

AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, May 24, 2022

GoToMeeting: <https://meet.goto.com/608902797>

or Dial [1 \(312\) 757-3121](tel:13127573121); *Access Code* 608-902-797#

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

9:00 AM

I. Opening

- A. Introductions
- B. Announcements

II. Review and Approve Agenda

III. Work Session

- 3.1 9:00 a.m., 30 minutes – Third Quarter, Fiscal Year 2021-22 Economic Development Update – *Kate Porsche, Economic Development Director*
- 3.2 9:30 a.m., 45 minutes – Update from the Oregon Department of Forestry, *Leo Williamson, Michael Curran, Oregon Department of Forestry*
- 3.3 10:15 a.m., 30 minutes – Update from Oregon State Fire Marshal, *Brent Griffiths, Office of the State Fire Marshal*

BUSINESS MEETING

IV Old Business

- 4.1 Discussion of Possible Changes to Benton County Code Chapter 32, Emergency Procedures, *Vance Croney, County Counsel*

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.

V. New Business

- 5.1 Discussion and Decision Regarding a Request for Funding Support from the NAACP Linn Benton Branch's Juneteenth Celebration and Black-owned Business Expo – *Wendy Sutton, National Association for the Advancement of Colored People; JoeHahn; Equity, Diversity, and Inclusion Program Coordinator*

VI. Information Sharing: (If time permits the following section will be heard. *The chief purpose of "Information Sharing" is to allow the Board of Commissioners time and a venue to update one another of their individual activities.*)

- 6.1 Nancy Wyse,, Chair
6.2 Pat Malone, Commissioner
6.3 Xanthippe Augerot Commissioner
6.4 Joe Kerby, County Administrator

VII. 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
Tuesday, May 24, 2022
GoToMeeting link: <https://meet.goto.com/608902797>
Livestream: <http://facebook.com/BentonCoGov>
9:00 a.m.

Present: Nancy Wyse, Chair; **Pat Malone**, Commissioner; **Xanthippe Augerot**, Commissioner; **Joe Kerby**, County Administrator; **Vance Croney**, County Counsel

Staff: **Larry Bogan**, BOC staff; **Joe Hahn**, Equity, Diversity, & Inclusion; **Suzanne Hoffman**, **April Holland**, Health; **Erika Milo**, BOC Recorder; **Paul Wallsinger**, Facilities; **Matt Wetherell**, Juvenile;

Guests: **John Harris**, Horsepower Productions; **Kate Porsche**, Corvallis-Benton County Economic Development Office; **Michael Curran**, **Brent Griffiths**, **Trask Hodgson**, **Leo Williamson**, Oregon Department of Forestry; **Aaron Harris**, Search and Rescue; **Tom Miller**, Philomath Fire District; **Cody Mann**, Mid-Valley Media

Chair Wyse called the meeting to order at 9:04 a.m.

I. Opening:
A. Introductions
B. Announcements

There were no announcements.

II. Review and Approve Agenda

No changes were made to the agenda.

III. Work Session

3.1 Third Quarter, Fiscal Year 2021-22 Economic Development Update – Kate Porsche, Corvallis-Benton County Economic Development Office (EDO) Director

Porsche updated the Board on first-third quarter projects. EDO has done outreach to 150 businesses. There is some focus on COVID-19 response, but the biggest challenge in all sectors is hiring, resulting in reduced business hours. Inflation costs are also also a challenge. There continues to be a focus on downtown City of Corvallis. The transfer of the economic improvement district from the Downtown Corvallis Association (DCA) to the Corvallis Chamber of Commerce was completed and a downtown-focused committee is being established. EDO and Benton County Public Works are exploring placement of a block of electric vehicle charging stations in downtown. EDO is currently reviewing proposals. The Business Right-of-Way program allowing restaurants to use parking spaces for overflow is being considered as a long-term program. The City wants to finish a parking study first. The first food hub stakeholder meeting will be held soon. The project received \$550,000 in American Rescue Plan Act (ARPA) funds via Senator Sarah Gelser Blouin's office. The final release of funds from the Department of Administrative Services is anticipated. Porsche applied for additional funds from Senator Jeff Merkley, but will not know the outcome until later this year. Affordable housing policies and outreach to businesses for the Urban Renewal District in south Corvallis continues, with

potential for a business support program. Work continues on annexation of the Airport Industrial Park. Jerry Sorte, EDO, is collaborating with Philomath City Manager Chris Workman as the City Council considers an enterprise zone, which is a three-year abatement on property tax for businesses that construct new buildings or buy new equipment, in exchange for job creation. EDO would be the program administrator. The Imagine Corvallis 2040 Visioning group will do community outreach for project ideas for the next five years. EDO is providing Corvallis staff with trainings on the International Association of Public Participation program. Porsche thanked the Board for providing ARPA funding to local businesses. Porsche to provide an outline for a revolving loan program. Porsche is working on two outside funding pass-through grants for the Regional Accelerator & Innovation Network (RAIN) and the Small Business Development Center (SBDC), to be discussed at the June 7, 2022 Board Meeting. EDO is still down one employee.

Malone recommended that Porsche investigate Department of Environmental Quality funding for electric vehicle charging stations.

Augerot asked if EDO was involved with the City of Adair Village (AV) Main Streets project.

Porsche shared that AV City Administrator Pat Hare and EDO will work with urban renewal consultants to create an AV commercial center. Meetings will start in summer 2022.

Wyse asked about specific sites for electric vehicle chargers.

Porsche replied that a bank of chargers is being considered near the south end of downtown Corvallis, so people can park and walk to downtown amenities.

Augerot asked how the need for more EDO staff capacity will be addressed.

Porsche replied that the first action is to fill open positions, and possibly return Sorte's position from 0.80 to 1.0 full-time equivalent. Porsche might request County funding in future.

3.2 Update from the Oregon Department of Forestry – Leo Williamson, Michael Curran, Oregon Department of Forestry

Curran provided an organizational chart and an update on continuing staffing struggles; many long-term staff are retiring. Hodgson is the new Community Wildfire Forester for the Community Wildfire Grant Program in Philomath. All State offices reopened to the public on May 1, 2022. Curran thanked the Benton County Sheriff's Office for the Forest Deputy program patrolling state lands. The region went from the most extensive fire season in years in 2020 to the least amount of fire/acres burned in 2021.

Williamson stated that the 2021 BC fire season was comparable to the rest of the state, with a relatively light initial attack in the district. ODF was pleased with the aggressive, quick attack on 2021 fires. There were two non-statistical fires (mutual aid to another district), and 29 fires that were reported but did not warrant fire crew action.

Curran explained that a fairly wet fall in 2021 was followed by a dry period from mid-January to April 2022. In mid-April 2022, rain/snow started in most of the state, so the situation is much better; locally, a later fire season of average intensity is expected.

Williamson mentioned an active County grant area west of the City of Monroe to the County line; funding expires at the end of 2022, but a two-year extension is an option. Near the Communities of Wren and Grand Ronde, the grant area expires in March 2023. In the City of Monroe, 37 acres were treated (fuels reduction around houses), and 71 acres were treated in Wren. Staff are exploring other funding opportunities and continue work on the Community Wildfire Protection Plan (CWPP).

Augerot asked about the use of the forthcoming new wildfire risk maps in determining the location of higher treatment.

Curran replied the new map will not change ODF operations. The map will be used to help prioritize which communities receive focus. Grants are being sought for fuels reduction in and around Corvallis; that will take several years, as it is difficult to get funding for communities which have already received consecutive years of funding.

Augerot shared a comment on an application form for an applicant on Vineyard Mountain who was not funded, stating there is a preference for an ODF crew to do the mitigation work in the field.

Hodgson replied that is specific to Senate Bill (SB) 762. The Wren and Monroe grant work was Federally funded, but SB 762 is State funded, so some applications were given bonus points for utilizing a fuels reduction crew, although ODF does not have one. The risk rating map was used, and Benton is low risk compared to the rest of the state.

Malone asked about the vacant Community Wildfire Forester position.

Williamson replied that staff were waiting on confirmation of funding and hoped to fill the position in fall or winter 2022.

Curran mentioned that staff will continue to engage with the County on the CWPP. The Forestland Classification Committee (FCC) determines which landowners will receive wildland fire protection from ODF.

Williamson added that the FCC held its annual meetings in March 2022, and is finishing its annual review and preparing for the five-year review due in Spring 2025. Williamson asked to nominate Commissioner Malone for membership on the FCC.

Curran explained that ODF manages two types of land. On Board of Forestry (BOF) land, two-thirds of revenue generated from timber sales goes back to the County and other local taxing districts, and one-third goes to the Forest Development Fund to fund the State Forest Program. On Department of State Lands Common School Lands, revenue goes into the statewide Common School Fund after ODF operating expenses are paid. Benton County directly receives revenue from over 8,300 acres. In fiscal year (FY) 2021, ODF provided over \$130,000 to Benton and other local taxing districts; revenue to date for FY 2022 is \$407,000. The FY 2023 Annual Operating Plan identified one sale in the County on BOF lands, which could provide over \$834,000 to the County. In FY 2023, ODF timber sale contracts and revenue are spread over a two-to-three year period. The Private Forests Division was renamed the Forest Resources Division (FRD), and is in charge of administering Oregon Forest Practices Act. The log market has stayed fairly steady through the pandemic. In early 2022, there was a sharp uptick; activity has now slowed down a bit.

Chair Wyse recessed the meeting at 9:51 a.m. and reconvened at 10:05 a.m.

Williamson reported that the FRD received 467 notifications for 2021, up from 445 in 2020, likely a reflection of the log market. ODF partners with Federal agencies and incentive programs, administering habitat restoration, fuels reduction, forest health projects, and management plans. Benton County will host the statewide Oregon Small Woodlands Convention at the end of June 2022.

Curran noted there has been considerable turnover in ODF executive leadership, and suggested having new staff visit Benton County. SB 762 was a game-changer for ODF and the Oregon State Fire Marshal, establishing three statewide goals: increase defensible space, develop a safe and effective wildfire response, and add capacity for firefighters and firefighter leadership. SB 762 added many fire response staff; in the Western Oregon district, the office has been able to increase months worked for three forest officers and added two more firefighters at each of three offices. Passage of the recent Forest Accord legislature is causing a big change in the Forest Practices Act. The Governor's office worked with the environmental community, local industrial landowners, and small woodland landowners to reach agreement on new practices, and now the agency must put new material into the rule. On State forests, staff continue to work towards a Habitat Conservation Plan (HCP), which will provide operational certainty about the risk of endangered species. In March 2023, the BOF will decide whether to implement an HCP.

Augerot requested that ODF return after fire season to discuss changes to the HCP and effects on Benton County.

Curran to contact staff at the City of Salem office.

Malone asked if the Linn County timber lawsuit had affected ODF's approach to forestry.

Curran replied no, staff are still operating under the current Forest Management Plan.

3.3 Update from Oregon State Fire Marshal – Brent Griffiths, Benton County Mobilization Coordinator, Office of the State Fire Marshal (OSFM)

Griffiths explained how OSFM will engage with the Board if a Benton County wildfire threatens structures outside of a Fire District (FD). OSFM has Regional Mobilization Coordinators (RMCs) in seven regions who work with local fire agencies to facilitate a more collaborative and efficient wildfire response. RMCs are available as a local representative and liaison between the fire service and State resources. RMCs also work with all other partners connected to a wildfire or other incident requiring State assistance, including the Sheriff's Office, County Emergency Management, and ODF. Work focuses on implementing the recent Response Ready Oregon and Fire-Adapted Oregon initiatives. OSFM's new Community Risk Reduction Program (CRRP) places Fire Risk Reduction Specialists (FRRS), regional coordinators who help communities prepare for and mitigate wildfire impacts. Focusing on vulnerable and under-represented communities, the program recently offered a fuel mitigation grant to schools and hospitals. In Benton County, the Ashbrook Independent School, Corvallis Waldorf Association, and Linn-Benton Community College Benton Center received this grant. OSFM is also implementing a Defensible Space Code (DSC), authorized by SB 762, which required ODF to define the wildland-urban interface, map all areas in Oregon that meet this definition, and identify the risk of wildfire impact. The DSC will apply in all high or extreme risk areas. OSFM plans to hire more than a dozen Deputy State Fire Marshals to assist with DSC implementation, working with the CRRP to incentivize compliance. FRRS Stephanie Stafford can answer questions.

Griffiths explained that if a wildfire threatens homes or communities and has exceeded the capacity of a responding fire agency and their mutual aid partners, the County Fire Defense Board (FDB) Chief may request State assistance. OSFM will determine need, then request that the Governor enact the Conflagration Act, after which OSFM will mobilize firefighting resources from across the state and a Type Two Incident Management Team (IMT) to manage the response on behalf of the local FD, allowing them to respond to other calls. When the Conflagration Act is enacted, all firefighting costs are assumed by the State. The IMT will bring all necessary resources. To assume command of the incident, the IMT will request a delegation of authority from the Fire Chief of the agency having jurisdiction. In areas outside an FD, the IMT will seek a delegation of authority from the Board under ORS 476.330. The risk of a large wildfire requiring State assistance is lower in Benton County than some other areas, but still a possibility. The map shows 645 structures in the County that are outside of an FD. However, 242 of the structures are within an ODF district or under-protected (meaning the land is protected, but no FD covers the structures). If a wildfire threatens structures outside of an FD, the local fire service can respond initially if they have approval from their Board or City Council and are not leaving their home area unprotected. If the incident exceeds capacity of the responding agency and mutual aid partners, the agency will contact the Benton County FDB Chief (Miller), who will work with Griffiths and the County to assess State resources. The IMT Incident Commander and an OSFM agency administrator work with the Board on the delegation of authority and determine responsibilities under the agreement.

Miller explained that areas with structures outside of an FD include the Greenberry Gap (Community of Greenberry). Currently, if there is a fire in that area, dispatch will call neighboring fire chiefs and ask if they will respond. The Philomath FD charges fees to property owners for time, equipment, and any backfill while on the call. If there is a fire in those areas, it is the Board's responsibility to call for the conflagration through the FDB process. Delegation of authority is a form the Board signs. Miller requested clear direction on how the Board wants to proceed when there is a fire in the red areas.

Griffiths added there could also be a need to call for conflagration for unprotected structures in ODF territories. Any area where local agencies have responded, but need State help, the Board assigns delegation of authority so the OSFM IMT can manage the response on behalf of the Board. The document in the packet outlines the Board's involvement. There is also a conflagration request form; Griffiths will likely gather the information to determine the need for a conflagration and what resources are needed.

Augerot asked whether the only scenario when the Board might delegate its authority is when there is a massive fire and local agencies are all involved elsewhere.

Miller replied there is a Linn-Benton mutual aid agreement. In the Linn-Benton system, there are four alarms before the Philomath FD would request a conflagration from the State. Agencies work together to make sure not to send too many resources out of the County.

Augerot asked how probable it is that the Board would want to declare a conflagration and delegate its authority.

Griffiths replied the probability of such an incident in Benton County is low, but more fires are occurring. OSFM is meeting with each County Board to discuss the new delegation of authority. Under SB 762, OSFM can pre-position resources; Griffiths is working with Linn and Benton on a combined plan. If OSFM does not pre-position, it can send resources from Marion or Lane

Counties on immediate response. The State is responsible for those costs. OSFM has an agreement to use any of ODF's aircraft if fire is threatening structures.

Miller asked if a fire must be uncontrolled for 48 hours before local agencies ask for a conflagration.

Griffiths replied not necessarily; if locals are immediately overwhelmed, OSFM will help if requested.

Malone asked how delegation of authority differs from the current structure.

Griffiths replied that OSFM would receive the delegation from the fire chief if the incident is within an FD. For an incident outside any established FD that exceeds local capacity, OSFM would come to the Board for delegation of authority.

Augerot noted that in Greenberry Gap and the ridge above Northeast Pettibone Drive, many structures are not covered by any FD. In those areas, does the Board delegate the authority, or does ODF?

Griffiths replied that the Board delegates for structures, and the State delegates for lands. Griffiths confirmed that Benton County Emergency Manager Bryan Lee would tell the Board it was time to make a delegation.

Wyse asked why these structures are not in an FD.

Griffiths replied that some areas have chosen not to be, or there is no FD close enough.

Augerot added that Greenberry Gap has relatively few structures, so farmers have not wanted to join an FD. Augerot was more concerned about uncovered structures in lands with ODF coverage, such as an area of heavy rural residential development in Forest Conservation Lands. Some sites are not contiguous to a FD, or the roads cannot handle the equipment.

Curran added that whenever there is a new fire, ODF is in constant communication with Miller or the local fire chief. Depending on what structures are at risk, ODF would talk to the FDB and the County Emergency Manager. Responding to questions from Wyse, Curran replied this applies to any fire that is in these gaps and is not contingent on a State conflagration, and that the State does not have to declare the conflagration before the Board does.

Lee noted that delegations of authority are a template with the option to add additional details. The Board can choose which pieces of authority to delegate. Availability of air assets and other initial assets to help locals is a key part of this program. If the local IMT or FD is quickly overwhelmed, this will also further support the State helping local FDs. This is outside the County's Emergency Operations Center (EOC) efforts. The EOC team supports field work by OSFM or the local FD or FDB, but does not manage any firefighting assets unless asked directly.

IV. Old Business

4.1 Discussion of Possible Changes to Benton County Code (BCC) Chapter 32, Emergency Procedures – Vance Croney, County Counsel

Counsel explained this is the second reading of the Ordinance that was put forward on May 3, 2022 to amend the Emergency Procedures Ordinance to include a burn ban. After the first

reading, Counsel met with Sheriff Jef Van Arsdall, Lee, Williamson, Miller, and Kerby to discuss how the burn ban would work. Many participants expressed concerns. Van Arsdall noted it is hard for deputies to know the location of rural fire protection boundaries when receiving calls about fires. ODF issues permits for campfires or controlled small burns during fire season; the proposed Ordinance would pre-empt those rules. There is also the question of how far the burn ban would extend: into ODF land, into lands covered by rural fire protection, or just in unincorporated areas of the County with no fire protection district and which are not subject to ODF regulations? Staff concluded it would be prudent to let this revision to Chapter 32 die, and for staff to return with a more collaborative and enforceable burn ban that the Sheriff's Office and ODF can clearly articulate to rural residents and firefighters.

Wyse asked what is wrong with the County's current approach.

Counsel replied there is currently no BCC mechanism to ban fires during fire season that could result in forest fires or wildfires. If the Ordinance dies, that status will continue. The impetus for the ban was to address concerns about increased possibility of rural fires, and how to ramp up education and informational campaigns about fire danger. Responding to a question from Wyse, Counsel replied that an ordinance is not needed to enact an educational campaign.

Augerot asked if the proposed language in the packet offered an alternative approach to enacting a County burn ban.

Miller explained that local fire agencies work tightly with ODF and its public use restrictions during wildfire season. Linn and Benton FDB Chiefs use a low/ moderate/ high/ extreme risk system, and local agencies follow the chiefs' recommendations. ODF and Linn-Benton FDBs do a joint summer informational campaign about burn bans. There are also specific indicators (low humidity, low fuel moisture) during burn season that trigger all Benton County Fire Department response to wildland fires. This was instrumental in preventing the Labor Day 2020 fire from becoming a conflagration. Miller recommended that the Board support the agencies' mission, putting out messaging when the FDB prohibits burning.

Wyse expressed a willingness to align with staff and partners on whether or not to establish a County burn ban.

Miller did not feel think the ban was the right approach, since it would conflict with ODF's burning levels and public use restrictions. ODF signs show color-coded fire danger levels; another system will confuse the public because people do not know if they are on ODF land or not. It is in the best interest of the County to create code that supports what professionals in the field already do.

Wyse asked if Miller preferred the County returning with another revised Ordinance, or not doing an ordinance and finding other ways to help support fire agencies.

Miller preferred the latter, just a campaign to support the mission.

Malone favored helping get the word out about fire prevention, not competing with ODF.

Kerby noted that the County works in conjunction with FDB and ODF on messaging. Staff can continue advancing educational outreach and awareness; JonnaVe Stokes, Interim Public Information Officer (PIO), would focus on that. A new PIO will start work on June 29, 2022.

Curran shared that ODF had the same concerns about the proposed ban as Miller. ODF will contact Stokes before fire season. The public could be easily confused about jurisdiction and location and timing of restrictions. ODF works closely with landowner associations, FDBs, and fire chiefs on when to declare fire season; then the FDs enact their individual burn bans. During ODF fire season, no burning is allowed in ODF-protected land; by that time, there is a County burn ban in most areas. This has worked well in past, but increased messaging is always good.

Malone suggested that the County's six portable reader boards could be used to inform the public that fire season is in effect, especially in high or extreme danger.

Williamson expressed support for previous comments.

Lee supported what Miller, Curran, and Griffiths had said. When those groups declare fire season, Lee could bring a proclamation or resolution to push that messaging, and will work with Stokes and the new PIO on wildfire outreach and educational presentations.

Ordinance #2022-0309 did not receive a second reading and did not become effective.

Chair Wyse recessed the meeting at 11:14 a.m. and reconvened at 11:19 a.m.

V. New Business

5.1 Discussion and Decision Regarding a Request for Funding Support from the NAACP Linn-Benton Branch's Juneteenth Celebration and Black-owned Business Expo – Wendy Sutton, National Association for the Advancement of Colored People, Corvallis Chapter; JoeHahn, Equity, Diversity, and Inclusion Program Coordinator

JoeHahn explained that the National Association for the Advancement of Colored People (NAACP) Linn-Benton Branch has asked the County for funding of their Juneteenth celebration on June 18, 2023.

Sutton added that the event would take place at Linn-Benton Community College of Albany, including the area's first Black-Owned Business Expo and an all-ages giveaway of books authored and illustrated by Black people. Responding to a question from Wyse, Sutton replied that donations were also received from the City of Corvallis, Albany Library, Corvallis Public School Foundation, Surge, and Langley Home Sales; books were provided by the Corvallis Library and Greater Albany Public Schools.

MOTION: Malone moved to allocate \$500 for the Black Business Expo at the 2022 NAACP Juneteenth event. Augerot seconded the motion, which **passed 3-0.**

VI. Information Sharing

5.1 Nancy Wyse, Chair

Last week, Wyse attended the National Association of Counties Western Interstate Regional conference in the state of Alaska. Themes included connecting counties with military installations, building resilience in small counties, and Federal agency partners such as the United States Department of the Interior and the United States Forest Service.

5.2 Xanthippe Augerot, Commissioner

Last week, Augerot, Corvallis staff, and other non-profit organizations visited Third Street Commons with Corvallis Housing First (CHF) Project Manager Mike Andrews, who is working on a permanent supportive housing development there. CHF is receiving community feedback about the project and making Andrews available for conversations. The County's Health Resources and Services Administration site visits began today. Augerot met with Oregon Cascades West Council of Governments (COG) Executive Director Ryan Vogt about Veterans Services. Augerot had previously brought up needing better connectivity between the County's Veterans Services programming and programming at Samaritan Health Services (SHS) and Community Services Consortium. Augerot felt there would be more movement as a result of the conversation. The County needs a clear staff point person for COG to work with. Augerot followed up with SHS, which has only one Veterans Services Officer, but wants to be able to do more, and is wondering if the County could help. All these providers need to meet and strategize on more seamless services for veterans.

5.3 Pat Malone, Commissioner

Malone shared that the May 19, 2022 Board Meeting had a second presentation from Sustainability, including consultants Good Company, on County energy usage and greenhouse gas reduction. The DEQ is offering funding for electric vehicle charging stations.

5.4 Joe Kerby, County Administrator

Kerby noted that monthly Leadership Team meetings and quarterly meetings with City Managers have resumed. Kerby requested direction from the Board on which meetings should be held in person; today staff started providing hybrid virtual/in-person options for first and third Tuesday Board Meetings. Kerby asked which other meetings, such as Goal Setting and Department Heads, the Board expected to be livestreamed and have an in-person option.

Wyse favored having Tuesday Board Meetings in person but was flexible on the others.

Augerot also favored full Board Meetings being available in person and on Facebook. Virtual departmental meetings have been helpful to reduce travel and emissions, though there is a place for an occasional in-person meeting. Leadership Team meetings could be in person.

Malone agreed about Board Meetings and felt that other meetings could be determined case-by-case. It can be good to have some in-person meetings, but reducing travel time and greenhouse gas emissions is important.

Kerby stated that until the new boardroom technology package is installed in mid-August 2022, staff will continue with an assortment of technology. Staff will create a matrix of how various meetings will be conducted.

Wyse emphasized being clear to invitees whether a meeting is virtual or in person.

Kerby asked if it was all right for attendees to join meetings virtually if preferred.

Wyse affirmed. Kerby and Wyse also discussed the best time to take public comment at meetings, other than a Public Hearing. Wyse's practice is to have all testimony that does not relate to a specific agenda item at the beginning of the meeting, then leave it to the Chair's discretion whether to ask for testimony on an agenda item.

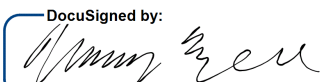
Augerot and Malone concurred.

VI. Other

No other business was discussed.

VII. Adjournment

Chair Wyse adjourned the meeting at 11:40 a.m.

DocuSigned by:

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Nancy Wyse, Chair

DocuSigned by:

736EA4FEE60B0496...
Erika Milo, Recorder

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



Oregon

Kate Brown, Governor

Department of Forestry
West Oregon District
24533 Alsea Hwy
Philomath, OR 97370
541-929-3266
FAX 541-929-5549



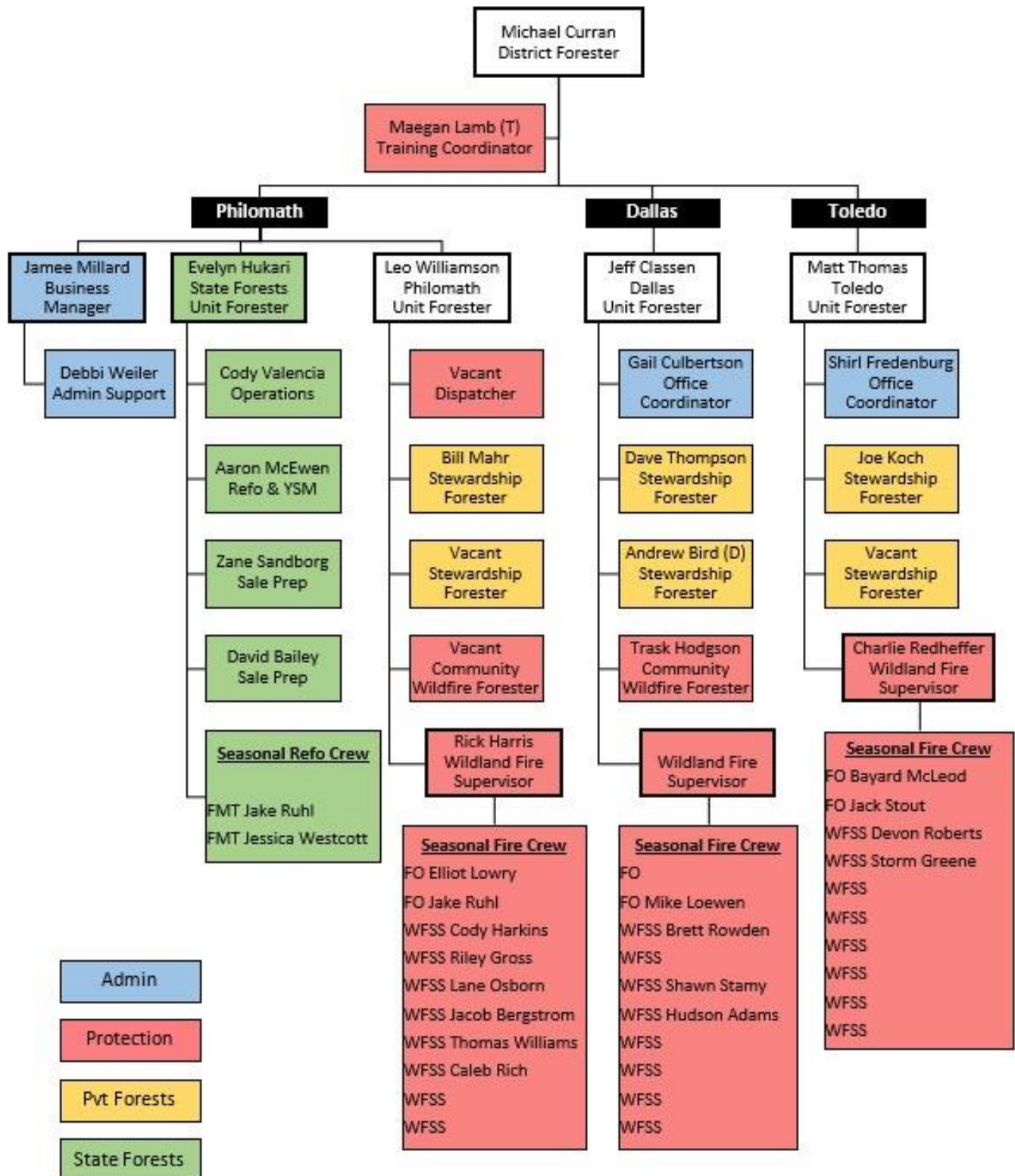
"STEWARDSHIP IN FORESTRY"

West Oregon District, Oregon Department of Forestry

- Headquarters at 24533 Alsea Hwy, Philomath OR 97370
- Three administrative units:
 - Philomath Unit (Benton County) – **541 929 3266**
 - Dallas Unit (Polk County and southern half of Yamhill County) – **503 934 8146**
 - Toledo Unit (Lincoln County and far southern portion of Tillamook County) – **541 336 2273**
- Employee base – 24 permanent and approximately 32 seasonal personnel (org chart attached)
- Provide wildfire protection (prevention and suppression) on 1.08 million acres of private, state, county, tribal, and misc. federal lands (BLM, USFWS)
- Responsible for the administration of the Oregon Forest Practices Act (harvest/reforestation/resource protection and associated rules) in the counties served within our three administrative units
 - Help various federal agencies (NRCS, FSA, multiple others) administer cost share programs
- Responsible for the administration of the Oregon Smoke Management Program (burning of excess logging debris and hazardous fuels reduction)
- Manage 36,710 acres (spread amongst Benton, Polk and Lincoln Counties) of state forest land for greatest permanent value to provide for economic, environmental and social benefits to all Oregonians
 - 29,979 acres of Board of Forestry owned timberland. 2/3 of revenues go to local counties and taxing districts. Remainder of revenue goes back to ODF for operating costs
 - 6,730 acres of common school land. Revenue goes back into the state's common school fund
 - Average harvest of 12 mmbf/year
 - 2 main recreation areas in the district include Mt. Baber ATV trail system which involves both state and privately owned timberlands and the Black Rock Mountain Bike area
- Answer to a Board of Directors for our fire protection program with a rich and long history
 - West Oregon Forest Protective Association
 - Board make-up of both large and small landowners from across the counties to provide oversight and input on budgeting items relating to the district
- Administration of fuels reduction grants to create defensible space and fuel breaks on private properties
- Several ties to local governments, groups, non-profits as work projects intersect with our business. Included but not limited to are some of the local entities we interact with:
 - County and municipal governments
 - Federal government agencies (Siuslaw National Forest, BLM, USFWS, NRCS, FSA)
 - Other state agencies (ODFW, DEQ, ODA)
 - Rural and city fire departments along with Oregon State Fire Marshal
 - Local watershed councils
 - OSU college of forestry and local OSU extension service
 - Mid-coast water planning partnership
 - Confederated tribes of Siletz
 - Confederated tribes of Grand Ronde
 - Mary's Peak stewardship group
 - Philomath high school forestry club advisory committee

West Oregon District Organizational Chart

March 14th, 2022



Oregon Office of State Fire Marshal

County Commissioners/Courts Role in Unprotected Areas



Under ORS 476.330, the Board of County Commissioners or the County Court are the authority having jurisdiction in areas that are not protected by a structural fire agency. Areas that do not have structural fire protection, may at times, need to request state resources to aid the County in structural response. This document provides an overview of the County's responsibilities for structural protection and the process to request state resources.

Types of State Resources Available

Immediate response resources— Structural protection resources that are deployed from nearby counties to supplement local resources. Immediate response resources will work under the command of the local Incident Commander.

Conflagration resources – Structural protection resources and a State Fire Marshal's incident management team (IMT) mobilized from across the state. The IMT will take command of the incident under a delegation of authority and manage the incident under guidelines established by the Board of County Commissioners. The structural protection resources will work under the command of the Office of State Fire Marshal's IMT.

Oregon Fire Service Mobilization Plan

All state resources mobilized to an incident operate under the guidelines of the Oregon Fire Service Mobilization Plan. This plan embraces all the territory of the state of Oregon through the utilization of the duly organized firefighting forces of the state. The fire suppression resources include the county, city, and rural fire protection districts, as well as other resources available through area mutual aid agreements.

Role in Requesting Resources

If it is determined that state resources should be requested, the Board of County Commissioners or the County Court is responsible for the following:

- Officially request resources from the State Fire Marshal through the County Fire Defense Board Chief and Regional Mobilization Coordinator.
- Participate in the Mobilization request phone call, if available.
- If the Conflagration Act is enacted, prepare and sign a delegation of authority with the incoming State Fire Marshal's incident management team (Delegations will be signed back over to the County at the end of the incident).
- Provide local support services per State Mobilization Plan.
- Attend incident in-briefing, planning and cooperators meetings, and exit briefing (may send delegate).
- Coordinate participation of non-emergency County resources (GIS, Public Works, etc.)
- Support EOC and Emergency Management
- Liaison with private fire service providers or other cooperators, if applicable.
- Work with command on issues related to mobilization, demobilization, etc.

Process to Request Resources

If an area of structurally unprotected land is threatened, and there is a significant structural threat, the Board of County Commissioners (or delegate) or the County Court (or delegate) should discuss the need for state resources with the local Fire Defense Board Chief. If the Board of County Commissioners or County Court decides to request resources, the request should be made in conjunction with the Fire Defense Board Chief and OSFM's Regional Mobilization Coordinator.

Requests for resources should be made when a significant threat exists. Examples of those are:

- a) Life threatening situations (firefighter or public safety):
 - 1) Evacuations currently taking place
 - 2) Evacuations imminent
 - 3) Road, highway, or freeway closures

- b) Real property threatened. Consider:
 - 1) Number of structures, commercial and/or residences
 - 2) Number of subdivisions
 - 3) Population affected
 - 4) Historically significant cultural resources
 - 5) Natural resources, such as crops, grazing, timber, watershed
 - 6) Critical infrastructure, such as major power lines

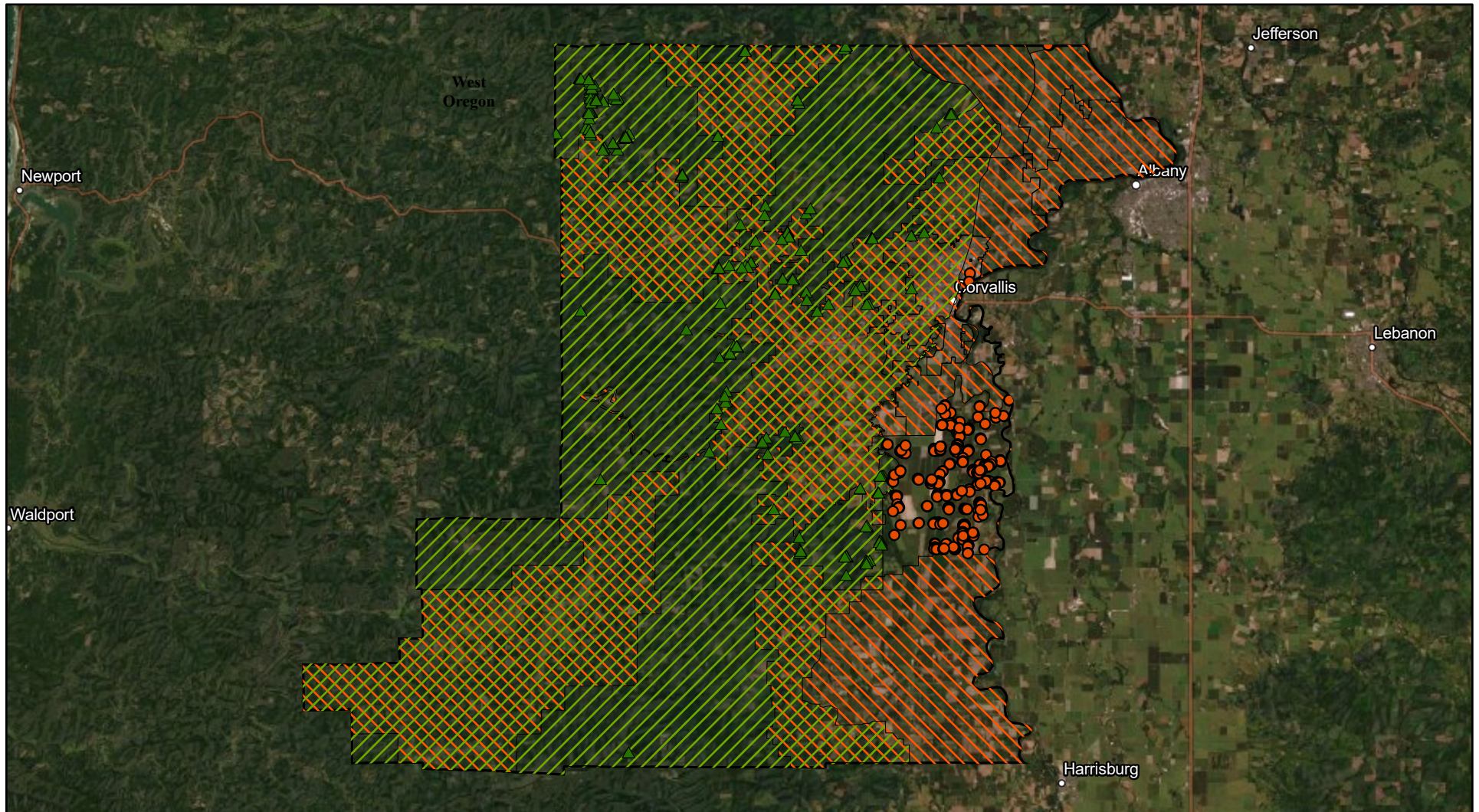
The Fire Defense Board Chief should notify their Regional Mobilization Coordinator immediately to discuss the request. The Regional Mobilization Coordinator will assist the Board of County Commissioners or the County Court and County Fire Defense Board Chief through the request process.

Attachments:

Sample Delegation of Authority template

Tuesday, March 29, 2022

Oregon Office of State Fire Marshal



-  ODF Forest Protection Districts
-  Structural Fire Districts
-  Partial (ODF) Protected Buildings
-  Unprotected Buildings

Benton County Unprotected Areas



0 5 10 Mi

0 10 20 Km



Oregon Fire Service Conflagration Request Form

PART I

Incident Information

Incident Name/Number: _____ Date/Time: _____

Incident Location/Community/County Threatened: _____

Authority Having Jurisdiction: _____

Local Fire Department Contact: _____

Fire Defense Board Point of Contact: _____

Has Deputy SFM been contacted? Yes ☐ No ☐ Deputy SFM Point of Contact: _____

Has County Emergency Manager been contacted? Yes ☐ No ☐ Co Emergency Mgr: _____

Community Wildfire Protection Plan? Yes ☐ No ☐

Type of Emergency

Structure Fire Interface Fire Act of Terror Major Disaster

☐☐☐☐

Explain: _____

Current Incident Size or Area Involved: _____

*Situation Description: _____

Current Objectives: _____

GPS Location of Incident: _____

Other Agencies Involved: _____

Current Weather: _____

Projected Weather: _____

Current Incident Complexity Level: Type 1 ☐ Type 2 ☐ Type 3 ☐ Type 4 ☐

Expected Incident Complexity Level: Type 1 ☐ Type 2 ☐ Type 3 ☐ Type 4 ☐

Significant Events: _____

*Evacuations Taking Place: Yes ☐ No ☐ Evacuation Plans in Place: Yes ☐ No ☐

Describe: _____



Oregon Fire Service Conflagration Request Form

*Life Threatening Situations: Yes ☐ No ☐

Describe: _____

*Road/Highway/Freeway Closures: Yes ☐ No ☐

Roads Affected: _____

*Population Affected: _____

*Number of Commercial Structures Threatened: _____

*Number of Residential Structures Threatened: _____

*Number of Subdivisions: _____

*Significant Historical and/or Cultural Resources: _____

*Natural Resources Such as Crops; Grazing; Timber; Watersheds: _____

*Critical Infrastructure; Major Power Lines; Railroad: _____

Incident Growth/Potential: _____

Communications/Challenges Currently Established: _____

*Confirmation that Local, Automatic, and Mutual aid Resources are Depleted: Yes ☐ No ☐

Current Resources Assigned: _____

Describe Contributing Factors: _____

PART II

Incident Support Information

Types of Resources Being Requested: _____

Public works Involvement: Yes ☐ No ☐

What Resources: _____

Disaster and Emergency Services Involvement: Yes ☐ No ☐

What Resources: _____

Law Enforcement Resources Involved: _____

Other County and Local Government Services Involved: _____



Oregon Fire Service Conflagration Request Form

Volunteer Services, (American Red Cross, Amateur Radio etc.): _____

Fuel Services Including Gasoline; Diesel; oil Available: _____

Certified Fire Apparatus Repair Locally Available: _____

Water Supply Available: _____

Location(s) Where Responding Resources are to Report to: _____

PART III

Logistical Support Services

Please check the boxes next to the services that are already in place/available and provide more information as appropriate.

☐ Food Services _____

☐ Rehabilitation Area(s) _____

☐ Staging Area(s) _____

☐ Sanitary Facilities _____

☐ Drinking Water _____

☐ Map(s) of the Area _____

☐ Traffic Control Plan(s) _____

☐ GIS Support _____

☐ Fuel Services _____

☐ Security _____

☐ Public Information Officer _____

☐ Communications _____

Other Considerations:



DELEGATION OF AUTHORITY

INCIDENT NAME

_____ is assigned as the Incident Commander (IC) for the _____ located within the legal jurisdiction of the following authority: _____. The IC will assume command of this incident at _____ hours on _____.

The IC is delegated full authority and responsibility for managing the activities listed below on these lands within the framework of law and the direction provided by the Oregon Office of State Fire Marshal and by the jurisdiction administrator or their designee.

The IC's primary responsibility is to organize and direct assigned resources for safe, efficient, and effective mitigation of this incident.

The IC is accountable to the State Fire Marshal and the jurisdiction administrator or their designee.

Specific direction for the _____ is as follows:

1. Provide for the safety and welfare of all assigned personnel.
2. Establish unified command with other agencies who have – or have been granted – authority as it relates to this incident.
3. Maintain interagency cooperation with all agencies participating in mitigation of this incident.
4. Document damage to structures and improvements caused by the incident by producing maps and photographs of damage caused by incident.
5. Document damage caused by incident resources, which should include photographic documentation.
6. Provide for situation reports to the affected jurisdiction(s).
7. Provide timely and accurate public information utilizing appropriate means such as public meetings, social media, and community outreach.
8. Design and implement a method for the immediate transfer of information related to the need for revision of evacuation levels. This method should also include a process for the jurisdiction(s) to notify the team of possible threats to structures.

9. Provide a process for release of this delegation and transfer of command back to the appropriate authority.

The jurisdiction administrator or their designee will:

- 1. Attend Cooperators Meetings and Planning Meetings.
- 2. Provide jurisdiction mapping products.
- 3. Provide appropriate available in-briefing documentation.

Authority Having Jurisdiction:

JURISDICTION ADMINISTRATOR NAME	TITLE	CELL
---------------------------------	-------	------

In the event that I am not immediately available, my designated representatives will be:

1 st DESIGNEE NAME	TITLE	CELL
-------------------------------	-------	------

2 ND DESIGNEE NAME	TITLE	CELL
-------------------------------	-------	------

By my signature, I hereby delegate full authority and responsibility for providing incident management within the framework of law and the direction provided herein to the Oregon Office of State Fire Marshal (OSFM).

JURISDICTION ADMINISTRATOR NAME	SIGNATURE
---------------------------------	-----------

By my signature, I hereby accept the delegated authority as described herein.

OSFM AGENCY ADMINISTRATOR NAME	SIGNATURE
--------------------------------	-----------

INCIDENT COMMANDER NAME	SIGNATURE
-------------------------	-----------

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 05/24/2022

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * County Counsel

Contact Name * Vance Croney

Phone Extension * 6890

Meeting Attendee Name * Vance Croney

Agenda Item Details



Item Title * Amending Benton County Code Chapter 32 - Emergency Procedures of Benton County, Ordinance No. 2022-0309

Item Involves * Check all that apply

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

Board/Committee Involvement * ☐ Yes ☒ No

Advertisement * ☐ Yes ☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *	
The State Fire Marshall has authority to declare fire season and trigger burn bans and fire restrictions on state lands. There is no such opportunity to declare a fire season for non-state lands in unincorporated Benton County. With the increasing risk of harm and destruction of personal and real property, as well as the danger to human life posed by increased frequency of wildfires, the need exists to implement measures to protect life and property. The Sheriff's Office and particularly its division of Emergency Management believes this risk can be addressed by adding a section to Benton County Code Chapter 32, allowing fire season to be extended to cover non-state lands in unincorporated Benton County. The proposed addition to BCC ch. 32 provides for the State Fire Marshall's declaration of fire season for state land in the county to automatically extend the declaration to all areas in the unincorporated county. Such a declaration would automatically trigger statutory fire bans and restrictions. Responsibility for enforcing the new provision of BCC ch. 32 would fall to the Benton County Sheriff's Office.	
Options *	
1. Vote to approve Ordinance No. 2022-0309, and to conduct a second reading. 2. Do not approve Ordinance No. 2022-0309.	
Fiscal Impact *	
☒ Yes ☐ No	
Fiscal Impact *	
There may be modest expenses incurred by the Sheriff's Office to enforce the ordinance. But, such expenses will depend, largely, on how damaging any given fire season may be.	

2040 Thriving Communities Initiative

Mandated Service? * ☐ Yes ☒ No

2040 Thriving Communities Initiative

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

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

Values and Focus Areas

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

Core Values *

Select all that apply.

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

Explain Core Values Selections *

Protecting against fire damage and loss of property benefits the entire community.

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 *

Protecting against fires is clearly a community safety benefit and is part of our emergency preparedness awareness.

Recommendations and Motions

Item Recommendations and Motions

Staff Approve Ordinance No. 2022-0309, amending BCC ch. 32.

Recommendations *

Meeting Motions * I move to ...

I move to approve Ordinance number 2022-0309 amending BCC ch. 32 and to conduct a first reading of the ordinance.

Attachments, Comments, and Submission

Item Comments and Attachments

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

CC_BCC Ch 32 ORDINANCE.docx 14.55KB

Chap 32 Emergency Procedures 220419 28.89KB

REDLINED.docx

Chap 32 Emergency Procedures 220419 25.06KB
FINAL.docx

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

Department Approver VANCE CRONEY

Department Approval

Comments

Signature

Vance H. Cheney

BOC Initial Approval

Approvals Required ☐ Counsel
 ☐ Finance
 ☐ HR

County JOE KERBY
Administrator
Approver

Comments

County Administrator Approval

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

Signature



Larry

CHAPTER 32

EMERGENCY PRODEDURES OF BENTON COUNTY

32.005 Short Title. This Chapter of the Benton County Code shall be known as the EMERGENCY PROCEDURES OF BENTON COUNTY and may be so pleaded and referred to. [Ord. 2002-0180]

32.010 Purpose. The purpose of Chapter 32 is to provide a procedure to minimize injury to persons and property, to clearly establish when and who may close county roads and local access roads and to preserve the established civil authority in the event a local state of emergency exists within the unincorporated areas of Benton County or within the incorporated areas of Benton County if assistance is requested by such incorporated jurisdiction. [Ord. 2002-0180]

32.015 Definitions.

(1) **“Emergency”** means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of persons unmanageable by the county, terrorism, activities that threaten the environment civil disturbance, riot, sabotage and war.

(2) **“Local State of Emergency”** means verbal or written declaration that an emergency has occurred or is imminent.

(3) **“Closure Order”** means a verbal or written order issued by the Benton County Sheriff after the declaration of a local state of emergency closing any county road or local access road in Benton County.

(4) **“County Road”** has that meaning provided in ORS 368.001(1), to-wit: “a public road under the jurisdiction of county that has been designated as a County Road under ORS 368.016.”

(5) **“Local Access Road”** has that meaning provided in ORS 368.001(3), to-wit: “a public road that is not a county road, state highway or federal road.” [Ord. 2002-0180]

32.020 Authority of County. Under the provisions of ORS Chapter 401, the authority and responsibility for responding to emergencies is placed at the local government level. ORS Chapter 401 further mandates that the county shall establish an emergency management agency to perform emergency program management functions to include, but not be limited to, program development, fiscal management, coordination with nongovernmental agencies and organizations, public information, personnel training and development and implementation of exercises to test the system.

[Ord. 2002-0180]

32.025 Declaration of Emergency.

(1) A local state of emergency may be declared after a determination is made that an emergency has occurred or is imminent. A declaration of local state of emergency may be verbal or in writing and shall specify the geographical area covered by the declaration. Such area, event description and event duration shall be no larger than necessary to effectively respond to the emergency.

(2) In order of descending authority, the following persons shall have the authority to declare a local state of emergency or its termination. No such person shall declare or terminate a local state of emergency unless, despite reasonable efforts to contact each and every person of a higher authority to make such a declaration, such efforts were unsuccessful and if the situation presents such a grave risk of loss of life or serious physical injury as to necessitate declaration of a local state of emergency immediately. However, all reasonable and practical attempts to contact persons of higher authority shall be made as soon as the situation so allows.

- (a) Chair of the Benton County Board of Commissioners.
- (b) Vice-chair of the Benton County Board of Commissioners.
- (c) Commissioner of the Benton County Board of Commissioners.
- (d) Sheriff of Benton County or a successor by Chain of Command.

(3) As soon as practical after the declaration of a local state of emergency, if not already terminated, the Benton County Board of Commissioners shall meet in person or by telephone, and determine whether existing conditions require the continuation of the state of emergency. Upon a determination that the emergency no longer exists, or when the threat of an emergency has passed, the local state of emergency shall be terminated in accordance with this section. [Ord. 2002-0180]

32.030 Regulation and Control. Whenever a state of emergency has been declared to exist within unincorporated Benton County, or upon the request of a municipality's governing body, the Board of County Commissioners is empowered to order and enforce the measures necessary to meet the emergency. However, if circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may order emergency measures provided that approval from a majority of the Board of County Commissioners is sought and obtained at the first available opportunity, or the Chair's order will become null and void. A partial list of emergency measures which may be ordered by the Board of Commissioners includes:

- (1) Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places.
- (2) Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place within the area designated as an emergency area.
- (3) Barricade streets and roads, as well as access points onto streets and roads, and prohibit

vehicular or pedestrian traffic, or restrict or regulate the same in any reasonable manner in the area designated as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances.

- (4) Evacuate persons from the area designated as an emergency area.
- (5) Close taverns or bars and prohibit the sale of alcoholic beverages throughout Benton County or a portion thereof.
- (6) Commit to mutual aid agreements.
- (7) Suspend standard procurement procedures to obtain necessary services and/or equipment.
- (8) Redirect funds for emergency use.
- (9) Direct agencies in county government to utilize and employ county personnel, equipment, and facilities for the performance of any activities designed to prevent or alleviate actual or threatened damage due to an emergency.
- (10) Order such other measures as are found to be immediately necessary for the protection of life and/or property.
- (11) Suspend or control the distribution of gasoline from public fueling points, to insure availability of fuel during the state of emergency.
 - (a) Shutdown fuel points during riots to prevent fire and destruction
 - (b) Ration fuel to response agencies/vehicles responding to the state of emergency
 - (c) Pump fuel tanks and move fuel to more secure locations for protection/distribution.
[Ord. 2002-0180]

32.035 Powers of the Sheriff. Upon the declaration of a local state of emergency, the Sheriff of Benton County, or a designee, shall have the following powers:

- (1) To issue a closure order closing to all persons any county road or local access road in Benton County. Any closure order issued by the Sheriff, or a designee, shall be no larger than reasonably necessary to effectively respond to the emergency.
- (2) To request other public agencies, private persons or private entities for permission to issue a closure order for roads, waterways or other property under their jurisdiction or control.
- (3) To prohibit any person from entering or remaining in an area subject to a closure order.

(4) Coordinate with Benton County Public Works to maintain traffic flow and conduct mitigation measures to minimize the impact to citizens using the closed area.

(5) Authorize the Rural Fire Chief of the affected unincorporated area in Benton County to order and conduct evacuation measures as determined by the Rural Fire Chief. [Ord. 2002-0180]

32.040 Acquisition of Resources. Under this section, the Board of County Commissioners is authorized to extend government authority to nongovernmental resources (i.e. personnel, equipment) that may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation.

Under the provisions of ORS Chapter 401, state resources are available when the appropriate response to an emergency is beyond the capability of the county in which it occurs, the county fails to act, or the emergency involves two or more counties and the Governor determines that lack of coordination is hampering the effectiveness of response to the emergency. [Ord. 2002-0180]

32.045 Penalty.

(1) Any person, firm, corporation, association or entity who violates any emergency measure taken by the Board of County Commissioners under authority of this Chapter shall be subject, upon conviction, to a fine of not more than \$1,000.00 per offense.

(2) Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

(3) This Chapter shall be enforceable by the Benton County Sheriff's Office. [Ord. 2002-0180]

32.050 Responsibility for Emergency Management. For the purposes of this Chapter, in accordance with ORS Chapter 401, the emergency management agency for Benton County shall be the Benton County Sheriff's Office, Division of Emergency Services. The Benton County Sheriff is designated as the Director of Emergency Services. The emergency program may be managed by an Emergency Services Program Manager as appointed by the Director. Specific duties shall include but not be limited to:

(1) Develop, update and revise the County's Basic Emergency Operations Plan.

(2) Coordinate the activities of county departments, cities and other agencies with emergency services capabilities in the development of individual operational annexes to the Basic Emergency Operations Plan.

(3) Provide for the coordination of emergency plans, programs and operations within the county, cities, neighboring jurisdictions and other public and private agencies with emergency services responsibilities.

- (4) Develop working agreements with the cities, neighboring jurisdictions and service districts to assure coordinated response to an emergency affecting Benton County.
- (5) Provide for the procurement of personnel, equipment, materials and supplies from higher authority, and for the accounting thereof for use in the event of a declared emergency.
- (6) Provide for coordinated operations under simulated emergency conditions.
- (7) Recommend to the Board of Commissioners any ordinances, policies or procedures which would assist the Board and other county officials in the performance of their duties in preparing for, responding to and recovering from an emergency. [Ord. 2002-0180]

32.055 Separability. If any section, subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Chapter. [Ord. 2002-0180]

FIREWORKS AND FIRE RESTRICTIONS

32.100 Fireworks Prohibition and Fire Restrictions.

- (1) Upon the declaration of fire season by the Oregon State Forester pursuant to **ORS 477.505** for any forest protection district and/or all of Benton County, the restrictions listed in **ORS 477.510** and **ORS 477.512** shall apply in unincorporated Benton County. The prohibitions and restrictions shall remain in place until the Oregon State Forester declares an end to fire season pursuant to **ORS 477.505**.
- (2) For purposes of this section, the following definitions apply:
 - (a) "Oregon State Forester" is defined as the position described in **ORS 477.001(27)**; and
 - (b) "Fire Season" has the same definition as **ORS 477.001(7)**.
- (3) Violation of Benton County Code Section 32.100 is punishable upon conviction of not more than \$1,000 or by imprisonment in Benton County jail for not more than 30 days, or both.
- (4) This section shall be enforced by the Benton County Sheriff's Office.

Commented [CVM1]: 477.505 State Forester may declare fire season in district. (1) When conditions of fire hazard exist in a forest protection district or any part thereof, the State Forester may designate for that district or any part thereof the date of the beginning of a fire season for that year. The fire season shall continue for that district or part thereof until ended by order of the State Forester when conditions of fire hazard no longer exist in that district or part thereof.

(2) The State Forester may, during the same year and for the same district under circumstances similar to those described in subsection (1) of this section, designate one or more subsequent fire seasons.

Commented [CVM2]: 477.510 Acts prohibited during fire season. It is unlawful, during a fire season inside or within one-eighth of one mile of a forest protection district, to:

(1) Smoke while working in or traveling through any operation area.

(2) Use fuse and caps for blasting unless approval is granted by the forester.

Commented [CVM3]: 477.512 Additional acts prohibited during fire season. (1) As used in this section:

(a) "Exploding target" means a device:

(A) Designed for use or used as a target for small arms ammunition or for other projectiles;

(B) Consisting of a flammable substance or flammable combination of substances; and

(C) Capable of exploding when struck by small arms gunfire or by other projectiles.

(b) "Small arms" means a shotgun, rifle, pistol or revolver.

(c) "Tracer ammunition" means a bullet that contains a flammable substance designed to ignite upon firing of the bullet and to burn with sufficient brightness to allow observation of the bullet trajectory.

(2) A person violates this section if, during a fire season declared under **ORS 477.505** for a forest protection district or a part of a forest protection district:

(a) The person discharges an exploding target or tracer ammunition on land that is inside the district or is within one-eighth of a mile of the district; or

(b) Tracer ammunition discharged by the person crosses above land that is inside the district or is within one-eighth of a mile of the district.

(3) Violation of this section is a Class A violation. In addition to any enforcement officer specifically identified in **ORS 153.005**, the State Fire Marshal, the State Forestry Department or the State Forester may issue a citation for ... [1]

Commented [CVM4]: (27) "State Forester" means the person appointed State Forester pursuant to ORS 526.031 or the person serving in the position on an interim or delegated basis.

Commented [CVM5]: (7) "Fire season" means a period designated pursuant to ORS 477.505.

Formatted: Justified

477.512 Additional acts prohibited during fire season. (1) As used in this section:

(a) “Exploding target” means a device:

(A) Designed for use or used as a target for small arms ammunition or for other projectiles;

(B) Consisting of a flammable substance or flammable combination of substances; and

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(c) “Tracer ammunition” means a bullet that contains a flammable substance designed to ignite upon firing of the bullet and to burn with sufficient brightness to allow observation of the bullet trajectory.

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(a) The person discharges an exploding target or tracer ammunition on land that is inside the district or is within one-eighth of a mile of the district; or

(b) Tracer ammunition discharged by the person crosses above land that is inside the district or is within one-eighth of a mile of the district.

(3) Violation of this section is a Class A violation. In addition to any enforcement officer specifically identified in ORS 153.005, the State Fire Marshal, the State Forestry Department or the State Forester may issue a citation for a violation under this section.

CHAPTER 32

EMERGENCY PRODEDURES OF BENTON COUNTY

32.005 Short Title. This Chapter of the Benton County Code shall be known as the EMERGENCY PROCEDURES OF BENTON COUNTY and may be so pleaded and referred to. [Ord. 2002-0180]

32.010 Purpose. The purpose of Chapter 32 is to provide a procedure to minimize injury to persons and property, to clearly establish when and who may close county roads and local access roads and to preserve the established civil authority in the event a local state of emergency exists within the unincorporated areas of Benton County or within the incorporated areas of Benton County if assistance is requested by such incorporated jurisdiction. [Ord. 2002-0180]

32.015 Definitions.

(1) **“Emergency”** means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of persons unmanageable by the county, terrorism, activities that threaten the environment civil disturbance, riot, sabotage and war.

(2) **“Local State of Emergency”** means verbal or written declaration that an emergency has occurred or is imminent.

(3) **“Closure Order”** means a verbal or written order issued by the Benton County Sheriff after the declaration of a local state of emergency closing any county road or local access road in Benton County.

(4) **“County Road”** has that meaning provided in ORS 368.001(1), to-wit: “a public road under the jurisdiction of county that has been designated as a County Road under ORS 368.016.”

(5) **“Local Access Road”** has that meaning provided in ORS 368.001(3), to-wit: “a public road that is not a county road, state highway or federal road.” [Ord. 2002-0180]

32.020 Authority of County. Under the provisions of ORS Chapter 401, the authority and responsibility for responding to emergencies is placed at the local government level. ORS Chapter 401 further mandates that the county shall establish an emergency management agency to perform emergency program management functions to include, but not be limited to, program development, fiscal management, coordination with nongovernmental agencies and organizations, public information, personnel training and development and implementation of exercises to test the system. [Ord. 2002-0180]

32.025 Declaration of Emergency.

(1) A local state of emergency may be declared after a determination is made that an emergency has occurred or is imminent. A declaration of local state of emergency may be verbal or in writing and shall specify the geographical area covered by the declaration. Such area, event description and event duration shall be no larger than necessary to effectively respond to the emergency.

(2) In order of descending authority, the following persons shall have the authority to declare a local state of emergency or its termination. No such person shall declare or terminate a local state of emergency unless, despite reasonable efforts to contact each and every person of a higher authority to make such a declaration, such efforts were unsuccessful and if the situation presents such a grave risk of loss of life or serious physical injury as to necessitate declaration of a local state of emergency immediately. However, all reasonable and practical attempts to contact persons of higher authority shall be made as soon as the situation so allows.

- (a) Chair of the Benton County Board of Commissioners.
- (b) Vice-chair of the Benton County Board of Commissioners.
- (c) Commissioner of the Benton County Board of Commissioners.
- (d) Sheriff of Benton County or a successor by Chain of Command.

(3) As soon as practical after the declaration of a local state of emergency, if not already terminated, the Benton County Board of Commissioners shall meet in person or by telephone, and determine whether existing conditions require the continuation of the state of emergency. Upon a determination that the emergency no longer exists, or when the threat of an emergency has passed, the local state of emergency shall be terminated in accordance with this section. [Ord. 2002-0180]

32.030 Regulation and Control. Whenever a state of emergency has been declared to exist within unincorporated Benton County, or upon the request of a municipality's governing body, the Board of County Commissioners is empowered to order and enforce the measures necessary to meet the emergency. However, if circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may order emergency measures provided that approval from a majority of the Board of County Commissioners is sought and obtained at the first available opportunity, or the Chair's order will become null and void. A partial list of emergency measures which may be ordered by the Board of Commissioners includes:

- (1) Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places.
- (2) Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place within the area designated as an emergency area.
- (3) Barricade streets and roads, as well as access points onto streets and roads, and prohibit

vehicular or pedestrian traffic, or restrict or regulate the same in any reasonable manner in the area designated as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances.

- (4) Evacuate persons from the area designated as an emergency area.
- (5) Close taverns or bars and prohibit the sale of alcoholic beverages throughout Benton County or a portion thereof.
- (6) Commit to mutual aid agreements.
- (7) Suspend standard procurement procedures to obtain necessary services and/or equipment.
- (8) Redirect funds for emergency use.
- (9) Direct agencies in county government to utilize and employ county personnel, equipment, and facilities for the performance of any activities designed to prevent or alleviate actual or threatened damage due to an emergency.
- (10) Order such other measures as are found to be immediately necessary for the protection of life and/or property.
- (11) Suspend or control the distribution of gasoline from public fueling points, to insure availability of fuel during the state of emergency.
 - (a) Shutdown fuel points during riots to prevent fire and destruction
 - (b) Ration fuel to response agencies/vehicles responding to the state of emergency
 - (c) Pump fuel tanks and move fuel to more secure locations for protection/distribution.
[Ord. 2002-0180]

32.035 Powers of the Sheriff. Upon the declaration of a local state of emergency, the Sheriff of Benton County, or a designee, shall have the following powers:

- (1) To issue a closure order closing to all persons any county road or local access road in Benton County. Any closure order issued by the Sheriff, or a designee, shall be no larger than reasonably necessary to effectively respond to the emergency.
- (2) To request other public agencies, private persons or private entities for permission to issue a closure order for roads, waterways or other property under their jurisdiction or control.
- (3) To prohibit any person from entering or remaining in an area subject to a closure order.

(4) Coordinate with Benton County Public Works to maintain traffic flow and conduct mitigation measures to minimize the impact to citizens using the closed area.

(5) Authorize the Rural Fire Chief of the affected unincorporated area in Benton County to order and conduct evacuation measures as determined by the Rural Fire Chief. [Ord. 2002-0180]

32.040 Acquisition of Resources. Under this section, the Board of County Commissioners is authorized to extend government authority to nongovernmental resources (i.e. personnel, equipment) that may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation.

Under the provisions of ORS Chapter 401, state resources are available when the appropriate response to an emergency is beyond the capability of the county in which it occurs, the county fails to act, or the emergency involves two or more counties and the Governor determines that lack of coordination is hampering the effectiveness of response to the emergency. [Ord. 2002-0180]

32.045 Penalty.

(1) Any person, firm, corporation, association or entity who violates any emergency measure taken by the Board of County Commissioners under authority of this Chapter shall be subject, upon conviction, to a fine of not more than \$1,000.00 per offense.

(2) Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

(3) This Chapter shall be enforceable by the Benton County Sheriff's Office. [Ord. 2002-0180]

32.050 Responsibility for Emergency Management. For the purposes of this Chapter, in accordance with ORS Chapter 401, the emergency management agency for Benton County shall be the Benton County Sheriff's Office, Division of Emergency Services. The Benton County Sheriff is designated as the Director of Emergency Services. The emergency program may be managed by an Emergency Services Program Manager as appointed by the Director. Specific duties shall include but not be limited to:

(1) Develop, update and revise the County's Basic Emergency Operations Plan.

(2) Coordinate the activities of county departments, cities and other agencies with emergency services capabilities in the development of individual operational annexes to the Basic Emergency Operations Plan.

(3) Provide for the coordination of emergency plans, programs and operations within the county, cities, neighboring jurisdictions and other public and private agencies with emergency services responsibilities.

- (4) Develop working agreements with the cities, neighboring jurisdictions and service districts to assure coordinated response to an emergency affecting Benton County.
- (5) Provide for the procurement of personnel, equipment, materials and supplies from higher authority, and for the accounting thereof for use in the event of a declared emergency.
- (6) Provide for coordinated operations under simulated emergency conditions.
- (7) Recommend to the Board of Commissioners any ordinances, policies or procedures which would assist the Board and other county officials in the performance of their duties in preparing for, responding to and recovering from an emergency. [Ord. 2002-0180]

32.055 Separability. If any section, subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Chapter. [Ord. 2002-0180]

FIREWORKS AND FIRE RESTRICTIONS

32.100 Fireworks Prohibition and Fire Restrictions.

- (1) Upon the declaration of fire season by the Oregon State Forester pursuant to ORS 477.505 for any forest protection district and/or all of Benton County, the restrictions listed in ORS 477.510 and ORS 477.512 shall apply in unincorporated Benton County. The prohibitions and restrictions shall remain in place until the Oregon State Forester declares an end to fire season pursuant to ORS 477.505.
- (2) For purposes of this section, the following definitions apply:
 - (a) “Oregon State Forester” is defined as the position described in ORS 477.001(27); and
 - (b) “Fire Season” has the same definition as ORS 477.001(7).
- (3) Violation of Benton County Code Section 32.100 is punishable upon conviction of not more than \$1,000 or by imprisonment in Benton County jail for not more than 30 days, or both.
- (4) This section shall be enforced by the Benton County Sheriff’s Office. [Ord. No. 2022-0309]

Screenshot of the signed Meeting Minutes indicating that Ordinance No. 2022-0309 did not receive a second reading and did not go into effect.

Envelope ID: C392002B-1B36-4FFA-9AFD-F53EEB5B8B41

Curran shared that ODF had the same concerns about the proposed ban as Miller. ODF will contact Stokes before fire season. The public could be easily confused about jurisdiction and location and timing of restrictions. ODF works closely with landowner associations, FDBs, and fire chiefs on when to declare fire season; then the FDs enact their individual burn bans. During ODF fire season, no burning is allowed in ODF-protected land; by that time, there is a County burn ban in most areas. This has worked well in past, but increased messaging is always good.

Malone suggested that the County's six portable reader boards could be used to inform the public that fire season is in effect, especially in high or extreme danger.

Williamson expressed support for previous comments.

Lee supported what Miller, Curran, and Griffiths had said. When those groups declare fire season, Lee could bring a proclamation or resolution to push that messaging, and will work with Stokes and the new PIO on wildfire outreach and educational presentations.

Ordinance #2022-0309 did not receive a second reading and did not become effective.

Chair Wyse recessed the meeting at 11:14 a.m. and reconvened at 11:19 a.m.

**In the Matter of Amending)
Chapter 32 of the Benton County Code) Ordinance No. 2022-0309**

Xanthippe Augerot, Commissioner

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 05/24/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * JoeHahn

Phone Extension * 6851

Meeting Attendee Name * Wendy Sutton & JoeHahn

Agenda Item Details



Item Title * Juneteenth

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 * 15-20 minutes

Board/Committee Involvement *
☐ Yes
☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues*	Funding for NAACP Juneteenth event. Related to racial justice, equity, and community.
Options*	Fully fund the request, partially fund the request, or decline to fund the request.
Fiscal Impact*	☒ Yes ☐ No
Fiscal Impact Description*	The fully funded cost to the County would be \$500.00.

2040 Thriving Communities Initiative

Mandated Service? * ☐ Yes ☒ No

2040 Thriving Communities Initiative

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

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

Values and Focus Areas

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

Core Values *

Select all that apply.

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

Explain Core Values Selections *

The funds from this allocation would support the Black Business Expo as part of the NAACP's Juneteenth event, which will be held on June 18, 2022 at Linn Benton Community College. Supporting Black businesses positively impacts the local economy, uplifts Black households, and enhances the community.

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 *

Supporting the economy and the local Black community helps address historical and contemporary issues resulting from racism and demonstrates a commitment to racial equity and a diverse economy.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Approval of full funding in the amount of \$500.

Meeting Motions * I move to ...
Allocate \$500 to fund the Black Business Expo at the NAACP Juneteenth event, or

Allocate (another amount) to fund the Black Business Expo at the NAACP Juneteenth event, or

Not allocate any funds for Black Business Expo at the NAACP Juneteenth event.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

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

2022 Benton County.docx

62.52KB

Comments (optional) Additional information:

Name of Event: Linn Benton NAACP Juneteenth Celebration

Date/Time/Location: June 18, 2022 /12 - 3pm /Linn Benton Community College

Amount requested: \$500

Why you are requesting funding from Benton County?

Our membership lives throughout Linn and Benton counties. As of April, our records show that 393 members live in Corvallis and 95 in Albany. Of those in Albany, several live in North Albany and are Benton County residents. We are requesting funds from Benton County as a demonstration of support for our Black friends, families, and neighbors.

How it benefits Benton County community members:

The benefit is twofold. It demonstrates to Black individuals that their interests and well being are important to Benton County. It also provides an opportunity for non-Black individuals to learn more about the history of our country and to experience Black joy.

If you have any questions, please call ext.6800

**Department
Approver**

MAURA KWIATKOWSKY

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required ☐ Counsel

☒ Finance

☐ HR

Finance Approver RICHARD CRAGER

**County
Administrator
Approver** JOE KERBY

Comments

Finance Approval

Comments

Approving request of nominal amount on behalf of Rick Crager, Financial Services Director, who is out of office May 20, 2022.

Signature

Maria Knechtges for Rick Crager

County Administrator Approval

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

Signature



Larry Bogen Jr



linnbentonnaacp.com

P.O. Box 870 Corvallis OR 97339

info@naacpcorvallisbranch.com

541-829-3023

5/20/2022

Dear Benton County,

The Linn Benton NAACP is currently planning its community Juneteenth celebration. We will be gathering on Saturday, June 18th, noon – 3pm, at LBCC in Albany.

This year we will have all our usual activities: a Keynote Speaker, DJ Kirkwood getting us dancing, lunch, kids activities and entertainment, and more. We are excited to be introducing two new pieces to the event – a Black-Owned Business Expo and a Build Your Home Library book give away.

Last year your donation helped fund our Juneteenth event. It was our branch's 50th anniversary and our celebration was a week of events that included an in person BBQ meal at Common Fields, and a Keynote speaker who presented using Zoom.

Our budget for the 2022 celebration starts with a base of \$5,500 from the branch. Our total projected expenses are \$12,100. We have sought donations and sponsorships from several sources. To date we've received financial commitments/donations from the City of Corvallis, Albany Library, Corvallis Public Schools Foundation, SURJ, and Langley Home Sales. Corvallis Library and GAPS have generously purchased and donated books to the book give away.

At this time the Linn Benton NAACP is requesting that Benton County donate \$500 towards our budget. The funds will be put towards supporting the Black-Owned Business Expo.

I look forward to discussing the event with you at your upcoming meeting.

Thank you for your consideration -

Wendy Sutton

Community Coordination Committee Chair

Linn Benton NAACP