

**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS**

Zoom link:

<https://us06web.zoom.us/j/81725554821?pwd=aHd6dUNWWjRnOHZXUkh1Qm1GTThFQT09#success>

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

Tuesday, April 4, 2023

9:00 a.m.

Present: **Pat Malone**, Chair; **Xanthippe Augerot**, Commissioner; **Nancy Wyse**, Commissioner; **Vance Croney**, County Counsel; **Suzanne Hoffman**, Interim County Administrator

Staff: **Julie Arena**, **April Holland**, Health; **Laurel Byer**, **David Malone**, **Sheanna Steingass**, Public Works; **Katie Cooper**, **Dawn Dale**, **Jef Van Arsdall**, Sheriff's Office; **Rick Crager**, Financial Services; **Cory Grogan**, Public Information Officer; **Toby Lewis**, **Darren Nichols**, **Inga Williams**, Community Development; **Amanda Makepeace**, BOC Staff; **Tracy Martineau**, Human Resources; **Erika Milo**, BOC Recorder; **Matt Wetherell**, Juvenile Department

Guests: **Emily Barton**, Community Outreach, Incorporated; **Chris Furney**, Alsea resident; **John Harris**, Horsepower Productions; **Sam Imperati**, ICM Resolutions; **Alex Powers**, Mid-Valley Media

1. Opening:
1. Call to Order

Chair Malone called the meeting to order at 9:07 a.m.

2. Introductions
3. Announcements

No announcements were made.

2. Review and Approve Agenda

The following item was added to the agenda:

10.1 Alsea Commissioners Corner Attendance – Xanthippe Augerot, Commissioner

3. Comments from the Public

Chris Furney, resident, 145 South First Street, Alsea, Oregon: Furney submitted a complaint regarding neighbor John Hutton's eave, which allegedly overhangs a two-foot strip of Furney's property. Furney expressed concerns about obstruction of his driveway, public safety, and zoning, and requested removal of the overhang of Hutton's property at 157 South First Street, Alsea, Oregon.

4. Work Session

4.1 COVID-19 Update from Department Operations Center – April Holland, Health Services

Holland reported that as of yesterday, 178 individuals statewide were hospitalized with COVID-19, down from 240 two weeks ago. There are still some challenges with patients boarding in emergency departments. Reported cases continue to be low in Benton County and most of the

state, although this is an undercount due to prevalence of home testing. For the week of March 19, 2023, Benton County had 47 reported cases, about the same as two weeks ago. Benton had 2.7 COVID-19 hospital admissions per 100,000 residents, with about 8.3% of staffed beds in use by COVID-19 patients. Testing positivity is staying steady around 10%. Statewide wastewater testing is holding steady, plateaued, or decreasing. Some new Omicron sub-variants are causing case increases in some other countries. Like previous variants, these will likely be more transmissible, but cause fewer hospitalizations and deaths. Vaccines are the best protection.

Yesterday, Oregon Health Authority (OHA) removed the statewide universal masking requirement in healthcare settings; County Health is aligning with this update. Communications staff will emphasize that COVID-19 remains a serious risk to many. Masks are encouraged, especially for providers, patients, and caregivers in clinical settings. When the Federal public health emergency ends on May 11, 2023, some temporary benefit programs will end. On April 1, 2023, OHA started redetermining Oregon Health Plan (OHP) eligibility. Holland advised all OHP members to update contact information. COVID-19 vaccines and therapeutics will shift to commercialization once the Federal supply is depleted. Responding to questions from Malone, Holland explained that there is no sign of the new sub-variants in the United States yet and no known major spikes in cases. New vaccination guidance is expected in late spring 2023.

4.2 Update from Benton County Talks Trash Solid Waste Process Work Group (WG) – Darren Nichols, Community Development Director

Nichols reported that the WG held its final meeting last night. Members achieved consensus on all of the findings and recommendations and a strong majority on most. Nichols thanked staff, the facilitation team, and WG members. The edited report will be released to the Board and the public on April 11 or 12, 2023. An Open House will be held tonight, and a public comment period will run from April 11-May 26, 2023.

Imperati added that the report should help the County create and implement the Sustainable Materials Management Plan.

The Board thanked everyone involved in the process.

Nichols commented that lessons learned in this process will help the County address other community challenges such as wildfire risk prevention, water planning, and homelessness.

4.3 Update on Federal Emergency Management Agency (FEMA) Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration – Toby Lewis, Community Development

Lewis explained that staff have been working to establish Benton County's Floodplain Administrator (Lewis) as the key point of contact for floodplain-related communication from the Federal Emergency Management Agency (FEMA) and other external agencies. Lewis will provide updates to the Board. There has been recent activity around FEMA's ongoing work on compliance between the NFIP and the ESA. This work began with a 2009 lawsuit indicating that the NFIP was potentially causing take to endangered species. In 2016, a one-year timeline was issued to implement alternatives and mitigation measures, but the scope was too large to implement in Oregon at that time. FEMA was granted a three-year extension and spent 2019-21 working with National Oceanic and Atmospheric Administration (NOAA) fisheries, the Department of Land Conservation, and local communities. The most recent outreach meetings

were held in late 2021, where FEMA presented a draft implementation plan for community review.

The Association of Oregon Counties (AOC) letter (see packet) asks communities to join a coalition against the draft Oregon Implementation Plan. This was in response to a FEMA presentation last month soliciting community feedback on the plan. Plan goals: protect flood storage, water quality, and riparian vegetation. Four options for communities are called paths A-D. Paths A and B are the most likely to be utilized.

- Path A: adopt a blanket model ordinance if there are not such regulations in place.
- Path B: submit an ordinance checklist to FEMA and document which extant regulations address the goals. Small adjustments to regulations might be needed.
- Path C: an approved community compliance plan, developed by local community working with FEMA and NOAA to meet the goal amount of net loss to endangered species habitat.
- Path D: create a Habitat Conservation Plan as outlined in the ESA.

Benton County already meets many of the requirements, and will probably use Path B with few adjustments. The County already prioritizes low-impact development and non-structural approaches to stormwater management. The draft plan does not contain specific measures, just general ideas and examples. Implementation of this process is likely to occur in late 2025. Staff do not think it is necessary to sign the AOC letter at this time.

The Board accepted staff's recommendation not to endorse the letter.

4.4 County Administrator (CA) Recruitment Update – *Tracy Martineau, Human Resources*

Martineau and Heather Gantz of recruiting firm Raftelis have been contacting internal stakeholders about the CA recruitment process. Gantz is consolidating the input into a brochure to promote the position nationally. Martineau requested confirmation and points of contact for additional groups that the Board previously recommended be contacted for input.

The Board confirmed the following organizations and contacts:

- Oregon Cascades West Council of Governments: Executive Director Ryan Vogt.
- Community Services Consortium: Acting Executive Director Pegge McGuire.
- National Association for the Advancement of Colored People, Corvallis branch: President Jason J. Dorsette.
- Casa Latinos Unidos: Executive Director Ricardo Contreras.
- City Managers of Benton County.

Wyse suggested contacting leadership from Oregon State University (OSU).

Hoffman to provide OSU contact information.

Martineau noted that partner input could also be used to create selection criteria.

Augerot added that Hoffman mentioned Samaritan Health Services (SHS) leadership.

Hoffman recommended contacting SHS Chief Executive Officer Doug Boysen.

Chair Malone recessed the meeting at 9:56 a.m. and reconvened at 10:07 a.m.

5. Consent Calendar

- 5.1 In the Matter of an Application for Owner Change for Country Market & Deli Liquor License**
- 5.2 In the Matter of Approving the Minutes of the March 21, 2023 Board Meeting**
- 5.3 In the Matter of Approving the Minutes of the June 28, 2022 Information Sharing Meeting**
- 5.4 In the Matter of Approving the Minutes of the May 23, 2022 Information Sharing Meeting**
- 5.5 In the Matter of Appointment to the Ridgewood Road District: Randy Carver**

MOTION: Wyse moved to approve the Consent Calendar of April 4, 2023. Augerot seconded the motion, which **carried 3-0.**

6. Public Hearing

- PH 1 In the Matter of Order #D2023-037 Approving a Petition for Annexation of Territory into the Philomath Fire and Rescue District (PFRD) – David Malone, Public Works**

Chair Malone opened the Public Hearing at 11:09 a.m.

Staff Report

D. Malone explained that Mills Creek Road property owners Rex and Karen Burnett petitioned to be in the PFRD; the district has approved the petition. The County notifies the property owner, fire district, and Oregon Department of Forestry of the change. Wildland firefighters are not certified to fight house fires; this is how residents get their houses protected.

Augerot asked if there are other neighbors that are not in the district.

D. Malone replied that most other residents are not. The Burnetts decided to do this independently due to lack of neighbor interest.

Public Comment

No comment was offered.

Chair Malone closed the public hearing at 11:15 a.m.

MOTION: Augerot moved to approve Order #D2023-037 for the annexation of territory into the Philomath Fire and Rescue District by the authority of ORS 198 and ORS 478. Wyse seconded the motion, which **carried 3-0.**

7. Old Business

7.1 In the Matter of Adopting Order #D2023-039: Findings Approving Revised Conditions of Approval in an Expansion of a Rock Quarry Boundary in Land Use Case No. LU-22-047 – Inga Williams, Community Development

Williams explained this Order includes the changes to the preliminary approval conditions and operating approval conditions that the Board approved at the March 21, 2023 Board Meeting, along with the other conditions previously approved by the Planning Commission.

MOTION: Augerot moved to approve Order #D2023-039. Wyse seconded the motion, which **carried 3-0.**

8. New Business

8.1 Adoption of Order #D2023-037 Approving a Petition for Annexation of Territory into the Philomath Fire and Rescue District – David Malone, Public Works

See PH 1.

8.2 Discussion and Acceptance of Starr Creek Road: Right-of-way Dedication and Two Easements – David Malone, Public Works

D. Malone explained this is part of the County's improvements to connect Starr Creek Road with Hell's Canyon Road as part of the Community Wildfire Protection Plan (CWPP). Both roads were dead ends with many houses on rural timberlands. This is one of the last pieces to be secured. Construction is complete. To finish the section, staff will return to vacate part of the old right-of-way that the County no longer uses.

Wyse asked about public outreach on this project.

D. Malone replied that a past CWPP identified this as an area of wildfire concern. Connecting or improving roads helps residents evacuate and emergency responders access. The County received a Federal grant for this work. Some residents were concerned about connecting these roads because people were dumping trash at the end of Starr Creek Road. The County felt the connection might help; Sheriff's deputies can now travel through the area. The connection is gated on both ends by community request. The County will have to perform some maintenance. Staff notified all residents, and gradually more people seemed favorable. Road improvements encouraged some property improvements, and the dumping problem has improved.

Responding to questions from Chair Malone, D. Malone explained that the gating is because Hells Canyon Road has sub-standard areas that are not safe for high traffic levels. The gates probably have keyed locks; Road Manager Rich Spofford can confirm.

Chair Malone expressed concern about emergency responders not having the right key, and would prefer to remove the gates in future or use a different system.

Augerot noted that most of those neighborhoods have been FireWise communities; in those cases, someone in the community often has a copy of the key.

Chair Malone asked if a way had been found to access gates on the Oak Creek Evacuation Route.

Byer replied that those conversations are still happening, coordinating with the Sheriff's Office and the City of Corvallis.

Chair Malone asked if staff were currently comfortable with having a gated County road, partly due to the need to improve the Hell's Canyon section.

D. Malone was concerned about the gates, but the project would probably have lost community support without that. Portions of Hell's Canyon Road have no room for vehicles to pass.

MOTION: Augerot moved to accept the right-of-way dedicated to Benton County for road and utility purposes; to accept the slope easement granted to Benton County; and to accept the drainage way and culvert easement granted to Benton County by Franklin-Clarkson Timber Company, LLC, a Delaware limited liability company, all for Starr Creek Road, County Road No. 35300. Wyse seconded the motion, which **carried 3-0.**

8.3 Discussion and Action Regarding Designating a Proxy for Community Services Consortium (CSC) Governing Board Meetings – *Xanthippe Augerot, Commissioner*

Augerot explained that it is often difficult to achieve a quorum at CSC meetings. Per the bylaws, each County must designate a proxy in case of absence. The last meeting did not have a quorum, and none of the Counties had designated a proxy. Augerot recommended appointing Acting Public Health Director April Holland, since CSC functions are closely linked to Public Health. If a Commissioner will be absent, be sure to notify Holland and Marriah De La Vega, Board's Office, as soon as possible. The proxy can stand in for any of the Benton County Commissioners. Augerot and other members preferred this method to appointing a proxy on the fly.

MOTION: Augerot moved to appoint April Holland as Benton County's proxy on the Community Services Consortium Governing Board when so requested by the Board of Commissioners. Wyse seconded the motion, which **carried 3-0.**

8.4 Discussion Regarding Budget Committee Membership Solicitation – *Rick Crager, Financial Services*

Crager explained that a citizen member of the Budget Committee resigned last week. By law, the Committee must have equal numbers of citizens and Commissioners. However, it is possible to begin budget meetings with only five members. Budget meetings are scheduled to begin on April 18, 2023; a replacement must be identified within about a week. The first hearing could potentially be delayed, although Crager would prefer not to.

Augerot felt that advertising (as opposed to simply appointing) the position is instrumental for transparency and public participation. Several email lists have been fruitful in the past, including the Corvallis Sustainability Coalition. To balance current membership, Augerot favored recruiting a woman, and a person of racial diversity, if possible. The appointee must understand the time commitment.

Wyse also preferred to advertise the position, and suggested notifying Benton County Talks Trash Work Group members and past committee applicants.

Malone did not favor postponing the initial meeting. While six people is the goal for the first meeting, it is possible to proceed without all three community members if necessary.

Crager stated that the last posting date to be in legal compliance is April 11, 2023; Crager and Grogan can work to post the position earlier. Crager asked if a candidate identified next week could be appointed on on April 18, 2023.

Counsel confirmed. While the Board typically makes formal decisions at Board Meetings, the Board may add an agenda item at any public meeting that is noticed. A committee member can legally miss one meeting as long as they review the materials in time to vote.

Wyse emphasized that the candidate be able to attend the meetings.

9. Departmental Reports & Requests

9.1 Approval of the 2022 Agriculture and Wildlife Protection Program (AWPP) Annual Report – *Sheanna Steingass, Public Works*

Steingass reported that the AWPP awarded six grants in 2022; four projects were completed. Since wildlife incidents do not always align with the application cycle, and AWPP tends to have leftover funds, staff designated \$5,000 for emergency grants that can be applied for at any time. The funds had been beaver-specific, but no beaver conflicts were submitted last year. In 2022, United States Department of Agriculture (USDA) Wildlife Services received new funds for partner governments for nonlethal beaver management, possibly to include a full-time position to assist the County. AWPP can continue to provide year-round nonlethal beaver management funds. The AWPP Committee met with the National Oceanic and Atmospheric Administration (NOAA) and Oregon Department of Fish & Wildlife (ODFW). ODFW received many beaver notices which were not relayed to Steingass; hopefully communication will improve. Steingass has transferred applications and forms online, which should reduce staff work and increase reporting compliance. Steingass will do outreach at farmer's markets and the Benton County Fair. Steingass purchased a small drone with USDA funds for outreach and environmental assessments. It can be hard to undertake AWPP projects during the winter, so staff are shifting the application period from November to October, approving grants in November, then allowing recipients to complete projects between January and May. Emergency grants provide a buffer for that shift. Steingass secured \$5,000 to make a short informational film about the AWPP.

Augerot noted that residents Randy and Pam Comeleo have been working on statewide legislation for nonlethal beaver management, but the bill did not survive the first cutoff.

Steingass shared that Speaker Dan Rayfield supports the project, and the USDA beaver program will be statewide. USDA Wildlife Services trapper Landon Schacht picked up several dead deer and responded to many coyote issues in Benton County. Byer and Steingass met with USDA District Supervisor Brian Thomas; the County's next contract will be about the same amount. It has been difficult for USDA to compile reports; instead, Schacht and Steingass will touch base quarterly and Steingass will compile the report. Deer pickups will be reported as previously.

Augerot commented it will be good to have better data on the trapping program. Augerot recommended inviting Steingass and possibly Randy and Pam Comeleo to speak at an Association of Oregon Counties Natural Resources Committee meeting to raise awareness.

MOTION: Augerot moved to approve the 2022 Agriculture and Wildlife Protection Program Annual Report. Wyse seconded the motion, which carried 3-0.

9.2 Letter of Support for Community Outreach, Inc (COI) Good to Go Veterans Grant – Julie Arena, April Holland, Health Department; Emily Barton, COI

Arena explained that this grant aligns with two of the Home, Opportunity, Planning, & Equity Advisory Board recommendations accepted by the Board and the City of Corvallis. The grant funds staff needed to help people transition out of homelessness and stay housed.

Barton requested a letter of collaboration as part of the application. The opportunity is called Grants Per Diem Case Management, and would support COI’s Good to Go (GTG) veterans program. COI has received the grant in the past. Case managers work with veterans experiencing trauma and/or at risk of houselessness, helping clients access COI services such as housing, medical, behavioral health, and broader community services. GTG also provides case management for veterans who have recently become stably housed. The grant application is due May 4, 2023.

Augerot asked if COI was aligned with the County’s Veterans Services Office (VSO) through Oregon Cascades West Council of Governments (COG).

Barton confirmed, and will solicit a letter of support from COG also.

MOTION: Wyse moved to approve and sign the Letter of Support for the Community Outreach, Incorporated Good to Go program for veterans. Augerot seconded the motion, which carried 3-0.

Augerot noted that the VSO is not a COG program; the County contracts with COG and funds it. The County needs to select a staff point person for the VSO to report to; Augerot has performed that role de facto.

10. Other

10.1 Alesia Commissioners Corner Attendance – Xanthippe Augerot, Commissioner

Augerot asked which Commissioner would attend the April 17, 2023 Alesia Commissioners Corner event, which will include Lincoln County Commissioner Kaety Jacobson.

The Board determined that Augerot would attend this time; Malone and Wyse to attend in future.

11. Adjournment

Chair Malone adjourned the meeting at 11:31 a.m.

DocuSigned by:
Pat Malone
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Pat Malone, Chair

DocuSigned by:
Erika Milo
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Erika Milo, Recorder

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