCP outperforms 'no action' in terms of harvest volume and provides substantial protection for species. The alternatives did not show much variation in results. 'No action' meant ODF would continue with the FMP under 'take avoidance', and would result in future encumbrances on ODF's management for current and upcoming listed species. The services are now assembling public comments on the draft EIS; responses to those comments will be part of the final EIS. ODF is not involved with that process.

During the same public comment period, ODF released the draft HCP. Public comment on that item belongs to the applicant and the services. ODF will bring a copy of the comment to the BOF in September 2022. ODF staff did not see much comment that would require changes to the draft HCP. However, the BOF could direct changes, which would delay getting the HCP. The HCP development process included a Steering Committee of members from State and Federal agencies, a Technical Scoping Team (TST), and robust public engagement. If changes are suggested, ODF would go back to the TST. As ODF has its new FMP, which has to encompass the HCP, ODF will bring improved modeling to BOF in early 2023, including much more detailed and accurate volume estimates. The 250 million board feet that would be produced under the HCP is similar to current harvest objectives. For 640,000 acres, ODF planned 220-230 million feet per year. Actual harvest can vary due to overrun (how the lumber comes out at the mill).

Augerot asked if actual total harvest based on mill footage tends to be higher than model numbers.

Wilson affirmed.

Regarding the map of the proposed geographic scope of the draft HCP, Malone asked whether the red line through Benton and Polk Counties was the same as the blue line for the eastern boundary of ODF-protected lands.

Curran affirmed; those lines show sub-geographic areas of State forest west of the Cascades.

Malone, who serves on the Forestland Classification Committee, asked if adjusting that line, especially the eastern boundary, was a planned project.

Curran clarified those are two separate processes. Forestland classification work is only for State forests, primarily about fire protection. The West District is still working on a protection district boundary line change for its eastern boundary. Senate Bill 762 speaks to determining an

adequate level of fire protection for protected areas outside of ODF protection boundaries; staff are waiting to see how that goes before proceeding with the district boundary line.

Responding to a comment from Wyse, Curran suggested including a guide to forestry-related acronyms in a future report.

Augerot asked about the tenor of current interaction between the Forest Trust Lands (FTL) Committee and ODF. Although Benton County sent ODF a letter supportive the HCP, many counties are still unsure or frustrated with the HCP process.

Wyse characterized more tension in the meetings a few months ago, whereas recent meetings have had a better tone and tenor.

Curran shared that ODF is still actively working with the FTL Advisory Committee.

Wilson explained that the final EIS signed record of decision will occur in February 2023, the Federal register will be published in March 2023, and incidental take permits will be issued in spring 2023. Staff are revising implementation plans to ensure that annual operations plans for 2024 and 2025 will fit within HCP constraints.

Malone encouraged ODF to work with Grogan to share fire danger information with the public.

Curran replied that ODF staff are already working with Grogan to share some ODF information, and will continue to do so..

Kerby noted that Grogan sent an update yesterday on a communication plan developed from the County's work with ODF.

Curran added that this includes use of BC's electronic reader boards for fire prevention messaging.

Chair Wyse recessed the meeting at 10:14 a.m. and reconvened the meeting at 10:21 a.m.

4.3 Red Cross Wildfire Response Briefing – Carisa Hettich, Executive Director, Southwest Oregon Chapter of the Red Cross

Hettich provided an update on Red Cross (RC) response plans, 2020 response numbers, and long-term recovery funding. Southwest Oregon was not a high activity region until 2020. RC ranks disasters from one to seven, with one being a single family home fire, level four a divisional response, and level seven an event like the 2020 Oregon wildfires. Ranking is based on number of people impacted, number of homes damaged or destroyed, number of workers needed, amount of supplies needed, geographic scope, and event duration. RC is a national organization that works in 50 population-based regions. Regions have the same footprint as blood services. A level one or two disaster would be covered within its own region, with RC providing shelter, food, and basic supplies. Level three and four is a divisional response which needs more workforce and equipment brought in, such as the Pendleton floods. This level happens about every three to four years. Level five to seven is a national response. The 2020 Oregon wildfires were a level seven because of geographic scope and complexity. BC was mostly spared, but systems were stretched by evacuees from other areas.

The Cascades Region covers part of southwest Washington and most of Oregon. The Southwest Oregon chapter is comprised of 11 counties including Benton, with chapter offices and blood collection points. A blood distribution center in the City of Portland provides blood to 60 hospitals. RC is a non-profit, non-governmental organization, although RC works alongside local Emergency Management and the Federal Emergency Management Agency (FEMA). The RC workforce is 90% volunteers. RC is funded by donors and receives no government funds. RC is a partner in disaster response, but not always the sole provider of sheltering. Different levels of disaster have different organizational charts.

Hettich gave an overview of disaster response flow. County Emergency Management notifies RC of an event and requests that RC set up a shelter. RC has a list of shelters that have received assessments. Sometimes a temporary evacuation point, rendezvous point, or an evacuation center can be turned into a shelter. When RC opens a shelter, mass care begins, including feeding, disaster mental healthcare, disaster healthcare, spiritual care, and reunification services. RC updates County Commissioners on the response and works with media and community-based organizations on outreach. RC is an immediate response organization, not a long-term recovery organization.

Hettich described RC response during the first 16 days after the Oregon wildfires. 1,300 volunteers served at 80 non-congregate shelter sites; the workforce was 96% volunteer and 4% staff. Twenty congregate shelter sites served 140,000 meals. The response lasted 115 days, then passed to the State. The operation cost about \$25 million. RC reserved \$3 million of those donated funds to help local agencies doing recovery work through the Oregon Community Foundation. RC also provided individual financial assistance to those affected, opening casework for individuals whose house was destroyed or severely damaged. In the first three weeks, RC granted \$450 to anyone affected. Four months later, RC gave \$1,100; a year after that, RC gave \$1,500. Individuals who stay with a friend/relative rather than at a shelter are still eligible for funding, mental health help, casework, and medication assistance. RC also provides funding to local Unmet Needs Committees which assess financial requests and issue grants.

Hettich compared Oregon drought levels in 2022 with May 2021. Costs of nationwide disasters have boomed in the last decade or so. RC is adjusting to respond more frequently and on multiple fronts, managing three to four events at a time. RC is returning to congregate sheltering and bulk feeding. To prepare for this fire season, volunteers input availability on a website. RC trains county partners to increase local workforce and capacity. RC is establishing mass care response capabilities and expectations with County and Tribal Emergency Managers.

Hettich described ways to help RC: follow RC Cascades on Facebook, help RC make connections to key community partners, invite RC to outreach events, help recruit local volunteers, and visit RC worksites during a disaster operation.

During a disaster in this area, Hettich is the direct contact at RC. An RC representative will be in contact with or present in the County Emergency Operations Center. For a level 5-7 disaster, an RC Elected Official Liaison will be deployed. Most deployed RC staff and volunteers are assigned to a Disaster Operation for two weeks. Deploying RC responders into the region takes about 6 days. All response starts local and ends local.

Malone appreciated the emphasis on practice. Malone asked what RC learned from the September 2020 Wildfires, and what RC might do differently.

Hettich replied that the wildfires were unprecedented, with volunteers on location during 11 simultaneous disasters. RC got evacuees into hotels immediately. A big takeaway was being clear with partners about the role of RC. People better understand the importance of preparation now.

V. Consent Calendar

5.1 In the Matter of Approving the January 18, 2022 Board Meeting Minutes

5.2 In the Matter of Approving the January 21, 2022 Special Board Meeting Minutes

5.3 In the Matter of Approving the February 1, 2022 Board Meeting Minutes

5.4 In the Matter of Approving the February 15, 2022 Board Meeting Minutes

5.5 In the Matter of Approving the March 1, 2022 Board Meeting Minutes

5.6 In the Matter of Approving the April 19, 2022 Board Meeting Minutes

5.7 In the Matter of Weight Limit Posting on Beaver Creek Road Bridge over Beaver Creek on County Road No. 36230

5.8 In the Matter of Weight Limit Posting on Decker Road Bridge over Greasy Creek on County Road No. 26240

5.9 In the Matter of Weight Limit Posting on Foster Road Bridge over Oliver Creek on County Road No. 46030

5.10 In the Matter of Weight Limit Posting on Llewellyn Road Bridge over Muddy Creek Overflow on County Road No. 25260

5.11 In the Matter of Weight Limit Posting on Preacher Creek Road Bridge over Lobster Creek on County Road No. 59151

5.12 In the Matter of Weight Limit Posting on Smith Loop Bridge over Smith Slough on County Road No. 35260

The Board made the following corrections:

- Packet page 33 in January 18, 2022 minutes: “November 30, 2022, followed by decisions in December 2022”, both dates should read “2021.”
- Packet page 35 in January 18, 2022 minutes: under Guests and under Public Comment, “Jeff” should read “Geoff.”
- Packet page 42 in January 21, 2021 minutes: “March 2022” should read “March 2021.”
- Packet page 70 in April 19, 2022 minutes: under Guests, “Rona” should read “Rana.”

Wyse acknowledged staff for the work and quality of completed minutes.

MOTION: Malone moved to approve the Consent Calendar of August 2, 2022 with the corrections noted on items 5.1, 5.2, and 5.6. Augerot seconded the motion, which **carried 3-0.**

VI. Proclamations

6.1 Proclamation in Recognition of the Week of August 7 – 13, 2022 as National Community Health Centers Week – *Carla Jones, Director, Community Health Centers of Benton and Linn Counties*

Jones explained that the National Association of Community Health Centers (NACHC) acknowledged the great work of CHCs nationally. Jones read the Proclamation aloud. BC & Linn County offer care to 9,000 people, with over 43,500 visits in 2020 at six locations, four of which are in BC.

MOTION: Malone moved to proclaim August 7-13, 2022 as National Community Health Centers Week in Benton County, #P2022-014. Augerot seconded the motion, which **carried 3-0.**

Jones noted that Health will celebrate throughout August 2022. All events are listed on the NACHC website: <https://healthcenterweek.org/events>. Health will host tables at area farmers markets and sponsor activities at schools and neighborhood events in the Cities of Corvallis, Albany, Monroe, and the Community of Alsea.

VII. Old Business

7.1 Justice System Improvement Program (JSIP) Space Use and Courthouse/ District Attorney Offices Planning – *Nick Kurth, JSIP Manager; Lori Coppenrath, Mitch Hein, Justin Stranzl; DLR*

Kurth announced that the County is approaching the end of space use planning for all JSIP facilities, a two-year project led by DLR Group as part of pre-design. The results will drive final costing, which is critical in all phases of construction. This will help the County make decisions about the final bond package, and will also drive design. There are minor space issues to resolve this week, and a discussion of whether to include the District Attorney's Office (DAO) as part of the new Courthouse (NCH). Since the Board decided to proceed with the NCH, in part to utilize State matching funds, the County is about to bring on an architect and engineering firm to begin design of the Community Safety and Justice Campus. A decision about inclusion will be made at the August 5, 2022 Special Meeting.

Coppenrath gave a presentation including space comparisons. For each building, DLR started with a best practices wish-list, then overlaid some space standards and modern aspects that are not present in current facilities. DLR toured all facilities to see how space is currently used. The wish-list gross square footage (GSF) was not too different from the current version; staff made very restrained requests. DLR adjusted wish-list GSF over time; for instance, DLR reduced the number of beds at the Crisis Center due to cost, but still planned for future expansion. The NCH was about the same due to prescriptive space standards. The Correctional Facility (CF) is planned for 120 beds, and includes viewing gardens and appropriate staff space. The Sheriff's Office (SO) and Emergency Operations Center (EOC) are now separate. The DAO was 22,750 GSF including 2,400 square feet of space for undefined future growth. Since then, the County indicated it can only borrow \$8 million for the NCH, so DLR changed that figure to 9,000 GSF. DLR can consider what additional space might be needed outside of the building footprint. These are all conservative estimates; it is possible that the other DAO space can be included.

Kerby requested more specificity on a 'conservative' price per square foot.

Coppenrath replied about \$1,000 per square foot for project costs overall. Initially the NCH will cost somewhat more due to infrastructure, parking, and utilities. Whichever project is first will have a higher cost due to site development. Generic office space such as the DAO could be as low as \$800 per square foot. There may be another 8-10% inflation during the rest of 2022, then 4% is predicted in 2023. DLR has been asked to provide as much DAO space as possible within the cost limitations. The Medical Examiner's space does not fit into that shell, so the DAO will seek space nearby. About 1,000 square feet of office storage space is provided.

Kurth noted that the plan this week is to work with the District Attorney (DA) on options for using existing County-owned office space or other solutions.

Augerot asked if Community Corrections (Parole and Probation) will be part of the CF or the SO.

Coppenrath replied that Community Corrections is in the SO, by staff request.

Wyse noted that the presentation stated, "County staff will work with the DA to identify options and reach resolution if possible." Wyse asked what is meant by "if possible," given that a decision must be made.

Kurth replied that staff's objective is to agree on a solution. If agreement is not reached, staff will return to the Board for a decision.

Augerot stated that since funds are tight and borrowing is not unlimited, there are other potential space needs. The County could invest the \$8 million in other places, but has not assembled those alternatives. Augerot asked if staff have considered those other space needs and use of borrowing leverage.

Kurth affirmed. It makes sense to proceed with the NCH/DAO spaces because co-location aligns with best practices, creates operational efficiencies, and provides the best public service. In terms of construction project cost, the funds are not driving; if you built a separate envelope DAO on the same timeline as the NCH, there would be \$350-500,000 in savings. The five-year projection factors in anticipated 4% growth as well as time cost and money. The Board has expressed concerns about seismic limitations of the historic Courthouse (HCH); if the County proceeds concomitantly with the NCH and DAO, HCH staff would move to a modern facility without those challenges.

Wyse asked for clarification of "construction project cost savings versus individual CH and DAO projects" in the presentation.

Kurth explained that if the projects are built together, there is an immediate savings of \$350-500,000. If the projects are built five years apart, there is a \$1.75-2.2 million savings. The longer one waits, the more expensive it becomes to do the projects independently.

Regarding Augerot's question about leverage, Kerby noted that on several occasions over the past six-eight months, Chief Financial Officer Rick Crager has discussed borrowing capacity with the Board, based on a risk tolerance model. Crager has indicated a risk comfort level tolerance around \$30 million. The NCH project was initially envisioned at \$40 million, half paid by the County, half by the State; due to cost increases, this is now a \$50 million project. The County will borrow the \$25 million for the NCH; \$33 million minus \$25 million leaves \$8

million of potentially available funding. Staff have been working on the assumption that the projects will be combined, hence Coppenrath's work with the DA and Trial Court Administrator Chris Westfall. If the County did not spend \$8 million on the combined DAO, the County could save that borrowing capacity for another project, such as an EOC or a down payment on a CF. However, if the County borrows \$33 million, that may impact other projects. For instance, the County is not mandated to build a Fairgrounds exhibit hall, but a DAO is mandated by statute.

Augerot felt that a DAO was an integral part of the NCH. Augerot still wanted to invest in the DAO space. It is frustrating that the State mandates a DAO but provides no funding for it, yet provides money for court space and has a broad definition of that. Augerot planned to discuss this with legislators.

Malone noted a recent discussion of the NCH and DAO sharing space, and hoped that was being pursued to alleviate the DAO space shortage. Inflation should be part of these discussions. The County needs to complete as much of the project as possible in the current effort.

Wyse stated that the Board has consistently wanted to co-locate the NCH and DAO. Surveys showed that the community is not likely to pay for that. Wyse still preferred to co-locate and to spend the \$8 million for that purpose.

Kerby shared that staff planned to report to the Board on August 5, 2022 about additional progress on finding the other 1,000 square feet. Kerby asked if DLR would hold more dialogues before that.

Kurth affirmed.

Wyse asked what decisions the Board would expect to make on August 5, 2022.

Kurth replied that a formal decision will be needed about including the DAO in the NCH. If a mutually agreeable solution for the 1,000 square feet has not been reached, that will also be decided.

Kerby noted that DLR has been working for months on a footprint for the NCH that all can agree to. The County is considering architect bids, and should have one selected by the end of August 2022.

Malone requested a test fit for facilities and a new timeline. Stockhoff had concerns about getting on site soon; the appraisal that was scheduled to come in March 2022 arrived in late July 2022.

Kurth will provide both items. The updated Site Master Plan will be reviewed with the Executive Committee on August 16, 2022 and shared with the Board after that.

Wyse summarized that the Board agreed on wanting to co-locate, but will formally decide on August 5, 2022.

Kerby asked Coppenrath to characterize space-sharing discussions with the DA and the Courts.

Coppenrath replied there have been in-depth meetings with both, together and separately, about desired spaces and separating some work spaces for confidentiality. Some areas such as restrooms are shareable; the break room is not. Shared spaces with the NCH are assumed to go into a future potential addition to the DAO. The DAO will fit into 9,000 square feet, but the

DAO's approved space need is about twice that. Jury assembly or one courtroom could be shared.

Wyse asked if any shared space would also be slated for a future Phase II.

Coppenrath confirmed. DLR is using a 20-year planning horizon, which assumes that NCH needs would increase along with DAO space needs, so that additional space would be needed in DAO's future phase.

VIII. Other

No other business was discussed.

IX. Adjournment

Chair Wyse adjourned the meeting at 11:41 a.m.

Nancy Wyse, Chair

Erika Milo, Recorder

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

PROCLAMATIONS

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



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

In the Matter of Proclaiming	)	
September 15 to October 15 as	)	
Hispanic Heritage Month in Benton	)	PROCLAMATION2022-018
County	)	

During National Hispanic Heritage Month we pause to celebrate the immeasurable contributions these individuals have made to our Nation; and

The history of Hispanic people in the U.S. predates the founding of our nation, with roots in the land as indigenous people who have shaped the fabric of this country. Hispanics have overcome great obstacles to persevere and flourish in every sector of our society.

With a national theme "*Unidos: Inclusivity for a Stronger Nation*," Benton County's observance celebrates the histories, cultures, and all the contributions made by Hispanic Americans who trace their roots to Spain, Mexico, the Caribbean and Central and South America, and all they will continue to make in the future.

This month, we honor Hispanic American communities, even as we recognize and re-dedicate ourselves to addressing the challenges to equality and opportunity that many Hispanics still face.

Benton County stands in solidarity with the majority of the nation calling for an immediate end to the separation of families at the border; closing of child detention camps, establishment of a compassionate process for refugee/asylum requests, and ensure that all voices are represented and welcomed to help build stronger communities and a stronger nation. We value respecting human rights with equality and dignity as fundamental humanist values.

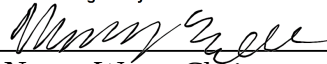
In reflecting on our Nation's rich Hispanic heritage, let us take pride in our unique and vibrant history, and recommit to a shared future of freedom, prosperity, and opportunity for all.

THEREFORE, BE IT HEREBY PROCLAIMED that September 15 to October 15, 2022, is Hispanic Heritage Month.

Adopted this 20th day of September 2022.

Signed this 20th day of September 2022.

BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:

 Nancy Wyse, Chair

DocuSigned by:

 Pat Malone, Commissioner

DocuSigned by:

 Xanthippe Augerot, Commissioner

**ANTE LA JUNTA DE COMISIONADOS
DEL CONDADO DE BENTON DEL ESTADO DE OREGON**

En lo referente a la proclamación)
15 de septiembre al 15 de octubre) PROCLAMACIÓN 2022-019
Mes de la Herencia)
Hispana en el condado de Benton)

Durante el Mes Nacional de la Herencia Hispana nos detenemos a celebrar las incommensurables contribuciones que estas personas han hecho en nuestra Nación; y

La historia de la población hispana en los Estados Unidos antecede a la fundación de nuestra nación, con sus orígenes en esta tierra como indígenas que han formado la estructura de este país. Los hispanos han superado grandes obstáculos para perseverar y crecer en todos los sectores de nuestra sociedad.

Con el tema nacional "*Unidos: Inclusión para una nación más fuerte*", la conmemoración del condado de Benton celebra las historias, las culturas y todas las contribuciones de los hispanoamericanos que pueden rastrear sus orígenes hasta España, México, el Caribe, América Central y América del Sur y todo lo que continuarán haciendo en el futuro.

Este mes, homenajeamos a las comunidades hispanoamericanas, aun cuando reconocemos y nos dedicamos nuevamente a resolver las dificultades de equidad y oportunidad que muchos hispanos continúan afrontando.

El condado de Benton se solidariza con la mayor parte de la nación que pide que acabe de inmediato la separación de las familias en la frontera; el cierre de los campos de detención de menores, la instauración de un proceso compasivo para las solicitudes de refugio y asilo y la garantía de que todas las voces estén representadas y sean aceptadas para ayudar a construir comunidades más sólidas y una nación más fuerte. Valoramos el respeto de los derechos humanos, con la equidad y la dignidad como valores humanistas fundamentales.

Al reflexionar sobre la rica herencia hispana de nuestra Nación, sintámonos orgullosos de nuestra historia única y vibrante y comprometámonos a compartir un futuro de libertad, prosperidad y oportunidad para todos.

POR LO TANTO, POR LA PRESENTE SE PROCLAMA que del 15 de septiembre al 15 de octubre de 2022 es el Mes de la Herencia Hispana.

Adoptado el día 20 de septiembre de 2022.

Firmado el día 20 de septiembre de 2022.

JUNTA DE COMISIONADOS DEL CONDADO DE BENTON

Nancy Wyse, Presidenta

Pat Malone, Comisionado

Xanthippe Augerot, Comisionada



**ANTE LA JUNTA DE COMISIONADOS
DEL CONDADO DE BENTON DEL ESTADO DE OREGON**

En lo referente a la proclamación)
15 de septiembre al 15 de octubre) PROCLAMACIÓN 2022-018
Mes de la Herencia)
Hispana en el condado de Benton)

Durante el Mes Nacional de la Herencia Hispana nos detenemos a celebrar las incommensurables contribuciones que estas personas han hecho en nuestra Nación; y

La historia de la población hispana en los Estados Unidos antecede a la fundación de nuestra nación, con sus orígenes en esta tierra como indígenas que han formado la estructura de este país. Los hispanos han superado grandes obstáculos para perseverar y crecer en todos los sectores de nuestra sociedad.

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Al reflexionar sobre la rica herencia hispana de nuestra Nación, sintámonos orgullosos de nuestra historia única y vibrante y comprometámonos a compartir un futuro de libertad, prosperidad y oportunidad para todos.

POR LO TANTO, POR LA PRESENTE SE PROCLAMA que del 15 de septiembre al 15 de octubre de 2022 es el Mes de la Herencia Hispana.

Adoptado el día 20 de septiembre de 2022.

Firmado el día 20 de septiembre de 2022.

JUNTA DE COMISIONADOS DEL CONDADO DE BENTON

DocuSigned by:

 Nancy Wyse, Presidenta

DocuSigned by:

 Pat Malone, Comisionado

DocuSigned by:

 Xanthippe Augerot, Comisionada

PUBLIC HEARINGS

This document must be completed for each agenda item submitted for consideration by the Board of Commissioners at any meeting where a Board quorum is expected.

Suggested Placement for this Agenda Item:

- ☒ BOC Tuesday Meeting Worksession & PH
☐ Other: _____

Suggested Agenda Date: September 6 & 20, 2022

Department Submitting: Public Works

Contact Person: Gary Stockhoff

Phone Extension: 6010

Person Attending BOC Meeting (*REQUIRED*):

Gary Stockhoff

Person(s) Who Should Receive Signed Documents

After Meeting: **Gary Stockhoff and Jennifer Ficek,
Public Works**

Short Title of Agenda Item: Requesting an
Exemption From Competitive Bidding for the
Construction Management/General Contracting
Services for the Courthouse/District Attorney's
Office Component of the Benton County Justice
System Improvement Plan

This Item Involves: (Check all that apply for this meeting.)

- | | |
|---|--|
| ☒ Order/Resolution/Proclamation | ☐ Appointments |
| ☒ ~~Ordinance~~ Public Hearing: | ☐ Update on Project/Committee |
| ☐ 1st Reading ☐ 2nd Reading | ☐ Discussion Only |
| ☐ Public Comment Anticipated: | ☒ Discussion & Action |
| Estimated Time | 30i minutes Estimated Time |
| ☐ Document Recording Required | ☐ Special Report: |
| ☐ Contract/Agreement | ☐ Oral ☐ Written |

If appropriate, have Boards/Committees been involved?

If yes, address under Salient Issues, page 2.

☐ Yes ☐ No ☐ Not Applicable

If appropriate, has this agenda/item been advertised?

Names of Publications Daily Journal of Commerce

Gazette-Times

Dates of Publication: September 2, 2022

☒ Yes ☐ No ☐ Not Applicable

DATE OF MEETING:

Worksession: September 6, 2022

Public Hearing: September 20, 2022

TITLE OF AGENDA ITEM:

Public Hearing - Requesting an Exemption From Competitive Bidding for the Construction Management/General Contracting Services for the Courthouse/District Attorney's Office Component of the Benton County Justice System Improvement Plan

IDENTIFIED SALIENT ISSUES:

Public Works requests a Worksession with the Board of Commissioners on September 6, 2022, to discuss the information in attached *draft* Order and Exhibit A. A Public Hearing will be held on September 20, 2022, for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement to enable the use of the CM/GC contracting process. Attached Exhibit A outlines the Findings of Fact and Conclusions of Law.

OPTIONS:

- 1) Approve the request
- 2) Deny the request

FISCAL IMPACT:

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

Mandated Service?*

☒ Yes or ☐ No

The County must have a Courthouse to meet State requirements.

Values and Focus Areas

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

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*

n/a

Focus Areas and Vision. Select all that apply.

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

Explain Focus Areas and Vision Selection

Safety is a community goal.

STAFF RECOMMENDATIONS:

Staff recommends approval.

SUGGESTED MOTION(S):

9/6/22 Worksession: I move to set a Public Hearing on September 20, 2022, in the matter of requesting an exemption from competitive bidding for the Construction Management/General Contracting services for the Courthouse/District Attorney's Office component of the Benton County Justice System Improvement Plan.

9/20/22 Board Meeting: I move to approve the Order and attached Exhibit A, requesting an exemption from competitive bidding for the Construction Management/General Contracting services for the Courthouse/District Attorney's Office component of the Benton County Justice System Improvement Plan.

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

III. Conclusions of Law

- 1) ORS 279C.335 are applicable to the request.
- 2) No public comments were received and there were no requests for an additional public hearing.

IV. Order

Based on the findings and conclusions, now, therefore, it is hereby ordered:

The Findings and Conclusions of Law" shown in Exhibit A for the CM/GC process for the Construction of the Justice System Improvement Program (JSIP), new Courthouse/District Attorney's offices project/s, complies with the requirements of ORS 279C.335(2) for exemption of the project from competitive bidding is hereby approved.

Adopted this 20th day of September, 2022.

Signed this 20th day of September, 2022.

BENTON COUNTY BOARD OF
COMMISSIONERS

Nancy Wyse, Chair

Pat Malone, Commissioner

Xanthippe Augerot, Commissioner

Approved:

Vance Croney, County Counsel date

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

III. Conclusions of Law

- 1) ORS 279C.335 are applicable to the request.
- 2) No public comments were received and there were no requests for an additional public hearing.

IV. Order

Based on the findings and conclusions, now, therefore, it is hereby ordered:

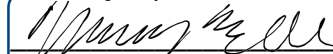
The Findings and Conclusions of Law" shown in Exhibit A for the CM/GC process for the Construction of the Justice System Improvement Program (JSIP), new Courthouse/District Attorney's offices project/s, complies with the requirements of ORS 279C.335(2) for exemption of the project from competitive bidding is hereby approved.

Adopted this 20th day of September, 2022.

Signed this 20th day of September, 2022.

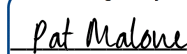
BENTON COUNTY BOARD OF COMMISSIONERS

DocuSigned by:



Nancy Wyse, Chair

DocuSigned by:



Pat Malone, Commissioner

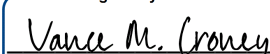
DocuSigned by:



Xanthippe Augerot, Commissioner

Approved:

DocuSigned by:



Vance Cronley, County Counsel date

Benton County, Corvallis Oregon

FINDINGS OF FACT

For Requesting an Exemption from Competitive Bidding for the Construction Management/General Contracting Services for the Courthouse/District Attorney's Office Component

for the

Benton County Justice System Improvement Program

1. General

ORS 279C.335(2) permits a local contracting agency to exempt public improvement projects from traditional competitive bidding upon approval of Findings of Fact ("Findings") showing that an alternative contracting process is a) unlikely to encourage favoritism or diminish competition and that b) the process will result in substantial benefit to the local contracting agency.

ORS 279C.400 – ORS 279C.410 describe the Request for Proposals method of solicitation as an alternative to traditional competitive bidding. Pursuant to ORS 279C.410(8), a public Agency using the Request for Proposals method may award a contract to the responsible proposer "whose proposal is determined in writing to be the most advantageous to the contracting agency based on the evaluation factors set forth in the request for proposals and, when applicable, the outcome of any negotiations authorized by the request for proposals."

ORS 279C.330 defines "Findings" and identifies specific information to be provided as a part of Benton County's justification. Under ORS 279C.335(5) a public hearing must be held before the findings are adopted, allowing an opportunity for interested parties to comment on the draft findings.

2. Market Conditions

The current regional and local construction market is navigating unprecedented challenges, including labor shortages, global – local supply chain issues, as well as multiple public projects slated for construction over the coming year.

In consideration of these circumstances, Benton County seeks to utilize CM/GC Services, an alternate method of contracting, based on the Findings of Fact presented herein.

FINDINGS OF FACT

SUMMARY FINDINGS

- 1. Competition will not be diminished.** This exception will likely encourage more competition in this tight market, rather than diminish competition. The Request for Proposals selection process will be competitive based on relevant selection criteria, will be publicly advertised, and will be open to all interested proposers as described in the findings below.
- 2. This process will attract more contractors in this currently tight market.** This exemption will result in attracting more contractors in this tight market and result in better construction costs. Also, value will be added to the project and outcomes that would not otherwise be obtained under the standard design-bid-build process, especially in these current market conditions.

SPECIFIC FINDINGS, WHICH SUPPORT THE SUMMARY FINDINGS, ARE AS FOLLOWS:

- 1. The CM/GC will be selected through a competitive process in accordance with the qualifications-based selection process authorized by Benton County Board of Commissioners. Therefore, it is unlikely that the awarding of the construction contract for the Project will encourage favoritism or substantially diminish competition. This finding is supported by the following:**
 - A. SOLICITATION PROCESS:** Pursuant to ORS 279C.360, the CM/GC solicitation will be advertised at least once in the Daily Journal of Commerce, as well as The Gazette Times to maximize exposure.
 - B. FULL DISCLOSURE:** To ensure full disclosure of all information, the Request for Proposals solicitation package will include:
 - a. Detailed Description of the Project
 - b. Contractual Terms and Conditions
 - c. Selection Process
 - d. Evaluation Criteria
 - e. Role of Selection Committee
 - f. Provisions for Comments
 - g. Complaint Process and Remedies Available
 - C. COMPETITION:** As outlined below, the County will follow processes which maintain competition in the procurement of a CM/GC.
 - a. The County anticipates that competition for this contract will be similar to that experienced in other Projects of this type. The competition will remain open to all qualifying proposers.
 - b. The selection and solicitation process employed will be open and impartial. Selection will be made on the basis of final proposal scores derived from qualifications, price, and other components, which expand the ground of competition beyond price alone to include experience, quality, and approach to market conditions.
 - c. The competitive process used to award subcontracts for all competitively bid construction work will be specified in the CM/GC contract and will be monitored by the County. The County will designate in the contract the proposed percentage of construction work that must be subcontracted and may not be self-performed by the CM/GC. The CM/GC contract will comply with the subcontractor competition requirements in ORS 279C.337.
 - D. SELECTION PROCESS:** Other highlights of the selection process will include:
 - a. A mandatory Pre-Proposal Conference and Site Tour will be announced and held. This conference will be open to all interested parties. During this Pre-Proposal Conference, as well as any time prior to five (5) business days before the close of the solicitation, interested parties will be able to ask questions, request clarifications and suggest changes in the solicitation documents if such parties believe that the terms and conditions of the solicitation are unclear, inconsistent with industry standards, or unfair and unnecessarily restrictive of competition.

- b. The evaluation process will determine whether a proposal meets the screening requirements of the RFP, and to what extent. The following process will be used:
 - i. Proposals will be evaluated for completeness and compliance with the screening requirements of the RFP. Those proposals that are materially incomplete or non-responsive will not be accepted.
 - ii. Proposals considered complete and responsive will be evaluated to determine if they meet and comply with the qualifying criteria of the RFP. If a proposal is unclear, the proposer may be asked to provide written clarification. Those proposals that do not meet all requirements will be rejected.
 - iii. Proposals will independently be scored by the voting members of the Selection Committee. Scores will then be combined and assigned to each proposal.
 - iv. The Selection Committee will convene to select from the highest-scoring proposers, a finalist(s) for formal interviews.
 - v. The Selection Committee will conduct the interview/s with the short-listed proposer/s.
 - vi. The Selection Committee will use the interview to confirm the scoring of the proposal and to clarify any questions. Based upon the revised scoring, the Selection Committee will rank the proposers, and provide an award recommendation.
 - vii. Benton County will negotiate a contract with the top-ranked firm. If an agreement cannot be reached, the County will have the option to enter into an agreement with the second-ranked firm, and so forth.
 - c. Competing proposers will be notified in writing of the selection of the apparent successful proposer and will be given seven (7) calendar days after receipt of the notice to file any questions, concerns, or protests about the selection process. Protests will be subject to the requirements of the OAR 137-049-0450, must be in writing, and must be delivered to the County within seven (7) calendar days after receipt of the selection notice. No protest of the award selection shall be considered after this time period.
 - d. The contract achieved through this process will require the CM/GC to use an open competitive selection process to bid all components of the job. The CM/GC's general conditions and fee make-up of the total cost will be evaluated as one of the scoring criteria. General Conditions must include supervision, bonding, insurance, and mobilization, and must be within the current industry standard range. The CM/GC's fee must be within the industry's standard range for a project of this size. The entire value of the project will be awarded through open, competitive processes, at either the general contractor and/or the subcontractor level.
- 2. The awarding of a construction contract for the Project using CM/GC method would offer the County critical construction expertise and value to the Project. This finding is supported by the following information required by ORS 279C.335(2)(b) and ORS 279C.330.**
- A. SPECIALIZED EXPERTISE:** Early selection of the CM/GC creates more informed, better quality decision making by the project team. A more efficient design and construction team saves the County money and helps the team anticipate and mitigate challenges in the current construction market.

This exemption will allow Benton County to proactively seek construction and constructability expertise during the design process, well in advance of the standard competitive bid timeline, to address the complexities of existing conditions and the current construction market, to help inform the best decisions on behalf of the County. Value will be added to the Project, via early and time-

critical construction expertise, that could not otherwise be obtained to the same depth, duration, or quality.

- a. **COORDINATION:** Use of a CM/GC in conjunction with the team approach will result in a better coordinated Project. By having the CM/GC part of the project team early, the CM/GC will have time to fully evaluate and understand the existing facilities and systems, along with the intended design direction prior to start of construction. This information will inform design direction and approach to site logistics and safety and security measures during construction.
- b. The CM/GC clarifies several critical variables valuable to the Project design. The CM/GC will guarantee the maximum price (GMP) to complete the Project; determines the construction schedule; establishes the sequence of work; is contractually bound to implement the final Project design within the GMP; and participates as an essential member of the Project design and construction team. By utilizing the Request for Proposal selection process, which allows the County to consider factors such as experience and expertise in addition to price, the County will ensure that the selected CM/GC will be competent addition to the team.

The CM/GC would help assess material selections relative to lead time issues, best opportunities to secure subcontractors and labor for trade coverage, better pricing, and will help discuss and/or adjust the work plan to address project and construction market needs. This component cannot be addressed by the usual design/bid/build method of construction because selection is typically based on the lowest bidder and occurs at the completion of the design process.

- c. **CONSTRUCTION COORDINATION:** A CM/GC participating on this Project would provide timely assistance and support to the development of the design and the most suitable approach to accommodate existing infrastructure and safety for the adjacent tenant.
- d. **MARKET CONDITIONS:** As well as the multitude of construction market factors that currently exist today in Oregon and Washington (e.g., supply chain and lead time issues, construction labor shortages, significant competition of and with other projects), the difficulty in establishing the best work sequence complicates our ability to accurately estimate the cost of this Project. The current construction market challenges the interest and capacity for contractors to bid for jobs. CM/GC Services, an alternative contracting method, will be more likely to result in a more experienced and better suited contractor for this Project than the usual competitive/low bid procurement.

B. OPERATIONAL, BUDGET, FINANCIAL DATA

- a. **BUDGET:** The County has a fixed budget available for the Project, as well as a desired “as soon as possible” project delivery date. Early reliable pricing provided by the CM/GC, as well as scheduling and procuring help with long lead items during the design phase will allow for the potential to mitigate later related challenges.
- b. **LONG TERM COSTS:** The Project will require expertise regarding the constructability and long-term cost/benefit analysis of innovative design. This knowledge is best obtained directly from the construction industry. Many decisions will be required during the design process that will encompass immediate feedback on constructability and pricing. Under the traditional design-bid-build process, there is a high risk of increased change orders and schedule impacts for Project of this size and complexity. Since there are significant costs associated with delay, time is of the essence. Because the contractor participates during the design phase, the CM/GC process will assist in providing a scope of work, constructible design and phasing solutions that best meet the requirements of the Project with significantly lower risk to the Project’ costs. Involving the CM/GC during design will also allow Project risks to be addressed early and teamwork between the County, the design consultants, and the construction contractor (CM/GC) to minimize those risks.

- c. **FEWER CHANGE ORDERS:** When the CM/GC participates in the design process, fewer change orders occur during project construction. This is due to the CM/GC's better understanding of the owner's needs, and the architectural and engineering team's intent. As a result, the Project is more likely to be completed on time and within budget. In addition, fewer change orders reduce the administrative time and costs of project management for both the County and the contractor.
- d. **GMP CHANGE ORDERS COST LESS:** CM/GC change orders will be processed at a lower cost under the GMP. The design-bid-build method typically results in the contractor charging 15%+ markup on construction change orders. The GMP method applies lower predetermined markups.
- e. **POTENTIAL SAVINGS:** Under the GMP method the County will enjoy the full savings if actual costs are below the GMP. When the CM/GC completes the Project, any savings between the GMP and the actual cost accrue to the County.
- f. **CONTRACTOR'S FEE IS LESS:** Contracts with CM/GC's are designed to create a better working relationship with the contractor. Consequentially, the overhead and profit fee is typically slightly lower than the fee anticipated on similar design-bid-build contracts.

C. ADDITIONAL PUBLIC BENEFITS

- a. **TIME SAVINGS:** The use of CM/GC as an alternative contracting method allows for more streamlined construction documents, in lieu of a fully bid set where everything needs to be documented for pricing. This will help streamline the project and the completion date.
- b. **COST SAVINGS:** The Project will benefit from the active involvement of a CM/GC contractor during the design process in the following ways:
 - i. The contractor's input regarding material availability and lead times, as well as the cost-effectiveness of various alternatives will guide the design toward the most economic choices.
 - ii. Consideration of the specific equipment available to the contractor will allow the designer to implement solutions that utilize the capacity and availability of that equipment.
 - iii. The contractor will be able to provide current and reliable information regarding the cost of materials that are experiencing price volatility and the availability of scarce materials.
 - iv. The contractor will also be able to order materials while design is being completed in order to avoid inflationary price increases and/or lead time issues, to mitigate the lead-times that may be required for scarce materials.
- c. **GUARANTEED MAXIMUM PRICE (GMP) ESTABLISHES A MAXIMUM PRICE PRIOR TO COMPLETION OF DOCUMENTS:** The CM/GC will be able to obtain a complete understanding of the County's needs, the architect's design intent, the scope of the Project, and the operational needs of the Project by participating in the construction document phase. With the CM/GC participating in this phase they will be able to offer suggestions for improvement and make suggestions that will reduce costs. With the benefit of this knowledge, the CM/GC will also be able to guarantee a maximum price to be paid by the County for constructing the Project.

D. VALUE ENGINEERING

- a. **WITH THE DESIGN-BID-BUILD PROCESS:** If the County were to utilize the design-bid-build method, the contractor would not participate in this evaluation. In conducting value engineering under the design-bid-build approach, a value engineering consultant is hired to participate in the design and cost evaluation process. This process adds extra costs and

administrative complications, without providing the same benefits of early and committed through construction contractor participation.

- b. **WITH CM/GC:** The CM/GC process offers a unique opportunity for value engineering that is not possible through the design-bid-build process. Value engineering is the means used to determine the best project design that meets the needs and priorities of the owner, within the owner's budget. Value engineering is done most effectively by a team consisting of the owner, architect, consultants, and the contractor. When the contractor participates, the team can render the most comprehensive evaluation of all factors that affect the cost, quality, and schedule of the project.

- i. The CM/GC method has the benefit of:

- the ability to best set/anticipate the schedule within these current market conditions,
- the ability to anticipate long lead items and how to best gain subcontractor commitment to this project,

Through integrated participation, a project's scope and design evolve that has greater value for the owner and is not likely to be the same project or product created by the design-bid-build method.

CONCLUSIONS OF LAW

The above "Findings" show that the CM/GC process for the Construction of the Justice System Improvement Program (JSIP), new Courthouse/District Attorney's offices component, complies with the requirements of ORS 279C.335(2) for exemption of the project from competitive bidding.

**NOTICE OF PUBLIC HEARING
FOR**

**Approving an Exemption From Competitive Bidding for the Construction
Management/General Contracting Services for the Courthouse/District
Attorney's Office Component of the Benton County Justice System
Improvement Plan**

**Benton County Board of Commissioners Meeting
Tuesday, September 20, 2022, 11:00 AM**

The Benton County Board of Commissioners will hold a public hearing to consider a request for approving an exemption from competitive bidding for the Construction Management/General Contracting services for the Courthouse/District Attorney's Office component of the Benton County Justice System Improvement Plan. Contact the Benton County Public Works Director at 541-766-6821 for more information. If no comments are received as described below, the Benton County Board of Commissioners may adopt the findings of fact and order approving the exemption at this public hearing.

All interested persons are invited to attend this virtual meeting via Zoom: <https://us06web.zoom.us/j/82678594845?pwd=cXlDNzBBNlFNTUZRnhobTZnMEExkQT09>, Meeting ID: 826 7859 4845, Passcode: 036491; or Dial (253) 215 8782; Meeting ID: 826 7859 4845, Passcode: 036491

The meeting will also be livestreamed on Facebook at <https://www.facebook.com/BentonCo.Gov>. Written testimony may be mailed to the Benton County Board of Commissioners, 4500 Research Way, Corvallis, Oregon 97333 or emailed to bocinfo@co.benton.or.us. To be considered at the hearing, written testimony must be received by the Board of Commissioners Office by **5:00 p.m. on Monday, September 19, 2022**. For further information, call the Benton County Board of Commissioners Office at 541-766-6800.

Nancy Wyse, Chair
Pat Malone, Commissioner
Xanthippe Augerot, Commissioner

Published: September 2, 2022 Daily Journal of Commerce and Gazette Times

NEW BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 09/20/22

View [Agenda Tracker](#)

Suggested Placement* BOC Tuesday Meeting

Department* PARKS EVENTS

Contact Name* Lynne McKee

Phone Extension* 6090

Meeting Attendee Name* Lynne McKee, NAPE Director and Trudy Overlin, Fair Board Chair

Agenda Item Details



Item Title* Exotic Animal Ordinance Working Group

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

Name of
Board/Committee

Advertisement*

☐ Yes
☒ No

Fair Board

Item Issues and Description

Item Issues and Description	
In 2018, Benton County Code (BCC) Chapter 9 was amended to include a ban on the use of wild or exotic animal displays and/or acts. The ordinance outlines a comprehensive list of exotic animals included in the ban. During the 2019 Benton County Fair & Rodeo, it was brought to staff's attention by animal rights groups that the stingray exhibit scheduled for the fair was not permitted under the county's Exotic Animal Ordinance. Although stingrays are not included on the list of banned animals specifically, they are a sub-species of Elasmobranchii, which is included in the ordinance. Fairgrounds staff then researched the list of banned animals and identified more than 2,000 species of animals covered under the larger classifications of the existing ban, including horses (Perissodactyla) (see attached list). Commissioners voted to update the Exotic Animal Ordinance to exclude horses. The Fair Board raised concerns regarding the Exotic Animal Ordinance and its negative impact on Fairgrounds operations. Fair Board members prepared a letter to present to the Benton County Board of Commissioners outlining their request to have the existing Exotic Animal Ordinance reviewed and offered potential options for amendment (see attached letter). Commissioners voted to create a working group to review the ordinance and bring back recommendations. Members of the working group include Trudy Overlin, Fair Board Chair; Lynne McKee, Director of Benton County Natural Areas, Parks and Events; Sarah Spangler, Director of Chintimini Wildlife Center; Chuck Tourillott, Director of Heartland Humane Society; Brad Tylman, owner of Brad's Reptiles; Erica O'Neill, Benton County Animal Control Officer; Carolyn Ashton, OSU Extension Agent; Dan Rosenberg, OSU Wildlife Biologist; Rick Boatner, Invasive Species Wildlife Integrity Supervisor, Oregon Department of Fish & Wildlife; and Jacob Kamins, Deputy District Attorney and Animal Cruelty Prosecutor. Working group members recommended the following: 1. Repeal the Exotic Animal Ordinance and replace it with the Benton County Animal Exhibition Ordinance (see attached document prepared by the committee members). 2. Reference existing animal welfare legislation for guidance. 3. Benton County should eliminate the list of banned animals entirely because it is too broad and includes both wild and domestic and exotic and native animals. Members also felt that any animals not on the list should receive the same concerns for their welfare when used in a traveling show as the animals included on the list. 4. Benton County should utilize the existing list of prohibited species prepared by the Oregon Department of Fish and Wildlife as the list of banned animals. 5. Benton County should develop a Special Use Permit process to advise county Animal Control staff when a traveling animal show will be coming through the area to include a list of animals, supervisory veterinarians, locations of the show, locations where animals will be housed, and contact information. 1. Retain the existing ordinance 2. Repeal the existing ordinance 3. Direct staff to draft an updated ordinance based on the recommendations of the Exotic Animal Ordinance working group and bring it back to the BOC for review and discussion	Identified Salient Issues * Fiscal Impact * ☐ No ☐ Yes

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 ^{*}

Agricultural and animal shows and events are a staple of Benton County Fairgrounds programming.

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 ^{*}

Rodeos and other animal shows are an important component of the annual Benton County Fair & Rodeo and other rental events at the fairgrounds

Recommendations and Motions

Page 39 of 72

Item Recommendations and Motions

Staff

Recommendations *

Staff recommends the Board of Commissioners direct staff to draft an updated ordinance based on the recommendations of the Exotic Animal Ordinance working group and bring it back to the Board of Commissioners for review and discussion.

Meeting Motions *

I move to ...

Direct staff to draft an updated ordinance based on the recommendations of the Exotic Animal Ordinance working group and bring it back to the Board of Commissioners for review and discussion.

Attachments, Comments, and Submission

Page 40 of 72

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.

DRAFT Animal Exhibition Ordinance revision 5.docx 17.88KB

Fair Board Exotic Animal Ordinance Letter.pdf 2.63MB

Exotic Animal Ordinance List of Species.pdf 205.2KB

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

Department Approver LYNNE MCKEE

Department Approval

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Comments

Signature

Lyne MacKee

BOC Initial Approval

Page 42 of 72

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

County Administrator JOE KERBY

Counsel Approval

Page 43 of 72

Comments

Signature

Vance H. Chokey

County Administrator Approval

Page 44 of 72

Comments

Signature

Hanna Kwiatkowski

BOC Final Approval

Page 45 of 72

Comments

Signature

Amanda Hakepeace



January 12, 2021

Xanthippe Augerot, Chair
Patrick Malone, Commissioner
Nancy Wyse, Commissioner
Joseph Kirby, County Manager
Vance Croney, County Counsel
Benton County Board of Commissioners
205 NW 5th Street
Corvallis, OR 97330

RE: Benton County Oregon Ordinance 9.805 Ban on use of Wild or Exotic Animals in Traveling Animal Displays and/or Acts.

Dear Xan, Pat, Nancy, Joe and Vance:

On behalf of the Benton County Fair Board, we respectfully request that you reconsider the above-cited ordinance. As written, this ordinance hampers the business model of the Benton County Event Center and Fairgrounds, in ways that we believe were unintended.

As stated in Section (4) of the Ordinance, "Wild or Exotic Animal" there is a clause "not to be construed as an exhaustive list, or limit the generality of each group" which may cause additional concerns, if entities choose to apply pressure to expand the list of banned animals without thoughtful consideration.

By definition, the term "Exotic" refers to a rare or unusual animal not native to the country for which they may be residing. The Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES), and various city ordinances, moderate the trade of exotic animals around the world, mainly to prevent threats to their survival as a species, and to protect them from ecological damage. The concern of the convention is that their conservation status is not at risk and that they will not end up in the wild becoming an invasive species. Traveling shows that have the proper permits, licenses, and have high standards for the care of their animals, provide a scientific and educational opportunity, while not creating a challenge to CITES. The CITES Treaty was signed by the United States, which has in turn published federal laws against the import and sale of animal items, such as ivory.

The U.S. Department of Agriculture (USDA) already has a permitting process for keeping and breeding exotic species, either captured in the wild or bred in captivity. Many exotic species are prohibited by the United States from pet trade. These same species have been permitted under legitimate purposes such as educational shows and in zoos, aquariums, and wildlife parks. The American Zoo and Aquarium Association (AZAA), an association that most educational shows, zoos, aquariums and wildlife parks belong to, monitor captivity, habitat, handling, breeding, transporting and welfare.

It is important to note that the captive breeding programs in the United States involving exotic animals have created a condition where fewer and fewer animals are actually being captured in the wild. Many zoo's and wildlife parks acquire their collections from sanctioned breeding programs and must demonstrate that they meet standards for welfare, transport and care. This includes the extensive Veterinary certifications against Zoonotic disease. Both the AZAA and the Centers for Disease Control (CDC) have worked with the American Veterinary Medical Association, the U.S. Department of Agriculture and National Animal Control Association to help monitor captive breeding in the US, as monitor the prevention of exotic disease, or inbreeding.

We believe that the intent of the ordinance was to ensure animal wellbeing, and the discouragement of shows that misuse or potentially abuse exotic animals, either by enclosing them in extremely small and confining cages for long periods of time, not allowing for adequate feeding or exercise, and for which extreme handling measures are used. With this in mind, we also do not think it was your intention, by this ordinance, to prohibit shows and events at the Benton County Fair and Rodeo that represent our Agricultural and Western Heritage, as well as provide a family oriented and educational opportunity for our communities.

The list of Wild or Exotic Animals in Section (4) also creates a condition that limits many events that our Fairgrounds have hosted over the years, including Rodeo, which is part of our western agricultural heritage. The text of the ordinance extends to animal classifications indigenous to the species native to the United States, and not defined as "exotic", such as alligators, and other reptiles. The category (c) under this same section also bans "Ekasnibrabegii" and "Pinnipedia" that include animals such as stingrays, sharks, sea lions, seals, and other marine life indigenous to the United States.

Many other categories include animals found in the United States, and are not otherwise defined as exotic. The exceptions listed are limited to alpaca, cattle, llamas, swine, sheep, goats, domestic cats and dogs, which would limit any future events that we as a Fair Board may want as part of our fair.

Additional animals not "exempt" in the ordinance, which currently inhibit events at our Event Center and Fairgrounds are horses and camels. Horses are scientifically classified as *Equus Caballus*, one of two extant subspecies of *Equus Ferus*, belonging to the *Equidae* family, and

Perissodactyla order (odd-toed hoofed mammals). Both of these animals have existed in the United States, and around the world, as domesticated animals for a long time.

As we see the current situation there are three very distinct options. The first option would be to repeal the ordinance, deferring to state and federal laws already in place, the group that supported the ordinance in the first place may take issue with that, it is a completely logical option based on the federal and state regulations already in place.

The second would be to re-write the ordinance and rather than list classes of prohibited animals by species, knowing that it encompasses a lot of animal categories that are not truly exotic, and includes animals that exist in North America and really are not in that category. Examples are Lama's, Alpacas and Camels, all of which have been domesticated and used in the US. In the prohibited list you could list the exact animal that is prohibited, such as elephants, monkeys, African or Siberian tigers, African Lions, etc. When it is done by species a lot of North American animals such as the Stingrays get caught up in the class of "exotic" species.

A third option would be to devise a permitting process that would allow for a committee or subject matter expert from the County to use an evaluative process, while not excluding many of our past Fair and Rodeo vendors, or shows that have provided entertainment and educational opportunities to our residents hosted at the Event Center and Fairgrounds. The permitting process could include inspecting veterinary records, transport and housing accommodations and handling. The permitting process could be supported by charging a nominal fee for review of documents. This allows for choosing to prohibit events where animals are subjected to a gaff hook or are transported in confined cages, without adequate care for their wellbeing, while still being open to educational shows that both teach and provide access to many species that exist in the United States, and encourage the protection of and care of these animals.

It is our belief, that if a show with animals intended for educational and family entertainment wanted to be a vendor to the Benton County Fair and Rodeo, or wanted to rent space at the Event Center, the decisional process of whether or not to allow a show would be best served by a permitting process. The permitting process would allow for the regulation of various show collections, and allow the opportunity for review of all veterinary records, transport permits, and practices of animal welfare, care, and handling.

The permit process could include review by the Animal Control Officer, and a verification of proper licenses, permits and information on care, feeding, and handling. A permitting process will allow vendors to present documentation, and provide insight on their offerings. Their documentation and additional information would allow the Board of Commissioners or their designee, to determine which shows meet the educational and family friendly environment that is the heart of our mission at the Benton County Event Center and Fairgrounds, which may also apply to other Benton County facilities and/or events.

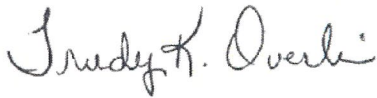
As the ordinance as written, it limits other family oriented and educational shows suitable to our community, which we believe could be managed using a permitting process. This process will allow the Commissioners to set the standards for the County, regulated by the permitting process.

If you prefer not to consider a permitting process, we hope that you will reconsider the current prohibitions on distinct classifications, consider listing the prohibited animals by name specifically, or greatly enhance the list of exceptions to the list so that entertainment and educational opportunities at our facility can continue, while mindful of animal welfare and care.

The Fair Board believes that care and concern regarding animal welfare is an important factor in the decisional process with regard to proposed shows and vendors. The Fair Board feels that our concerns match those of the Board of Commissioners, pertaining to the intent of the ordinance. We believe in proper care and maintenance of animals and genuinely do not approve of extreme handling measures such as torture of animals. We would be willing to assist your board with the development of a permit application, taking into consideration the required veterinary records, permits and handling information suitable to make informed decisions regarding which shows and collections allowed on county property.

Thank you for your kind consideration of our request.

Sincerely,



Trudy K. Overlin, Fair Board Chair



Mark Baumgartner, Fair Board Vice-Chair

Cc:

Benton County Fair Board

Lynne McKee, Manager, Benton County Event Center and Fairgrounds

**Repeal Exotic Animal Ordinance & Replace with:
Benton County Animal Exhibition Ordinance**

The purpose of this Animal Exhibition Ordinance is to protect the general welfare of animals during public exhibition in Benton County or while traveling through Benton County. Exhibition for purposes of this ordinance is defined as a public show where tickets are sold. This ordinance specifically applies to shows traveling through or arriving in from outside of Benton County for the purpose of public animal exhibits or circuses. The ordinance is not intended to apply to 4-H exhibitions, rodeo exhibitions, domestic dog or domestic cat shows or exhibitions solely involving domestic farm animals.

This ordinance is intended to prohibit performing animal exhibits or circuses in which animals are induced or forced to perform through use of chemicals, mechanical, electrical or manual devices that cause physical suffering or injury to the animals such as bull hooks. This would not apply to non-animal circuses, rodeos and educational or exhibiting animal shows such as agility demonstrations. This ordinance is not intended to effect ORS 635-056-0050's "[Prohibited Species](#)," list, which prohibits the transport through the State of Oregon of certain animals.

[Oregon Revised Statutes Chapter 167, Sections 305 through 439](#), outlines humane standards covering the handling, care, treatment and transportation of animals. Exhibitions must follow these statutes while exhibiting and/or traveling through Benton County. Among other requirements, exhibitors must provide animals in their custody or control "minimum care" consistent with [ORS 167.310 \(9\)](#).

Commented [OT1]: I removed the AWS references.

Parties wishing to exhibit exotic animals publicly in Benton County are required to fill out an application for an "Animal Exhibition Special Use Permit" at least 45 days prior to their exhibition. A fee shall be paid to the County to fund the processing of the permit. The application shall include a list and number of all exotic animals on exhibit. The application should describe the exhibition, including all contact information, location where animals are exhibited and housed, logistics of care, and dates and times they will be exhibiting in Benton County. Only one permit per event is required. All medical certifications required by State and Federal law must be available for inspection, prior to, during or after the exhibition by the Benton County Animal Control Deputy as defined by Benton County Chapter Nine Animal Code. Any refusal or failure by exhibitor to comply with either the permitting process or the animal health certificate requirements will negate any contract for County exhibit space, will be subject to a warning or fine based on their noncompliance, and may be asked to leave and/or be banned from all county property.

The list of exempt agencies, enforcement and penalties from the current ordinance would still be in effect

Benton County Exotic Animal Ordinance Breakdown

Order	# of Species	Including	Excluding
Artiodactyla	220	Hippopotamuses, giraffes, camels (deer, antelopes)	Alpaca, llama, cattle, swine, sheep, goats
Crocodylia	13	Alligators, crocodiles	
Elasmobranchii	1,000+	Nurse sharks, lemon sharks (stingrays, skates)	
Elephantidae	3	Elephants	
Felidae	36	Tigers, lions, jaguars, leopards, cheetahs, cougars	Domestic cats
Hyaenidae	4	Hyenas	
Marsupialia	250+ (99 American & 235 Australian)	Kangaroos (possums, wombats, koalas, wallabies)	
Non-human primates	300	Apes, monkeys, lemurs	
Perissodactyla	17 (3 families)	Rhinoceroses, tapirs, zebras (horses)	
Pinnipedia	33	Seals, sea lions, walruses	
Struthio	2	Ostriches	
Ursidae	8	Bears	
Canidae	36	Wolves, coyotes, foxes	Domestic dogs
Cetacea	89	Whales, dolphins, porpoises	
Edentata	31	Anteaters, sloths, armadillo	
Mustelidae	56	Skunks, weasels, mink, badgers, river otters, sea otters (ferrets, wolverine)	
Procyonidae	14	Raccoons, coatis, kinkajous, ringtails	
Testudinidae	40-50	Tortoises	
Viverridae	38	Civets, mongooses, bearcat	
Varanidae	50-60	Monitor lizards, Komodo dragons	

DEPARTMENTAL REPORTS AND REQUESTS

Agenda Placement and Contacts

Suggested Agenda Date 09/20/22

View [Agenda Tracker](#)

Suggested Placement* BOC Tuesday Meeting

Department* Health Services

Contact Name* Rebecca Taylor

Phone Extension* 6787

Meeting Attendee Name* Rebecca Taylor

Agenda Item Details



Item Title* House Bill 4123 – Coordinated Homeless Response Office

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

Board/Committee Involvement* ☐ Yes
☒ No

Advertisement*

☐ Yes

☒ No

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Item Issues and Description

Identified Salient Issues *

During the September 8, 2022, joint Work Session of the Benton County Board of Commissioners and Corvallis City Council, policy makers discussed a Coordinated Homeless Response Memorandum of Understanding (MOU). The purpose of the MOU is to establish an effective framework for collaboration among the parties for development of a coordinated homeless response system ("System") for Benton County, pursuant to Oregon House Bill (HB) 4123 (2022). The system shall, at a minimum, consist of a homeless response office (the "Coordinated Office") and a Homeless Response Advisory Board (the "Advisory Board").

Benton County was awarded \$1 million to establish the Coordinated Office through House Bill 4123. The grant funding received by Benton County is eligible to be used for staffing, communication, community engagement, policy development and technical assistance efforts. In the next year, the Coordinated Office must develop a five-year strategic plan addressing funding needs and goals for: increasing or streamlining resources for people at risk of or experiencing homelessness in the service area; incorporating national best practices; eliminating racial disparities within homeless services; and creating pathways to permanent and supportive housing.

HB 4123 prioritizes a regional approach to homelessness solutions. Due to the limited timeline to submit a letter of interest for the opportunity to participate in HB 4123, engagement of cities within Benton County, beyond the City of Corvallis, was not possible. County staff are developing an outreach plan to engage the cities of Monroe and Philomath and Adair Village, along with rural service providers, to identify partnerships and opportunities for participation.

The County will serve as the fiscal agent responsible for administration and distribution of HB 4123 Grant funds in compliance with the Grant agreement. The County will convene parties and facilitate work for implementing HB 4123. The County will oversee the HOPE (Home, Opportunity, Planning and Equity) Board. The County will select two individuals to serve as voting members on the Coordinated Office Advisory Board. One member shall be a member of the Board of Commissioners, and one member shall be the County Administrator or their designee. The County will solely determine how and when its Coordinated Office Advisory Board members are selected and replaced over time.

Options *

1) Approve the City of Corvallis/Benton County/Community Services Consortium MOU – HB 4123 Coordinate Homeless Response Office

2) Do not approve the City of Corvallis/Benton County/Community Services Consortium MOU – HB 4123 Coordinate Homeless Response Office.

Fiscal Impact *

- ☒ Yes
☐ No

Fiscal Impact Description *

Yes. While the actual development and approval of the proposed MOU does not create a material fiscal impact, HB 4123 and the development and implementation of the Homeless Response Office does result in a \$1 million fiscal impact to the County Budget. This budget is supported by the State General Fund that has been approved and received from the Department of Administrative Services. The Financial Services Department will present a budget supplement in October 2022 that addresses this budget increase. It is anticipated this \$1 million fiscal impact will span the course of both the 2021-23 and 2023-25 bienniums.

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.
Item involves a contract agreement between City of Corvallis and Benton County.

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 ^{*} House Bill (HB) 4123 supports the formation of a coordinated homeless response office between cities and counties that is intended to strengthen existing local homeless response systems that improve the livability of our community by providing services and sheltering to our unhoused community members. HB 4123 sets out minimum standards for participating communities that support community resilience, equity for everyone, and health in all action by prioritizing an equitable, accessible responsive system for community members experiencing homelessness and identifies opportunities to more effectively leverage existing funds and access new resources.

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 coordinated office provides high-level coordination, centralized communication, and strategic planning enabling multi-disciplinary/multi-jurisdictional collaboration that acknowledges the complexities of the causes and impacts of homelessness in our community; including community safety, environment and natural resources, and housing and growth.

Recommendations and Motions

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Item Recommendations and Motions

Staff	Staff recommends approval of the of the City of Corvallis/Benton
Recommendations *	County/Community Services Consortium Memorandum of Understanding – HB 4123 Coordinate Homeless Response
Meeting Motions *	I move to approve the City of Corvallis/Benton County/Community Services Consortium Memorandum of Understanding – HB 4123 Coordinate Homeless Response Office.

Attachments, Comments, and Submission

Page 59 of 72

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.

HB 4123 MOU_9_20_22_Corvallis_Benton_CSC.pdf 142.9KB

HB 4123.pdf 29.69KB

Comments (optional) (prepared by Amanda Makepeace on behalf of Rebecca Taylor)

If you have any questions, please call ext.6800

**Department
Approver**

APRIL HOLLAND

Department Approval

Page 60 of 72

Comments

Signature

April Holland

BOC Initial Approval

Page 61 of 72

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

**County
Administrator
Approver** MAURA KWIATKOWSKY

Counsel Approval

Page 62 of 72

Comments

Signature

Vance H. Chokey

County Administrator Approval

Page 63 of 72

Comments

Signature

MAURA KWIATKOWSKI

Comments

Signature



Amanda Makepeace

Memorandum of Understanding

Coordinated Homeless Response System

This Memorandum of Understanding (MOU) is entered into by The CITY OF CORVALLIS, a municipal corporation of the State of Oregon, hereinafter referred to as City, and BENTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as County, and Community Services Consortium, an intergovernmental entity, serving Linn, Benton, Lincoln counties and hereinafter referred to as CSC, jointly referred to as “Parties” or individually referred to as a “Party”.

I. Introduction

Like communities throughout Oregon and the United States, homelessness in Benton County has escalated in recent years and demands a comprehensive, coordinated response from the county, cities, and diverse community partners, leaders, and persons experiencing homelessness. BENTON COUNTY and the CITY OF CORVALLIS demonstrate a clear vision to coordinate their efforts on homelessness by bringing together existing providers, other partners and community members to elevate and strengthen existing work through the Home, Opportunity, Planning and Equity (HOPE) Advisory Board (“HOPE Board”).

The County has signed a grant (“Grant”) agreement with the State of Oregon awarding the County one-time funding to establish a coordinated homeless response system to operationalize and strengthen the communities’ homeless response efforts. The Grant agreement is entered pursuant to the terms of HB 4123.

II. Purpose

The purpose of this MOU is to establish an effective framework for collaboration among the Parties for the development of a coordinated homeless response system (“System”) for Benton County, pursuant to Oregon House Bill 4123 (2022). The System shall, at minimum, consist of a homeless response office (the “Coordinated Office”) and a Homeless Response Advisory Board (the “Advisory Board”).

III. Definitions

IV. Coordinated Homeless Response Office (“Coordinated Office”): Coordinated homeless response office with a centralized point of contact as required by HB 4123 Section 1. (1)(a) & (e).

V. Coordinated Office Advisory Board: Coordinated homeless response advisory board with representation from the governing body of each Party, for the purposes of providing general guidance to the Coordinated Office as required by HB 4123 Section 1. (1)(b).

VI. Stakeholder Coordination Board: Board responsible for stakeholder coordination and partnership development as required by HB 4123 Section 1. (5) (a-o). The HOPE Advisory Board is designated as the Stakeholder Coordination Board.

VII. Strategic Plan: 5-year strategic plan that will identify and set goals for addressing:

- a. Funding to support the ongoing operations of the coordinated homeless response system.
- b. Increasing or streamlining resources and services to people at risk of or experiencing homelessness within the Parties’ jurisdictions.

- c. Incorporating national best practices for ending homelessness.
- d. Eliminating racial disparities within homeless services within the service area.
- e. Creating pathways to permanent and supportive housing that is affordable to local populations experiencing or at risk of homelessness.

NOW, THEREFORE, the Parties, on the terms and conditions set forth herein, and consideration of which the existence and sufficiency is mutually acknowledged, agree to the following;

IV. Obligations of the parties

- i. The County will:
 - a. Serve as the fiscal agent responsible for administration and distribution of Grant funds in compliance with the Grant agreement.
 - b. Convene Parties and facilitate work for implementing HB 4123.
 - c. Oversee the HOPE Board.
 - d. Select two individuals to serve as voting members on the Coordinated Office Advisory Board. One member should be a Commissioner of the Board of Commissioners and one member should be the County Administrator or their designee. The County will solely determine how and when its Coordinated Office Advisory Board members are selected and replaced over time.
- ii. The City will:
 - a. Assign City staff representatives to attend and participate in HB 4123 implementation meetings.
 - b. City staff will provide updates to their respective elected bodies.
 - c. Select two individuals to serve as voting members on the Coordinated Office Advisory Board. One member should be the Mayor or a City Councilor and one member should be the City Manager or their designee. The City will solely determine how and when its Coordinated Office Advisory Board members are selected and replaced over time.
- iii. The CSC will:
 - a. Assign agency staff to attend and participate in HB 4123 implementation meetings.
 - b. Serve as liaison between Parties and the Rural Oregon Continuum of Care.
 - c. Select one individual to serve as a voting member on the Coordinated Office Advisory Board. The member should be the Executive Director or their designee. CSC will solely determine how and when its Coordinated Office Advisory Board member is selected and replaced over time.

V. Agreement

- i. This MOU shall become effective when signed by all Parties hereto and will continue until terminated by the parties.
- ii. The Parties agree to:
 - a. Operate under the general policy guidance of the City Manager(s), County Administrator and their respective elected bodies.

- b. Cooperate in good faith to ensure that the requirements as specified in HB 4123 are met, at minimum to include,
 - i. Development of the Coordinated Office and ongoing participation in it.
 - ii. Development of the Coordinated Office Advisory Board and ongoing participation in it.
 - iii. Development of a 5-year “Strategic Plan”.
 - 1. Funding to support the ongoing operations of the Office.
 - 2. Leveraging resources and services to people at risk of or experiencing homelessness.
 - 3. Incorporating national best practices for ending homelessness.
 - 4. Creating pathways to permanent and supportive housing that is affordable to local populations experiencing or at risk of homelessness.
 - iv. Development of Party obligations to support the Advisory Board and Office and ongoing support of those Party obligations.

VI. General Terms of MOU

- a. Non-Binding Agreement This document is not intended to create legal relations or to constitute a legally binding contractual agreement between or among the Parties. Nothing in this MOU is intended to impose any legal relationships, rights, duties, sanctions or liability on any Party, or to be the subject of litigation.
- b. Governing Provisions The parties acknowledge that the undertakings of any Party, or designee, under this MOU will be subject to the laws, rules, and internal administrative and personnel policies governing the conduct of the party.
- c. Joint Undertakings The parties agree to undertake the activities and to fulfill the responsibilities as described in this MOU in good faith and in a professional manner, to the extent possible given prevailing operating environments. Performance under this MOU is subject to availability to the Parties of funds and human resources.

VII. Declaration

The Parties, by the signature below of their authorized representative, hereby acknowledge they have read this non-binding MOU, attest they understand it, and declare their intention to work collaboratively together to the best of their ability.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same.

BENTON COUNTY

Nancy Wise, Chair

Date

Pat Malone, Commissioner

Date

Xanthippe Augerot, Commissioner

Date

Reviewed as to Form

County Counsel

Date

CITY OF CORVALLIS

Mark Shepard, City Manager

Date

Review to as to Form

City Attorney

Date

COMMUNITY SERVICES CONSORTIUM

Pegge McGuire, Executive Director

Date

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 - i. Development of the Coordinated Office and ongoing participation in it.
 - ii. Development of the Coordinated Office Advisory Board and ongoing participation in it.
 - iii. Development of a 5-year "Strategic Plan".
 - 1. Funding to support the ongoing operations of the Office.
 - 2. Leveraging resources and services to people at risk of or experiencing homelessness.
 - 3. Incorporating national best practices for ending homelessness.
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VI. General Terms of MOU

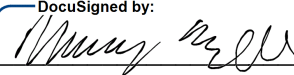
- a. Non-Binding Agreement This document is not intended to create legal relations or to constitute a legally binding contractual agreement between or among the Parties. Nothing in this MOU is intended to impose any legal relationships, rights, duties, sanctions or liability on any Party, or to be the subject of litigation.
- b. Governing Provisions The parties acknowledge that the undertakings of any Party, or designee, under this MOU will be subject to the laws, rules, and internal administrative and personnel policies governing the conduct of the party.
- c. Joint Undertakings The parties agree to undertake the activities and to fulfill the responsibilities as described in this MOU in good faith and in a professional manner, to the extent possible given prevailing operating environments. Performance under this MOU is subject to availability to the Parties of funds and human resources.

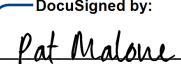
VII. Declaration

The Parties, by the signature below of their authorized representative, hereby acknowledge they have read this non-binding MOU, attest they understand it, and declare their intention to work collaboratively together to the best of their ability.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same.

BENTON COUNTY

DocuSigned by:

Nancy Wise, Chair _____ Date _____

DocuSigned by:

Pat Malone, Commissioner _____ Date _____

DocuSigned by:
Xanthippe Augerot _____
Xanthippe Augerot, Commissioner Date

Reviewed as to Form

DocuSigned by:
Vance M. Cronley _____
County Counsel Date

CITY OF CORVALLIS

Mark Shepard, City Manager Date

Review to as to Form

City Attorney Date

COMMUNITY SERVICES CONSORTIUM

Pegge McGuire, Executive Director Date

Enrolled

House Bill 4123

Sponsored by Representatives KROPF, WILLIAMS, Senator PATTERSON, Representatives EVANS, GOMBERG, HOY, SMITH G, ZIKA, Senators ANDERSON, ARMITAGE, GELSER BLOUIN, HANSELL, KNOPP, THOMSEN; Representatives ALONSO LEON, CAMPOS, DEXTER, FAHEY, GRAYBER, HIEB, LEVY, MARSH, MOORE-GREEN, NOBLE, NOSSE, REYNOLDS, SOSA, WEBER (Presession filed.)

CHAPTER

AN ACT

Relating to coordinated homeless response systems; and declaring an emergency.

Whereas the lack of available housing, high rents and high home prices are driving rapid increases in housing instability and homelessness in Oregon; and

Whereas Oregon has experienced a significant increase in the number of people experiencing homelessness and unsheltered homelessness; and

Whereas funding, resources and services to address homelessness in Oregon are not scaled to meet this need; and

Whereas the lack of housing affordability and availability in Oregon cannot be addressed without cross-jurisdictional collaboration; and

Whereas communities require coordinated leadership and governance to identify local needs and centralize communication, policy and services to end homelessness; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Oregon Department of Administrative Services shall provide grants to local governments and nonprofit corporations that agree to, within 90 days of receipt of grant funding, enter into an agreement among the member governments and nonprofit corporations, if any, to create a coordinated homeless response system that consists of, at a minimum:

- (a) The establishment of a coordinated homeless response office;**
 - (b) An advisory board with representation from the governing body of each member government;**
 - (c) Specific roles of each member to support the advisory board and office;**
 - (d) Plans for coordination with any local continuum of care receiving funding under 24 C.F.R. part 578; and**
 - (e) The establishment of a centralized point of contact for the office.**
- (2) Grants provided under this section shall be used by the coordinated homeless response system to:**
- (a) Hire necessary staff for the office;**
 - (b) Support coordinated communications and public engagement;**
 - (c) Support community outreach and policy development, including stipends for people with current or recent lived experience of homelessness;**

(d) Acquire technical assistance and capacity building, including contracting with consultants; and

(e) Pay for other expenses reasonably necessary to meet the requirements under this section.

(3) Within one year of receiving a grant under this section, a coordinated homeless response system, through the advisory board or each member government to the agreement, shall adopt a five-year strategic plan that will identify and set goals for addressing:

(a) Funding to support the ongoing operations of the coordinated homeless response system;

(b) Increasing or streamlining resources and services to people at risk of or experiencing homelessness within the participating cities and counties;

(c) Incorporating national best practices for ending homelessness;

(d) Eliminating racial disparities within homeless services within the service area; and

(e) Creating pathways to permanent and supportive housing that is affordable to local populations experiencing or at risk of homelessness.

(4) No later than November 15, 2023, and September 15, 2024, each coordinated homeless response system shall provide a report to the Housing and Community Services Department, Oregon Housing Stability Council and one or more appropriate interim committees of the Legislative Assembly in the manner provided in ORS 192.245 on:

(a) The goals adopted in the five-year strategic plan and the progress made in implementing the plan;

(b) Other changes in homelessness services, ordinances of member governments relating to homelessness and partnerships or programs established that are specifically related to member government actions arising out of the agreement; and

(c) Identified challenges and opportunities relating to:

(A) Regional coordination of homelessness services and planning;

(B) Needs for technical assistance regarding program development or other programs from the Housing and Community Services Department; and

(C) Addressing racial disparities through partnerships with culturally specific and responsive organizations serving populations overrepresented in experiencing homelessness, including Black, Indigenous, People of Color, federally recognized tribes and tribal members and outreach and engagement with these populations.

(5) In performing tasks under this section, a coordinated homeless response system shall coordinate with and develop partnerships with local and regional stakeholders, including, but not limited to:

(a) Advocates for people experiencing homelessness and for people with lived experience of homelessness;

(b) Community action agencies;

(c) Housing authorities;

(d) Affordable housing providers;

(e) Behavioral health providers;

(f) Law enforcement;

(g) Educational agency liaisons for homeless children as described in 42 U.S.C. 11432;

(h) Local Department of Human Services offices;

(i) Courts;

(j) Legal aid;

(k) Coordinated care organizations, as described in ORS 414.572;

(L) Emergency shelter providers;

(m) Homeless service providers;

(n) Organizations serving and advocating for veterans, homeless youth, youth exiting the foster care system, individuals exiting the criminal justice system, people with disabilities and aging adults, health care systems, domestic violence and sexual assault survivors,

members of lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) communities, people experiencing behavioral health and substance use disorders, faith communities and business communities; and

(o) The Housing and Community Services Department.

(6) In performing its duties under this section, a coordinated homeless response system shall coordinate with law enforcement, service providers and governing bodies to implement safe and humane processes to maintain public and environmental health and safety, balancing important individual and community rights.

(7) A coordinated homeless response system may use grant funds in excess of those funds needed by the system to accomplish the requirements of the system under subsections (1) to (6) of this section to support the delivery of homeless services and shelter consistent with the five-year strategic plan, including through contracts with service providers.

SECTION 2. Section 1 of this 2022 Act is repealed on January 2, 2025.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Administrative Services, for the biennium ending June 30, 2023, out of the General Fund, to provide grants under section 1 of this 2022 Act for a coordinated homeless response system:

(1) \$1,000,000 to Benton County for a response system consisting of Benton County, the City of Corvallis and any other parties to the agreement forming the response system.

(2) \$1,000,000 to Coos County for a response system consisting of Coos County, the City of Coos Bay, the City of North Bend and any other parties to the agreement forming the response system.

(3) \$1,000,000 to Deschutes County for a response system consisting of Deschutes County, the City of Bend, the City of La Pine, the City of Redmond and the City of Sisters.

(4) \$1,000,000 to Lincoln County for a response system consisting of Lincoln County, the City of Lincoln City, the City of Newport, the City of Toledo and any other parties to the agreement forming the response system.

(5) \$1,000,000 to the Mid-Columbia Community Action Council for a response system consisting of the Mid-Columbia Community Action Council, Hood River County, Sherman County, Wasco County, the City of The Dalles, the City of Hood River and any other parties to the agreement forming the response system.

(6) \$1,000,000 to Polk County for a response system consisting of Polk County, the City of Dallas, the City of Falls City, the City of Independence, the City of Monmouth, the City of Willamina, the Confederated Tribes of the Grand Ronde, Mid-Willamette Valley Community Action Agency and any other parties to the agreement forming the response system.

(7) \$1,000,000 to Tillamook County for a response system consisting of Tillamook County, the City of Tillamook, Bay City, the City of Garibaldi, the City of Rockaway Beach, the City of Wheeler, the City of Manzanita, Tillamook County Community Action Resources Enterprises, Inc. and any other parties to the agreement forming the response system.

(8) \$1,000,000 to Umatilla County for a response system consisting of Umatilla County, the City of Umatilla, the City of Stanfield, the City of Echo, the City of Hermiston and any other parties to the agreement forming the response system.

SECTION 4. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by House March 2, 2022

.....
Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 3, 2022

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

.....
Shemia Fagan, Secretary of State