

AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, February 15, 2022

GoToMeeting: <https://meet.goto.com/425989245>

or Dial [1 \(872\) 240-3412](tel:18722403412); Access Code 425-989-245#

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

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

9:00 A.M.

I. Opening:

A. Introductions

B. Announcements

II. Comments from the Public

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

III. Review and Approve Agenda

IV. Work Session

- 4.1 9:00 a.m., 30 minutes - Update from Department Operation Centers –
Suzanne Hoffman, April Holland; Health Department

BUSINESS MEETING

V. Consent Calendar

- 5.1 In the Matter of Approving a Permanent Business Analyst 2 Grant
Coordinator in the Financial Services Department – *Rick Crager, Chief
Financial Officer*
- 5.2 Approval of the November 16, 2021 Tuesday Board Meeting Minutes
- 5.3 Approval of the January 13, 2022 Joint City and County Work Session

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.

Public Hearing

Hearings are heard at 11:00 a.m., 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.

PH 1 In the Matter of a Public Hearing and Potential First Reading Amending Benton
County Code Chapter 36 – Illicit (Non-Stormwater) Discharges Ordinance No. 2022-
0308 – *Gordon Kurtz, Public Works; Greg Verret, Community Development*

VI. New Business

- 6.1 Discussion and Consideration of Adopting Names for the Meeting Rooms
at the Kalapuya Building – *JoeHahn, Equity, Diversity and Inclusion*
Coordinator

VII. Old Business

- 7.1 Discussion and Decision to Approve the 2021-2023 M57 Supplemental Fund
Program and Intergovernmental Agreement #6187 – *Justin Carley, Probation*
and Parole Captain
- 7.2 Discussion and Decision to Approve the Notice of Funding Opportunities
Process – *Rick Crager, Chief Financial Officer*

VIII. Other

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

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MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
GoToMeeting link: <https://meet.goto.com/425989245>
Livestream: <http://facebook.com/BentonCoGov>
Tuesday, February 15, 2022, 9:00 AM

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

Staff: **Jenn Ambuehl**, Rick Crager, Financial Services; **Justin Carley**, Jef Van Arsdall, Sheriff's Office; **Joe Hahn**, Equity, Diversity, and Inclusion; **Suzanne Hoffman**, April Holland, **John Pegg**, Health; **Gordon Kurtz**, Gary Stockhoff, Public Works; **Maura Kwiatkowski**, BOC Staff; **Erika Milo**, BOC Recorder; **Greg Verret**, Community Development; **Matt Wetherell**, Juvenile

Guests: **John Harris**, Horsepower Productions; **Cody Mann**, Mid-Valley Media

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

I. Opening:
A. Introductions
B. Announcements

Malone commented on the passing of Lee Kane Lazaro, who had a long a career in transportation in the area and was a champion for alternative transport. Lazaro left a lasting legacy and will be missed.

II. Comments from the Public

No comment was offered.

III. Review and Approve Agenda

No changes were made to the agenda.

IV. Work Session

4.1 *Update from Department Operation Centers – Suzanne Hoffman, April Holland; Health Department

Holland gave a COVID-19 presentation (exhibit 1). Governor Kate Brown recently announced that statewide indoor masking requirements will end by March 31, 2022, or when COVID-19 hospitalizations drop below 400 patients statewide. State Kindergarten-12th Grade masking requirements will also end on that date. This does not mean that the pandemic is over, given numbers of cases, hospitalizations and deaths. New variants are likely. Risks vary by individual, makeup of households, and types of activity. Holland shared concerns about the possible costs of a push to return to normal. Not everyone will move out of crisis at the same rate. Data and equity must be considered. Nationally, key aspects of shared pandemic response (communication, trust, shared sense of threat) are dwindling. The overall goal of Public Health is to prevent death and severe illness. Masking works to reduce indoor COVID-19 transmission, but when not in the midst of a surge, there is less agreement about benefits of masking. Holland cautioned that removing masks when cases start to drop just strains healthcare systems more.

Calls to end universal indoor masking should be grounded in good data, such as hospitalizations, overall vaccination rate, availability of therapeutics, rate of community transmission, and vaccination eligibility for people aged 6 months-4 years. Holland's main concerns are leaving vulnerable people behind when risks remain elevated and/or could be demonstrably reduced. Hospitalizations statewide have dropped to 865 people, down from 1,130 at the peak of this wave. In hospital region two, 167 were hospitalized yesterday, down from 205 at the peak, with just over 20 patients at Good Samaritan Regional Medical Center.

Primary vaccine series continue to provide good protection against hospitalization and death, especially in younger age groups. In Benton County (BC), 72.2% of residents of all ages have received the primary vaccine series. To reach 80%, BC needs to vaccinate 7,186 more people. Up to 49% of all County residents have received boosters, and 66% of those who are vaccine-eligible have received boosters. BC has 5,122 people who are partially vaccinated. There may also be a records discrepancy; many Oregon State University (OSU) students reside here but were vaccinated elsewhere. The OSU vaccination rate is quite high, but the County's data for 18- to 19-year-olds indicates the vaccination rate is low, which is clearly not true. Staff are working on this.

Therapeutics to treat COVID-19 infection include monoclonal antibody treatments and monoclonal antiviral treatments. Therapeutics are currently limited but available. Supplies are expected to increase.

Community transmission: case numbers are imperfect (in part because many more people are relying on rapid antigen tests instead of laboratory testing), but increased positivity rate and increased hospitalizations followed by increased deaths are still strong indicators. BC's seven-day case rate per 100,000 of population decreased 37% from the previous week, and dropped over 50% from the two weeks before. BC has one of the lowest testing positivity rates in the state at 11.5%, but has some of the highest case rates, possibly due to finding more cases. With a conservative estimate of 25% weekly reduction in cases, BC would reach the "moderate" community transmission category (50-99 cases per 100,000 of population, the threshold where the Centers for Disease Control condone lifting indoor masking) in early April 2022.

The Food and Drug Administration (FDA) asked Pfizer to apply for an Emergency Use Authorization to vaccinate children aged 6 months-4 years old; then last week the FDA determined additional data is needed. Protect children by protecting those around them. BC has about 3,500 people in that age group. Many families are eager to vaccinate young children.

Equity and social justice: Public Health must consider the needs of vulnerable as well as taking care of everybody. To protect vulnerable people, it is important to provide high-quality masking to those people, continue to ensure access to vaccination, take extra precautions for staff and visitors at long-term care facilities, practice universal masking in healthcare settings, and ensure availability and access to therapeutics.

In April 2022, BC will continue to recommend that some people wear masks in public indoor settings even if the local order is discontinued: the immunocompromised, people 65 and older, and people who are unvaccinated, have underlying conditions, or live with others at high risk of severe disease. BC needs to do more to share which masks are effective and make those accessible. Population-level interventions are much more straightforward than individual ones, but BC needs to arm people with evidence-based information. Someone young and healthy who lives alone may not use a mask when cases are low to moderate, and may use rapid tests before attending family gatherings. Someone who lives with an elderly person may wear a mask in

indoor public settings. While cases and hospitalizations should continue to drop dramatically, BC is still at six times the “high” threshold of transmission and hospitals continue to be strained. The data does not support dropping mask mandates at this time. COVID-19 is likely to be present in the longer term, but that does not mean people need to wear masks forever or take a fatalistic approach. The path to more normality lies with sufficient vaccination, new therapies, testing, ventilation, high quality masking, and enhanced sick leave policies. COVID-19 has caused 921,000 deaths in this country.

Augerot thanked Holland and was grateful that the State would not phase out the indoor mask mandate for at least six weeks. Opinions on masking are very diverse. Augerot felt the key factor would be BC numbers at the end of March 2022, rather than statewide. BC may test more often and have better access to testing than some communities, but that is starting to slip because some insurance is no longer covering tests.

Malone emphasized the message that the problem is not over when the mask mandate ends, and asked about the Federal Emergency Management Agency (FEMA) vaccination clinic in BC.

Holland stated that based on modeling, statewide hospitalizations below 400 would make the hospital system more stable and out of crisis mode. Outside agencies and the National Guard are helping with vaccination. The FEMA clinics in BC were successful, serving at least 100 people every day for two weeks, for a total of 1,257 people.

Malone noted that masking and staying home when sick also reduces influenza levels.

{Exhibit 1: COVID-19 Update Presentation}

V. Consent Calendar

- 5.1 In the Matter of Approving a Permanent Business Analyst 2 Grant Coordinator in the Financial Services Department – Rick Crager, Chief Financial Officer**
- 5.2 Approval of the November 16, 2021 Tuesday Board Meeting Minutes**
- 5.3 Approval of the January 13, 2022 Joint City and County Work Session**

MOTION: Augerot moved to approve the Consent Calendar of February 15, 2022. Malone seconded the motion, which **carried 3-0.**

Public Hearing

PH1 In the Matter of a Public Hearing and Potential First Reading Amending Benton County Code Chapter 36 – Illicit (Non-Stormwater) Discharges Ordinance No. 2022-0308 – Gordon Kurtz, Public Works; Greg Verret, Community Development

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

Staff Report

Verret explained this amendment is part of new permitting requirements through the Oregon Department of Environmental Quality (DEQ). The National Pollution Discharge Elimination System (NPDES) requires the County to update illicit discharge code; staff have made those updates and are applying the code to the entire County as well as the urbanized area (the

minimum area DEQ requires). Changes requested at the work session, including clarification of definitions and other minor corrections, have been made as discussed.

Kurtz noted that staff have tried to clarify who to contact about these issues. There is overlapping Public Works/ Environmental Health /Community Development jurisdiction.

Malone asked how long Kurtz had been working on this project.

Kurtz replied since 2002. There have been several iterations of the NPDES process. Based on recent conversations with DEQ, the next permit (to be issued February 2023) may be far less onerous. Future changes to code will be relatively minor.

Malone acknowledged the significant body of work involved.

Augerot praised broadening the chapter to include the entire County and adding clarity by defining ‘stormwater conveyance system’. As water becomes a scarcer resource, there may be changes in graywater handling. These amendments make the process smoother and clearer.

Kurtz noted that the area has been in a drought cycle for about five years. Many pollutants are flushed into rivers in the first fall rains. In drought conditions, that flush creates a much higher concentration of pollutants in the receding waters than the area has experienced previously, which is a significant concern for fish and aquatic life. People will need to be careful with graywater use so as not to exacerbate pollutant loadings.

Public Comment

No comment was offered.

MOTION: Malone moved to approve the proposed amendments to Chapter 36 of the Benton County Code and to conduct the first reading of Ordinance No. 2022-0308. Augerot seconded the motion, which **carried 3-0.**

Counsel read the Ordinance aloud (short title). Second reading to occur on March 1, 2022; Ordinance to take effect 30 days later.

Chair Wyse closed the public hearing at 11:14 a.m.

VI. New Business

6.1 Discussion and Consideration of Adopting Names for the Meeting Rooms at the Kalapuya Building – JoeHahn, Equity, Diversity and Inclusion Coordinator

Hahn presented names for the Kalapuya phase I meeting rooms. Names seek to honor local history, focusing on people of marginalized identities and their impact on BC. Hahn is still working on Phase II names. The large divisible meeting room is named after Mary Jane Holmes Shipley Drake and Reuben Ficklin Shipley, two Black residents of BC who were formerly enslaved. Although Black people were not allowed to live in Oregon at that time, the couple married and bought land here. Some of the land was donated to the Mount Union Cemetery, which was founded because at that time, Black people could not be buried in the main cemetery.

The shared conference room is named for Harriet Forest Moore, United States Army Medical Corps, who worked at OSU. The Board’s Office conference room is named for Chiaki “Jack”

Yoshihara, a living Japanese-American internment survivor and former OSU football team member. Additional names will highlight Lesbian, Gay, Bisexual, Transgender, and Queer+ people, people with disabilities, and others.

Augerot thanked Hahn for researching this information and requested a photo and biography of these individuals by the door of each room to continue the educational aspect.

Malone noted it is important to know history in order to understand present circumstances. Malone concurred with posting the short history and a link to more information.

Wyse praised the work and the inclusion of women.

MOTION: Malone moved to approve Phase 1 conference room names for the Kalapuya Building. Augerot seconded the motion, which **carried 3-0.**

VII. Old Business

7.1 Discussion and Decision to Approve the 2021-2023 Measure 57 Supplemental Fund Program and Intergovernmental Agreement (IGA) #6187 – Justin Carley, Probation and Parole Captain

Carley requested approval of an IGA for \$125,000 in Measure 57 funding for Community Corrections (CC). The State provides these funds to counties with a similar formula for CC grant and aid allocation. Funds are flexible enough to cover general community supervision, risk assessments, Council of Governments programming, re-entry subsidies, housing subsidies, and more. The Department of Corrections has reviewed the plan.

Augerot asked how much caseloads have dropped because of Measure 110 (Drug Decriminalization and Addiction Treatment Initiative).

Carley replied there has been a steep drop locally and statewide; it is not clear if that is solely due to M110, but it is certainly a factor. Numbers of people on probation are at an all-time low.

Augerot observed that this is due to the shift from misdemeanor drug offenses to violations. Augerot asked if some of those cases were on the County caseload and some were not, depending on the severity of the offender's other activities.

Carley confirmed. The County still supervises cases for driving under the influence, misdemeanors, misdemeanor domestic violence, and sexual abuse.

Augerot asked if there are any changes in the core agreement with the state.

Carley replied this is a standard IGA that goes with every M57 application.

Augerot asked to see the data on caseload declines.

MOTION: Malone moved to approve the 2021-2023 M57 Supplemental Fund Program and Intergovernmental Agreement #6187 between the State of Oregon and Benton County. Augerot seconded the motion, which **carried 3-0.**

Chair Wyse recessed the meeting at 9:55 a.m.

Chair Wyse reconvened the meeting at 10:00 a.m.

7.2 Discussion and Decision to Approve the Notice of Funding Opportunities (NOFO) Process – Rick Crager, Chief Financial Officer

Crager presented a revised NOFO for American Rescue Plan Act funding, including a new application evaluation rubric. On December 21, 2022, Crager presented the proposal for a NOFO. Previous discussion emphasized the need to gain input from community partners. Staff received useful feedback which was discussed with the Board on January 10, 2022; today's version reflects that input.

Crager described community partner feedback:

- The one-year timeline to expend the funds is too short. Staff changed the requirement to funds must be obligated within one year and changed the period in which to expend funds to June 30, 2024. Future rounds will probably have a tighter timeframe.
- Encourage applicants with capital projects to apply early. Staff added a footnote for these applicants to consider applying in the first round or no later than the second round.
- Government organizations should not be eligible. The Board wanted to maintain that eligibility so that this NOFO is focused on community priorities; no changes were made.
- Define geographic distribution of fund allocation. The Board did not want to specify amounts for rural and urban organizations, but wanted to recognize the importance of including rural areas. The rubric now gives higher rating to proposals that identify geographic distribution and its importance.
 - Augerot noted the rural-urban divide is reflected in community impact, and the rubric now sounds like every proposal must address both, which Augerot was not comfortable with. It will be up to application reviewers to ensure desired geographic distribution.
- Priorities are too broad. The Board was comfortable with the breadth. The first round is an opportunity to find out if future changes are needed. Crager added clarification that this round is about programs and projects.
- Small non-profit organizations may be challenged to effectively compete, particularly given the \$500,000 maximum grant. Crager spoke with Benton Community Foundation (BCF), which has encountered this concern, but it has not been a problem. Larger organizations asking for larger grants do not always have the best applications. Providing a clear rubric is usually sufficient. The application also asks if a large project be scaled back, which would allow staff to create more balance if needed.
- Maintain a simple, flexible evaluation process. Staff have addressed this with the online application tool. The County must follow United States Treasury (UST) rules for evaluation and ongoing reporting, but the recently released final UST rules reduce reporting requirements.
- Focus on equity and specifically name populations that are prioritized. Following recommendations in a UST presentation, Crager reworked Section Four to further emphasize equity and named ways to address it (such as racial equity, inclusion, prioritization of resources, low-income).
- Other changes not related to community input: the funding amount is slightly smaller, \$2.4 million, and will probably be adjusted again based on other project needs. The County still has funds for Rounds II and III. Additional requirements were added to comply with Federal regulations and final UST rules. Counsel has reviewed the document.

The timeline has been expanded. The NOFO will be released on February 18, 2022 on the County website and in a press release; staff will also email all partners who contributed feedback. Interested parties should contact Ambuehl for user access to the application portal. Staff will assemble a review committee. Applications close on March 11, 2022 and staff will bring funding recommendations to the Board on April 5, 2022, then execute grant agreements.

Augerot noted that scalability in the evaluation criteria is expressed in terms of small or large populations, but this may be constraining, as projects can be scaled in many other ways. Also, giving the highest number of points for a consistent basis of activity seems to reinforce providers doing the same old thing. Augerot wanted to encourage innovative projects also.

Crager agreed that scalability is more than just population served. Regarding innovation, Crager agreed to adjust the language to address rewarding new ways of thinking as well as experience.

Malone praised the process improvements and extended timeline. A correction in the document: “BCF” stands for “Benton Community Foundation”, not “Benton County Foundation”. Malone noted that not all grants will be in the amount of \$500,000, and the County might want to fine-tune the total dollar amount. The process seems thoughtful overall.

Wyse praised the flexibility and transparency of the process, and had no other changes. Wyse asked if Augerot was comfortable approving the document with the recommended changes.

Augerot felt comfortable that Crager and Ambuehl would incorporate the points raised.

Crager concurred and still felt able to release the NOFO on schedule.

MOTION: Augerot moved to approve the Notice of Funding Opportunities as discussed and modified by the Board of Commissioners and recommend release upon completion by February 18, 2022. Malone seconded the motion, which **carried 3-0.**

Crager invited Board thoughts on the makeup of the application review committee. BCF recommended having an odd amount of members. Crager and Kerby have discussed different options, including a County representative, a philanthropic organization, and a State colleague.

Augerot asked if the community members of the Budget Committee were still being considered as core members of the review committee.

Crager and Kerby had discussed having a representative from the Budget Committee. Crager asked if Augerot would prefer to use the entire Budget Committee as is.

Augerot preferred to augment the review committee with others and liked the idea of including a State colleague. The Budget Committee is all male, with one Latino member and no Black/ Indigenous/ People of Color members; Augerot would prefer more gender balance and diversity.

Malone suggested having seven members, and also liked the State colleague idea for more neutrality. Malone asked if Hahn was interested in participating to bring diversity and different perspectives.

In the chat window, Hahn expressed willingness to serve on the committee.

Wyse would also prefer to not have the Budget Committee as the core, encouraging more diverse/outside opinions. The reviewers could have a joint meeting with the Budget Committee.

The Board deliberated and reached a consensus that not all three members of the Budget Committee should serve on the application review committee, but one or two would be fine, depending on interest and availability.

Crager to create a proposal with Kerby to present to the Board at the Information Sharing Meeting on February 22, 2022, or at the March 1, 2022 Board Meeting at latest.

Chair Wyse recessed the meeting at 10:43 a.m. and reconvened the meeting at 11:00 a.m.

VIII. Other

No other business was discussed.

IX. Adjournment

Chair Wyse adjourned the meeting at 11:14 a.m.

DocuSigned by:

85593F1F843F4FD...
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.*



Covid-19 update

April Holland, MPH, CIC
Public Health Administrator

February 15, 2022

Oregon indoor masking rule

- Requirement to end by March 31
- Hospitalizations expected to drop below 400
- State k-12 masking requirements will end March 31

I am not telling you:

- The pandemic is over
 - Cases & hospitalizations still high
- We know what the future holds
 - Variants, vaccine effectiveness
 - Masks may be needed again
- How each of us must proceed
 - Risks vary by individual, household, activity

Key points

- A big shift: US is moving out of “crisis mode”
- Masking rules– easier donned than doffed
- Looking to data
- Equity considerations

Out of “crisis mode”

- Key elements to successful response deteriorating
- Several complex trade-offs and no simple path ahead
- We are all shaped by our experiences, our environments, our risks, and our values

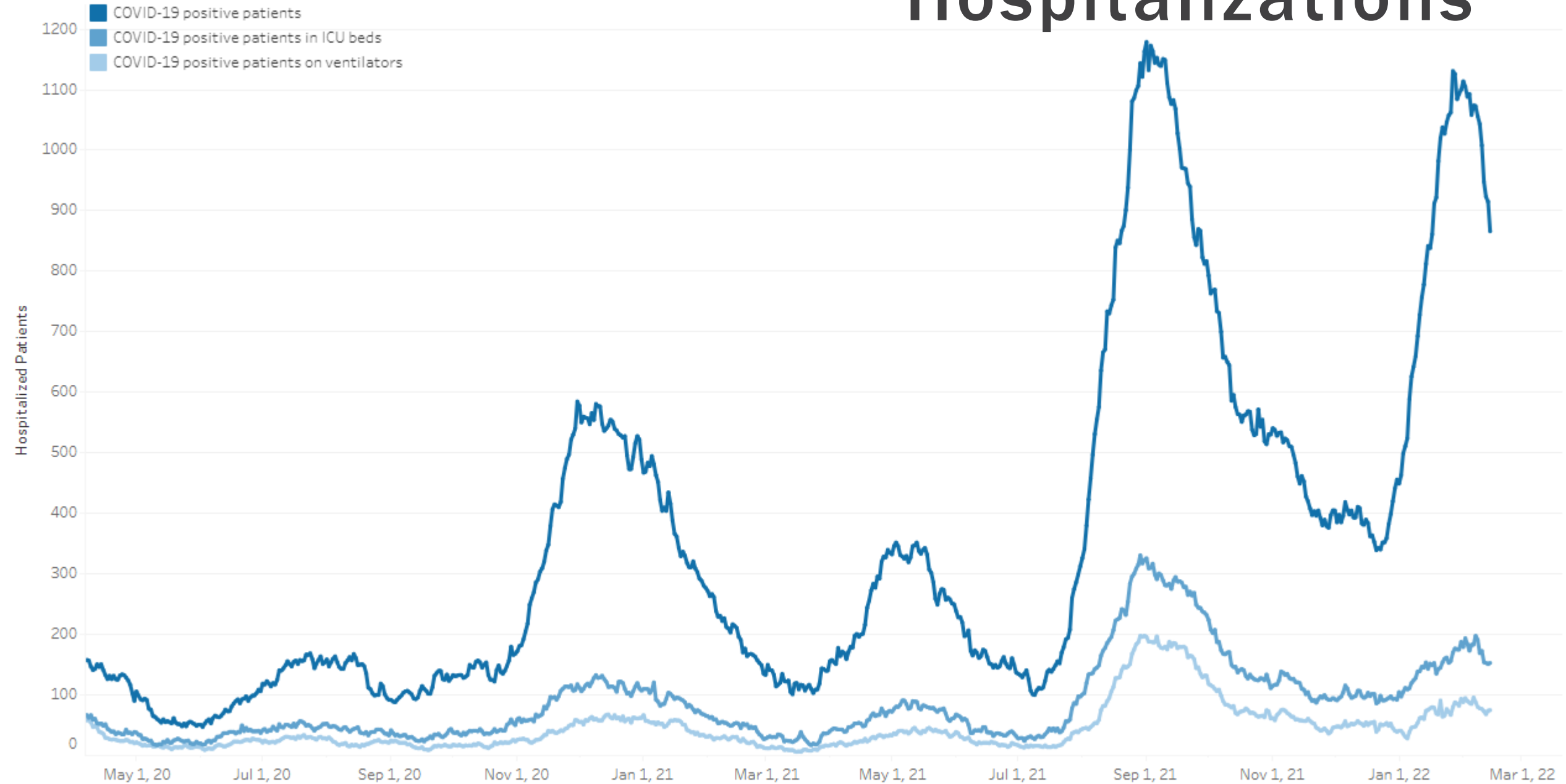
Masking

- Masking indoors reduces coronavirus transmission
 - The question is when to discontinue required use
- Many agree that the harms of the virus > concerns about masks in a surge.
 - Outside of surges, there is less agreement over the benefits
- #1: Let's get through this surge

Looking to data

- Hospitalizations
- Overall vaccination rate
- Availability of therapeutics
- Community transmission
- Vaccination eligibility for 6mo-4yr

Hospitalizations



Vaccination

Primary series

72.2% complete (all ages)

Remaining to reach 80%

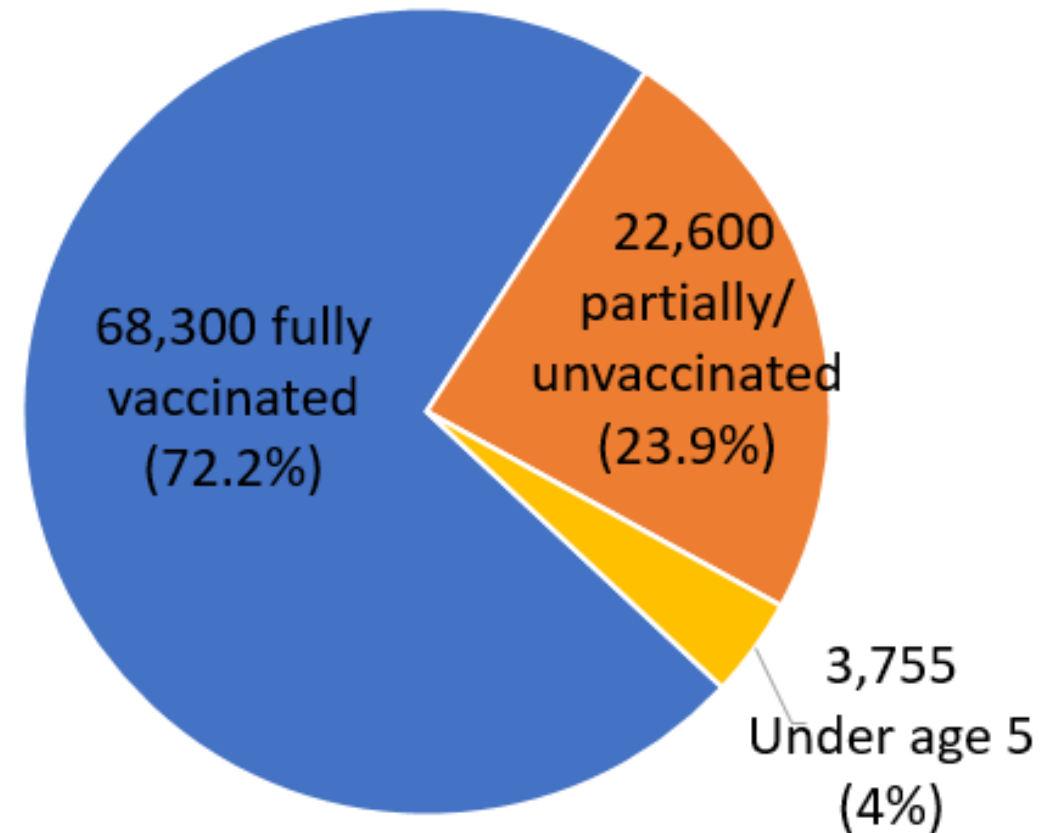
7,186

Booster

49% (all ages)

66% of those eligible

Primary vaccination series

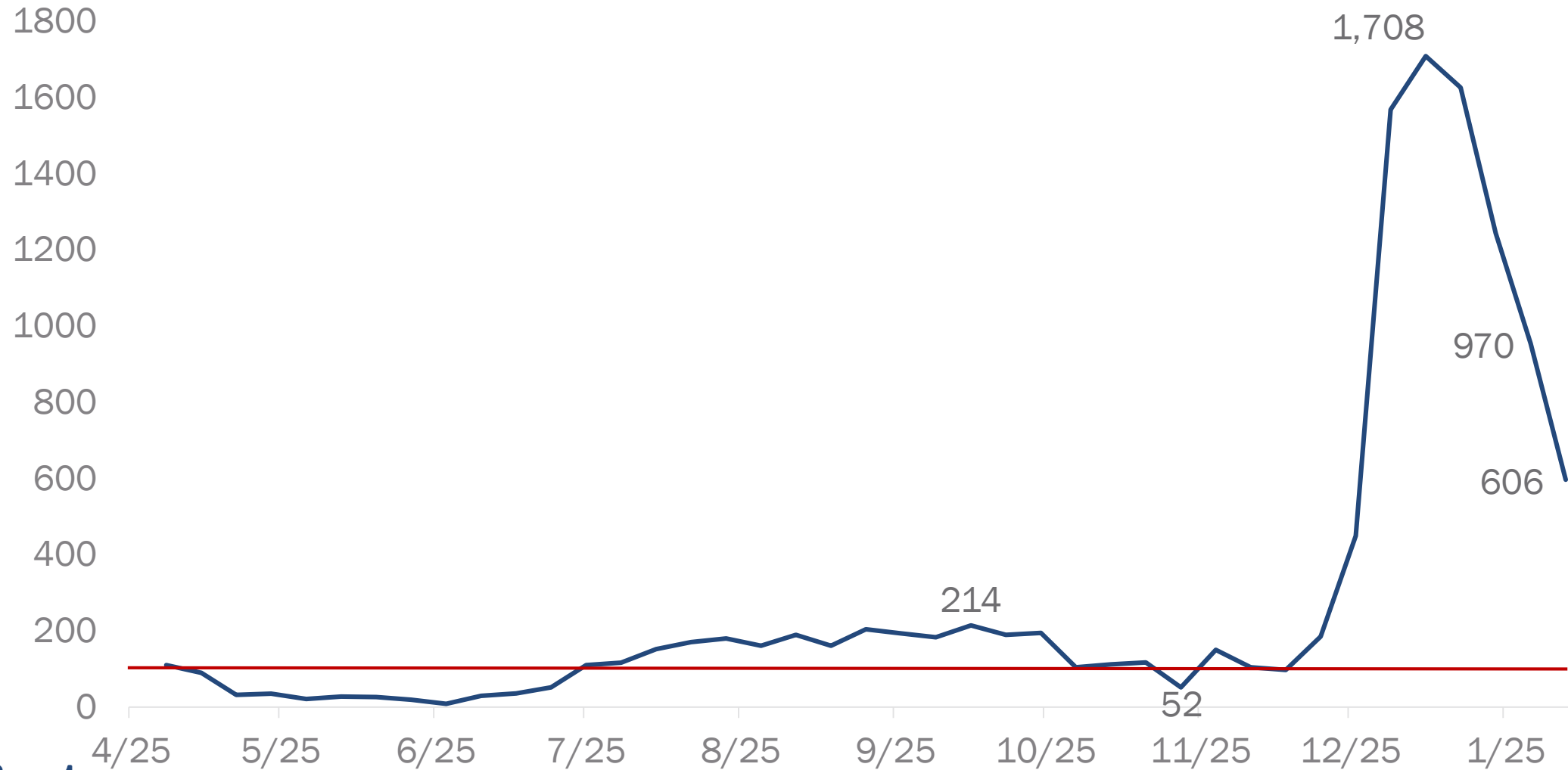


Therapeutics

- Monoclonal antibodies, antivirals
- Therapeutics are currently limited but available
- Supply is expected to increase

Community transmission

7-day case rate per 100,000



Vaccines for our little ones

- EUA discussion was delayed until more data on 3rd dose could be gathered
- Approximately 3,500 in this age group
- Process to resume in April (we hope)

Equity

- Equity and social justice are at the heart of public health
- Meeting the needs of the vulnerable must be an AND, not an OR proposition
- Keys: access, outreach, communication

What may happen in April?

- **Required masking may end, but masking will not be “over”**
 - Many will continue to mask to protect themselves and others
 - Know the masks to use that are effective when people around are unmasked
- **Assess your circumstances**
 - Vaccination, booster, masking, activity
 - Make decisions based on risk
- **Check the weather**
 - “Yep, still a pandemic outside”

What should people do now?

- **Right now: Everyone, vaccinated or not, should continue measures to protect our community**
 - get vaccinated and boosted when eligible
 - wear the most protective mask you can tolerate
 - physically distance
 - avoid crowds
 - avoid poorly ventilated spaces
 - wash hands often
 - stay home when sick



At your service,
every day.



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Benton County

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/15/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Finance

Contact Name * Rick Crager

Phone Extension * 6246

Meeting Attendee Name * Rick Crager

Agenda Item Details



Item Title * American Rescue Plan Act - Approved Administration for Permanent Grant Coordinator

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

Issues and Fiscal Impact	
Item Issues and Description	
Identified Salient Issues *	On October 5, 2020, the Board of Commissioners (BOC) agreed that \$500K of ARPA funds approved in the 2021-23 budget could be dedicated for the purposes of grant administration. More specifically, the BOC agreed with the staff recommendation that a portion of these funds would be used for the purposes of funding a grant administrator. The initial priority for this position is to focus on the allocation and administration of all ARPA funding, however, eventually the position will evolve, particularly as APRA goes away, to support a more holistic grant management process for the county that encompasses all grant funding. There are sufficient ARPA funds to cover this cost of this position for the next two biennia. In addition, the County will begin seeking how it can use resources from all grants to support the position beyond ARPA.
	Options *
	1. Approve the establishment of a full-time permanent Business Analyst 2 (Grant Coordinator) within the Financial Services Department to focus on administration of ARPA fund and advancing the County's efforts in overall grant administration 2. Deny the request for the establishment of a new position.
Fiscal Impact *	☒ Yes ☐ No
Fiscal Impact *	The total cost for adding this position for the 2021-23 biennium is \$133,123, however, this is a budget neutral action since the ARPA funds were already in the 2021-23 budget awaiting more specific line item dedication.

2040 Thriving Communities Initiative

Mandated Service? * ☐ Yes ☒ No

2040 Thriving Communities Initiative

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

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

Values and Focus Areas

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

Core Values *

Select all that apply.

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

Explain Core Values Selections *

This position will support the ARPA funding in which these resources, within the dedicated funding plan, support all the core values identified above through their focus.

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 focus of this investment is to support accountability of federal resources to enable the ARPA resources to have the greatest community impact.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * The Position Review Committee approved this position on February 7, 2022, and recommends the BOC also approve.

Meeting Motions * I move to ...
approve a full time permanent Business Analyst 2 (Grant Coordinator) for the Financial Services Department to support the grant administration of all ARPA funds dedicated to the county, and begin the development of a holistic grant management function for all grants within the county.

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.

PositionEstablishGrantCoord.docx	37.72KB
BA2_FN_Grant Coordinator_Vacant.docx	33.63KB

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

Department Approver RICHARD CRAGER

Department Approval

Comments

Signature

Rick Crager

BOC Initial Approval

Approvals Required ☐ Counsel

☐ Finance

☒ HR

HR Approver TRACY MARTINEAU

**County
Administrator
Approver** JOE KERBY

Comments

HR Approval

Comments

Signature

Tracy Mattioli

County Administrator Approval

Comments

Signature

Teresa Faltyg

BOC Final Approval

Comments

Signature

Teresa Foley

Effective immediately all **new position requests or modification(s) to existing positions** must be approved by Position Review Committee (PRC). PRC can approve limited duration positions. Board of Commissioners approves permanent positions. This form and process is used for both limited duration and permanent positions. Please submit the request below to initiate the process.

This form must be completed electronically and **emailed** to the Classification and Compensation Analyst, **with all required documents**. HR will move the request forward to the PRC once this phase is completed. Requestors will be responsible for providing funding option if petitioning an unfunded position request.

Name of Requestor: Rick Crager

Department: [Financial Services Department](#)

Department Head: [Rick Crager](#)

Proposed Funding Source: [American Rescue Plan](#)

Has this request been reviewed by the Department

Existing Position # if applicable: [TBD](#)

Head? ☒ Yes ☐ No

Existing: ☐ New: ☒

Funding Available ☒ Yes ☐ No

Type of request:

☒ New position (Note: New positions are filled through open competitive recruitments.)

☐ Modification to an existing Position

☐ **Position Description is attached** (*must attach a position description*)

Position Working Title	Current FTE, Classification and Subgroup	Proposed FTE, Classification or Subgroup
Grant Coordinator	N/A – New Position	1.0 FTE C42

Additional information: [The BOC approved \\$500K of American Rescue Plan to address administrative cost related to managing these funds through a Grant Coordinator position. Approved October 5, 2021](#)

Net gain or loss in FTE: [1.0 FTE Gain](#)

Loss in FTE: Is position vacant? ☐ Yes ☒ No

If not vacant, how will you resolve? (Layoff, etc.): [N/A](#)

1. Describe the duties to be assigned to the new position, or how the duties have changed for a vacant position. ***Attach position description for the new position.***

[This position will serve as the primary technical expert in implementing ARPA funds, while at the same time developing, implementing, and managing a grant management process that more effectively ensures accountability, stewardship, and allocation of all county grant funding. In this role, this position will implement, manage, and coordinate a multimillion-dollar program that results in a variety of projects, programs, and/or services which require oversight, coordination, grant management, and compliance monitoring. The position will be responsible for a diverse grant portfolio that includes over \\$20 million of state and local ARPA resources.](#)

2. **Prepare and submit an organization** chart showing all positions, titles, and names of employees and reporting relationships in the area of the new and/or vacant position. The organizational chart must include where the new position will fall within the department.

3. Reason for request and the importance to the mission of the department in approving this request? (i.e., specific organizational changes or additional monies. Attach additional sheets as necessary.)

[This position is needed for two purposes. First, the FSD has been charged with administering over \\$20 million of American Rescue Plan relief funds. This position is critical in managing the day to day](#)

tracking, reporting, processing, and coordination of these funds. The second purpose for this position is to help the County begin the early development of a grant management team and system that can improve the overall tracking, reporting, accounting, and compliance with all state, federal, and/or local grants received.

4. The request is critical for one or more of the following (check all that apply): Provide detail description.

- ☒ (a) Grant funded position. What is end date of grant? [September 30, 2024](#)
- ☐ (b) Regulatory compliance. What regulation? [Click here to enter text.](#)
- ☐ (c) To address the health or safety needs.
- ☒ (d) Workload
- ☐ (e) Special Project: [Click here to enter text.](#)
- ☒ (f) Restructure of current department/organization.

5. How will the position be funded? Note: If the position is relying on new or limited funding, the department will need to provide a detailed description of how they will be utilizing those funds in the future.

The BOC has dedicated \$500K of ARPA funds for the purposes of administering this grant. With these funds, the County must obligate the resources by September 30, 2024. While this position is designed to first address the ARPA requirements, it will also be used to develop a holistic grant management process and system for the county. This work will be ongoing and require permanent support. As such, the FSD will be requesting for the 2023-25 biennium, if necessary, addition resources needed to sustain this position beyond the end of APRA. Part of this request will include leveraging untapped grant administrative cost that may be used to sustain this position permanently without reliance on the County General Fund.

6. Has the department explored other less expensive ways to complete the needed responsibilities and duties?

The only other option to consider would be a contracted relationship, however, due to the complexity of the federal ARPA rules and regulations, it is a more fiscally prudent to hire a position that has hands on expertise with federal resources.

7. If this request is not filled, how will the department perform the responsibilities and duties needed?

What, if any negative financial or other consequence would there be if this request is not approved?

Currently, the CFO and Budget Coordinator are jointly working together to administer this funding, however, this is not sustainable and detracts from other responsibilities. If the FSD is unable to fill this position, it will slow our momentum around the reorganization and improving overall county financial services.

8. Additional comments: [None](#)

To be completed by Human Resources:

☒ The position has been classified by Human Resources.

Position Title: [Grant Coordinator](#)

Proposed Classification: [Business Analyst](#)

Salary Grade: [C42](#)

New Proposed Positions, Classification and Subgrade	Proposed FTE
Grant Coordinator, BS 42	1.0 FTE

To be completed by Finance/Budget:

Position Costing:

Year 1 - 4/1/2022-6/30/2022	23,629		
Year 2 - 7/1/2022-6/30/2023	109,494	133,123	21-23
Year 3 - 7/1/2023/6/30/2024	120,273		
Year 4 - 7/1/2024-6/30/2025	124,075	244,348	23-25

Budget Approval

[This request is approved by FSD. The funding was approved by the BOC on October 5. There was \\$500K that was set aside specifically for administrative cost for a designated staff position to focus on grant coordination.](#)

BENTON COUNTY POSITION DESCRIPTION

CLASSIFICATION		BAND		GRADE	SUBGRADE		FLSA STATUS	
Business Analyst		C		4	2		Exempt	
POSITION TITLE:		Grant Coordinator			POSITION#:		TBD	
☒ New		☐ Revised		Date:	December 27, 2021			
SERVICE TYPE:				NON-REP CONFIDENTIAL				
Employee Name:		Vacant		Department:		Financial Services	Supervisor: Chief Financial Officer	
FTE:	1.0			Employment Status:		Regular Full Time		

Position Summary:

This position will serve as the primary technical expert in implementing ARPA funds, while at the same time developing, implementing, and managing a grant management process that more effectively ensures accountability, stewardship, and allocation of all county grant funding. In this role, this position will implement, manage, and coordinate a multimillion-dollar program that results in a variety of projects, programs, and/or services which require oversight, coordination, grant management, and compliance monitoring. The position will be responsible for a diverse grant portfolio that includes over \$20 million of state and local ARPA resources. This position will exercise a high degree of independence and decision making in following the guidance of the CFO and Board of Commissioners. The position will conduct all aspects of grant management and oversight for assigned portfolio and carry out various funding allocation processes to ensure the timely and effective use of grant resources.

Essential Duties:

No.	Major Functional Area (MFA)	% of Time
1	MFA: Grant Program Management and Allocation Process Essential Duties: - Manage ARPA program budget, including lead role for all fiscal activities including, but not limited to resource projections, developing and implementing program and funding plan; creating and maintaining financial and budget reports; and ensuring compliance with all applicable federal rules and regulations. - Oversee grant and program management for federal, state, and/or local grant resources not directly assigned to specific County Departments. This includes but is not limited to, funds allocated through CARES, ARPA, Community Development Block Grant, and other federal/state resources not directly managed by a County Department. - Administer all review and compliance processes to ensure agreed terms of grant awards are adhered and are in accordance to the grantor's funding award. - Develop criteria and/or funding formulas that allow for the equitable and fair distribution of resources. - Develop, implement, and evaluate funding plan with respect to business plan and strategies adopted and directed by Board of Commissioners. - Design and implement process for Request for Applications and/or Notice of Funding Opportunity to sub-grant or contract grant resources. - Respond to sub recipient or contractor questions and inquiries related to grants in which position is responsible for administering.	60%
2	MFA: Financial Management and Oversight of Grant Funding Essential Duties: Ensure all multi-year federal, state, and local grants awarded to the county, including ARPA, is aligned with biennial budget cycle.	25%

	• Coordinate with Budget and Business Analyst on development and execution of biennial budget as it related to individual grant awards. • Coordinate with procurement staff to ensure consistency between grant awards with any funds allocated through sub-grants, contracts, and/or purchase requisition. • Coordinate with other Financial Services Department staff to administer the invoicing, accounting, payroll, reporting, and an other business function used to administer the grant. • Review, analyze, and where necessary, adjust, financial activity related to grants to ensure revenues and expenses accurately recorded in accounting systems and aligned with grant funding plan. • Present grant financial information to staff and elected officials. • Coordinate with all Departments to ensure tracking of all grant applications, awards, and allocations. • Ensure repots required by Grantors are completed timely, accurate, and in accordance of funding agreements. • Perform reconciliations to demonstrate resources are applied correctly to grants and as necessary, make corrective entries. • Maintain all records related to grant activity to enable a well-documented audit trail should any grantor reviews/audit become necessary.	
3	MFA:Technical Assistance and Systems Support Essential Duties: • Provide training and technical assistance on best practices in grant management to Grant Managers that have been assigned specific department grants. • Develop and maintain standard policy, processes, tools, and/or guides that better support the county in grant management practices. • Develop, implement, and maintain system of grant tracking both for grants received and grants allocated. • Coordinate with FSD System Analyst and Controller to implement system solutions that enable effective accountability of all county grants. • Analyze, design, evaluate, modify, test, and implement proposed system functionality that allows for improved grant management. • Work in partnership with all county departments to ensure grant applications include all reasonable and necessary cost to administer grant program. • Develop and maintain communication strategies that support outreach regarding county funding opportunities and processes to access funding.	15%
	Other Duties As Assigned	
Percentages should total 100%		100%

Special Requirements:

Bachelor's degree with major coursework in accounting, business, administration, public administration, or related field, in accounting, business or finance desired and at least 2 years' experience in public sector or non-profit budgeting, financial analysis, or accounting. Prior experience with federal or state grant administration, financial reporting, or coordinating complex funding process is highly desirable.

Candidates with the following knowledge, skills, and abilities are preferred.

- Compile and analyze financial data and craft recommendations to management regarding funding strategies, program effectiveness, future directions, etc.
- Understand and apply federal uniform guidance 2 CFR 200 for grants and other applicable restrictions/rules
- Apply principles, practices, and procedures of program development, program coordination, and program management; specifically with moderately sized programs with public involvement and a high degree of visibility

- Good skills in business writing and report preparation methods
- Communicate clearly verbally and in writing
- Prepare, read, and interpret policy documents, complex financial reports, and statements
- Demonstrate a high attention to detail

Physical Demands:

While performing the duties of this job, the employee is frequently required to use hands to finger, handle or feel; talk; or hear. The employee is occasionally required to stand; walk; sit; reach with hands and arms; and stoop; kneel; or crouch. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, depth perception and ability to adjust focus.

Work Environment

The employee works in well-lighted, clean environments. The noise level in the work environment is quiet to moderate. **Check the following that applies to this position:** The employee may occasionally: ☒ work with angry or hostile clients or members of the public, ☐ work with toxic substances and biohazards, and ☐ exposure to infectious illnesses.

Emergency Preparedness:

Benton County is committed to emergency preparedness planning and implementation and disaster recovery. In the case of a Health Department, County, State, Federal or other emergency or disaster, this position may be called upon to assist in responding. This may require the assignment of additional responsibilities, depending on the circumstances.

NOTE: The above job description is intended to represent only the key areas of responsibilities; specific position assignments will vary depending on the business needs of the department.

Employee: _____ Date: _____

Immediate Supervisor: _____ Date: _____

MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS
GoToMeeting link: <https://global.gotomeeting.com/join/379235181>
Livestream: <http://facebook.com/BentonCoGov>
Tuesday, November 16, 2021
8:00 a.m.

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

Staff: **Rick Crager**, Finance Services; **Teresa Farley**, Lili’a Uili, BOC Staff; **Nick Kurth**, Justice Systems Improvement Program; **Tracy Martineau**, Human Resources; **Erika Milo**, BOC Recorder; **Alyssa Rash**, Public Information Officer; **Jef Van Arsdall**, Sheriff

Guests: **Carol Bujwit**, Community Health Center Board; **Geoffrey Hollander**, **Ginny Katz**, Oregon State University; **Gary Pond**, real estate broker; **Curt Wright**, marketing communications consultant

Chair Augerot called the meeting to order at 8:11 a.m.

I. Opening:
 A. Introductions
 B. Announcements

No announcements were made.

II. Comments from the Public

William Rabe, resident: As a hazard risk consultant, Rabe reviews large chemical plants regarding natural hazards and emergency response. Concerning the Justice Systems Improvement Program (JSIP) South site, Highway 99-West and Avery Park bridges over the Marys River and the elevated roadway over 99-W do not appear to be reinforced for earthquakes. That area is also in the flood hazard zone. Siting a Justice Center and Emergency Operations in south Corvallis means emergency resources from the south could be blocked, preventing timely response to approximately 90% of Benton County’s population which lives north of the Marys River. East-west roads to Bellfountain Road are also in the flood plain. The Justice Center should be north of the Marys River, with multiple routes to various parts of the county. South Corvallis also has largest amount of open land for future development. Putting a jail there, especially without a courthouse, would decrease the potential for future residential and commercial development in the area.

Another resident expressed concern about the South site’s proximity to Riverbend Park and Lincoln School.

III. Review and Approve Agenda

The following item was added to the agenda under Item IV Executive Session:

4.3 Executive Session pursuant to ORS 192.660(2)(d) – Labor Negotiations

IV. Executive Session

Chair Augerot recessed the meeting at 8:13 a.m.

Chair Augerot reconvened the meeting at 8:15 a.m. and immediately entered Executive Session under:

- 4.1 Negotiations for Property Transactions pursuant to ORS 192.660(2)(e) – Real Estate**
- 4.2 Consider the Employment of a Public Officer pursuant to ORS 192.660(2)(a) – Employment of a Public Officer**
- 4.3 Executive Session pursuant to ORS 192.660(2)(d) – Labor Negotiations**

Chair Augerot exited Executive Session at 9:09 a.m. and immediately resumed the regular Board Meeting.

V. Departmental Reports and Requests

- 5.1 Discussion to Consider Filling Vacant Community Health Centers (CHC) Director Position – *Tracy Martineau, Human Resources Director***

Augerot explained that after a search process for a new Linn-Benton CHC Executive Director, the CHC Board recommended Interim Director Carla Jones.

Bujwit requested that the Board approve Carla Jones for the position.

MOTION: Wyse moved to recommend Carla Jones for the position of CHC director effective December 2, 2021. Malone seconded the motion, which **passed 3-0.**

- 5.2 Timeline Discussion and Update on the Justice System Improvement Program (JSIP) – *Nick Kurth, JSIP Manager***

Kurth discussed the possibility of a bond date of May 2023 instead of November 2022. Today's Executive Session (ES) discussed property acquisition. Next week, the Board will discuss the Historic Courthouse (HCH) and whether to keep the District Attorney (DA) there or relocate to a new Courthouse (NCH). Another ES on November 29, 2021 will discuss property acquisition. On November 30, 2021, the Board will decide about the South site, followed by an ES. On November 7, 2021, the NCH funding model will be determined. The HCH/DA decision drives how the County repurposes the HCH, which also relates to how to fund the NCH State matching funds. The State is ready to re-engage on the NCH funding agreement and needs to know how many bonds will be sold. The Board must also choose a site.

Kurth compared pros and cons of a May 2023 bond date versus a November 2022 date. November cons include the timing of tax bills and the complexity of a general election; November 2022 is a midterm election for all House seats and many Senate seats. In November 2018, 77% of ballots were cast, versus 38% in a special election; costs are much greater for a general election. A May 2023 bond date allows more time for site selection, research, and engagement.

Malone noted that November 2022 is also the Governor's election, which could increase participation.

Wright noted that creates one more point of heightened voter interest in something other than JSIP. The less attention money matters get, the more likely that less-informed voters will vote no, as that is the easy decision.

Kurth observed that upcoming elections also include many mayoral and gubernatorial races. The biggest disadvantage of a May 2023 bond measure is project cost escalation. John Bales, DLR Group cost consultant, estimated potential cost escalation of 19.2% with a May 2023 bond date. Each additional year could add at least 6.5%. Currently, building goods and other supply chains are severely impacted by shortages. The \$50 million Correctional Facility will now cost \$60 million. The County intended to ask for a \$100 million bond, but now needs a \$120 million bond even with no program changes. Such costs are hard to predict. Kurth placed reliance on the consultant and felt that DLR is conservative in its estimates to avoid having a bond pass that does not cover expenditures. County staff examined initial costing twice; Sheriff's Office staff reviewed the options carefully. Kurth considers these numbers accurate.

Malone felt that predictions have not been very accurate in the past two years; the situation could change in the County's favor. Long-term interest rates when borrowing will have a big impact on total costs, and look favorable so far. The first priority is passing the measure. Many community member emails request that the Board take more time to consider the decision.

Kurth agreed. These numbers are large. In 2020, DLR's cost escalation estimate with an April 2023 start date was 1.1%; an April 2024 start was 3.7%. Another disadvantage of a May 2023 bond date is that City of Philomath School District 17J has a local option levy renewal on that date. Kurth asked Philomath officials to reconsider that date, but was refused. Kurth asked the Board whether to pursue the discussion. The election would be right before 17J's current levy expires; Kurth suggested some advantages to the District of holding the levy renewal early.

Malone opined that chances of success are much greater with an election in May 2023 than November 2022. A November date entails the cost of communicating to twice as many voters. Malone encouraged Kurth to continue the Philomath discussion.

Wyse felt comfortable having Kurth work with 17J if the Board chooses May 2023. Wyse asked about other cons if the Board continues to target November, then decides later to move the date, as opposed to deciding on 2023, then going back to November.

Kurth replied that the timing is fundamental to engagement strategy and affects how long the Board has to select a site. It is better to have a known goal. Preparation for each date would be different. Kurth would not want to pursue such a strategy.

Augerot added that pushing the date back could cause problems with the NCH State matching Courthouse Capital Cost Construction & Improvement funds. Augerot agreed with Malone that May 2023 makes more sense. The price escalation is alarming, but improved facilities and programs require hard decisions.

Wyse was concerned about the \$20 million cost increase with the later date.

Malone questioned the accuracy of the cost prediction. If the bond is unlikely to succeed in November 2022, the cost is somewhat irrelevant.

Kerby noted that if the bond is delayed to May 2023 and prices escalate, prioritizing the facilities becomes even more important; one facility might have to be canceled to offset rising costs.

Wright felt the delay gives Rash an opportunity to tell the community that despite possible major cost increases, the Board thinks it is worth delaying in order to do the best possible job of connecting the campus to the JSIP plan. This might be an advantage in the Philomath conversation, which could include Philomath elected officials or former officials.

Kurth agreed that is a viable strategy.

Malone agreed that more time provides more opportunity for community engagement. The public needs to be reminded of information from the earlier Criminal Justice Assessment.

Kurth asked Crager how much a six month delay would affect borrowing rates and activities.

Crager met with Mary Otley (former Chief Financial Officer), the County's financial advisor, and one of the underwriters on November 12, 2021 regarding the \$20 million in State courthouse bonds. This is a prime time for borrowing. Low rates could last for some time. Staff will monitor rates.

Malone compared rates in 2020 when the County purchased the Kalapuya Building. Through all this uncertainty, long-term rates haven't changed that much in the past 18 months.

Crager can explore rate predictions in more depth with the underwriters.

Kerby recommended that the Board only provide direction today, saving a formal action (in the form of a resolution) for later if needed.

The Board expressed support for a JSIP bond measure date of May 2023.

VI. Other

No other business was discussed.

VII. Adjournment

Chair Augerot adjourned the meeting at 9:52 a.m.

Xanthippe Augerot, Chair

Erika Milo, Recorder

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

**CITY OF CORVALLIS CITY COUNCIL AND
BENTON COUNTY BOARD OF COMMISSIONERS
JOINT WORK SESSION
DRAFT MINUTES
January 13, 2022**

I. CALL TO ORDER

Via video conference, at 4:00 pm on January 13, 2022, Mayor Traber called to order the joint work session of the Corvallis City Council and Benton County Board of Commissioners. The joint work session was available for the public to observe live via the internet.

PRESENT: Mayor Traber; Councilors Struthers, Yee, Shaffer, Chaplen, Ellis, Shepherd, Maughan, Napack; Commissioners Wyse, Augerot, Malone

ABSENT: Councilor Lytle

II. LOCAL GOVERNMENT HOUSELESSNESS SUPPORT NETWORK: THE PARTNERSHIP OF COMMUNITY SERVICES CONSORTIUM, BENTON COUNTY, CITY OF CORVALLIS AND HOPE

Community Services Consortium (CSC) Executive Director McGuire provided a PowerPoint Presentation (Attachment A). CSC helps people identify programs for which they may qualify and connects them with the organizations that can assist with the individual's specific needs. CSC still offers a weatherization program to help keep utility bills low and to address health and safety issues in the home. The single family home rehab program is coordinated by DevNW. The annual Point-In-Time (PIT) count, which was anticipated for late January, may be rescheduled to the end of February due to the spike in COVID cases; a decision is expected in a few days. The PIT count represents only 25 to 30 percent of the number of people who are homeless. The overall approach to helping the homeless in Benton County is inconsistent, with several agencies offering similar and sometimes overlapping services. It is challenging to maintain accurate data to understand how many people in Benton County are homeless. Corvallis Housing First and Community Outreach, Inc. use coordinated entry to some degree, but emergency shelters such as Unity Shelter do not. Coordinated entry is more efficient because it identifies people's individual needs and refers them to programs or other agencies as needed. The City and County could mandate use of coordinated entry as a condition of receiving funding. Corvallis Community Development Director Bilotta said the City added the coordinated entry requirement in this cycle of Community Development Block Grant funding. Director Bilotta emphasized the importance of the City and County acting as funders, not donors. The City and County are buying services because they have a responsibility in that area. Funding should be directed, perhaps through requests for proposals. If local government is perceived as a donor, private donations tend to drop because people think the government has the money it needs to provide the service. Councilors and Commissioners thanked CSC staff for their work.

Benton County Health Department Director Hoffman described the Health Department's many roles, including policy leadership and facilitation, and noted how the pandemic has further impacted those roles. The Health Department has several specialized teams to coordinate care for the most vulnerable community members. Examples include the communicable disease team, environmental health team, behavioral health team, community treatment team, crisis team, and harm reduction

team. Programs and services include administering the Women, Infants and Children's program, immunizing homeless people, and collaborating with other providers who provide services such as meals and permanent supportive housing. Benton County does not have a dedicated methadone clinic, but would like to build capacity in this area, which requires special training. The Health Department's biggest challenge right now is COVID-19, which has diverted time and energy from everyone. Staff was not certain of the percentage of homeless people in Benton County who are vaccinated, but will check with the public health team to see if an estimate is available.

Councilor Chaplen advocated for including Samaritan Health Services in future City/County/CSC conversations. Director Hoffman noted that Bruce Butler, Chief Executive Officer of InterCommunity Health Network and Samaritan Health Plans, serves on the HOPE Board and has been very engaged. Commissioner Augerot said Samaritan has its own strategic plan and its focus right now is on respite beds. Samaritan representatives are very easy to reach and responsive to requests for expertise and assistance.

HOPE Coordinator Arena described how the HOPE Board serves in an advisory capacity to provide data driven policy recommendations. Coordinator Arena highlighted the additional responsibilities of facilitating, coordinating and convening of community partners; this work is a separate function from HOPE. Up to 21 volunteers meet monthly. Coordinator Arena noted that no applications were submitted last year for Measure 110 funding due to provider capacity limitations. This year, 11 Benton County organizations have applied for \$5 million of this funding. Coordinator Arena briefly discussed the State's new City-County Coordinated Homeless Response Pilot Program. The City of Corvallis and Benton County were one of eight communities selected for the two-year pilot program. The Legislature must still approve the funding, which would be \$1 million for each pilot organization over a two-year period. Councilor Shepherd will coordinate letters from the Council and Commissioners to advocate for funding approval and expressed appreciation for staff's work to apply for the pilot project.

Director Bilotta said the community has been confused about agency roles and noted the need to improve communication. On the City side, many people do not understand that public health is a Benton County role. The City's housing staff has been working on a project that will bring 200 to 300 affordable housing units to Corvallis soon. Director Bilotta provided updates on work with service providers and described how the provider network's structure has become fractured. The disconnect is not the fault of the providers themselves; everyone is working very hard. Transitioning to a coordinated entry system will require capacity building, but the result will be an efficient and effective approach that addresses people's individual needs, which could involve assistance from multiple entities. Funding from the American Rescue Plan Act is a good source for this work and in the spring, staff will present proposals to bring in trainers.

Director Bilotta described how the Library serves as a place for people to warm or cool, or shelter during storms. The City's Parks division continues to provide an enhanced sanitation program in five parks and there is an extra dumpster in Pioneer Park. Staff monitor river levels and seek out campers who are in danger, encouraging them to move to higher ground. The undeveloped land behind Third Street Commons has potential to be used for additional permanent supported housing and City Construction Excise Tax funding is being used to hire a predevelopment consultant. The City and County need more non-congregate sheltering similar to Third Street Commons. It is important to be in a state of readiness in case another Project Turnkey opportunity arises.

On Tuesday, the City Council will have an opportunity to approve use of Community Development Block Grant funding for four more units of permanent supportive housing. State mandated removal of the size limit for unrelated adults is increasing capacity within existing housing stock. Director

Bilotta stressed the importance of thoughtfully using funds to fill gaps, ensuring that money is not spent from one source when it was more appropriate to come from another.

The City/County provider joint work group meets every two weeks to openly discuss complicated issues; the group is working well and provides an opportunity for strategic thinking. Collaboration is ongoing and communication barriers have been lowered. The information sharing is valuable, including learning about needs and status of projects.

Councilor Chaplen reiterated support for including Samaritan Health Services in future discussions.

Councilor Ellis wanted providers to be present at the next discussion to provide their perspectives. Mayor Traber suggested that City, County and CSC staff develop a structure for that discussion to ensure effective use of everyone's time.

III. COMMUNITY COMMENT (written only)

Chad DeMers urged the City to suspend or revise Municipal Code Section 6.10.040.040, Prohibited Parking, item 4 (Attachment B).

IV. ADJOURNMENT

The joint work session adjourned at 5:56 pm.

APPROVED:

APPROVED:

MAYOR

BOARD OF COMMISSIONERS CHAIR

ATTEST:

CITY RECORDER



Community Services Consortium

Pegge McGuire, Executive Director

pmcguire@communityservices.us

How Did We Get to this Point? A Few Examples



Decades of disinvestment by the federal government

- 1978-1983 the HUD budget authority shrank from \$83B to slightly over \$18B (in 2004 constant dollars)
- See the following slides for more recent data
- 1996-2020-there has been no funding for new public housing units

Civil rights legislation in the 80's, designed to provide greater freedom of choice for individuals with disabilities, resulted in closure of institutions of care without commensurate investments in independent living supports and housing subsidies

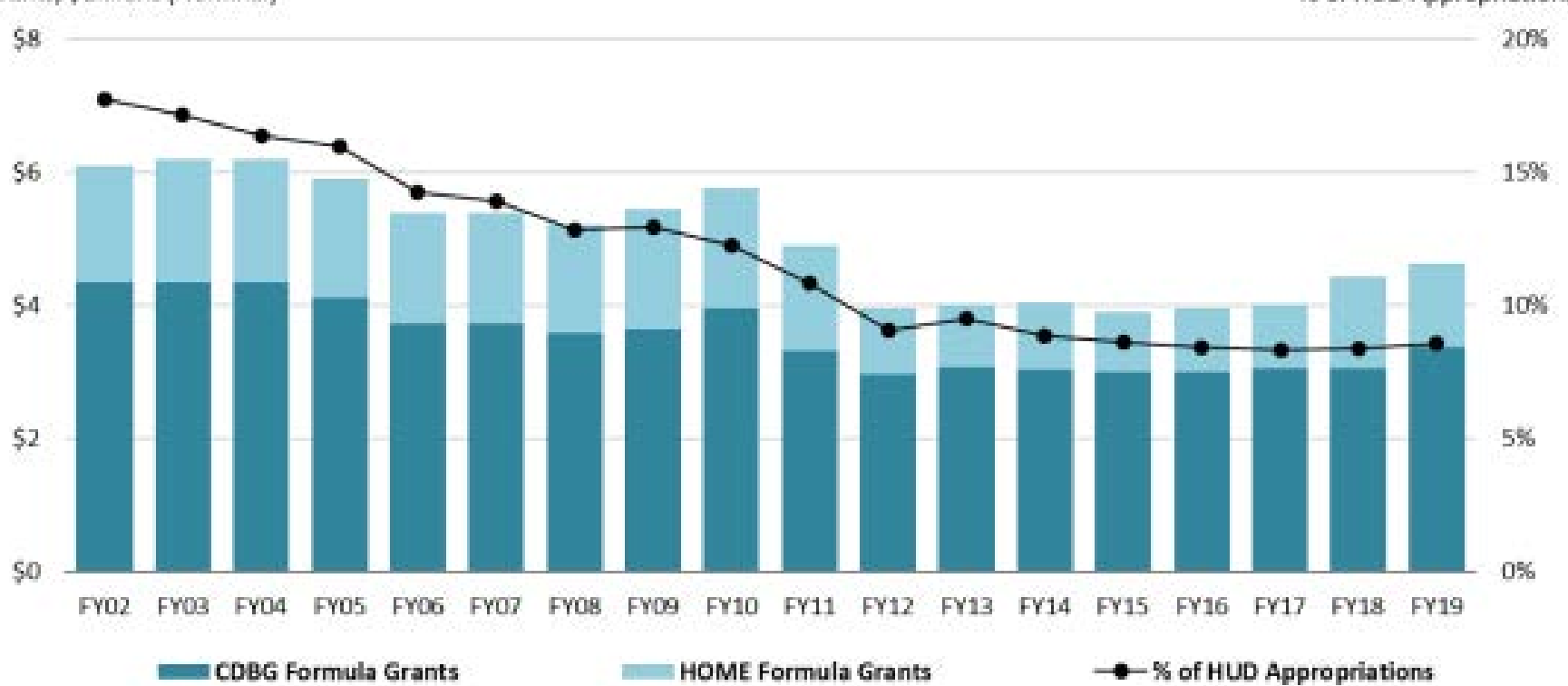
HUD loans made to private market investors for temporarily affordable housing matured and investors sold the properties or converted them to conventional units

IRS tax changes to passive income losses in the 80's eliminated incentives for those with high incomes to form syndications for the purpose of investing in real estate development

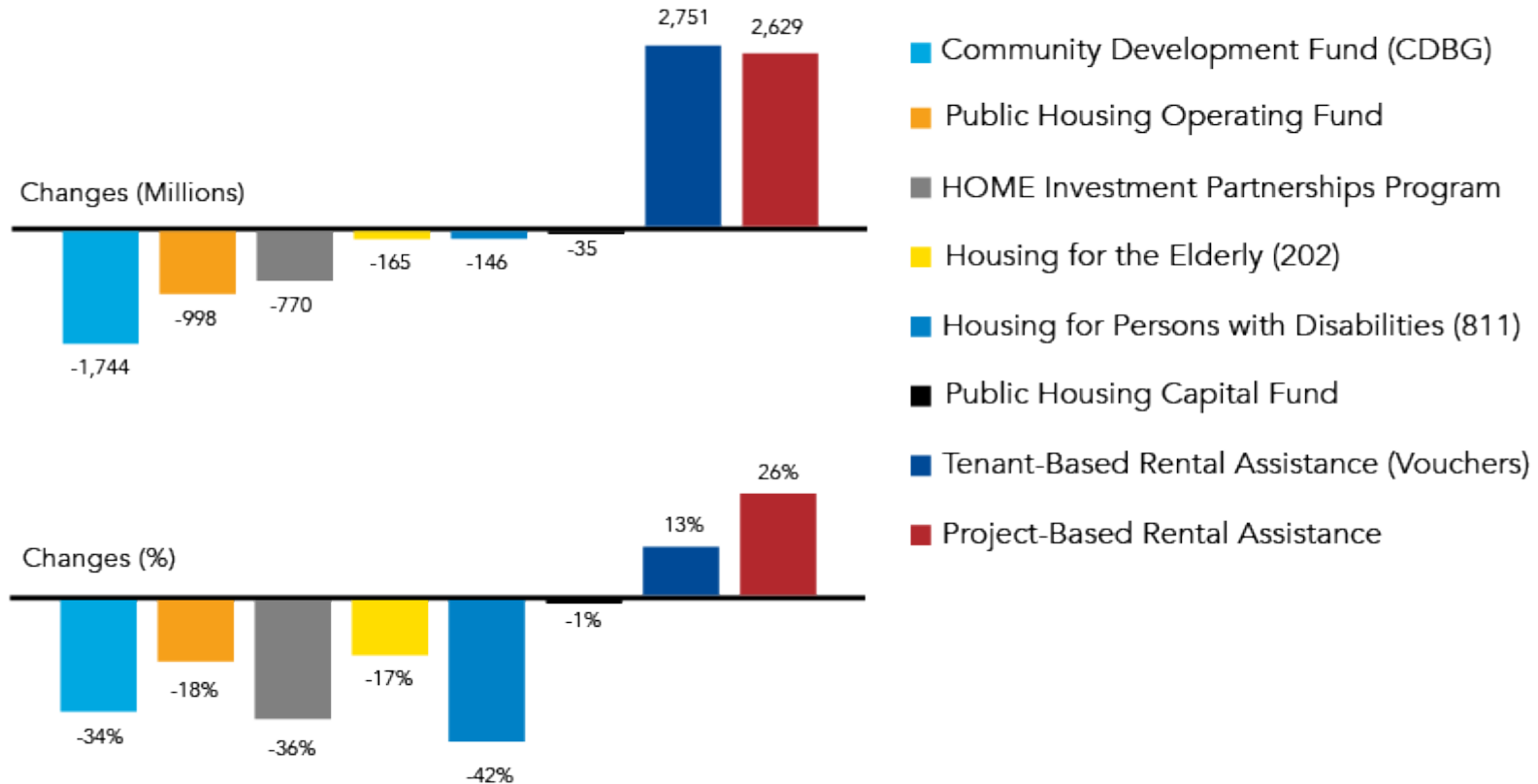
- Projects previously benefitting from consistent infusions of cash were no longer fiscally viable and properties declined in value due to deferred maintenance

The consistent failure by the State of Oregon to prioritize funding for mental and behavioral health treatment has routinely ranked Oregon at the bottom (50th) of the states for mental/behavioral health program investment.

Due to the state's inability to meet staffing and bed space to support those in mental health crisis, there is currently no civil commitment option

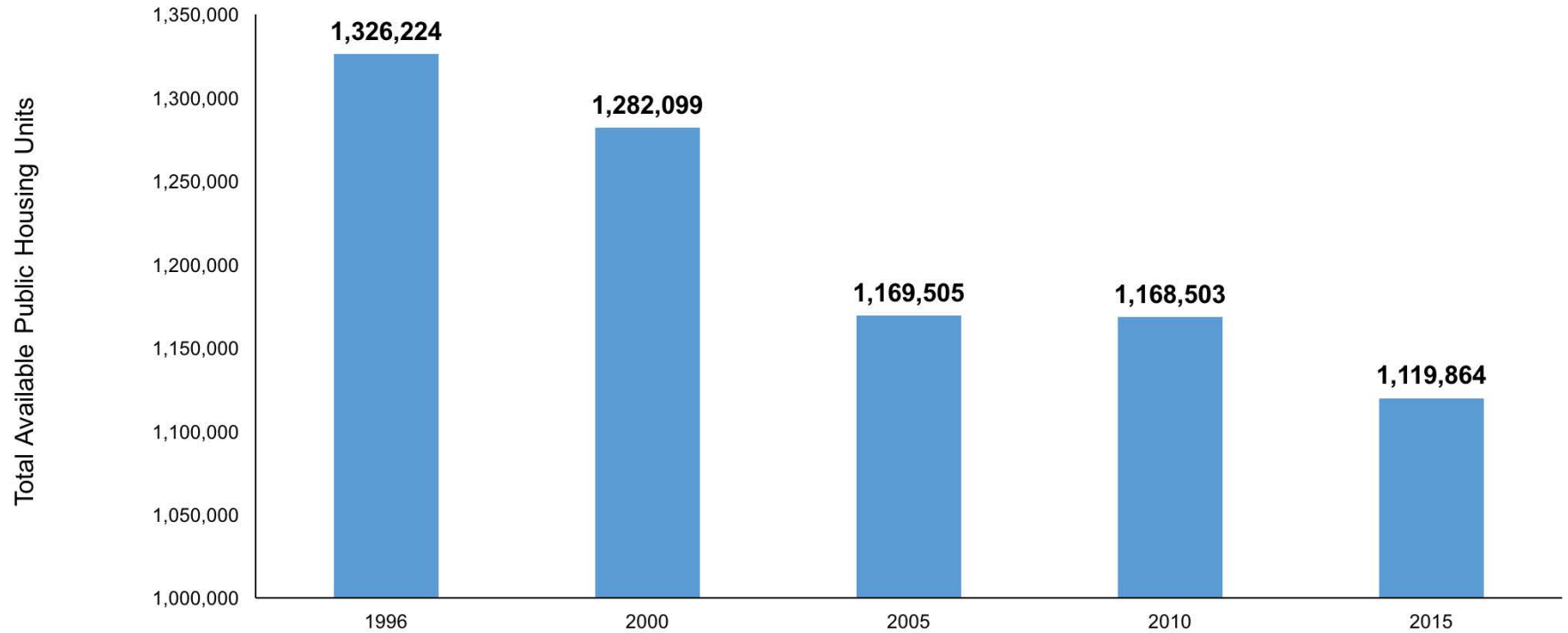


Changes in Funding Levels for Key HUD Programs (FY10-FY20)



Note: Adjusted for inflation

The Shrinking Public Housing Stock (1996-2015)



Source: A Picture of Subsidized Households (HUD)

1-13-2022 CC/BOC Joint Work Session minutes attachments

Chart 1: HUD Subsidized Housing Units ⁵¹

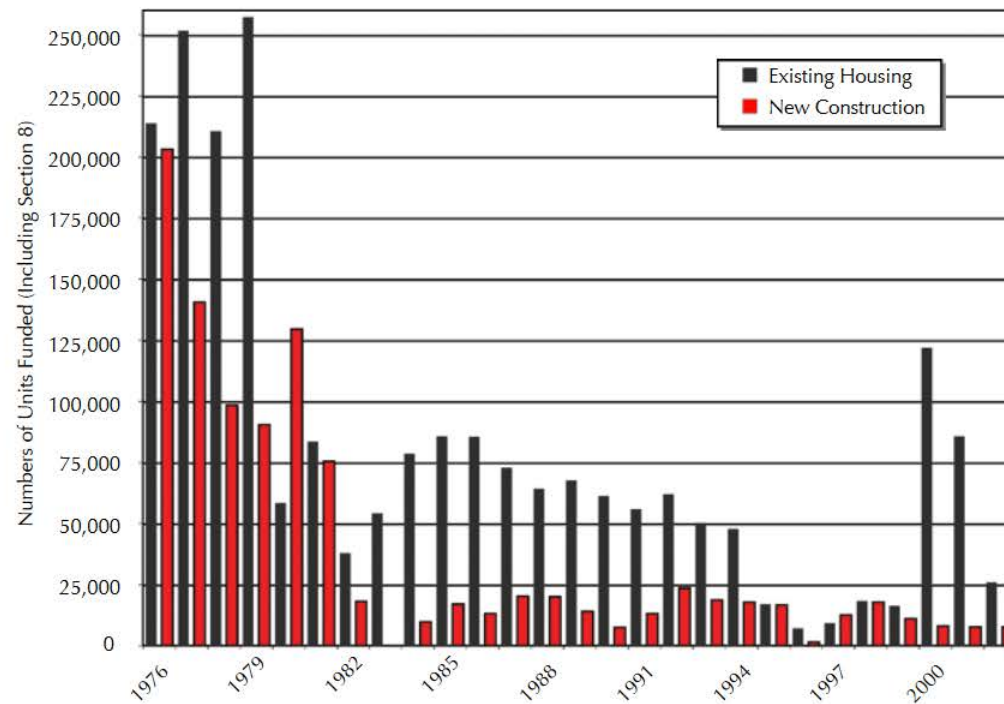
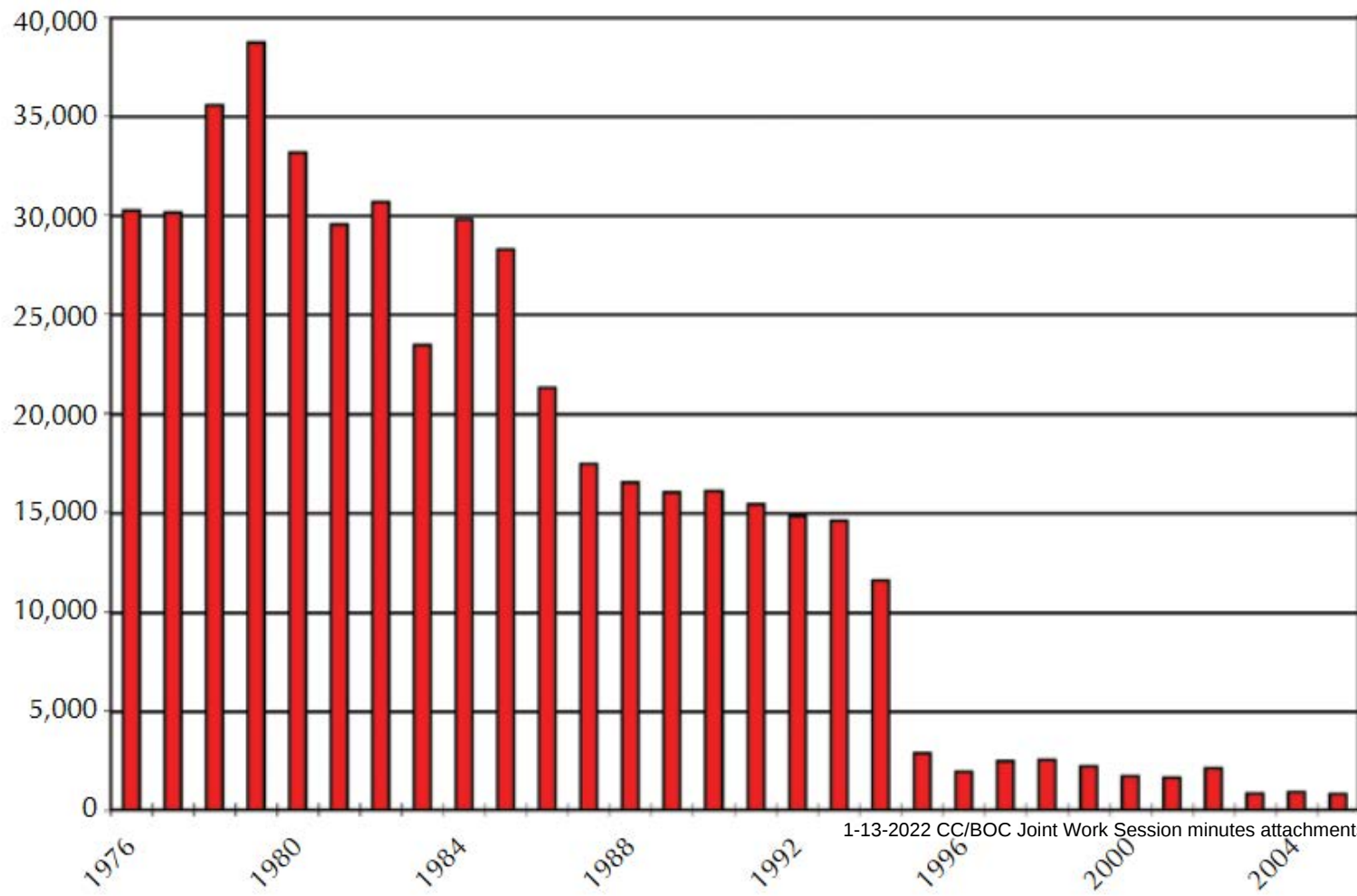


Chart 2: Rural Affordable Housing Units Created by Section 515⁵⁹



1-13-2022 CC/BOC Joint Work Session minutes attachments



We can keep bailing but until we find a way to address the reasons the lifeboat continues to fill, we will persist in dealing with this as a crisis rather than with a measured and planned response.

Why and How is CSC involved?



CSC is the state and federally designated Community Action Agency (CAA) for Linn, Benton, and Lincoln Counties.

CSC is your official representative to the Rural Oregon Continuum of Care (other local groups participate too) which is your “local Continuum of Care” (a HUD funding designation).

CSC is a unit of government, as designated by ORS 190 (similar to the COG) to work on behalf of the three counties to address issues of poverty and administer anti-poverty funding (Lane, Clackamas, and Multnomah County --the other “public” CAAs --are all funded by their county budgets). CSC has over 190 different funding sources, from grants to donations, which support our work. We are not part of the county budget, therefore we operate more like a non -profit in this regard.

CSC’s Governing Board is comprised of the nine county Commissioners of the three counties we represent. We also have a “tripartite” board, which is a regulatory requirement of all CAAs.

CSC is a social service and social justice entity. CAAs were developed in the 1960’s as part of the civil rights movement and our role is to eliminate the root causes of poverty and ameliorate the conditions of poverty.

CSC is responsible for the annual Point In Time Count of the unhoused for the three counties.

CSC manages the Coordinated Entry process.

CSC passes funding through to local partners who fill gaps in services not provided by CSC (e.g. emergency shelter).

Examples of Resources Provided by CSC

Funding support for street outreach activities in Linn and Benton Counties

Funding emergency housing efforts in Linn and Benton Counties (ranging from Safe Camps to congregate shelter)

Funding motel vouchering programs in Linn, Benton, Lincoln Counties

Supporting acquisition and rehab of Project Turnkey sites in Benton and Lincoln Counties

Providing financial and supportive services collaboration in all housing types (PSH, transitional, case-managed rental housing, etc.)

Supporting housing assistance through rent subsidies and short-term/emergency rental assistance, and other housing stabilization resources

Partnerships with affordable housing developers to create referral priorities by providing on-going case management and other wrap around services to clients.

Participation in collaborative efforts such as HOPE, HEART, Coastal Support Services

Supporting OSU/CSC research projects to find more effective methods to measure homelessness

Administering and supporting homeless veteran programs across the three counties (I am a veteran, so this near and dear to my heart.)

Working on re-entry programs, IHN-CCO, and HUB/SIM intervention and collaborative response models in Lincoln and Benton Counties

CSC owns and operates affordable housing units in Lincoln County

Our Funding and the Future

As a CAA, we are currently in state and federal statute as the anti-poverty delivery network. Discrete funding comes to us because of this designation. This system is in question presently and we may not continue to hold this direct pipeline to funding in the state allocations.

We have passed through state Out of the Cold (OOTC) funds, federal Emergency Solutions Grant-COVID funds, and CARES funds to local shelter partners. At the request of local providers, CSC applied for additional Emergency Solutions Grant-COVID CARES funds which OHCS awarded via an RFP. These ESG-CV2 funds were distributed to a network of partners in Linn and Benton Counties.

We have also distributed, via direct service delivery and through culturally specific partners, 10's of millions of dollars in rental assistance to prevent homelessness.

Our ordinary annual budget of approximately \$25 million has more than doubled as a result of CARES and ARPA program funds, as well as state legislative initiatives and donations. (Don't get too excited, this includes a lot more than housing programs!)

It is essential that we all work together to plan for the ramp-down from this windfall so that we land on the right glide path to move forward thoughtfully to provide a continuum of services for anyone who is unhoused. Not all options work for every person; we need a variety of choices to ensure those who wish to be housed can choose what will work for them.

Data collection, tracking, and analysis will help us determine our return on investment based on successful outcomes for the client.

RECEIVED: 1/13/2022 10:00:21 AM

NAME/ADDRESS: Chad Michael DeMers, 318 N 12th St., Philomath OR 97370

CONTACT (if any): corvallis Chad@gmail.com

TOPIC: Suspend code 6.10.040.040

MEETING DATE: 1/13/2022

In light of the pandemic and the housing crisis, I'm requesting that municipal code 6.10.040.040, Prohibited Parking, item 4), is suspended or revised.

Please reinstate the Martin v. Boise Sleeping Area Guide that was suspended on March 15, 2021.

Although I'm able to relocate every 48 hours, I find continual anger from Corvallis residents regarding the parking of my RV on a street. This complaint driven system of harassment is a violation of my privacy. I don't appreciate police and residents disturbing my peace because I'm living in a vehicle. I don't like being threatened by your Corvallis parking officer that she can impound my vehicle without a second warning. I live in fear that my home will be towed away with huge expenses and city fines. I'm not destitute, I have a few thousand in the bank. I'll get a job after this pandemic is over.

In closing, please stop harassing me while I shelter in place during this pandemic. I feel I have a right to exist. Again, please suspend or revise Corvallis municipal code 6.10.040.040

Thank you,
Chad DeMers
corvallis Chad@gmail.com
541-740-1569
318 N 12th St., Philomath, OR
(mailing address) I mostly park on Spruce behind Walmart in Corvallis

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/15/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Greg Verret, Gordon Kurtz

Phone Extension * 6294, 6006

Meeting Attendee Name * Greg Verret, Gordon Kurtz

Agenda Item Details



Item Title * Amendments to Chapter 36 -

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

**Names/Dates of
Publications**

List each publication name and date
Gazette Times, January 31, 2022

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The current National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer Systems (MS4) Permit requires that the County update its Illicit Discharge code language to meet new and revised standards. Staff representatives from Community Development, Environmental Health, and Public Works working together in the MS4 Stakeholders' Group meetings have concluded that Chapter 36 of the Benton County Code (Illicit Discharge) should be modified to meet the requirements of the permit and that the jurisdictional authority of this code chapter be expanded to cover actions Countywide, where applicable. Staff has identified other elements of Chapter 36 that require updates and corrections. It was determined to be an expedient use of the Board's time to address these updates and corrections at the same time.

Options *

- 1) Changes to Chapter 36 were presented to the Board of Commissioners at the Public Works Division Meeting on February 9, 2022.
- 2) Public Hearing and first reading of the proposed code changes.
- 3) Assessment, analysis, discussion, and directives to staff.
- 4) The code language will be modified as the Board directs. This will be executed by staff and a revised document produced for a public hearing, second reading, and acceptance of the new code on March 1, 2022.

Fiscal Impact *

- ☐ Yes
☒ No

2040 Thriving Communities Initiative

Mandated Service? ^{*} ☒ Yes ☐ No

2040 Thriving Communities Initiative

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

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

Mandated Service Description ^{*} If this agenda checklist describes a mandated service or other function, please describe here.
No Benton County expenditures are anticipated. Revenue may be generated from fines levied due to non-compliance with new and existing standards.

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
- ☐ NA

Explain Core Values Selections ^{*}

Vibrant, Livable Communities – The proposed code modifications strengthen and clarify the identification, and elimination of illicit (non-stormwater) discharges throughout the County and coupled with recent modifications to BCC Chapter 36, provide for enforcement of environmental and water quality standards. The new code updates, improves, and expands regulatory language, establishes County-wide coverage of the requirements, and is supported by a progressive enforcement escalation mechanism (BCC Chapter 36) to ensure protection of our environmental resources and water quality.

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

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

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

Focus Areas and Vision *

Select all that apply.

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

Explain Focus Areas and Vision Selection *

Community Safety – Provides updated and expanded/enhanced identification parameters and enforcement processes to address and mitigate violations that threaten the health of the environment and the public.

Outdoor Recreation – Provides expanded/enhanced enforcement processes to address and mitigate violations that threaten the viability and public safety of outdoor recreation areas, including the County's Parks, Natural Areas, open spaces, waterways, and atmosphere.

Environment and Natural Resources – Provides expanded/enhanced enforcement processes to address and mitigate violations that threaten the health of our lands, waterways, and atmosphere.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Staff recommends adoption of the proposed code modifications.

Meeting Motions * I move to ...
I move to approve the proposed amendments to Chapter 36 of the Benton County Code and to conduct the first reading of Ordinance No. 2022-0308.

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.

Ordinance 2022-0308 - Ch 36 amendments.docx 46.81KB

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

Department GREG VERRET
Approver

Department Approval

Comments

Signature

Frag Deloit

BOC Initial Approval

Approvals Required ☒ Counsel

☐ Finance

☐ HR

Counsel Approver VANCE CRONEY

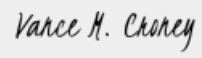
**County
Administrator
Approver** JOE KERBY

Comments

Counsel Approval

Comments

Signature

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and reads "Vance H. Cheney".

Vance H. Cheney

County Administrator Approval

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

Signature

Teresa Foley

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

In the Matter of Amending Benton County Code Chapter 36, Illicit (Non-Stormwater) Discharges	)))	Ordinance No. 2022-0308
---	-------------	--------------------------------

WHEREAS:

Pursuant to the National Pollution Discharge and Elimination System, Benton County is required by Oregon Department of Environmental Quality (DEQ) to effectively prohibit non-stormwater discharges into the County's municipal separate storm sewer system.

In order to comply with the terms of NPDES permit issued to Benton County by DEQ, the County adopted Chapter 36 of the Benton County Code to establish procedures for detecting and eliminating illicit discharges into the Benton County small municipal separate storm sewer conveyance system.

Revisions to Benton County's permit from DEQ necessitate modifications to Chapter 36 in order to comply with DEQ requirements.

Benton County Board of Commissioners held a duly advertised public meeting and conducted the First Reading of the proposed Ordinance on February 15, 2022.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

PART I: Short Title. Amendments to Chapter 36 of the Benton County Code regarding illicit (non-stormwater) discharges.

PART II: Authority. The Board of County Commissioners of Benton County has authority to amend the county code pursuant to the Benton County Charter.

PART II: Benton County Code Chapter 36 is hereby adopted as shown in "Exhibit 1."

PART IV: The effective date for these amendments to the Benton County Code will be:

First Reading: February 15, 2022

Second Reading: _____

Effective Date: _____

BENTON COUNTY BOARD OF COMMISSIONERS

Approved as to Form: _____
Nancy Wyse, Chair

County Counsel Pat Malone, Commissioner

Xanthippe Augerot, Commissioner

Recording Secretary

Exhibit 1

Amendments to Chapter 36 of the Benton County Code

CHAPTER 36

ILLICIT (NON-STORMWATERWATER) DISCHARGES

I. GENERAL PROVISIONS

36.005 Purpose and Intent

- (1) The purpose of this chapter is to protect and enhance the public health, safety, general welfare, financial investment in public and private infrastructure, private property value, the environment, water quality, and waterways, and the quality of life of the inhabitants of Benton County through the regulation of non-stormwater discharges to the Benton County municipal-separate-stormwater sewer-conveyance systems to the maximum extent practicable consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq. (1972)).
- (2) This chapter establishes methods for controlling the introduction of pollutants into the municipal-separate-stormwater sewer-conveyance systems in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) and Stormwater Discharge Permit issued to Benton County by the Oregon Department of Environmental Quality. Goals of this chapter:
- (a) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping, excessive erosion or disposal of pollutants that degrade the natural environment; maintain or improve water quality within Benton County as required under State and Federal National Pollution Discharge Elimination System law and as benefits the environment and the community, and
 - (b) Establish legal authority to carry out inspection, investigation, monitoring and enforcement procedures necessary to ensure compliance with this chapter. [Ord. 2011-0243]

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36.010 Applicability

~~The provisions of this Chapter 36 shall apply within the Corvallis Federal Urbanized Area boundary as regulated by the Environmental Protection Agency and Oregon Department of Environmental Quality. The provisions of Chapter 36 shall apply to all unincorporated areas of Benton County. The Benton County Environmental Health Administrator and the Community Development Director, shall administer, implement, interpret, and enforce the provisions of this chapter. Chapter 36 with assistance from the Public Works Director and Community Development Director.~~

36.015 Administration.

Administration of this Chapter, under the supervision of the Board shall be by the Benton County Community Development Department. The Community Development Director or designate shall administer, implement, interpret, and enforce the provisions of this chapter under the Director or

designate. The following persons and agencies shall assist the Department in carrying out its duties under BCC Chapter 36: Health Department (Environmental Health); Finance Department (Fiscal Management and Rates); Public Works Department (Public Facilities); County Counsel, District Attorney, and Sheriff (Enforcement).

36.100 Definitions

- (1) **“Accidental Discharge”** means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence. It does not include any discharge situation which County staff or other appropriate authorities have already notified responsible parties or discussed the situation with them.
- (2) **“Best Management Practices (BMPs)”** means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (3) **“Clean Water Act”** means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- (4) **“Construction Activity”** means activities subject to the Oregon Phase II Municipal Stormwater Program or NPDES General Construction Permits or Benton County Erosion and Sediment Control Permit requirements.
- ~~(4)~~(5) **“County”** means those administrative authorities described in 36.015.
- ~~(5)~~(6) **“Discharge Permit”** means a permit issued by the Oregon Department of Environmental Quality under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- ~~(6)~~(7) **“Groundwater Interceptor”** means any natural or artificial groundwater or surface water drainage system, including drain tile, curtain drain, foundation drain, cut banks, and ditches, that intercept and divert groundwater or surface water from the area of an onsite wastewater treatment absorption facility.
- ~~(7)~~(8) **“Hazardous Materials”** means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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(8) ~~“Health Administrator” means the Benton County Environmental Health Administrator or designee.~~

(9) **“Illicit Discharge”** means any direct or indirect non-~~storm~~water discharge to the ~~C~~ounty ~~municipal-separate storm~~~~stormwater sewer~~~~conveyance~~ system~~s~~, except as exempted.

(10) **“Illegal Connection”** means either of the following :

(a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter a ~~stormwater conveyance system~~ including but not limited to any conveyances which allow any non-~~storm~~water discharge including sewage, process wastewater, and wash water to enter the ~~stormwater drain-conveyance~~ system and any connections to the ~~stormwater drain-conveyance~~ system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or

(b) Any drain or conveyance connected from a commercial or industrial land use to the ~~stormstormwater drain-conveyance~~ system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(11) **“Municipal Separate Storm Sewer System (MS4)”** means a conveyance or system of conveyances including but not limited to any roads with drainage systems, county streets, curbs, gutters, inlets, catch basins, piped ~~storm~~ drains, pumping facilities, structural ~~storm~~ water controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

(a) Owned or maintained by Benton County;

(b) Designed or used for collection or ~~conveyance of storm~~water;

(c) Not a combined sewer; and

~~(d)~~ Not part of a publicly-owned treatment works as defined by 40 CFR §122.2.

~~(d)(e)~~ Within the boundaries of the Federally Recognized Urbanized Area.

(12) **“Nonpoint Source”** means causes of water pollution that are not associated with point sources. Examples may include: fertilizer/pesticide runoff; sediment runoff from construction. Nonpoint sources may enter a discrete ~~stormwater conveyance system~~ and become a point source.

(13) **“Non-Stormwater Discharge”** means any discharge to the ~~stormwater conveyance system~~ that is not composed entirely of ~~storm~~water.

(14) **“Outfall”** means a point source as defined by 40 CFR, § 122.2 at the point where a ~~municipal-separate stormwater sewer-conveyance system~~ discharges to waters of the state.

- (15) **“Person”** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, governmental entity, any interstate body or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.
- (16) **“Pollutant”** means a contaminant(s) that enters the natural environment that causes harm and its severity is based on its chemical nature, the concentration and the persistence. Examples of pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents; degreasers; cleaning chemicals; garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; and sediment.
- (17) **“Pollution”** means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any water of the state that either by itself or in connection with any other substance present can reasonably be expected to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wildlife, fish, other aquatic life or the habitat thereof. (OAR Ch. 340 Section 41: (45))~~means the human-made or human-induced alteration of the quality of waters by waste to a degree that unreasonably affects or has the potential to unreasonably affect the waters of the state.~~
- (18) **“Premises”** mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- ~~(18)~~(19) **“Stormwater Conveyance System”** means drainage facilities, both natural and manmade, which collect, contain, and provide for the flow of surface and storm water from the highest points on the land down to a receiving water and includes the MS4. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the conveyance system include gutters, ditches, pipes, channels, and most retention/detention facilities.
- ~~(19)~~ **“Waters of the State”** ~~lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.~~
- (20) **“Stormwater”** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(21) **“Structural Stormwater Control”** means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow. [Ord. 2011-0243]

(22) **“Uncontaminated”** means, for the purposes of this chapter, that outflow does not result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or contribute to a violation or exceedance of an applicable Oregon water quality standard.

(23) **“Waters of the State”** may include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh water or salt water, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.

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II. PROHIBITIONS

36.200 Prohibition of Illicit Discharges

No person shall discharge any pollutants or waters containing any pollutants, into the Benton County ~~municipal-separate-stormwater-sewer-conveyance~~ systems. To “discharge” includes any means of causing pollutants to enter the subject waters, including allowing others under the person’s control to discharge pollutants. The range of discharges covered by this Code Chapter include, but are not limited to those listed in the current NPDES MS4 Phase II General Permit, Schedule A.3.c.iii.[Ord. 2011-0243]

36.205 Exemptions

~~These exemptions do not authorize the d~~Discharge of non-stormwater is allowable if it satisfies ~~except where such discharges satisfy~~ one of the following conditions:

- (1) The non-stormwater discharge is regulated under a separate NPDES permit;
- (2) The non-stormwater discharge originates from emergency firefighting activities, fire hydrant flushing, or other discharges necessary to protect public health and safety;
- (3) The non-stormwater discharge is categorized as an authorized allowable non-stormwater discharge as listed below:

~~The following discharges are exempt from the prohibition of section 36.200 above:~~

- (a) Uncontaminated water line flushing performed by a government agency;
- (b) Water associated with dye testing necessary to protect public health and safety;
- (c) Landscape irrigation or lawn watering. For areas owned or operated by Benton County, landscape irrigation will be considered allowable only if any pesticides and fertilizers that are present are applied within the manufacturer's instructions and do not flow past the landscaped area nor into a stormwater conveyance system;
- ~~(d)~~ (d) Discharges resulting from forest practices performed pursuant to the Oregon Forest Practices Rules and from accepted farm practices as defined in the guidance, rules, and BMPs, of the Oregon Department of Forestry and Oregon Department of Agriculture, respectively;
- ~~(e)~~ (e) Stream flows that are diverted under the authorization of the appropriate state or federal agency;
- (f) Natural flows from riparian habitat or wetlands;
- ~~(d)~~ (g) Natural springs;
- ~~(e)~~ (h) Rising groundwater;
- ~~(f)~~ (i) Uncontaminated groundwater infiltration to stormwater drains and conveyances (as defined in CFR §35.2005(20));
- ~~(g)~~ (j) Uncontaminated pumped groundwater, as long as provided it does not cause visible erosion;
- (k) Potable water sources (including potable groundwater monitoring wells and draining and flushing of municipal potable water sources and start-up flushing of groundwater wells), provided as long as no visible erosion is caused;
- ~~(h)~~ (l) Foundation, footing, and crawl space drains and pumps (where flows are not contaminated, this exemption does not include process water);
- ~~(i)~~ (m) Uncontaminated Air conditioning or compressor condensate;
- ~~(j)~~ (n) Individual or charity car washing (provided that chemicals, soaps, detergents, steam or heated water are not used. Washing is restricted to the outside of vehicles);
- (o) Street and pavement wash waters (provided that chemicals, soaps, detergents, steam or heated water are not used);
- ~~(k)~~ (p) Routine external building wash-down and wash waters (provided that chemicals, soaps, detergents, steam or heated water are not used);

- (q) Dechlorinated swimming pool and dechlorinated hot tub discharge and drainage waters (heated water must be cooled for at least 12 hours and reach ambient temperature prior to discharge);
- (r) Road maintenance activities performed under a public agencies' Best Management Practices and/or the conditions of a public agencies' DEQ 1200-CA permit;
- (s) Activities, conducted by public agencies, that meet or are better than state or federal standards for erosion and sediment control;
- (t) Discharges resulting from excavations for gas or oil facilities for which the operator demonstrates compliance with 40 CFR §122.26;
- (n) Mining activities performed pursuant to that are in applicable state permit requirements;
- (u) Discharges of treated water from investigation, removal, and remedial actions selected or approved by DEQ pursuant to Oregon Revised Statute (ORS) Chapter 465.

36.210 Connections

The unlawful discharge of non-stormwater to illegal connections and other connections to the stormwater conveyance system is prohibited. In addition:

- (1) A person violates this chapter if the person connects a line or other conveyance of pollution to the stormwater conveyance system, or uses an existing connection to convey non-stormwater water discharges.
- (2) Improper connections, and discharge via those connections, in violation of this chapter shall not be allowed to discharge. If necessary to appropriately treat discharge, it shall be redirected to an approved onsite wastewater treatment system or the sanitary sewer system upon approval of the sanitary sewer agency appropriate governing agency.
- (3) Any drain or conveyance that has not been previously documented in plans, maps or equivalent images submitted to Benton County Public Works, Community Development, or Environmental Health for review and approval, and which the County determines might be connected to the stormwater conveyance system, shall be located by the owner or occupant of that property upon receipt of written notice from Benton County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified (for example, "stormwater sewer" or "sanitary sewer"), and that the outfall location or point of connection to the stormwater conveyance system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to Benton County. [Ord. 2011-0243]

36.215 Industrial or Construction Activity Discharges

Any person subject to ~~an industrial or construction activity~~any NPDES stormwater discharge permit or Benton County Erosion and Sediment Control Permit shall comply with all provisions of such permit. Proof of compliance with said industrial activity activities permit may be required in a form acceptable to Oregon Department of Environmental Quality, prior to allowing discharges to the ~~municipal separate storm~~stormwater sewer conveyance system. Benton County Public Works and Community Development may require proof of compliance with applicable construction activity. [Ord. 2011-0243]

III. INVESTIGATION AND NOTICE

36.300 Illicit Discharge Investigation Procedure

(1) When reported illicit discharge related incidents occur in the Benton County road right of way, Benton County Public Works Department will lead investigation, coordination, and illicit discharge related responses. This includes identifying a responsible party to pay for the investigation and cleanup of the illicit discharge. Public Works will coordinate with local law enforcement and fire departments to receive critical information to identify the responsible party, and to determine if spills or illicit discharges occur that meet or exceed reportable quantities and require reporting to the Oregon Emergency Response System.

(2) For areas outside of the road right of way on private properties, Benton County Environmental Health and/or Community Development will lead investigations where illicit discharges have been reported and are within their authority and capability ~~of Environmental Health these departments/divisions~~. This includes identifying a responsible party to pay for the investigation and cleanup of the illicit discharge. ~~These are currently limited to activities, facilities, and related illicit discharge issues associated with:~~

- (2) —
- (a) ~~failing septic systems;~~
 - (b) ~~restaurants;~~
 - (c) ~~public swimming pools and spas;~~
 - (d) ~~private pool and spas;~~
 - (e) ~~hotel/motel;~~
 - (f) ~~recreational parks;~~
 - (g) ~~public water systems;~~
 - (h) ~~schools;~~

~~(i) bed and breakfasts; and~~

~~(j) solid waste;~~

~~(k)~~

- (3) Benton County Environmental Health, Community Development and Public Works ~~will~~ shall coordinate reporting hazardous materials related incidents to the State Oregon Department of Environmental Quality and the Oregon Emergency Response System when occurrences are known. [Ord. 2011-0243]

36.305 Access and Inspection of Properties and Facilities

The ~~Health Administrator~~ County's designated authority ~~County~~ may enter and inspect properties and facilities ~~identified-causing the discharges~~ in section 36.300(2) at reasonable times and as often as may be necessary to determine compliance with this chapter.

- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of Benton County.
- (2) Inspection of the property may include but is not limited to interviews, testing (including tracing dye), sampling, photography, videotaping, and examination and copying of any records pertaining to an NPDES permit.
- (3) The ~~Health Administrator~~ County's designated authority ~~County~~ shall have the right to set up on any property or facility such devices as are necessary in the opinion of the County's designated authority ~~County~~ ~~Health Administrator~~ to conduct monitoring and/or sampling of flow discharges.
- (4) The ~~Health Administrator~~ County's designated authority ~~County~~ may require the owner or operator to purchase and install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the ~~Health Administrator~~ County's designated authority ~~County~~. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the ~~Health Administrator~~ County's designated authority ~~County~~ and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (6) Unreasonable delays in allowing the ~~Health Administrator~~ County's designated authority ~~County~~ access to a facility are a violation of this chapter.
- (7) If the ~~Health Administrator~~ County's designated authority ~~County~~ has been refused access to any part of the premises from which illicit discharges are occurring, and the ~~Health~~

~~Administrator~~ County's designated authority ~~County~~ is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the County's designated authority ~~County~~ ~~Health Administrator~~ may seek issuance of an administrative search warrant from any court of competent jurisdiction and the property owner shall reimburse the County for the administrative costs of such action.

- (8) In the event the violation constitutes an immediate danger to public health or public safety, the ~~Health Administrator~~ County's designated authority ~~County~~ is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The ~~Health Administrator~~ County's designated authority ~~County~~ is authorized to seek costs of the abatement as outlined in Benton County Code Chapter 31. [Ord. 2011-0243]

36.310 Notification of Accidental Discharges and Spills

- (1) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or other non-~~storm~~water discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into the ~~municipal separate~~ stormwater conveyance ~~sewer~~ systems, state waters, or waters of the ~~state~~ U.S., said person shall notify Benton County and all other entities as required by state and federal law, which may include Oregon Department of Environmental Quality and ~~including the~~ Oregon Emergency Response System by live discussion via phone, or by facsimile or in person as soon as reasonably possible and no more than four hours after obtaining such information, which is expected to be within a few hours, no later than the next business day. The nature of the pollutant, quantity, time of occurrence, and other pertinent details of the discharge shall be provided. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the ~~Health Administrator~~ County's designated authority ~~County~~ ~~or Public Works Director~~ within three business days of the phone call or in-person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the aforementioned details of the discharge, the actions taken after the discharge, and the actions taken to prevent its recurrence. The actions taken to prevent recurrence shall be reviewed and approved by the County's designated authority ~~County~~. Such records shall be retained for at least three years and shall be available for inspection by the County. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill. ~~In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.~~
- (2) Failure to provide notification of an illicit discharge as provided above is a violation of this Chapter. [Ord. 2011-0243]

36.315 Violations, Enforcement and Penalties

- (1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person, who has violated or continues to violate the provisions of this chapter, may be subject to the enforcement actions outlined in Benton County Code Chapter 31, or any other legal remedies available to Benton County. Benton County may require the property owner, company responsible, or any other responsible party to pay Benton County a fee of \$1,000.00 per day with every 24-hour period being considered a separate violation.
- (2) Ongoing Illicit Discharges - If the elimination of an illicit discharge will take more than 15 working days due to technical, logistical, or other reasonable issues, the County shall within 20 working days of identifying the source of an illicit discharge initiate procedures to eliminate the illicit discharge. Upon confirmation of an illicit connection, the County shall use the escalating enforcement procedures of Benton County Code 31.020 and document the effort to eliminate the illicit connection within six months to the extent allowable under state law. All known illicit connections to the stormwater conveyance system must be eliminated. Additionally, the property owner, business owner, and/or other responsible party shall be fined a minimum of \$1,000 per day with every 24-hours-of infraction period considered a separate violation.
- (3) In addition to Chapter 31 enforcement requirements, Benton County, upon finding that a violation of this chapter has occurred, may order compliance by written notice of violation. The notice of violation shall contain:
 - (a) The name and address of the alleged violator;
 - (b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to restore compliance with this chapter,
 - (e) A time schedule for the completion of such remedial action;
 - (f) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
- (4) Such notice may require without limitation:
 - (a) A professional or credentialed professional to complete remediation requirements;
 - (b) The performance of monitoring, analyses, and reporting;
 - (c) The elimination of illicit discharges and illegal connections;
 - (d) That violating discharges, practices, or operations shall cease and desist;
 - (e) The abatement or remediation of stormwater pollution or contamination hazards;
 - (f) The restoration of any affected property;
 - (g) Payment of costs to cover administrative, follow up inspections, abatement, and clean-up costs; and
 - (h) The implementation of pollution prevention practices.

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- (5) This chapter shall not establish responsibility on the part of Benton County to abate or clean up private property, or for Benton County to incur costs related thereto. [Ord. 2011-0243]

36.320 Detection and Elimination of Illicit Discharges

(1) Illicit Discharge Complaints or Reports - Benton County shall publicize a phone number, webpage, and/or other communication channel that the public can use to report illicit discharges. The complaint/reporting communication channel ~~must~~shall be answered or responded to by trained staff during normal business hours, shall include a system to record or capture incoming complaints or reports during non-business hours, and shall include 24-hour emergency contact communication channel.

~~— Initial Investigation or Evaluation — Conduct an initial investigation or evaluation within an average of one business day or refer the complaint to the appropriate agency (see Schedule A.3.e.v.C below).~~

~~— Complaints Tracking — The permit registrant must maintain a procedure or system to document all complaints or reports of illicit discharges into and from the MS4. The tracking system must document, at minimum the following by the County and County staff:~~

~~(A) Date the complaint was received by staff and, if available, the complainant's name and contact information.~~

~~(B) Staff responding to the complaint.~~

~~(C) Date the investigation was initiated.~~

~~(D) The outcome of the investigation.~~

~~(E) Corrective action(s) taken to eliminate the illicit discharge.~~

~~(F) The responsible party for the corrective action(s).~~

~~(G) The status of enforcement procedure(s), when necessary.~~

~~(H) The date the corrective action(s) was completed and staff that evaluated final compliance.~~

~~(I) Complaint tracking information must be summarized in each Annual Report.~~

(2) Response to Complaints or Reports - Benton County shall respond to all complaints or reports of illicit discharges, as soon as reasonably possible, and within two business days, unless there is a threat to human health, welfare, or the environment. For discharges, including spills, which constitute a threat to human health, welfare, or the environment, the County shall respond within one business day. Spills, or other illicit discharges, that may endanger human health or the environment must be reported in accordance with all applicable federal and state laws, including notification to the Oregon Emergency Response System and the Oregon Department of

Environmental Quality. The County's complaint response and the associated investigation shall, at minimum, use the following timelines:

- (a) Initial Investigation or Evaluation - Conduct an initial investigation or evaluation within an average of one business day or refer the complaint to the appropriate agency (see subsection (4) of this section).
- (b) Complaints Tracking - The County shall maintain a procedure or system to document all complaints or reports of illicit discharges into and from the MS4 stormwater conveyance system. The tracking system must document, at minimum the following by the County and County staff:
 - (A) Date the complaint was received by staff and, if available, the complainant's name and contact information.
 - (B) Staff responding to the complaint.
 - (C) Date the investigation was initiated.
 - (D) The outcome of the investigation.
 - (E) Corrective action(s) taken to eliminate the illicit discharge.
 - (F) The responsible party for the corrective action(s).
 - (G) The status of enforcement procedure(s), when necessary.
 - (H) The date the corrective action(s) was completed and staff that evaluated final compliance.
 - (I) Complaint tracking information must be summarized in each Annual Report.

(3) Ongoing Illicit Discharges Involving Capital Improvements - If the elimination of the illicit discharge involves the repair or replacement of Benton County's stormwater sewer conveyance systems, the County permit registrant must remove the source of the illicit discharge within three years of the date of its identification unless DEQ approves an extension.

(4) Notification of Other Authorities. If the illicit discharge originates outside the County's permit registrant's jurisdictional authority, the County permit registrant must notify the jurisdictional authority within one business day of becoming aware of the illicit discharge. MS4 Phase II General Permit Effective: March 1, 2019 Expiration: February 29, 2024 Page 17 of 47 (C)

36.400 Ultimate responsibility

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend or imply that compliance by any person will ensure that

there will be no contamination, pollution, or unauthorized discharge of pollutants into the waters of the state caused by said person. This chapter shall not create liability on the part of Benton County, or any agent or employee thereof for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made thereunder. [Ord. 2011-0243]

36.500 Severability

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter 36 or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter 36. [Ord. 2011-0243]

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

In the Matter of Amending Benton County Code Chapter 36, Illicit (Non-Stormwater) Discharges	)))	Ordinance No. 2022-0308
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WHEREAS:

Pursuant to the National Pollution Discharge and Elimination System, Benton County is required by Oregon Department of Environmental Quality (DEQ) to effectively prohibit non-stormwater discharges into the County's municipal separate storm sewer system.

In order to comply with the terms of NPDES permit issued to Benton County by DEQ, the County adopted Chapter 36 of the Benton County Code to establish procedures for detecting and eliminating illicit discharges into the Benton County small municipal separate storm sewer conveyance system.

Revisions to Benton County's permit from DEQ necessitate modifications to Chapter 36 in order to comply with DEQ requirements.

Benton County Board of Commissioners held a duly advertised public meeting and conducted the First Reading of the proposed Ordinance on February 15, 2022.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

PART I: Short Title. Amendments to Chapter 36 of the Benton County Code regarding illicit (non-stormwater) discharges.

PART II: Authority. The Board of County Commissioners of Benton County has authority to amend the county code pursuant to the Benton County Charter.

PART II: Benton County Code Chapter 36 is hereby adopted as shown in "Exhibit I."

PART IV: The effective date for these amendments to the Benton County Code will be:

First Reading: February 15, 2022

Second Reading: March 1, 2022

Effective Date: March 31, 2022

Approved as to Form:

Vance M. Cronney
80D6732447204EA
County Counsel

Erika
Recording Secretary

BENTON COUNTY BOARD OF COMMISSIONERS

Nancy Wyse
663374377E0E4AF
Nancy Wyse, Chair

Pat Malone
744FC4377E0E4AF
Pat Malone, Commissioner

Xan Augerot
88F405FE8021469
Xanthippe Augerot, Commissioner

CHAPTER 36

ILLICIT (NON-STORMWATER) DISCHARGES

I. GENERAL PROVISIONS

36.005 Purpose and Intent

The purpose of this chapter is to protect the public health, safety, general welfare, environment, water quality and waterways through the regulation of non-stormwater discharges to the Benton County municipal separate storm sewer system to the maximum extent practicable consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq. (1972)).

This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) and Stormwater Discharge Permit issued to Benton County by the Oregon Department of Environmental Quality. The purpose of this chapter is to meet the following objectives to the maximum extent practicable:

- (a) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping, excessive erosion or disposal of pollutants that degrade the natural environment; and
- (b) To establish legal authority to carry out inspection, investigation, monitoring and enforcement procedures necessary to ensure compliance with this chapter. [Ord. 2011-0243]

36.010 Applicability

- (1) The provisions of this Chapter 36 shall apply within the Corvallis Federal Urbanized Area boundary as regulated by the Environmental Protection Agency and Oregon Department of Environmental Quality.
- (2) The Benton County Health Administrator shall administer, implement, interpret, and enforce the provisions of this Chapter 36 with assistance from the Public Works Director and Community Development Director.

36.100 Definitions

- (1) **“Accidental Discharge”** means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.
- (2) **“Best Management Practices (BMPs)”** means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating

procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

- (3) **“Clean Water Act”** means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- (4) **“Construction Activity”** means activities subject to the Oregon Phase II Municipal Stormwater Program or NPDES General Construction Permits or Benton County Erosion and Sediment Control Permit requirements.
- (5) **“Discharge Permit”** means a permit issued by the Oregon Department of Environmental Quality under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- (6) **“Groundwater Interceptor”** means any natural or artificial groundwater or surface water drainage system, including drain tile, curtain drain, foundation drain, cut banks, and ditches, that intercept and divert groundwater or surface water from the area of an onsite wastewater treatment absorption facility.
- (7) **“Hazardous Materials”** means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (8) **“Health Administrator”** means the Benton County Health Administrator or designee.
- (9) **“Illicit Discharge”** means any direct or indirect non-stormwater discharge to the county municipal separate storm sewer system, except as exempted.
- (10) **“Illegal Connection”** means either of the following :
 - (a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
 - (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

- (11) **“Municipal Separate Storm Sewer System (MS4)”** means a conveyance or system of conveyances including but not limited to any roads with drainage systems, county streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:
- (a) Owned or maintained by Benton County;
 - (b) Designed or used for collection or conveying stormwater;
 - (c) Not a combined sewer; and
 - (d) Not part of a publicly-owned treatment works as defined by 40 CFR §122.2.
- (12) **“Nonpoint Source”** means causes of water pollution that are not associated with point sources. Examples may include: fertilizer/pesticide runoff; sediment runoff from construction. Nonpoint sources may enter a discrete conveyance system and become a point source.
- (13) **“Non-Stormwater Discharge”** means any discharge to the storm drain system that is not composed entirely of stormwater.
- (14) **“Outfall”** means a point source as defined by 40 CFR, § 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States.
- (15) **“Person”** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, governmental entity, any interstate body or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.
- (16) **“Pollutant”** means a contaminant(s) that enters the natural environment that causes harm and its severity is based on its chemical nature, the concentration and the persistence. Examples of pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents; degreasers; cleaning chemicals; garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; sediment.
- (17) **“Pollution”** means the human-made or human-induced alteration of the quality of waters by waste to a degree that unreasonably affects or has the potential to unreasonably affect the waters of the state.
- (18) **“Premises”** mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

- (19) **“Waters of the State”** lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.
- (20) **“Waters of the U.S.”** means current definition under 40 CFR 230.3(s).
- (21) **“Stormwater”** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- (22) **“Structural Stormwater Control”** means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow. [Ord. 2011-0243]

II. PROHIBITIONS

36.200 Prohibition of Illicit Discharges

No person shall discharge any pollutants or waters containing any pollutants, into the Benton County municipal separate storm sewer system. To “discharge” includes any means of causing pollutants to enter the subject waters, including allowing others under the person’s control to discharge pollutants. [Ord. 2011-0243]

36.205 Exemptions

The following discharges are exempt from the prohibition of section 36.200 above:

- (1) Water line flushing performed by a government agency;
- (2) Dye testing necessary to protect public health and safety;
- (3) Other potable water sources;
- (4) Landscape irrigation or lawn watering;
- (5) Diverted stream flows;
- (6) Rising groundwater;
- (7) Groundwater infiltration to storm drains;
- (8) Uncontaminated pumped groundwater;
- (9) Roof drains, foundation or footing drains (including active groundwater interceptors);

- (10) Crawl space pumps;
- (11) Air conditioning condensation;
- (12) Natural springs;
- (13) Natural riparian habitat or wetland flows;
- (14) Discharges or flows from firefighting, and other discharges necessary to protect public health and safety;
- (15) Any non-stormwater discharges permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations;
- (16) Residential car washing;
- (17) Discharges resulting from forest practices performed pursuant to the Oregon Forest Practices Rules and from accepted farm practices;
- (18) Any road Maintenance activities performed under public agencies Best Management Practices.
- (19) Discharges resulting from excavations for gas or oil facilities for which the operator demonstrates compliance with 40 CFR §122.26;
- (20) Emergency measures to protect life, property, public infrastructure, or essential services, documented as soon as possible after the fact;
- (21) Mining activities performed pursuant to applicable state permit requirements;
- (22) Activities, conducted by public agencies that meet or exceed state or federal standards for erosion and sediment control;
- (23) Any other water source not containing pollutants. [Ord. 2011-0243]

36.210 Connections

The unlawful discharge of non-stormwater to illegal connections and other connections to the municipal separate storm sewer system is prohibited. In addition:

- (1) A person violates this chapter if the person connects a line or other conveyance of pollution to the municipal separate storm sewer system, or uses an existing connection to convey non-stormwater discharges.

- (2) Improper connections in violation of this chapter shall not be allowed to discharge. If necessary to appropriately treat discharge, it shall be redirected to an approved onsite wastewater treatment system or the sanitary sewer system upon approval of the sanitary sewer agency.
- (3) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which might be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice from Benton County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified (for example, “storm sewer” or “sanitary sewer”), and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to Benton County. [Ord. 2011-0243]

36.215 Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES stormwater discharge permit or Benton County Erosion and Sediment Control Permit shall comply with all provisions of such permit. Proof of compliance with said industrial activity permit may be required in a form acceptable to Oregon Department of Environmental Quality, prior to allowing discharges to the municipal separate storm sewer system. Benton County Public Works and Community Development may require proof of compliance with applicable construction activity. [Ord. 2011-0243]

III. INVESTIGATION AND NOTICE

36.300 Illicit Discharge Investigation Procedure

- (1) When reported illicit discharge related incidents occur in the county road right of way, Benton County Public Works Department will lead investigation, coordination, and illicit discharge related responses. This includes identifying a responsible party to pay for the cleanup of the illicit discharge. Public Works will coordinate with local law enforcement and fire departments to receive critical information to identify the responsible party, and determine if spills or illicit discharges occur that are in reportable quantities under the Oregon Emergency Response System.
- (2) For areas outside of the road right of way on private properties, Benton County Environmental Health will lead investigation where illicit discharges have been reported and are within the authority and capability of Environmental Health. This includes identifying a responsible party to pay for the cleanup of the illicit discharge. These are currently limited to activities, facilities, and related illicit discharge issues associated with:
 - (a) failing septic systems;
 - (b) restaurants;

- (c) public swimming pools and spas;
 - (d) private pool and spas;
 - (e) hotel/motel;
 - (f) recreational parks;
 - (g) public water systems;
 - (h) schools;
 - (i) bed and breakfasts; and
 - (j) solid waste;
- (3) Benton County Environmental Health and Public Works will coordinate reporting hazardous materials related incidents to the State Department of Environmental Quality and the Oregon Emergency Response System when occurrences are known. [Ord. 2011-0243]

36.305 Access and Inspection of Properties and Facilities

The Health Administrator may enter and inspect properties and facilities identified in section 36.300(2) at reasonable times and as often as may be necessary to determine compliance with this chapter.

- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of Benton County.
- (2) Inspection of the property may include but is not limited to interviews, testing (including tracing dye), sampling, photography, videotaping, and examination and copying of any records pertaining to an NPDES permit.
- (3) The Health Administrator shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Health Administrator to conduct monitoring and/or sampling of flow discharges.
- (4) The Health Administrator may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Health Administrator. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Health Administrator and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (6) Unreasonable delays in allowing the Health Administrator access to a facility are a violation of this chapter.
- (7) If the Health Administrator has been refused access to any part of the premises from which illicit discharges are occurring, and the Health Administrator is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Health Administrator may seek issuance of an administrative search warrant from any court of competent jurisdiction.
- (8) In the event the violation constitutes an immediate danger to public health or public safety, the Health Administrator is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Health Administrator is authorized to seek costs of the abatement as outlined in Benton County Code Chapter 31. [Ord. 2011-0243]

36.310 Notification of Accidental Discharges and Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or other non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into the municipal separate storm sewer system, state waters, or waters of the U.S., said person shall notify Benton County and all other entities as required by state and federal law, including the Oregon Emergency Response System, by phone, or by facsimile or in person no later than the next business day. The nature, quantity and time of occurrence of the discharge shall be provided. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Health Administrator or Public Works Director within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of an illicit discharge as provided above is a violation of this chapter. [Ord. 2011-0243]

36.315 Violations, Enforcement and Penalties

- (1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person, who has violated or continues to violate the provisions of this chapter, may be subject to the enforcement actions outlined in Benton County Code Chapter 31, or any other legal remedies available to Benton County. Benton County may require \$500.00 per day with each day being considered a separate violation.
- (2) In addition to Chapter 31 enforcement requirements, Benton County, upon finding that a violation of this chapter has occurred, may order compliance by written notice of violation. The notice of violation shall contain:
 - (a) The name and address of the alleged violator;
 - (b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to restore compliance with this chapter,
 - (e) A time schedule for the completion of such remedial action;
 - (f) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
- (3) Such notice may require without limitation:
 - (a) A professional or credentialed professional to complete remediation requirements;
 - (b) The performance of monitoring, analyses, and reporting;
 - (c) The elimination of illicit discharges and illegal connections;
 - (d) That violating discharges, practices, or operations shall cease and desist;
 - (e) The abatement or remediation of stormwater pollution or contamination hazards;
 - (f) The restoration of any affected property;
 - (g) Payment of costs to cover administrative, follow up inspections, abatement, and clean-up costs; and
 - (h) The implementation of pollution prevention practices.

- (4) This chapter shall not establish responsibility on the part of Benton County to abate or clean up private property, or for Benton County to incur costs related thereto. [Ord. 2011-0243]

36.400 Ultimate responsibility

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into the waters of the state caused by said person. This chapter shall not create liability on the part of Benton County, or any agent or employee thereof for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made thereunder. [Ord. 2011-0243]

36.500 Severability

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter 36 or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter 36. [Ord. 2011-0243]

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/15/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Board of Commissioners

Contact Name * JoeHahn

Phone Extension * 6851

Meeting Attendee Name * JoeHahn

Agenda Item Details



Item Title * Kalapuya Conference Room Names

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 * 20-30

Board/Committee Involvement * ☐ Yes ☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *	Naming Kalapuya Conference Rooms after historically marginalized people from Benton County
Options *	Approve Proposed Names Decline Proposed Names Seek new direction or more information
Fiscal Impact *	☐ Yes ☒ No

2040 Thriving Communities Initiative

Mandated Service? * ☐ Yes ☒ No

2040 Thriving Communities Initiative

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

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

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 *

While these conference rooms can be named after anything, our choice to honor community members is critical to showing our commitment to equity, diversity, and inclusion

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 *

Culture and education are part of these room names.

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Approve Phase 1 conference room names for the Kalapuya Building.

Meeting Motions *
I move to ...
Approve Phase 1 conference room names for the Kalapuya Building.
Decline Phase 1 conference room names
Modify Phase 1 conference room names
Table Discussion on Phase 1 conference room names

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.

Kalapuya Conference Room Names.docx

14.79KB

Comments (optional)

A powerpoint with this information will be presented to the board, currently being developed

If you have any questions, please call ext.6800

**Department
Approver**

JOE KERBY

Department Approval

Comments

Signature

Chapin Kelly

BOC Initial Approval

Approvals Required ☐ Counsel

☐ Finance

☐ HR

County TERESA FARLEY

Administrator

Approver

Comments

County Administrator Approval

Comments

Signature

Teresa Faltyg

BOC Final Approval

Comments

Signature

Teresa Foley

Kalapuya Conference Room Name Suggestions

The following names are suggestions from Oregon and Benton County community members who have traditionally marginalized and excluded populations. Selected to include a variety of social identities and experiences.

There are 10 conference rooms total in Kalapuya. 4 need to be named for the Phase 1 batch, 5 for the phase 2. The last room should be named with the Phase 2 set, but is a Training Room, not a conference room.

These are numbered for simplicity and organization, not necessarily in preference order.

1. Public Meeting Room. Holmes & Shipley | Named after Mary Janes Holmes Shipley Drake and her husband Rueben Ficklin Shipley

Mary James Holmes ½ room Ruben Ficklin Shipley other ½.

Marginalized identities represented: Black community, formerly enslaved, women

Both of these people were Black residents of Benton County (then part of Polk County). Mary Jane was the daughter of Robin Holmes, a man who was enslaved by Nathaniel Ford. Ford promised to free Robin Holmes and his family when moving out west, but ended up only freeing Robin, his wife, and one child. So Robin sued, and eventually got freedom for his children.

Rueben Shipley was a Black man who moved to Oregon with his enslaver Robert Shipley. Rueben was given freedom after helping Robert move and settle his home. Shipley took the last name of his former enslaver. He was sometimes referred to as Ficklin, which was the surname of another previous enslaver.

Mary Jane married Rueben Ficklin and they bought land in Benton County. He and Mary Jane had donated land that became the Mount Union Historical Cemetery because Black and White people were not allowed to be buried in the same lot. They stipulated the land allow all to be buried there. Mary Jane remarried to R. G. Drake after Rueben died in 1875.

Recommend the Holmes Shipley name to honor Mary Jane and her family as well as Rueben and his family. He had a wife and children prior to moving to Oregon. His wife died and his children we lost amongst selling of enslaved people.

Due to Oregon's anti-Black history, I recommend we recenter this by naming the BOC conference room with after Holmes & Shipley.

Resources:

https://en.wikipedia.org/wiki/Holmes_v._Ford

https://en.wikipedia.org/wiki/Reuben_Shipley

<https://sos.oregon.gov/archives/exhibits/black-history/Pages/families/holmes-mary-jane.aspx>

2. Harriet Forest Moore | Elections, Records, & Assessment Marginalized identities represented: Women, veterans

Harriet Forest Moore was in the US Army Medical Corps as a reconstruction aid in physical therapy. After her service she attend Oregon State Agricultural College in 1920 for her BS and MS in Vocational Education. After 30 years of working around the country, she returned to Corvallis. She recorded information on head markers in Benton County cemeteries after a request from the Daughters of the Revolution. She began working at the Oregon State College library and was the first staff for the Archives. She helped students with their research and insisted on reading their first drafts to ensure they were historically accurate.

I think Harriet Forest Moore should be honored by naming the conference room Records & Elections & Assessment use after her.

Resources:

<https://blogs.oregonstate.edu/scarc/category/harriets-collection/>

<http://bcmuseum.blogspot.com/2018/12/reconstruction-aide-harriet-moore.html>

3. Chiaki (Jack) Yoshihara | Board of Commissioners Office Conference Room | Marginalized identities represented: Asian Americans, Japanese Americans, and WWII Japanese Internment Camp Survivors

Jack Yoshihara was one of the 42 Japanese American students who were students at Oregon State College that were forced to leave the West Coast after Executive Order 9066. Japanese Americans and their families were sent to various internment camps throughout the country. Jack Yoshihara was a student on the OSU Football team. He was part of the 1941-1942 team that got OSU to the Rose Bowl. However, due to the restrictions the game was moved from Pasadena to North Carolina. The coaches tried to make it so Jack could go, but the FBI interfered and told them there were no exceptions to travel restrictions. A few months later, the executive order was issued and Jack moved to the temporary Portland camp before moving to a sugar beet farm in Idaho. He then applied and was allowed to move to Utah where he continued to play football for University of Utah. In 2007 he received an honorary degree from Oregon State University and his Rose Bowl ring.

Resources: <https://oregondigital.org/sets/osu-wwii-japanese-american-students/oregondigital:df724m13s#page/1/mode/1up>

<http://bcmuseum.blogspot.com/2020/08/chiaki-jack-yoshihara.html>

4. William Hartless | Marginalized Identities Represented: Native Americans, Kalapuya Mary's River Band

William Hartless was born in 1854 and is famously known for his interview that is in the Smithsonian. He stated "All my people have died. I myself am all alone now. When I have died, my tribe will be quite gone. My own country is the Kalapuya, my country is at Corvallis. The people's name of my tribe is Mary's River. This is how I am now last of my country."

Resources: (more being gathered)

<https://courses.ecampus.oregonstate.edu/oer/oregons-untold-stories/>

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/15/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Sheriff's Office

Contact Name * Justin Carley

Phone Extension * 6224

Meeting Attendee Name * Justin Carley

Agenda Item Details



Item Title * Approval of 2021-2023 M57 Supplemental Fund Program and IGA #6187 between State of Oregon and Benton County

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 Minutes

Board/Committee Involvement *
☐ Yes
☒ No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues*	
The Oregon Department of Corrections Measure 57 Supplemental Funding is included in the 2021-23 Community Corrections Plan that was approved by the Board of Commissioners on December 13, 2021.	
Measure 57 was passed by voters of the State of Oregon increasing sentences for certain drug trafficking and theft crimes, requiring additional treatment for certain offenders at risk of reoffending, and authorizing the Department of Corrections to make grants to counties to provide supplemental funding.	
Measure 57 Supplemental funding is made available to counties based on a formula that matches the County's percentage share of community corrections grant-in-aid funds.	
The Oregon Department of Corrections also requires counties to enter into an Intergovernmental Agreement (IGA) to receive Measure 57 Supplemental Funds. The IGA must be approved by the Board of Commissioners and submitted to the Department of Corrections for Measure 57 Supplemental State Grant Funding.	
Options*	
1) Approve 2) Disapprove	
Fiscal Impact*	
☒ Yes ☐ No	
Fiscal Impact Description*	
Measure 57 funding is one of the many funding streams that Community Corrections receives, and it is funding that is applied to clients under supervision for M57 crimes. The allocated amount for the FY 2021-23 for Benton County Community Corrections is \$124,944.00	

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 N/A
Selections *

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 N/A
and Vision
Selection *

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * It is respectfully recommended the Board of Commissioners approve the 2021-2023 M57 Supplemental Fund Program and Intergovernmental Agreement #6187 between the State of Oregon and Benton County.

Meeting Motions * I move to ...
I move to approve the 2021-2023 M57 Supplemental Fund Program and Intergovernmental Agreement #6187 between the State of Oregon and Benton County.

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.

6187 Benton County M57 Contract Final W exhibit A.pdf	240.95KB
M57 Supp Funds Application, Prog Desc 21-23.pdf	527.51KB

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

Department Approver JEFRI VANARSDALL

Department Approval

Comments

Signature



BOC Initial Approval

Approvals Required ☒ Counsel ☒ Finance ☐ HR

Counsel Approver VANCE CRONEY

Finance Approver RICHARD CRAGER

County Administrator
Approver
JOE KERBY

Comments

Counsel Approval

Comments

Signature



Vance M. Croncy

Finance Approval

Comments

Signature

Rick Crager

County Administrator Approval

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

Signature

Teresa Foley

Benton County Sheriff's Office

Jef Van Arsdall, Sheriff



Parole & Probation

180 NW 5th Street, Corvallis, OR 97330

541.766.6887 FAX 541.766.6758

State Accredited since 2009

Measure 57 Supplemental Fund program for 2021 ~ 2023 – Program Summary

Benton County Community Corrections M57 21-23 allocation: \$ 124,944

1. The population being served;

The population being served is Justice-Involved Individuals (JII) on active supervision, who have been assessed as MEDIUM/HI risk, and are drug-addicted persons.

2. The treatment programs being used and the intensity and duration that has been designed into your approach;

In order to fully utilize the 2021-2023 M57 Supplemental Funds, we request that funding be approved for a variety of services to include personnel costs of Parole and Probation Staff for the supervision of JII's who are on active supervision in Benton County, including JII's on parole, post-prison, transitional leave, probation, and conditional discharge. We request that funding also be approved for services to include community supervision, assessment of risk, referrals to treatment (substance abuse, mental health, domestic violence, etc.), mental health medications, evidence based/cognitive programming, education, employment services, GPS monitoring, re-entry subsidies, and housing subsidy.

BCCC continues to utilize evidence-based principles and practices that focus resources and supervision strategies on the highest risk population who present the greatest risk to the community and who are in the greatest need of support. We believe that treating a JII as an individual and intentionally assessing risk, effective case planning, and appropriate community referrals are foundational towards positive change, thus reducing recidivism and making our community a safer place.

In Benton County and state-wide, our office has continued to be forward-thinking as a profession. Specifically, we continue:

- Adhering to evidence-based principles – understanding risk / need / responsivity / fidelity
- Using validated risk assessments
- Developing comprehensive Case Plans
- Making effective use of referrals, interventions, and sanctions
- Involved heavily in re-entry efforts with the Department of Corrections
- Justice Reinvestment efforts
- Focus resources on supervising the highest risk population of JII's
- Not to over expose (supervise) low risk clients to the criminal justice system

DUTY HONOR COURAGE

3. The types of sanctions that are available and what you see being utilized as well as any existing rewards/reinforcers used to motivate the offenders to succeed;

All sanctions will be imposed in accordance with the Administrative Sanctions Sanctioning Grid. Incentives are often more effective in supporting behavior change, but sanctions are frequently necessary to support the development of accountability in JII's. Incentives and sanctions will be individualized for participants in this project and will be designed through case staffing with the clinician, case manager, and parole/probation officer. Quick and appropriate intermediate sanctions and interventions will be graduated and may include:

Rewards/Reinforcers: verbal praise, written praise, bus passes, haircut vouchers, decreased reporting.

Sanctions/Interventions: verbal reprimand, random drug testing, increased reporting, community service, referral to treatment, GPS monitoring, work crew, jail.

4. What collaborations exist between you and your local criminal justice partners or what partnerships have been created since the original implementation of your M57 Supplemental Fund program.

Benton County Community Corrections has a strong history of partnerships within the community who serve Justice-Involved-Individuals (JII) in Benton County. We have excellent collaborations within the community, including the Benton County Health Department, Community Outreach (housing), HOPE (housing), Sterling Management (housing), Benton County Drug Treatment Court, Benton County District Attorney's Office, Work Source (employment), Bridges to Safety (domestic violence treatment), Men's and Women's Oxford Houses (housing), God's Gear (housing), Men's Cold Weather Shelter (housing). The Community Outreach, Sterling Management, God's Gear and the Oxford Houses (Men's and Women's) are community partners that help provide valuable housing resources in the community that allow individuals the opportunity to have stable, clean and sober housing during a time of transition.

5. Any anticipated changes to your program due to the impact of BM110.

Although our overall office caseload count has seen a significant decrease, we do not anticipate a change in the services explained above.

2021-2023 M57 Supplemental Funds Intervention Program Budget Summary

Program Expenses (please be detailed)	19-21 M57 Supplemental Funds Carryover	21-23 M57 Supplemental Funds	Other State Funds	County/Local Funds	Total
A. Supervision Related Personnel Costs .16 FTE for Three P&P Officers (Wages & Benefits)	\$29,073	\$110,000	\$0	\$0	\$139,073
B. Materials and Services Reentry services, GED, haircuts, food handlers cards, and housing subsidy	\$0	\$14,944	\$0	\$0	\$49,212
C. Treatment Provider and/or Contracted Professional Services Contracted treatment services and mental health assessments	\$0	\$0	\$0	\$0	\$0
D. Sanction Costs (by type)	\$0	\$0	\$0	\$0	\$0
E. Capital Outlay and Start-Up Costs	\$0	\$0	\$0	\$0	\$0
Total	\$29,073	\$124,944	\$0	\$0	\$154,017

INTERGOVERNMENTAL AGREEMENT #6187
BETWEEN THE STATE OF OREGON AND BENTON COUNTY

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This Agreement is between the State of Oregon acting by and through its Department of Corrections, hereafter called DEPARTMENT, and Benton County, hereafter called COUNTY.

Whereas, DEPARTMENT is an agency of the State of Oregon and COUNTY is a unit of local government of the State of Oregon and both parties desire to cooperate by agreement to provide correctional services in COUNTY within the requirements as authorized by ORS 423.475 to 423.565;

Whereas, the Legislative Assembly of Oregon enacted legislation establishing shared responsibility between county corrections programs and the DEPARTMENT on a continuing basis (ORS 423.475 to 423.565);

Whereas, ORS 144.106 provides “the supervisory authority shall use a continuum of administrative sanctions for violations of post-prison supervision”;

Whereas, Oregon Laws 2008, chapter 14 (Measure 57) was passed by voters of the State of Oregon increasing sentences for certain drug trafficking and theft crimes, requiring addiction treatment for certain offenders at risk of reoffending, and authorizing DEPARTMENT to make grants to counties to provide supplemental funding;

Whereas, supplemental funds have been made available to counties for treatment of drug-addicted persons, in accordance to OAR Chapter 291, Division 31;

Whereas, supplemental funds are made available to counties based on a formula that matches the COUNTY’s percentage share of community corrections grant-in-aid funds;

Whereas, the DEPARTMENT will administer distribution of grants to counties;

Now, therefore, THE PARTIES HERETO, in consideration of the mutual promises, terms and conditions hereinafter provided, agree to the following:

I DEFINITIONS

- A. Amendment: Any change to this Agreement that alters the terms and conditions of the Agreement. Plan Modifications are NOT Amendments.
- B. Budget Summary: A budget submitted by COUNTY and approved by DEPARTMENT which identifies personnel, materials, services and funding COUNTY will use to implement the Plan. COUNTY’s Intervention Budget Summary is described in Exhibit A.
- C. Community Corrections Manager: Individual designated by COUNTY pursuant to ORS 423.525 as responsible for administration of the community corrections programs as set forth by the Plan.
- D. County Corrections: All COUNTY agencies and officials who carry out the responsibilities in ORS 423.478(2)(a)-(f) and the activities of carrying out those responsibilities.
- E. County Corrections Intervention Grant or Grant: Grant(s) made by DEPARTMENT to assist COUNTY in the implementation and operation of the Plan under this Agreement.

- F. County Intervention Plan or Plan: A document developed by the COUNTY and approved by the DEPARTMENT which describes COUNTY's approach to providing effective Interventions for drug addicted adults on supervision under COUNTY supervision. The County Intervention Plan is described in Exhibit A, County Intervention Plan and Budget Summary.
- G. Intervention: A response to Participant compliance of conditions of the Plan.
- H. Participant: An adult, under supervision of the COUNTY and enrolled in the Plan.
- I. Plan Modification: A written change or alteration to the Plan promulgated by COUNTY modifying the Plan.
- J. Sanctions or Structured Sanctions: A response to adult on supervision violation of conditions of supervision that uses custody units.
- K. Statewide Evaluation and Information System: The Corrections Information Systems (CIS) including the Offender Profile System (OPS), the Integrated Supervision Information System (ISIS), Case Management for Institutions (CMI), Offender Management System (OMS), Offender Information System (OIS), Interstate Compact Offender Tracking System (ICOTS), and related case management modules.
- L. Supervisory Authority: The local corrections official or officials designated in each COUNTY by that COUNTY's Board of County Commissioners or county court to operate corrections supervision services, custodial facilities or both.
- M. Texas Christian University (TCU) Assessment Tool: The Texas Christian University Assessment tool, to be used on Participants in COUNTY program, mandated by the DEPARTMENT.

II AUTHORITY AND DURATION

A. Authority

This Agreement is entered into pursuant to the provisions of ORS 423.520.

B. Duration

This Agreement will become effective on **July 1, 2021** and will remain in effect until **June 30, 2023** or until terminated according to Section XI (*Termination*).

III PLAN; PLAN MODIFICATIONS

- A. The Plan must be received and approved by DEPARTMENT before disbursements of Grant funds described in Section VIII can be made to COUNTY.
- B. Plan Modifications: COUNTY and DEPARTMENT agree that the Plan must remain a flexible instrument capable of responding to unforeseen needs and requirements. A copy of all Plan Modifications will be marked in sequence beginning with the designation "Plan Modification 1" and attached to the above-mentioned Plan.

DEPARTMENT will notify COUNTY of any concerns about the modification or the need for an amendment within a 30 calendar day period after DEPARTMENT receives the Plan Modification.

- C. Notice of Modification: DEPARTMENT shall provide to COUNTY an approved form for modifications as soon as practicable after execution of this Agreement.
- D. Plan Modifications shall become effective upon the date the Plan Modification is approved in writing by the DEPARTMENT.

IV AMENDMENTS GENERALLY

The terms of this Agreement shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever, except by written Amendment signed by the parties. An Amendment shall become effective only after all parties have signed and all approvals have been obtained.

V DUTIES AND RESPONSIBILITIES OF COUNTY

- A. COUNTY shall assume administrative responsibility to provide services as outlined in the Plan.
- B. COUNTY shall incorporate the principles described below into the Plan:
 - 1. Treatment programs shall be evidence-based. Evidence-based programs are delivered consistent with the findings in research about what works best to reduce recidivism.
 - 2. Assessment which is standardized, objective, and comprehensive shall be used to prioritize treatment, determine criminal risk factors, and to determine the proper level of care. Assessments of risk shall be based on actuarial risk assessment tools.
 - 3. Rules, requirements and expectations for Participants, including consequences for success and for failure are made formal and clear by an authority figure.
 - 4. An individual case plan shall be developed for each Participant. The case plan shall include criminal risk factors in addition to addiction that will be addressed in treatment.
 - 5. Treatment program design shall address issues of motivation. Treatment options shall be available for Participants consistent with their assessed stage of change.
 - 6. Treatment shall be based on cognitive and behavioral interventions and social learning approaches. Treatment programs shall be of sufficient length and intensity to produce stable behavior changes based on replacing old patterns of thinking and behaving and learning and practicing new skills for avoiding drug use and criminal behavior.

7. The Plan shall utilize a system of graduated Sanctions and incentives which are swift and certain and which encourage recovery goals while holding Participants accountable for non-compliant behaviors.
 8. Weekly random drug testing shall occur, however frequency may decrease as Participant progresses. There shall be a consequence for this or any other rule violation, but that consequence shall not automatically result in withdrawal from treatment. Sanctions shall be administered in a manner to assure longer stays in treatment which are associated with good outcomes.
 9. Co-ed treatment shall be avoided if possible.
 10. Programs shall include relapse prevention planning and comprehensive transition planning so that participants are more likely to adjust to the next level of care or change in living situation.
 11. Addictions treatment programs must be licensed by the State of Oregon to provide addictions treatment.
- C. COUNTY shall incorporate the following data requirements into the Plan:
1. COUNTY will identify Participants through the indicating 'Y' under the M57 Tx data field, located in the Treatment Module.
 2. The start and stop date of the actual program participation, as well as program exit code, will be entered into the CIS Treatment Module.
 3. Program Participants will be assessed for level of severity of addiction, using the Texas Christian University assessment tool (available at no cost), and enter corresponding data as determined by DEPARTMENT.
- D. COUNTY will prepare and furnish such data, descriptive information and reports as may be requested by DEPARTMENT as needed to comply with ORS 423.520, which states in part, "The department shall require recipients of the grants to cooperate in the collection and sharing of data necessary to evaluate the effect of community corrections programs on future criminal conduct." COUNTY will enter data into the Statewide Evaluation and Information System in a complete, accurate, and timely manner. COUNTY acknowledges and agrees that DEPARTMENT has the right to reproduce, use and disclose all or any part of such reports, data and technical information furnished under this Agreement.
- E. COUNTY will permit authorized representatives of DEPARTMENT to make such review of records of COUNTY as may be necessary to satisfy audit and/or program review purposes. A copy of any audit or monitoring report will be made available to COUNTY.
- F. COUNTY will follow DEPARTMENT's prescribed allotment and expenditure reporting system in accordance with Exhibit A. This system will be used for controlling County Corrections Intervention Grant funds by DEPARTMENT and to provide suitable records for an audit.

- G. If funding from DEPARTMENT is reduced or discontinued by legislative action, COUNTY will not be required to increase use of COUNTY revenue for continuing or maintaining corrections services as set out in this Agreement.

VI DEPARTMENT RESPONSIBILITIES. The DEPARTMENT will:

- A. Participate according to this Agreement.
- B. Provide funding as described in Section VIII of this Agreement.
- C. Furnish COUNTY, in a timely manner, those rules, administrative directives and procedures required for COUNTY to meet its obligations described herein.
- D. Subject to system capacity and data processing capabilities, DEPARTMENT will furnish data, descriptive information and reports, available to DEPARTMENT and requested by COUNTY that will assist COUNTY in complying with DEPARTMENT requirements. DEPARTMENT hereby grants to COUNTY the right to reproduce, use, and disclose all or part of such reports, data, and technical information furnished under this Agreement.
- E. If by legislative action, funding from DEPARTMENT is reduced to COUNTY, DEPARTMENT agrees to provide reasonable notice and transition opportunity to COUNTY of changes that may significantly alter approved appropriations and programs.
- F. DEPARTMENT will provide technical assistance to COUNTY in implementing and evaluating COUNTY's Plan.

VII PERFORMANCE GOALS

Interventions funded under this Agreement will be evaluated by the DEPARTMENT for treatment effectiveness. Goals for the evaluation are to determine if:

- A. Treatment programs are evidence-based, as evaluated by the Corrections Program Checklist.
- B. Recidivism is reduced: Participants will recidivate at lower rates than similar untreated adults on supervision.
- C. Participants reduce drug use: Results of random urinalysis will be analyzed.
- D. Participants show evidence of improved community functioning: Improved community functioning will be measured by successful completion of the program and through the existing community corrections performance measures (successful completion of supervision, employment, payment of restitution and/or community service work).

VIII FUNDS

- A. Exhibit A identifies the County Corrections Intervention Grant funds authorized under this Agreement for the implementation of the Plan during the term of this Agreement.
- B. Payment to COUNTY will be made in two payments. One-half of the Grant funds will be disbursed to County within 15 days after execution of this Agreement. The second half of the Grant funds will be disbursed on July 1, 2022.
- C. Both parties agree that all reallocations of Grant funds within programs shall require a Plan Modification.
- D. Unexpended Funds: Grant fund balances remaining at the termination of this Agreement may be retained by the COUNTY, upon approval by DEPARTMENT, for the provision of on-going supervision, correctional services, and sanctions in accordance with the Plan.
- E. Unauthorized Expenditures: Any Grant funds disbursed to COUNTY that are expended for unauthorized purposes, or any Unexpended Funds not retained by COUNTY under Section VIII.E, will be deducted by DEPARTMENT from subsequent payments under this Agreement or refunded to DEPARTMENT promptly upon DEPARTMENT's written request and no later than 15 days after DEPARTMENT's written request.
- F. **Maximum Grant Amount.** Grant funds are based upon COUNTY's Application for Supplemental Funds. Unless amended, the maximum, not-to-exceed County Corrections Intervention Grant payable to COUNTY under this Agreement is \$124,944.00. The maximum Grant amount may be increased only by written amendment of this Agreement which is signed by all parties and with all required State approvals.
- G. Disbursement of Grant funds under this Agreement is contingent on DEPARTMENT receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow DEPARTMENT, in the exercise of its reasonable administrative discretion, to make the disbursement.

IX NONCOMPLIANCE

- A. The Assistant Director of Community Corrections or the Assistant Director's designee of the Community Corrections Division shall review COUNTY's compliance with this Agreement. COUNTY must substantially comply with the provisions of the Plan received by DEPARTMENT and this Agreement.

If, upon review, DEPARTMENT determines that there are reasonable grounds to believe that COUNTY is not in substantial compliance with the Agreement or Plan, including but not limited to COUNTY has failed to meet standards of evidence-based treatment programs as required in Section V.B.1, DEPARTMENT and COUNTY shall proceed in accordance with OAR Chapter 291-031, to reach compliance or, if compliance is not obtained, to suspend funding.

X INDEMNIFICATION. See Exhibit B.

XI TERMINATION

- A. Parties Right to Terminate at its Discretion. At its sole discretion, any party to this Agreement may terminate this Agreement for its convenience upon 30 days' prior written notice.
- B. Parties may terminate this Agreement immediately upon written notice if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that DEPARTMENT or COUNTY cannot lawfully perform its obligations under this Agreement.
- C. It is understood and agreed by the parties hereto that this Agreement will remain in force only during its term and will not continue in force after its term. There will be no automatic extension. This Agreement may be extended only by written consent of the parties hereto.
- D. It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement, including any part, term or provision of any appended material, is held by a court to be illegal or in conflict with any law of the State of Oregon or applicable administrative rule, that element of the contract including relevant appended materials will be void and without effect and will be treated by the parties as having been terminated as of the date of determination of the voidness.
- E. It is understood and agreed by the parties hereto that this Agreement will automatically terminate if the State of Oregon provides no funding. If there is reduced state funding, COUNTY may terminate the Agreement as described herein.

XII COMPLIANCE WITH APPLICABLE LAW

Both Parties shall comply with all federal, state and local laws, regulations, executive orders, and ordinances to which each is subject and which is applicable to this Agreement. Without limiting the generality of the foregoing, the parties expressly agree to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to those laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. All employers, including COUNTY, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. COUNTY shall ensure that each of its subcontractors complies with these requirements.

Nothing in this Agreement shall require COUNTY or DEPARTMENT to act in violation of state or federal law or the Constitution of the State of Oregon.

XIII ACCESS TO RECORDS

For not less than six (6) years after Agreement expiration, DEPARTMENT, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized

representatives shall have access to the books, documents, papers and records of COUNTY which are directly pertinent to this specific Agreement for the purpose of making audit, examination, excerpts, and transcripts. COUNTY shall retain all pertinent records until the later of (i) the date that is not less than six (6) years following the Agreement expiration date or (ii) the date on which all litigation regarding this Agreement is resolved. COUNTY agrees full access to DEPARTMENT will be provided in preparation for and during litigation. Copies of applicable records shall be made available upon request. DEPARTMENT shall reimburse COUNTY for the cost of copies DEPARTMENT requests.

XIV SURVIVAL

All rights and obligations shall cease upon termination or expiration of this Agreement, except for the rights and obligations set forth in Sections IV, X, XI, XII, XIII, XIV, and XV.

XV GOVERNING LAW; JURISDICTION; VENUE

The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement. Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

XVI WAIVER

The failure of either party to enforce any provision of this Agreement will not constitute a waiver by that party of that or any other provision.

XVII EXECUTION AND COUNTERPARTS

This Agreement may be executed in several counterparts, each of which will be an original, all of which will constitute but one and the same instrument.

XVIII NOTICE

Except as otherwise expressly provided in this Agreement, any notices between the Parties to be given hereunder shall be given in writing by personal delivery, facsimile, electronic mail, or mailing the same, postage prepaid to COUNTY or DEPARTMENT at the address or number set forth below, or to such other addresses or numbers as any Party may indicate pursuant to this section. Any notice so addressed and mailed shall be effective five (5) days after mailing. Any notice delivered by facsimile shall be effective on the day the transmitting machine generates a receipt of the successful transmission, if transmission was during normal business hours of the recipient, or on the next business day, if transmission was outside normal business hours of the recipient. Any notice delivered by electronic mail shall be effective on the day of notification of delivery receipt, if delivery was during normal business hours of the recipient, or on the next business day, if delivery was outside normal business hours of the recipient. Any notice given by personal delivery shall be effective when actually delivered to the Authorized Representatives listed below:

To DEPARTMENT: Jeremiah Stromberg, Assistant Director
Community Corrections Division
Department of Corrections
2575 Center St. NE
Salem, OR 97301
Telephone: 503-945-8876
Fax: 503-373-7810
E-Mail: Jeremiah.P.Stromberg@doc.state.or.us

To COUNTY: Benton County Community Corrections
Justin Carley, Director
180 NW 5th Street
Corvallis, OR 97330
Telephone: 541-766-6888
Fax: 541-766-6758
Email: justin.j.carley@co.benton.or.us

The Parties may change the persons named in this section by notice to the other Parties as provided herein. No amendment to this Agreement is required to make such change.

XIX MERGER; INTEGRATION

This instrument contains the entire agreement between the parties and no statement made by any party hereto, or agent thereof, not contained or attached with reference thereto in this written Agreement will be valid or binding. This Agreement will supersede all previous communications, representations, wither verbal or written, between the parties hereto. This Agreement may not be enlarged, modified or altered except in writing, signed by the parties, and attached.

STATE OF OREGON
DEPT. OF CORRECTIONS

BENTON COUNTY

Eric McDowell, Contracts Officer

Signature

Date

Title

Date

Reviewed by the
Oregon Attorney General's Office:

/s/ Sam Zeigler (by email dated 5/13/2021)
Assistant Attorney General

**2021-2023 M57 Supplemental Funds
Intervention Program Budget Summary
EXHIBIT A**

Program Expenses (please be detailed)	19-21 M57 Supplemental Funds Carryover	21-23 M57 Supplemental Funds	Other State Funds	County/Local Funds	Total
A. Supervision Related Personnel Costs .16 FTE for Three P&P Officers (Wages & Benefits)	\$29,073	\$110,000	\$0	\$0	\$139,073
B. Materials and Services Reentry services, GED, haircuts, food handlers cards, and housing subsidy	\$0	\$14,944	\$0	\$0	\$49,212
C. Treatment Provider and/or Contracted Professional Services Contracted treatment services and mental health assessments	\$0	\$0	\$0	\$0	\$0
D. Sanction Costs (by type)	\$0	\$0	\$0	\$0	\$0
E. Capital Outlay and Start- Up Costs	\$0	\$0	\$0	\$0	\$0
Total	\$29,073	\$124,944	\$0	\$0	\$154,017

**EXHIBIT B
INDEMNIFICATION
BENTON COUNTY**

Contribution

If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

With respect to a Third Party Claim for which the Department is jointly liable with the County (or would be if joined in the Third Party Claim), the Department shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the County in such proportion as is appropriate to reflect the relative fault of the Department on the one hand and of the County on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Department on the one hand and of the County on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Department's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the Department had sole liability in the proceeding.

With respect to a Third Party Claim for which the County is jointly liable with the Department (or would be if joined in the Third Party Claim), the County shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Department in such proportion as is appropriate to reflect the relative fault of the County on the one hand and of the Department on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the County on the one hand and of the Department on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The County's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

Alternative Dispute Resolution

The parties should attempt in good faith to resolve any dispute arising out of this Agreement. This may be done at any management level, including at a level higher than persons directly responsible for administration of the Agreement. In addition, the parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

Indemnification by Subcontractors

County shall take all reasonable steps to cause its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents ("Indemnatee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of County's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by the contractor from and against any and all Claims.

Subcontractor Insurance Requirements

GENERAL.

County shall require its first tier contractor(s) that are not units of local government as defined in ORS 190.003, if any, to: i) obtain insurance specified under TYPES AND AMOUNTS and meeting the requirements under, "TAIL" COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before the contractors perform under contracts between County and the contractors (the "Subcontracts"), and ii) maintain the insurance in full force throughout the duration of the Subcontracts. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to Department. County shall not authorize contractors to begin work under the Subcontracts until the insurance is in full force. Thereafter, County shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. County shall incorporate appropriate provisions in the Subcontracts permitting it to enforce contractor compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. Examples of "reasonable steps" include issuing stop work orders (or the equivalent) until the insurance is in full force or terminating the Subcontracts as permitted by the Subcontracts, or pursuing legal action to enforce the insurance requirements. In no event shall County permit a contractor to work under a Subcontract when the County is aware that the contractor is not in compliance with the insurance requirements. As used in this section, a "first tier" contractor is a contractor with which the county directly enters into a contract. It does not include a subcontractor with which the contractor enters into a contract.

TYPES AND AMOUNTS.

PROFESSIONAL LIABILITY

Professional Liability Insurance covering any damages caused by an error, omission or negligent act related to the services to be provided under the Subcontract, with limits not less than \$2,000,000, as determined by the Department:

"TAIL" COVERAGE. If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance, the contractor shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of the Subcontract, for a minimum of 24 months following the later of : (i) the contractor's completion and County 's acceptance of all Services

required under the Subcontract or, (ii) the expiration of all warranty periods provided under the Subcontract. Notwithstanding the foregoing 24-month requirement, if the contractor elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then the contractor may request and Department may grant approval of the maximum "tail" coverage period reasonably available in the marketplace. If Department approval is granted, the contractor shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace.

NOTICE OF CANCELLATION OR CHANGE. The contractor or its insurer must provide 30 days' written notice to County before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

CERTIFICATE(S) OF INSURANCE. County shall obtain from the contractor a certificate(s) of insurance for all required insurance before the contractor performs under the Subcontract. The certificate(s) or an attached endorsement must specify: i) all entities and individuals who are endorsed on the policy as Additional Insured and ii) for insurance on a "claims made" basis, the extended reporting period applicable to "tail" or continuous "claims made" coverage.

To DEPARTMENT: Jeremiah Stromberg, Assistant Director
Community Corrections Division
Department of Corrections
2575 Center St. NE
Salem, OR 97301
Telephone: 503-945-8876
Fax: 503-373-7810
E-Mail: Jeremiah.P.Stromberg@doc.state.or.us

To COUNTY: Benton County Community Corrections
Justin Carley, Director
180 NW 5th Street
Corvallis, OR 97330
Telephone: 541-766-6888
Fax: 541-766-6758
Email: justin.j.carley@co.benton.or.us

The Parties may change the persons named in this section by notice to the other Parties as provided herein. No amendment to this Agreement is required to make such change.

XIX MERGER; INTEGRATION

This instrument contains the entire agreement between the parties and no statement made by any party hereto, or agent thereof, not contained or attached with reference thereto in this written Agreement will be valid or binding. This Agreement will supersede all previous communications, representations, wither verbal or written, between the parties hereto. This Agreement may not be enlarged, modified or altered except in writing, signed by the parties, and attached.

STATE OF OREGON
DEPT. OF CORRECTIONS

Eric McDowell, Contracts Officer

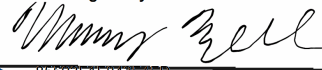
Date

Reviewed by the
Oregon Attorney General's Office:

/s/ Sam Zeigler (by email dated 5/13/2021)
Assistant Attorney General

BENTON COUNTY

DocuSigned by:



Signature

Title

Date

 1-27-22
Benton Co. Counsel

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 02/15/22

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Finance

Contact Name * Rick Crager

Phone Extension * 6246

Meeting Attendee Name * Rick Crager

Agenda Item Details



Item Title * American Rescue Plan Act (ARPA) - Notice of Funding Opportunity

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

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

The Financial Services Department has revised the draft Notice of Funding Opportunity that will be used to solicit up to \$2.6 million of American Rescues Plan Act funding beginning in February. This is an updated draft from what was presented to the BOC on December 22, 2021, and then revised based on feedback from the public that was considered and discussed by the BOC at its January 11, 2022 Goal Setting Meeting.

Options *

1. Approve the NOFO as re-drafted and recommend release by February 18th
2. Approve the NOFO as modified by BOC and recommend release upon completion of modification
3. Decline approval of the NOFO and determine an alternative strategy on use of funds

Fiscal Impact *

- ☐ Yes
☒ No

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 *

As part of the NOFO, there is a requirement that all applicants must link their proposal to one or more of the Core Values identified in the 2040 Thriving Communities Initiative

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 *

The flexibility of eligible uses within the ARPA funding enables resources to be targeted to all the focus areas identified above. The NOFO essentially offers a very wide scope of uses to meet identified community needs created by the pandemic

Recommendations and Motions

Item Recommendations and Motions

Staff
Recommendations * Staff recommends the NOFO be approved as re-drafted with an estimated release date of February 18, 2022

Meeting Motions * I move to ...
I move to approve the Notice of Funding Opportunities as redrafted and presented with a request that staff work towards the release by February 18, 2022.

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.

Comments (optional) Will follow up with revised NOFO and powerpoint presentation.
If you have any questions, please call ext.6800

Department Approver RICHARD CRAGER

Department Approval

Comments

Signature

Rick Crager

BOC Initial Approval

Approvals Required ☐ Counsel
☐ Finance
☐ HR

County Administrator Approver JOE KERBY

Comments

County Administrator Approval

Comments

Signature

Theresa Kelly

BOC Final Approval

Comments

Signature

Teresa Foley

NOTICE OF FUNDING OPPORTUNITY

Issue Date: ~~January 25~~February 18, 2022

Funding Name:	Coronavirus State and Local Fiscal Recovery (CSLFR) Funds
Due Date/Time:	February 18 March 11, 2022, 5:00pm
Contact:	Rick Crager, Chief Financial Officer at rick.crager@co.benton.or.us
Total Funding:	\$2,4600,000
Maximum Award:	Any amount up to a maximum of \$500,000 – Must be obligated with 12 months from grant execution by September 30, 2022

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1. ANNOUNCEMENT AND SPECIAL INFORMATION

On behalf of the Benton County Board of Commissioners (BOC), the Benton County Financial Services Department is seeking applications from community organizations, non-profits, and governmental organizations to help support the pandemic response needs and rebuild a stronger, more equitable economy as the nation, state, county, and local communities continue to recover from the impacts of COVID-19.

~~Respondents/Applicants~~ are required to read, understand, and comply with all information contained within this Notice of Funding Opportunity ("NOFO"). All ~~Proposals-applications~~ are binding upon the ~~Respondents/Applicants~~ for sixty (60) days from the Proposal Due Date/Time.

~~Proposals/Applications~~ are to be submitted online no later than 5PM PST on ~~February 18~~March 11, 2022. ~~The online application can be accessed-accessed by contacting at www.// - All questions regarding the online application should be directed to Jenn Ambuehl fromat the Benton County Financial Services Departments at. Email at jenn.ambuehl@co.benton.or.us. She can also be reached at-or phone at (541) 766-6257.~~

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~~Respondents/Applicants~~ may not communicate with County employees or representatives about the NOFO during the ~~procurement-application~~ process until the Benton County Financial Services Department has notified ~~Respondents/Applicants~~ of the selected Proposals. Communication in violation of this restriction may result in rejection of an ~~ProposalApplication~~.

2. INTRODUCTION

As established ~~by-through~~ the American Rescue Plan Act (ARPA) of 2021, the U.S. Department of the Treasury has provided resources through the Coronavirus State and Local Fiscal Recovery (CSLFR) Fund to allocate \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. In May 2021, Benton County was notified it would receive a funding award of \$18,074,454 through the CSLFR Fund.

CSLRF funding provides eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use

this funding to meet the needs of their communities. Recipients may use CSLRF Funds to:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harm to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet

More specific information on eligible and potential uses of funding can be found in the [U.S. Treasury Interim Final Rule under Section 112](https://www.regulations.gov/document/TREAS-DO-2021-0008-0002), at: <https://www.regulations.gov/document/TREAS-DO-2021-0008-0002>

3. FUNDING PLAN

In allocating the \$18.1 million of CSLFR Funds, the BOC has established a preliminary resource allocation plan that has identified \$10.82 million of county projects (including administration). Most of these projects are eligible under the provisions and calculation of lost public resource and are guided by the strategic priorities identified in the Benton County 2021-23 Adopted Budget. The county is currently working to finalize its estimate for these projects and will be working with the BOC for final approval.

In terms of the remaining \$7.39 million of CSLFR, the BOC intends to focus these resources through this Notice of Funding Opportunity (NOFO), to solicit additional ~~project~~ proposals from governmental, community-based, and non-profit organizations. This process will be administered through three separate funding rounds over the course of a three-year period.

The amount of funding for the each round is subject to change, but based on current estimates, the first round will be approximately \$2.46 million. The application for the first cycle of funding is expected to be released ~~January 25~~ February 18, 2022.

Note: Applicants who are submitting proposals for capital projects are encouraged to submit their requests in the early rounds of funding opportunities. Because CSLFR funds must be expended by June 30, 2024, capital projects may not have sufficient time to make funding commitments if they wait to Round 3 (Estimated January 2024) to apply.

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4. GOAL

In deciding how best to allocate the resources made available through this NOFO, the Benton County Board of Commissioners (BOC) will be applying the 2040 Thriving Community Initiative. This initiative was created through extensive public engagement that reflect what the community of Benton County want to become over the next 20 years. As result of this engagement, the public supported five community core values that were based on the principles of equity and health. These include:

1. **Vibrant, Livable Communities:** Vibrant, safe, and livable communities that promote creativity, forward thinking, a sense of place, and high quality of life
2. **Supportive People & Resources:** Welcoming communities that actively build connections, personal interactions, & community resources that foster belonging
3. **High Quality Environment and Access:** High environmental quality, conservation of natural resources, consideration of carrying capacity, and easy access to the outdoors
4. **Diverse Economy that Fits:** A diverse economy that inspires and stimulates local business, entrepreneurship, innovation, and opportunities.
5. **Community Resiliency.** Communities and individuals are prepared to respond to and recover from natural and human caused disasters, threats, and changes.

All ~~NOFO applications~~ proposals must identify one or more of these five values. ~~In addition, proposal should support programs or services that address or mitigate the negative impacts of the COVID-19 pandemic for households, businesses, or populations disproportionately impacted by the public health emergency. Proposals that and include programs, projects, and/or services focused on the following will be given a higher priority for funding—eligible uses of funding.~~

- Programs, projects, or services that facilitate access to health and social services.
- Programs, projects, or services that address housing insecurity, lack of affordable housing, or homelessness.
- Programs, projects, or services that address or mitigate the impacts of the COVID-19 public health emergency on education or that promote healthy childhood environments.
- Programs, projects, or services that support small businesses or non-profits with loans, grants, in-kind assistance, or counseling programs to mitigate the negative economic impact of the pandemic such as declines in revenues or impacts of periods of business closure.
- Programs, projects, or services that support small businesses or non-profits with technical assistance, counseling, or other services to assist with business planning needs.
- Programs, projects, or services that speed the recovery of impacted industries, such as tourism, travel, and hospitality that were disproportionately impacted by the pandemic and business closures.
- Programs, projects, or services that provide assistance to households to address the negative economic impacts of COVID-19.

Applications with programs, projects, or services that have an equity focus to address or mitigate the negative impacts of the COVID-19 pandemic for household, businesses, or populations disproportionately impacted by the public health emergency, will be given a higher priority of receiving funds. These include applications that specifically name one or more of the following within its proposed activities:

- Explicitly name racial equity as a goal, with specific targets to produce results at scale.
- Plan to engage historically underserved populations in prioritizing its activities.
- Connect unemployed and low-wage workers with good jobs and careers.
- Stabilize and grow businesses owned by people of color and immigrants.
- Invest in frontline, COVID-impacted, and disinvested communities.
- Strengthen civic infrastructure that builds the power and capacity of marginalized communities.
- Prioritize a few deep, cross-sector, high-impact equity investments.

5. ELIGIBILITY REQUIREMENTS

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To be eligible to apply for funding, all entities must either be a governmental, community-based, or non-profit organizations whose mission and service is focused on the residents and businesses of Benton County. All applications must meet the following requirements.

Requirement #1: ~~Funds must Meet the established ARPA eligibility expenditure category criteria; and~~ be used to respond to the public health emergency or its negative economic impacts and focus on one or more of the eligible use of funds identified in Section 4 above. These specific uses are further governed under the Final Rule released by the U.S. Treasury on January 6, 2022, and summarized in the Overview of the Final Rule. It is important to note that this NOFO focuses only on section of the Rule related to supporting the COVID-19 public health and economic crisis.

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Requirement #2: Applicants must have the organizational capacity to carry out their proposed activities and meet the record keeping and reporting requirements of Benton County.

Requirement #3: Contractor recipients will be required to obtain adequate insurance covering worker's compensation, bodily injury, property damage, or automobile liability, depending on the nature of the project. Contractors will be responsible for obtaining any necessary licenses, permits, and/or jurisdictional approvals, and for complying with applicable federal, state, and municipal laws, codes and regulations.

Requirement #4: Funding must be obligated no later than twelve months from date of award, with all funds expended by June 30, 2024.

Requirement #5: All recipients of funds will be required to meet all reporting requirements identified by Benton County as well as, where applicable, comply with 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles for Federal Awards

~~than September 30, 2022. Programs or services must be complete within one year of funding award.~~

6. EVALUATION CRITERIA

As mentioned in Section 4, applications that have an equity focus identified in their activities and approach will be given a higher priority for funding. All applications will be reviewed and evaluated for both its focus on equity, as well as meeting the criteria outlined in the table below. Attachment A provides the Application Review Rubric that will be applied in the evaluation process. Applications will be evaluated by the sections below.

Proposal Justification: Proposal should clearly provide supporting data and/or information that demonstrates the need of what is being proposed, particularly related to addressing the public health emergency or its negative economic impacts.	15 points percent
County Core Values and Priority Programs/Services: Proposal identifies how it aligns with 2040 Thriving Community Initiative and is within the priority programs and/or service identified.	25 points percent
Community Impact: Proposal describes a clear and significant impact and has a specific and measurable evaluation plan. <u>In addition, proposal identifies the importance of geographic distribution throughout the community and places a focus in ensuring funding recognizes and addresses the needs in both rural and urban areas of the County.</u>	25 percent points
Organizational Capacity: Applicant demonstrate high capacity and ability to implement and oversee the proposal, <u>and the ability to scale it proposal to both small and larger populations.</u>	15 points percent
Clarity/Quality of Proposal: Proposal is clearly written and has a logical alignment between needs, goals, and activities.	10 points percent
Budget: Budget is reasonable and consistent with the proposal and leverages other matching or in-kind services.	10 points percent

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7. FUNDING CYCLE AND TIMELINE

Applications Made-Become Available	1/25/2/18/2022
Application Due Date	23/48 11/2022 5:00 pm (PST)
Award Decisions and Notification (estimated)	3/454/5/2022
Agreement Start Date (estimated)	4/18/2022
<u>Funds 100% Obligated (estimated)</u>	<u>4/18/2023</u>
Agreement End Date (estimated)	4/1/2023 6/30/20 <u>24</u>

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BENTON COUNTY – AMERICAN RESCUE PLAN ACT
NOTICE OF FUNDING OPPORTUNITY

Issue Date: February 18, 2022

Funding Name:	Coronavirus State and Local Fiscal Recovery (CSLFR) Funds
Due Date/Time:	March 11, 2022, 5:00pm
Contact:	Rick Crager, Chief Financial Officer at rick.crager@co.benton.or.us
Total Funding:	\$2,400,000
Maximum Award:	Any amount up to a maximum of \$500,000 – Must be obligated with 12 months from grant execution

1. ANNOUNCEMENT AND SPECIAL INFORMATION

On behalf of the Benton County Board of Commissioners (BOC), the Benton County Financial Services Department is seeking applications from community organizations, non-profits, and governmental organizations to help support the pandemic response needs and rebuild a stronger, more equitable economy as the nation, state, county, and local communities continue to recover from the impacts of COVID-19.

Applicants are required to read, understand, and comply with all information contained within this Notice of Funding Opportunity (“NOFO”). All Proposals are binding upon the Applicants for sixty (60) days from the Proposal Due Date/Time.

Applications are to be submitted online no later than 5PM PST on March 11, 2022. **The online application can be accessed by contacting Jenn Ambuehl from the Benton County Financial Services Department at jenn.ambuehl@co.benton.or.us.** She can also be reached at (541) 766-6257.

Applicants may not communicate with County employees or representatives about the NOFO during the application process until the Benton County Financial Services Department has notified Applicants of the selected Proposals. Communication in violation of this restriction may result in rejection of an Application.

2. INTRODUCTION

As established through the American Rescue Plan Act (ARPA) of 2021, the U.S. Department of the Treasury has provided resources through the Coronavirus State and Local Fiscal Recovery (CSLFR) Fund to allocate \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. In May 2021, Benton County was notified it would receive a funding award of \$18,074,454 through the CSLFR Fund.

CSLRF funding provides eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use CSLRF Funds to:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harm to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet

More specific information on eligible and potential uses of funding can be found in the [U.S. Treasury Final Rule](#) under Section II.

3. FUNDING PLAN

In allocating the \$18.1 million of CSLFR Funds, the BOC has established a preliminary resource allocation plan that has identified \$10.8 million of county projects (including administration). Most of these projects are eligible under the provisions and calculation of lost public resource and are guided by the strategic priorities identified in the Benton County 2021-23 Adopted Budget. The county is currently working to finalize its estimate for these projects and will be working with the BOC for final approval.

In terms of the remaining \$7.3 million of CSLFR, the BOC intends to focus these resources through this Notice of Funding Opportunity (NOFO), to solicit additional proposals from governmental, community-based, and non-profit organizations. This process will be administered through three separate funding rounds over the course of a three-year period.

The amount of funding for the each round is subject to change, but based on current estimates, the first round will be approximately \$2.4 million. The application for the first cycle of funding is expected to be released February 18, 2022.

***Note:** Applicants who are submitting proposals for capital projects are encouraged to submit their requests in the early rounds of funding opportunities. Because CSLFR funds must be expended by June 30, 2024, capital projects may not have sufficient time to make funding commitments if they wait to Round 3 (Estimated January 2024) to apply.*

4. GOAL

In deciding how best to allocate the resources made available through this NOFO, the Benton County Board of Commissioners (BOC) will be applying the 2040 Thriving Community Initiative. This initiative was created through extensive public engagement that reflect what the community of Benton County want to become over the next 20 years. As result of this engagement, the public supported five community core values that were based on the principles of equity and health. These include:

1. **Vibrant, Livable Communities:** Vibrant, safe, and livable communities that promote creativity, forward thinking, a sense of place, and high quality of life
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3. **High Quality Environment and Access:** High environmental quality, conservation of natural resources, consideration of carrying capacity, and easy access to the outdoors

4. **Diverse Economy that Fits:** A diverse economy that inspires and stimulates local business, entrepreneurship, innovation, and opportunities.
5. **Community Resiliency.** Communities and individuals are prepared to respond to and recover from natural and human caused disasters, threats, and changes.

All NOFO applications must identify one or more of these five values and include programs, projects, and/or services focused on the following eligible uses of funding.

- Programs, projects, or services that facilitate access to health and social services.
- Programs, projects, or services that address housing insecurity, lack of affordable housing, or homelessness.
- Programs, projects, or services that address or mitigate the impacts of the COVID-19 public health emergency on education or that promote healthy childhood environments.
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- Programs, projects, or services that support small businesses or non-profits with technical assistance, counseling, or other services to assist with business planning needs.
- Programs, projects, or services that speed the recovery of impacted industries, such as tourism, travel, and hospitality that were disproportionately impacted by the pandemic and business closures.
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Applications with programs, projects, or services that have an equity focus to address or mitigate the negative impacts of the COVID-19 pandemic for household, businesses, or populations disproportionately impacted by the public health emergency, will be given a higher priority of receiving funds. These include applications that specifically name one or more of the following within its proposed activities:

- Explicitly name racial equity as a goal, with specific targets to produce results at scale.
- Plan to engage historically underserved populations in prioritizing its activities.
- Connect unemployed and low-wage workers with good jobs and careers.
- Stabilize and grow businesses owned by people of color and immigrants.
- Invest in frontline, COVID-impacted, and disinvested communities.
- Strengthen civic infrastructure that builds the power and capacity of marginalized communities.
- Prioritize a few deep, cross-sector, high-impact equity investments.

5. ELIGIBILITY REQUIREMENTS

To be eligible to apply for funding, all entities must either be a governmental, community-based, or non-profit organization whose mission and service is focused on the residents and businesses of Benton County. All applicants must meet the following requirements.

Requirement #1: Funds must be used to respond to the public health emergency or its negative economic impacts and focus on one or more of the eligible use of funds identified in Section 4 above. These specific uses are further governed under the [Final Rule](#) released by the U.S. Treasury on January 6, 2022, and summarized in the [Overview of the Final Rule](#). **It is important to note that this NOFO focuses only on section of the Rule related to supporting the COVID-19 public health and economic crisis.**

Requirement #2: Applicants must have the organizational capacity to carry out their proposed activities and meet the record keeping and reporting requirements of Benton County.

Requirement #3: Contractor recipients will be required to obtain adequate insurance covering worker's compensation, bodily injury, property damage, or automobile liability, depending on the nature of the project. Contractors will be responsible for obtaining any necessary licenses, permits, and/or jurisdictional approvals, and for complying with applicable federal, state, and municipal laws, codes and regulations.

Requirement #4: Funding must be obligated no later than twelve months from date of award, with all funds expended by June 30, 2024.

Requirement #5: All recipients of funds will be required to meet all reporting requirements identified by Benton County as well as, where applicable, comply with [2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles for Federal Awards](#)

6. EVALUATION CRITERIA

As mentioned in Section 4, applications that have an equity focus identified in their activities and approach will be given a higher priority for funding. All applications will be reviewed and evaluated for both its focus on equity, as well as meeting the criteria outlined in the table below. Attachment A provides the Application Review Rubric that will be applied in the evaluation process.

Proposal Justification: Proposal should clearly provide supporting data and/or information that demonstrates the need of what is being proposed, particularly related to addressing the public health emergency or its negative economic impacts.	15 percent
County Core Values and Priority Programs/Services: Proposal identifies how it aligns with 2040 Thriving Community Initiative and is within the priority programs and/or service identified.	25 percent
Community Impact: Proposal describes a clear and significant impact and has a specific and measurable evaluation plan. In addition, proposal identifies the importance of geographic distribution throughout the community and places a focus in ensuring funding recognizes and addresses the needs in both rural and urban areas of the County	25 percent
Organizational Capacity: Applicant demonstrate high capacity and ability to implement and oversee the proposal, and the ability to scale it proposal to both small and larger populations.	15 percent
Clarity/Quality of Proposal: Proposal is clearly written and has a logical alignment between needs, goals, and activities.	10 percent
Budget: Budget is reasonable and consistent with the proposal and leverages other matching or in-kind services.	10 percent

7. FUNDING CYCLE AND TIMELINE

Applications Made Available	February 18, 2022
Application Due Date	March 11, 2022 5:00 pm (PST)
Award Decisions and Notification (estimated)	April 5, 2022
Agreement Start Date (estimated)	April 18, 2022
Funds 100% Obligated (estimated)	April 18, 2023
Agreement End Date	June 30, 2024

Benton County
American Rescue Plan Act (ARPA) Resources
Notice of Funding Opportunity (NOFO)

Application Review Rubric

Proposals that have a specific and well-articulated focus on equity will receive a high priority for funding. These proposals must clearly demonstrate within their application how they will apply an equity focus and will be given priority on their ability to meet the following criterion:

Equity Focus	Proposal must focus on programs, projects, or services that address and services that address or mitigate the negative impacts of the COVID-19 pandemic for household, businesses, or populations disproportionately impacted by the public health emergency. Only those proposals that include one or more of the following will receive priority: 1. Explicitly name racial equity as a goal, with specific targets to produce results at scale. 2. Plan to engage historically underserved populations in prioritizing its resources 3. Connect unemployed and low-wage workers with good jobs and careers 4. Stabilize and grow businesses owned by people of color and immigrants 5. Invest in frontline, COVID-impacted, and disinvested communities 6. Strengthen civic infrastructure that builds the power and capacity of marginalized communities 7. Prioritize a few deep, cross-sector, high-impact equity investments.
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The following scoring matrix will be used to evaluate each application to determine a ranking of proposals for funding considerations

SCORING MATRIX	SCORE	7-10	4-6	0-3
Proposal Justification <i>(15% Weight)</i>		Proposal provide specific and detailed needs, goals, and activities along data or information that supports the need; establishes proven or research based best practices in meeting the goals.	Proposal provide general statement of need with some specific data or information that supports the need for funding.	Proposal lacks a description of need and any relevant information that demonstrates the likelihood of the proposal addressing the issue targeted.

NOTICE OF FUNDING OPPORTUNITY – ATTACHMENT A

County Core Values (25% Weight)		Proposal identifies and clearly demonstrates how project, program, or service activities align with the values in the 2040 Thriving Community Initiative; provides specific information on how the proposal meets the eligible uses of funding.	Proposal identifies and clearly demonstrates how project, program, or service activities align with the values in the 2040 Thriving Community Initiative; provides general information on how the proposal meets the eligible uses of funding	Proposal does not demonstrate how project, program, or service activities align with the values in the 2040 Thriving Community Initiative.
Community Impact (25% Weight)		Makes a permanent and measurable change in a service or community condition; focuses on high engagement (pre and post award) with the community on how resources will be used and builds in a plan to effectively address needs of rural and urban areas of the county.	Has potential for a measurable change in a services or community condition, but not fully demonstrated; demonstrates some planned community engagement and recognition of needs or rural and urban areas of the county, but lacks a clear and decisive plan.	Demonstrates a short-term or no measurable change in a service or community condition. No efforts planned on community engagement.
Organization Capacity (15% Weight)		Requesting organization provides the same or similar program, project, or service activities on a consistent basis; proposal demonstrates ability to scale activities to meet the needs of both small and large populations.	Requesting organization provides the same or similar program, project, or service activity on a periodic basis; proposal has some ability to scale activities, but focus appears to be targeted to a specific population size	Requesting organization has not previously provided the same or similar program, project, or service activity; proposal lacks scalability in its approach.
Clarity/Quality of Proposal (10% Weight)		Proposal is clearly written; logical alignment between needs, goals, and activities.	Proposal is somewhat clear and demonstrates some alignment between needs, goals, and activities.	Entire proposal is unclear; no alignment between needs, goals, and activities.
Budget (10% Weight)		Budget is reasonable and consistent with the proposal, and demonstrates the blending or use of other state, federal, or local resources to further leverage the proposal.	Budget is consistent with proposal, but is not reasonable in terms of level of spending. Proposal demonstrates desire to leverage other resources but lacks specificity.	Proposal is neither reasonable nor consistent with proposal.