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Board of Commissioners Office: (541) 766-6800 Fax: (541) 766-6893

> 4500 SW Research Way Corvallis, OR 97333 co.benton.or.us

AGENDA

BENTON COUNTY BOARD OF COMMISSIONERS Goal-setting Work Session July 11, 2023 9:00 AM

How to Participate in the Board of Commissioners Meeting				
In-Person	In-Person Video Phone Audio			
Kalapuya Building	<u>Click for Zoom link</u> Dial: +1 253 215 8782			
4500 SW Research Way	Zoom Meeting ID: 925 5397 8493			
Corvallis, Oregon	Zoom Passcode: 770968			

1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

2. Review and Approve Agenda

3. Discussion Topics

- 3.1 30 minutes Board of Commissioners/Community Health Centers Coapplicant Agreement – *Carla Jones, Community Health Centers*
- 3.2 10 minutes Update Regarding Adult Drug Treatment Court *Suzanne Hoffman, Interim County Administrator; Rick Crager, Financial Services*
- 3.3 30 minutes Update and Discussion Regarding Governor's Executive Order on Homelessness: Local Planning Group for Balance of State Funding – *Rebecca Taylor, Julie Arena, April Holland; Health Services*
- 3.4 45 minutes 2023-25 Legislative Session Review *Rick Crager, Financial Services; Zack Reeves, Ryann Gleason, CFM Advocates*
- 3.5 45 minutes Capital Funding Discussion Rick Crager, Financial Services

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.

The Chair will recess the meeting for 20 minutes following Item 3.5.

3.6	60 minutes – Solid Waste Workgroup Final Report and Recommendations: Next Steps Discussion, Continued – Darren Nichols and Daniel Redick, Community Development
3.7	30 minutes – Strategic Communications Update – Cory Grogan, Public Information Officer
3.8	15 minutes – County Administrator Recruitment Update – <i>Tracy</i> Martineau, Human Resources
3.9	15 minutes – County Administrator Updates
3.10	30 minutes – Commissioner Updates

4. 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."

The Board of Commissioners may call an executive session when necessary pursuant to ORS 192.660. When the executive session is part of a regular, special, or emergency meeting, and the need for the executive session is known in advance, the Board need not provide advance notice, but will strive to do so. If the need is not known in advance, the Board shall announce when it goes into and when it comes out of executive session. If an executive session only will be held, notice shall be given as for all public meetings (ORS 192.640 (2)). The proper cite under ORS 192.660 shall always be given.

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.

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		i ugo o oi o	1		
BOC Agenda C	BOC Agenda Checklist Master				
Agenda Place	ement and Cor	ntacts			
Suggested Agenda Date	06/13/23				
View Agenda Tracker					
Suggested Placement [*]	Work Session	Work Session			
Department *	Community Health Cen	iters			
Contact Name *	Carla Jones				
Phone Extension *	2131				
Meeting Attendee Name [*]	Carla Jones				
Agenda Item De	etails			\bigcirc	
Item Title *	Benton County and Co Agreement	ommunity Health Cente	rs (CHCs) Board Co-applicant		
Item Involves *	Check all that apply Appointments Budget Contract/Agreemen Discussion and Acti Discussion Only Document Recordin Employment Notice of Intent Order/Resolution Ordinance/Public He Ordinance/Public He Proclamation Project/Committee U Public Comment Special Report Other	ion ng earing 1st Reading earing 2nd Reading			
Estimated Time *	40	Name of Board/Committee	Community Health Centers Board		
Board/Committee Involvement *	⊙ Yes ○ No	Advertisement*	⊙ Yes ⊙ No		

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Issues and Fiscal Impact

Item Issues and Description

Identified Salient

The Health Services Resources Administration (HRSA) conducted an onsite visit (OSV) audit May 24 through May 26, 2022 and found the CHC's of Benton and Linn Counties were out of compliance with Section "Board Authority" element 3.1 and 3.2. The finding was that the "Co-operative Operational Agreement" does not delegate all of the required authorities and functions to the co-applicant board and does not delineate the roles and responsibilities of the co-applicant board and the public agency. It also incorrectly refers to "FQHC applications and requirements." The Board of Commissioners (BOC) also set a goal for the County Administrator in 2022 to clarify and define the roles and responsibilities of the CHC Board and Benton County in the co-applicant agreement.

As a result of the finding and the goal set by the BOC, a workgroup was created that included the CHC Executive Director, the County Administrator, the Human Resources Director, and the Chief Financial Officer to draft a co-applicant agreement that could be used to understand the relationship, liabilities, decision-making authority, and legalities of the co-applicant agreement.

Once the workgroup produced a draft co-applicant agreement, it was reviewed by the Health Services Compliance Manager and County Legal Counsel Vance Croney before being presented to the CHC Board for review.

The CHC Board convened for a work session on May 13, 2023 to review the draft Co-applicant Agreement. After a thorough review and proposed changes, the draft was reviewed by the Senior Leadership workgroup and by County Legal Counsel.

The Co-applicant Agreement is ready for discussion and consideration for approval by the Board of Commissioners.

Options*

- 1. Approve the Co-applicant Agreement as presented.
 - 2. Approve the Co-applicant Agreement with BOC revisions.
 - 3. Deny the Co-applicant Agreement and provide other direction.

Fiscal Impact*

YesNo

Page 5 of 64 2040 Thriving Communities Initiative

Mandated © Yes Service?* © 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. As a Public entity, Community Health Center, certified through the Health Resources Services Administration (HRSA), is mandated to have a co-applicant agreement with the CHC Board due to the Board composition and Board Authority requirements of HRSA that cannot be met by the BOC. This information can be found in the HRSA Compliance Manual available at www.hrsa.gov.

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 NVA 		
Explain Core Values Selections [*]	Benton County believes in the health and well-being of all individuals in our community through all actions. We believe all members of the community should have access to integrated primary care services regardless of the ability to pay. This co-applicant agreement is the agreement between the County and the CHC Board to comply with the HRSA requirements bestowed upon us to ensure quality access to care for our community.		
Focus Areas and Vision *	Select all that apply. Community Safety Emergency Preparedness Outdoor Recreation Prosperous Economy Environment and Natural Resources Mobility and Transportation Housing and Growth Arts, Entertainment, Culture, and History Food and Agriculture Lifelong Learning and Education V N/A	Explain Focus Areas N/A and Vision Selection *	

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Recommendations and Motions

I move to ...

Item Recommendations and Motions

StaffStaff recommends the Board of Commissioners approve the Co-applicantRecommendations*Agreement between the CHC Board and Benton County.

Work Session Motions*

...approve the Co-applicant Agreement between the CHC Board and Benton County.

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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.

4.4-CHC Cooperative Operation Agreement.pdf 200.19KB

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

Department MAURA KWIATKOWSKI Approver

1. Departmen	t Approval	Page 8 of 6
Comments		—
Signature	Nauka Kwiathowski	
2. Counsel Ap	proval	
Comments		
Signature	Vance H. Choney	
County Admi Comments	inistrator Approval	
Signature	Suzanno Hoffman	
3. BOC Final Ap	oproval	
Comments		
Signature		
	Ananda Hakepeace	

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Board of Commissioners Update: Co-Applicant Agreement

Carla Jones, Executive Director

July 11, 2023



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Topics to Review

The reason for a new Co-applicant Agreement

The process we took to get where we are

Key focus areas of the revised Agreement

Next Steps





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The reason for a new Co-Applicant Agreement *CLARITY*

- The Health Services Resources Administration (HRSA) conducted an onsite visit (OSV) audit May 24 through May 26, 2022 and found the CHC's of Benton and Linn Counties were out of compliance with Section "Board Authority".
- The Board of Commissioners (BOC) set a goal for the County Administrator in 2022 to clarify and define the roles and responsibilities of the CHC Board and Benton County in the co-applicant agreement.



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The process we took to get where we are

Convened Sr. Leadership workgroup:

- CHC Executive Director –
 Facilitator
- County Administrator
- HR Director
- CFO

Workgroup Completed CHC Board Training

 Hosted by Sara Fuller, CHC Board Secretary

Workgroup met regularly:

- The first Friday of every month from March 2022 until March 2023 for an hour.
- Democratic Collaborative Approach with consensus and compliance driven decisions
- Used other Co-applicant Agreements as a base template.
- Line by line review



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The process we took to get where we are

Legal Review:

- Vance Croney, County Council
- Carol Rouleau, Health Services
 Compliance Manager

CHC Work Session

May 13, 2023 from 9:00am –
 2:00pm

Collaboration between County Leadership & CHC Board

- 2 hour review of CHC Board revisions
- Legal Council review

Board of Commissioner Review

CHC Board Approval



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- Replaced "Board of Commissioners" with "Benton County"
 - "Benton County" is the Awardee of the grant funds
- Updated References
 - "HRSA Compliance Manual"
- Added the year of inception as a Community Health Center
 - 2004
- Clarified and defined "selection, termination and dismissal" authorities of the CHC Board and of Benton County
 - CHC Board must "approve" the action or can recommend the action
 - Benton County as the employer is the entity that takes the action with CHC Board approval.

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- Outlined the process for selection of a CHC Executive Director
 - Benton County consults with CHC Board on qualifications
 - Benton County and CHC Board appoint "Search Committee" representatives
 - Benton County is responsible for screening for minimum qualifications
 - The Search Committee is responsible for reviewing candidates that pass minimum qualifications
 - Benton County shares personnel policy information with the CHC Board relevant to the position
 - The CHC Board must approve the selection of a final candidate
 - Benton County determines whether or not to extend an offer based on personnel policies and federal, state or local law and rule.

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- Outlined the evaluation process of a CHC Executive Director
 - Benton County conducts an evaluation of the CHC Executive Director
 - CHC Board conducts an evaluation of the CHC Executive Director
 - Each party provides feedback to the other
- Outlined the dismissal/termination process of the CHC Executive
 Director
 - CHC Board has authority to approve the dismissal of the CHC Executive Director
 - Benton County will terminate employment only upon approval by the CHC Board if warranted based on performance or non-compliance.
- Added section on Appointment of Interim CHC Executive Director

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- Outlined the evaluation process of a CHC Executive Director
 - Benton County conducts an evaluation of the CHC Executive Director
 - CHC Board conducts an evaluation of the CHC Executive Director
 - Each party provides feedback to the other
- Outlined the dismissal/termination process of the CHC Executive Director
 - CHC Board has authority to approve the dismissal of the CHC Executive Director
 - Benton County will terminate employment only upon approval by the CHC Board if warranted based on performance or non-compliance.
- Added section on Appointment of Interim CHC Executive Director
- Made updates to legal section and signing authority

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Next Steps

Board of Commissioner Approval

CHC Board Approval

Communicate with stakeholders

Review CHC Board Bylaws

CHC Board work on CHC Executive Director evaluation process







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COOPERATIVE OPERATIONAL AGREEMENT between BENTON COUNTY and THE COMMUNITY HEALTH CENTERS OF BENTON & LINN COUNTIES HEALTH BOARD

This Co-Applicant Agreement for the operation of the Community Health Centers of Benton & Linn Counties (CHC), a Public Agency Community Health Center under the U.S. Department of Health and Human Services (DHHS) (the "Agreement"), is entered into by and between Benton County, and the Community Health Centers of Benton & Linn Counties Board (CHC Board) to provide oversight for the operation, administration and provision of integrated community health center services in the CHC.

PREAMBLE

The CHC is a "health center" with expectations for governance as outlined in the Health Resources Services Administration (HRSA) Compliance Manual Chapter 1: Health Center Eligibility, Public Agency Organizations. The HRSA Compliance Manual replaces Policy Information Notice 2014-01: Health Center Program Governance. The Health Center fulfills the requirements through a Co-Applicant Agreement between the CHC Board and Benton County, a public agency. In reference to the HRSA Compliance Manual: "When the public agency's board cannot independently meet all applicable health center governance requirements¹, a separate "co-applicant" must be established whose governing board meets section 330 governance requirements. In the co-applicant arrangement, the public agency receives the section 330 grant and co-applicant serves as the "health center board" with the two collectively considered as the "health center" or "public center." The HRSA Compliance Manual provides further clarification on governance expectations for the co-applicant (CHC Board) and the public agency (Benton County).

WHEREAS, Since 2004 Benton County has been awarded Federal grant support under Section 330 of the Public Health Service Act (42 U.S.C. 254c et seq. as now or hereafter amended) Grant (hereafter "Section 330") for operating a CHC from the U.S. Department of Health and Human Services ("DHHS"); and

WHEREAS, Benton County provides health care services to medically underserved communities and populations, and special medically underserved populations comprised of migratory and seasonal agricultural workers, the homeless, and residents of public housing through its CHC; and

WHEREAS, the CHC Board was established and serves as the co-applicant governing body for the CHC; and

¹ Information on why Benton County's Board of Commissioners, as the public agency board, cannot independently meet all applicable health center governance requirements can be found in the <u>Health Center Program Governing Board Workbook</u> produced by the National Association of Community Health Centers (NACHC) in July 2015.

WHEREAS, the Parties agree to comply with the regulations set forth at 42 C.F.R. Part 51c, related to the Health Resources Services Administration (HRSA) policies, including but not limited to the HRSA Compliance Manual; and

WHEREAS, the Parties wish to set forth in this Agreement their respective responsibilities with respect to governance and operation of the CHC.

AGREEMENT

NOW THEREFORE, Benton County and the CHC Board agree as follows with respect to their responsibilities for the CHC:

CHC BOARD

1.1 <u>Composition of the Governing Body</u>.

The composition of the CHC Board shall comply with CHC Board Bylaws, which shall be consistent with the requirements of the HRSA Compliance Manual and Section 330, its implementing regulations, and applicable HRSA policies.

1.2 <u>Authorities and Responsibilities of the CHC Board</u>.

The CHC Board has specific responsibilities for oversight of the CHC. The CHC Board shall develop bylaws, consistent with and cooperative with County policies, assures that the CHC is operated in compliance with applicable Federal, State, and local laws and regulations, holds monthly meetings where a quorum is present, and records in meeting minutes the CHC Boards attendance, key actions, and decisions; must approve the selection and termination/dismissal of the health centers CHC Executive Director, and shall exercise the authorities and responsibilities described in the CHC Board's Bylaws and as described below:

- 1.2.1 Adopting health care policies including the scope and availability of services to be provided by the CHC, including decisions to sub award or contract for substantial portion of the services, any changes in scope, the location and hours of operation, quality-of care audit procedures, and the CHC quality improvement and quality assurance plan.
- 1.2.2 Evaluating the CHC's activities, including service utilization patterns, productivity, patient satisfaction, achievement in health center project objectives, and development of a process for hearing and resolving patient complaints.
- 1.2.3 In consultation with the CHC's management team, evaluating the performance of the CHC based on quality assurance/quality improvement assessments and operational information received from the CHC management.

- 1.2.4 Approving the CHC's annual operating and capital budgets, which outline the proposed uses of both Section 330 and non-Federal resources and revenue, consistent with Section 2.1.1. All revisions proposed to Benton County's biennial Health Services budget that impact the portion of the annual CHC operating and capital budget, applicable to the CHC, shall be presented to and approved by the CHC Board prior to final approval and implementation by the County.
- 1.2.5 Approving the selection, evaluation and, if necessary, the dismissal or termination of the CHC Executive Director in accordance with Sections 1.3 and 1.4.2.
- 1.2.6 Monitoring the financial status of the CHC, including reviewing the results of the annual audit and ensuring appropriate follow-up actions are taken, consistent with Section 2.2.7.
- 1.2.7 Adopting a policy for eligibility for services, including a sliding fee discount schedule, related eligibility and verification policies and procedures, billing and collections policies, and other policies and procedures related to the CHC's Sliding Fee Discount Program consistent with the requirements of Section 330, consistent with Section 2.1.4.
- 1.2.8 Conducting long-range/strategic planning at least once every three years, that includes at a minimum financial management, which includes operating and capital expenditure needs; and
- 1.2.9 Exercising all other authorities and responsibilities, except those specified in Section 2.1 of this Agreement, which are required by Section 330, the implementing regulations, and HRSA policies, including but not limited to the Compliance Manual, to be vested in a Section 330-compliant governing board.

The Parties understand and agree that no other individual, entity, or committee shall reserve or have approval or veto power over the CHC Board.

- 1.3 <u>Selection, Evaluation and Dismissal of the CHC Executive Director.</u>
 - 1.3.1 Selection of a CHC Executive Director. The County shall be responsible for recruiting any CHC Executive Director vacancy. The County shall consult with the CHC Board on special qualifications and the recruitment process for the CHC Executive Director position. The County and the CHC Board appoint the members of a Search Committee. The Search Committee shall be comprised of representatives appointed by CHC Board and representatives appointed by the County. The Search Committee is responsible for evaluating qualifications, reviewing applicant materials, and conducting preliminary interviews. The County shall present to the Search Committee the salary/compensation/benefits package that the county is able to offer any final candidate based on

county employee personnel and financial policies. The County shall present to the Search Committee its process for determining qualifications in relation to compensation. the Search Committee shall provide candidates to the CHC Board for final selection. The CHC Board shall have the authority to approve or reject the selection of the CHC Executive Director candidate(s) presented for consideration. In the event that the CHC Board rejects the candidate(s) presented, the Search Committee will present additional candidate(s) until the CHC Board approves a candidate. Once the CHC Board approves of a candidate, pursuant to federal, state, or local law or rule, and county personnel rules, policies and procedures, the County will determine whether or not to extend an offer of employment. In the event that the County determines that the candidate cannot be offered employment due to noncompliance with federal, state or local law or rule, or county personnel rules, policies and procedures, the County will present additional candidate(s) until the CHC Board approves the candidate, and the County determines that an offer of employment can be extended. Appointment will be made by the Health & Human Services Director as the appointing authority.

- 1.3.2 Evaluation of the CHC Executive Director. Both the County and the CHC Board conduct separate annual performance evaluations of the CHC Executive Director. Each party provides feedback to the other party to consider in the separate performance evaluation of the CHC Executive Director. Both evaluations shall be submitted to the County's Human Resources department.
- 1.3.3 Dismissal of the CHC Executive Director. Except where in conflict with Section 1.4.2, the CHC Board shall have the authority to approve the dismissal of the CHC Executive Director from the role of Director of the Community Health Center, if such dismissal is warranted based on performance or pursuant to federal, state, or county personnel rules, and performance deficiencies. If the CHC Board votes to dismiss the CHC Executive Director pursuant to this subsection, Benton County shall terminate the employment of the CHC Executive Director.
- 1.3.4 Duties of the CHC Executive Director. The CHC Executive Director shall have chief executive responsibility for the general care, day-to-day management, supervision, and direction of the CHC's affairs in furtherance of established policies, procedures and programs. The CHC Executive Director shall have the authority to approve the assignment of Benton County personnel to the CHC, to supervise and terminate the employment of such individuals, in accordance with the personnel policies established by Benton County. The CHC Executive Director or designee shall also have the authority to negotiate, execute, and administer all contracts for goods and services as required for the operation of the CHC subject to the rules and policies applicable to Benton County's procurement, purchasing and administration of contracts, and the budget approved for the CHC. The CHC Executive

Director shall report to (1) the CHC Board and (2) the Health & Human Services Director relative to their respective authorities and responsibilities outlined herein.

1.3.5 Appointment of an Interim CHC Executive Director. In the event that the CHC Executive Director vacates the position or is unable to perform the duties in the section above an Interim CHC Executive Director shall be appointed in a timely manner. The Interim CHC Executive Director shall be appointed by the County, consistent with County personnel and financial policies, with approval from the CHC Board. The interim appointee shall be presented to HRSA for final approval.

1.4 Employer-Employee Relations.

- 1.4.1 Except where in conflict with Section 1.3 of this Agreement regarding the selection, approval, evaluation and dismissal of the CHC's Executive Director, Benton County shall have sole authority over employment matters and personnel policies and procedures applicable to the CHC staff, including selection and dismissal procedures, salary and benefit scales, employee grievance procedures and processes, equal employment opportunity practices, labor disputes and other human resource issues.
- 1.4.2 The CHC's Executive Director shall, at all times, be an employee of Benton County. As the CHC Executive Director's employer, Benton County shall have authority to terminate the CHC Executive Director's employment if such termination is warranted pursuant to federal, state, or local law or rule, or County personnel rules, and performance deficiencies. If the County seeks to terminate the CHC Executive Director for reason that is not warranted by federal, state, or local law or rule, or County personnel rules, and performance deficiencies, it may do so only with the CHC Board prior approval.

BENTON COUNTY

2.1 <u>Authorities and Responsibilities</u>

Benton County, via the Board of Commissioners (BOC), shall exercise certain responsibilities and authorities with respect to the CHC. These authorities and responsibilities include:

2.1.1 Developing the

CHC's annual operating and capital budgets, consistent with Section 1.2.4 of this Agreement, which will be prepared under the direction of the CHCs management team and incorporated into Benton County's overall biennial Health Services budget. In the event that Benton County proposes revisions to the biennial Health Services budget that impact the portion of the annual CHC operating budget, such revisions shall be presented to and approved by the CHC Board prior to final approval and implementation by Benton County.

- 2.1.2 Establishing personnel policies and procedures applicable to any Benton County employee assigned to the CHC except where in conflict with Section 1.3 regarding the CHC Executive Director. Policies and procedures should include, but are not limited to, selection and dismissal policies and procedures, salary and benefit scales, position descriptions and classifications, and employee grievance policies and procedures.
- 2.1.3 Adopting policy for financial management practices and accounting systems, including a system to assure accountability for CHC resources and assets. Benton County shall be responsible for the selection of an independent auditor and provision of an annual audit, long-range financial planning consistent with the provisions of 1.2.11, and establishing purchasing policies and procedures consistent with DHHS administrative requirements set forth in 45 C.F.R. Part 75.
- 2.1.4 Supporting the CHC Board approved policies, consistent with the provisions of 1.2.8, by providing and maintaining procedures and systems for billing and collections activities, which include processes for determining eligibility for services, a schedule of fees and charges; and a schedule of discounts for services provided to uninsured and underinsured patients.

2.2 Operational Responsibilities

Benton County shall fulfill the following obligations with respect to CHC:

- 2.2.1 Applying for and maintaining all licenses, permits, certifications, and approvals necessary and appropriate for the operation of the CHC.
- 2.2.2 Receiving, managing and disbursing grant funds consistent with the budget approved in accordance with this Agreement. Benton County shall not be required to disburse funds for any expenditure not authorized by a budget approved in accordance with this Agreement. Consistent with Section 2.1.1, Benton County shall seek and obtain the CHC Board's prior written approval before implementing any line-item change in the portion of the CHC Board's approved budget that is specific to the CHC.
- 2.2.3 Maintaining the financial affairs of the CHC. This includes debt financing and borrowing, controlling funds received for services, and all income otherwise generated by the CHC, including fees, premiums, third party reimbursements and other State, Federal and local operational funding (collectively, "Program Income"), as well as all Program Income greater than the amount budgeted to the CHC ("Excess Program Income"). All Program Income and Excess Program Income shall be used as permitted under, and for such other purposes that are not specifically

prohibited by Section 330. All Income shall solely be used to further the objectives of the CHC's federally approved program, consistent with Section 330 and the policies and priorities applicable to the CHC.

- 2.2.4 Supporting the business administrative needs of the CHC, including but not limited to the following, Human Resources, IT, Accounting, Budget, Facilities, Payroll, Fleet, and Legal.
- 2.2.5 Developing management, reporting and internal control systems for the CHC, in consultation with the CHC Board, that are in accordance with sound financial management procedures, including:
 - 2.2.5.1 The provision for an audit of the CHC on an annual basis, consistent with the requirements of 45 C.F.R. Part 75 and the current compliance supplement applicable to the consolidated Health Center Program (or any subsequent regulations that may replace and supersede 45 C.F.R. Part 75 and the applicable compliance supplement), to determine, at a minimum, the fiscal integrity of financial transactions and reports.
 - 2.2.5.2 Implementing accounting procedures and controls in accordance with generally accepted accounting principles utilized in operating the CHC, as well as the systems for the development, preparation, and safekeeping of records and books of account relating to the business and financial affairs of the CHC.
 - 2.2.5.3 Maintaining the CHC's business and financial records separate from records related to other County finances to ensure that revenues and expenditures of the CHC may be properly allocated and accounted for, and that CHC funds will be distinguished and accounted for separately from other funds of Benton County. All expenditures pertaining to the operation of the CHC (including but not limited to, direct and indirect costs associated with staffing, operational systems, additional administrative support services, and overhead) shall be allocated as CHC costs in accordance with a cost allocation methodology.
 - 2.2.5.4 Preparing and submitting cost reports, supporting data, and other materials required in connection with reimbursement under Medicare, Medicaid, and other third-party payment contracts and programs, in which the CHC may from time to time participate.
 - 2.2.5.5 Preparing regular financial statements of the CHC's budgeted and actual revenues and expenses, and other financial status reports for the CHC Board.

- 2.2.6 Providing to patients of the CHC access to Benton County's other programs, based on Benton County's established eligibility requirements for such programs.
- 2.2.7 Preparing operational reports reasonably requested by the CHC Board, to enable the CHC Board to fulfill its responsibilities for the CHC.
- 2.2.8 Submitting the required Section 330 grant-related information and reports to DHHS, including but not limited to the Uniform Data System ("UDS") data and the Federal Financial Report ("FFR").
- 2.2.9 Complying with the terms and conditions of the Section 330 grant.

MUTUAL OBLIGATIONS

3.1 <u>Compliance and Representatives</u>.

The Parties shall have a mutual commitment and responsibility to work together to ensure that the CHC provides care in compliance with all federal, state and local laws and regulations. The CHC Executive Director, the County Administrator, and the CHC Board Chairperson shall promote opportunities for the CHC Board and Benton County to work collaboratively in communicating strategic priorities, maintaining regular communication, and sharing information about the CHC's operations.

The CHC Board and Benton County shall comply with Benton County's code-ofconduct and harassment policies, including the CHC's standards of conduct, which shall be drafted in a manner consistent with Chapter 13 of the Compliance Manual. Consistent with 45 C.F.R. Part 75, the Parties further agree that no employee, officer, or agent of either Party may participate in the selection, award, or administration of a contract supported by the Section 330 grant award if he or she has a real or apparent conflict of interest.

3.2 <u>Financial Responsibility and Expenses of the Parties</u>.

Each Party agrees not to undertake expenditures in excess of overall available resources, to materially change or modify the adopted budget without their mutual agreement, or to otherwise take actions inconsistent with the financial management protocols developed hereunder.

3.3 <u>Record Keeping and Reporting</u>.

3.3.1 Each Party shall comply with all Federal mandated record retention requirements, and grant-related record maintenance, and reporting requirements. The Parties shall make available to each other, upon appropriate notice, financial systems, records, reports, books, documents, and papers as may be necessary for audit, examination, excerpt, transcription, and copy purposes, for as long as such systems, records, reports, books, documents, and papers, and papers are retained.

3.3.2 The Parties agree that Benton County shall be the custodian of all health records established and maintained relating to diagnosis and treatment of patients served through the CHC.

3.4 Legal Services.

Benton County shall provide the services of Benton County's employed or contracted counsel, as requested by the CHC Board, to offer legal consultation for the operation of the CHC. If the CHC Board wishes to retain independent legal counsel, the CHC Board will follow Benton County policy to request such services.

3.5 <u>Ownership of Property Acquired with Grant Funds</u>.

The provisions of 45 C.F.R. §75.316, et seq. (and/or any subsequent regulations that replace and supersede 45 C.F.R. Part 75) apply to tangible property acquired under this Agreement. The Parties agree that Benton County shall be the title holder of all property purchased with Section 330 grant funds. Benton County shall further assure that all contracts executed by the CHC are consistent with procurement standards contained in 45 C.F.R. Part 75 (and/or any subsequent regulations that replace and supersede 45 C.F.R. Part 75).

GOVERNING LAW

4.1 <u>Applicable Laws, Regulations and Policies</u>.

This Agreement shall be governed and construed in accordance with, and both Parties shall comply with, applicable Federal and State laws, regulations, and policies, including but not limited to: Section 330 of the Public Health Service Act; implementing regulations at 42 C.F.R. Part 51c; the terms and conditions of Section 330 grants awarded to County; the legislative mandates issued by the Office of Federal Assistance Management (OFAM); HRSA policies and other guidance (including, but not limited to, Health Center Program Compliance Manual); the DHHS Grants Policy Statement in effect as of the date the Agreement is executed; and the DHHS Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards set forth in 45 C.F.R Part 75 (and/or any subsequent regulations that replace and supersede 45 C.F.R. Part 75).

4.2 <u>Compliance with State and Local Law.</u>

This Agreement is governed by the laws of the State of Oregon. Each Party covenants to comply with all applicable laws, ordinances and codes of the State of Oregon and local governments in the performance of the Agreement, including all licensing standards and applicable accreditation standards.

4.3 HRSA Communication.

Benton County and the CHC Executive Director shall submit promptly to the CHC Board HRSA communication, including Notice of Grant Awards, directives and/or policies that are received from or issued by HRSA after execution of this Agreement and are pertinent to the CHC.

TERM

This Agreement shall remain in effect unless terminated in accordance with the Termination clause in the following section.

TERMINATION

If the CHC Board and Benton County no longer operate as a CHC/FQHC, this Agreement shall terminate. Any party may terminate this Agreement upon 60 days written notice to the other; a copy of any notice of termination shall be provided to HRSA. This agreement may also terminate upon the effective date of any termination in full of Benton County's Section 330 grant funding.

DISPUTE RESOLUTION

The CHC Board and Benton County will use their best efforts to carry out the terms of this agreement in a spirit of cooperation. In the unlikely event of disagreement, the Parties shall first attempt to resolve any dispute arising under this Agreement by informal discussions. In the event the Parties are unable to resolve the dispute through informal negotiations within a reasonable period of time of the commencement of such discussions, the Parties shall attempt formal mediation, if they mutually agree to do so. If the Parties are unable to resolve the dispute, either Party may pursue any remedy available by law.

NOTICES

All notices permitted or required by this Agreement shall be deemed given when in writing and delivered personally or deposited in the United States Mail, first class postage prepaid, Certified and Return Receipt Requested, addressed to the other Party at the address set forth below, or such other address as the Party may designate in writing:

For Benton County: Benton County Board of Commissioners Chair 4500 SW Research Way Corvallis, OR 97333

For the CHC Board: Community Health Center Board Chairperson 530 NW 27th St, Corvallis, OR 97330

SEVERABILITY

In the event that any one or more provisions of this Agreement are deemed null, void, illegal or unenforceable, or should any part of this Agreement, as determined by DHHS or any other governmental authority, cause Benton County and the CHC Board (as co-applicants) not to comply with Section 330, the Parties agree to attempt to amend this Agreement as shall be reasonably necessary to achieve compliance. In the event that the Parties reach such agreement, this Agreement shall be construed in all respects as if such invalid or unenforceable provisions have been omitted. In the event that no such amendments or agreements for amendments can reasonably be made, the Parties will follow the Dispute Resolution process as outlined in this Agreement.

WAIVER

No provision of this Agreement shall be waived by any act, omission or knowledge of a Party or its agents or employees except by an instrument in writing expressly waiving such provision and signed by a duly authorized officer of the waiving Party.

THIRD-PARTY BENEFICIARIES

None of the provisions of this Agreement shall be for the benefit of or enforceable by any third party, including, without limitation, any creditor or patient. No third party shall obtain any right under any provision of this Agreement or shall by reason of any provisions make any claim relating to any debt, liability, obligation or otherwise against any Party to this Agreement.

ENTIRE AGREEMENT

This Agreement represents the complete understanding of the Parties with respect to the subject matter herein and as such, supersedes any other agreements or understandings between the Parties, whether oral or written, relating to such subject matter.

No such other agreements or understandings may be enforced by either Party, nor may they be employed for interpretation purposes in any dispute involving this Agreement.

AMENDMENTS AND MODIFICATIONS

Any amendment or modification to this Agreement shall be in writing and signed by both Parties. Modification or amendment of any provision(s) of this Agreement shall not affect the remaining provisions and, except for the specific provision(s) of this Agreement which thereby may be modified or amended, this Agreement shall remain in full force and effect as originally executed.

Notwithstanding anything set forth herein, in the event of a change in law or regulation, or upon the issuance of an order from a lawful authority, including but not limited to a court of law or a regulatory agency, that is binding upon a Party and will affect the provisions of this Agreement, the Parties shall meet and confer to amend this Agreement as necessary to incorporate any such change in law, regulation, or order, if a Party determines, in good faith

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and upon advice of counsel, that such amendment is necessary for purposes of compliance with such change in law or regulation or order.

INCORPORATION OF RECITALS, the Recitals are incorporated into this Agreement by this reference.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

BENTON COUNTY:	COMMUNITY HEALTH CENTER BOARD:
By:	By:
Print:	Print:
Title: Benton County Board of Commissioners Chair	Title: CHC Board Chairperson
Date:	Date:

Reviewed as to form:

Benton County Counsel

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Board of Commissioners Discussion 2023-25 ARPA and Capital Funds July 11, 2023

Background

In January, the Board of Commissioners (BOC), as part of the planning related to the Justice Systems Improvement Program (JSIP), elected to temporarily suspend the awarding of resources related to the Capital Improvement Program (CIP) and American Rescue Plan Act (ARPA). The purpose of this suspension was to wait until the results of Measure 2-140 and the 2023 State Legislature was known. Both CIP and ARPA resources were to serve as a backstop should resources not materialize as planned. This would then provide the BOC with options, if needed, to address project funding gaps, or priority capital projects.

In total, these resources represent \$7.2 million. The CIP equals \$3.0 million of General Fund resources that were to be awarded, as was in the case in previous budget development processes, to County projects that address critical capital needs. The ARPA resources total \$4.2 million of Federal Funds that the BOC set aside for a community grant process. The County awarded \$2.7 million in grants in May 2022, and anticipated to administer two additional rounds of funding in February 2023 and 2024.

The BOC instructed county staff to move forward with opening an application process for the CIP, however, as opposed to officially awarding the projects, we would wait until June or July to decide if we would be continuing to move forward with awarding funds. If it is decided to move forward, then the CIP Committee would be convened to go through the selection process and recommend funding awards that fit within the \$3.0 million budget (or alternative allocation decided by the BOC). In terms of ARPA, the BOC instructed staff to provide communication across the county that we would be delaying the Notice of Funding Opportunity (NOFO) that was planned for February and would provide further communication in June or July on how the County would be proceeding.

Funding Results

Measure 2-140 was proposed to generate additional property tax resources to support a new jail and Sherriff's Office including an Emergency Operations Center, partial match funding for a Homeless Navigation Center, and resources that would have enabled the rehabilitation of an existing county facility to accommodate the growing mental health care needs in the community. As part of this plan, the County also put forward a \$15.2 million state legislative request that would support a portion of the planned facilities. This request included \$5.0 million for an EOC and \$10.2 million for the additional resources needed for a Homeless Navigation Center. All these resources, along with \$1.3 million of already secured federal and local resources for the EOC would have been sufficient to construct and/or rehab all planned facilities.

Unfortunately, Measure 2-140 failed in May. The State Legislature concluded in late June and the County, through HB 5506 and 5030 was awarded \$5.0 million of Lottery Backed Bond resources that were dedicated to an Emergency Operation Center. These funds will likely not become available until Spring 2025 when the state issues its Lottery Backed Bonds. In total, the County

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has now secured \$6.3 million of county, state, and federal resources for an Emergency Operations Center

Discussion and Considerations

County staff is now seeking guidance and direction from the BOC on how it would like to proceed with the \$7.2 million of CIP and ARPA resources that were temporarily suspended from being awarded. To help inform the BOC, the following considerations are provided.

- As part of the budget development process, the Financial Services Department administered a CIP application process in which \$4.46 million of funds were requested to support capital improvement projects fully or partially in 2023-25. The included attachment provides a summary of the projects that have been requested.
- Of the 4.2 million of available ARPA resources, approximately \$1.1 million is considered revenue replacement and is flexible for all government uses. The remaining \$3.1 million of resources must be expended in ways that respond to COVID-19 impacts including assistance to households, small businesses, non-profits, and impacts to industries including hospitality, tourism, and travel. Funding can also be used for investments in water, sewer, or broadband infrastructure.
- While the BOC has chosen to continue moving forward on the co-location of the Courthouse and District Attorney's Office, there remains a funding obstacle should the state and county not come to agreement on an appropriate footprint that is within budget. As stated on July 5th, the current state proposed square footage for the Courthouse would cost the County an additional \$3.3 million.
- The cost to construct the Emergency Operation Center at the current JSIP site was estimated at \$10.6 million. With the new and previously committed resources, an additional \$4.3 is estimated as needed. This was intended to come from resources generated through Measure 2-140
- HB 5506 states specifically that the resources allocated to the County is to be used for an Emergency Operations Center. The county has the flexibility to choose whatever plan best fits its need and available budget.
- The County will continue to face a facility challenge in meeting the growth in mental health staffing. With additional capitation resources in January, the behavioral health staff have grown by over 20 new staff. In addition, the existing rental location for children and family services will continue to be an issue in meeting the demand for services.
- The community is still in great need of identifying solutions to address the issue of homelessness. The state proposal for a Homelessness Navigation Center would have been a critical element to meeting current service needs.
- Decisions will need to be made on how the County's wishes to utilize or leverage the old Board of Commissioners Office, as well as how future capital needs of the Historic Courthouse will be addressed.

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							Sum of General	Sum of Other Govt Funds/		
Dept	Location	Project	Sum of 2024	Sum of 2025	Sum of 2026	Sum of Total Exp			Sum of Total Funding	Sum of Funding-Exp
C DEV	(blank)	Online Platform	50,000			100,000				-
C DEV	(blank)	Permitting Program	660,500			660,500				-
C DEV Total			710,500		1	760,500				-
Facilities	Avery	Fuel System Blast wall	· · · · ·	30,000)	30,000	30,000)	30,000	-
Facilities	Avery	Storage Barn - Siding, doors, windows		42,000	1	42,000	42,000	1	42,000	-
Facilities	Avery	Trk Stg Barn Siding, gutters	35,000	-		35,000			35,000	-
Facilities	County-wide	Bike Lockers	28,000			28,000			28,000	-
Facilities	, County-wide	LED Upgrade	2,000		1	15,750			15,750	-
Facilities	Courthouse	Carpet Replace		63,000	1	63,000	63,000	1	63,000	-
Facilities	Courthouse	New Irrigation		42,000		42,000			42,000	-
Facilities	Courthouse	State Courts	10,000			20,000			20,000	-
Facilities	Courthouse Annex	HVAC	15,000)		15,000			15,000	-
Facilities	HSB	HVAC		48,000	1	48,000			48,000	-
Facilities	Humphrey-Hoyer	Exterior Paint	18,500)		18,500	18,500)	18,500	-
Facilities	Humphrey-Hoyer	Roof Replace	84,000	1		84,000	84,000	1	84,000	-
Facilities	Kalapuya	Ballards		26,000	1	26,000	26,000)	26,000	-
Facilities	Kalapuya	Vestibule	30,000	30,000	1	60,000	60,000	1	60,000	-
Facilities	Kalapuya	Zero Cut Curb	7,000	10,000)	17,000	17,000)	17,000	-
Facilities	Monroe Clinic	Roof Replace	16,500	l .		16,500	16,500	ľ	16,500	-
Facilities	Monroe Clinic	Siding/Paint	27,000)		27,000	27,000)	27,000	-
Facilities	Sunset	Flooring		38,000	1	38,000	38,000	I	38,000	-
Facilities	Sunset	Gutters	40,000)		40,000	40,000)	40,000	-
Facilities	Sunset	Restroom Remodel	25,000	20,000	ľ	45,000	45,000	ľ	45,000	-
Facilities Tota	al		338,000	372,750	1	710,750	710,750)	710,750	-
Fleet	(blank)	Portable Lifts	55,000	1		55,000	1	55,000	55,000	-
Fleet Total			55,000)		55,000)	55,000	55,000	-
NAPE	Fairgrounds	Telehandler		150,000)	150,000	150,000)	150,000	-
NAPE	Jackson Frazier	Boardwalk	1,204,750	1,465,250	1	2,670,000	1,440,000	1,230,000	2,670,000	-
NAPE	N Albany	Park & Restroom	260,000	1		260,000	260,000	1	260,000	-
NAPE	Salmonberry	Boat Launch retaining wall	20,000	20,000	1	40,000	40,000)	40,000	-
NAPE	Salmonberry	Well	40,000	1		40,000	40,000	1	40,000	-
NAPE Total			1,524,750	1,635,250		3,160,000	1,930,000	1,230,000	3,160,000	-
Roads	(blank)	53rd & Country Club	238,814	900,000	1	1,138,814		1,138,814	1,138,814	-
Roads	(blank)	Bridge Replacement	40,000	310,000	1	350,000	1	350,000	350,000	-
Roads	(blank)	Cardwell Hill slide	300,000	1		300,000		100,000	300,000	-
Roads	(blank)	Chapel Dr Bikeway Improvements	2,980,000			2,980,000				-
Roads	(blank)	Cor-Alb path (Conifer/Merloy)	990,000			990,000		990,000	990,000	-
Roads	(blank)	Cor-Alb path (Hickory)	2,186,100	1		2,186,100	123,179			-
Roads	(blank)	Dodge Island Bridge	100,000	200,000	2,654,535	5 2,954,535		2,954,535	2,954,535	-
Roads	(blank)	Evacuation Routes	320,000			320,000			320,000	-
Roads	(blank)	Hayden Covered Bridge	300,000					3,952,714		-
Roads	(blank)	Irish Bend Bridge	200,000					2,333,688		-
Roads	(blank)	Small Crk Elliot Circle Bridge	200,000		1,301,100			1,736,000		-
Roads	(blank)	Spinghill Drive FDR	1,725,000			1,725,000		1,725,000		-
Roads	(blank)	Surface Preservation	25,000			300,000			300,000	
Roads Total			9,604,914		9,034,837					-
Assessmen		2008 SUV	30,000			30,000			30,000	-
Assessment T			30,000			30,000			30,000	-
Law Enforce		Transition Center Upgrade	43,173			43,173			43,173	-
Law Enforcen	nent Total		43,173			43,173	· · ·		43,173	
Grand Total			12,306,337	4,685,100	9,034,837	7 26,026,274	4,468,550	21,557,724	26,026,274	-

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BOC Agenda C	BOC Agenda Checklist Master			
Agenda Place	ement and Cont	acts		
Suggested Agenda Date	07/11/23			
View Agenda Tracker				
Suggested Placement [*]	Work Session and Meeting			
Department *	Community Development			
Contact Name *	Darren Nichols			
Phone Extension *	5417666394			
Meeting Attendee Name [*]	Darren Nichols, Daniel Re	edick		
Agenda Item De	etails		(
Item Title *	Board Discussion: Implem	entation of Solid Waste	Workgroup Recommendations	
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 Hear Ordinance/Public Hear Proclamation Project/Committee Upp Public Comment Special Report Other	ing 2nd Reading		
Estimated Time *	60 minutes	Name of	Solid Waste Workgroup, other advisory	
Board/Committee Involvement [*]	⊙ Yes ○ No	Board/Committee Advertisement*	group © Yes © No	

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Issues and Fiscal Impact

Item Issues and Description		
Identified Salient Issues [*]	Consensus-based regional plan for solid waste and sustainable materials management.	
Options *	Discuss Solid Waste Workgroup Report - Findings and Recommendations and direct staff and others consistent with the Workgroup's report and Board priorities.	
Fiscal Impact *	• Yes • No	
Fiscal Impact Description [*]	Work on a Sustainable Materials Management Plan and related community engagement will require support from outside contract expertise. The Board's adopted 2023-2025 budget includes fiscal resources to support this work.	
Page 37 of 64 2040 Thriving Communities Initiative

2040 Thriving Communities Initiative				
Mandated Service? [*]	© Yes © No			
2040 Thriving	Communities Initiative			
Describe how this ager departmental goal.	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.			
	While the development of a consensus-based approach to sustainable materials management is voluntary, Benton County is required by state law to fill certain roles and obligations as host of the regional Coffin Butte Landfill.			
Values and Focu	us Areas			
Check boxes that reflect	ct 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 *	Solid waste management affects nearly every aspect of life in Benton County and Western Oregon and is central to Benton County's 2040 Values.			
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 [*]	Solid waste management affects nearly every aspect of life in Benton County and Western Oregon and is central to Benton County's 2040 Values.			

Page 38 of 64 Attachments, Comments, and Submission

Attachments	Upload any attachments to be included in the agenda, attachment / exhibit, please indicate "1", "2", "3" or "A	
	BOC Memo - SMMP RFP Development Process - 7.5.2023.pdf	330.16KB
	SMMP RFP - Working DRAFT BOC Discussion - 2023.07.11.pdf	298.68KB
Comments (option	I) As part of its considerations of a regional solid waste advisory structure, the Board may wish to streamline and/or restructure the roles and responsibilities of one or more of its existing advisory bodies. Staff is open to any Board discussion/direction as appropriate. If you have any questions, please call ext.6800	
Department Approver	MAURA KWIATKOWSKI	

Department Approval

Comments

Signature

Hauna Kwiatkowski

BOC Initial Approval			
Approvals Required	✔ Counsel✔ Finance✔ HR		
Counsel Approver	VANCE CRONEY		
Finance Approver	RICHARD CRAGER		
County Administrator Approver	SUZANNE HOFFMAN		
Comments			
Counsel App	roval		
Comments			
Signature	Vance H. Choney		
Finance Appr	oval		
Comments			
Signature	Rick Crager		
County Admi	nistrator Approval		
Comments			
Signature	Suzanne Hoffman		

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Community Development Department



Office: (541) 766-6819 4500 SW Research Way Corvallis, OR 97333 co.benton.or.us/cd

MEMORANDUM

- TO: Benton County Board of Commissioners
- FR: Darren Nichols, Community Development Director Daniel Redick, Solid Waste Program Coordinator
- DT: July 6, 2023
- RE: Sustainable Materials Management Plan RFP Development Process

Request for Proposal (RFP) – Development Process

At the Board of Commissioners' Goal Setting Session on June 13th, the Board directed staff to prepare an outline for a Sustainable Materials Management Plan (SMMP) Request for Proposal (RFP) process. Following the Board's direction, staff proposes these next steps and invites additional discussion and direction:

- 1. Call for an exploratory advisory group / task force (7/11/23)
 - a. The Board appoints a regionally representative task force to review and provide recommendations for the SMMP RFP development. Please see Attachment A below.
 - b. The Board asks staff to reach out to those interested in participating and asks staff to develop a regionally representative list of possible key participants for Board appointment.
- 2. Appoint task force members (7/18/23)
 - a. The Board considers the regional list of interested key participants and appoints members.
- 3. Convene "advisory group" to review and discuss draft RFP, make recommendations (7/24/23-8/11/23)
 - a. The advisory group meets 2-3 times to discuss the RFP draft and provide recommendations.
 - b. Staff incorporates feedback into updated RFP drafts.
 - c. Staff works with the advisory group in an iterative draft development process.
 - d. Staff and advisory group develop recommendations for:
 - i. additional community engagement, following BCTT findings and recommendations.
 - ii. methods to leverage other jurisdictions, solutions, and resources.
 - iii. specifically referencing and implementing BCTT recommendations where appropriate.
- 4. Board RFP Review and priorities (8/15/23)
 - a. The Board reviews the updated RFP draft and directs staff to make any necessary changes. The Board provides direction on priority topics for the plan and the RFP.
- 5. RFP release (9/5/23)
 - a. The Board reviews/refines and directs staff to release the finalized RFP.

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Advisory "Task Force"

The BCTT Final Report recommends that the Board and County incorporate feedback from an "advisory group" which may consist of, but should not be limited to, individuals and representative members identified in the BCTT Final Report – Findings and Recommendations. The Board may also consider establishing an inclusive collaborative engagement structure that provides multiple opportunities for participation based on the revised project scope, the needs of the community, and individuals' ability/capacity to participate in the process.

See Attachment A for a regionally representative list of potential participant organizations and perspectives.

Participation Structure

As described in the BCTT Findings, solid waste, sustainable materials management, and disposal, are complex regional issues influenced by many factors. To develop and fully leverage the benefits of a sustainable materials management plan will require participation from a regionally diverse collection of interests and perspectives. One key question that should remain open for exploration throughout the process is, "who should be represented in the process?" That question is intentionally woven into the DRAFT request for proposal and should continue to be posed by and to the Board, staff, participants, and any advisory groups during the SMMP.

Inclusive representation does not mean that every party must be at the table, but rather that all key interests be represented. In addition, following on the Board's direction from the start of the BCTT effort, the project should provide ample access to information and should provide opportunity open community participation.

To help achieve a structure that provides inclusive representation, open participation and a manageable process, the Board may establish a project structure with the following tiered participant groups:

• Key Participants

Key Participants are those whom no plan or solution can move forward without. These are the interests that must be represented at the table during one or more components of the process in order to move forward.

• Technical Resources

Technical Resource entities are those with specific knowledge or resources that are key to support or advance the planning process, or may be necessary to identify potential outcomes and solutions.

• Specifically Informed Participants

Specifically informed participants are those who wish to receive information about the process and milestones but may not choose to actively participate in the process. Information may be provided via "interested party" email services, social media contacts, press releases, and webinars.

• Open Invitation to Participate

The open invitation to participate should include, at a minimum, an easily accessible website that includes a description of the project purpose and next steps, as well as a list of actions and deliverables to date. As part of an "open invitation," Benton County shall provide opportunity for parties to sign up for project notices.

Prioritize Strategic SMMP Planning Topics

As the BCTT work group identified, solid waste and sustainable materials management are complex issues impacted by myriad variables. Given the complexity and scope of these issues, further RFP development may require the Board and staff to establish priorities for managing work within a project budget. The proposed work by the BCTT work group is necessarily broad, and the work group recommended that the RFP accurately communicate prioritized topics to prospective proposers.

Here are some of the elements that the Board may choose to prioritize:

- Provide an initial list of questions and topics to be included in the SMMP,
- Consider if landfill site environmental impact studies will be included in the SMMP RFP, or as part of a separate RFP focused on landfill-related impacts,
 - Monitoring and planning will be conducted with distinctly different resources and likely at different scales, local and regional.
- Environmental impacts to evaluate and consider:
 - Climate change opportunities and impacts
 - Water quality potential risks and mitigation
 - Air quality potential risks and mitigation
 - o Waste diversion and waste-to-energy opportunities
 - Economic impacts on waste management

Public Communications

Outreach and communication about the RFP process and subsequent project updates will help encourage public participation while demonstrating transparency and encouraging information sharing and meaningful public participation. The BCTT work group recommended that the RFP process and updates be open and transparent to the public. The Board of Commissioners has also stressed the critical importance of providing a community engagement process that is driven by the Board and Benton County, and not simply outsourced to a firm(s) as one of the SMMP deliverables.

Staff recommends that the RFP require successful proposals to include intentional public outreach that communicates each step of the process and provides frequent opportunities for community engagement. Specific outreach methods should be determined by the County Board, with input from Community Development and the Public Information team, which may include but not be limited to "interested party" email services, social media contacts, press releases, and webinars for:

- Advisory group appointment
- Advisory group meetings
- BOC draft RFP review
- o RFP release
- Interviewing top responders to the RFP

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Other Steps and Considerations

At its June 13 Goal Setting session, Board members also asked staff to consider several items, including the structure of the Board's current advisory committees, and make recommendations about the role(s) for the Planning Commission and the Solid Waste Advisory Council and Disposal Site Advisory Committee. Following the Board's consistent direction to the BCTT work group and to the Planning Commission, SWAC/DSAC, staff and the community during the BCTT process, staff recommends:

- that the Board identify a single, coordinated advisory group structure within which the Board can receive guidance and recommendations from a regional perspective on matters relating but not limited to the RFP, subsequent steps of the SMMP, any related land use issues, and recommendations for Board action as appropriate.
- that the Board itself take an active role in solid waste management and sustainable materials, including disposal site responsibilities, as it considers appropriate governance structures that address the BCTT and long-term sustainability needs in Benton County and beyond.
- that the Board consider providing an open opportunity for public comment to the Board, specifically seeking suggestions for how best to move forward constructively on regional sustainable materials management.

Board members also expressed interest in evaluating the terms of Benton County's existing 2020 Landfill Franchise Agreement. Recognizing that much has changed since the Board adopted that agreement, and acknowledging that there are still several potentially substantial factors that may influence any future franchise agreement, including the development of a sustainable materials management plan, adoption of local hauling agreements and impacts from state legislation, staff recommends:

- that the Board make known its general intentions regarding the existing Franchise Agreement; and
- that the Board reserve the right to request revisiting the 2020 Franchise Agreement once the Board and the landfill operator/franchisee have a better sense for the pace and scope of upcoming efforts, as well as any shared interests that may emerge from the SMMP process.

At its June 27 meeting with the Benton County Planning Commission, Board members also directed staff and the Planning Commission to begin assessing a two-pronged approach to solid waste/sustainable materials: first, refining an RFP for a sustainable materials management plan; and, second, evaluating potential opportunities to update the Benton County Code consistent with the BCTT findings and recommendations. The Planning Commission is prepared to begin a discussion of the latter at its meeting July 18 and will report back to the Board with any recommendations.

ATTACHMENT A: DRAFT list of potential participant organizations and perspectives.

NOTE: This list is neither comprehensive nor exhaustive but rather serves as a starting point for discussion at the Board of Commissioners and with a proposed advisory group. Staff recommends that the process remain open to newly identified participants throughout the SMMP, recognizing that interests may emerge during the process.

Generalized interests are noted in italic font at each heading; specific organizations are listed below.

- Community
 - Community members
 - Low-income populations
 - Multi-family residents
 - Diverse cultural backgrounds and languages
 - o Historically underrepresented and underserved communities
 - Residents and businesses from rural areas of the county
 - Former BCTT SMMP subcommittee members
- Advocacy Groups
 - Local and Regional advocacy groups (Willamette Valley)
 - Northwest and national advocacy groups
 - Youth organizations civics/schools
- Business and Industry
 - Larger industry groups
 - Large waste generators
 - Building industry
 - Professional design organizations, potentially including:
 - Architecture (AIA) American Institute of Architects
 - ASLA American Society of Landscape Architects
 - American Institute of Certified Planners
 - American Society of Civil Engineers
 - Environmental Engineers
 - Others
 - Designers various materials, products, more
 - Oregon Universities, Including:
 - OSU
 - University of Oregon
 - Portland State University
 - Willamette University
 - Hospitals/medical clinics
 - Business/Community/Civic organizations
 - Food and food processing industries
- Materials Management and Processing
 - Disposal site operators
 - Waste to Energy Facility operators

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- o Collectors/haulers
- End users of secondary materials
- Recovery and composting site operators
- Oregon Refuse and Recycling Association
- MRF Operators
- o MRF Designers
- o Association or Oregon Recyclers
- o SWANA
- o Transfer design and operation
- Governmental Agencies
 - o Tribal governments
 - Confederated Tribes of the Grand Ronde Community of Oregon
 - Other federally recognized tribes
 - o Federal
 - EPA
 - o State
 - DEQ
 - ODOT
 - DLCD
 - ODOE
 - o Local
 - Benton County
 - Other Counties
 - Cities
 - Waste generation sources (jurisdictions)
 - Special Districts
 - School Districts
 - Fire Districts
 - Ports
 - Metro
 - o [Government advisory groups relating to the subject matter]
 - [Equity, Diversity, Inclusion County staff and others]
 - [Public Information Office]
- Oregon Legislature
 - Individual Members
 - Environmental Caucus
 - Legislative Committee on Indian Services (LCIS)

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DRAFT

Request for Proposals

For development of a

Sustainable Materials

Management Plan

Benton County 4500 SW Research Way Corvallis, Oregon 97333

Issue Date: -----, 2023 Response Due Date: 4:00 pm Pacific Daylight Time on -----, 2023

I. INTRODUCTION

The Benton County seeks proposals from qualified proposers for the development of a local/regional Sustainable Materials Management Plan. The primary purpose of the plan will be to assist the County and others in determining methods to reduce the full life cycle impacts of materials, including materials management in the end-of-life phase.

Current and proposed materials management system elements (including waste prevention, collection, recovery, and disposal) will be analyzed for environmental, social (including equity

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and health), and economic costs and benefits across the complete lifecycle of materials. The plan will acknowledge the regional nature of materials life cycles and will emphasize regional approaches to sustainable materials management, while highlighting unique resources available to Benton County and the region. The plan will be developed with extensive public engagement and will be designed to include principled engagement for intentional, constructive community feedback.

[Notes in italics are for information only and will be removed from the Final Draft RFP] [NOTE: <u>SMMP R-14</u>: "Members of this BCTT SMMP subcommittee could be asked to participate in subsequent stakeholder group meetings for RFP development and review. Benton County's Advisory Committees related to SMMP work should have an advisory role during the development of the plan."]

II. BENTON COUNTY CONTACT

Daniel Redick, Solid Waste Program Coordinator Phone: (541) 766-6819 Email: Daniel.Redick@BentonCountyOR.Gov All questions should be directed to Benton County Solid Waste Program, Attn: Mr. Redick.

III. SCHEDULE

RFP issue date: -----, 2023 Deadline for questions or clarifications: -----, 2023 Proposals due: -----, 2023

[NOTE: SMMP R-: "The RFP Release/Announcement should 1) communicate an expectation that this plan can be approached by teams (multiple firms), instead of just single firms, 2) put guidelines on the size/length of proposals and sections of proposals, and 3) be distributed to allow enough time for it to be posted to various trade groups, shared with underrepresented groups, and internationally minded outlets."]

IV. SUBMITTAL REQUIREMENTS

Proposals must be received by 4:00 p.m. on -----, 2023 via email, mail, or delivery.

[INSERT: Description of physical submittal requirements, copies, page limits, County property, public record, confidentiality process, registering contact information prior to submittal. This section will be completed on advice of counsel and consistent with Benton County Code.]

Emails, envelopes or packages must be clearly marked "Benton County SMMP RFP" and addressed to: Benton County, SMMP RFP Attention: Daniel Redick

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Daniel.Redick@BentonCountyOR.Gov 4500 SW Research Way Corvallis, Oregon 97333

V. BACKGROUND

Benton County is a political subdivision of the State of Oregon located in central western Oregon, roughly 80 miles south of Portland, OR, and 30 miles east of the coast. Benton County has a population of about 98,000 people, including of the five incorporated cities: Corvallis, North Albany (Albany is partially within Benton County), Philomath, Adair Village, and Monroe, and several unincorporated communities. Corvallis is the largest city in Benton County with over 60,000 people and is home to Oregon State University. Approximately 20,600 people reside in unincorporated rural areas of the county, including about 16,200 outside of Urban Growth Boundaries. The Benton County Wasteshed is comprised of waste generated within the County's boundaries, including waste from incorporated cities and unincorporated areas.

The Benton County Wasteshed generated approximately 102,000 tons of waste in 2021, disposing about 67,000 tons, and recovering 35,000 tons (34.4% recovery rate). The Wasteshed has a recovery rate goal of 44% by 2025. Waste recovery, disposal, and waste generation are trending upward. The Benton County Wasteshed is part of a regional Mid-Willamette Valley waste stream, and part of the larger Oregon's statewide waste stream.

Oregon's consumption-based greenhouse gas (GHG) emissions in 2015 show that 98.6% of the greenhouse gas emissions resulting from the consumption of materials in Oregon occur during the production and supply chain, transportation, wholesale, and retail, and use life-cycle phases. 1.4% of emissions occur in the post-consumer disposal life-cycle stage (which includes waste collection, landfilling, and recycling). While solid waste management planning typically focuses on materials' end-of-life, Benton County aims to also address upstream emissions from life-cycle stages prior to post-consumer disposal to more effectively reduce impacts associated with the consumption of materials, including GHG emissions.

Benton County administers a solid waste collection franchise for unincorporated areas, from which comingled recycling, mixed organics (food and yard debris), and disposal (landfill-bound material), are available to all residents and businesses county-wide through weekly curbside collection. Each incorporated city also has agreements with the same franchisee, providing at a minimum the same solid waste collection service as the unincorporated areas of the county. The local collection system does not use any transfer stations. At the direction of the solid waste collection franchisee, landfill-bound materials are disposed at Coffin Butte Landfill, mixed organics are composted at Pacific Region Compost (PRC, located near the Coffin Butte Landfill), and comingled recyclables are baled at a facility in Albany, Oregon and then transferred to a Material Recovery Facility (MRF) in Clackamas, Oregon for recovery. Community members are also allowed to self-haul materials.

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Solid waste generated in Benton County is primarily disposed at Coffin Butte Landfill located north of Corvallis in Benton County. The privately-owned and operated landfill has been in operation since the 1940s and is expected to fill its currently permitted air space volume between 2037-2039. Approximately 1,046,000 tons of total solid waste was placed at the landfill in 2021. The Benton County Wasteshed generates roughly 11% of that total annual tonnage; most of the material originates in other wastesheds in the region. Benton County administers a solid waste disposal site franchise agreement, as the host county for the regional Coffin Butte Landfill.

In September 2022, the Board of Commissioners charged a community-driven solid waste process workgroup to develop common understandings and recommendations for "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 that charge, over the next seven months the Benton County Talks Trash Workgroup developed a detailed report with consensus-based findings and recommendations for the Board's consideration. The report includes detailed information and recommendations from the Workgroup regarding the development of a Sustainable Materials Management Plan. The Workgroup Report is available <u>here</u>.

The Oregon legislature passed the Plastic Pollution and Recycling Modernization Act (SB 582) in 2021, which is expected to significantly update Oregon's waste and recycling system beginning in 2025. Some of the law's updates include implementing a statewide recycling list of accepted materials, expanding access to recycling services, and supporting material recovery facilities through an extended producer responsibility funding structure.

VI. PROPOSED SCOPE OF WORK AND PROCESS

[NOTES:

<u>SMMP R-13:</u> "The RFP development process should: 1) provide details about the Workgroup process and its findings to RFP applicants, 2) prioritize topics, adding additional topics that are important to consider, and 3) communicate accurate priorities to applicants." <u>SMMP R-28:</u> "The SMMP should evaluate the costs, benefits, risks, and opportunities of a wide range of materials management strategies to find the most sustainable future for Benton County. The successful applicant should present a complete benefit-cost analysis of a wide range of strategies that work as a more integrated system, including but not limited to, the benefit-costs analysis of Benton County acting as the host of a regional landfill that contributes a small portion of the total waste the landfill receives. This analysis should 11 2 0 54 include key parameters of Coffin Butte landfill, such as its operating life, its large intake from outside the county, its franchise fees, and its long-term environmental risks and costs."

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The purpose of the work is to provide Benton County with an analysis of methods to reduce environmental, social (including equity and health), and economic impacts across the complete lifecycle of materials, addressing current and future County needs, while incorporating regional approaches and extensive stakeholder engagement.

The Sustainable Materials Management Plan should use the <u>2040 Thriving Communities</u> <u>Initiative</u> as a lens to frame our communities' Core Values. The plan should consider national, state and local goals, vision documents (<u>DEQ's Materials Management in Oregon 2020</u> <u>Framework for Action</u>), plans, policies, ordinances, etc. relating to materials management and climate change, along with examples of values and goals expressed in state and local jurisdiction materials management plans. The plan must consider information and work completed by the <u>"Benton County Talks Trash" Solid Waste Process Work Group</u>. The plan should recommend long-term strategies (to 2040) with short-term action items (5 years or less).

The list below briefly summarizes some potential elements of the scope of work. The successful proposer may, however, include any topics that appropriately address or inform the purpose described above. The County intends to further develop a final scope of work with the successful proposer, and as informed through community engagement.

- Community Engagement
 - The SMMP must remain inclusive and accurately represent the affected region. The successful proposal must include ample time and frequent opportunities for focused, intentional community engagement. One key question that should remain open for exploration throughout the process is, "who should be represented in the process?"
- Complete lifecycle impacts of materials
 - Analyze environmental (including climate change), social (including equity and health), and economic impacts throughout all materials lifecycle stages. This analysis should identify key life cycle stages, materials, and management strategies that are particularly impactful, while considering future impacts of climate change. Circular economic principles should be evaluated. An equity component of this analysis should address the impacts to traditionally underserved populations.
- Waste stream analyses
 - Analyze waste generation in Benton County and throughout the region. This analysis should identify key sectors or industries and any unique waste streams. It should also provide waste generation forecasts.

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- Upstream lifecycle stages
 - Identify methods to reduce environmental (including climate change), social (including equity and health), and economic impacts throughout upstream lifecycle stages, prior to post-consumer disposal. Evaluate the County's role in emerging state legislation and provide effective strategies to participate. This analysis should identify waste prevention, reduction, reuse and repair options, including resources, programs, and policy options. This analysis should include options addressing food waste and construction and demolition material.
- Waste collection
 - Identify methods to reduce environmental (including climate change), social (including equity and health), and economic impacts from waste collection. Analyze options for the County's solid waste collection franchise, as well as collaboration opportunities with incorporated cities, as they relate to current and recommended recovery and disposal options. This analysis should consider the costs and benefits of transfer stations, recycling depots, and collection events. The analysis should consider national and international best practices.
- Recovery
 - Identify opportunities and methods to reduce environmental (including climate change), social (including equity and health), and economic impacts of waste recovery. Analyze options to meet or exceed waste recovery goals, while focusing on highest impact materials. This analysis should include options for recovering food waste and construction and demolition material. The analysis should also include options for material recovery facilities.
- Disposal
 - Identify opportunities and methods to reduce environmental (including climate change), social (including equity and health), and economic impacts from disposal. Analyze disposal impacts of waste generated by Benton County Wasteshed sources, as well as materials disposed in Benton County and generated by other wastesheds (including costs and benefits of hosting a regional landfill). The analysis should address alternative approaches to disposal, including alternative technologies outside of landfilling, as well as alternative landfill sites.
- Hazardous materials
 - Identify hazardous materials in the waste stream and methods to reduce environmental (including climate change), social (including equity and health), and economic impacts from hazardous materials. Analyze collection, events, and facility options from a local and regional perspective.

[INSERT STATEMENT: Project scope does not include siting or designing facilities.]

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[INSERT STATEMENT: Clear expectations for community and stakeholder engagement. See staff memo to Board of Commissioners dated July 5, 2023, for recommendations and discussion.]

[INSERT: Regional stakeholder advisory group review process. See accompanying staff memo for additional suggestions on public participation and review. Similar may be added here to indicate the level of public and regional participation that will be included in a successful RFP response.]

VII. PROPOSAL FORMAT AND CONTENT

Proposal must contain the following information:

- a. Cover Letter.
- b. Project Team Experience and Qualifications.
- c. References.
- d. Experiences.
- e. Understanding of Project.
- f. Approach to the Scope of Work.
- g. Cost of the Proposal.
- h. Project Schedule.

[NOTE: <u>SMMP R-21</u>: "Proposals contain the following information, with parameters around each of these items in terms of document length. Requested information includes project team experience and qualifications, understanding of the project, approach to the scope of work, cost of the proposal, the project schedule, social/environmental responsibility, and references. Each criteria includes a total set of points the proposal can be awarded. See full report for more information."]

NOTE: Timeline should allow for extensive public interaction and engagement. Proposers may include project scopes options at various costs and timelines. The report may be released in sections, based on timeline and content priorities.

<u>SMMP R-18:</u> The SMMP Timeline should allow for extensive public interaction and engagement. In order to expedite the process, procedural elements should be done concurrently as possible. The timeline should generally be defined throughout the process."

<u>SMMP R-19:</u> "Applicants should include various scope/cost options for one year, two years, and three-year timelines. The report should be released in sections, based on timeline and content priorities."]

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VIII. PROPOSALS – REVIEW AND SELECTION

Sample Ranking System Only

- Experience, Capabilities and Resources of the Proposer. **25 points**.
- <u>Experience of project team members</u>. **25 points**.
- <u>Approach to the scope of work</u>. **25 points**
- <u>Schedule</u>. **10 points**
- <u>Reasonableness of the Cost Proposal</u>. **15 points**

[NOTES:

<u>SMMP R-3</u>: "The SMMP should not just be about how Benton County can better manage materials, but to also address how to approach inter-county collaboration from a regional perspective. The RFP should indicate the need for researching and exploring opportunities for a regional multicounty approach to achieve the goals of sustainable materials management. RFP firms with experience with Oregon's materials management legislation, policies and other county materials management plans may have the capability to address this need."

<u>SMMP R-11</u>: "Recruitment for the RFP needs to be extensive, and selection of successful proposal should be careful and thorough. Qualities of a successful applicant should include those listed in the full subcommittee report."]

[INSERT: Description of proposal ranking and review process]

[INSERT: Additional presentation requirements]

[INSERT: Right to reject proposals]

IX. AGREEMENT

[To be completed consistent with Benton County Code.]

X. Contractual requirements

[To be completed consistent with Benton County Code.]

XI. Complaint processes and remedies

[To be completed consistent with Benton County Code.]

XII. Provisions made for vendors to comment on any specifications which they feel limit competition

[To be completed consistent with Benton County Code.]

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Strategic Communications Update

June 2023 to Present and Future

Cory Grogan

July 11, 2023







Benton County Public Podcast

- <u>County Administrator Outreach</u>
 event promotion
- JSIP Feedback Collection and Reporting
- Episode 3

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- Fire season 2023 insights
- Wildfire Preparedness
 - Oregon Dept. of Forestry Protection Unit Forester Leo Williamson
 - Albany Fire Dept. Public Information Officer Sandy Roberts
 - Benton County Emergency Manager Bryan Lee

Advertising

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- Benton County Fair
- Fentanyl Aware
- Benton County committees', boards, outreach



← This is a still image of the video provided in original Powerpoint; it will not play.
 Please follow the hyperlink to view the video:

Fentanyl Video from 230711 Goal Setting



Community Outreach

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Philomath Frolic



THURSDAY, JULY 6 • FRIDAY, JULY 7 SATURDAY, JULY 8

RODEO TICKETS

CLICK TO PURCHASE





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Upcoming Events

Benton County Fair & Rodeo

Fall Festival





External Communications & Social Media





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- Firework Safety
- Wildfire Preparedness
- Water Safety
- County Administrator Hiring
- BCCT Podcast
- Juneteenth
- Benton County committees'
 outreach
 - Planning
 - NAPE
 - DSAC/SWAC
 - Food Services
 - Board of Property Tax appeals
 - Environmental & Natural Resources Advisory Committee
 - Mental Health, Addiction, and Developmental Disabilities Advisory Committee

Videos, Photos & Feature Stories





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AWPP non-lethal wildlife deterrent video

Philomath Frolic

Publications



Historical Driving Tour

- Flood Publication Spanish
- Riparian Resources
- Biennial Report

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- Commissioner letter
- Day in the life
- Significant accomplishment
 - 5 to 10 bullets



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Training





Plain Language

- Community Develop
- Web team
- Directors and web team

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Communications Planning





- Editorial calendar & project list
- Media relations & strategic communications policy updates
 - Awaiting final approval
- Comprehensive Strategic
 Communications Plan

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