

“BENTON COUNTY TALKS TRASH”
WORKGROUP Charter and Bylaws
BOC Approved on 8-23-2022

The Benton County Board of Commissioners (BOC) has established the “Benton County Talks Trash” Workgroup (WORKGROUP) and has adopted this Charter and Bylaws document pursuant to [Code Chapter 3](#) to govern its work.

I. Background

Benton County (County) contracted with Oregon Consensus to conduct a process assessment with the following Scope:

Benton County and key stakeholders seek assistance identifying and implementing a constructive path forward relating to sustainable materials management and the future of solid waste disposal in the Mid-Willamette Valley, including at the Coffin Butte regional landfill. Following a [December 7, 2021] Benton County Planning Commission denial of a proposed conditional use permit to expand the landfill, key participants recognize that a constructive path forward could benefit from the assistance of a third-party facilitator. Key stakeholders believe that an objective assessment of the situation, conducted by an impartial third party, would be a good first step. (Emphasis added.)

Based on this original Scope, the County asked Oregon Consensus to complete a third-party situational assessment. The Benton County Solid Waste Situational Assessment Report (Assessment Report) can be found [here](#). The BOC accepted the Report during its July 19, 2022 meeting and approved funding for the process at its July 26, 2022 meeting. As a result, the Report serves as the reference document for this WORKGROUP.

II. Scope & Charge

This is a “bridge” process between past events and next steps. The process is designed to reset the current dynamics with the development of “common understandings” and recommended protocols for the future substantive consideration of the solid waste issues.

This WORKGROUP is not a decision-making body. It is a recommendation-making group with the following Scope. (See, [Assessment Report](#) for details.) The recommendations are not binding on decision makers in any subsequent land use review, but will help inform all parties going into a review process.

The WORKGROUP, with concurrence of the County staff, will prioritize the following topics.

- A. Develop Common Understandings to form the basis of the work.** Staff to draft a document, for review by the work group, outlining common understandings to include the following informational topics by 8/25/22:
- 1) A chronological history of key Coffin Butte Landfill topics:
 - a. Size;
 - b. Specific locations;
 - c. Conditions of past land use approvals;
 - d. Compliance with prior land use approvals and SWMP;
 - e. Reporting requirements;

- f. Assumptions (e.g. when will the landfill close;)
 - g. Economics (i.e. Benefit – Cost, etc.)) and
 - h. Examples from other jurisdictions hosting landfills, e.g.:
 - i. Typical land use conditions of approval; and
 - ii. Issue sequencing, (e.g. in what order are landfill versus hauling approvals done, etc.)
- 2) A Summary of the County’s current rights and obligations to Republic Services, and vice versa, surrounding:
- a. The hauling franchise;
 - b. The landfill CUP; and
 - c. What legally can and cannot be conditions of any land use approvals (e.g. past compliance, compliance with future laws, codes, and policies, DEQ compliance, reopening, limitations on what can be brought into the County from where, required facilities and practices, reporting/compliance/financial monitoring requirements, etc.)
- 3) A Summary of the rights and obligations of other entities surrounding landfills, hauling, and sustainability initiatives, etc.:
- a. Federal;
 - b. Tribal;
 - c. State (e.g. Is DEQ prohibited from permitting another landfill west of the Cascades and what does the “regional landfill” designation mean?);
 - d. Local Government; and
 - e. Summary of the step-by-step process in ORS chapter 459 and associated timing for the cross-jurisdictional approvals of landfill applications, (e.g. DEQ) including:
 - i. What topics are within whose authority, and
 - ii. Whether, for example, the County can or should consider the topics it does not have permitting authority over when assessing the criteria outlined in Code section 53.215?

B. Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion. Specifically:

- 1) Create a common understanding document outlining which Development Code criteria are applicable to the review of a conditional use application for landfill expansion by reviewing 53.215 (Criteria,) 77.305 (Conditional Uses,) 77.310 (Review,) and 77.405 (DEQ); review Chapters 50 and 51 for context; and then:
- a. Preparing a conceptual list of any other Development Code criteria the WORKGROUP recommends be applicable; and
 - b. Developing recommended guidelines for interpreting any ambiguous provisions recognizing current statutes, regulations, case law, and County precedent, etc. Examples for consideration include:
 - i. The phrase, “Other information as required by the Planning Official” 77.310(e); and
 - ii. The terms found in Section 53.215, e.g., “seriously interfere,” “character of the area,” “purpose of the zone,” “undue burden,” and “any additional criteria which may be required for the specific use by this code.”
- 2) In doing so, refer to Comprehensive Plan for policy guidance regarding interpretation of any ambiguous Development Code provisions (see, BCC 50.015,) and Review the Planning Commission comments made during its last review of Republic Services’ CUP application

for context.

- 3) Develop protocols for the timely and broad distribution of CUP-related information to the public, other governmental entities, and internal committees, groups, and divisions.

This proposed element does NOT include opining on the merits of Republic Services' expected Coffin Butte application, nor does it involve the actual writing of potential code language or recommendations that change the current steps in the existing CUP review process. The scope is limited to developing conceptual language for recommended review criteria and recommended guidelines for interpreting any existing ambiguous provisions using the below "Common Understanding" as guideposts. The WORKGROUP must operate within the legal parameters associated with its specific recommendations.

C. Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process.

Consider topics like contracting out, subjects to be covered, who needs to be at the table beyond those in the County, and a workplan outline with a timeline for completion. Look to recent similar planning efforts across the state to assess what topics were included and what "lessons learned" should be brought forward in this process. This includes the development of the necessary foundational "common understandings" and protocols needed before beginning the actual planning process.

This element includes topics beyond the landfill, and like it, the WORKGROUP should consider the cost-benefits from the perspective of who gains benefits, and who does not, in light of Code section 23.010 [Solid Waste Management] Purpose, which states, "In order to protect the health, safety and welfare of the people of Benton County and to provide a solid waste management program, it is declared to be the public policy of Benton County to regulate solid waste management to... [see actual language for list of potential topics.]" [Section 23.100](#)

This charge does not include completing the plan. It only includes a discussion of the preliminary scoping to start that planning process.

D. Provide input on additional topics raised in the [Assessment Report](#):

- 1) Scope the necessary tasks to start planning for the reopening of the existing hauling agreement to be amended by July 1, 2024, which is controlled by the following provision, "This agreement shall be amended by July 1, 2024 to include the same or similar terms as the forthcoming City of Corvallis collection franchise agreement, including, but not limited to, the same termination date, as well as concepts from the consensus-seeking process;
- 2) Clarify the differences, with BOC feedback, between the roles, responsibilities, and protocols of SWAC and DSAC on these topics, and develop specific recommended review criteria for the evaluation of CUP applications. Related Question: "Should SWAC and DSAC use the same review criteria as the Planning Commission and the BOC;" and
- 3) Create a future timeline for discussing any needed changes to the Benton County Code flowing from any WORKGROUP recommendations.

E. Consider creating a public-facing document and community education campaign on these topics.

III. Guiding Principles

The WORKGROUP should consider the following guiding principles during its deliberations:

- A. **Process Goal:** Make recommendations in the best interest of the Benton County community-at-large; and
- B. **Strive for “Pareto Efficiency:”** The ideal conceptual situation where no further improvements to the community’s wellbeing can be made through a reallocation of resources that makes at least one part of the Community-at-large better off without making another part of the community-at-large worse off.
- C. **Benefit – Cost Factors:** Recommendations should consider the maximization of benefits and the reduction of costs.

IV. Membership

There are two categories: a) Polling Member; and b) Ex Officio Member. Polling Members have full rights of participation and “polling.” Ex Officio Members are “non-polling” information sources. Each may bring technical resources to the meetings. The technical resources will be able to participate in the discussions with permission of the Facilitator after a WORKGROUP discussion on the advantages and disadvantages surrounding their participation.

Organization/Interest Group	WORKGROUP Member	Polling	Ex Officio	Charge
SWAC/DSAC	Joel Geier	X		All
SWAC/DSAC	Marge Popp	X		All
Planning Commission	Nancy Whitcombe	X		All
Planning Commission	Elizabeth Irish	X		All
Republic: National	Russ Knocke	X		All but C
Republic: Local	Shawn Edmonds	X		All but C
Public	Brandon Bates	X		All
Public	John Deuel	X		All
Public	Kathryn Duvall	X		All
Public	Christopher McMorran	X		All
Public	Ryan McAlister	X		All
Public	Mary Parmigiani	X		All
Public	Ed Pitera	X		All
Public	Louisa Shelby	X		All
DEQ	Brian Fuller		X	All but D
Neighboring Jurisdiction	Marion County: Administrator Designee		X	Only C
Neighboring Jurisdiction	Linn County: Administrator Designee		X	Only C
Benton County Staff	Daniel Redick		X	All
Benton County Staff	Scott Kruger		X	All

Each member is allowed to assign one WORKGROUP alternate for the process. That person must have full authority to represent their Organization/Interest Group. If the alternate is attending, the primary member must provide written notice to Facilitator at least 72 hours in advance of a meeting’s start time. Assigning a replacement alternate is at the discretion of the Facilitator.

Government-to-government tribal consultation/coordination/communication will be ongoing.

V. Public Attendance

The public is welcome to attend all meetings. The facilitator will manage the meetings consistent with the Agenda, which gives priority to committee members, first to Polling members and second to Ex Officio Members. There will be time on the agenda dedicated to receiving input from the public with time limits for each person.

VI. Subcommittees

The County will evaluate the need for subcommittees, factoring in time and resource considerations. With the approval of the BOC and concurrence of staff, the WORKGROUP may create subcommittees if necessary, and allocate meeting time accordingly.

VII. WORKGROUP Material and Support

All committee materials will be provided electronically as a sustainability measure.

Meeting notices, agendas, materials, minutes (the members present, all motions, resolutions, votes taken and the substance of any discussion,) and recordings will be posted on this [webpage](#).

Technical input from agencies, organizations, or individuals with specialized expertise will be available to the WORKGROUP as issues arise.

VIII. Facilitator

The County has contracted with an independent and neutral third-party facilitator, [ICMresolutions](#), (Facilitator,) whose role is to facilitate meetings, help the WORKGROUP develop recommendations, and produce WORKGROUP reports. The Facilitator's responsibility is to the WORKGROUP process, but neither WORKGROUP membership/sponsorship, nor process participation is a substitute for independent legal or other professional advice. That is the responsibility of the process participants. The Facilitator will also be available as a resource for conflict resolution and WORKGROUP process improvement suggestions.

The Facilitator's written contract with the County is available for review. The Facilitator will not be influenced by payment source. To ensure impartiality, the County will solicit WORKGROUP input on the Facilitator's performance before changing ICMresolution's status, but the ultimate decision is the BOC's.

The Facilitator may suggest concepts for WORKGROUP consideration, but will not make any decisions.

Specific Facilitator responsibilities include:

- A. Design and support meeting process to achieve the outcomes of the process using formal agenda and meeting recordings to track progress;
- B. Ensure culturally competent practices are used to foster inclusion and the equal voice of all participants;
- C. Ensure a welcoming meeting environment where all members can participate;
- D. Ensure a safe environment for alternative opinions to be expressed;

E. Conduct meetings in a manner to foster collaborative decision-making and consensus building; and

F. Prevent dialogue from becoming confrontational and apply mediation practices to resolve conflict.

The Facilitator may have non-confidential, informal communications and perform facilitation activities between and during meetings. The BOC gives broad authority to the Facilitator to interpret this document and guide the WORKGROUP accordingly. The Facilitator will address situations where it appears a participant is not acting according to this document.

IX. Work Plan/Schedule

The committee will meet according to the draft work plan outlined below, which is subject to change.

Meeting One: 9/8/22
<ul style="list-style-type: none">● Introductions● Review of Charter with Process Overview● Member Comments● Charge A: Discuss Common Understandings document draft● Next Steps and Homework● Meeting Evaluation
Meeting Two: 9/15/22
<ul style="list-style-type: none">● Charge A continued: Develop Common Understandings● Coffin Butte Tour● Next Steps and Homework
Meeting Three: 10/6/22
<ul style="list-style-type: none">● Charge B: Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion● Next Steps and Homework
Meeting Four: 10/27/22
<ul style="list-style-type: none">● Charge B continued: Clarifying existing criteria and information requirements for the land use review process for any proposed landfill expansion● Next Steps and Homework● Mid-Process Evaluation
Meeting Five: 11/3/22
<ul style="list-style-type: none">● Charge B continued, and Charge C: Scope the necessary tasks to start a Long-Term Sustainable Materials Management Plan process● Next Steps and Homework
Meeting Six: 11/17/22
<ul style="list-style-type: none">● Provide input on Charges D and E: Additional Topics

- Hauling Reopening
- Roles/Responsibilities
- Timeline for code changes
- Consider creating a public-facing document and community education campaign on these topics
- Authorize Draft to SWAC/DSAC and Planning Commission for comment
- Next Steps and Homework

Meeting Seven: 12/1/22

- Review SWAC/DSAC and Planning Commission Feedback
- Edit Draft Report
- Next Steps and Homework

Meeting Eight: 12/15/22

- Finalize Report to BOC
- Next Steps: The BOC is expected to consider the findings and recommendations in January 2023.
- Process Evaluation
- Celebration!

Please see **Exhibit A** for Calendar version.

X. Collaboration Protocols for WORKGROUP Recommendations

The WORKGROUP will follow these protocols.

- A. Quorum:** 51% of the Polling Members listed above.
- B. Meetings:** Meetings of the WORKGROUP and its subcommittees, if any, are open to the public and will include an opportunity for public comment. Notice of WORKGROUP meetings will be posted in advance of meetings on the project website.
- C. Meeting Agendas and Meeting Materials:** The Facilitator will develop Working Agendas for each meeting. Meeting agendas and meeting materials will be sent electronically to WORKGROUP members in advance of the meetings and will be posted on the project website.
- D. WORKGROUP Commitments:** The WORKGROUP members, staff, and participants will participate in good faith, which means they will:
 - 1) Prepare for and set aside time for the meetings and the entire process,
 - 2) Participate fully, honestly, and fairly, commenting constructively and specifically,
 - 3) Speak respectfully, briefly, and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak,
 - 4) Allow people to say what is true for them without fear of reprisal,
 - 5) Explore the topics – not debate them,
 - 6) Disagree without being disagreeable,
 - 7) Avoid side conversations during meetings,

- 8) Provide information as much in advance as possible of the meeting in which such information is to be used and share all relevant information to the maximum extent possible,
- 9) Generate and explore all options on the merits with an open mind, listening to different points of view with a goal of understanding the underlying interests of other WORKGROUP members,
- 10) Consult regularly with their organization/interest group and provide their input in a clear and concise manner,
- 11) Each member agrees to work toward fair, practical, and durable recommendations that reflect the diverse interests of the entire WORKGROUP and the public,
- 12) When communicating with others, accurately summarize the WORKGROUP process, discussion, and meetings, presenting a full, fair, and balanced view of the issues and arguments out of respect for the process and other members,
- 13) Not attempt to affect a different outcome outside of the WORKGROUP process once the WORKGROUP has reached a “consensus” recommendation,
- 14) Strive vigorously for consensus and closure on issues, and
- 15) Self-regulate and help other members abide by these commitments.

XI. Public Comment

There will be public comment opportunities during the WORKGROUP process. Comments from the public will be limited in time to allow sufficient opportunity to conduct the other portions of the meeting. Typically, comments will be limited to a maximum of three minutes per person. Participants are encouraged to submit written comments via email addressed to BentonCountyTalksTrash@Co.Benton.OR.US in advance of the meeting so they can be circulated to the entire WORKGROUP for their consideration.

XII. Consensus Polling: A Process for Consensus Recommendation-Making

The Facilitator will assist the WORKGROUP and its members in identifying objectives, addressing the diversity of perspectives, and developing substantive, practical recommendations. The WORKGROUP will strive for and use a “consensus” recommendation-making approach to determine their level of agreement on proposals. This allows members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions.

Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, “*taken as a whole.*” This means that a member may poll to support a consensus proposal even though they would prefer to have it modified in some manner to give it their full support. Consensus is a process of “*give and take,*” of finding common ground and developing creative solutions in a way that everyone can support. Consensus is reached if all members support an idea or can say, “*I can live with that.*”

When developing recommendations, the WORKGROUP will address each issue individually, and in various combinations. It will decide on whether it wants to make package or individual recommendations at the end of the process.

“1-2-3” Consensus Polling: The Facilitator will assist the WORKGROUP in articulating points of agreement, as well as articulating concerns that require further exploration. It will use a “Consensus Polling” procedure for assessing the group’s opinion and adjusting proposals. In “Consensus Polling,” the Facilitator will articulate the proposal. Each voting member will then offer “one,” “two,” or “three,” reflecting the following:

- “One” indicates full support for the proposal as stated.
- “Two” indicates that the participant agrees with the proposal as stated but would prefer to have it modified in some manner to give it full support. Nevertheless, the member will support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal is worthy of general support, as written.
- “Three” indicates refusal to support the proposal as stated.

The Facilitator will repeat the consensus voting process as reasonably practical and as time allows to assist the group in achieving consensus regarding a particular recommendation, so that all Polling Members are voting “one” or “two.” Either way, the result will be noted in the WORKGROUP Report.

No Consensus – Majority and Minority Recommendations: If a consensus on an issue is not likely, as determined by the Facilitator, the poll results for the options considered will be presented to the BOC.

Summary of WORKGROUP Recommendations: The meeting summaries will serve as the record of the WORKGROUP recommendations as supplemented by the addition of Polling Member statements who elect to submit additional information by the deadline established. The Facilitator will package all this information into the WORKGROUP’S report to the BOC.

XIII. Additional Provisions

The following provisions apply to the WORKGROUP process.

- A. Regular Communication with Affiliated Group:** There is an expectation of regular, two-way communication between a WORKGROUP member and their Organizations/Interest Groups. This is intended to ensure meaningful representation of those interests. Time will be set aside on the WORKGROUP agenda for reports from this outreach.
- B. “One Table:”** It is the BOC’s preference that the WORKGROUP be the “One Table” for issues related to the above Charge. It encourages community members, interested parties, SWAC/DSAC, and the Planning Commission to direct their input there. Substantive work on elements of topics that are within the WORKGROUP’S Charge should not be undertaken by the Planning Commission and SWAC/DSAC while the WORKGROUP is underway, except as they relate to their review of the WORKGROUP’S work product for feedback as specified in Section IX, above.
- C. Transparency and Media:** Members agree that transparency is essential to all deliberations. In that regard:
 - 1) WORKGROUP members agree to notify Darren Nichols (darren.nichols@Co.Benton.OR.US) and Cory Grogan (cory.grogan@Co.Benton.OR.US) of written communications with the media.
 - 2) Members agree to direct public testimony about WORKGROUP work to BentonCountyTalksTrash@Co.Benton.OR.US. These communications will be included in the public record and copied to all WORKGROUP members.
 - 3) Individual members cannot and should not try to speak on behalf of the entire WORKGROUP.

- 4) Whenever reasonable, WORKGROUP members and staff will refer press, citizen, and other inquiries to Darren Nichols (darren.nichols@Co.Benton.OR.US) and Cory Grogan (cory.grogan@Co.Benton.OR.US.)

D. Disclosure of Public Official Conflicts of Interest:

- 1) WORKGROUP members are “public officials” representing the Benton County Board of Commissioners. A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
- 2) The announcement needs to be made on each occasion when the public official is met with the conflict of interest, and the public official must disclose the nature of the conflict of interest.
- 3) For example, the public official would have to make the public announcement one time when met with the conflict of interest, but only one time in each meeting of the WORKGROUP. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- 4) For guidance, please see [BCC 3.025](#) and [Oregon Government Ethics Law](#).

E. Open Meetings and Records: All meetings of the WORKGROUP and any subcommittee meetings are open to the public. Notice to the public regarding the dates, times, and locations of all meetings will be provided a minimum of 48 hours in advance. WORKGROUP members can participate through telephonic conference calls. All "Communications" (statements and votes made during meetings, memoranda, work products, records, documents, text messages, pictures, or materials developed to fulfill the charge, including electronic mail correspondence) are public records. The personal notes of individual members taken at public meetings might be public record to the extent they relate to the conduct of the public's business.

F. Interpretation and Amendment: The process terms of this document, except those required by law, are guidelines, and the BOC authorizes the Facilitator to interpret them. The Facilitator will lead a WORKGROUP discussion designed to reach a consensus on any proposed substantive amendments to this document. Ultimately, the BOC will make the final decision on any proposed substantive amendments.

G. Agreement: *Participation in this process is an agreement to abide by the terms of this document.*

September 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Info due from FEDS and DEQ etc.			1	2 WG Packet Sent	3
4	5 Labor Day	6 BOC Meeting Planning Commission	7	8 WG Mtg #1 Charter & Charge A Rosh Hashanah	9	10
11	12	13 BOC Goal-Setting Work Session	14	15 WG Mtg #2 Charge A and Tour	16 Yom Kippur	17
18	19	20 BOC Meeting Plan/Comm	21	22	23	24
25	26	27	28 SWAC	29	30 WG Packet Sent	

October 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 BOC Tuesday Board Meeting Plan/Comm	5	6 WG Mtg #3 Charge B	7	8
9	10	11 BOC Goal-Setting Work Session	12	13	14	15
16	17	18 BOC Meeting Plan/Comm	19	20	21 WG Packet Sent	22
23	24	25	26 SWAC/DSAC	27 WG Mtg #4 Charge B	28	29
30	31 WG Packet Sent					

November 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 BOC Meeting Plan/Comm	2	3 WG Mtg #5 Charges B and C	4	5
6	7	8 BOC Goal- Setting Work Session Election Day	9 BOC Meeting w/ Community Development, Natural Areas, Parks & Events	10 WG Packet Sent	11 Veteran's Day	12
13	14	15 BOC Meeting Plan/Comm	16	17 WG Mtg #6 Charges D and E Draft Report for Review	18	19
20	21	22	23 SWAC	24 Thanksgiving	25 Day After	26
27	28	29 WG Packet Sent	30			

December 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 WG Mtg #7 Review Feedback and Edit Report	2	3
4	5	6 BOC Meeting Plan/Comm Hanukkah: 8 Days	7 ? Special Meeting: SWAC/DSAC	8	9	10
11	12 WG Packet Sent	13	14	15 WG Mtg #8 Finalize Report and Celebration!	16	17
18	19	20 Plan/Comm	21	22	23	24
25	26 Holiday	27	28 SWAC (Typically Cancelled/ Rescheduled)	29	30	31 New Year's Eve

January 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Kwanzaa	2	3 BOC Tuesday Board Meeting Planning Commission	4	5	6	7
8	9	10	11	12	13	14
15	16	17 MLK Day BOC Tuesday Board Meeting Planning Commission	18	18	20	21
22	23	24	25	26	27	28
29	30	31				